



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 25 November 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.

## **Development Assessment Panel**

### **CHARTER**

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#### **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 Galbraith-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 Galbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	23/09/15	14/10/15	28/10/15	11/11/15	
Paul Drake	✓	✓	✓	✓	
Dan Croft Patrick Galbraith-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 25 November 2015

## Items of Business

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**PORT MACQUARIE  
HASTINGS**

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

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"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."

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 11 November 2015 be confirmed.

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**PRESENT**

***Members:***

Paul Drake  
Dan Croft  
David Troemel

***Other Attendees:***

Clinton Tink  
Ben Roberts  
Chris Gardiner

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 28 October 2015 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2015 - 0592 CHANGE OF USE - DWELLINGS TO TOURIST AND VISITOR ACCOMMODATION AT LOTS 460, 461, 470, 471, 500 & 501 DP 1194670, 16A, 16B, 19A, 19B, 20A & 20B PORTSIDE CRESCENT, PORT MACQUARIE**

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The Chair tabled additional submissions from Peter and Mary Lawrence, Cathy Nance and Ian Whitehead.

Speakers:

Michelle Love (o)  
Dawn Maynard (o)  
Suzzane Fischer(o)  
Cathy Nance (o)  
Ted Nance (o)  
Cassandra Shafer (o)  
Peter Lawrence (o)  
Mary Lawrence (o)  
Peter Chapman (applicant)

CONSENSUS:

That the application be refused for the following reasons:

1. **79C (a) (i).** Inconsistent with intent of definition of *Tourist and Holiday Accommodation* in that the identified types within the genre of the definition are all holistic and not fragmented as is this case. Although not prohibited by the definition the fragmented development of buildings designed for traditional residential purposes, and not being interrelated, means the proposal (as applied for) was not designed as such a facility and as a result could not be assessed as such a facility. I am of the opinion it cannot now be comprehensively assessed as a *tourist and holiday accommodation* facility. Thus the ability of the LEP to accept the development under the definition is tenuous.
2. **79C (b).** The adverse social effects in evidence from the past 12 months of illegal activity being highly detrimental to local residential amenity.
3. **79C (c).** The unsuitability of the three sites to perform as one facility. A lack of nexus between the three buildings to render the site unsuitable for a well-managed facility.
4. **79C (d).** The extent and range of submissions objecting to the proposal and the validity of those objections.
5. **79C (e).** It is contrary to the wider public interest because ad hoc medium/large scale, unmanageable tourist accommodation facilities are inappropriate in any residential area and especially a residential area where residential amenity is of high priority and thus should have greater weight in the determination.



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**06 DA2014 - 0506.3 SECTION 96 MODIFICATION TO ALFRESCO AREA AS PART OF DUAL OCCUPANCY AT LOT 48 DP 1040148, NO. 8 THE PENINSULA, PORT MACQUARIE**

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Speakers:

Peter Bastable (o)

Michelle Love (applicant)

CONSENSUS:

1. That DA 2014 - 0506.3 for a Section 96 modification to the alfresco area as part of a dual occupancy at Lot 48, DP 1040148, No. 8 The Peninsula, Port Macquarie, be determined by refusing consent for the following reasons.
    - a) The application has not demonstrated that the proposed modifications are of minimal environmental impact in accordance with Section 96(1A)(a) of the Environmental Planning and Assessment Act 1979.
    - b) The development is inconsistent with the side setback provisions and objectives of Development Control Plan 2013.
    - c) The development would result in unacceptable bulk and scale for a low density residential area.
    - d) Approval of the application would create an undesirable precedent for building to boundaries in a residential area and is not in the public interest.
  2. That the matter be referred to the Regulatory Services Section for follow up action.
- 

**07 DA2015 - 0527 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 37 DP 231816, NO 29 MATTHEW FLINDERS DRIVE, PORT MACQUARIE**

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Speakers:

Roberts Smallwood (applicant)

CONSENSUS:

That DA 2015 - 0527 for alterations and additions to dwelling including clause 4.6 variation to clause 4.3 (Height of Buildings) of Port Macquarie Hastings Local Environmental Plan 2011 at Lot 37, DP 231816, No. 29 Matthew Flinders Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B4

- 
- 08 DA2015 - 0648 ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6  
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDING) UNDER PORT  
MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 385  
DP 236950, 15 VENDUL CRESCENT, PORT MACQUARIE**
- 

**CONSENSUS:**

That it be recommended to Council that DA2015 - 0648 for additions to dwelling including Clause 4.6 objection to Clause 4.3 (Height of Buildings) under the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 385, DP 236950, No. 15 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

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- 09 DA2015 - 630 ALTERATIONS AND ADDITIONS TO DWELLING, SECONDARY  
DWELLING, HOME BUSINESS INCLUDING CLAUSE 4.6 VARIATION TO  
CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE PORT MACQUARIE-  
HASTINGS LOCAL ENVIRONMENTAL PLAN 2015 - LOT 15 SEC K DP 25923,  
CHEPANA STREET LAKE CATHIE**
- 

**Speakers:**

Kristen O'Brien (o)

Simone Lake (applicant)

**CONSENSUS:**

That the application be deferred to allow the applicant an opportunity to amend plans to address overshadowing and view impact issues.

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- 10 GENERAL BUSINESS**
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Nil.

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The meeting closed at 4.05pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the identified land</i> ) <sup>i</sup>	
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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the subject land</i> ) <sup>iii</sup> [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<sup>iv</sup> 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.

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**Item: 05****Subject: DA2015 - 280 MULTI DWELLING HOUSING, 40 FRIAR CLOSE, PORT  
MACQUARIE.****Report Author: Steven Ford**

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<b>Property:</b>	<b>40 Friar Close, Port Macquarie</b>
<b>Applicant:</b>	<b>Community Housing Ltd</b>
<b>Owner:</b>	<b>Community Housing Ltd</b>
<b>Application Date:</b>	<b>01/05/2015</b>
<b>Estimated Cost:</b>	<b>\$1,440,000.00</b>
<b>Location:</b>	<b>Lot 36, 37 &amp; 38 DP 1089886</b>
<b>File no:</b>	<b>DA2015 - 280</b>
<b>Parcel no:</b>	<b>48241</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2015.280.1 for a Multi Dwelling Housing at Lot 36, 37 & 38, DP 1089886, No. 40, 42 & 48 Friar Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a Lot consolidation and Multi Dwelling Housing at the subject site.

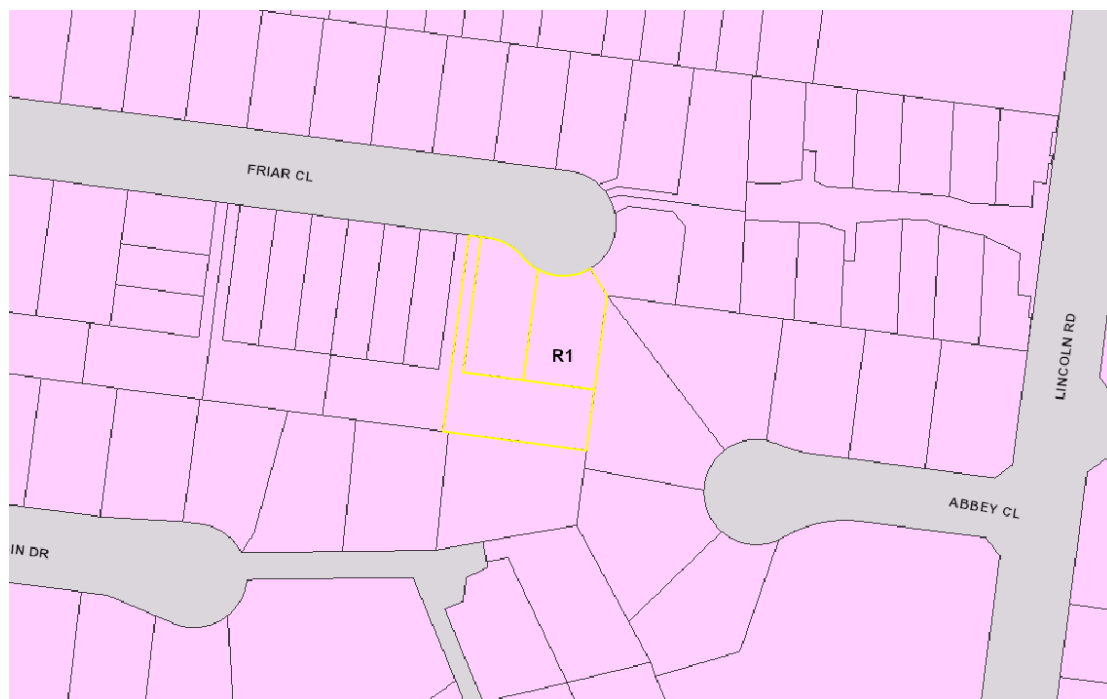
This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 4 submissions have been received.

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

The site has a combined area of 1,598.4m<sup>2</sup>.

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:

- The subject site already has an approved cluster housing development, comprising 5x residential dwellings.

- The proposed development is for 8x 2 bedroom multi dwelling housing and lot consolidation of existing Lot 36, 37 & 38 into 1.

Refer to attachments at the end of this report.

**Application Chronology**

- 1/5/15 - Application lodged.
- 5-25/5/15 - Exhibition Period.
- 28/5/15 - Additional information requested by planner.
- 16/5/15 - Response from applicant.
- 30/7/15 - Additional information received, revised SOEE and plans.
- 28/8/15 - BASIX certificate received.
- 21/9/15 - Revised plans requested to address manoeuvring concerns.
- 15/10/15 - Revised plans received.
- 19/10/15 - Further revised plans requested as manoeuvring concerns not adequately addressed.
- 22/10/15 - Revised plans received.

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

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

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

**State Environmental Planning Policy No.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 (Affordable Rental Housing) 2009**

Application has not been requested to be assessed under the subject SEPP.

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

A BASIX certificate (number 621949M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

Clause 2.2, the subject site is zoned R1 - General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for multi dwelling housing (cluster housing) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community



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

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

- The proposal is a permissible landuse.
- The proposal will contribute to the range of housing available in the locality.
- 
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 7.4 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 0.59:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- 
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• Not extend above eave gutter line</li> </ul>	Unit 1 - 8.8m setback to patio Unit 2 - 3.44m setback to patio	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Unit 1 - 5.52m setback to local road Unit 2 - 4.42m setback, considered a minor variation due to building being well articulated, a front fence that will reduce the impact and a 0.08m variation is not significant.	Acceptable
3.2.2.3	Garage minimum 5.5m front setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	Garages not facing street and behind front building line facing internal shared driveway	Yes
	6m max. width of garage door/s and 50% max. width of	Single garages only (2.4m wide), not facing the street	Yes



	building		
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Shared driveway crossover 4.5m wide and less than 1/3 crossover (12%)	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Minimum 2.05m setback to southern rear boundary. Exceeds by 1.95m.	Acceptable , see notes below
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>Ground floor min. 0.9m</li> <li>First floors &amp; above min. 3m setback, unless demonstrated that adjoining property primary living areas &amp; POS unaffected.</li> <li>Building wall set in and out every 12m by 0.5m.</li> </ul>	<p>Minimum ground floor setback 2m to adjoining properties.</p> <p>First Floor: U2,4, 6 &amp; 8 minimum eastern setback of 2.2m and maximum setback of 2.9m. The rooms within the setback provisions are bedrooms and are not considered to be primary living areas. Shadow diagrams provided show that adjoining living area to east will not be affected for more than 3 hours on the winter solstice. The applicant has also provided privacy screening to upper floor bedroom windows to minimise privacy impacts.</p> <p>U3, 5 &amp; 7 minimum setback of 2.4m and maximum of 2.6m setback to the western boundary, however these lots overlook an adjoining battleaxe driveway which was originally part of lot 38 which is to be conditioned to be consolidated with Lot 39. There will be approximately 8.5m from the next adjoining boundary. Shadow diagrams provided show that adjoining living area to east will not be affected for more than 3 hours on the winter solstice. Privacy screening to first floor windows of unit 7 only. No adverse overshadowing to lots to the west.</p> <p>U1 - minimum 3.1m setback.</p> <p>U7 &amp; 8 complies with minimum 4m side setbacks to</p>	<p>Yes</p> <p>Acceptable</p> <p>Acceptable</p> <p>Yes</p> <p>Yes</p>



		the southern rear boundary. Level one complies with the rear setback provisions of 4m.	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade and is directly accessible from a ground floor living area.	Minimum 35sqm private open space with minimum dimensions 3.8x3.8m at a maximum grade of 5%. Considered as only a minor variation 4x4m minimum.	Acceptable
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>0.9x0.9m splays adjoining driveway entrances (Fig 3.3 of AS2890.1 2004 overrides this standard by requiring a min 2.5x2m splay for driveway entrances) See David Troemel for info.</li> </ul>	<p>A front fence proposed with landscape area for both Unit 1 and 2 (to create POS). However, fence is not setback 1m from road frontage.</p> <p>Maximum 1.5m Masonary Courtyard fence above floor level of front units with minimum 25% transparency. The fence is well articulated, and approximately 45% of total street frontage. No final height proposed, condition for maximum fence height of 1.8m</p> <p>Setback 6m from driveway creating acceptable splays.</p> <p>The adjoining driveway for Lot 39, has not been affected by proposed Unit 1's front fence.</p>	<p>Acceptable , see notes below</p> <p>Acceptable , see notes below</p> <p>Yes</p>
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> <li>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</li> <li>Privacy screen required if floor level &gt;</li> </ul>	<p>Direct views between living areas will be adequately screened by boundary fences (1.8m high) and courtyard fencing between units.</p> <p>The applicant has also proposed privacy screens for bedroom windows on first floor within a 3m side setback and overlooking side boundaries.</p> <p>No primary living area &gt;1m floor level or on first floors.</p>	<p>Yes</p> <p>Yes</p>

	1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m <ul style="list-style-type: none"> <li>Privacy screens provided to balconies/verandas etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	No verandahs or patios 1m above ground level.	Yes
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**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	Adequate casual surveillance available	Y
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Fill of 1.4m max to unit 2 front courtyard to engineer's specifications.	Acceptable
2.3.3.2	1m max. height retaining walls along road frontages	Proposed retaining wall along road frontage has no finished height level indicated. A consent condition to limit height.	Acceptable, condition has been noted
	Any retaining wall >1.0 in height to be certified by structural engineer	To be conditioned	Acceptable
	Combination of retaining wall and front fence height	Yes, final height not indicated, consent condition to limit combined height of 1.8m	Acceptable
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Existing crossovers have been rationalised.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	The development has reduced the number of driveways by one. The driveway width is 4.5m at cross over. However, the development being at the end of a narrow cal-de-sac has not increased car parking potential.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1:		Yes

	<ul style="list-style-type: none"> <li>1 space = single dwelling (behind building line) and dual occupancy</li> <li>Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings</li> </ul>	<p>One car parking space within garage to each unit and 2 shared visitor spaces</p> <p>Complies</p>	
2.5.3.5	On-street parking permitted subject to justification	No on-street parking proposed. However concerns have been raised that the development may increase on-street parking demand. See notes below.	Yes, concerns noted see traffic assessment in context and setting.
2.5.3.7	Visitor parking to be easily accessible	Visitor parking situated in front setback adjoining driveway.	Yes
	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	No stacked parking proposed	Yes
	Parking in accordance with AS 2890.1	Parking generally complies, original plans have been	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	None proposed	Acceptable
2.5.3.11	Section 94 contributions	Refer to main body of report.	Noted
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping plan provided	Acceptable
2.5.3.14	Sealed driveway surfaces unless justified	Concrete with drainage swales	Acceptable
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Driveway grades satisfactory. See development engineers comments	Acceptable
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Driveway for domestic purposed, no large concentrations of water runoff observable.	Acceptable
	Vehicle washing facilities – grassed area etc available.	None indicated, no grassed areas available.	Acceptable
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	None indicated.	Acceptable

DCP 3.2.2.7. Variation to front setback for proposed front fence.

The proposal seeks to vary Development 3.2.2.7 - regarding the proposed combined fence height in front of unit 1 & 2 being greater than 1.8m above ground level (existing) and not setback a minimum of 1.0m from front boundary.

The relevant objectives are to define the edge between public and private land and to provide privacy and security. To ensure front fencing does not impact on the public domain.

- Proposed front fencing is to provide private open space in front of the proposed building line for units 1 & 2. This meets the objective of defining the public to private property and security.
- Maximum 1.5m masonry courtyard fence above floor level of front units with minimum 25% transparency. The fence is well articulated and approximately 45% of total street frontage of the consolidated lots. No final height proposed, condition proposed for maximum fence height of 1.8m.
- Landscaping recesses 1.8 x 0.9m and wide driveway opening, as shown on Site Plan Sheet 1, is consistent with DCP 2013, 3.2.2.7. This design element helps minimise the impact to the public domain
- The proposed central driveway arrangement to front walls facing the street results in a substantial proportion of the front setback area comprising soft landscaping. It is therefore considered that the proposal provides a well articulated frontage, noting that the submitted landscape plan includes suitable plantings and large splay areas for vehicle sight lines.
- The front fence setback non-compliance does not impact on adjoining properties in relation to visual and acoustic privacy. The location of the proposed fence, in relation to the cul-de-sac arc and no adjoining front fences, it is difficult to determine the actual front boundary of the development site, which minimises the impact.
- There are no other properties within the locality of Friar Close that have a front fence similar to the proposed. The applicant has attempted to soften this impact by incorporating a landscaped driveway and articulating the proposed front fence with landscaped recesses.

#### DCP 3.2.2.4 variation to rear setback

The proposal seeks to vary Development 3.2.2.4 - A minimum rear boundary setback of 4m is to be provided to dwellings (including verandas, patios and decks). Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.

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

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

- The proposed ground level rear setback of 2.05 & 2.65 metres to the rear boundary includes solid walls to the south elevation of Units 7 & 8 with 2 small windows to the dining of each unit.
- The non-compliant wall adjacent to the boundary is 17.3 metres (combining both units south facing walls), compared to the 35.8m total width of the rear boundary.



- The dwellings immediately adjoining the subject site are at 25 and 27 Robin Drive, to the rear and at 10 Abbey Close to the east. These dwellings are moderately upslope of the subject site.
- The buildings are approx. 0.5m below natural ground level of the rear boundary. The proposed rear fence will be 1.8m, which will provide for screening to the adjoining property to the rear and will soften the variation to the rear setback provisions. This will minimise the impact of the rear setback variation.
- The upper floor setbacks to units 7 & 8 have been increased to a minimum of 4m. This is consistent with the DCP 3.2.2.4 regarding rear setbacks and consistent with 3.2.2.5 regarding first floor side setbacks
- Before the consolidation of lots 36, 37 & 38, the subject boundary would have been assessed a side boundary for Lot 38 with a minimum setback of 900mm for the ground floor and 3m for the first floor. In considering the proposed plans, this is a more considerate outcome compared to if the lot was not consolidated.
- The proposed development layout has this boundary as a side boundary for unit 7 & 8 adjoin this boundary. Ground floor windows facing the boundary will be screened by boundary fencing and the first floor windows are for bedrooms not primary living areas. The design has attempted to be sensitive to adjoining property to the rear regarding privacy.
- Minimum provisions for private open space for rear units 7 and 8 achieved are acceptable, with the minimum area being 115m<sup>2</sup> and 69m<sup>2</sup>. The shadow diagram provided demonstrates that proposed POS for unit 7 & 8 have achieved better solar access by positioning the private open space to the side boundaries and rear boundary. This satisfies the provisions of 3.2.2.4.b)
- The setbacks of the first floors are consistent with the provisions of 3.2.2.4 - In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.

This variation to the rear setback is not considered to justify refusal. Even if the ground floor of unit 7 & 8 were to comply this would not increase the solar access to the adjoining property and the impact of the patio/POS would not change as it is not elevated.

When regarding the above considerations it is recommended that the proposed variations be supported, the variations are considered justifiable.

**(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:**

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

No Coastal Zone Management Plan applies to the subject site.

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

**Context & Setting**

The site has a general street frontage orientation to Friar Close.

Adjoining the site to the north, east, south and west are existing residential dwellings and driveways.

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.

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and tenancy is proposed/existing.

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

**Roads**

Friar Close is a fully constructed residential access street and dedicated public road, 19 m wide and under the care and control of Council. Approximate sealed road formation is 7.5m wide.

**Traffic and Transport**

Friar Close currently has between 40 and 50 equivalent tenements (ET) (1 ET is equal to 7 trips per day) of traffic from constructed dwellings.

The three lots which this application relates to are highlighted, and have existing approved DAs for 4x 2-storey dwellings and a 1-storey dwelling, so the land is currently entitled to approximately 3.8 ETs.

The new DA proposal is for 8 dwellings of roughly 0.6 ETs each, in accordance with the RMS guide. This will be a traffic load of approximately 4.8 ETs. This is a likely net change of 7 trips per day. Therefore there will be no significant impact on the traffic within Friar Close considering the existing approved land uses.

**Site Frontage & Access**

Vehicle access to the site is proposed through shared driveways with direct frontage and a right of access to Friar Close, being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements. The proposed development has rationalised the driveway crossovers, creating additional on-street parking.

**Parking and Manoeuvring**

A total of 10 parking spaces have been provided on-site (8x single garages and 2 visitor), no additional parking is available onsite. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

**Water Supply Connection**

Council records indicate that the current development site has three existing 20mm sealed water services. 8 metered water services are required at the road frontage for the eight units. Any unused water services are to be removed. Details are to be shown on the engineering plans.

**Sewer Connection**

Council records indicate Sewer is available & connected to the site via a 150mm main that traverses the Northern street boundary of the site.

As the discharge from the proposed development will exceed 2ET sewer connection is to be by direct junction to a manhole.

Two manholes are located on the site and either, or both, can be utilised for the connection. Considering the slope of the lot down to the north west corner it may be more practical to connect units 1,3,5,7 to the manhole located there and units 2,4,6,8 to the next upstream manhole.

As indicated in paragraph 303 of the statement of environmental effects, the three lots comprising the site will have to be amalgamated for the proposed Strata subdivision and to enable the whole project to connect to a single manhole.

As the dwellings are to be Strata Titled, a private sewer system can be adopted, connected from a single manhole junction or each dwelling can be connected directly to Council main with individual connections.

As the development will exceed 2ET discharge, sewer connection is to be made from a manhole.

The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**Stormwater**

The site naturally grades towards the Friar Cl frontage of the site and is currently serviced in part by an interallotment drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's downstream stormwater infrastructure in Friar Cl.

Stormwater from the proposed development is planned to be disposed via a direct connection to the existing pipeline beneath the Friar Cl pavement. Whilst this concept is consistent with the above requirements, the location of the point of discharge requires amendment to minimise the impacts on the structural integrity of the existing adjoining road pavement. This has been addressed by way of conditions of consent.

In relation to the other aspects of the stormwater system proposed, on-site stormwater detention facilities have been proposed in accordance with Councils AUSPEC standards.

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

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection, no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

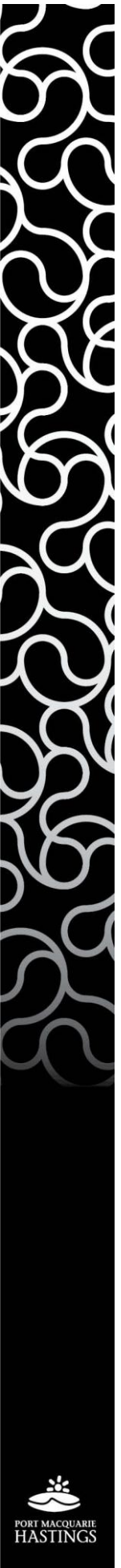
Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

**Waste**

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

**Energy**

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



**Noise and vibration**

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

**Bushfire**

The site is not identified as being bushfire prone.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social impacts in the locality**

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

**Economic impact in the locality**

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**

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

**Construction**

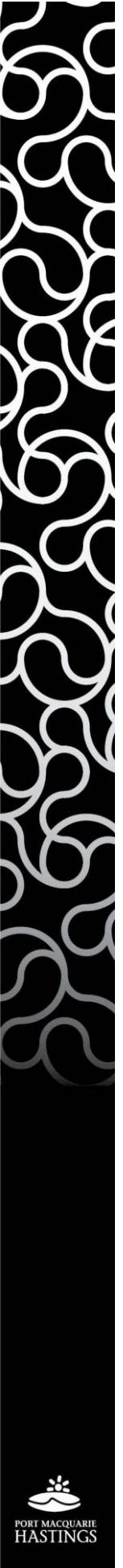
No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

**Cumulative impacts**

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

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

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



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

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

4 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
Access to Friar close and concerns regarding manoeuvring at arc of the cul-de-sac, and vehicle movements.	The proposal has incorporated a central driveway design, this has reduced number of driveways crossover potential for the two lots adjoining road reserve. There are currently 48 residential dwelling/lots approved on Friar Close, which is approximately 330 trips a day and the proposed development will increase this to approximately 341 trips a day in total. See Traffic and Transport comments above. It is recognised that there are existing manoeuvring issues related to the cul-de-sac, however there is an approved driveway in the same location and adequate on-site parking has been provided.
Parking - very little street parking currently, and a shared driveway already at the end of cul-de-sac. On-street parking opportunity is minimal. The proposal has a minimum of parking for residents and visitors and realistically will result in vehicles being parked in the traffic turning circle.	The proposed development has adequately addressed the parking provision of the DCP. 1x per dwelling and 2 visitor parking. No on-street parking proposed.
Garbage collection of up to 16 bins is unrealistic.	Private bin collection has been noted in recommended conditions
The entire proposal is inconsistent with the establish character of Friar Close and architectural form of the established dwellings, also introduces an increase density which is not evident on any other lot in the street.	Multi-dwelling housing developments are permissible within this locality. Other established multi dwelling housing develops are within Friar closed and immediately adjoining streets. See aerial photo above.
All dwellings on the street are single storey with uniform setbacks. If approved the change in character will disadvantage existing owners and increase the density on these lots by 2.5times compared to adjoining lots having only 3 dwellings on land of similar size.	The proposed development complies with the LEP and DCP provisions regarding building height, and side and rear setbacks. See statutory assessment above. There are also a number of examples of two storey dwellings within the locality.
Over development of the site - regarding minimum setbacks on all sides, building overhangs, overlooking adjoining properties and window locations.	The proposed development complies with the LEP and DCP provisions regarding floor space ratio, minimum setbacks. On level one of each dwelling there are no living areas and privacy screens are proposed on some bedroom windows with are overlooking adjoining private open space.
The proposed 1.8m high brick walls, the only property on the street with a front	The front fence complies with clause 3.2.2.7 of the DCP. Within the locality,

fence. This is totally out of character with the streetscape,	front fences are common for Dual Occupancies and Multi Dwelling Housing developments.
Privacy - Units 7 & 8 have no windows overlooking into 27 Robin Drive.	Windows on Level 1 of Units 8 & 9 are bedroom windows only. All living areas are on the ground floor and will be screened by boundary fence.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

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

**5. CONCLUSION**

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

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

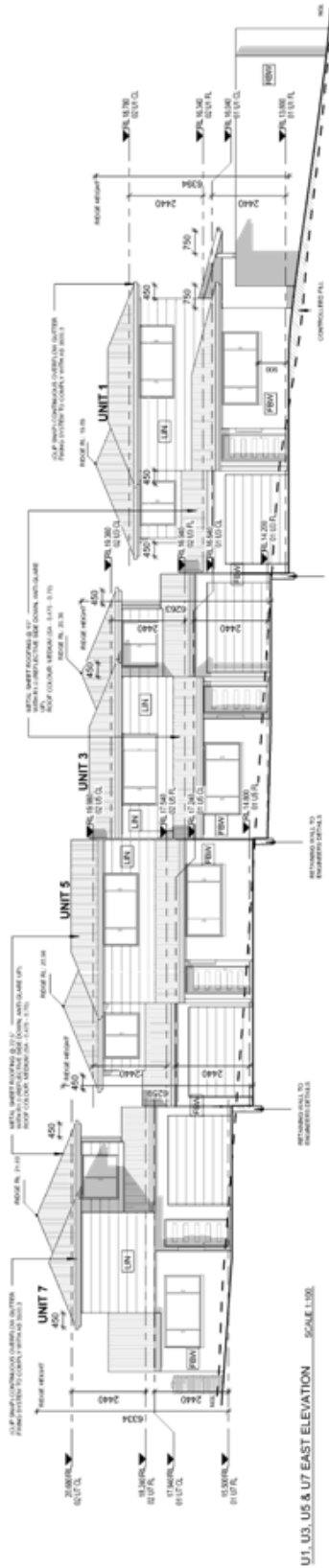
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

**Attachments**

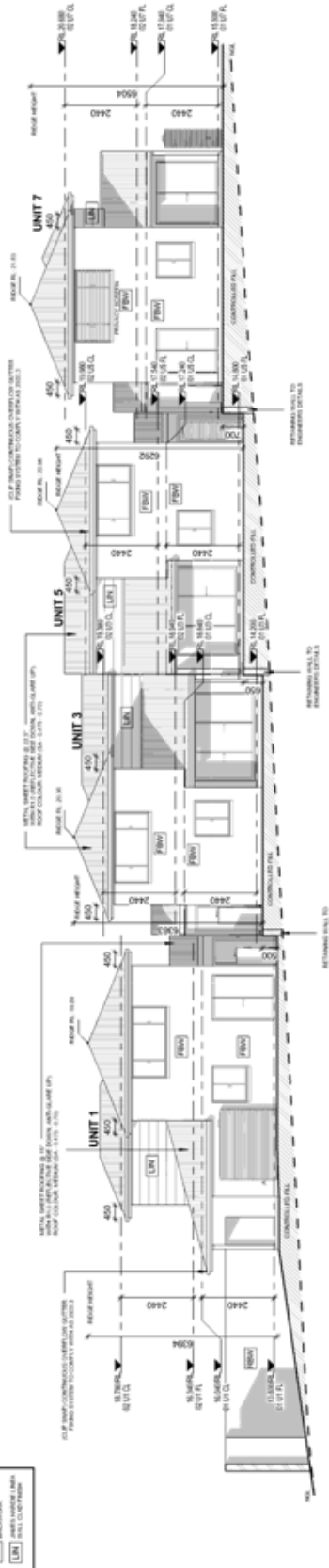
- 1[View](#). DA2015 - 280 Site Plan
- 2[View](#). DA2015 - 280 Statement of Environmental Effects
- 3[View](#). DA2015 - 280 Draft Conditions
- 4[View](#). DA2015 - 280 Submission - Bell
- 5[View](#). DA2015 - 280 Submission - Burns
- 6[View](#). DA2015 - 280 Submission - Gray
- 7[View](#). DA2015 - 280 Submission - Murphy & Others







UNIT 1  
UNIT 3  
UNIT 5  
UNIT 7



U1, U3, U5 & U7 WEST ELEVATION SCALE 1:100

**LOADING SPECIFICATIONS:** WINDOW WEIGHTS  
INCLUDES ALL WEIGHTS OF EXTERNAL GLAZING AND  
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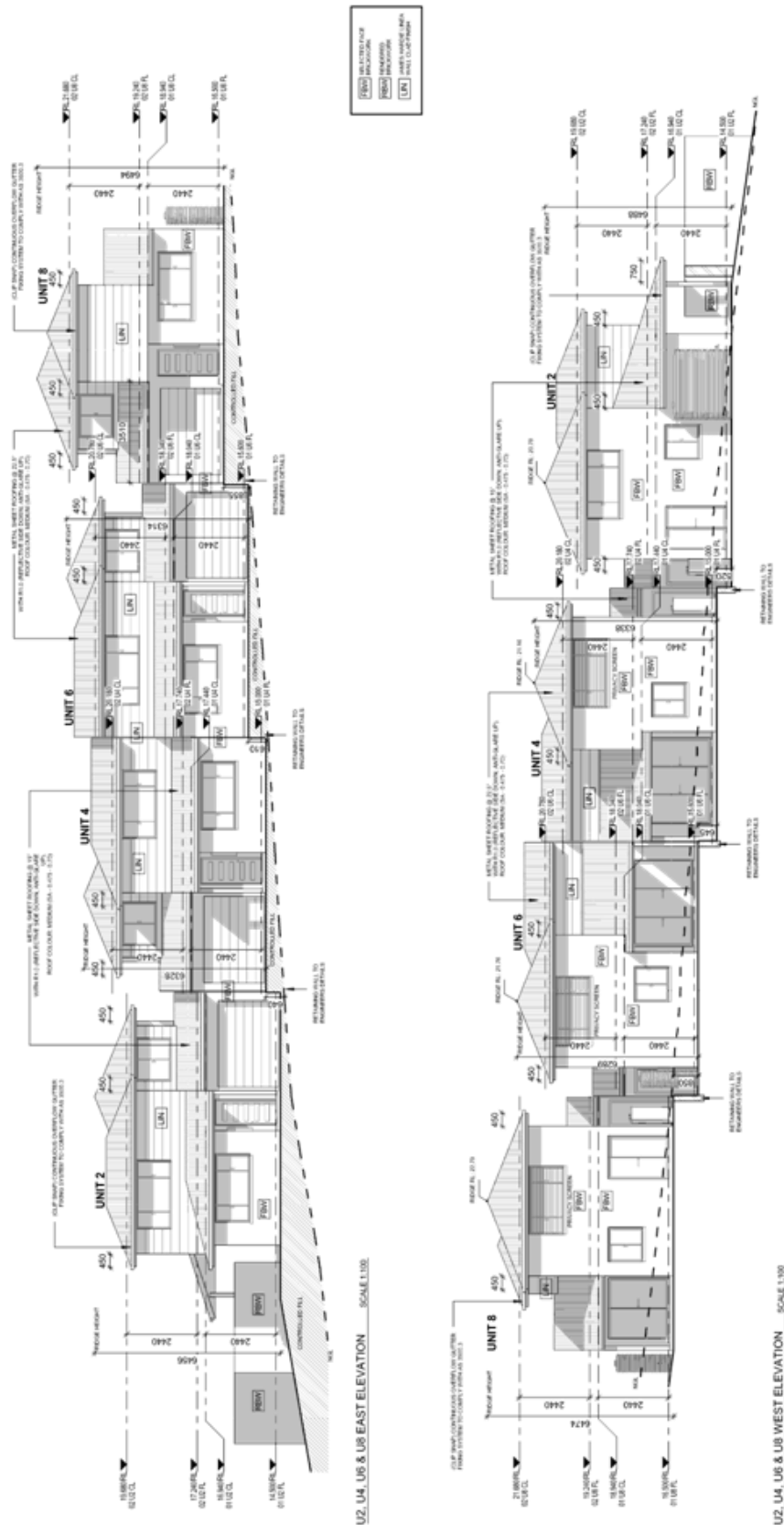
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**collinswcollins**  
 BUILDING DESIGNING • LANDSCAPING • CONCRETE • CLIMATE

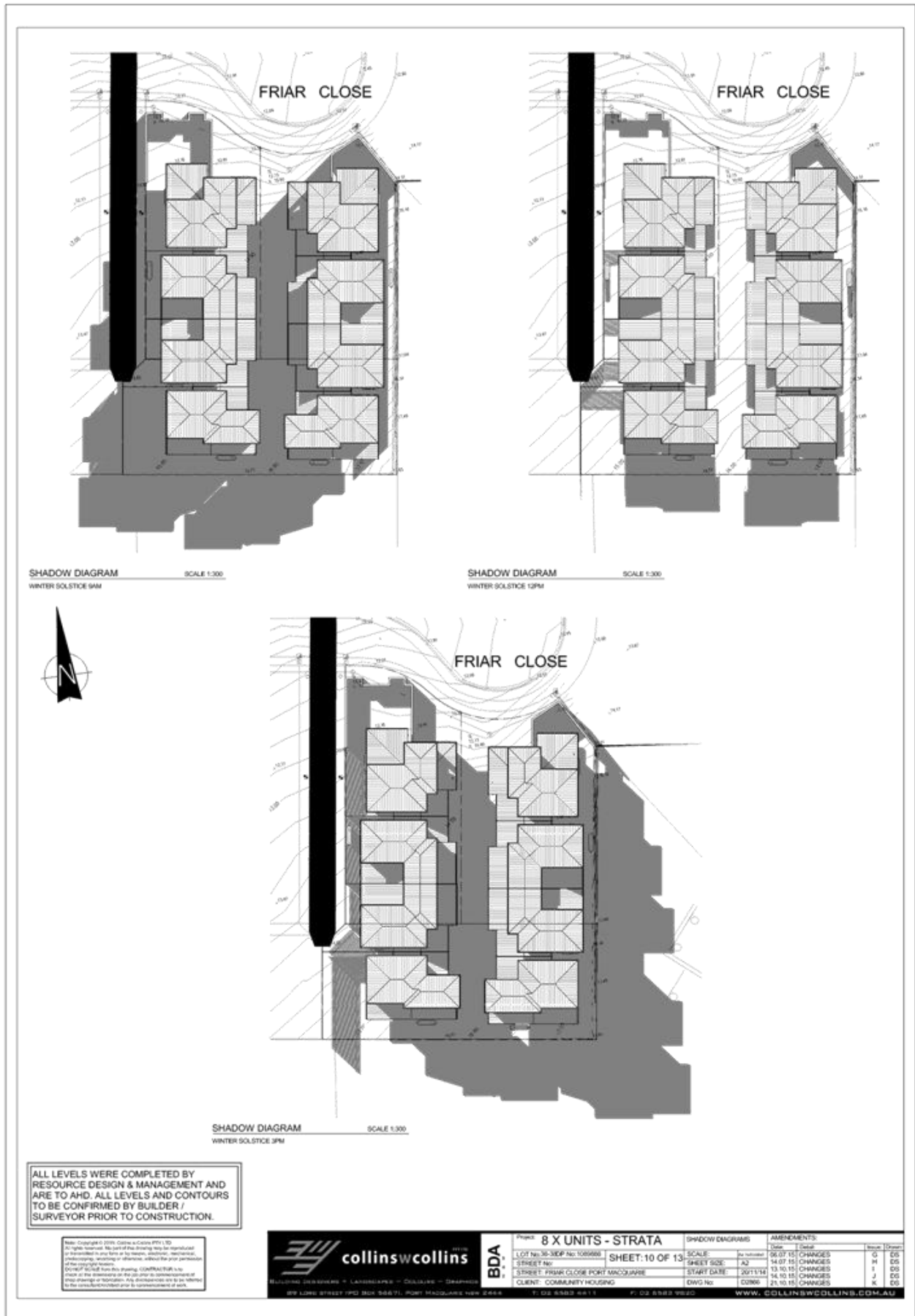
CEILING PENETRATION - APPROVED NON-VENTILATED COVER OR SHIELD IS TO BE INSTALLED TO ALL RECESSED LIGHTING AND EXHAUST FANS TO ALLOW INSULATION TO BE CLOSELY INSTALLED TO THE TOP AND SIDES OF THE LIGHT OR EXHAUST FITTING.

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

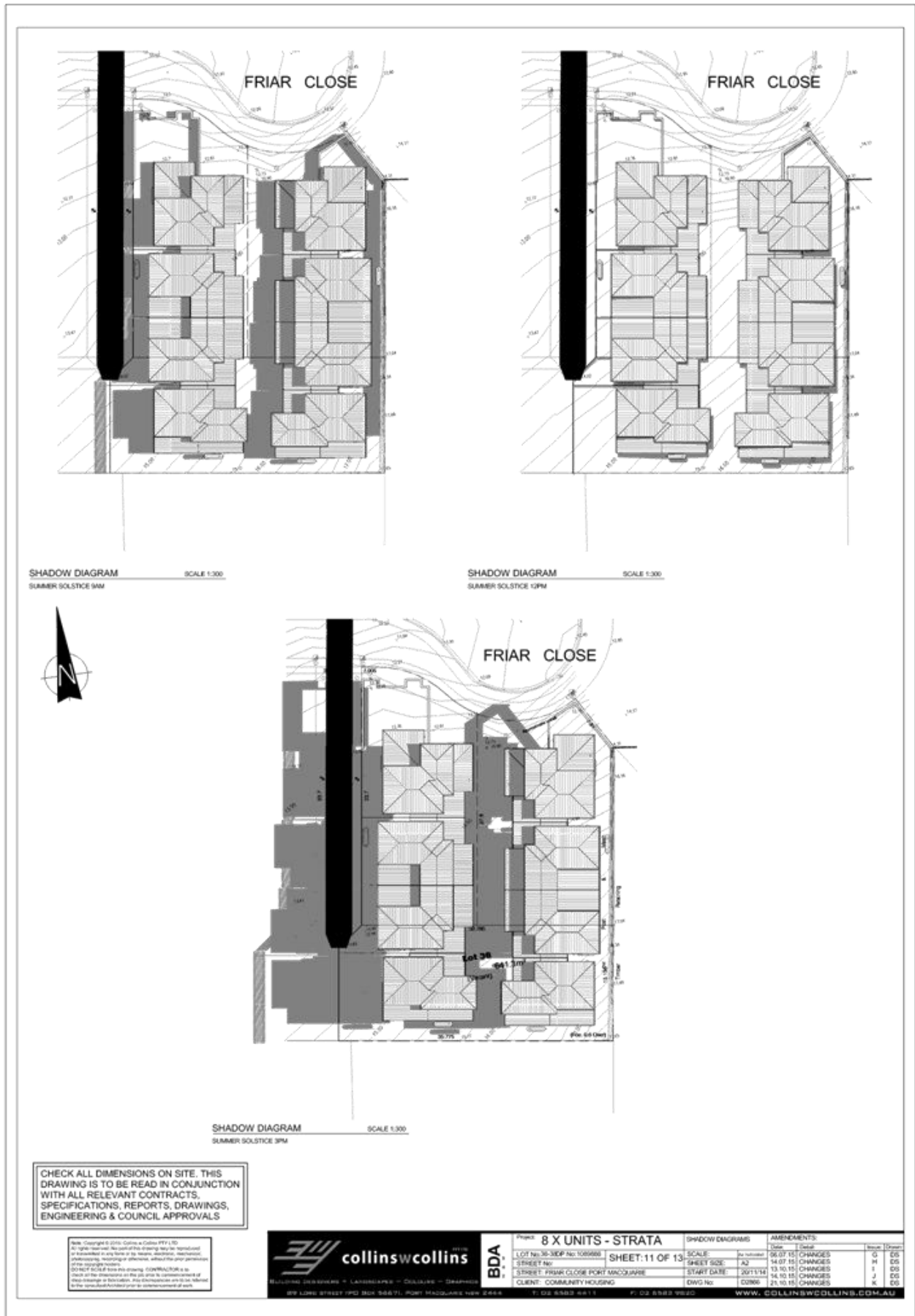
ALL LEVELS WERE COMPLETED BY RESOURCE DESIGN & MANAGEMENT AND ARE TO AHD. ALL LEVELS AND CONTOURS TO BE CONFIRMED BY BUILDER / SURVEYOR PRIOR TO CONSTRUCTION.

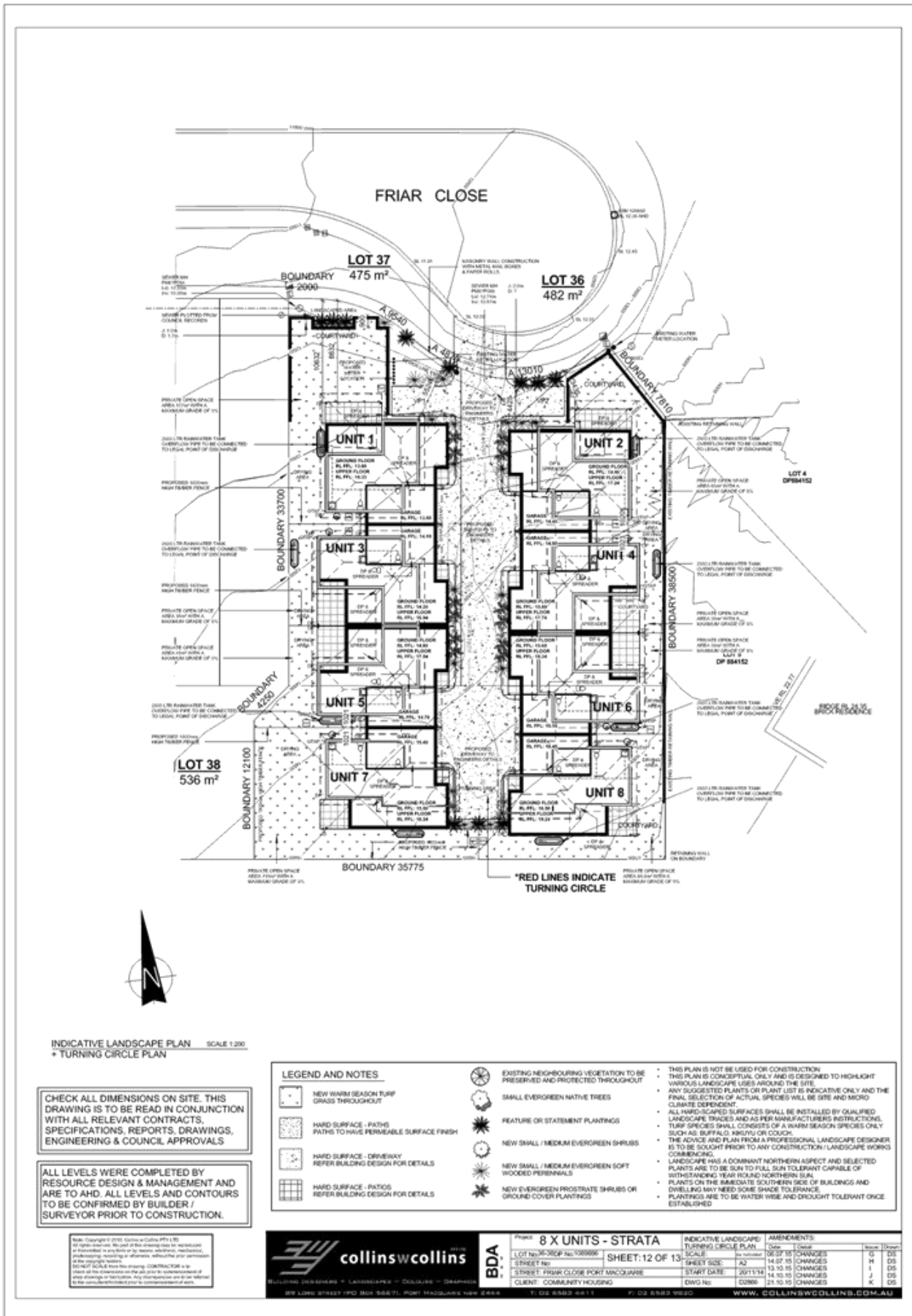
















Nos. 40, 42 & 48 Friar Close, Port Macquarie NSW 2444

Construction of a Cluster housing development  
8 x 2 bed 2 storey units with garages

## **Statement of Environmental Effects**

Community Housing Limited

For submission to  
Port Macquarie-Hastings Council

Issue B  
April 2015

**DOCUMENT CONTROL**

Our Reference	Issue No.	Remarks	Issue Date
PM10017	-A-	Draft Report issued to clients	21 May 2010
	-B-	Report revised in response to PMHC RFI	28 July 2015

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3. Description of proposed development.....	8
4. Statutory controls.....	10
5. Section 79C assessment.....	15
6. Conclusion.....	xx

**Annexures**

- A. Architectural plans and additional information by Collins W Collins P/L
- B. BASIX & Thermal Comfort Commitments by CWC Energy Assessors
- C. Roof & Ground Drainage Concept dwgs. by David R Johnson Consulting Engineers P/L
- D. Site Survey by Resource Design & Management P/L
- E. Draft Subdivision Plan by Coastal Survey Solutions

**1. Introduction**

- 1.1 This is a Statement of Environmental Effects in support of a Development Application to Port Macquarie-Hastings Council by Community Housing Limited for a cluster housing development at Lot 36, 37 & 38, DP 1089886, # 40, 42 & 48 Friar Close, Port Macquarie.
- 1.2 This statement is accompanied by architectural plans and additional information prepared by Collins W Collins, which form Annexure A. Specifically, those details include:
- Existing site plan and neighbourhood character details;
  - Design response plan;
  - Site plan;
  - Floor plans, which also indicate the roof form as a dotted line;
  - Elevations;
  - Shadow diagram; and
  - Landscape plan
- Also Basix Reports are included on the Plans.  
Roof and Ground SW Drainage dwgs. and Calculations form Appendix C.
- 1.3 Part 2 of this Statement describes the site and locality. Part 3 describes the proposal. Part 4 sets out the applicable statutory controls. Part 5 contains an assessment of relevant issues under Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*. Part 6 provides the conclusion and recommendation.

**2. Description of site and locality**

- 2.1 The site is 40-44 Friar Close, Port Macquarie. The site comprises the following allotments:
- Lot 36, DP1089886: 48 Friar Close;  
Lot 37, DP1089886: 42 Friar Close; and  
Lot 38, DP1089886: 40 Friar Close.
- 2.2 Friar Close is within the western area of Port Macquarie (Figure 1) and is approximately 5 kilometres by road to the south-west of the Port Macquarie Central Business District.





Figure 1: District context of subject site (Base map source: Google Maps)

- 2.3 The site is within a low to medium density residential neighbourhood characterised by recently constructed, single storey brick dwellings on allotments ranging from 450 to 800 square metres in area. Friar Close has an approximately east-west alignment and terminates in a cul-de-sac at its eastern end. The site is on the southern side of Friar Close near to the cul-de-sac (Figure 2).
- 2.4 The three allotments comprising the subject site are on the southern side of Friar Close at the end of the cul-de-sac. Lots 36 and 37 are of 475.2 square metres and 481.9 square metres respectively and each front onto Friar Close, with Lot 37 being to the west and Lot 36 being to the east (Figure 3). Lot 38 is of 641.3 square metres and is to the rear of the other two allotments, being accessed by an access handle running along the western side of the Lot 37. The overall site is irregularly shaped and has an area of 1,598.4 square metres. The site is 35.8 metres wide except towards the front where it narrows to 30 metres. The site is between 42.7 metres and 48.8 metres in depth.



Figure 2: Neighbourhood context of subject site

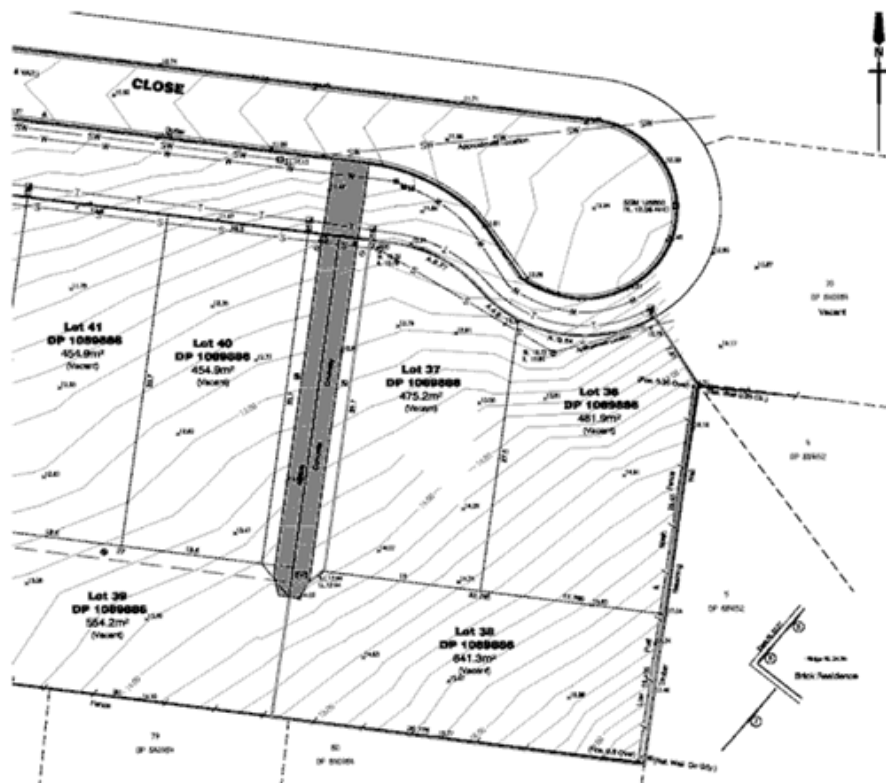


Figure 3: Configuration of site (from Surveyor's dwg.)



Figure 4: Aerial photo of subject site

- 2.5 The site falls around five metres from south-east to north-west. The site is grassed, with no trees or shrubs (Figure 5). To the west of the site is vacant land that is owned by Community Housing Limited. To the east and rear is low density residential development. There is a two storey dwelling facing towards the subject site adjoining to the east, which is known as 10 Abbey Close (Figure 5).

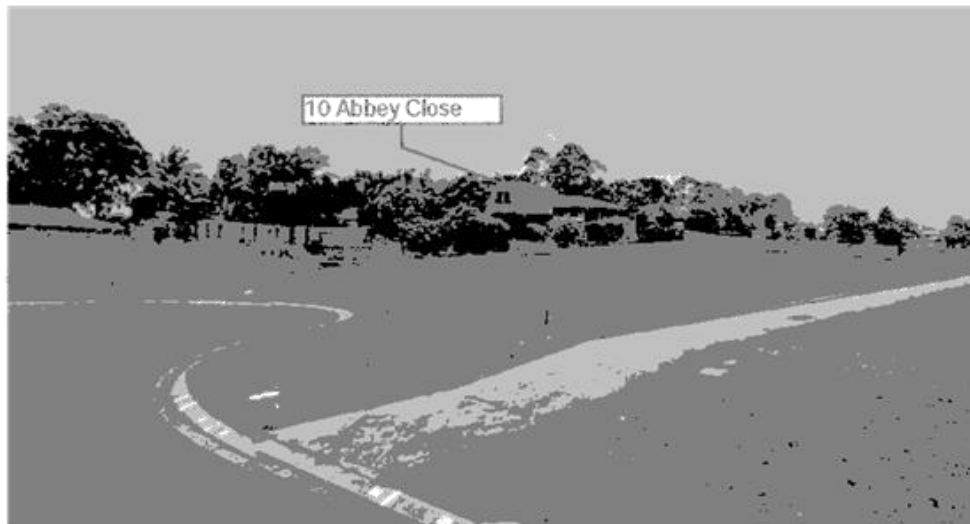


Figure 5: Subject site as viewed from Friar Close

- 2.6 The allotments that comprise the subject site were created as part of a subdivision that was approved by Council in 2004. The site history prior to that has not been investigated for the present report.

**3 Description of proposed development**

- 3.1 The proposal is to carry out a cluster housing development comprising eight double-storey dwellings, subsequent subdivision of the site into eight Torrens Title allotments may be applied for at a later date but is not part of this application. The proposal is described in architectural plans and elevations numbered D2866 #1-13 dated 20 March 2015 prepared by Collins W. Collins P/L.
- 3.2 The proposal is characterised as “cluster housing”, which is defined under Hastings Local Environmental Plan 2001 (HLEP2001) as:
- Integrated residential development that consists of:*
- a) the subdivision of land into 3 or more allotments; and*
  - b) the erection of a single dwelling on each of the allotments to be created by that subdivision, provided that the erection of the dwelling occurs prior to the issue of a subdivision certificate (except where a strata management statement, or restriction as to user, prohibits any dwelling*
- 3.3 The applicant would, as part of the development, consolidate the existing allotments into one allotment prior to the commencement of works. The development will be subdivided into eight Torrens Title allotments following the issue of an Occupation Certificate for the completed dwellings at some future date.
- 3.4 The development would comprise the following main elements:
- A new central driveway running at 90 degrees to the main alignment of Friar Close;
  - Two pairs of attached two storey dwellings to each side of the driveway, in a north-south arrangement, with Unit 1 and 2 presenting to the street.
  - Units 1 & 2 include courtyards to the Friar Court boundary to be used as private open space. Each dwelling would have a garage presenting to the driveway. The garages would be adjacent to one another. Non-dormitory rooms would be at ground level adjacent to the garages. Dormitory areas, each containing two bedrooms, would be at first floor level above the non-dormitory areas and partly above the garages, and the ground floor level non-dormitory area would protrude beyond the line of upper level to provide setbacks from the driveway for the bedrooms and articulation to building form.
  - The attached pairs of two storey dwellings are mirrored about the central driveway. The garages are setback from the driveway alignment to provide turning circles.
- 3.5 Eastern boundary min. setbacks: Unit 1: 3.19 m., Unit 3: 2.49 m., Unit 5: 2.5m., Unit 7 6.2 m.; West boundary min. setbacks: Unit 2: 2.9 m., Unit 4: 2.23 m., Unit 6: 2.24 m., Unit 8 2.94 m., with the setback area used for private open space, water tanks, clotheslines and storage sheds. Unit 7 & 8 are set back 2.65 and 2.05 metres from the rear (South) boundary, with private open space provided to the side of these units.
- 3.5.1 Upper floor setbacks from the rear (South) boundary is 4m.
- 3.6 Private open space areas proposed ranges between 115 square metres and 35 square metres.

- 3.7 Units 1 and 2 would be set back 4.4 metres from Friar Close at their nearest points, and, because of the Court location, a max. of 8.8m for Unit 1 and 6 m. for Unit 2. This is consistent with setbacks of neighbouring properties.
- 3.8 The development would have an overall impermeable area comprising 61 percent of the site area.
- 3.9 Each dwelling would be provided with a 2,500 litre rainwater tank plumbed to the toilets for flushing and to the garden taps, with the overflow to be connected to the stormwater system. The stormwater system would direct stormwater downslope from the dwellings to Council's stormwater system in Friar Close.
- 3.10 Each dwelling would be of on-slab construction, with a brick-veneer treatment to the ground levels and a weatherboard treatment to the upper levels. Roofing would be of a Colorbond finish and would be moderate pitching, generally with hipped-forms but including gable elements projecting towards the street.
- 3.11 The gross floor areas of each dwelling and of the total development are:

	Unit 1	Unit 2	Unit 3	Unit 4	Whole site
Floor area	100.9 sq m	100.9 sq m	95.1 sq m	95.1 sq m	771.8 sq m
Garage area	20 sq m	20 sq m	21 sq m	21 sq m	164 sq m
	Unit 5	Unit 6	Unit 7	Unit 8	Site area 1598 sq m
Floor Area	95.1 sq m	95.1 sq m	94.8 sq m	94.8 sq m	FSR 0.585:1
Garage Area	21 sq m	21 sq m	20 sq m	20 sq m	

- 3.12 There would be cut and fill to establish the proposed building platforms, with the maximum being a cut in the south-east area of the site by up to one metre.

#### 4. Statutory controls

##### NSW Environmental Planning and Assessment Regulation 2000

- 4.1 Under the *NSW Environmental Planning and Assessment Regulation 2000* (the Regulation), a BASIX certificate is required to be submitted. A BASIX certificate accompanies the development application.

##### 4.2 State Environmental Planning Policies

Under *State Environmental Planning Policy 55 – Remediation of land*, the consent authority is required to consider:

- whether the site is contaminated;*
- whether the site is suitable for the proposed use or if it will be suitable for the proposed use after remediation; and*
- if remediation is required, whether the consent authority is satisfied that the required remediation will be carried out.*

The SEPP also includes detailed requirements for particular circumstances.

- 4.3 The allotments that comprise the subject site were established as part of a residential subdivision approved by Council in 2004, at which time SEPP55 was in force. That approval would have included an assessment addressing the requirements of SEPP55. The proposal is therefore considered to be acceptable in that regard.
- 4.4 There are no other State Environmental Planning Policies of particular relevance to the proposed development.

#### Local Environmental Plans

- 4.5 *Hastings Local Environmental Plan 1987 (HLEP2001)* is applicable to the site. Under HLEP1987, the site is zoned 2(a1) – Residential. Cluster housing is permissible within the 2(a1) zone with the consent of Council.
- 4.6 Under Clause 17 of HLEP2001, the minimum allotment size for residential development within the 2(a1) – Residential zone is 450 square metres except for cluster housing (and dual occupancy development). There is no minimum lot size for cluster housing. The proposal is therefore acceptable under HLEP2001 in relation to the proposed lot sizes.
- 4.7 There are no other HLEP2002 provisions of relevance to the proposal.

#### Draft Port Macquarie Hastings Local Environmental Plan 2010

- 4.8 Under the Draft Port Macquarie Hastings Local Environmental Plan 2010 (Draft LEP) the subject site would be zoned R1 – Residential. Multi-dwelling housing such as is proposed would be permissible within that zone with the consent of Council.
- 4.9 Key provisions with the Draft LEP of relevance to the proposal are summarised as follows:

Provision type:	Min Lot Size	Acid Sulphate Soils	Flooding	FSR	Heritage	Height
Provision:	Min 450 sq m	Does not affect site	Does not affect site	Max 0.65:1	Does not affect site	Maximum 8.5 metres
Comment:	N/A	N/A	N/A	0.585:1 - Complies	N/A	6.4 metres - Complies

It is noted that the proposal would comply with relevant provisions.

- 4.10 Having regard to the foregoing, it is considered that the proposal is acceptable in relation to the Draft LEP.

#### Development Control Plans

- 4.11 The *Port Macquarie-Hastings Development Control Plan 2013* identifies other Development Control Plans that are relevant to particular types of development. In relation to cluster housing and subdivision, the relevant Development Control Plans are identified as *Hastings Development Control Plan No 9 – 1999 Residential and Tourist Development and Hastings*



*Development Control Plan No 17 – Subdivision Code. Hastings Development Control Plan No 41 – Building Construction and Site Management is also relevant.*

4.12 The provisions of *Hastings Development Control Plan 9 – 1999 Residential and Tourist Development (DCP9)* as they relate to the proposed development are summarised as follows:

Part/Clause	Requirement	Comment
1.3 – Principles/objectives	General principles and objectives of the DCP	The proposed development is in accordance with the scale and character of surrounding development and is considered to be in accordance with the DCP principles and objectives.
2.1 – Site analysis, planning, layout	Documentation requirement	The required site analysis and site plan is submitted with the development application.
2.2 – Height limits and floor space ratios	Maximum FSR 0.65:1 Maximum height 6.4 metres	The proposed floor space ratio of 0.58:1 complies with the FSR control.  The proposed height would be 5.7 metres, measured in accordance with the DCP as between natural ground level and the ceiling of the uppermost floor. (Note that the measurement of height under the DCP differs from that under the Draft LEP set out above).
2.3 - Setbacks	Access street – 4.5 metres Side to adjoining properties (outside of the cluster housing development) – 0.9 gd fl. & 3 metres upper floor  Rear – 3 metres	Min 4.5 metres – complies  2.3 metres min setback from upper floor – does not comply. Screening provided to upper floor windows Shadow Diagrams show overshadowing within acceptable limits
2.4 – Car-parking	1 space per 1-2 bedroom dwelling  Visitor parking 1 per 4 dwellings  Driveways not to occupy more than 40 percent of site frontage	1 car-space per 2 bedroom dwelling provided and 2 visitor car spaces – Complies and is sufficient to meet visitor requirement.  The driveways would occupy only 8 percent of site frontage – complies
2.5 – Open space/landscaping	Private open space in single area – min 35 sq m including min 4 m x 4 m directly accessible from dwelling  Communal open space to be provided – amount not specified	Private open space areas min. 52 sq m with min dimension 4 metres – complies  Not appropriate for proposed dwellings – note that proposed private open space areas are substantial

2.6 – Energy conservation	BASIX provisions apply	BASIX certificate provided
2.7 – Visual and acoustic privacy	3 metre min separation between openings within adjacent dwellings  Screening required where overlooking would occur within 9 m radius	Complies  Screening required to upper floor windows: Units 2 Bed 1, 4-Bed 1, 6-Bed 1, 7-Bed 1 & 8-Bed 1
2.8 – Roof form	Sets out design considerations	No significant issues arise
2.9 – Fences and walls	Front fences – max 1.5m above f.l. of front units  Side and rear – max 1.8m (lower between front building line and front boundary)	Front fencing to p.o.s. is proposed with fencing articulated in compliance with DCP 2013 3.2.2.7 and setback 6 m. from the driveway alignment for vehicle driver sight lines  1.8 metre high paling fences would be provided,
2.10 – Security, site facilities and services	3 x 240 litre bins to be accommodated per dwelling	There is sufficient space proposed to each dwelling for bin storage, with bins able to be taken through double-garages for private bin collection.

4.13 The provisions of *Hastings Development Control Plan 17 – Subdivision Code* as are of relevance to the proposal have been reviewed. No significant concerns arise from a review of the proposal under those provisions.

4.14 *Hastings Development Control Plan 41 – Building Construction and Site Management* (DCP41) provisions as are of relevance to the proposal are summarised as follows:

Part/Clause	Requirement	Comment
3. Slab on ground construction	Not to exceed maximum cut and fill of 1 metre	The proposal involves a maximum cut of up to 1 metre along the rear boundary. Complies.
4. Frontage works to developments	Kerb and gutter required Driveway no greater than 2.4 metres as far as practicable	Kerb and gutter will be provided for the development  Complies.
5. Installation of rainwater storage tanks	Siting and design requirements	The proposed rainwater tanks are in accordance with the siting and design req.s.
9. Erosion and sediment control on building sites	Sedimentation – erosion control plan required	Standard sedimentation and erosion control measures would be implemented, to be

		detailed prior to the issue of a Construction Certificate.
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#### 5. Section 79C assessment

5.1 The proposed development has been assessed under Section 79C of the NSW Environmental Planning and Assessment Act, 1979. Arising from that assessment are the following issues warranting detailed discussion:

- Proposed street setback variation;
- Proposed rear setback variation;
- External amenity impacts; and
- Internal amenity.

#### Proposed street setback variation

5.2 The proposed development will have a 4.5 metre setback from Friar Close; the rendered brick walls to Private Open Space to the front units 1 & 2 will be close to the front boundary, with landscaping recesses 1.8 x 0.9m. and openings, as shown on Site Plan Sheet 1, consistent with DCP 2013, 3.2.2.7.

5.3 The intent of the front setback control as set out in DCP 2013 is:

- Provide adequate open space for landscaping, visual and acoustic privacy and vehicle parking;
- Establish an attractive streetscape; and
- Ensure development is of an appearance sympathetic to the locality.

5.4 The proposed central driveway arrangement with 5 m. offset to front walls results in a substantial proportion of the front setback area comprising soft landscaping. It is therefore considered that the proposal provides adequate soft landscaping notwithstanding the proposed non-compliance, noting that the submitted landscape plan includes suitable plantings.

5.5 External amenity impacts are discussed further below. Specifically in relation to the proposed front fence setback non-compliance, it is noted that there are no dwellings that would be affected by the proposed non-compliance in terms of visual or acoustic privacy.

5.6 The proposed dwellings will be set back from the Friar Close frontage min. 4.5 m. Given the unusual circumstances associated with the cul-de-sac, the overall streetscape impacts would be acceptable.

5.7 Having regard to the foregoing, the proposal is considered to be acceptable and compliant with DCP 2013-3.2.2.7, front setback control re the front fence.

#### Proposed rear setback variation

5.8 The setback provisions within DCP9 include the following criterion through which a variation to the 3 metre rear setback control side may be considered:

*Where a setback of less than 3 metres is proposed, the walls of the building shall not contain any windows unless the windows do not directly face the side boundary or the windows are bathroom or utility room windows.*

- 5.9 The proposed rear setback of 2.05 & 2.65 metres to the rear boundary includes solid walls to the south elevation of Units 7 & 8 with 2 small windows to dining of each unit. The non-compliant wall adjacent to the boundary would be 17.3 metres in length, compared to the 35.8 metre width of the rear boundary. The buildings would be approx. 0.5m below natural ground level, with the eave height approx. 4.8m higher than floor level. Also the upper floor setbacks to units 7 & 8 have been increased to 4m.
- 5.10 The objectives of the rear setback control would relate to visual privacy, solar access and visual bulk and scale. In those respects, the proposal is considered to be acceptable notwithstanding the proposed non-compliance on the following grounds:
- The submitted shadow diagrams demonstrate that the proposal would maintain existing levels of solar access to adjoining properties to the rear; and
  - The proposed Units 7 & 8 would not cause adverse amount of overshadowing to adjoining dwellings to the rear because of the low scale of the building relative to the levels of those dwellings.
- 5.11 Having regard to the foregoing, it is considered that the proposal is acceptable notwithstanding that the proposed rear setback would be 2.65 & 2.05 metres rather than 3 metres as would normally be required, and that upper floor setbacks to units 7 & 8 have been increased to 4m.

External amenity impacts

- 5.12 The dwellings immediately adjoining the subject site are at 25 and 27 Robin Drive, to the rear and at 10 Abbey Close to the east.
- 5.13 The dwellings on Robin Drive are of a single storey scale. Those dwellings are moderately upslope of the subject site. The proposed rear dwellings would have an external ground floor rear walls presenting generally below the fence line and the windows within that wall would not cause overlooking, particularly given the levels between the properties and the screen planting that would be provided to the setback area. The upper floor walls do not include windows. As such, the privacy impacts of the proposed rear dwelling to those dwellings would be acceptable.
- 5.14 Units 7 and 8 would present upper level forms towards the dwellings at 25 and 27 Robin Drive. The upper level walls would be approx. 2.4 metres from the rear boundary and would not contain any windows. Those upper level forms would therefore not cause any significant loss of privacy or any significant bulk-related impacts to the dwellings to the rear.
- 5.15 The submitted shadow diagrams demonstrate that the proposed development would not cause any significant overshadowing to 25 and 27 Robin Drive.
- 5.16 The dwelling at 10 Abbey Close includes an upper level which overlooks the subject site. The proposed development includes two upper level forms presenting generally towards that dwelling, with a bedroom window within each of the upper level areas. The bedroom windows

would be set back 3.5 metres from the side property boundary. The total separation distance between the dwelling at 10 Abbey Close and the upper level bedroom windows would be 12.5 metres. The line of sight would be at an angle, due to the angle of the dwelling at 10 Abbey Close to the common boundary. Given the total separation distance; the small sizes of the proposed bedroom windows; and the angle of the line of sight to the dwelling at 10 Abbey Close; it is considered that the privacy impacts of the proposal to 10 Abbey Close would be acceptable.

- 5.17 The submitted shadow diagrams demonstrate that the proposal would not cause a significant loss of solar access to 10 Abbey Close.
- 5.18 Having regard to the foregoing, it is considered that the external amenity impacts of the proposed development are acceptable.

#### Internal Amenity

- 5.19 The proposed development would comply with BASIX requirements, thereby offering good thermal comfort to its prospective occupants.
- 5.20 The proposed dwellings would have private open space areas that accord with DCP9.
- 5.21 The proposed development, and in particular the positioning of the proposed upper levels, is such that, whilst there would be obscure lines of sight between the dwellings, there would be no direct overlooking. Many of the upper floor windows look over the shared driveway area with no loss of amenity to residents. The privacy impacts between the proposed dwellings would therefore be acceptable.
- 5.22 The proposed dwellings would have appropriate room sizes and would provide a comfortable place of residence to their prospective occupants.

#### **6. Conclusion**

The proposed cluster housing development has been assessed under the provisions of Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*.

Minor variations from DCP9 are proposed, being in relation to the rear setback and street setbacks. However, those variations are acceptable because:

- The proposed rear dwellings would present a ground floor wall with 2 small windows to properties to the rear, and the rear wall upper floor of the units has no windows; so overlooking is not an issue. The Proposal would cause no significant visual impact or privacy impact; and
- The proposed street setback variation arises from the curvature of the Court roadway. The proposed development would not be out of alignment with other buildings in the streetscape.

Having regard to the foregoing assessment, it is considered that the proposal is acceptable and that it should be approved.

CHL contact: Simon Harvey 03 9856 0029.

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/280****DATE: 17/11/2015****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Plans	DWG No: D2866 (Page 1 to 13)	Collins W Collins (DS)	21/10/2015
Engineering Plans	DWG No: 2015-70 (Pages 1 - 4)	David R. Johnson	April 2015
Statement of Environmental Effects	PM10017	Simon Harvey	28/07/2015
BASIX	621949M	Collins W Collins	8/04/2015

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (8) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Friar Close a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security



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

- (11) (A040) Provision shall be made for a separate sewer line for each dwelling/unit to Council's sewer main.

If the dwellings are to be located on separately titled blocks, then Council's main sewer line (which is a minimum of 150mm diameter) will need to be extended to a point within each block.

- (12) (A046) Provision to each unit or lot of a separate metered water connection to Council's main, with the meters being located on the road frontage, unless the water supply to the whole site is metered with a single larger meter.
- (13) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (14) (A195) Vehicle manoeuvring sweep paths indicate vehicle movements through the vertical posts supporting the roof of the porch. This roof will have to be redesigned as a cantilever structure in order to remove the support posts. This applies to all units.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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

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

1. Public parking areas including;
  - a. Driveways and access aisles;
  - b. Parking bays;
  - c. Delivery vehicle service bays & turning areas in accordance with AS2890.1.
2. Sewerage reticulation.
3. Water supply reticulation.
4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
5. Retaining walls.

6. Stormwater systems.
  7. Erosion & Sedimentation controls.
  8. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  9. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202, Port Macquarie-Hastings Council current version.
  10. Provision of a 1.2m concrete footpath across the full road frontage of the property.
  11. The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access
  - Other
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (4) **(B009) The applicant shall surrender the consent relating to DA No. 10.2010.278 for Cluster Housing 4x 2 Storey & 1x Single Storey Dwellings & Torrens Title Subdivision at 48 Friar Close, Port Macquarie by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.**
- (5) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

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

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

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

- (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, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B028) The water meters are to be located so that they are accessible from the road frontage for reading. To this end, the front fence is to be provided with a recess to accommodate the water meters.
- (9) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating

how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.

- (13) (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.
- (14) (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.
- (15) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (16) (B195) As the discharge from the project will exceed 2ET the sewer connection is to be from an existing or new manhole. Details are to be submitted with application for Construction Certificate.
- (17) (B196) Council records indicate that the current development site has a three existing 20mm sealed water services (it also appears that the eastern property boundary is incorrectly plotted). 8 metered water services are required at the road frontage for the eight units. If the development is to be set up for a future Torrens Titled Subdivision, then the water meters are to be arranged so that they can be located in an Easement for Access and Services adjacent to the proposed driveway. Details are to be shown on the engineering plans.
- (18) (B197) 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 a direct connection to councils existing piped drainage system downstream of the site.

In this regard, the proposed connection to the existing pipeline in Friar Cl as shown on the plan prepared by David R Johnson, Drawing No. 2015 - 70 C02 and dated April 2015 is not supported and requires amendment to address the following:

    - The point of connection must be to the existing stormwater pit downstream of the site
    - Council's piped drainage system shall be extended from this pit by an appropriately sized pipeline (minimum 225mm diameter) to the frontage of the site, where a sealed junction pit shall be installed, to allow direct piped connection from the development site into the public drainage system.
    - Pipelines crossing the footpath shall be at an angle of not less than 45 degrees to the alignment of the kerb as per the service crossing requirements of AS 3500.3:2015 Section 6.2.6.
  - b) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
  - c) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment

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

- d) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- (19) (B198) Front fence and retaining wall to be a maximum combined height of 1.8m from ground level (existing) for both Unit 1 and 2 adjoining Friar Close.

#### **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) (C011) Work associated with the construction of a new building shall not commence until a water meter provided by the Council has been installed on the site.
- (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.

#### **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:
- at completion of installation of erosion control measures
  - before commencement of any filling works;
  - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - prior to the pouring of concrete for sewerage works and/or works on public property;
  - during construction of sewer infrastructure;
  - 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) (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) (D005) Fill material shall not raise the existing surface level nor excavation reduce the cover of any water main in the vicinity of the work area without the explicit approval of the Manager, Water Supply Services.
- (4) (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.
- (5) (D007) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (6) (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.
- (7) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council
- (8) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate or proposed as part of the application for a Subdivision Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (5) (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).
- (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) (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) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (14) (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.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (16) (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
- (17) (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.
- (18) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (19) (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. Restriction as to user in respect of lots/units 1 to 8 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.
- (20) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (21) (E080) The applicant is required to make provision in the application for a Subdivision Certificate:
- a. registration of a reciprocal right of carriageway and easement for services and maintenance over those parts of the lots common to both.
- (22) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

#### **F – OCCUPATION OF THE SITE**

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (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

ROYCE A. BELL  
27 ROBIN DRIVE  
PORT MACQUARIE 2441  
19.5-15  
YOUR REF: DA2015.280.

ATTENTION STEVEN FORD,  
MY CONCERNS RE: DA2015.280.1 ARE  
AS FOLLOWS:

1. IN THE PROPOSAL UNITS 7 & 8 HAVE NO WINDOW  
FACING SOUTH INTO MY SIDE YARD & MAIN LIVING AREA.  
THESE UNITS IN THE ORIGINAL D.A. WERE SINGLE STORY  
NOT DOUBLES WITH WINDOWS OVERLOOKING
2. ANY EXCAVATION MAY WEAKEN THE STABILITY OF  
MY FENCE
3. I AM CONCERNED ALSO EXPLOSIVES MAY BE USED  
DURING EXCAVATIONS (THERE IS A ROCK SHELF RUNNING  
THE FULL WIDTH OF THIS BLOCK & EXPLOSIVES HAVE BEEN  
USED BEFORE IN THIS AREA (1998))



48241

PORT MACQUARIE HASTINGS	
TRIM No.	CRAT No.
21 MAY 2015	
Keyword	
Activity	
Subject	
Folder DA2015.280.1	

ATT: STEVE FORD.

PORT MACQUARIE

TRIM NO. 15 NOV 2015

John, Sharon Burr  
35 Friar close  
Port Macquarie  
658114.

Keyword  
Activity  
Subject

DA2015/280-1.

Proposal: Multi Dwelling Housing.  
at 38 DP: Lot 36, Lot 37, 40, 41, 42 Friar close.

Dear Mr Steven Ford,

In reference to said Development we are writing to object to the proposal.

Friar close is a small culdesac, with very limited on street parking as is. At the end of the culdesac is a Comunal Driveway & has 4 houses within.

Onstreet parking is minimal already & to think there could be up to 8 more cars around the top end of the culdesac is frightening.

There is also an issue with garbage collection bins outside the development is unrealistic, 2 cars can't park in the area assigned to the development front.

There is also an issue with any children it would be living in the complex. already there are children playing on the street. The traffic drive around the culdesac now is regular all day.

Most Family's have 2 cars & each of the dwellings only have 1 garage so if there are 2 cars dwelling where are they to park?

Having said this, we are not in objection & using Commission Houses but objecting to the number of dwellings in such a small area.

Yours Sincerely,

SHARON BURR

21<sup>st</sup> May, 2015  
 Attention: Mr. Steven Ford,  
 Port Macquarie Hastings Council  
 PO BOX 84  
 Port Macquarie 2444  
 DX 7415

48241

PORT MACQUARIE HASTINGS	
Form No	CRAI No
22 MAY 2015	
Keyword	
Activity	
Subject	DA 2015/280



**RE: NOTIFICATION OF DEVELOPMENT PROPOSAL**  
**DA2015.280.1**

**I REQUEST COUNCIL HAVE A CAR PARKING SURVEY DONE ON FRIAR CLOSE**

Dear Sir,

As per our telephone conversation on the 10.05.2015  
 I am writing to state my **strong objection to the above mentioned proposal.**

Friar Close is a small street with an access road cut into the round of the cull de sac at the end of Friar Close which has four homes built on it and is the only entry and exit point available (these homes being (37,39,50,52)

This Multi Dwelling Housing being proposed has 8 two story two bedroom one garage also two off street parking spaces on it. At a minimum this would mean at least 15 homes making use of one small arc in Friar Close to exit and enter no less than 4 to 6 times per day. This could mean that perhaps up to 30 cars require exit and entry each and every day.

Community Housing has already built 8 dwellings with single garage availability in the street and this has proved itself to be sadly lacking in parking space for the residents as cars are parked in driveways and all over the lawn area of these dwellings.

The main entry road of Friar Close is not wide but quite narrow and if two cars are parked one on either side it is a tight fit to get thru. Upon discussion with Ron and Shirley Hodges residents

of no 33, I was advised an accident has already taken place with a child in the street because of this limited vision caused by this very same problem. Thank God the child was unhurt as the visitor was travelling at a very slow speed. Should you wish to check the matter it was handled by police.

I guess it comes down to **COMMON SENSE** to be used to make sure all residents are safe and are able to live safely and stress free in their own environment.

Yours faithfully,

J.Gray

37 Friar Close Port Macquarie NSW 2444

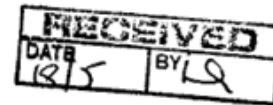


G R &amp; B K Murphy

Monday, 18 May 2015

52 Friar Close

Port Macquarie NSW 2444



The Manager

Development and Environmental Services

Port Macquarie –Hastings Council

PO Box 84

Port Macquarie 2444 New South Wales.

For attention of Mr Steven Ford

48241

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
19 MAY 2015	
Keyword	
Activity	
Subject	
Folder 092015.280.	

Reference; Development Application No.2015/280 Proposed erection of 8 x two story dwellings[Cluster housing} by Community Housing Ltd. on Lots 36/37 & 38. Friar Close Port Macquarie.

I am resident of lot 2 on the subdivided lot 35 adjoining the land subject of the proposal. I know the area well and witness the day to day vehicular movement on Friar Close and experience the environment and character which the residents have created in the street.

### **OBJECTIONS**

1. The entire proposal is inconsistent with the established character of Friar Close and the architectural form of the established dwellings, also introduces an increased density which is not evident on any other lot in the street .

#### Grounds

Friar Close subdivision, DP1089886 as originally approved, provides for uniform, detached, single floor dwellings and contains an acceptable allocation of Cluster developments in lots 36 to 51 which have been developed in accordance with the original plan. All dwellings in the street are single story with uniform set backs and landscaping of their street frontages, also there are only single story dwellings in the surrounding suburb. This proposal if approved will change the character of the streetscape to the disadvantage of existing occupiers and increase the density of occupation on these lots by 2.5 times compared to the adjoining lots having only 3 dwellings on land of similar area.



**2. Over development of the site.**

The proposal would be overdevelopment and exceeds the capacity of the land to accept the structure without provision of minimalisation of setbacks on all sides and approval of items in non compliance with DCP9. Also the problematic questions arising from building overhangs, overlooking adjoining properties and window locations, make it evident this proposal is grossly unsuitable for Friar Close.

**Grounds**

The proposal is such a squeeze to fit the dwellings on the subject land that it requires concessions on a number of matters which are not in compliance with the provisions of DCP9 and given the unsuitability of Friar Close for such a change to the established community of dwellings. No such concessions should be given.

**3. Access to Friar Close**

The proposal by locating 8 dwellings on Friar Close with entry & exit at a point on the arc of the traffic circle will introduce a concentration of extra vehicular movements at the very a point in the street where by its original design DP1089886 had foreseen traffic problems and included the turning circle as a necessary facility for the street's residents, to leave this closed end street. This will present an unacceptable burden to other residents, and an element of danger exists at all times, not an idle concern as a child has been struck by a car at the point of the Proposal's west boundary, thrown into the air and suffered injuries including a broken arm.

**Grounds**

While it appears the applicant has not made a survey or considered the traffic and parking on Friar Close, if each family dwelling may produce 7 vehicle journeys per day, therefor the proposals' eight(8) dwellings may be expected to produce 56 vehicle journeys per day, each journey will exit and enter the property at main sector of the turning circle.

Friar Close has 33 dwellings relying on vehicle access to it, its Eastern end is closed and has the turning circle which is essential to trade delivery vehicles, visitors to the street and many of the residents on the south side, all of whom need to safely turn around to park in front of residences or exit Friar Close. This proposal will make a total approx 40 dwellings using access.

**4. Parking**

The proposal has a minimum of parking for the expected residents, service vehicles and visitors and realistically will result in vehicles being parked in the traffic turning circle. This is unacceptable

**Grounds**

At any time there can be over 40 cars parked in the length of Friar Close many on the nature strip as with the number of resident families with several cars there are insufficient garages available. The proposal does not make proper consideration of the parking problem which would be magnified by the addition of of an additional 8 residences .To say that the proposal includes parking for 2 visitors for 8 families is not realistic, in practise visitors will park on the street around the turn circle adding to the congestion and danger of collisions, and only a one car garage per dwelling is specified in the application, which of itself will result in family members of some of the 8 units having to park on the street .The evidence as to parking problems which can be expected can be seen in any suburban street where multiple units have been adopted.

**5. Site Elevation**

There are no details of the elevation either as to the grading of the site or of the buildings final height, a front elevation is necessary for the residents to understand what their outlook across friar close will be.

**Grounds**

The land at present has what appears to be a height of 1.5-1.8m above the road surface with incline up to the rear, there is a planned gradient<sup>2</sup> of 5% on the proposal plan and reference to a cut at the rear.The residents need the elevation to understand what the height of the finished structure will be.

**6. Setback and St Access**

The Plan of the front entrance has 1.8m high brick walls , the only property on the street with a" front fence". It is totally out of character with the streetscape, which effect is magnified by the forward location of the high walls and their proximity to the kerb side of the traffic circle. This will have a major effect on the amenity of this end of Friar Close, presently enjoyed by all families who make their home around the turning circle.

**grounds**

The design for the frontage reveals how unsuited for Friar Close this Proposal is [ sheet 12- Site plan of 8 units]. The frontage presented to Friar Close will be 1.8m (6ft) high brick walls on both sides of the drive entrance

with "landscaping" of only a few square metres and consisting of several plants which may or may not be maintained regularly. This would be the only property in Friar Close which does not have the regulation set back and an open space with lawn and garden, the "open space" of this proposal is concealed behind the brick walls.

By comparison house numbers 35 and 50 Friar Close have been located on the traffic circle, their vehicle drive and regular setback and landscaping which presents them in confirmation to the entire streetscape which this proposal makes no attempt to conform with. House 50 has been designed to suit the site and with required 5.5m minimum set back of the garage where as this proposal requires significant modifications from the DCP9 standards to enable it to be fitted onto this site.

These Objections have been drawn and lodged for residents of Friar Close by me.

Graeme R Murphy

The under listed residents join in the compilation and lodging of these objections.

Ms G. Norris

23 Friar Close

Mr N Thorburn

34 A Friar Close

B.Wells & A Sullivan

25 Friar Close

Mrs H Barrett

39 Friar Close

B & C Whacker

27 Friar Close

Mr R Mapstone

50 Friar Close

K & P Hands

31 Friar Close

G & BK Murphy

52 Friar Close

Mr R. Hodges

33 Friar Close

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**Item: 06**

**Subject: DA2015 - 281 MULTI DWELLING HOUSING**

**Report Author: Steven Ford**

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<b>Property:</b>	<b>92 Marian Drive, Port Macquarie</b>
<b>Applicant:</b>	<b>Community Housing Ltd</b>
<b>Owner:</b>	<b>Community Housing Ltd</b>
<b>Application Date:</b>	<b>1/5/15</b>
<b>Estimated Cost:</b>	<b>\$1,086,000</b>
<b>Location:</b>	<b>Lot 41 DP 1158673, Marian Drive, Port Macquarie</b>
<b>File no:</b>	<b>DA2015 - 281</b>
<b>Parcel no:</b>	<b>61424</b>

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#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

**That DA 2015/281 for a Multi Dwelling Housing at Lot 41, DP 1158673, No. 92 Marian Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a multi dwelling housing development at the subject site.

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

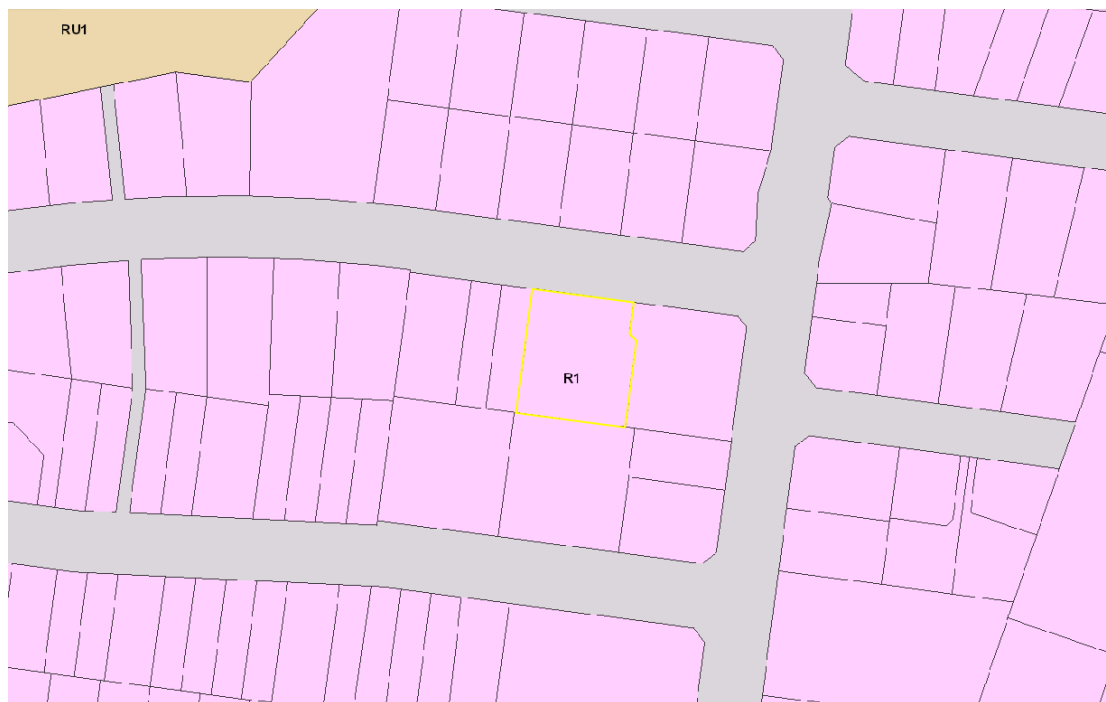
Following exhibition of the application, 2 submissions have been received.

### **1. BACKGROUND**

#### **Existing sites features and surrounding development**

The site has an area of 1283m2.

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:

- Multi Dwelling Housing comprising 1x 3 bedroom and 5x 2 bedroom dwellings



Refer to attachments at the end of this report.

**Application Chronology**

- 1/5/15 - Application lodged.
- 5-25/5/15 - Exhibition period.
- 28/5/15 - Additional information requested by planner.
- 16/5/15 - Response from applicant forwarding additional information request to consultant.
- 30/7/15 - Additional information received, revised SOEE and plans.
- 28/8/15 - BASIX certificate received.
- 21/9/15 - Revised plans requested to address manoeuvring concerns.
- 15/10/15 - Revised plans received.
- 19/10/15 - Further revised plans requested as manoeuvring concerns not adequately addressed.
- 22/10/15 - Revised plans received.

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

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

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

**State Environmental Planning Policy No.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 (Affordable Rental Housing) 2009**

Application has not proposed the development be assessed under the SEPP.

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

A BASIX certificate (number 616026M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

- Clause 2.2, the subject site is zoned R1 - General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for multi dwelling housing (cluster housing) 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 provides facilities or services to meet the day to day needs of residents.

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

- the proposal is a permissible landuse;
- the proposal contributes to the range of housing available in the locality.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.55 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 0.634:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 6.2, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and on-site sewage management/sewer infrastructure to service the development within an urban release area.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses Ancillary development</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>Min. 3m front setback</li> <li>Not extend above eave gutter line</li> </ul>	Unit 1 - 3.3m setback to patio Unit 2 - 4.2 m setback to patio	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>Min. 6.0m classified road</li> <li>Min. 4.5m local road</li> <li>Min. 3.0m secondary road</li> <li>Min. 2.0m Laneway</li> </ul>	Unit 1 - 4.98m setback Unit 2 - 6.4m setback Unit 3, 4, 5 & 6 - Internal frontage	Yes
3.2.2.3	Garage minimum 5.5m front	Garages not facing street	Yes



	setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	frontage and located behind front building line  Garage door recessed 1.5m behind building line to internal driveway, except for unit 1, which is in front of the internal building line but not facing the street frontage.	
	6m max. width of garage door/s and 50% max. width of building	Single garages only, none facing street frontage	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	One driveway, 4.8m wide and less than 1/3 crossover (15%)	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	<p>Minimum 2.97m setback to rear boundary for lower level. However, the proposed layout of the development orientation has the side of unit 5 &amp; 6 adjoin subject lots rear boundary.</p> <p>Regarding the rear adjoining neighbours this development does not have adverse impacts. The first floor has a minimum 4m from the rear boundary and has no windows along this wall and built from a composite building material minimizing the impact of the building.</p> <p>Unit 5 &amp; 6 overshadow portions of the rear adjoining properties private open space area(see overshadowing diagram). The setbacks of the first floors are consistent with the provisions of 3.2.2.4 and well under the Height of Building provisions for the locality. The overshadowing is considered to be acceptable.</p>	Accepta
3.2.2.5	<p>Side setbacks:</p> <ul style="list-style-type: none"> <li>Ground floor min. 0.9m</li> <li>First floors &amp; above min. 3m setback, unless demonstrated that adjoining property</li> </ul>	<p>Minimum ground floor side setback 1m to adjoining properties.</p> <p>First Floor: U2 minimum setback of 1.8m at nearest point due to the</p>	Accepta

	<p>primary living areas &amp; POS unaffected.</p> <ul style="list-style-type: none"> <li>Building wall set in and out every 12m by 0.5m.</li> </ul>	<p>side boundary alignment, the setback then tapers to 4m. No adverse overshadowing.</p> <p>U1,3, 4, 5 &amp; 6 minimum setback of 3.6m which complies with the DCP provision.</p> <p>For units 2,4 &amp; 6, the applicant has made provisions for privacy screens over bedroom windows on the first floor overlooking the neighbouring childcare centre.</p> <p>It is noted that the development will overshadow adjoining properties on Marian drive, however this will not be for more than 3 hours and side setbacks comply with the DCP provisions.</p> <p>Privacy screening has now been indicated on plans.</p>	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade and is directly accessible from a ground floor living area.	<p>Minimum 50sqm private open space with minimum dimensions 3.8m at a maximum grade of 5%.</p> <p>Variation to 4x4m min. Level area by 0.2m is considered to be minor and acceptable.</p>	Acceptable
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>3x3m min. splay for corner sites</li> <li>Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>0.9x0.9m splays adjoining driveway entrances (Fig 3.3 of AS2890.1 2004 overrides this standard by requiring a min 2.5x2m splay for</li> </ul>	<p>There is a front fence proposed for both Unit 1 and 2. Maximum 1.8m high Masonary Courtyard fence with minimum 25% transparency to provide POS for unit 1 &amp; 2.</p> <p>The fence is well articulated, and is approximately 52% of total frontage.</p> <p>Setback minimum 4.7m from driveway creating an acceptable splay.</p>	Acceptable

	driveway entrances) See David Troemel for info.		
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• 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</li> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandas etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	Direct views between living areas will be adequately screened by boundary fences and courtyard fencing between units.  The applicant has also proposed privacy screens for bedroom windows overlooking side boundaries.	Yes

**DCP 2013: General Provisions**

DCP Objective	Development Provisions	Proposed	Compliance
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 and fill 1.0m max. 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontages	No retaining wall greater than 1m proposed	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
	Driveway crossing/s minimal in number and width including maximising street	One central driveway crossing proposed, maximising street parking.	Yes

	parking		
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> <li>1 space = single dwelling (behind building line) and dual occupancy</li> <li>Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings</li> </ul>	Total of 6 spaces + 2 visitor  Complies	Yes
2.5.3.5	On-street parking permitted subject to justification	No on-street parking proposed, however concerns have been raised that the development may increase on-street parking demand.	Yes
2.5.3.7	Visitor parking to be easily accessible	Visitor parking situated at the front of the building.	Yes
	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	No stacked parking proposed	Yes
	Parking in accordance with AS 2890.1	Parking generally complies	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	None proposed	Acceptable
2.5.3.11	Section 94 contributions	Refer to main body of report.	Noted
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping plan provided	Acceptable
2.5.3.14	Sealed driveway surfaces unless justified	Concrete with drainage swales	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Driveway grades satisfactory	Acceptable
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Driveway for domestic purposed. No large concentrations of water runoff apparent	Acceptable
	Vehicle washing facilities – grassed area etc available.	None indicated	Acceptable

(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.

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

- No Coastal Zone Management Plan applies to the subject site.

(See Clause 7.6 of LEP 2011 & Assessment Officers Assessment Table under section (b) for assessment against the Coastal Zone Management Plan.)

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

**Context & Setting**

The site has a general street frontage orientation to Marian Dr.

Adjoining the site to the north, south and west are existing residences

Adjoining the site to the east is a Childcare Centre, which is slightly more elevated.

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.

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and tenancy is proposed/existing.

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

**Roads**

The site has road frontage to Marian Drive, a Council owned road with an AUS-SPEC classification of 'Local Street'. The carriageway has a width of approximately 10m between kerbs, and the kerbs are 'rollover' (SE) type.

**Access, Transport & Traffic**

Vehicle access to the site is proposed through a shared driveway with direct frontage to Marian Drive, being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Footpath shall be conditioned across the frontage to provide pedestrian access for the development.

**Parking and Manoeuvring**

A total of 8 parking spaces have been provided on-site. Parking and driveway widths on site comply with AS2890 and conditions have been imposed to reflect these requirements.



**Stormwater**

The site naturally grades towards Marian Drive.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Marion Drive.

Stormwater from the proposed development is planned to be disposed via the KIP on Marian Drive which is consistent with the above requirements.

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

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

- On site stormwater detention facilities
- Water quality controls
- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit

Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection (and a search of Council/AHIMS records??), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

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

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is not identified as being bushfire prone.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social impacts in the locality**

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

**Economic impact in the locality**

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**



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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

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
Impacts on privacy to adjoining properties on Merryman Way and the adjoining Childcare Centre.	<p>Properties along Merryman Way are moderately upslope to the subject site. Boundary fencing will adequately provide privacy to both existing and proposed developments.</p> <p>The upper level walls closest to this boundary would be offset approximately 4 metres and would not contain any windows. Other first floor bedroom windows are offset 5.9 metres from the rear boundary due to the level changes at the boundary, privacy impacts will be minimal. Those upper level forms would therefore not cause any significant loss of privacy.</p> <p>Given the nature of the adjoining land use the applicant has proposed privacy screens to Level 1 windows facing the Childcare Centre. This is shown on plans and considered acceptable.</p>
Setback variations are not acceptable and will not provide adequate separation causing loss of solar access and building bulk.	<p>Lower levels of 5 &amp; 6 are set back 2.97 metres from the rear (South) boundary, with the enclosed area to be used for private open space and complies with DCP 2013 Clause 3.2.2.4.</p> <p>There are no living areas on level 1, this level also achieves a minimum 4m setback and complies to DCP Clause 3.2.2.4 &amp; 3.2.2.5</p> <p>Regarding the rear adjoining neighbours this development does not have adverse impacts. The first floor has a minimum 4m from the rear boundary and built from a composite building materials minimizing the impact of the building.</p> <p>Unit 5 &amp; 6 overshadow the rear adjoining properties private open space. The setbacks of the first floors are consistent with the provisions of DCP clause 3.2.2.4 and well under the Height of Building provisions for the locality. Level 1 would not cause any significant loss of privacy or have any significant bulk-related impacts such as solar access to the dwellings to the rear. Therefore in this instance has complied with the provisions of the DCP.</p>

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION**

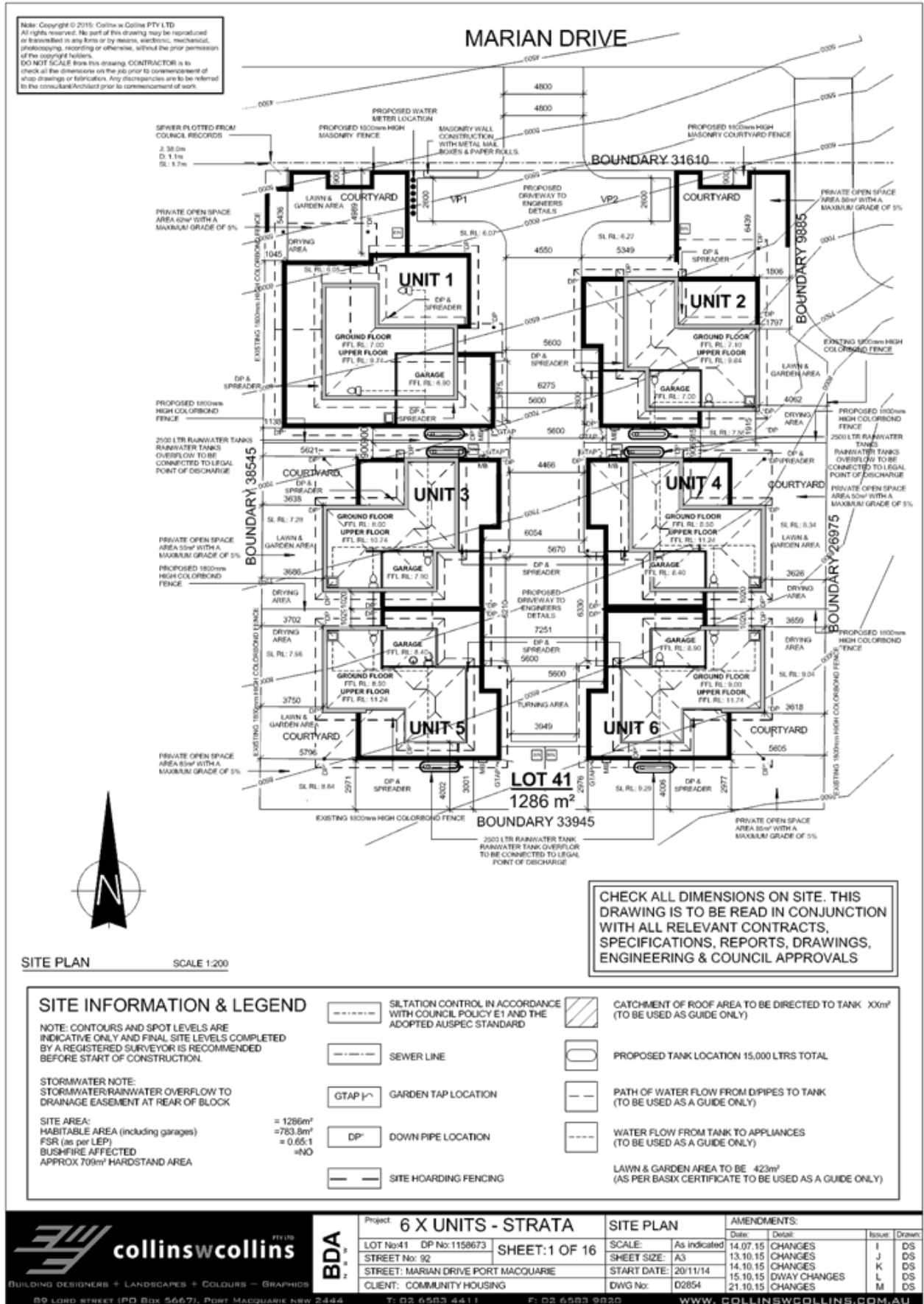
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

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

**Attachments**

- 1[View](#). DA2015 - 281 Site Plan
- 2[View](#). DA2015 - 281 Statement of Environmental Effects
- 3[View](#). DA2015 - 281 Draft Conditions
- 4[View](#). DA2015 - 281 Submission - Carter
- 5[View](#). DA2015 - 281 Submission - Speechley





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**6 X UNITS - STRATA**

**Project:**

**LOT No:41 DP No: 1158073**

**STREET No: 62**

**STREET: MARGARIT DRIVE PORT MACQUARIE**

**CLIENT: COMMUNITY HOUSING**

**Scale: 1:100**

**Sheet Size: A3**

**Start Date: 20/11/14**

**DWG No: C0264**

**BDA**

**2**

**AMENDMENTS:**

Date	Description
13.10.15	CHANGES
14.10.15	CHANGES
15.10.15	DWYVY CHANGES
15.10.15	CHANGES
21.10.15	CHANGES

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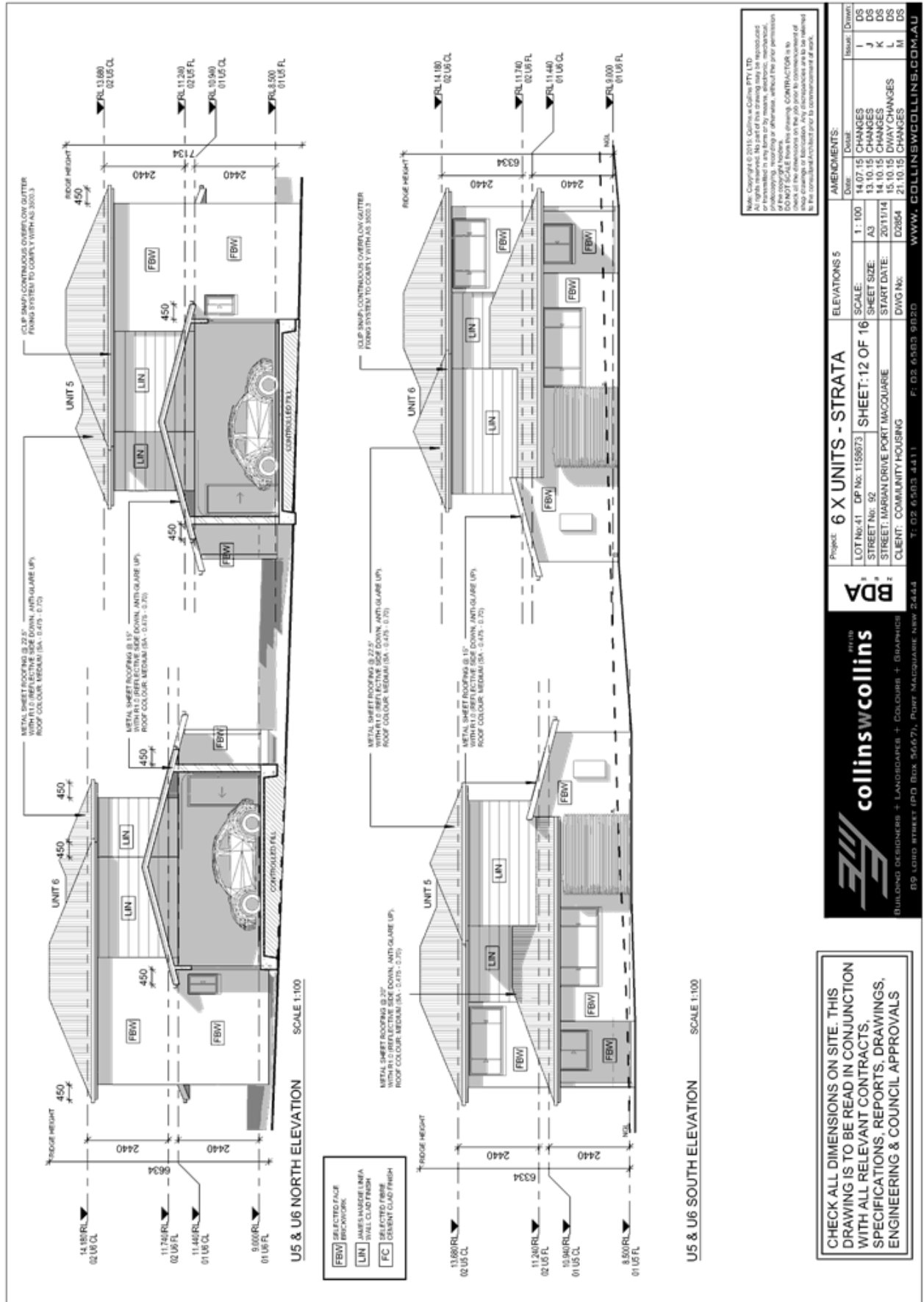
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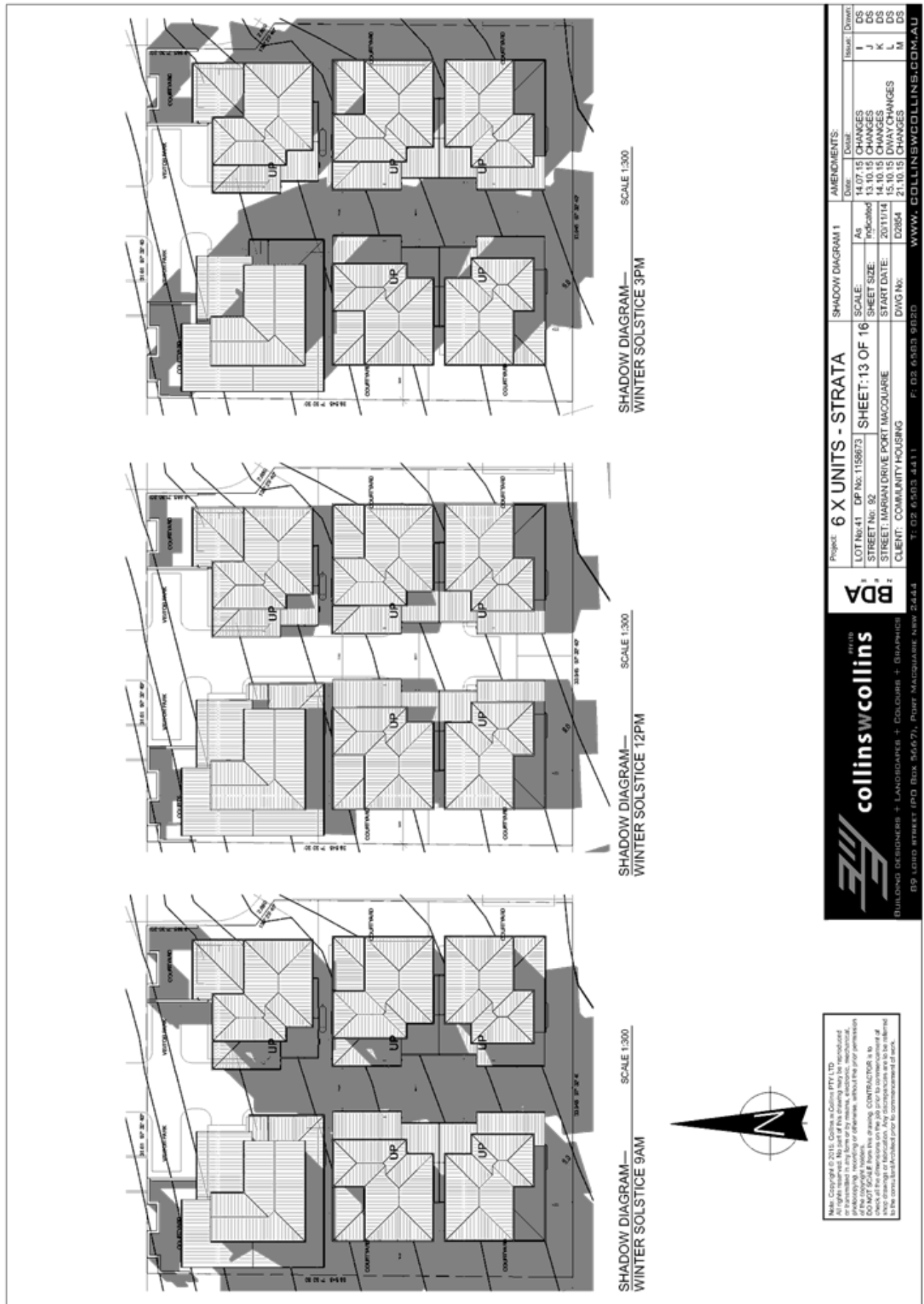
CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS

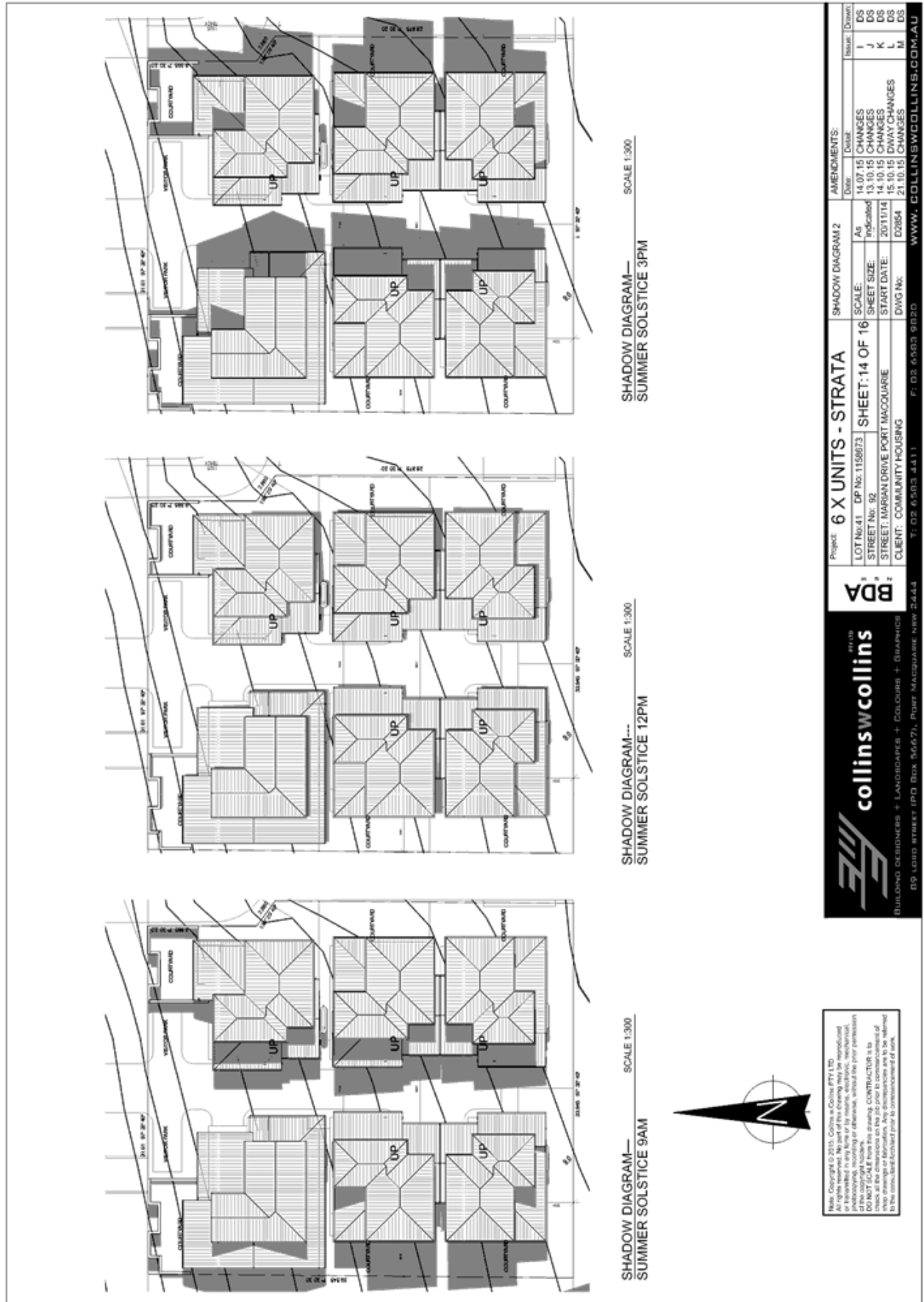


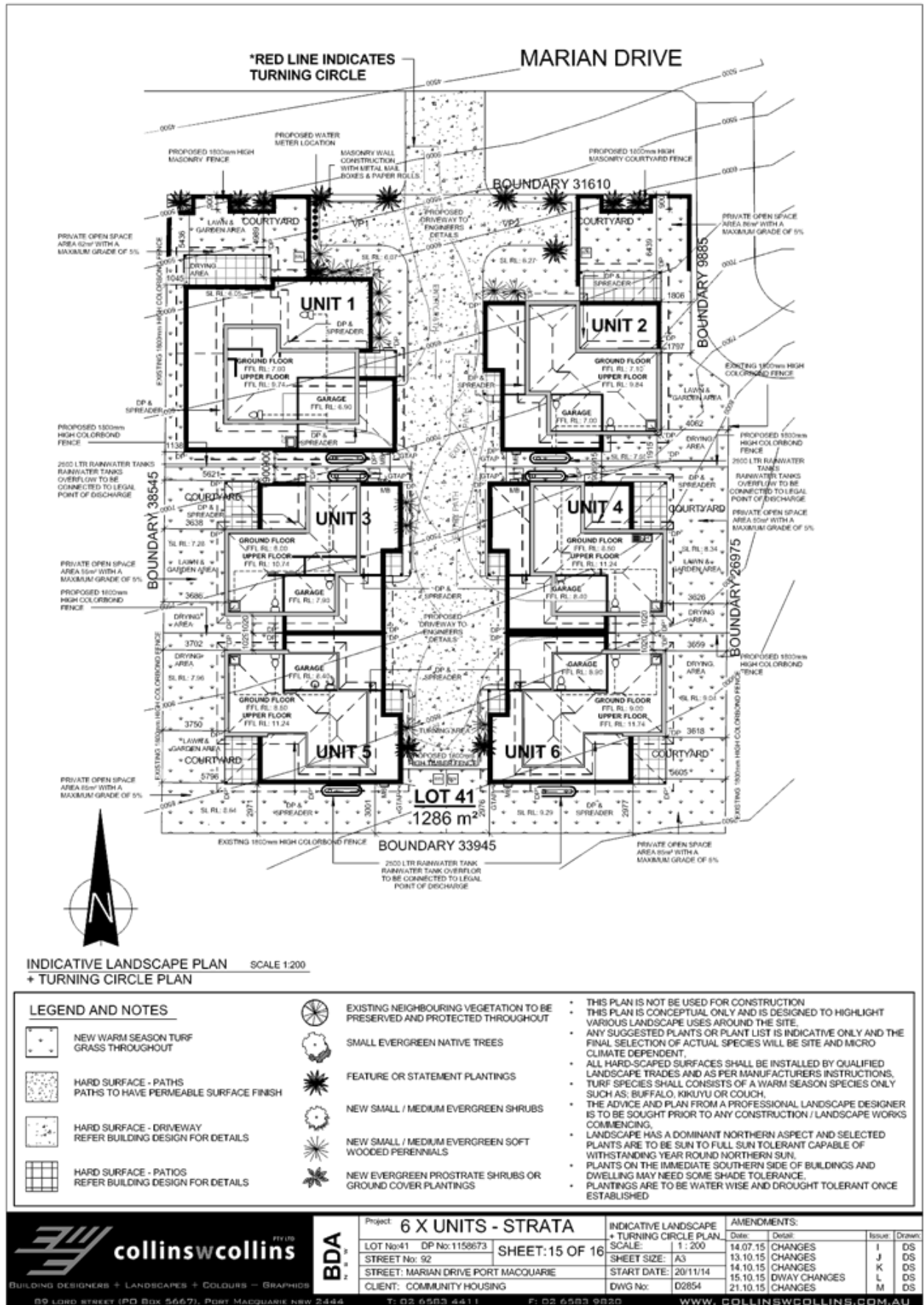
















No. 96 Marian Drive, Port Macquarie NSW 2444

Construction of a Cluster housing development  
6 x 2 bed, 2 storey units with garages

## **Statement of Environmental Effects**

Community Housing Limited

For submission to  
Port Macquarie-Hastings Council

Issue B  
April 2015



DOCUMENT CONTROL

Our Reference	Issue No.	Remarks	Issue Date
PM10017	-A-	DA issue to PMHC	30 April 2015
	-B-	Report revised in response to PMHC RFI	28 July 2015

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2. Description of site and locality.....	5
3. Description of proposed development.....	8
4. Statutory controls.....	10
5. Section 79C assessment.....	15
6. Conclusion.....	xx

Annexures

- A. Architectural plans and additional information by Collins W Collins P/L
- B. BASIX & Thermal Comfort Commitments by CWC Energy Assessors
- C. Roof & Ground Drainage Concept dwgs. by David R Johnson Consulting Engineers P/L
- D. Site Survey by Resource Design & Management P/L
- E. Draft Subdivision Plan by Coastal Survey Solutions

**1. Introduction**

- 1.1 This is a Statement of Environmental Effects in support of a Development Application to Port Macquarie-Hastings Council by Community Housing Limited for a cluster housing development at Lot 41, DP 1158673, # 96 Marian Drive, Port Macquarie.
- 1.2 This statement is accompanied by architectural plans and additional information prepared by Collins W Collins, which form Annexure A. Specifically, those details include:
- Existing site plan and neighbourhood character details;
  - Design response plan;
  - Site plan;
  - Floor plans, which also indicate the roof form as a dotted line;
  - Elevations;
  - Shadow diagram; and
  - Landscape plan
- Also Basix Reports are included on the Plans.  
Roof and Ground SW Drainage dwgs. and Calculations form Appendix C.
- 1.3 Part 2 of this Statement describes the site and locality. Part 3 describes the proposal. Part 4 sets out the applicable statutory controls. Part 5 contains an assessment of relevant issues under Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*. Part 6 provides the conclusion and recommendation.

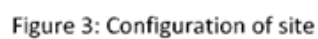
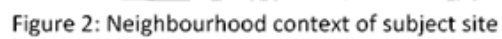
**2. Description of site and locality**

- 2.1 The site is 96 Marian Drive, Port Macquarie comprising the following allotment:
- Lot 41 in deposited Plan 1158673
- 2.2 Marian Drive is within the western area of Port Macquarie (Figure 1) and is approximately 3.5 kilometres by road to the south-west of the Port Macquarie Central Business District.



Figure 1: District context of subject site

- 2.3 The site is within a low to medium density residential neighbourhood characterised by recently constructed, single storey brick dwellings on allotments ranging from 450 to 800 square metres in area. This part of Marian Drive has an approximately east-west alignment, and the site is next to the Childcare Centre. The site is on the southern side of Marian Drive near the corner of Lincoln Rd (Figure 2).
- 2.4 The allotment comprising the subject site is on the southern side of Marian Drive and is 1283 square metres. The site is 33.9 metres wide except towards the front where it narrows to 31.6 metres. The site is 38.6 metres in depth.



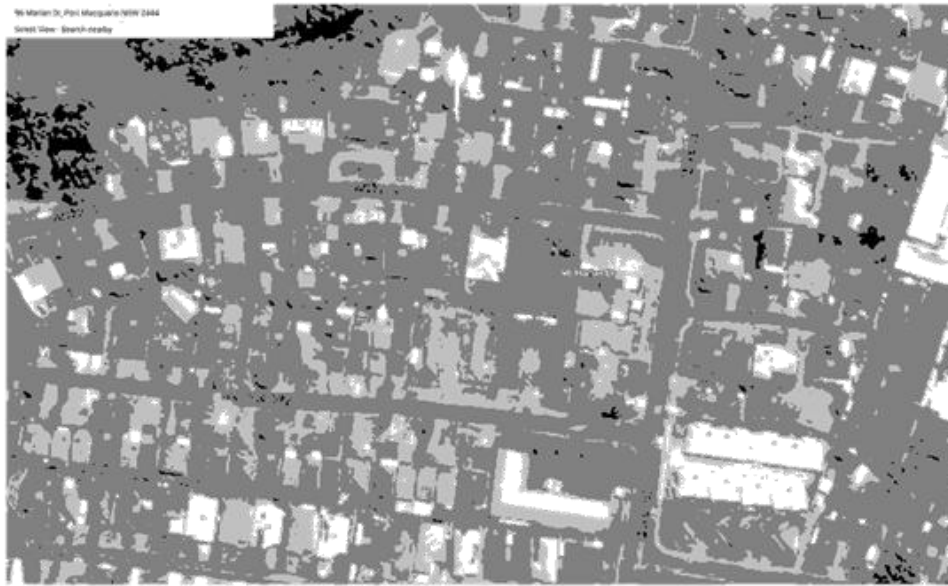


Figure 4: Aerial photo of subject site

- 2.5 The site falls around five metres from south-east to north-west. The site is grassed, with no trees or shrubs (Figure 5). To the west of the site is a single storey brick veneer house. To the east is the Day Care on Lincoln child care centre. To the rear, south of the site is a medium density residential development on Merrymen Way. There is a two storey dwelling across the road from the subject site on the corner of Marian Drive and Lincoln Road.



Figure 5: Subject site as viewed from Marian Drive



Figure 6: Site viewed from the corner of Lincoln Road and Marian Drive showing Child Care centre

- 2.6 The allotment comprising the subject site was created as part of a subdivision approved by Council in 2010. The site history prior to that has not been investigated for the present report.

#### Description of proposed development

- 3.1 The proposal is to carry out a cluster housing development comprising six double-storey dwellings; subsequent subdivision of the site into six Torrens Title allotments may be applied for at a later date but is not part of this application. The proposal is described in architectural plans and elevations numbered D2854 #1-16 dated 20 March 2015 prepared by collins w collins P/L.
- 3.2 The proposal is characterised as “cluster housing”, which is defined under Hastings Local Environmental Plan 2001 (HLEP2001) as:
- Integrated residential development that consists of:*
- a) *the subdivision of land into 3 or more allotments; and*
  - b) *the erection of a single dwelling on each of the allotments to be created by that subdivision, provided that the erection of the dwelling occurs prior to the issue of a subdivision certificate (except where a strata management statement, or restriction as to user, prohibits any dwelling*
- 3.3 The applicant would, as part of the development, consolidate the existing allotments into one allotment prior to the commencement of works. The development will be subdivided into six Torrens Title allotments following the issue of an Occupation Certificate for the completed dwellings at some future date.
- 3.4 The development would comprise the following main elements:
- A new central driveway running at 90 degrees to the main alignment of Marian Drive;

- Two pairs of attached two storey dwellings to each side of the driveway, in a north-south arrangement, with Unit 1 and 2 presenting to the street.
  - Units 1 & 2 include courtyards to the Marian Drive boundary to be used as private open space. Each dwelling would have a garage presenting to the driveway. The garages for Units 3/5 and 4/9 are adjacent to one another. Non-dormitory rooms would be at ground level adjacent to the garages. Dormitory areas, each containing two bedrooms, would be at first floor level above the non-dormitory areas and partly above the garages, and the ground floor level non-dormitory area would protrude beyond the line of upper level to provide setbacks from the driveway for the bedrooms and articulation to building form.
  - The attached pairs of two storey dwellings are mirrored about the central driveway. The garages are setback from the driveway alignment to provide turning circles.
- 3.5 Western boundary min. setbacks: Unit 1: 1.05 m., Unit 3: 3.64 m., Unit 5: 3.75 m.; Eastern boundary min. setbacks: Unit 2: 1.79 m., Unit 4: 3.68 m., Unit 6: 3.66 m., with the setback area used for private open space, water tanks, clotheslines and storage sheds. Unit 5 & 6 are set back 2.97 metres from the rear (South) boundary, with the enclosed area to be used for private open space; complies with DCP 2013 Clause 3.2.2.4.
- 3.5.1 Justification on rear setbacks- reduced to ground floor to maximise p.o.s. to the side of Units 5 & 6; upper floor complies to maximise solar access to properties to the rear.
- 3.5.2 Setbacks of upper floors are approx. 3.6m. from side boundaries and 4m. from the rear boundary.
- 3.6 Private open space areas proposed ranges between 115 square metres and 35 square metres.
- 3.7 Permanently fixed perforated colourbond Overlooking screens with 25% permeability have been provided to prevent overlooking of private open space of neighbouring properties to West facing upper floor windows of units 3 & 5, and East facing window of Unit 4. Ground floor windows do not overlook neighbouring p.o.s.
- 3.8 Units 1 front elevation will be set back 5 metres and Unit 2- 6.4 metres from Marian Drive minimum, with an articulated 1800 high brick fence enclosing private open space courtyard meeting the front boundary.
- 3.9 The development would have an overall impermeable area comprising 68 percent of the site area- refer to SW design dwgs.
- 3.10 Each dwelling would be provided with a 2,500 litre rainwater tank plumbed to the toilets for flushing and to the garden taps, with the overflow to be connected to the stormwater system. The stormwater system would direct stormwater downslope from the dwellings to Council's stormwater system in Marian Drive.
- 3.11 Each dwelling would be of on-slab construction, with a brick-veneer treatment to the ground levels and a weatherboard treatment to the upper levels. Roofing would be of a Colorbond finish and would be moderate pitching, generally with hipped-forms but including gable elements projecting towards the street.



3.12 The gross floor areas of each dwelling and of the total development are:

	Unit 1	Unit 2	Unit 3	Unit 4
Floor area	138.7 sq m	113 sq m	109 sq m	109 sq m
Garage area	23 sq m	21 sq m	21 sq m	21 sq m
	Unit 5	Unit 6	Whole site	
Floor Area	109 sq m	109 sq m	687.7 sq m	Site area 1294 sq.m.
Garage Area	21 sq m	21 sq m	128 sq m	FSR 0.634:1

3.13 There would be cut and fill to establish the proposed building platforms, with the maximum being a cut in the south-east area of the site by up to one metre.

#### 4. Statutory controls

##### NSW Environmental Planning and Assessment Regulation 2000

4.1 Under the *NSW Environmental Planning and Assessment Regulation 2000* (the Regulation), a BASIX certificate is required to be submitted. A BASIX certificate accompanies the development application.

##### 4.2 State Environmental Planning Policies

Under *State Environmental Planning Policy 55 – Remediation of land*, the consent authority is required to consider:

- a) *whether the site is contaminated;*
- b) *whether the site is suitable for the proposed use or if it will be suitable for the proposed use after remediation; and*
- c) *if remediation is required, whether the consent authority is satisfied that the required remediation will be carried out.*

The SEPP also includes detailed requirements for particular circumstances.

4.3 The allotments that comprise the subject site were established as part of a residential subdivision approved by Council in 2010, at which time SEPP55 was in force. That approval would have included an assessment addressing the requirements of SEPP55. The proposal is therefore considered to be acceptable in that regard.

4.4 There are no other State Environmental Planning Policies of particular relevance to the proposed development.

##### Local Environmental Plans

4.5 *Hastings Local Environmental Plan 1987* (HLEP2001) is applicable to the site. Under HLEP1987, the site is zoned 2(a1) – Residential. Cluster housing is permissible within the 2(a1) zone with the consent of Council.

4.6 Under Clause 17 of HLEP2001, the minimum allotment size for residential development within the 2(a1) – Residential zone is 450 square metres except for cluster housing (and dual occupancy development). There is no minimum lot size for cluster housing. The proposal is therefore acceptable under HLEP2001 in relation to the proposed lot sizes.

4.7 There are no other HLEP2002 provisions of relevance to the proposal.

Draft Port Macquarie Hastings Local Environmental Plan 2011

4.8 Under the Draft Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011) the subject site would be zoned R1 – Residential. Multi-dwelling housing such as is proposed would be permissible within that zone with the consent of Council.

4.9 Key provisions with the Draft LEP of relevance to the proposal are summarised as follows:

Provision type:	Min Lot Size	Acid Sulphate Soils	Flooding	FSR	Heritage	Height
Provision:	Min 450 sq m	Does not affect site	Does not affect site	Max 0.65:1	Does not affect site	Maximum 8.5 metres
Comment:	N/A	N/A	N/A	0.63:1 - Complies	N/A	6.4 metres - Complies

It is noted that the proposal would comply with relevant provisions.

4.10 Having regard to the foregoing, it is considered that the proposal is acceptable in relation to the Draft LEP.

Development Control Plans

4.11 The *Port Macquarie-Hastings Development Control Plan 2013* identifies other Development Control Plans that are relevant to particular types of development. In relation to cluster housing and subdivision, the relevant Development Control Plans are identified as *Hastings Development Control Plan No 9 – 1999 Residential and Tourist Development* and *Hastings Development Control Plan No 17 – Subdivision Code*. *Hastings Development Control Plan No 41 – Building Construction and Site Management* is also relevant.

4.12 The provisions of *Hastings Development Control Plan 9 – 1999 Residential and Tourist Development* (DCP9) as they relate to the proposed development are summarised as follows:

Part/Clause	Requirement	Comment
1.3 – Principles/objectives	General principles and objectives of the DCP	The proposed development is in accordance with the scale and character of surrounding development and is considered to be in accordance with the DCP principles and objectives.
2.1 – Site analysis, planning, layout	Documentation requirement	The required site analysis and site plan is submitted with the development application.
2.2 – Height limits and floor space ratios	Maximum FSR 0.65:1 Maximum height 6.4 metres	The proposed floor space ratio of 0.64:1 complies with the FSR control.  The proposed height would be 5.7 metres, measured in accordance with the DCP as between natural ground level and the ceiling of the uppermost floor. (Note that the measurement of

		height under the DCP differs from that under the Draft LEP set out above).
2.3 - Setbacks	Access street – 4.5 metres Side to adjoining properties (outside of the cluster housing development) – 0.9 gd fl. & 3 metres upper floor  Rear – 3 metres	Min 4.9 metres – complies  3.5 metres min setback from upper floor – complies. Screening provided to upper floor windows to prevent overlooking Shadow Diagrams show overshadowing within acceptable limits
2.4 – Car-parking	1 space per 1-2 bedroom dwelling  Visitor parking 1 per 4 dwellings  Driveways not to occupy more than 40 percent of site frontage	1 car-space per 2 bedroom dwelling provided and 2 visitor car spaces– Complies and is sufficient to meet visitor requirement.  The driveways would 15% site frontage – complies
2.5 – Open space/landscaping	Private open space in single area – min 35 sq m including min 4 m x 4 m directly accessible from dwelling  Communal open space to be provided – amount not specified	Private open space areas min. 52 sq m with min dimension 4 metres – complies  Not appropriate for proposed dwellings – note that proposed private open space areas are substantial
2.6 – Energy conservation	BASIX provisions apply	BASIX certificate provided
2.7 – Visual and acoustic privacy	3 metre min separation between openings within adjacent dwellings  Screening required where overlooking would occur within 9 m radius	Complies  Screening required to upper floor windows: Units 2 Bed 1, 4-Bed 1, 6-Bed 1, 7-Bed 1 & 8-Bed 1
2.8 – Roof form	Sets out design considerations	No significant issues arise
2.9 – Fences and walls	Front fences – max 1.7m above f.l. of front units  Side and rear – max 1.8m above natural ground level	Front fencing to p.o.s. is proposed with fencing articulated and setback 6 m. from the driveway alignment  1.8 metre high paling fences would be provided,
2.10 – Security, site facilities and services	3 x 240 litre bins to be accommodated per dwelling	There is sufficient space proposed to each dwelling for bin storage, with bins

		able to be taken through double-garages to on-street collection.
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4.13 The provisions of *Hastings Development Control Plan 17 – Subdivision Code* as are of relevance to the proposal have been reviewed. No significant concerns arise from a review of the proposal under those provisions.

4.14 *Hastings Development Control Plan 41 – Building Construction and Site Management (DCP41)* provisions as are of relevance to the proposal are summarised as follows:

Part/Clause	Requirement	Comment
3. Slab on ground construction	Not to exceed maximum cut and fill of 1 metre	The proposal involves a maximum cut of up to 0.8 metre along the rear boundary. Complies.
4. Frontage works to developments	Kerb and gutter required  Driveway no greater than 2.4 metres as far as practicable	Kerb and gutter will be provided for the development  Complies.
5. Installation of rainwater storage tanks	Siting and design requirements	The proposed rainwater tanks are in accordance with the siting and design req.s.
9. Erosion and sediment control on building sites	Sedimentation – erosion control plan required	Standard sedimentation and erosion control measures would be implemented, to be detailed prior to the issue of a Construction Certificate.

## 5. Section 79C assessment

5.1 The proposed development has been assessed under Section 79C of the NSW Environmental Planning and Assessment Act, 1979. Arising from that assessment are the following issues warranting detailed discussion:

- Proposed street setback variation;
- Proposed rear setback variation;
- External amenity impacts; and
- Internal amenity.

### Proposed street setback variation

5.2 The proposed development will have a 4.9 metre setback from Marian Drive; however the rendered brick walls to Private Open Space to the front units 1 & 2 will be close to the front boundary.

5.3 The intent of the front setback control as set out in DCP9 is:

- Provide adequate open space for landscaping, visual and acoustic privacy and vehicle parking;
  - Establish an attractive streetscape; and
  - Ensure development is of an appearance sympathetic to the locality.
- 5.4 The proposed central driveway arrangement with 5 m. offset to front walls results in a substantial proportion of the front setback area comprising soft landscaping, including in the recesses to the front masonry walls. It is therefore considered that the proposal provides adequate soft landscaping notwithstanding the proposed non-compliance, noting that the submitted landscape plan includes suitable plantings.
- 5.5 External amenity impacts are discussed further below. Specifically in relation to the proposed front fence setback non-compliance, it is noted that there are no dwellings that would be affected by the proposed non-compliance in terms of visual or acoustic privacy.
- 5.6 The proposed dwellings will be set back from the Marian Drive frontage min. 4.9 m.; the overall streetscape impacts would be acceptable.
- 5.7 Having regard to the foregoing, the proposal is considered to be acceptable notwithstanding the proposed non-compliance with the front setback control re the front fence.

#### Proposed rear setback

- 5.8 The setback provisions within PMH DCP 2013 include conditions through which a variation to the 3 metre rear setback control side may be considered:
- 5.9 Justification on rear setbacks- reduced to ground floor to maximise p.o.s. to the side of Units 5 & 6; upper floor complies to maximise solar access to properties to the rear.
- 5.10 Setbacks of upper floors are approx. 3.6m. from side boundaries and 4m. from the rear boundary.
- 5.11 Also under DCP9, *Where a setback of less than 3 metres is proposed, the walls of the building shall not contain any windows unless the windows do not directly face the side boundary or the windows are bathroom or utility room windows.*
- 5.12 The proposed rear setback of 3.0 metres to the rear boundary of Units 5 & 6 complies.

#### External amenity impacts

- 5.13 The dwellings immediately adjoining the subject site are at 88 Marian Drive, the child care centre on the corner of Marian Drive and Lincoln Road, and a unit development at 4 Merrymen Way to the rear.
- 5.14 The dwelling at 88 Marian Drive is single storey scale, and it's private open space may be overlooked by Units 4 & 6 upper floor windows- these windows will be screened.
- 5.15 On the corner of Marian Drive and Lincoln Road is the Day Care on Lincoln child care centre with a two-storey section to the lower part of the site to the north- adjacent to the parking area. This two storey development tends to overlook the subject site. The proposed rear

dwelling Units 4 & 6 would have an external ground floor east walls presenting generally below the fence line and offset min. 3.6 metres from the side boundary which is compliant. The upper floor walls include bedroom windows overlooking the private open space, but offset min. 3.7 metres which complies. However given the nature of the neighbouring property use, these windows will be screened. As such, the privacy impacts of the proposed Units 4 & 6 to the child care centre would be acceptable.

- 5.16 Units 5 and 6 would present upper level forms towards the unit development dwellings to the rear at 4 Merrymen Way. The upper level walls closest to this boundary would be offset approx. 4 metres and would not contain any windows. Other first floor bedroom windows are offset 5.9 metres from the rear boundary due to the level changes at the boundary, privacy impacts will be minimal. Those upper level forms would therefore not cause any significant loss of privacy or any significant bulk-related impacts such as solar access (refer to Shadow Diagrams) to the dwellings to the rear.
- 5.17 The submitted shadow diagrams demonstrate that the proposed development would not cause any significant overshadowing to neighbouring properties.
- 5.18 The neighbouring child care centre includes an upper level which overlooks the subject site. The proposed development includes Units 4 & 6 upper level forms presenting towards this development, with a bedroom window to each of the upper level areas. The bedroom windows would be set back 3.5 metres from the side property boundary. The line of sight would be at an angle, due to the angle of the buildings on the corner of Marian Drive and Lincoln Road adjacent to the common boundary. Given the total separation distance; and the angle of the line of sight to this building, it is considered that the privacy impacts of the proposal to the child care centre would be acceptable.
- 5.19 Having regard to the foregoing, it is considered that the external amenity impacts of the proposed development are acceptable.

#### Internal Amenity

- 5.20 The proposed development would comply with BASIX requirements, thereby offering good thermal comfort to its prospective occupants.
- 5.21 The proposed dwellings would have private open space areas that accord with DCP9.
- 5.22 The proposed development, and in particular the positioning of the proposed upper levels, is such that, whilst there would be obscure lines of sight between the dwellings, there would be no direct overlooking. Many of the upper floor windows look over the shared driveway area with no loss of amenity to residents. The privacy impacts between the proposed dwellings would therefore be acceptable.
- 5.23 The proposed dwellings would have appropriate room sizes and would provide a comfortable place of residence to their prospective occupants.

## 6. Conclusion

The proposed cluster housing development has been assessed under the provisions of Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*.

Minor variations from DCP9 are proposed, being in relation to the rear setback and street setbacks. However, those variations are acceptable because:

- The proposed rear dwellings would present a ground floor wall with windows to properties to the rear below the fence line offset min. 3 metres, and the rear wall upper floor of the units include a bedroom window which will be screened; so overlooking is not an issue. The Proposal would cause no significant visual impact or privacy impact; and
- The proposed street setback variation arises from the inclusion of a masonry front wall to enclose private space within the front setback. Otherwise, the proposed development would not be out of alignment with other buildings in the streetscape.

Having regard to the foregoing assessment, it is considered that the proposal is acceptable and that it should be approved.

CHL contact: Simon Harvey 03 9856 0029.



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/281****DATE: 18/11/2015****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	DWG No: D2854 (1 to 16)	Collins W Collins (DS)	21/10/2015
SOEE	PM10017 (Issue B)	Community Housing Pty (Simon Harvey)	April 2015
BAXIS	616026M	Collins W Collins	27/03/2015
Engineering Plans	DWG No: 2015-60	David R Johnson	April 2015

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (8) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Marian Drive a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

- i. deposit with the Council, or

ii. an unconditional bank guarantee in favour of the Council.

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

- (12) (A040) Provision shall be made for a separate sewer line for each dwelling/unit to Council's sewer main.

If the dwellings are to be located on separately titled blocks, then Council's main sewer line (which is a minimum of 150mm diameter) will need to be extended to a point within each block.

- (13) (A046) Provision to each unit or lot of a separate metered water connection to Council's main, with the meters being located on the road frontage, unless the water supply to the whole site is metered with a single larger meter.
- (14) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (15) (A195) Vehicle manoeuvring sweep paths indicate vehicle movements through the vertical posts supporting the roof of the porch. This roof will have to be redesigned as a cantilever structure in order to remove the support posts. This applies to all units.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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

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

1. Public parking areas including;
  - a. Driveways and access aisles;
  - b. Parking bays;
  - c. Delivery vehicle service bays & turning areas in accordance with AS2890.1.
2. Sewerage 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. Erosion & Sedimentation controls.
  6. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASDASD 202/208, Port Macquarie-Hastings Council current version.
  7. Provision of a 1.2m footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access
  - Other
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levy Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005
  - Hastings S94 Major Roads Contributions Plan
  - Hastings S94 Open Space Contributions Plan
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction

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

- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
  - (7) (B028) The water meters are to be located so that they are accessible from the road frontage for reading. To this end, the front fence is to be provided with a recess to accommodate the water meters.
  - (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
  - (9) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
  - (10) (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.
  - (11) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
  - (12) (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.
  - (13) (B195) Records indicate that the development site does not have an existing metered water service. Individual 20mm meters will be required from the existing 100mm PVC water main on the same side of Marian Drive. Details are to be shown on the hydraulic plans.
  - (14) (B196) Provisions for mail boxes to be shown on site plans before release of CC
  - (15) (B197) Council records indicate that the development site is connected to the sewer via a junction in the north western corner of the property. Since the development will exceed 2ET, a new manhole will need to be constructed. Details are to be shown on the engineering plans.
  - (16) (B198) 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 a direct cored connection to the existing stormwater drainage pit adjacent to the site in Marian Dr.

- b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 2015-60 C01 - C04 prepared by David R Johnson and dated April 2015.
- c) Kerb outlets are not permitted.
- 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 is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

**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) (C011) Work associated with the construction of a new building shall not commence until a water meter provided by the Council has been installed on the site.

**D – DURING WORK**

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

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.

- (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) (D007) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (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.
- (6) (E039) An appropriately qualified and practising consultant is required to certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.



- (10) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (11) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (12) (E068) Prior to the issue of a Occupation 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.
- (13) (E076) Prior to the issue of a Occupation Certificate or Subdivision (whichever occurs first), confirmation being provided to the Principal Certifying Authority establishing 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. Restriction as to user in respect of lots/units 1 to 6 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.
- (14) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (15) (E080) The applicant is required to make provision in the application for a Subdivision Certificate:
  - a. registration of a reciprocal right of carriageway and easement for services and maintenance over those parts of the lots common to both.
- (16) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (17) (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 for the hydraulic works.

**F – OCCUPATION OF THE SITE**

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (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

**From:** Margie Carter  
**Sent:** Wednesday, 20 May 2015 7:05 PM  
**To:** Approval Regulatory Group  
**Cc:** Council  
**Subject:** Development Submission DA2015.281.1 Parcel #61424

Attention: Steven Ford

RE:- Proposal : Multi Dwelling Housing  
Property : Lot 41 DP 1158673, 92 Marion Drive Port Macquarie NSW 2444

Application No: 2015/281  
Applicant: Community Housing Ltd  
Consent Authority: Port Macquarie Hastings Council

Dear Steve,

I wish to lodge my submission enquiry for certain aspects for the above DA 2015/281 for Community Housing Ltd after perusing the Development Proposal on Friday 15 May 2105 at the council office and discussing the proposal with you. I have listed my concerns as follows.


- My main issue is privacy as I believe the land will not be excavated as stated by you Steve to the level of the rest of the land to accommodate two story town houses. This will mean the two back town houses will tower well above the fence line taking away any privacy for myself and my neighbour. You did state there would be screening on the windows facing my villa but I'm not sure this would work unless proper screening was placed near the fence line as well. I also believe the normal boundary for a building is 4 metres from the fence line with the DA plan showing this is only 3 metres. Could this please be clarified and if possible adhere to the normal range of distance.
- I would like to know how town houses are allowed to be built on the land when the majority of dwellings in the area including Merrymen Way and Marion Drive are villas or one level houses.
- I also have a real concern with the possibility of these town houses overlooking Lincoln Road Day Care Centre as the children's playground will face the side of the complex.
- Another problem I foresee is the restriction of sunlight as these town houses will be well above the fence line creating much less light during all seasons of the year. This could mean an increase in electricity costs if lights need to be on most of the time due to lack of natural light.
- I'm aware if a DA has one or more objections that remain unresolved the application will be referred to DA Panel for determination. Would that be the case in this submission as I know my neighbour at Villa 6 has also lodged a submission?

I hope you will take my submission into consideration as an owner and ratepayer. I'm happy to discuss my concerns further to see if a compromise can be suitable to all concerned.

Yours Sincerely

Ms Margaret Carter  
Villa 3/ 4 Merryman Way  
Port Macquarie NSW 2444

Postal address:  
PO Box 5676  
Port Macquarie NSW 2444

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
19 MAY 2015	
Keyword	
Activity	
Subject	
Folder	DN 2015-281-1

LINDA SPEECHLEY  
UNIT 6/ 2-4 MERRYMEN WAY  
PORT MACQUARIE NSW 2444

Mr Steven Ford,  
Port Macquarie Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444  
16th May 2015



Dear Sir,  
RE: APPLICATION NO: 2015/281 COMMUNITY HOUSING LTD  
LOT 41 DP:1158673, 92 MARION DRIVE PORT MACQUARIE

After recently viewing these plans at the Council offices, I wish to submit an objection regarding the above development proposal.

I gladly welcome that this vacant block of land is now being built on because in past years, because of bad maintenance by the owners, problems have been caused for nearby residents with vermin and overgrown weeds allowed to encroach on neighbouring properties.

However, I am extremely disappointed that Council has given approval for a two storey development.

As I live directly behind this block of land on the south side, I believe this will have a huge impact on my unit in the form of severely affecting the amount of direct sunshine I will receive and also my total lack of privacy.

I bought this unit over 4 1/2 years ago specifically because the main living areas all face the north, providing me with an enormous amount of sunshine and light which is especially appreciated during the winter months. To take advantage of this, I have had an enclosed decking also added at great expense and I even have a very productive little vegetable garden going.

Because of the floor plans of the group of units I live in, there is a common wall dividing my unit and next door meaning the majority of my windows, such as the living areas, my main bedroom and third bedroom, all run along the back north side of my unit.

Unfortunately the lovely lifestyle that I have enjoyed during the last 4 1/2 years will now come to an abrupt end, because Council has allowed not only a

two storey building to be erected, but also for this building to be placed extremely close to the back dividing fence. My unit will now be much colder during the winter months because of receiving so very little direct sunshine and my much loved and cared for garden will suffer.

There does not even seem to be much excavation of this site occurring either for the new building to be built. Instead the units are going to follow the rise of the land without much excavating, only down to a depth of 0.8 metres in the south corner near my fence meaning the building will tower over my backyard.

The young gentleman that I spoke to at the Council, explained that these units pass the requirement to allow three hours of sunlight. **Three hours!!** This is not good is it?

This building will look directly into my main bedroom providing me with no privacy whatsoever.

Item 6.2 on the plans state that the builder will be putting a screen onto their upstairs bedroom window for privacy purposes. This might offer them privacy but what about my privacy!!

It was also mentioned in the plans that there is an existing two storey dwelling across the road. On one side these units are nowhere near as close to the boundary and the windows on another side that overlook are bathroom only on the closer side. So I can't see how these can be used as an example for satisfactory development on this block of land.

I would appreciate Council taking into consideration my views on this application.

Yours sincerely



LINDA SPEECHLEY

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**Item: 07**

**Subject: DA2015 - 583 ADDITIONS TO DWELLING, SWIMMING POOL AND TENNIS COURT AT LOT 1 DP 1085499, 8 NARRAN CLOSE, KING CREEK**

**Report Author: Daniel Croft**

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**Property: Lot 1 DP 1085499**  
**Applicant: Dustin Leaney Homes and Architecture**  
**Owner: T and A Morris**  
**Application Date: 24 August 2015**  
**Estimated Cost: \$406,000**  
**Location: 8 Narran Close, King Creek**  
**File no: DA2015 - 583**  
**Parcel no: 46590**

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#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

**That DA2015 - 583 for additions to dwelling, swimming pool and tennis court at Lot1, DP 1085499, No. 8 Narran Close, King Creek, be determined by granting a part consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for additions to dwelling, swimming pool and tennis court 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, 1 submission has been received.

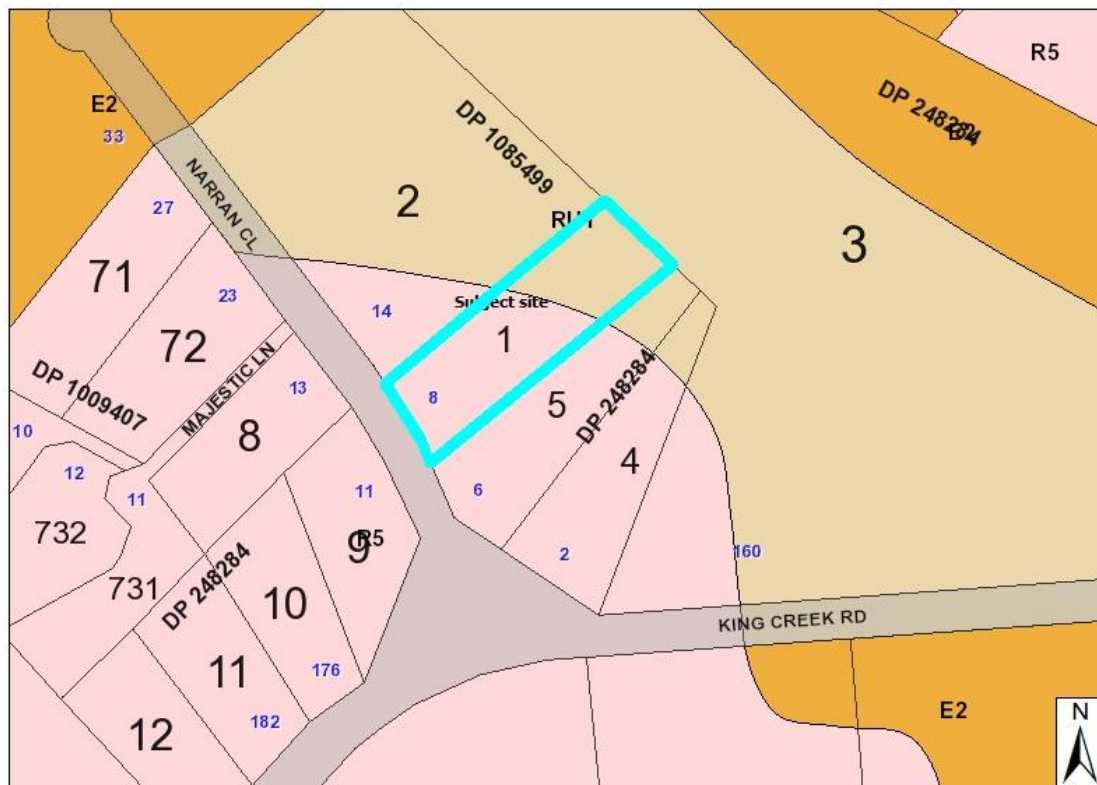
#### **1. BACKGROUND**

##### **Existing sites features and surrounding development**

The site has an area of 5020m2.



The site is zoned R5 Large Lot Residential and RU1 primary Production in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Additions to dwelling
- Swimming pool
- Tennis court with practice wall and lighting
- Water tank and stand

Refer to attachments at the end of this report.

**Application Chronology**

24 August 2015 - application lodged.

28 August 2015 - application notified to neighbours.

18 September 2015 - request for additional information.

22 October 2015 - additional information received.

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

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

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

**State Environmental Planning Policy 44 - Koala Habitat Protection**

The King Creek Koala Plan of Management applies to the site. The site is not identified as containing key habitat or as being within a corridor area to be protected. The proposal is not considered to be at odds with the KPOM. Compensatory planting has been recommended as part of proposed conditions of consent.

**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 (Building Sustainability Index: BASIX) 2004**

A BASIX certificate A225536 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 (Rural Lands) 2008**

The northern portion of the property is zoned RU1 Primary production. Given the fragmentation of land in the area and small lot sizes, the site has limited agricultural capacity. The development works are primarily located outside the RU1 zone (the effluent disposal area is nominated within the RU1 zone).

**Port Macquarie-Hastings Local Environmental Plan 2011**

Relevant clauses of the LEP are considered as follows:

- Clause 2.2, the subject site is zoned R5 Large Lot Residential and RU1 Primary Production. In accordance with clause 2.3(1) and the R5 zone landuse table, the additions to the existing dwelling and ancillary structures are a permissible landuse with consent.

The objectives of the R5 zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The objectives of the RU1 zone are as follows:

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

•

In accordance with Clause 2.3(2), the proposal is considered largely consistent with the zone objectives given the existing dwelling on the site and limited impact on adjoining zones. Notwithstanding this, concern is raised in relation to the impact on the scenic quality of the area with the tennis court and water tank located forward of the dwelling. For reasons outlined in Development Control Plan comments below, it is recommended that only part consent be granted and the tennis court and water tank not be approved as part of the application.

- Clause 2.7, the part demolition of the existing dwelling to facilitate the additions requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 5.9 - 7 listed trees (lemon scented gums) in Development Control Plan 2013 are proposed to be removed. With the proposed deletion of the tennis court it is considered 2 of these trees can remain. 10 compensatory replacement trees are proposed to offset the 5 listed trees to be removed.
- Clause 7.3, the site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). However, the flood affected area is located within the Ru1 zoned land and will have no affect on the proposed development. No specific conditions are required (the S68 approval for alterations to septic system will require disposal area to be located above 1 in 20year flood level).
- Clause 7.5 – Koala Habitat – Applies to land that is shown as "Koala Habitat area" on the Koala Habitat Map. Plan of Management/ mapped koala habitat – check compliance with KPOM - refer tom SEPP 44 comments.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

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

N/A

(iii) any Development Control Plan in:

**Port Macquarie-Hastings Development Control Plan 2013**

***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"> <li>• 4.8m max. height</li> <li>• Not located in front setback</li> </ul>	Rainwater tank 6.1m high and located in front setback. Tennis court including 3.6m high fencing and 3m practice wall located in front setback, closest point of tennis court to front boundary is approximately 8m	No - see discussion below
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• 10m</li> </ul>	>10m to dwelling (existing)	Yes
	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Existing carport forward of dwelling - new carport located 1m behind building line	Yes
3.2.2.4	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> </ul>	4.3m	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> <li>• Front fences and walls to have complimentary materials to context</li> </ul>	The practice wall associated with the tennis court is considered to have a similar impact to a front fence/wall. The wall is 3m high (2.4m above natural ground level and setback from front boundary 8-9m)	No - refer to discussion below
3.2.2.9	Tennis court fencing to be dark black or green.	Capable of being conditions	Yes
3.2.2.8	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings</li> </ul>	Adequate separation and screen fencing provided	Yes

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

	Requirements	Proposed	Complies
	<p>screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>		

**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	1m cut proposed at western end of tennis court and 1m fill at eastern end.	Yes
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees proposed to be removed	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Proposed to be sealed	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Additional parking proposed on site and sealing of driveway.	Proposed to be captured and harvested

The proposal seeks to vary development provision 3.2.2.1 with respect to not locating ancillary development in front of the main building line and development provision 3.2.2.7 with respect to the 3m high x 13m long practice wall along the front of the property (setback between 8-9m from front boundary).

The relevant objectives are:

- To facilitate and sustain certain development as ancillary development.
- To define the edge between public and private land and to provide privacy and security.

- To ensure adequate sight lines are provided for vehicles leaving the site.
- To ensure front fencing does not impact on the public domain.
- To encourage surveillance of the street and other public places.

The applicant has included a justification for the location of the tennis court and water tank (see plans in attachments), which is summarised as follows.

- 388 King Creek Rd sets a precedent for tennis courts in front yards.
- The tennis court is extensively screened by a landscaped mound and is 1.5m lower than the centre of the site at the street. Only 500mm of the practice wall will be visible from the street.
- The water tower is designed so as to provide for adequate head for a gravity fed system and is only a minimal structure.

Having regard for the development provisions and relevant objectives, the variation is not supported for the following reasons:

- The tennis court, associated fencing and practice wall and elevated water tank will be visually prominent and adversely impact on the streetscape of Narran Close. Whilst it is acknowledged that landscaping will assist with screening, it is considered difficult to rely on landscaping for this purpose into the future. Landscaping takes time to establish and requires on-going maintenance.
- The setback provided to the ancillary structures is out of character with other ancillary development in the locality. The ancillary structures would be more sensitive to the locality if they were sited behind the building line. It is considered that the presence of residential dwellings should define the character of an area as opposed to structures ancillary to a dwelling.
- The location of the tennis court relative to the northern neighbours and the proposed lighting of the court will potentially lead to noise impacts. It is considered that these impacts would be better managed if the court was located behind the dwelling.

There are considered other options available on the site to locate the tennis court and water tank behind the building line. It is recommended that the tennis court and water tank not be approved as part of any consent.

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

N/A

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

**Demolition of buildings AS 2601 - CI 66 (b)**

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

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

N/A

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



**Context & Setting**

The proposed dwelling additions and swimming pool are considered to be consistent with the established rural residential locality. It is considered that the proposed tennis court, practice wall and water tank is at odds with the context and setting of the locality (refer to DCP comments above). It is recommended that this component of the dwelling not be approved.

**Access, Transport & Traffic**

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development. The proponent has proposed a number of sealed off street car parking spaces along the internal driveway. The applicant has confirmed that this is for domestic use only and not associated with any intended commercial activity.

**Utilities**

Existing services available.

**Stormwater**

Capable of being managed on site - details required with S.68 application.

**Water**

Existing service available – details additions required with S.68 application.

**Soils**

Standard erosion and sediment control conditions recommended.

**Air & Micro-climate**

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

**Flora & Fauna**

Compensatory koala browse tree species have been recommended as part of conditions of consent to offset the 4 lemon scented gums proposed to be removed. The applicant proposed additional tree clearing to facilitate the tennis court however for reasons outlined in the DCP discussion this is not supported and it is recommended these trees remain

**Waste**

Capable of being managed during the construction process.

**Energy**

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

**Noise & Lighting**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours. It is considered that the proposed location of the tennis court is in relatively close proximity to the northern neighbour. The proposal for court lighting will additionally lead to the potential for prolonged noise impacts. It is

considered that the court would be better located at the rear of the property so as to minimise the potential for noise and lighting impacts on the neighbours.

**Natural Hazards**

Refer to LEP comments regarding flooding. The area of the property proposed for the dwelling additions is not bushfire prone.

**Safety, Security & Crime Prevention**

Given the rural residential context, 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**

For reasons outlined within the DCP comments it is considered that a more appropriate location for the tennis court and water tank needs to be investigated.

**Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Standard site management conditions recommended.

**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:**

Broadly speaking, 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.

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

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

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

Submission Issue/Summary	Planning Comment/Response
The number of trees proposed to be removed is excessive. Tree removal on the property has been a contentious issue in the past.	The applicant submitted an arborist report with the application nominating 11 trees to be removed, 7 of which are koala browse species. It is recommended that the tennis court not be approved as part of the application and as such only 5 of the koala browse species are supported for removal. These trees are not hollow bearing and it is considered that compensatory planting at the ratio of 2:1 will adequately offset its loss.
With 5 visitor spaces one wonders whether the proposal will be of a commercial nature.	The applicant has advised there is no intention for commercial activity on the site and the 5 spaces are for domestic use to avoid casual parking on the property by visitors and occupants.
Adverse noise impacts being generated by the tennis court in the front yard in close proximity to our boundary.	It is recommended the tennis court not be approved as part of the application. It is agreed the court is poorly sited having regard to its location in the front yard in close proximity to the neighbouring dwelling.
Lighting impact from tennis court lights.	Refer to comment above
The tennis court and large practise wall is out of character with the street and visually prominent.	Agreed, refer to DCP comments.
Is drainage from the tennis court likely to affect our property?	Drainage is generally considered capable of being managed on the property.
How high will the water tank be and why is it located in the front yard? The potential for an eyesore appears to be high.	The tank is proposed to be 6.1m high. Due to its proximity in the front yard it is recommended that the tank not be approved as part of the application.

**(e) The Public Interest:**

The proposed development (minus the tennis court and water tank) 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. In this



instance it is recommended that only a part consent be granted and the tennis court, practice wall and water tank not be approved as part of the proposed development.

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 - 583 Plans

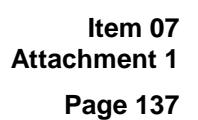
2 [View](#). DA2015 - 583 Draft Conditions

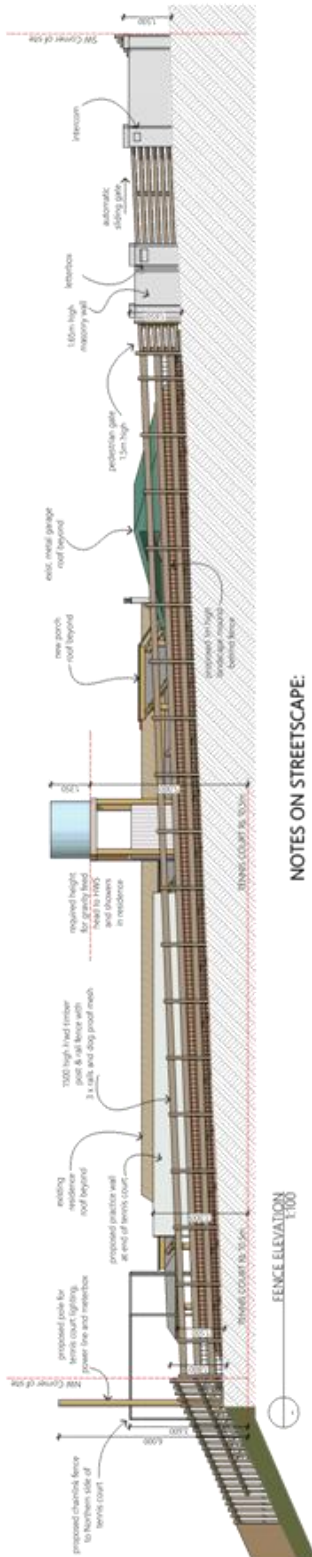
3 [View](#). DA2015 - 583 Submission - De Waard



PROPOSED ALTERATIONS & ADDITIONS  
TO THE MORRIS RESIDENCE  
AT 8 NARRAN CLOSE, KING CREEK  
LOT 1 DP, 1085499





**NOTES ON STREETSCAPE:****FRONT FENCING**

The proposed post and rail fence fits within the exempt development requirements. The proposed post and rail fence is similar to the nearby fence at No. 23 Narran Close.

**TENNIS COURT**

368 King Creek Rd sets a local precedent with a tennis court in front of the building line. There is a 3.6m high chainlink fence around the entire perimeter of this tennis court. This tennis court has no landscaping to minimise its impact on the surrounding neighbourhood. The proposed tennis court is 1.5m lower than the centre of the site at the street

- behind the fence is a 1m high landscape mound for fruit trees.
- the 3m high practice wall is approx. only 500mm visible above the mound, which will be completely obscured by landscaping.

**GRAVITY FEED WATER TOWER**

The gravity feed tower is a minimal structure in front of the building line.

- The structure is built of hardwood timbers and weatherboards to suit the rural nature of the area.
- The water tower must be in front of the building line due to the fall of the site and to achieve the required head for gravity feed.
- The tower cannot be any lower, or it will not achieve the required head for gravity feed.
- The tower is required functionally to achieve the water re-use requirements to create a drought resistant development.

**RESPONSE TO DCP OBJECTIVES**

**-Have regard to the desired scale, bulk and height of existing residential development as well as streetscape and landscape in the locality;**  
The proposed tennis court is cut into the ground to reduce the scale of the boundary fences to a height appropriate to the locality.

Landscaping is used extensively to harmonise the development with its locality

**-Be attractive and functional;**

The proposed development is the best fit of all the functional requirements. No part of this design is not functional.

Every attempt has been made to create a very attractive environment both for the residents and the locality.

**-Not unduly affect the amenity of neighbours;**

We feel the development will not unduly affect the amenity of the neighbours.

**-Be sited and designed to have regard to adjoining and nearby structures and street facades and;**

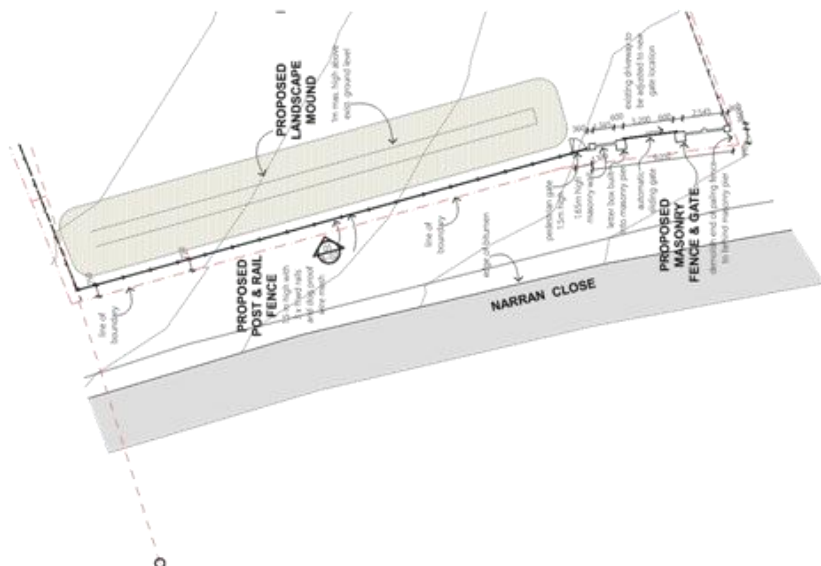
Everything has been sited and designed to have regard to adjoining and nearby structures and street facades.

Note the adjoining street facades are predominantly heavily landscaped streetscapes.

The proposal also incorporates a heavily landscaped streetscape to fit in with the locality.

**Ensure ongoing privacy of neighbouring properties.**

The owners of this development have a very strong desire for privacy, this is reflected in the design and in the landscape. This will only increase the privacy of neighbouring properties as the landscaping develops.



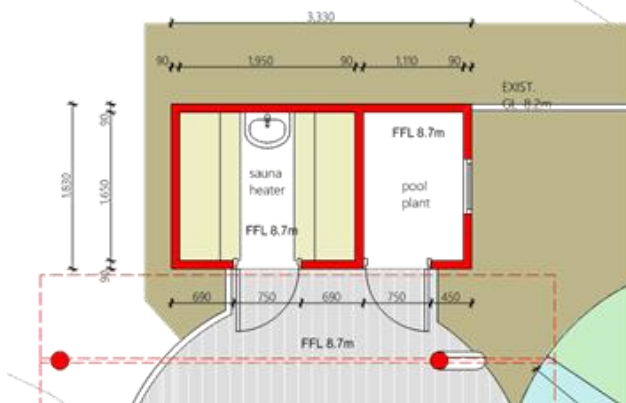
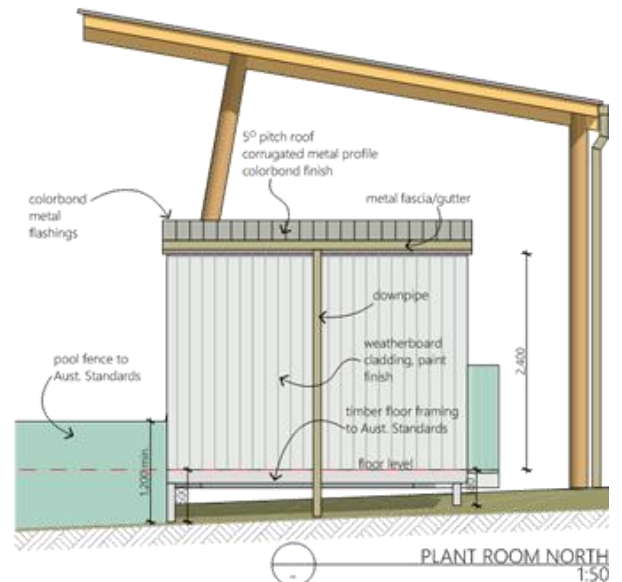
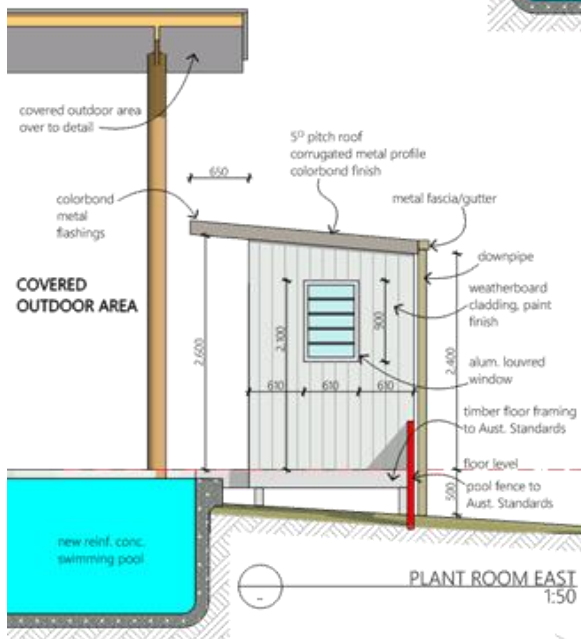
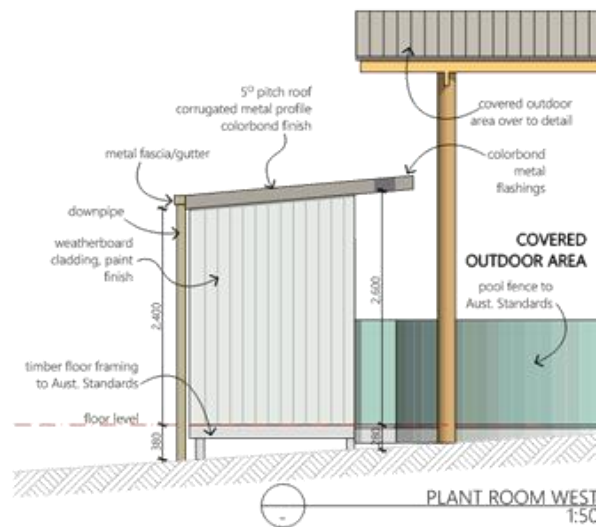
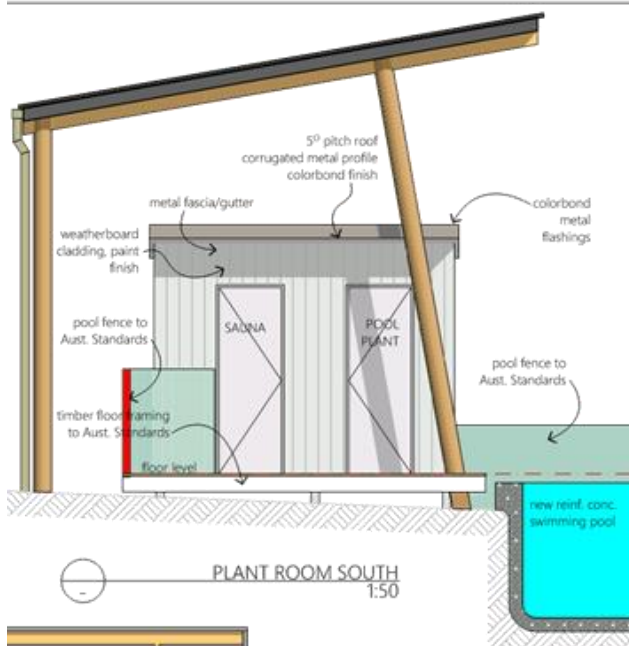
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Job: THE MORRIS RESIDENCE  
No. 8 NARRAN CLOSE  
LOT 1 DCP 1000669  
WALLACROFT

Layed ID: A-08  
Revision:





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Lot 1, DP 1085499  
No. 8 NARRAN CLOSE  
WAUCHOPE

Layout ID **A-09** Revision  
Date of Issue: 26/09/2015

## NOTES:

Tennis court to be for private use only.

Tennis court lighting as follows

## Tennis Court Lighting

Low Pole Lighting Solutions



Advanced Lighting  
Technologies

**RUUD  
LIGHTING**

**Advanced Lighting Technologies Australia Inc**  
 110 Lewis Road  
 Wantirna South, Victoria  
 AUSTRALIA 3152  
 T: +61 03 9800 5600  
 F: +61 03 9800 5533  
 E: sales@adit.com.au  
 www.adit.com.au  
 www.venturelighting.com.au

### AC SERIES



### Area Cut-off

The Area Cut-off AC Series is an ideal cost effective solution for stand alone tennis courts.

This forward throw reflector has a main beam 60 degrees from vertical providing wide lateral distribution and excellent uniformities. The fitting is mounted horizontally that glass for glare control and an external backlight shield is available as an accessory to provide sharp cut-off behind the pole.

## Design Excellence

Successful tennis court lighting begins with good design. The main factors to be considered in the design process are:

- Quantity of light
- Quality of light

The quantity of light is expressed as an average lux level and is usually determined by the level of tennis to be played. General guidelines recommend lower levels for recreational play, medium levels for club standard and high levels for international or professional grade.

Australian and New Zealand standards recommend the following average maintained lux levels for the various levels of play.

- Recreational and Residential – 250 lux
- Club Competition and Commercial – 350 lux
- International and National – 1000 lux

The quality of light is evaluated by the degree of light uniformity and lack of glare. Optimum uniformity is achieved by using light fittings that provide the correct light distribution and that are positioned appropriately around the perimeter of the court.

Glare is kept to a minimum by utilising light fittings with precise cut-off distribution.

For optimum design, a product has to offer more than reliability, performance and value. It must also become part of the environment, deliver minimal environmental impact and be energy efficient.

Our range of products can be tailored to meet your budget and application constraints.

With our qualified staff we are able to assist with your total lighting solution.

## STATEMENT OF DESIGN INTENT FOR ALTERATIONS AND ADDITIONS AT 8 NARRAN CLOSE.

The owner's request for this project was to create an exemplar lifestyle of sustainability, maximising self-sufficiency and minimising their environmental footprint. This development application demonstrates this through the following features:

- On-site waste-water management with septic and mound absorption. (the best treatment readily available locally).
- Roof rainwater harvesting, incorporating leaf gutter guards, first flush diversion system, and filtration system for potable use to all interior water sources. (This minimises the load on council reserves of water).
- Stormwater harvesting for garden watering. (This minimise the load on council reserves of water).
- Gravity feed low pressure water system. (minimising electrical use of pressure pumps, etc.)
- Passive solar design. The new extension is oriented to the North with North facing clerestory windows to the rooms on the South. This maximises thermal comfort allowing solar penetration in winter and window shading in summer. (This minimises electricity use for heating and cooling.)
- Active solar heating, Trombe Michelle Wall. A glass enclosed 'Trombe-Michelle' wall in the rumpus room absorbs the sun's heat into thermal mass, radiating it into the room later at night. (minimising electrical use for heating during winter)
- Insulation. Increasing insulation in the existing building and well insulating and sealing of the new extension will increase thermal comfort. (minimising electrical use for heating and cooling.)
- Low voltage, energy efficient lighting, to minimise electricity use.
- Low embodied energy. By re-using the existing building, re-cycling materials, and sourcing low embodied energy materials for the extension this alteration and addition will have a lower impact on the environment.
- Long life span. By choosing quality, long life materials this building will last for longer, with less maintenance, and less impact on the environment.
- Geo-thermal cooled coolroom. The well-insulated, room is ventilated by air drawn through pipes min. 1m underground for 40m in length will maintain this room at a constant temperature of approximately 15°C.
- Selection of low-toxic and chemical free materials throughout the home creates a healthier environment minimising use of medical professionals.
- The swimming pool will be a 'Natural' pool system with bio-filtration. These use no chemicals and a low pressure pump which uses significantly less electricity.
- The meter box will be equipped for future on-site power generation through a photo-voltaic array.
- On-site, organic, micro-farming provides healthy food for the family and friends, minimising reliance on chemical laden, store-bought produce. This minimises transport costs and creates a smaller environmental footprint for the family.
- Home-schooling, creates less strain on government teaching resources, transport and infrastructure.
- On-site recreation. (Tennis court and pool). Creates less strain on transport, roads, and community facilities.



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 Lot 1, DP 1085499  
 No. 8 NARRAN CLOSE  
 WAUCHOPE

Layout ID  
**A-10**

Revision

Date of Issue: 26/09/2015

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South West View-Existing



South West View-Proposed



South West View-Landscaping

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No. 8 NARRAN CLOSE  
WAUCHOPE

Layout ID **A-11** Revision  
Date of Issue: 26/09/2015





North West View-Existing



North West View-Proposed



North West View-Landscaping

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Lot 1, DP 1085499  
No. 8 NARRAN CLOSE  
WAUCHOPE

Layout ID **A-12** Revision  
Date of Issue: 26/09/2015

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Western View-Existing

existing residence  
existing low, post and rail fence



Western View-Proposed

proposed post and rail fence  
proposed masonry entry fence



Western View-Landscaping

NOTE:  
this photo is distorted due to the panoramic nature of the photo.  
(the street is straight not curved)

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Job Title **MORRIS RESIDENCE**  
Lot 1, DP 1085499  
No. 8 NARRAN CLOSE  
WAUCHOPE

Layout ID **A-13**  
Revision  
Date of Issue: 26/09/2015

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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/583****DATE: 18/11/2015****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Architectural drawings and site plan	Morris Residence sheets A-01 - A-07	Dustin Leaney Homes and Architecture	24 August 2015
BASIX Certificate	A225536	Dustin Leaney Homes and Architecture	21 August 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.
  - 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) (A195) This consent does not approve the tennis court, associated fencing, lighting and practice wall and gravity fed water tank. Trees numbered 4 and 5 in the arborist report prepared by Woodvale Tree Services are not to be removed.

#### **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) (B005) Prior to release of the Construction Certificate, approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.
- (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) Ten compensatory koala browse trees are to be nominated on the site on the plans for the required Construction Certificate.
- (5) The plans for the required Construction Certificate are not to include the tennis court, associated fencing, lighting and practice wall and gravity fed water tank. Trees numbered 4 and 5 in the arborist report prepared by Woodvale Tree Services are not to be removed.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

**D – DURING WORK**

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (3) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

**E – PRIOR TO OCCUPATION OR THE ISSUE OF 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) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (3) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (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.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.


- (6) Compensatory koala browse tree replanting are to be established on site.

**F – OCCUPATION OF THE SITE**

- (1) (F027) The swimming pool filtration motor shall be operated between the following hours only:
- Monday to Friday (other than a public holiday)  
7.00 am – 8.00 pm
- Saturday to Sunday and Public Holidays  
8.00 am – 8.00 pm
- Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.
- (2) Compensatory tree plantings are to be maintained. Any dead trees are to be replaced with similar species.

DRAFT

Frederik J & Robyn B DE WAARD  
14 NARRAN CLOSE  
KING CREEK NSW 2446



7 September 2015

Port Macquarie Hastings Council  
Attn Warren Wisemantel

DEVELOPMENT APPLICATION  
APPLICATION No 2015.583.1  
LOT 1 DP1085499 8 NARRAN CLOSE KING CREEK

We live at 14 NARRAN CLOSE LOT 2 DP1085499 and have a number of concerns relating to the proposed development. They relate principally to the wholesale removal of mature trees, the future use of the development, and the impact of the tennis court right on our boundary.

The number of trees listed for removal appears excessive. From the plans, the removal of 5 or 6 trees seems to be unnecessary. Illegal tree removal by the occupants has been a contentious issue in the past.

With a tennis court, a large new bedroom wing, a large in-ground pool and 5 visitor parking spaces, one wonders if the property will become a commercial venture.

Does a tennis court in the front yard comply with Council regulations? We fear that the noise generated so close to our boundary will adversely affect our quiet enjoyment of our property, especially if lights are installed and night tennis occurs. The court directly faces our bedrooms. The provision of a practice wall at the western end of the tennis court, and indeed the whole court would appear to be out of character with the street scape and be visually prominent. Is drainage from the tennis court likely to affect our property? If so what measures will be taken to avoid this happening?

Finally, how high will the water tower be, why is it in the front yard when the water tanks are all at the rear of the property? The potential for it to be an eyesore appears to be high.



Fred De Waard

Robyn De Waard



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**Item: 08****Subject: DA2015 - 590 INTENSIVE LIVESTOCK AGRICULTURE (POULTRY)  
AT LOT 12 DP 1103758, 22 WEEROONA PLACE, KEW****Report Author: Clint Tink**

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<b>Property:</b>	<b>Lot 12 DP 1103758, 22 Weeroona Place, Kew</b>
<b>Applicant:</b>	<b>Eastcoast Eggs Pty Ltd</b>
<b>Owner:</b>	<b>K M Corcoran</b>
<b>Application Date:</b>	<b>13 November 2015</b>
<b>Estimated Cost:</b>	<b>N/A</b>
<b>Location:</b>	<b>Kew</b>
<b>File no:</b>	<b>DA2015 - 590</b>
<b>Parcel no:</b>	<b>50970</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2015 - 0590 for intensive livestock agriculture (poultry) at Lot 12, DP 1103758, No. 22 Weeroona Place, Kew, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for intensive livestock agriculture (poultry) at the subject site.

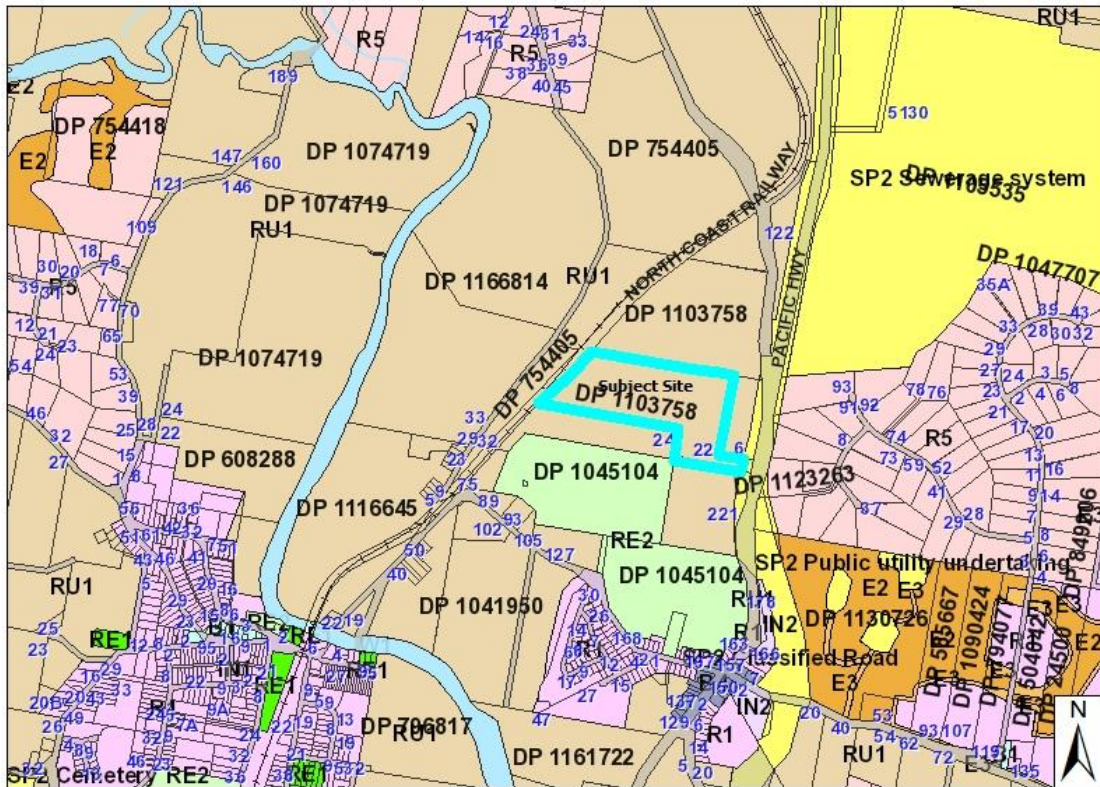
This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission was received.

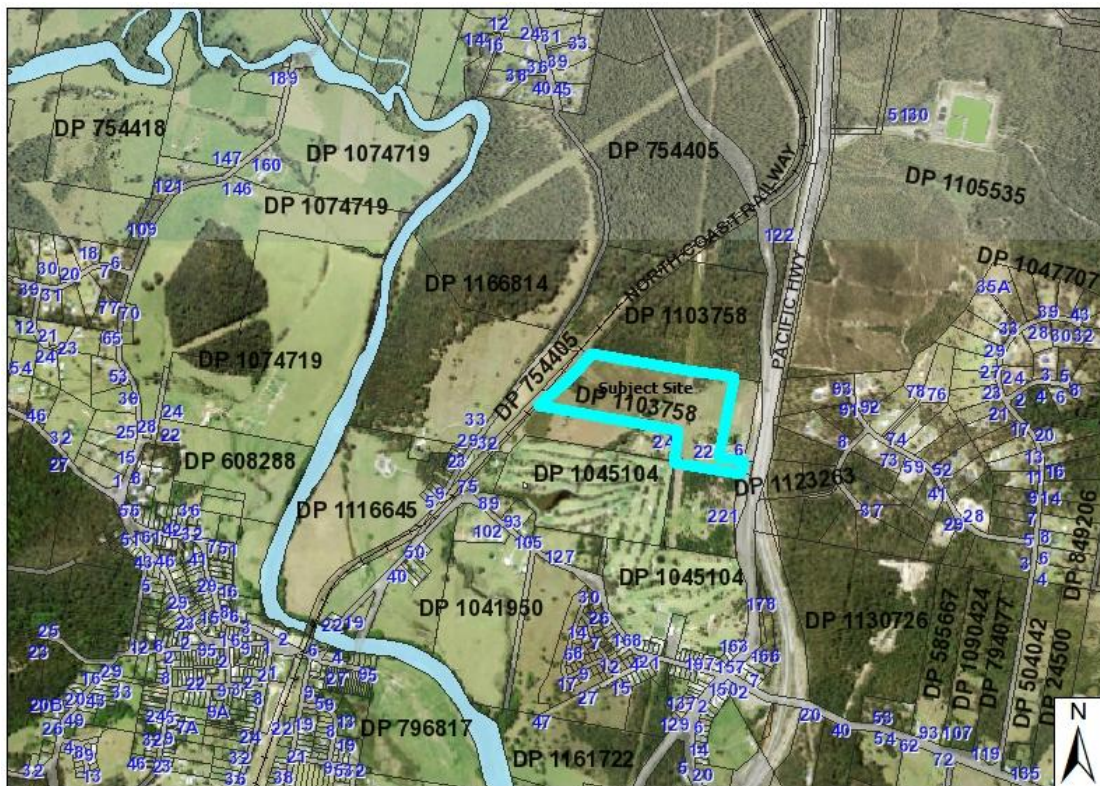
**1. BACKGROUND****Existing sites features and surrounding development**

The site has an area of 17.11ha.

The site is zoned RU1 Primary Production in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- The submission of the development application has occurred following compliance investigations by Council staff on whether the use was deemed intensive agriculture as opposed to extensive agriculture (which does not require consent in the subject zone). The investigations by Council's Compliance Team determined that the development was deemed intensive agriculture and a development application was required.
- 5000 chickens proposed for free range egg laying purposes only. No roosters proposed or any slaughtering aspect.
- Chickens are housed in mobile chicken caravans that are moved around the site every 5-14 days. The caravans have their own water and supplementary feed. Water is obtained from the roof of the structure or is topped up with dam water. Council's reticulated water is not proposed to be used in the caravans.
- Chickens are raised onsite in a portable shed.
- A small packaging shed is included onsite. Egg packing will occur between 8:30am and 5:00pm, seven days a week.
- In addition to the onsite manager, there will be 3 casual staff and a permanent part time staff member.
- A 95m buffer to adjoining dwellings will be incorporated into the operations of the development.
- A 40m buffer to watercourses will be incorporated into the operations of the development.
- Supplementary feed is provided at times to the chickens. In particular, a one tonne bulk bag of feed will be brought in on a small trailer once every 1-2 weeks.
- A worm farm is incorporated into the application to process waste and chicken fatalities (carcasses) that may occur onsite. By products will be returned to the soil.
- Areas will be treated with lime after rotation to maintain soil conditions.
- The intent is to collect, transport and sell the eggs off site. Minor farm gate sales will be available but are not the intent of the application. There is no sales display area.
- Standard farm vehicles and two delivery vans will utilise the site. Approximately 1-5 traffic movements are proposed per day and 3-4 deliveries per week. Half a pallet load of packaging material is brought in monthly via a van. 1 - 4 pallets of eggs are produced and delivered per week via a van. Chickens are brought in a few times a year via car, van or trailer.
- Access to the development occurs via right of carriageway.
- The existing dwelling onsite is used by the manager of the proposal.

Refer to attachments at the end of this report.

**Application Chronology**

- 26/8/2015 - Application lodged with Council.
- 9/9/2015 - Council staff requested additional information.
- 10-23/9/2015 - Exhibition period.
- 28/9/2015 - Applicant responded to additional information request.
- 7/10/2015 - Applicant advised of the status of the application. Advised that confirmation on signage was the only outstanding item.
- 28/10/2015 - Discussion with applicant on signage.

- 13/11/2015 - Applicant advised the application was being reported to DAP minus the signage (not yet submitted).

**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 30 - Intensive Agriculture**

The SEPP applies to cattle feedlots and piggeries, not poultry.

**State Environmental Planning Policy 33 - Hazardous and Offensive Development**

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. In this case, the development is not an industry and the SEPP does not apply.

The packaging and cleaning of the eggs is done manually by hand with a wet cloth (i.e. no machines). This is not considered to be a true industry and is consistent with activities that occur as part of initial standard farming practices related with other primary products. For example, shearing of sheep for wool involves collection of wool from the sheep, quick removal of poor/stained wool and packaged into bales.

Issues surrounding potential offensive odour impacts are addressed later in this report.

**State Environmental Planning Policy 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land is greater than one hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected development applications it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that no habitat will be removed or modified 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 62 - Sustainable Aquaculture**

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

**State Environmental Planning Policy 64 - Advertising and Signage**

Applicant was going to submit details on some proposed signage. This has not yet been received and the application cannot be kept in abeyance any longer. The signage will need to be either lodged as a separate application or comply with the exempt signage provisions.

**State Environmental Planning Policy (Infrastructure) 2007**

Clauses 85, 87, 101 and 102 of the SEPP apply to the development due to the proximity of the site to the North Coast Railway Line (rail corridor) and Pacific Highway (classified road).

In terms of Clause 85, there are no structures or development proposed on or near the rail corridor that would impact on rail safety. The chickens will be kept within mobile/fenced areas that are moved around the overall site. Should the chickens escape, they pose no greater threat to the use of the rail corridor than that of native animals.

In relation to Clause 87, being a light weight mobile agricultural enterprise, impacts from rail vibration and noise will create no adverse impact.

The development has also been considered with regard to the proximity of the Pacific Highway (classified road). It is considered that the proposal does not change access arrangements, does not result in a substantial increase in vehicular traffic, does not compromise the function of the classified road and does not create any visual distraction for users of the classified road. In particular, the development is setback over 130m from the classified road and the vehicle movements are similar to that which could occur on a traditional farming property. Furthermore, being a light weight mobile agricultural enterprise, impacts from road vibration and noise will also create no adverse impact.

Having regard to the above, the development also complies with Clauses 101 and 102.

It should be noted that the roadside stall/farm gate sales and the intensive agriculture use do not trigger the traffic generating development thresholds in Clause 104. This is due to the development being located more than 90m to the classified road.

Based on the above, the development complies with SEPP (Infrastructure) 2007.

**State Environmental Planning Policy (Major Development) 2005**

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

**State Environmental Planning Policy (Rural Lands) 2008**

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

SEPP requirement	Comment	Complies
<b>Objectives</b>		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	The site is zoned rural and is located a suitable distance to key road networks and urban areas. The free range nature of the proposal and setbacks to surrounding properties will also	Yes

	limit noise and odour impacts to an acceptable level. Based on the above, the development is considered to achieve orderly and economic use of rural lands.	
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	The development is consistent with the Rural Planning Principles - see comments below.	Yes
2(c) to implement measures designed to reduce land use conflicts,	The free range and mobile nature of the business will limit conflict opportunities with neighbours. Furthermore, conditions on setbacks, numbers, management of fatalities etc will also minimise potential for conflict.	Yes
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	Development will ensure continued use of key farming areas onsite for an agricultural use.	Yes
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	Development does not involve concessional lots.	N/A
<b>Rural Planning Principles</b>		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The development will allow an agricultural use to continue onsite in a sustainable and productive manner.	Yes
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	The development highlights a non traditional farming practice (poultry) is capable on smaller lots.	Yes
7(c) recognition of the significance of rural land uses	The development allows for effective use of agricultural land	Yes

to the State and rural communities, including the social and economic benefits of rural land use and development,	so as to provide a source of food (eggs) for the area. The development will also provide a source of income for the operator as well as additional employment/income. The business and employment in turn create flow on expenditure in the area.  The above provides a positive cycle in the community both socially (secure employment) and economically.	
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The area is already zoned for rural purposes.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The development will not impact on any natural resources, biodiversity etc.	Yes
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	Development does not create any additional housing but does provide a source of employment/income for the existing dwelling onsite.	Yes
7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	Existing services are either satisfactory or can be upgraded without impact on the local community. Council reticulated water will not be used as the source of water supply for the poultry.	Yes
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The development is not inconsistent with any strategy.	Yes
<b>Rural Subdivision Principles</b>	No subdivision proposed.	N/A
<b>Matters to be considered in determining development applications for rural subdivisions or rural dwellings</b>		
10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.	There is rural housing associated with small farms in proximity to the development. There is also a golf course,	Yes



<p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) subdivision of land proposed to be used for the purposes of a dwelling,</li> <li>(b) erection of a dwelling.</li> </ul> <p>10(3) The following matters are to be taken into account:</p> <ul style="list-style-type: none"> <li>(a) the existing uses and approved uses of land in the vicinity of the development,</li> <li>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</li> <li>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</li> <li>(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</li> <li>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).</li> </ul>	<p>railway land and the Pacific Highway. Due to the free range and mobile nature of the poultry farm; no adverse impact or conflict will occur. Conditions will be imposed to further manage issues resulting in a compatible development in the area.</p>	
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**Designated Development**

**21 Livestock intensive industries**

(4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*

- (a) *that accommodate more than 250,000 birds, or*
- (b) *that are located:*
  - (i) *within 100 metres of a natural waterbody or wetland, or*
  - (ii) *within a drinking water catchment, or*
  - (iii) *within 500 metres of another poultry farm, or*
  - (iv) *within 500 metres of a residential zone or 150 metres of a dwelling not with the development and, in the opinion of the consent authority, having*

*regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The proposed development does not trigger any of the clauses or thresholds in the above designated development provisions. Whilst the development involves a poultry farm, it does not involve the commercial production of birds for meat, layers or breeders. In particular, the applicant has layers but does not produce them, nor are they specifically kept for meat or breeders. The layers are kept for the production of eggs.

Even if the above technicality in the wording is ignored, the proposal does not trigger designated development. The residential properties within 150m are not considered to be adversely affected by noise, odour, dust, lights, traffic or waste. In particular, having assessed these issues throughout this report, it is considered that the proposal will have no adverse impact on surrounding residential properties.

Further to the above, the applicant has shown a 40m setback to the onsite waterbody. A condition could be imposed requiring this be expanded to 100m to ensure compliance with 21(4)(b)(i) if the legislation was interpreted differently. This would allow the applicant to continue the operation in the interim and lodge a designated development to allow encroachment within the 100m. However, as stated above, it is considered that the legislation does not apply and a 40m setback is acceptable.

#### **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 RU1 Primary Production. In accordance with clause 2.3(1) and the RU1 zone landuse table, the proposed development for intensive livestock agriculture (poultry) is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

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

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

- The proposal is a permissible landuse.
  - The proposal is for sustainable primary production.
  - Continuation of free range egg production in the area continues to diversify primary activities to that of traditional farming.
  - Conditions and management will ensure no adverse conflicts will be created.
- Clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.
  - Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance. Furthermore, disturbance to the property will be the same to which can occur as part of exempt extensive agriculture.

- Clause 7.3, the site is land within a mapped “flood planning area”. In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
  - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change. The dwelling is existing and the poultry infrastructure is mobile.
  - The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties.
  - The proposal has flood free land to relocate the poultry if the need arises.
  - There will be no change to the existing dwelling or flood risk to life or property;
  - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
  - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
  - The flood prone area of the property is minor in size (i.e. approximately 3000m<sup>2</sup> or 2%).
- Clause 7.4, the site contains flood risk management land but is not a use that triggers any further emergency or evacuation issues.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development.

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

None relevant.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

Due to the mobile nature of the structures, there are limited provisions in the DCP that apply to the development. In particular, there are no adverse crime risks or social impacts/requirements. Being a rural property, there is also sufficient area onsite to accommodate the minor parking requirements associated with the additional three and a half staff and limited vehicle movements.

No sales area/display is proposed, which reinforces that sales direct to the public are also likely to be minor and generate limited parking demand.

**(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 proposed development is located on a rural property approximately 700m north of Kew. The development gains access off the Pacific Highway via Herons Creek Road and then a right of carriageway listed as Weeroona Place.

Adjoining the property to the north is timbered rural zoned land.

Adjoining the property to the east is another small rural property that appeared to have infrastructure for the keeping and breeding of greyhounds. Further east is the Pacific Highway.

Adjoining the property to the south is another small rural zoned property and the Kew Golf Course.

Adjoining the property to the west is another small rural zoned property and the North Coast Railway Line.

Through the imposition of management conditions and the establishment of buffers to adjoining properties; no adverse impacts will occur to adjoining properties or the public domain.

#### **Access, Transport & Traffic**

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

As detailed in the applicant's Statement of Environmental Effects, the number and types of vehicles proposed is considered minor and not too dissimilar to that which could occur on a traditional farming property. For this reason the right of carriageway is also considered to be capable of accommodating the development.

#### **Utilities**

The proposed development will not impact on existing services.

#### **Stormwater**

The proposed development will result in minimal additional stormwater from the mobile caravans. The free range nature of the business and continual rotation of grazing areas will also ensure a consistent level of grass cover between the development and the onsite waterbody. A further 40m buffer is also to be provided. Having a grass cover layer will ensure runoff is screened and also removes the likelihood of erosion.

#### **Water**

Council's Environmental Health Officer advised that potential exists for water to be adversely impacted (chicken manure, bare earth & soil erosion) if the farm is not

managed properly. As a result, water conservation consent conditions have been recommended to negate such impacts.

Refer to above comment on stormwater for further context.

**Soils**

Council's Environmental Health Officer advised that potential exists for land to be adversely impacted (bare earth & soil erosion) if the farm is not managed properly. As a result, soil protection consent conditions were recommended to negate such impacts and continual rotation of sites.

**Air & Micro-climate**

Council's Environmental Health Officer advised that potential exists for adverse air quality impacts (odour and/or dust) to be generated onsite if the farm is not managed properly. As a result, a number of management conditions are recommended to negate such impacts.

**Flora & Fauna**

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

**Waste**

Egg production related wastes and other compostable wastes are proposed to be disposed of via worm farms to be established on the farm. Other wastes that cannot be recycled, composted and/or disposed of properly onsite must be disposed of properly via Council waste service, a waste transfer station and/or Cairncross landfill.

Vermin control conditions also proposed to negate impacts on neighbouring properties.

**Energy**

No adverse impacts.

**Noise & Vibration**

No adverse noise impacts will occur onsite to that which can occur on a standard traditional farm. In particular, the number and types of vehicles used are minor in number and scale. The packing and cleaning of the eggs is done manually by hand, which limits noisy mechanical equipment.

**Natural Hazards**

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

The property is also bushfire prone, but there are no adverse impacts for the following reasons:

- The type of development does not trigger bushfire legislation.
- There is no increase in residential development.
- The area surrounding the development is well cleared.
- Safe egress out of the property is available.

**Safety, Security & Crime Prevention**

The proposed development contains limited concealment and entrapment areas. The existing dwelling provides surveillance of the site.

**Social Impact in the Locality**



Given the rural zoning and agricultural nature of the business, no adverse social impacts will occur. Conditions will also be imposed to control management of the site to ensure potential impacts associated with the use do not eventuate.

**Economic Impact in the Locality**

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

**Site Design and Internal Design**

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

**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 development is considered to satisfy relevant planning controls for the area and is not expected to impact adversely on the wider public interest.

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

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

One written submission was received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Significant increase in the amount of flies to the extent we can no longer use the back verandah in spring/summer.	During a site inspection, limited flies were observed. This is not to say there wouldn't be flies at other times. In this case, the free range nature of the use and rotational basis of the grazing areas will ensure that odour and flies are kept within an acceptable level or consistent with that of an extensive agricultural operation that would not require consent. Conditions of consent will also be imposed to ensure better management that will lead to less flies and odour.
The odour is overpowering all year round, especially in the evenings when there is slight moisture in the air.  Unable to open the windows due to the offensive odour.	The site was inspected following a rainfall event when moisture was present. While odour was evident, it was not dissimilar to that which occurs on traditional farms.  It is also considered that the imposition of conditions on managing the operation will further improve the situation.
Roaming chickens on adjoining properties and the mess they leave.	This issue is noted and was observed during a site inspection. The applicant will be conditioned to install better fencing to eliminate roaming chickens.
Dead chickens being found on adjoining properties (as well as the subject property) and not being disposed of properly. Worried chickens may be sick. Chickens are often carried and dropped by predatory birds.	Improved fencing will negate chickens roaming and dying offsite. The applicant will also be conditioned to do regular patrols of the site to collect any dead chickens. In the event a chicken is dropped offsite by a predatory bird, the applicant is to be contacted and will be required to remove the chicken.
Concern that adjoining neighbours dogs may attack the chickens.	This is a civil matter. Conditions on improved fencing should also negate this issue.
There has been a significant decrease in native parrots and smaller species of birds as the farm has attracted predatory and scavenger birds.	The property is predominately cleared and is considered to contain limited habitat value. Any reduction in use of the site by native birds would be limited.
Foxes and other vermin are attracted to the site and create a problem for neighbours. Vermin have significantly increased since the chicken farm started and the site contains debris for them to hide.	The applicant has introduced alpaca's onsite, which are known to keep foxes away. The applicant will also be conditioned to setback the development further from adjoining dwellings. The increased separation will make it less likely for vermin to use adjoining houses etc.



The visual appearance of the structures and debris onsite.	The structures are considered to be consistent with those found on a farm and well separated from adjoining properties.
The mobile laying sheds are not moved regularly and can stay in the one spot for up to eight weeks. Some are positioned within 50m of adjoining properties, which intensifies odour and visual impacts.	Conditions will be imposed to ensure the laying sheds are moved every 14days.
The owner does not manage roaming chickens, odour etc	Conditions will be imposed to ensure roaming chickens are negated and odour is maintained at an acceptable level - refer to above comments. Non compliance with the conditions will allow Council's Compliance Team to take further action.
Impacts of chicken waste run off in heavy rain impacting on the small watercourse that traverses the site and other properties.	Conditions will be imposed to ensure proper management of the site, rotation of the laying sheds and buffers to watercourses. Compliance with the conditions will ensure that chicken waste does not build up in an area and is also screened through the buffer area during high rainfall. No adverse impact will occur to the watercourse onsite to that which occurs on a typical farming property.

**(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 were deemed not applicable as there was no increase in any residential component and the poultry farm aspect is not to be serviced by reticulated water. A condition will be imposed to reinforce water supply requirements.

**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.

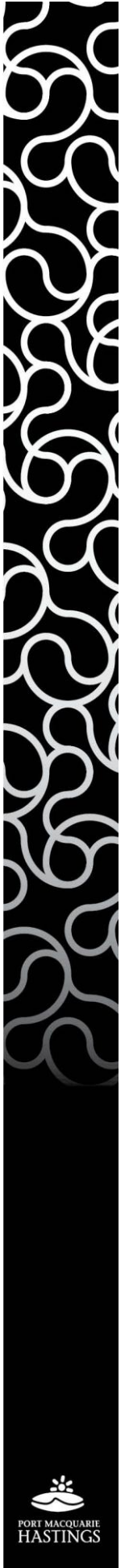
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

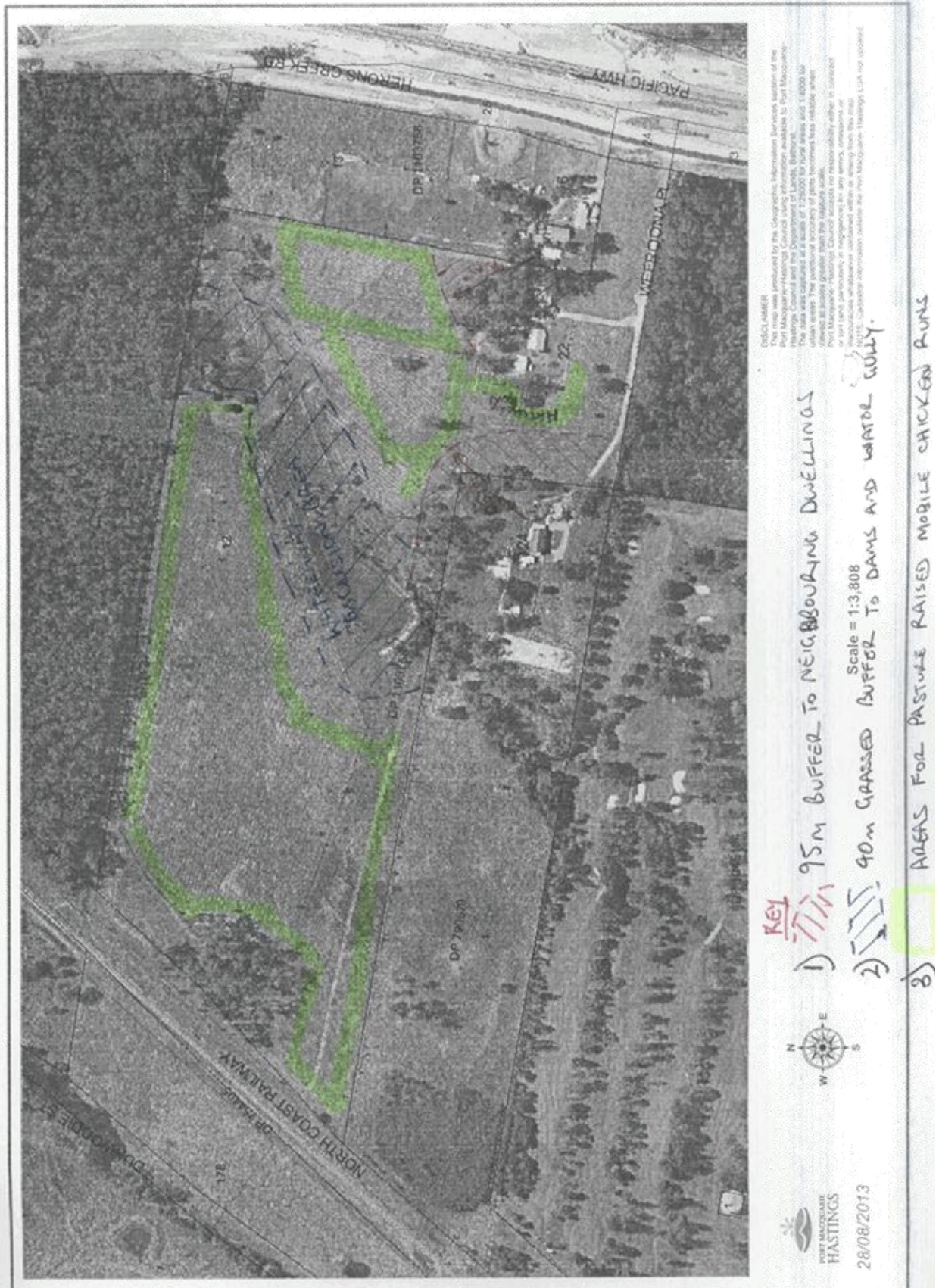
**Attachments**

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL 25/11/2015

- 1 [View](#). DA2015 - 590 Site Plan
- 2 [View](#). DA2015 - 590 Draft Conditions
- 3 [View](#). DA2015 - 590 Submission - McLaren





**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/590****DATE: 18/11/2015****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		Michael Kendon	2/9/2015
Site Plan		Unknown	Not Dated

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) (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.
- (3) (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.

Provision of a 1m<sup>2</sup> sign at the front vehicular access point within the property will be required within 3 months of the date of determination of this consent. The sign is to advise of the business name and associated contact details. This will enable adjoining owners to advise the owner of any issues or dead chickens that may have been dropped on their site via predatory birds and the like.

The sign is also to indicate that visitor/customer parking is available on-site.

**B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

nil

**C – PRIOR TO ANY WORK COMMENCING ON SITE**



nil

**D – DURING WORK**

nil

**E – PRIOR TO OCCUPATION OR WITHIN 3 MONTHS OF THE DATE OF DETERMINATION**

- (1) (B195) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply is to be obtained from Port Macquarie-Hastings Council.

Once approved and completed, a section 68 Certificate of Completion and a Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* shall be obtained from Port Macquarie-Hastings Council.

The above is to be completed within 3 months of the date of determination of this consent.

- (2) (B003) Submission to Council, prior to the issue of a s68, 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. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.

- (3) (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 occupation or within 3 months of the date of determination of this consent. This application is also to include an application for the disconnection of any existing service not required.
- (4) (B060) Approval must also be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.
- (5) (B195) Council records indicate that the development site has an existing 25mm metered water service from the 200 PVC water main on the same side of Herons Creek Road. The proposed development will require an RPZ at the boundary. Details are to be shown on the plans with the s68.

**F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 5 spaces are to be provided onsite.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F016) Offensive odours shall not be generated by the development.

- (5) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (6) (F025) Hours of operation of the packaging of eggs are restricted to the following hours:  
- 8 am to 6 pm daily
- (7) (F195) No wastes shall be disposed of by burning on the premises (unless permitted by legislation).
- (8) (F196) All wastes are to be disposed of properly and shall not cause a nuisance or pollution.
- (9) (F197) Buffers to neighbouring residences and the exclusion zone(s) around waterways shall be strictly maintained in accordance with the approved plan.
- (10) (F198) Flock rotation is to be carried out every 14 days or in such a manner and at such regularity so as to prevent dust, odour and/or vermin nuisances being generated on the premises.
- (11) (F199) Adequate fencing to mobile chicken pens shall be provided at all times to prevent stray or loose chickens.
- (12) (F200) Farm management practices shall ensure that regular checks for loose and stray chickens (including dead chickens) are carried out each day. All loose and stray chickens shall be collected in a timely manner and replaced in the mobile pens. Any dead chickens found onsite will need to be collected and disposed of immediately or within six hours of being informed of a dead chicken on an adjoining property.
- (13) (F201) Council's reticulated water is not to be used to supply water for the chickens or irrigate the pastures, without having first gained approved from Council and paid any necessary contributions.
- (14) (F202) Council approval is required to use any mechanical equipment in the packaging of eggs process.
- (15) (F203) There are to be no more than 5000 poultry birds onsite at any one time and at no time any roosters.
- (16) (F204) The applicant is to maintain alpacas onsite to help keep foxes away from the area.
- (17) (F205) The consent is for the keeping of free range layers only.
- (18) (F206) Separate approval will be required to have a sales display area.
- (19) (F207) Excluding the onsite manager, no more than 4 staff should be present onsite at any one time.
- (20) (F208) Worm farms are not to be located within the buffer areas on the approved plan.
- (21) (F209) Vehicle movements are to comply with those nominated in the Statement of Environmental Effects.
- (22) (F210) A maximum one tonne bulk bag of supplementary feed is allowed to be used per week. Unless a variation is allowed by Council staff due to unforeseen circumstances such as drought.



Jackie McLaren  
24 Weeroona Place  
Kew NSW 2439

Attention Mr Clinton Tink  
Port Macquarie Hastings Council  
Burrawan Street  
Port Macquarie NSW 2444

Re: DA Application, Number: 2015/590

Dear Clinton,

I wish to object to the abovementioned development application on behalf of Maureen Romer, Louise Benstead and myself (Jacqueline McLaren).

The free range chicken/layer farm is extremely difficult to reside next to.

Over the past two years, we have experienced a significant increase in the amount of flies, to the extent that we can no longer utilise the back veranda in spring/summer. We used to use the veranda extensively at Christmas time as we have family who visit but we can no longer do this. We are forced to stay indoors for meals or go to a different location eg park, picnic area.

The odour is overpowering all year round, especially in the evenings when there is slight moisture in the air. We have not been able to open the windows due to this and visitors describe it as "offensive".

We have experienced chickens on our property. We have had chickens defecating on our front veranda and in our carport, scratching and laying eggs in our gardens, wandering around the paddocks and house yard and on Weeroona Place (access road). We do not appreciate the hens on our property and have communicated this to the owner, to no avail. There have often been dead chickens on our property and the carcasses on the roadway and in their paddock are not disposed of in a timely manner but left to decompose. Several crows were feeding on a dead body that was on their property, close to the fence nearest the roadway. We are concerned that some of the chickens that wander onto our property could be sick and die, whilst others are dropped by large predatory birds (hawks/eagles) that fly over with chickens in their talons (my mother and I have witnessed this). We also have concerns that our dogs may attack chickens roaming on our property, although we have had dead chickens appear whilst the dogs have been locked away with no access to the house yard or paddock.

We have seen a significant decrease in the native parrots and smaller species of birds as the chicken farm has attracted larger predatory and scavenger species of birds. In an attempt to attract the original birdlife back to our property we have installed nest boxes to provide a safer nesting facility but it has been unsuccessful to date. We have also experienced a significant increase in the fox population and Rats have become an overwhelming and costly problem. The vast increase in the vermin population has directly coincided with the introduction of the chicken farm and continues to increase. There appears to be no appropriate action taken on behalf of the chicken farm owners to minimise the debris around the chicken farm which in turn allows for presence of "hiding spots" for rodents.

There appears to be no consideration on behalf of the chicken farm owners regarding the aesthetic impact. There is a makeshift shelter housing young hens which do not appear to be properly contained as chickens often roam on the access roadway to our property. This structure along with other debris in the paddock has a significant negative visual impact and is situated at the end of the paddock and in close proximity to the entrance of our property.

The mobile laying sheds are not moved regularly and can stay in the one position for up to eight weeks at a time. There was one located less than fifty meters from the boundary fence and in full view from the northern side of our home. This mobile shed stayed in that location for six to eight weeks. The odour was strong and particularly intense and offensive when the wind was blowing from a northerly direction.

The chicken farm owners have not initiated any communication regarding their farming practice, any information we have received is due to our own initiation and enquiry. The statements made by the owner to minimise roaming chickens, odour, aesthetic impact etc, have not been carried out.

We have concerns for run off of chicken waste in heavy rain, impacting on the small watercourse which runs from their property across ours and onto the golf course. We are unsure of whether or not there is a potential threat, but we feel it is a means for concern.

We implore you to closely consider our objection to the DA Application 2015/590. My Mother and sister have resided at this property for sixteen years. Within that duration they have experienced what would be regarded as "normal rural environmental" conditions pertaining to flies, vermin, odours etc. Since the introduction of the chicken/layer farm there have been significant negative impacts which are vastly affecting the way they live. Please refer to the photographs attached.

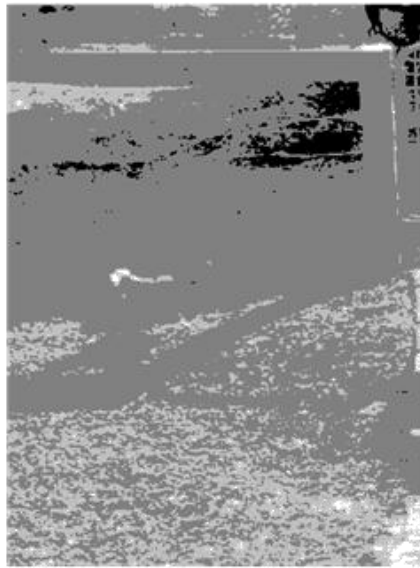
Yours Sincerely

Jackie McLaren

██████████



Chicken Skeleton on approach to Entrance of our property.



Chicken roaming in our house yard. We have had over a dozen chickens at once roaming in our paddock/yard.



Make shift shelter housing younger hens, on approach to entrance of our property.



Dead chicken in our house yard.



Dead chicken and roaming chicken in our front yard.



Another dead chicken in our front yard.



Chicken on our front veranda.



Movable chicken shed and chickens less than fifty metres from our boundary fence.



Movable chicken shed less than fifty metres from boundary fence.  
Remained in same location for six to eight weeks.



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**Item: 09****Subject: DA2015 - 668 SECONDARY DWELLING - LOT 90 DP 827814, NO 20  
OPAL CIRCUIT, PORT MACQUARIE****Report Author: Benjamin Roberts**

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<b>Property:</b>	<b>Lot 90 DP 827814, 20 Opal Circuit, Port Macquarie</b>
<b>Applicant:</b>	<b>Chris Jenkins Design Architects</b>
<b>Owner:</b>	<b>M P O'Hare</b>
<b>Application Date:</b>	<b>21 September 2015</b>
<b>Estimated Cost:</b>	<b>\$85,000</b>
<b>Location:</b>	<b>Port Macquarie</b>
<b>File no:</b>	<b>DA2015 - 668</b>
<b>Parcel no:</b>	<b>15714</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2015 - 0668 for a secondary dwelling at Lot 90, DP 827814, No. 20 Opal Circuit, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a secondary dwelling at the subject site.

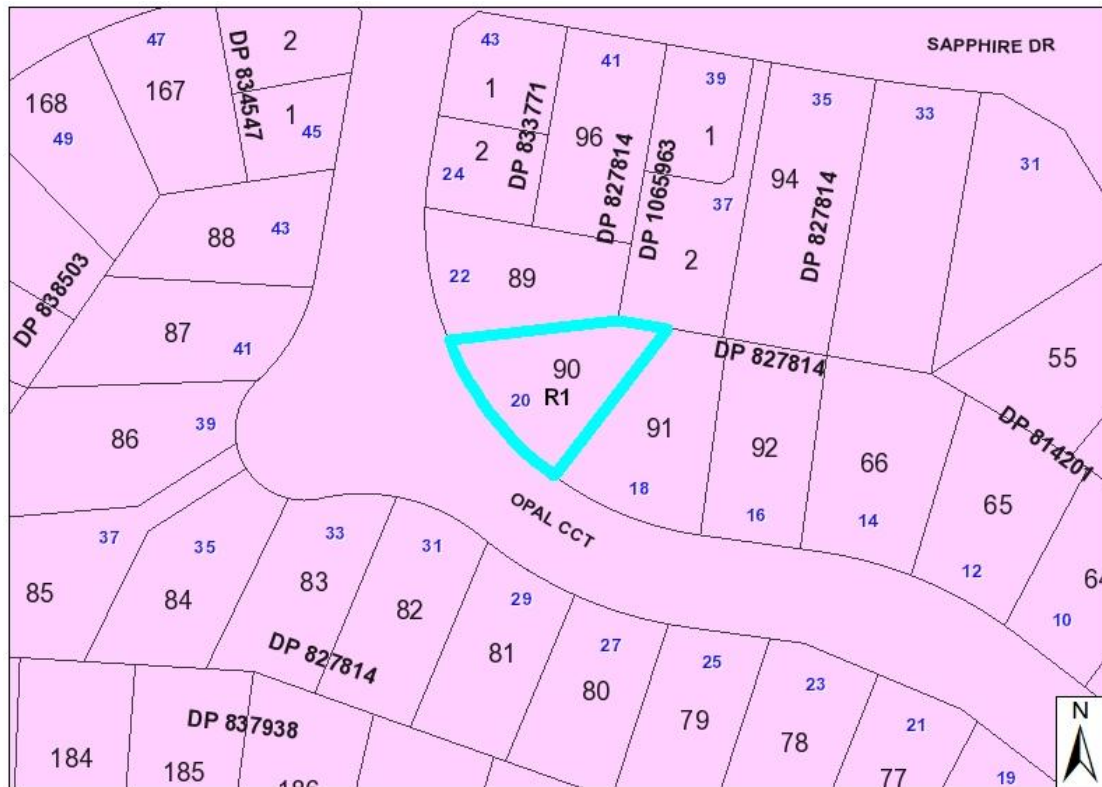
This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

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

The site has an area of 645m<sup>2</sup>.

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



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Construction of a secondary dwelling

Refer to attachments at the end of this report.

**Application Chronology**

- 21 September 2015 - Application lodged
- 29 September - 12 October 2015 - Public exhibition via neighbour notification

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

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

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

**State Environmental Planning Policy 55 – Remediation of Land**

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

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

A BASIX certificate (number 665990S) 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 (Affordable Rental Housing) 2009**

Development for the purpose of a secondary dwelling may be carried out with consent in the R1 General Residential zone to which this policy applies.

The proposal will result in there being a principle dwelling and the secondary dwelling only located on the land.

The total floor area of the principal dwelling and secondary dwelling is 0.33:1 which is not more than the maximum floor area allowed under Port Macquarie-Hastings Local Environmental Plan 2011 of 0.65:1.

The total floor area of the secondary dwelling is less than 60m<sup>2</sup>.



**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, secondary dwellings 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 - The maximum building height for this site is identified on the Height of Buildings Map as being 8.5m. The proposed development has a building height of 7.5m.
- Clause 4.4, the combined floor space ratio of the proposal is approximately 0.33:1 which complies with the maximum 0.65:1 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, 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.

**(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**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front</li> </ul>	The ancillary front fence is permitted in the front setback.	Yes

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

	Requirements	Proposed	Complies
	setback		
3.2.2.2	<p>Articulation zone:</p> <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	The first floor front deck extends into the articulation zone but is setback > than 3m.	Yes
	<p>Front setback (Residential not R5 zone):</p> <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Varies from 3.799m to Opal Circuit.	No*
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Minimum 4.706m to Opal Circuit. Is 1m behind the first floor front deck.	No*
	6m max. width of garage door/s and 50% max. width of building	3.5m wide garage door. Combined garage door width <50% of building width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	4m crossover in addition to existing 5.5m crossover equates to 1/3 of the site frontage.	Yes
	Garage and driveway provided on each frontage for dual occupancy on corner lot	No rear boundary.	N/A
3.2.2.4	4m min. rear setback. Variation subject to site		N/A

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

	Requirements	Proposed	Complies
	analysis and provision of private open space	Ground floor = 1m west side setback. First floor = 1m west side setback.  Existing dwelling on east side unchanged.  Building wall length under 12m.	
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	>35m <sup>2</sup> area available to both dwellings. There is directly accessible area in the front setback available to the secondary dwelling.	Yes  No*       Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	1.8m height timber fence for approximately 30% (9m length) of the frontage. Suitable condition applied requiring transparency and fencing details on Construction Certificate plans.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> <li>• Front fences and walls to have complimentary materials to context</li> </ul>	No solid fencing proposed.	Yes
3.2.2.8	No chain wire, solid	No direct views between	N/A



[illegible]

	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	Minimal cut and fill proposed.	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	No additional parking required under SEPP however single garage provided.	Yes

The proposal seeks to vary Development Provision relating to a minimum 4.5m front setback. The proposal incorporates a varying front setback being a minimum of 3.799m.

The relevant objective is:

- *Front setbacks should support an attractive streetscape.*

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

- The site is located on an odd shaped allotment. The front boundary is an arc following the Opal Circuit road frontage.
- The encroachment is minor and only the front corner of the dwelling encroaches within the 4.5m setback having regard to the arc.
- The first floor balcony, angled wall and front fencing add interest to the streetscape.
- The setback is consistent with the adjoining dwelling to the west and other dwellings to the north on Opal Circuit that have reduced front boundary setbacks.

The proposal seeks to vary Development Provision relating to a minimum 5.5m garage setback. The proposal incorporates a varying garage setback being a minimum of 4.706m.

The relevant objectives are:

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

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

- The site is located on an odd shaped allotment. The front boundary is an arc following the Opal Circuit road frontage.
- The encroachment is minor and having regard to the arc sufficient space exists in the driveway to accommodate a vehicle without overhanging the road reserve.
- The front fencing and first floor deck will minimise the impact of the garage to the streetscape and will not lead to a dominance of garages.

The proposal seeks to vary Development Provision relating to a minimum 3m side setback for first floor. The proposal incorporates a northwest side setback of 1m for the first floor. The provision provides scope for a reduced side boundary setback 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.

The relevant objectives are:

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

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

- The orientation of the lot provides that overshadowing impacts would be to the road frontage. No adverse overshadowing to adjoining properties.
- It is noted that the principal living areas and subsequent private open space areas of the adjoining dwelling at 22 Opal Circuit are orientated toward and located in the rear yard being the northern eastern aspect. No adverse impacts identified to these open space and living areas.
- The north west elevation of the proposal contains no windows. No adverse privacy impacts would result.
- The north west facing wall provides an unarticulated length of approximately 6.3m. Having regard to the maximum unarticulated length of 12m allowed the proposed length is considered acceptable in terms of overbearing and bulk when viewed from the adjoining dwelling.

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

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

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

No matters prescribed by the regulations apply.

**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 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 with variations appropriately justified for the area.
- There is no adverse impact on existing view sharing.
- There are no adverse privacy impacts.

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

**Access, Transport & Traffic**

The 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.

**Stormwater**

Service available – details required with S.68 application.

**Water supply**

Service available – details required with S.68 application.

**Sewer supply**

Service available – details required with S.68 application.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Soils**

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

**Air & Micro-climate**

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

**Flora & Fauna**

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

**Waste**

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

**Energy**

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

**Noise & Vibration**

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

**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).

**Bushfire**

The property is not mapped as bushfire prone land.

**Site Design and Internal Design**

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

**Construction**

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

**Cumulative Impacts**

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

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

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

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

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

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



Submission Issue/Summary	Planning Comment/Response
The building height will cause overshadowing to the access pathway, bedrooms and a bathroom on the southern side of the dwelling at 22 Opal Circuit.	Given the orientation of the block there is considered to be no adverse overshadowing impacts. Refer to comments within the report.
The setback from the side boundary and proposed building height will cause a loss of privacy and allow noise transfer to the southern pathway, bathrooms, bedrooms and front yard of 22 Opal Circuit.	Refer to comments within the report. It is noted that no windows are located in the north west facing wall. No adverse privacy or noise impacts that would warrant refusal of the application have been identified.
The building should be setback 1.825m based on the proposed 7.5m building height.	Refer to side boundary setback comments within report. Proposed side setback considered acceptable.
The front fencing and courtyard is not consistent with any other property in the street. It will cause noise transfer and loss of privacy to the bedrooms of 22 Opal Circuit.	Front fencing is permissible. Suitable condition has been recommended to provide transparency to the road frontage. No adverse privacy or noise impacts identified that would warrant refusal of the application.
The proposed combined triple car driveway will not fit in with the streetscape and exceeds the 5m maximum.	The proposed crossover is 4m in width and the combined crossovers equate to 1/3 of the site frontage. This is consistent with the applicable control.

**(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**

- The secondary dwelling is under 60m<sup>2</sup> in floor area. In accordance with Council's Development Contributions Assessment Policy no section 94, water and sewer contributions apply.

**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.

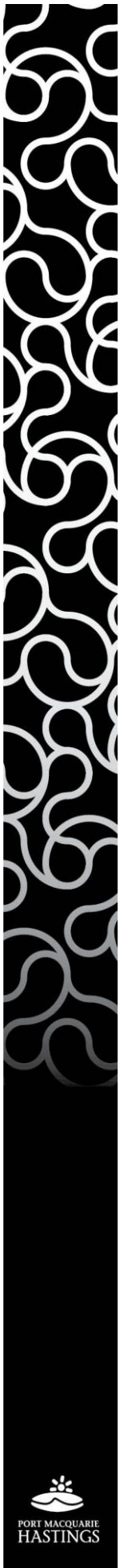
**Attachments**



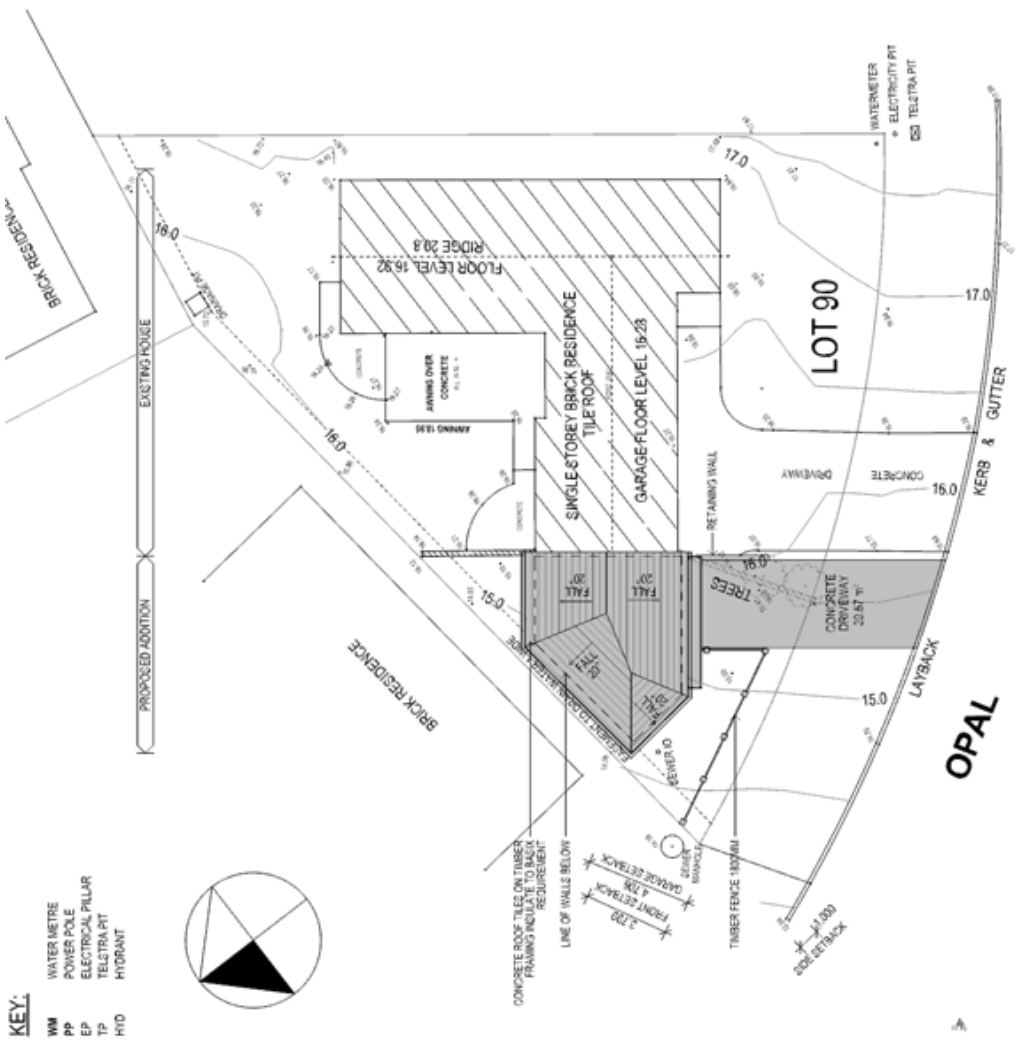
## AGENDA

## DEVELOPMENT ASSESSMENT PANEL 25/11/2015

- 1 [View](#). DA2015 - 668 Plans
- 2 [View](#). DA2015 - 668 Draft Conditions
- 3 [View](#). DA2015 - 668 Submission - Hardie



AREAS SCHEDULE	
AREA	SQW
1: SITE AREA	645.06
2: EXIST HOUSE	169.35
3: GARAGE	41.72
4: FIRST FLOOR	37.92
5: DECK	5.3



- KEY:**
- WM WATER METRE
  - PP POWER POLE
  - EP ELECTRICAL PILLAR
  - TP TELEPHONE PIT
  - HYD HYDRANT



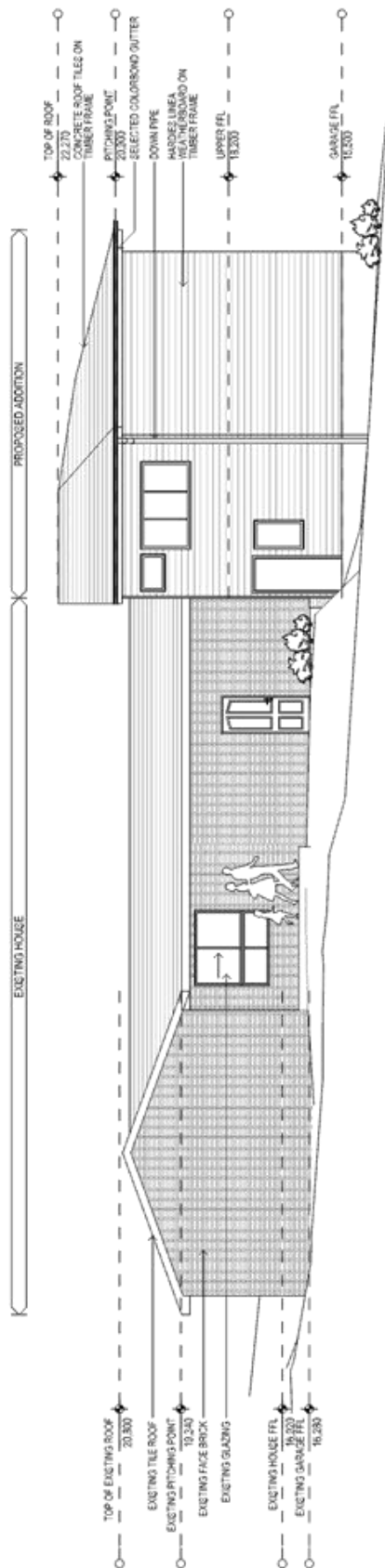
PRELIMINARY 4/08/15

CIRCUIT

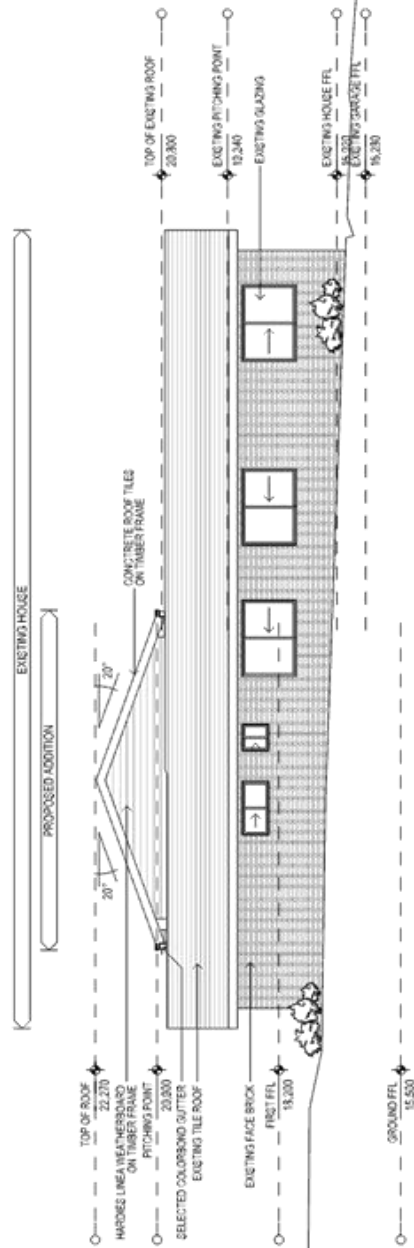
3 SITE PLAN Scale 1:200

Drawing Title <b>SITE PLAN</b>		Project <b>ALTERATIONS &amp; ADDITIONS LOT 90 OPAL CIRCUIT, EMERALD DOWNS PORT MACQUARIE, 2444</b>	Drawn <b>BB + SH</b>	Scale <b>AS SHOWN @ A3</b>	Date <b>4/08/15</b>	Doc No. <b>GA01</b>
Checked		Client <b>MIKE OHARE</b>	Project Number <b>1503</b>			
		architects + interiors				
		PRELIMINARY				

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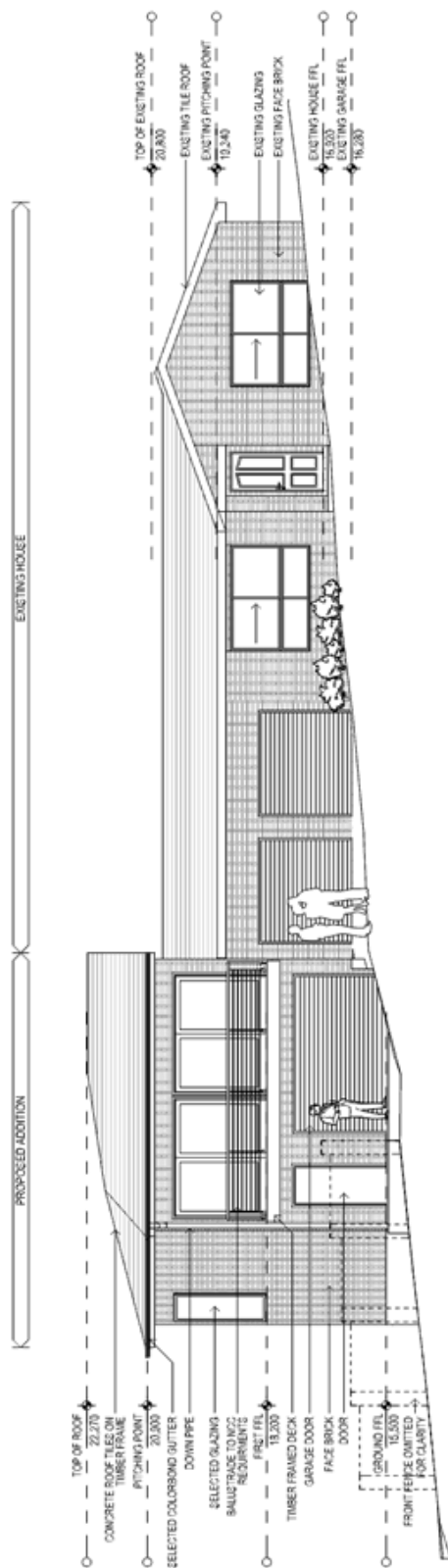
1 NORTH EAST ELEVATION  
Scale 1:100



2 SOUTH EAST ELEVATION  
Scale 1:100

PRELIMINARY 4/08/15

Drawing Title			
NORTH EAST + SOUTH EAST ELEVATIONS			
Drawn	BB + SH	Scale	AS SHOWN @ A3
Checked		Project Number	1503
Project		Drawn	4/08/15
ALTERATIONS & ADDITIONS		Scale	GA05
LOT 90 OPAL CIRCUIT, EMERALD DOWNS		Project Number	1503
PORT MACQUARIE, 2444		Drawn	4/08/15
Client		Scale	GA05
MIKE OHARE		Project Number	1503
architectural + interiors		Drawn	4/08/15
PRELIMINARY		Scale	GA05
		Project Number	1503



1 SOUTH WEST ELEVATION  
Scale 1:100



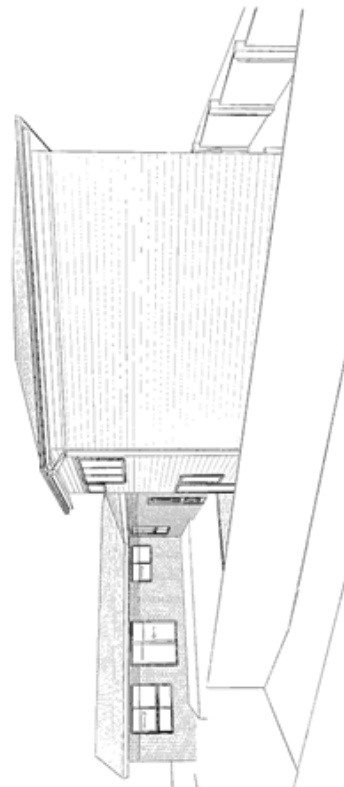
2 NORTH WEST ELEVATION  
Scale 1:100

PRELIMINARY 4/08/15

Drawing Title			
SOUTH WEST+ NORTH WEST ELEVATIONS			
Drawn	BB+SH	Scale	AS SHOWN @ A3
Checked		Date	4/08/15
Project Number			1503
Project			GA06
Project Alterations & Additions			
LOT 90 OPAL CIRCUIT, EMERALD DOWNS			
PORT MACQUARIE, 2444			
Client			
MIKE OHARE			
Chris Jenkins design			
architects + interiors			
PRELIMINARY			

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chris jenkins design



PRELIMINARY

Project: ALTERATIONS & ADDITIONS  
LOT 90 OPAL CIRCUIT, EMERALD DOWNS  
PORT MACQUARIE, 2444

Client: MIKE OHARE

Drawing Title: SECTIONS A - A

Drawn: BB + SH Scale: AS SHOWN @ A3

Checked: Project Number: 1503

Drawn No: GA07

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/668****DATE: 17/11/2015****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects	20 Opal Circuit	Chris Jenkins Architects	September 2015
Development Plans	1503	Chris Jenkins Architects	4 August 2015
BASIX Certificate	665990S	Chris Jenkins Architects	21 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.

- (4) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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

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

Such works include, but not be limited to:

- Footway and gutter crossing
- Functional vehicular access

- (3) (B195) The Construction Certificate plans shall include fencing details that provide openings which make it not less than 25% transparent.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

#### **D – DURING WORK**

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

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E010) Driveways shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

- (3) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) 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.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (6) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by 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.

Todd Hardie  
22 Opal Circuit  
Port Macquarie  
NSW 2444.

16th September 2015.

Benjamin Roberts  
Development and Environmental services  
Port Macquarie Hastings Council

Dear Benjamin,

I am writing to give notice of my objection to the Development Application number 2015/668 located at 20 Opal circuit Port Macquarie, my reasons for this objection are listed below.

- Item 6, Page 4 – Building Height.

The height of the proposed building is two storey and 7.5m high. The proposed 7.5m high wall is parallel to the Southern wall of our home. The Southern side of our home includes three bedrooms and a bathroom. This proposed building will be approximately 8.5m high above ground level from our property due to the step-down at the boundary intersection.

My objection is that the proposed building height will cause shadowing to the access pathway, bedrooms and bathrooms on the Southern side of my home. It will also cause loss of privacy, blockage of natural light and noise transfer to the southern pathway, bathrooms, bedrooms and front yard of our property.

- Item 10, Page 5 – Setbacks from side boundaries.

The height of the proposed building is 7.5m. Based on this building height the building should be located 1.825m from the Southern boundary of my house. The proposed set-back is only 1.0m.

- Item 3.13, Page 10 – Proposed Landscaping.

The proposed secondary dwelling has a separate fenced front yard. This does not fit in with the natural streetscape and no other properties in the street have fenced front yards. This will cause noise transfer and loss of privacy as it is located adjacent to the boundary of our property and the main bedrooms of our house.

- Item 3.2.2.3, Page 8 – Garage Setbacks / Driveways.


The proposed combined triple car driveway will not fit in with the streetscape and the width of the triple driveway exceeds the 5.0m maximum.

Please see the photos attached on the following six pages which highlight the areas of our property that will be affected. The light shown in these photos will be completely blocked by the proposed dwelling.

Thank you for allowing me the time to assess this application and raise my concerns, I will hopefully hear from you soon.

Sincerely,

Todd Damien Hardie  
22 Opal Circuit  
Port Macquarie



Enclosures: 6 photos, document is 8 pages.



Figure 1-Southern intersecting boundary showing natural light which will be blocked by the proposed dwelling.



Figure 2- Southern boundary showing location of proposed dwelling in relation to the fence and southern entry to our yard.





Figure 3- The proposed building area showing natural light at 4pm in the afternoon



Figure 4- bedroom opposite proposed dwelling at 5pm-all light will be blocked to this room if the dwelling goes ahead.

7



Figure 5- natural light into our home from Southern boundary windows.



Figure 6- Light into rooms will be severely blocked and loss of privacy to the windows pictured.

10/16/2015

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**Item: 10****Subject: DA2015 - 691 NEW DWELLING, LOT 5 DP 238782 NO 10 SHORELINE  
DRIVE NORTH SHORE****Report Author: Fiona Tierney**

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<b>Property:</b>	<b>LOT 5 DP 238782, 10 Shoreline Dr, Port Macquarie</b>
<b>Applicant:</b>	<b>Robert Smallwood</b>
<b>Owner:</b>	<b>M B Byrne</b>
<b>Application Date:</b>	<b>30 September 2015</b>
<b>Estimated Cost:</b>	<b>\$568,000</b>
<b>Location:</b>	<b>Port Macquarie</b>
<b>File no:</b>	<b>DA2015 - 691</b>
<b>Parcel no:</b>	<b>22161</b>

---

**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2015 - 0691 for a new dwelling at Lot 5, DP 238782, No. 10 Shoreline Drive, North Shore, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a dwelling 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, 1 submission has been received.

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

The site has an area of 594.4m<sup>2</sup>.

The site is zoned RU1-Primary Production in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:



-Construction of new single dwelling

Refer to attachments at the end of this report.

**Application Chronology**

- 30 September 2015-Application lodged
- 20 September 2015-Public exhibition via neighbour notification

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

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

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

**State Environmental Planning Policy 55 – Remediation of Land**

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

**State Environmental Planning Policy 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 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 cleared and located within an established residential locality (noting the site North Shore still has a rural zoning).

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

A BASIX certificate (number A221865) 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 RU1 Primary Production. In accordance with clause 2.3(1) and the RU1 zone landuse table, the additions to the dwelling are a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise fragmentation and alienation of resources lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established rural 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. No maximum height is stipulated for this site and so the development must be assessed against the objectives of this clause. The objectives of Clause 4.3 of the LEP 2011 are noted as follows:

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

Having considered the application and objectives the proposal is considered acceptable for the following reasons:

1. The majority of the dwelling is below a standard residential zone height limit of 8.5m with the area extending to 10m being located adjoining a Council reserve.
2. The view impacts are considered negligible. Extensive views are available to existing housing due to the wide reserve and river frontage location.
3. There are no adverse overshadowing impacts.
4. The bulk and scale of the development is consistent with other development in the immediate area. Multiple variations are present in the immediate vicinity

due to the flood designation and requirement for significant habitable floor level restrictions

5. Ceiling heights and roof pitch are not excessive.
  6. The aspect and separation of higher ridge height will ensure no adverse overshadowing.
  7. Privacy will be retained by virtue of the limited number of windows facing the eastern boundary and use of screens. No windows are located in the western wall of the adjoining building. A 3m setback to the boundary from the deck is proposed.
- Clause 4.4, No floor space ratio applies to the site. An approximate floor area for usable habitable areas is 0.50 : 1.
  - Clause 5.10, 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.

**(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**

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	Front setback - 10m to large lot residential and rural zones	4.5m front to Shoreline Drive.	No- however setbacks consistent with adjoining dwellings in precinct.
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	No formal garage shown however carport area available at approx 13.5 m setback on western elevation	Yes
	6m max. width of garage door/s and 50% max. width of building		Yes
	Driveway crossover 1/3 max. of site frontage and		Yes

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

	Requirements	Proposed	Complies
	max. 5.0m width		
	Garage and driveway provided on each frontage for dual occupancy on corner lot	<p>1.29m setback to carport on west side boundary. 1.29m setback to eastern boundary</p> <p>First and second floor set back 0.99m to western boundary. &gt;6m setback to eastern boundary</p> <p>Adequate articulation provided.</p>	N/A
3.2.2.5	<p>Side setbacks:</p> <ul style="list-style-type: none"> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	>35m <sup>2</sup> private open space and useable decks areas	<p>Yes</p> <p>No- however considered acceptable due to reserve location - no adverse overshadowing or privacy impacts.</p> <p>Yes</p>
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	<p>No direct views between living areas of adjacent dwellings.</p> <p>Deck &gt; 3m from side boundary</p>	Yes
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened</li> </ul>		Yes

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

	Requirements	Proposed	Complies
	<p>when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings - i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>		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
2.3.3.8	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)	No trees to be removed	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Available	Yes



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

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

- iv) any matters prescribed by the Regulations:

#### **New South Wales Coastal Policy**

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

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

No coastal zone management plan applies to the 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 and two storey dwelling developments and a variety of longstanding modest older dwellings and significant newer development of a greater bulk and scale. A variety of building heights exist largely due to the evolving flood restrictions over time, which now require a non habitable area under to reduce risk of property damage.

#### **Access, Transport & Traffic**

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

#### **Utilities**

Telecommunication and electricity services are available to the site.

#### **Stormwater**

Service available – details required with S.68 application

#### **Water**

Water tanks provided for water service.

#### **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.

**Energy**

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

**Noise & Vibration**

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

**Natural Hazards**

Flooding- The proposed dwelling is located entirely within a flood storage area. The proposed habitable floor level exceeds the 1:100 year flood level plus 400mm Climate Change plus 500mm Freeboard requirements of 3.65m AHD.

**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:**

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

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

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Overshadowing of balcony	Sites are located at a north-south orientation. Applicant has submitted shadow diagrams that demonstrate the overshadowing to adjoining properties meets the acceptable requirements with 3 hours minimum to private open space areas.
New dwelling designed at an angle away from river and not in line with other homes creating overshadowing issue.	Previous DCP did require a minimum of 6m setback to river reserve. This provision has been removed under the current DCP. The proposal is required to have a minimum setback of 4m and complies with this requirement. Some view loss will be anticipated due to greater setback of adjoining dwelling however this loss is considered to be minor in the context of the views that are still available directly to the south and east of the site.

**(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**

Not applicable.

**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.

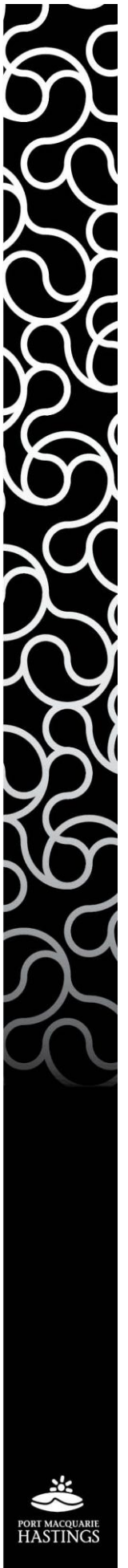
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

**Attachments**

1[View](#). DA2015 - 691 Plans

2[View](#). DA2015 - 691 Draft Conditions

3[View](#). DA2015 - 691 Submission Kars



ABSA Assessor # 20374	September 2015	CDA Reference: 2095																																																				
conceptdesigns@tqg.com.au Ph: 0418877571																																																						
<p><b>Important Note for Development Applicants:</b></p> <p>The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.</p> <p>Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Concept Design Australia.</p> <p>This assessment has assumed that the BCA provisions for building sealing will be complied with at construction.</p>																																																						
<p><b>Thermal Performance Specifications</b></p> <table border="1"> <thead> <tr> <th>External Wall Construction</th> <th>Insulation</th> <th>Colour (Solar Absorbance)</th> <th>Detail</th> </tr> </thead> <tbody> <tr> <td>Riack Wall System</td> <td>Kooltherm K17 35mm</td> <td>None specified</td> <td></td> </tr> <tr> <td>Riack Wall System</td> <td>None</td> <td>None specified</td> <td>Ground floor Entry</td> </tr> <tr> <td>Internal Wall Construction</td> <td>Insulation</td> <td></td> <td>Detail</td> </tr> <tr> <td>Riack Wall System</td> <td>None</td> <td></td> <td></td> </tr> <tr> <td>Ceiling Construction</td> <td>Insulation</td> <td></td> <td>Detail</td> </tr> <tr> <td>Concrete</td> <td>Kooltherm Soft Board 30mm</td> <td>All ceilings including to floors above</td> <td></td> </tr> <tr> <td>Roof Construction</td> <td>Insulation</td> <td>Colour (Solar Absorbance)</td> <td>Detail</td> </tr> <tr> <td>Concrete</td> <td></td> <td>None specified</td> <td></td> </tr> <tr> <td>Floor Construction</td> <td>Insulation</td> <td>Covering</td> <td></td> </tr> <tr> <td>Concrete</td> <td></td> <td>None, Tile, Carpet</td> <td></td> </tr> <tr> <td>Windows</td> <td>Glass and frame type</td> <td>U Value</td> <td>SHGC Area m<sup>2</sup></td> </tr> <tr> <td>Single clear Aluminium</td> <td>6.57</td> <td>0.74</td> <td>As drawn</td> </tr> </tbody> </table> <p>U and SHGC values are according to JHRC. Alternate products may be used if the U value is lower and the SHGC is less than 10% higher or lower than the above figures.</p>			External Wall Construction	Insulation	Colour (Solar Absorbance)	Detail	Riack Wall System	Kooltherm K17 35mm	None specified		Riack Wall System	None	None specified	Ground floor Entry	Internal Wall Construction	Insulation		Detail	Riack Wall System	None			Ceiling Construction	Insulation		Detail	Concrete	Kooltherm Soft Board 30mm	All ceilings including to floors above		Roof Construction	Insulation	Colour (Solar Absorbance)	Detail	Concrete		None specified		Floor Construction	Insulation	Covering		Concrete		None, Tile, Carpet		Windows	Glass and frame type	U Value	SHGC Area m <sup>2</sup>	Single clear Aluminium	6.57	0.74	As drawn
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<p><b>Fixed shading - Eaves</b></p> <p>Width: As drawn Offset: As drawn</p> <p>Fixed shading - Other: Verandas, Pergolas (type and description)</p> <p>Shaded areas and shade devices as drawn, adjoining buildings and boundary fences</p> <p>For construction in NSW the BCA Vol 1 or 2 must be complied with, in particular the following:</p> <ul style="list-style-type: none"> <li>- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1</li> <li>- Thermal breaks in accordance with Section J1.3(d) &amp; 1.5(c) or Part 3.12.1.2(c) &amp; 3.12.1.4(b)</li> <li>- Compensating for loss of ceiling insulation in accordance with Section J1.3(c) or Part 3.12.1.2(e)</li> <li>- Floor insulation in accordance with Section J1.6(c) &amp; (d) or Part 3.12.1.3(a)(iii) or (c) &amp; (d)</li> <li>- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6</li> </ul>																																																						

- Approved non ventilated cover or shield to be fitted to any non-vented downlights if selected which allows for insulation to be closely installed to sides and top of lights. No ceiling penetration allowance needs to be made. No allowance has been made for vented downlights and these should not be included.
- All exhaust fans to be fitted with dampers as per NOC.
- External doors to be weather stripped and windows to comply with AS 2047.

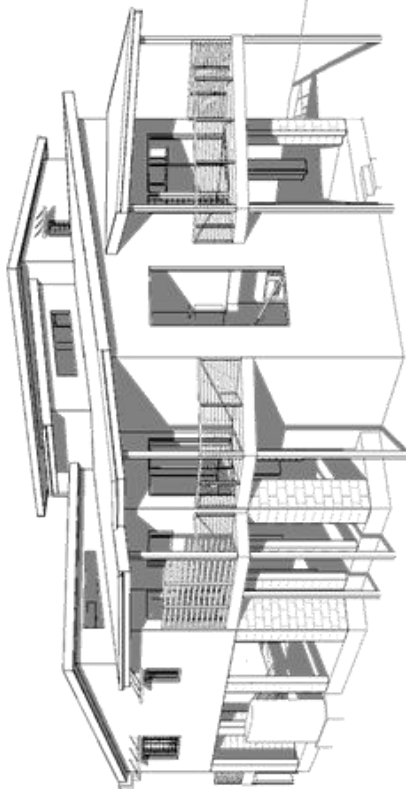


# PROPOSED RESIDENCE

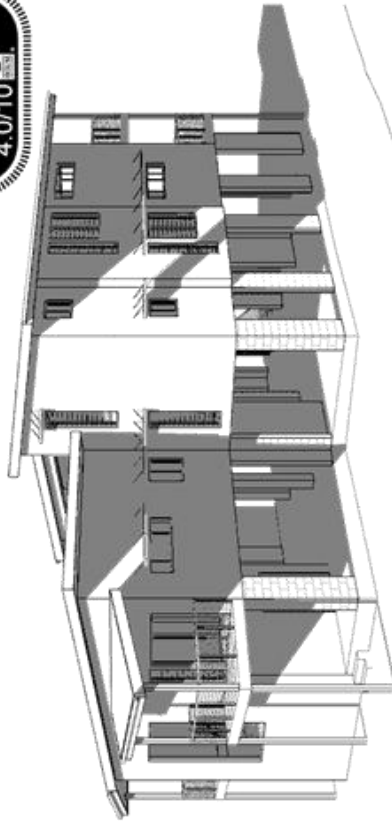
AT: NO. 10 SHORELINE DRIVE,  
PORT MACQUARIE  
FOR: M. BYRNE & M. PHILLIPS  
REF: 15-1169  
DATE: SEPTEMBER 2015

**ROBERT SMALLWOOD**  
**BUILDING PLANS**  
*'BETTER BY DESIGN'*  
MEMBER OF BUILDING DESIGNERS AUSTRALIA - NSW  
EMAIL: design@robertsmallwood.com.au  
PH: (02) 6559 5222 FAX: (02) 6559 6438  
453 OCEAN DRIVE, LAURIE TON NSW 2443  
www.robertsmallwood.com.au

**D.A. ONLY**



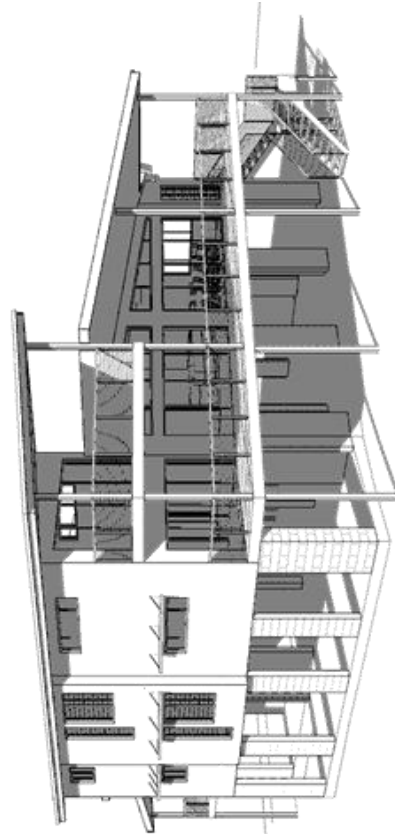
NORTHEAST PERSPECTIVE  
(SUN @ 9am WINTER SOLAR)



**NORTHWEST PERSPECTIVE**  
(SUN @ 12pm WINTER SOLAR)

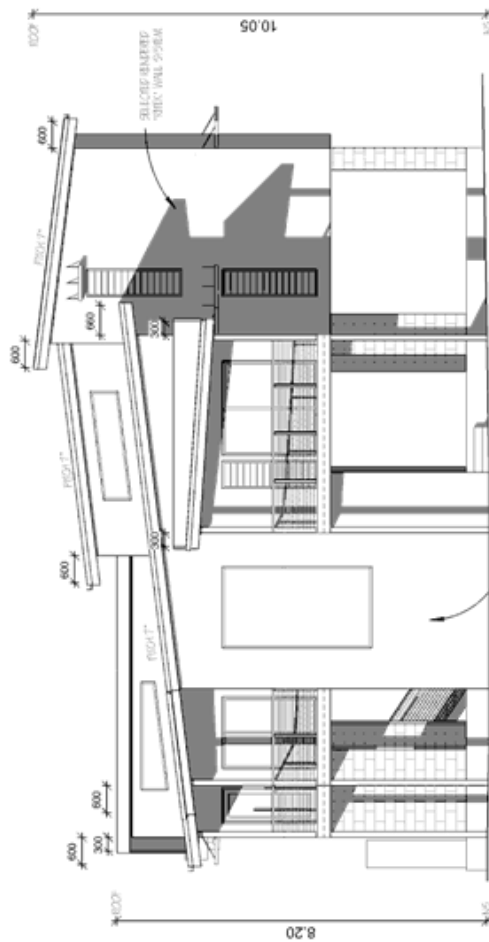


SOUTHEAST PERSPECTIVE  
(SUN @ 3pm SUMMER SOLSTICE)

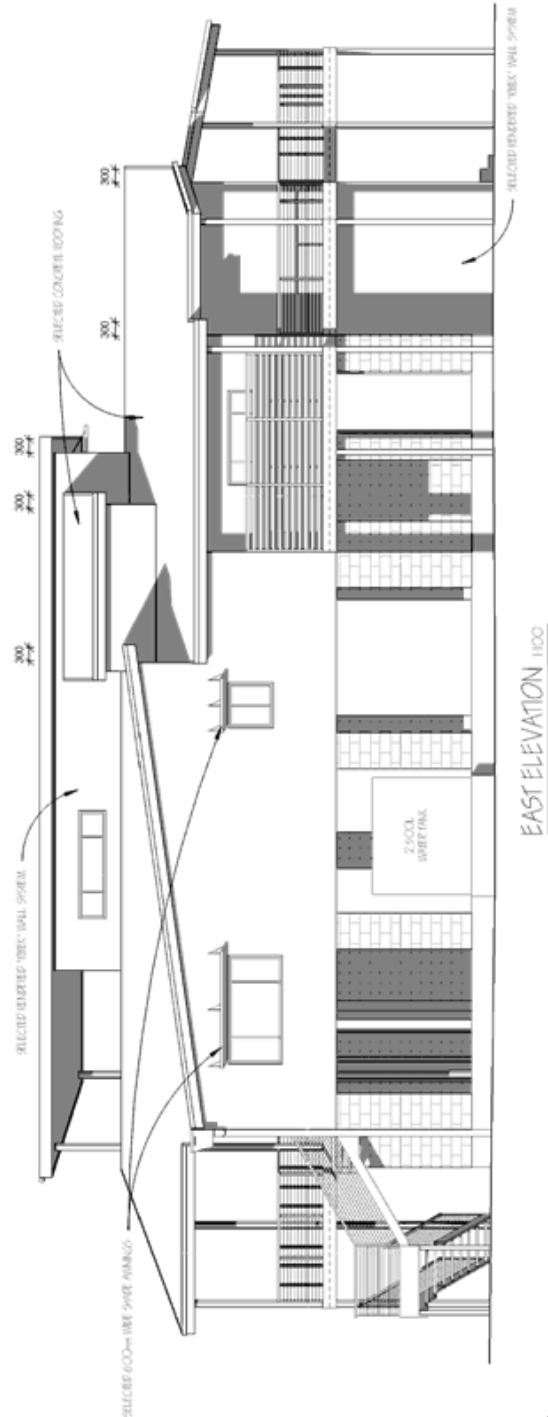


**SOUTHWEST PERSPECTIVE**  
(SUN & 5pm SUMMER SOLstice)

15-1169  
SHEET 1 OF 8



NORTH ELEVATION 1:100  
(STREET FRONTAGE)



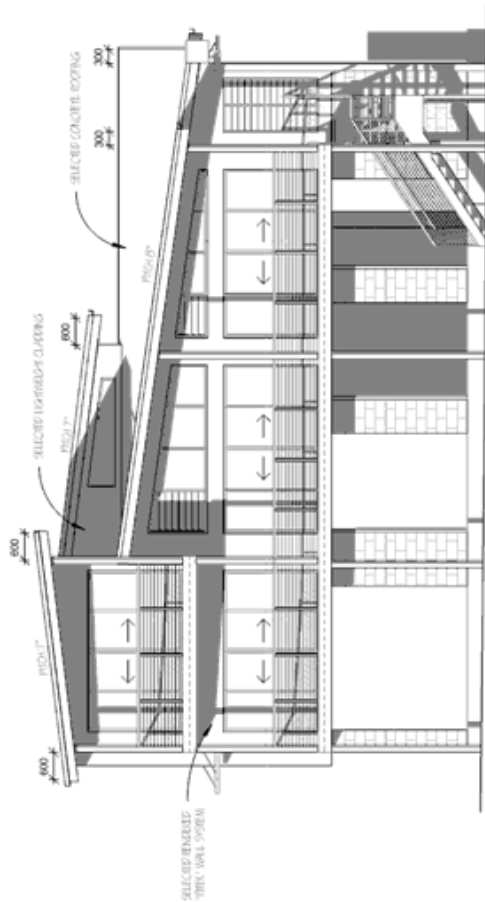
EAST ELEVATION 1:100

15-1169  
SHEET 2 OF 8

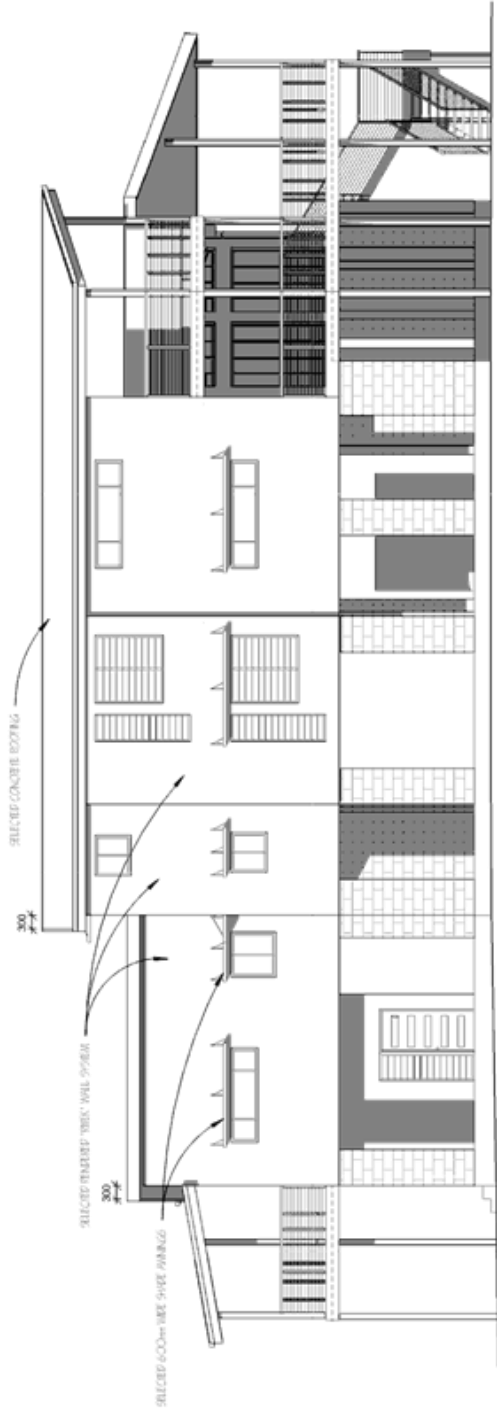




15-1169  
SHEET 3 OF 8



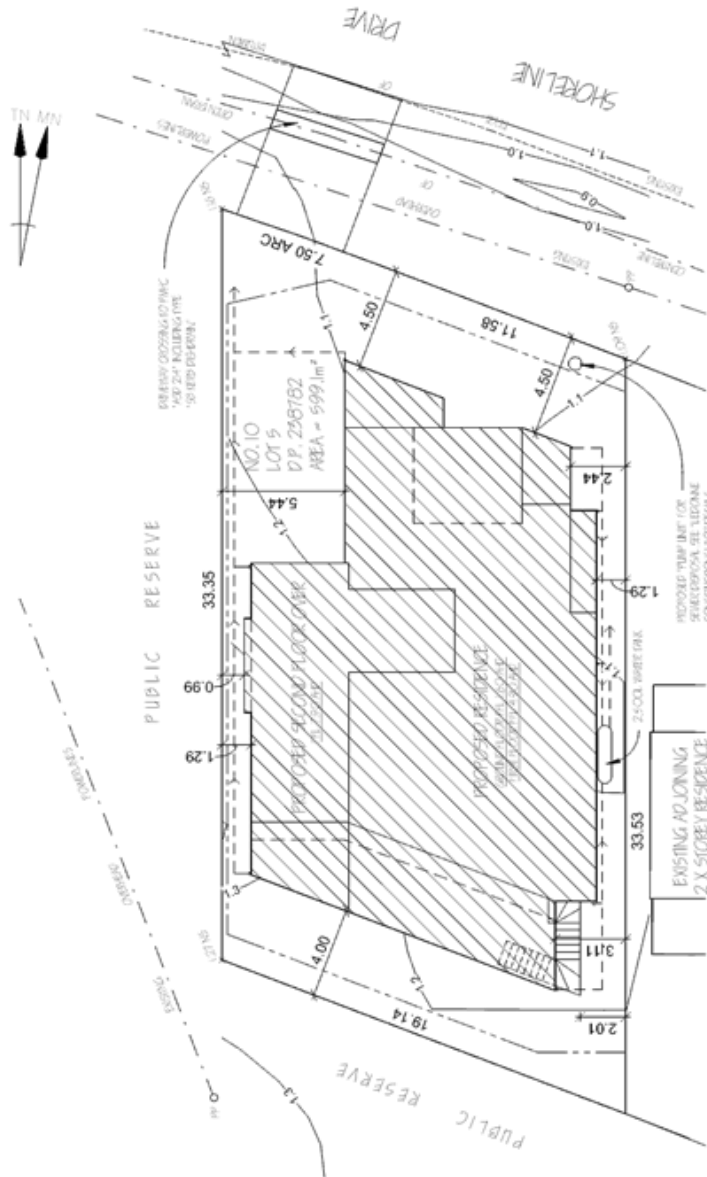
**SOUTH ELEVATION 1:100**  
(RIVER FRONTAGE)



**WEST ELEVATION 1:100**





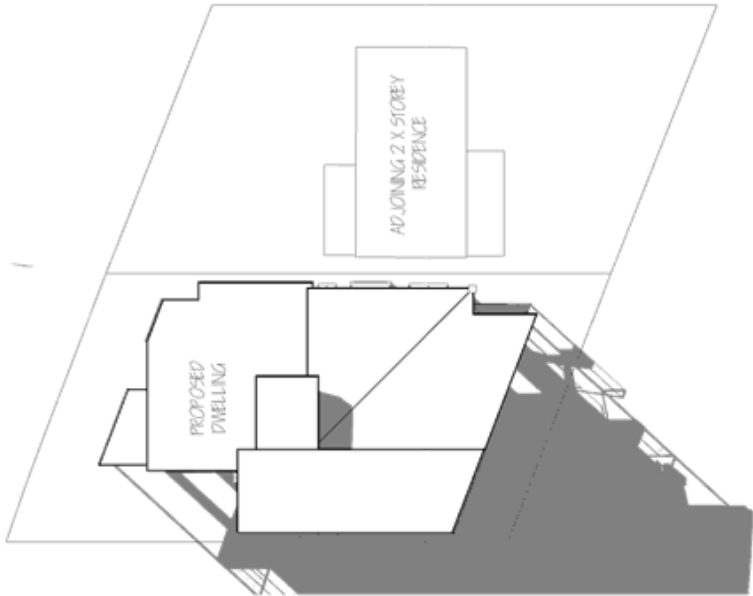


SITE PLAN 1200

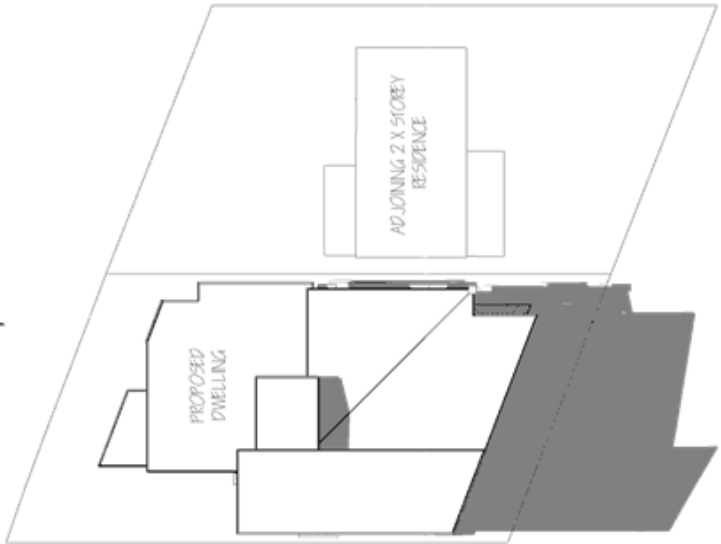
NOTES

1.  $\frac{1}{4}$ " = 1' — SURFACE CONCRETS & SPOOT HEIGHTS ON AND BY  
TRAILERS & STEEL CONCRETE  
BUILDING TO SOUTHERN OFFICERS  
4.50' — FINISHED FLOOR LEVEL ON AND  
FIN. 4.00' — PROPOSED SHOWERS (9.00')  
CONNECT TO WINTER PARK & ENSURING  
SYSTEM  
— — — PROVIDE SEPARATE FENCE AS FIRST STEP IN  
CONSTRUCTION PHASE (9.00' ON EQUIVALENT)

[illegible]



SUN @ 9am WINTER SOLSTICE



SUN @ 12pm WINTER SOLSTICE



SUN @ 3pm WINTER SOLSTICE

SHADOW DIAGRAMS



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/691****DATE: 18/11/2015****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Architectural Plans and Specifications	15-1169	Robert Smallwood Building Plans	September 2015
BASIX	C No 663194S	Robert Smallwood Building Plans	29 September 2015
SOEE		Robert Smallwood Building Plans	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.

- (4) (A195) All parts of the structure below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document *Reducing Vulnerability of Buildings to Flood Damage (2007)*.
- (5) (A196) The development shall allow flood waters up to the 1 in 100 year event (including climate change) to pass beneath or through the building. The building may be enclosed for security purposes with slats or lattice material provided the porosity of each wall/side is no less than 50%.

#### **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) (B195) The floor level of all habitable areas is to be a minimum of 500mm above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.15m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (3) (B196) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.15m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood including climate change may be assumed to be 0.52m/s



- (4) (B197) The rainwater tank(s) are to be securely fastened so that they do not become floating debris in a flood event up to and including the 1 in 100 year flood including the applicable climate change allowance. Fastening details are to be provided by a suitably qualified engineer and shall be submitted with the application for the Construction Certificate.

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

**D – DURING WORK**

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

**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) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (3) (E195) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this approval, the 1 in 100 year flood level including climate change may be assumed to be RL 3.15m AHD.

**F – OCCUPATION OF THE SITE**

nil

**george Kars**

**From:** "george Kars" [REDACTED] au>  
**Date:** Monday, October 19, 2015 7:57 PM  
**To:** <council@pmhc.nsw.gov.au>  
**Subject:** Re: Da Application No: 2015/691 10 Shoreline Dr, North Shore

dear fiona,thank you for the additional information that was asked for,I am amazed at the impact that the shadow created by the new dwelling will have on my house,and my lifestyle. I wish to continue with my objection to the D.A. during winter I will not be able live on my balconies in the afternoon's for they will be incased by the shadow cast by the new dwelling. the small pleasure that I used to have sitting on my balcony facing the river will be gone (unless I wish to rug up for they will be in the shade). I moved to PortMacquarie in 1980 and built my retirement home on the north shore and we were happy. in those days every body built their homes in line with each other and parallel to the river. the new dwelling has been designed at an angle away from the river there by creating the problem that I have to face. I would like the development and planning department to look into this to see weather this falls in line with councill guidelines of new developments I hope that I have made my concerns known and that councill will look into my request's.

Rgards

George Kars

8 shoreline dr

Port Maquarie.

N

-----Original Message-----


From: george Kars

Sent: Tuesday, October 13, 2015 7:27 PM

To: council@pmhc.nsw.gov.au

Subject: Fw: Fwd: Da Application No: 2015/691 10 Shoreline Dr, North Shore

22161

 <b>PORT MACQUARIE HASTINGS</b>	
TRIM No	CRM No
21 OCT 2015	
Forward ..... Activity ..... Subject ..... Folder .....	

DA 2015.691.1

19-Oct-15

**From:** [george Kars](#)  
**To:** [Council](#)  
**Subject:** Fw: Fwd: Da Application No: 2015/691 10 Shoreline Dr, North Shore  
**Date:** Monday, 12 October 2015 6:00:00 PM

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-----Original Message-----

From: [REDACTED]  
Sent: Sunday, October 11, 2015 12:58 PM  
To: [REDACTED]  
Subject: Fwd: Da Application No: 2015/691 10 Shoreline Dr, North Shore

> Fiona,  
>  
> I am writing to you regarding DA Application No: 2015/691.  
>  
> I wish to make an objection based on the grounds of potential reduced  
> solar access to the primary outdoor space (southern verandah) of my  
> residence,  
> however I require additional information to make this claim.  
>  
> I have reviewed sheet 1 of 7 Shadow Diagrams relevant to this application.  
>  
> I request that the shadow diagrams be updated to include my existing  
> residence.  
> I am the neighbouring property on the immediate eastern side.  
> I need the shadow diagram updated to include my existing residence so that  
> I can assess the solar impact to my southern verandah and my residence  
> generally.  
>  
> I believe it to be reasonable to be able to sit on my verandah that overlooks  
> the water and not be overshadowed by the neighbouring property.  
>  
> I look forward to your response.  
>  
>  
> Regards,  
>  
> George Kars  
> 8 Shoreline Dr, North Shore  
> [REDACTED]

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**Item: 11**

**Subject: DA2015 - 721 SECONDARY DWELLING, LOT 12 DP 1145952, 11  
TALLOW WAY, PORT MACQUARIE**

**Report Author: Fiona Tierney**

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<b>Property:</b>	<b>Lot 12 DP 1145952, 11 Tallow Way, Port Macquarie</b>
<b>Applicant:</b>	<b>S &amp; K Johnson Constructions Pty Ltd</b>
<b>Owner:</b>	<b>S &amp; K Johnson</b>
<b>Application Date:</b>	<b>12 October 2015</b>
<b>Estimated Cost:</b>	<b>\$60,000</b>
<b>Location:</b>	<b>Port Macquarie</b>
<b>File no:</b>	<b>DA2015 - 721</b>
<b>Parcel no:</b>	<b>60264</b>

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#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

**That DA 2015 - 0721 for a secondary dwelling at Lot 12, DP 1145952, No. 11 Tallow Way, Port Macquarie, be determined by granting consent subject to the recommended conditions .**

#### **Executive Summary**

This report considers a development application for a secondary dwelling 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, 3 submissions have been received.

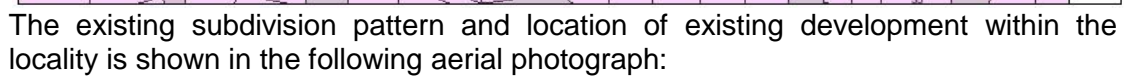
#### **1. BACKGROUND**

##### **Existing sites features and surrounding development**

The site has an area of 651.1m2.

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:





**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- An attached secondary dwelling

Refer to attachments at the end of this report.

**Application Chronology**

- 12 October 2015- Application lodged
- 15 -29 October 2015- Public exhibition via neighbour notification
- 4 November 2015- Additional shadow diagrams received

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

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

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

**State Environmental Planning Policy 44 - Koala Habitat Protection**

A Koala Plan of Management applies to the site. It is not anticipated that the works will impact on the KPOM. In particular the building envelope variation has already been granted through the prior dwelling approval. No trees are proposed to be removed as part of the application.

**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 (Building Sustainability Index: BASIX) 2004**

A BASIX certificate (number A221865) 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 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 - The maximum building height for this site is identified on the Height of Buildings Map as being 8.5m. The proposed development has a building height of 5.674m.
- Clause 4.4, the floor space ratio of the proposal is approximately 0.38:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.4- Secondary Dwellings- development for the purposes of secondary dwelling is permitted under this plan if the floor area excluding parking does not exceed 60m<sup>2</sup>.
- Clause 5.10, 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.

**(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**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	8.05m front boundary to Tallow Way.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Existing garage setback to Tallow Way	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width		No- however considered acceptable to

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

	Requirements	Proposed	Complies
			allow for car space parking off street and space available between driveways and stack parking available in driveways.
	Garage and driveway provided on each frontage for dual occupancy on corner lot	0.9m setback to secondary dwelling eastern side boundary.	N/A
	Side setbacks: • Ground floor = min. 0.9m  •	>35m2 private open space.	Yes.
3.2.2.5	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	No direct views between living areas of adjacent dwellings.	Yes
3.2.2.6	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings - 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,		Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	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		
3.2.2.10	•		

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
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
2.3.3.8	Removal of hollow bearing trees	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 garages to remain. No parking required for secondary dwelling	Yes

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

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

iv) any matters prescribed by the Regulations:  
NIL

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

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 site is located in an established residential area characterised by single storey dwellings.

**Access, Transport & Traffic**

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

**Utilities**

Telecommunication and electricity services are available to the site.

**Stormwater**

Service available – details required with S.68 application

**Water**

Service available – details required with S.68 application.

**Soils**

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

**Air & Micro-climate**

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

**Flora & Fauna**

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

**Waste**

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

**Energy**

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

**Noise & Vibration**

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

**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:**

Three (3) 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
Increased density, noise and traffic	The proposal is permissible with consent and complies with floor space ratio controls under the LEP. It is considered that the development will result in minimal additional increase in density, noise and traffic in the area.
Precedent and encouragement of further development	The development is a permitted use within the R1 zoning and is not considered likely create an unacceptable precedent within the area. Secondary dwellings are encouraged under state and local planning controls applying to the site.
Breach of covenant restriction that applies to the properties	An 88b restriction is applicable to the site that was designed to preserve a number of large koala trees that were present within the existing subdivision. Council has subsequently granted consent to remove these trees due to damage occurring to the dwelling and as a result the restriction that applies to this property is no longer valid. Council is the varying authority for this restriction and in the circumstances it is considered appropriate to vary the restriction to allow construction of the secondary dwelling.
Loss of privacy due to potential stair and window location	The development is single storey and an existing colorbond fence exists between the two properties. A privacy screen is recommended to be provided the entry to the secondary dwelling to a height of 2.1m.
Impact on koalas due to increased density and human presence	The proposal is not considered to have a significant adverse impact on koalas.
Increased noise due to close proximity to other dwellings	It is considered that the development will be compatible with other development in the locality and normal domestic occupation.
Additional cars parked in front of dwelling and reduced lawn space.	It is anticipated that minimal additional vehicle numbers would be created as a result of the development. The street is considered to have capacity to serve the development
Impact of house prices due to erosion of lower density.	The proposal is a permitted use within the zoning, impact on housing prices is not a consideration under this assessment.

**(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**

Not applicable.

**5. CONCLUSION**

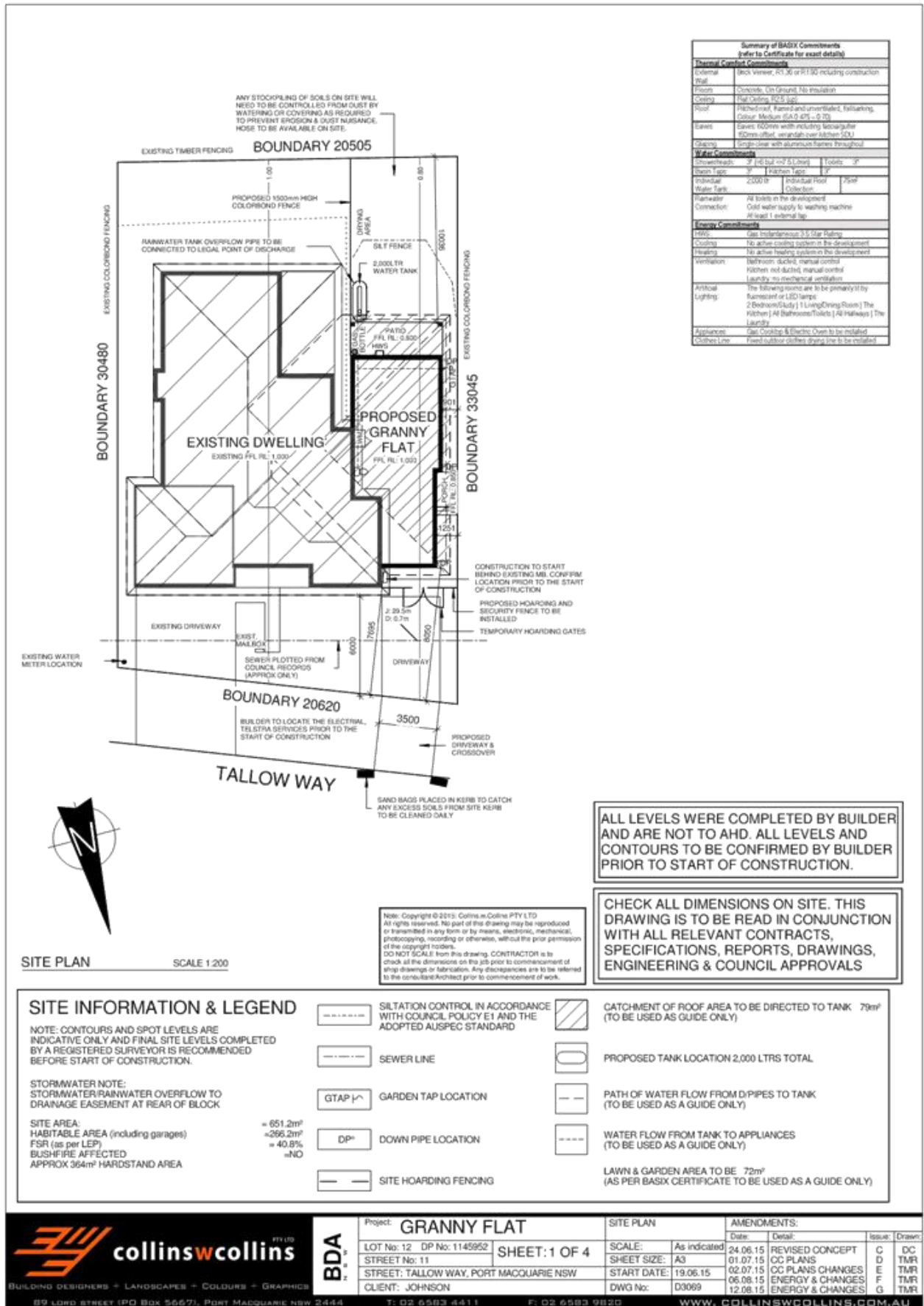
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

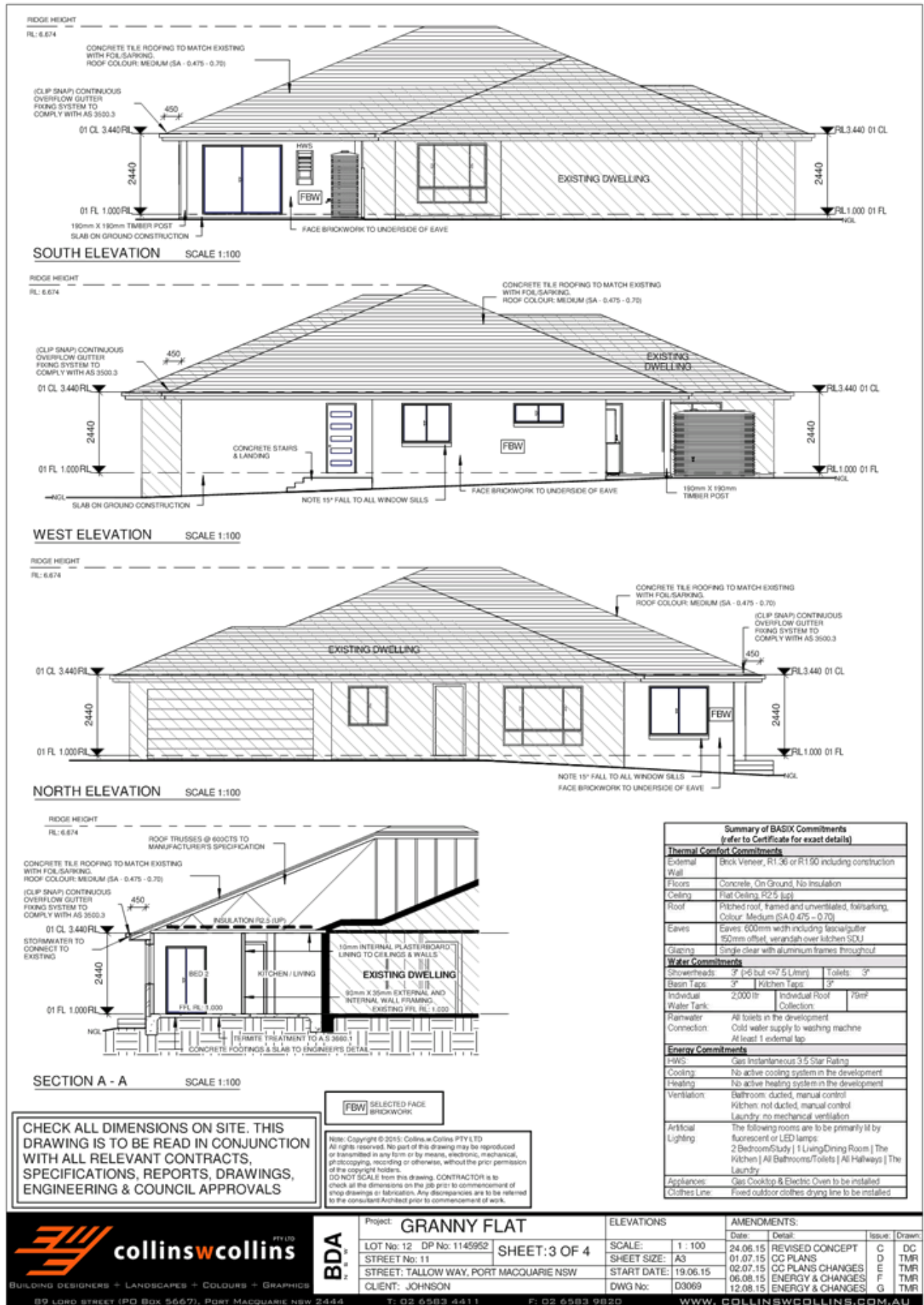
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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 - 721 Plans
- 2 [View](#). DA2015 - 721 Draft Conditions
- 3 [View](#). DA2015 - 721 Submission - KA Johnson
- 4 [View](#). DA2015 - 721 Submission - Paul and Grace Fenech
- 5 [View](#). DA2015 - 721 Submission - Philip and Julie Jamieson
- 6 [View](#). DA2015 - 721 Submission - Philip Jamieson





**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/721****DATE: 18/11/2015****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Architectural Plans and Specifications	D3069 Sheets 1-4	Collins W Collins	19/6/2015
BASIX	C No 652590S	Collins W Collins	3 August 2015
Bushfire Report		Krisann Johnson	28 <sup>th</sup> September 2015
SOEE		Collins W Collins	August 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.

- (4) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

#### **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) (B195) A privacy screen is to be provided to the stair entry area to the secondary dwelling to a height of 2.1m from natural ground level. Details to be shown on the application for the construction certificate.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

#### **D – DURING WORK**

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

#### **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.

#### **F – OCCUPATION OF THE SITE**

nil

25<sup>th</sup> October, 2015

K A Johnson  
13 Tallow Way  
Port Macquarie NSW 2444

[REDACTED] m

Attn: Fiona Tierney  
Development and Environmental Services  
Port Macquarie Hastings Council  
Port Macquarie

Dr Ms Tierney,

Re: Development Proposal 2015/721,  
Secondary Dwelling Lot 12 DP: 1145952  
11 Tallow Way

60264

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
27 OCT 2015	
Keyword	
Activity	
Subject	
Folder	DP 2015.721.1

I wish to strongly object to the **Development Proposal 2015/721**, Secondary Dwelling on the following grounds:

1. According to council documentation I received on purchase of my property in 2014, there exists a Positive Covenant and Restriction on the Use of Land for Lots 11-13 (Marked in yellow on accompanying Plan of Subdivision DP: 1145952). My understanding is that this covenant conveys that "All buildings must be built and wholly contained within the building envelope marked (B) on the plan."  
Recent enquiries with a development planner at the Port Macquarie Hastings Council chambers in relation to building a pool at the back of my property (Lot 13) confirmed that this is still in effect. I was required to adjust my pool plans to ensure that this covenant was not breached. According to the site plans of Lot 12's suggested development, the area of the covenant seems to correlate to the dotted line on the submitted site plan thereby not meeting the terms of the covenant as approximately a 3<sup>rd</sup> of the structure plus a patio impeaches into the restricted area.
2. The proposed position of the Granny Flat runs directly along my boundary fence. According to the site plan currently on public exhibition there will be a porch area butting directly up against said boundary. Based on the downward trajectory of the land (from the back of the property to the front) this would likely mean a number of stairs would be needed to reach the porch. This results in residences of the new dwelling being able to stand on the porch and look directly over the fence into my back yard, my entertaining area and thru into the family area where we spend the majority of our time. This is a gross compromise of our privacy.
3. In addition any windows on the western side of the proposed development will be likewise over-looking our backyard and living areas. Again a breach of privacy.







4. Increased traffic, the reduced backyard area for Lot 12 and additional human density will further discourage the presence of Koalas in the area (11 Tallow Way is within a designated Koala Habitat Protection area).
5. The height of the porch also presents a potential security risk to my property as the current height of the fence (1.8m) would now be compromised and no longer be a deterrent to someone wishing to gain access to my back yard via the landing.
6. Residence living so close to the boundary fence will inevitably mean additional noise. Currently noise is rarely an issue but having windows and an outdoor patio area so close to the fence line will mean that noise will have less distance to travel and will impact the sense of serenity and quietness we currently enjoy, especially as we utilise our outdoor spaces.
7. Nowhere along the Tallow Way street is such proposed densification of a single lot evident. The area is dominated by single dwellings of standard 4-5 bedroom houses per Lot with a single driveway and accompanying garage parking space/s. The majority being of conventional density.
8. The proposed Secondary Dwelling for 11 Tallow Way would mean reduced front lawn/garden space, taken up by a secondary driveway leading to additional transportation parked out the front of the residence or on the street. Nowhere else in the street do Lots contain a second driveway and residences tend to park in provided garages. This would not be the case for 11 Tallow Way.
9. Tallow Way is a narrow road (5m) put in to service the Tallow Way sub division. It is a no through road. The Additional parking in the front of the house or even on the street, increased visitor parking and the added traffic would potentially impede the traffic flow and restrict access by service, trade and other vehicles.
10. The densification of 11 Tallow Way will have adverse economic consequences for the residents of the rest of the street who invested in the area on the assumption that the established lot size pattern of around 600 – 650 sq/m is suitable for a single, medium sized home. Home prices will be negatively impacted upon if the proposal that is contrary to established building practices is adopted.

I would like to reiterate that I strongly object to the building of a "Secondary Dwelling" on Lot 12, 11 Tallow Way on the grounds of decreased privacy and security, increased noise, traffic and parking issues and decreased Koala habitat within the area. I trust that my concerns and objections will be given due consideration.

Sincerely

---

K A Johnson

DA 2015/721 - 11 Tallow Way


To Port Macquarie Hastings Council

We object to the building of 18  
granny flat because No1 the street is too  
narrow for extra traffic that will bring in  
it. No2. We don't know how many extra  
people are going to be living in it.

There are young children playing in  
street because it is a cul de sac street  
There are elderly people living here too

Paula Grace Fenech.  
9 TALLOW WAY  
PORT MACQUARIE 2449

60264.

 PORT-MACQUARIE HASTINGS	
TRIM No	CRM No
28 OCT 2015	
Keyword	
Activity	
Subject	
Folder	DA 2015-721-1

Port Macquarie Hastings Council  
PO BOX 84  
Port Macquarie NSW 2444  
Ph: 02 6581 8123

29/10/2015

To whom it may concern,

**Re: Secondary dwelling development proposal at 11 Tallow Way, Port Macquarie. Application # 2015/721**

I write to formally lodge my objection to the aforementioned proposal. My objection is based on the amenity of the neighbourhood, which will be affected by this development in a number of ways:

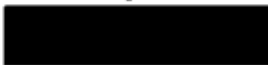
- An increase in density of housing on a street where part of its appeal lies in its houses detached from one another.
- Approving this application would open up the street to many other applications of the same nature, further diminishing from the amenity of the neighbourhood.
- A higher density of housing, by its nature, increases the likelihood of issues arising that negatively effect the inhabitants of Tallow Way including, but not limited to, more vehicular traffic, a greater potential for noise related issues and the suburbanisation of what can be described as a semi-suburban area.

I trust that when a decision is being made on this proposal that my concerns are given due consideration.


Regards,



Philip & Julie Jamieson  
8 Tallow Way  
Port Macquarie 2444



60264.

 PORT MACQUARIE HASTINGS	
TRIM No	C.M No
- 5 NOV 2015	
Keyword .....	
Activity .....	
Subject .....	
Folder DA 2015.721.1	

**From:** [Philip Jamieson](#)  
**To:** [Council](#)  
**Cc:** [Julie Jamieson](#)  
**Subject:** DP: 1145952 Application #2015/721  
**Date:** Tuesday, 3 November 2015 8:22:04 AM

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To whom it may concern,

**Re: Secondary dwelling development proposal at 11 Tallow Way, Port Macquarie. Application # 2015/721**

I write to formally lodge my objection to the aforementioned proposal. My objection is based on the amenity of the neighbourhood, which will be affected by this development in a number of ways:

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- Approving this application would open up the street to many other applications of the same nature, further diminishing from the amenity of the neighbourhood.
- A higher density of housing, by its nature, increases the likelihood of issues arising that negatively effect the inhabitants of Tallow Way including, but not limited to, more vehicular traffic, a greater potential for noise related issues and the suburbanisation of what can be described as a semi-suburban area.

I trust that when a decision is being made on this proposal that my concerns are given due consideration.

Regards,

Philip Jamieson  
8 Tallow Way  
