



Development Assessment Panel

Business Paper

date of meeting: Wednesday 25 May 2016

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

time: 2.00pm

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel

CHARTER

COMPOSITION:

Independent Chair (alternate, Director Development & Environment)

Manager Development Assessment (alternate, Director Development & Environment or Development Assessment Planner)

Development Engineering Coordinator (alternate, Development Engineer)

MISSION:

To assist in managing Council's development assessment function by providing independent and expert assessment of development applications

The Development Assessment Panel will make determinations on the basis of established criteria and practice and will not be influenced by "lobbying" and "weight of numbers" in its assessment process.

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:

1. Pursuant to Section 377 of the Local Government Act, 1993 delegation to:
2. 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.
3. Vary Modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
4. Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

TIMETABLE:



**PORT MACQUARIE
HASTINGS**

The Development Assessment Panel shall generally meet on the 1st and 3rd Wednesday each month at 2.00pm.

VENUE:

The venue will be determined according to the likely number of participants.

BUSINESS PAPER AND MINUTES:

1. The Business Paper for the meeting shall be published and distributed on the Friday prior to the meeting.
2. Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.
3. The format of the preparation and publishing of the Business Paper and Minutes of the Development Assessment Panel meetings shall be similar to the format for Ordinary Council Meetings, except that the movers and seconders shall not be recorded and only the actual decisions are shown. Minutes shall also record how each member votes for each item before the Panel.

FORMAT OF THE MEETING:

1. Panel meetings shall be carried out in accordance with Council's Code of Meeting Practice 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.

INDEPENDENT CHAIR:

The Chair of the Development Assessment Panel shall be an independent person appointed by the General Manager. The Independent Chair shall have experience and qualifications relevant to planning. The term of the Independent Chair shall be four (4) years.

QUORUM:

All members must be present at the Meeting to form a Quorum.

DECISION MAKING:

Decisions are to be made by the Development Assessment Panel by "consensus". Where "consensus" is not possible, the matter is to be referred to Council.



**PORT MACQUARIE
HASTINGS**

All development applications involving a variation to a development standard greater than 10% under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 will be considered by the Panel and recommendation made to the Council for determination.

Staff Members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

LOBBYING:

Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

OBLIGATIONS OF PANEL MEMBERS:

All DAP members are required to comply with the following:

1. Members must perform their Development Assessment Panel obligations faithfully and diligently and in accordance with the DAP Code.
2. DAP members must comply with Council's Code of Conduct.
3. Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
4. DAP members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
5. DAP members must act in accordance with Council's Occupational Health and Safety Policies and Procedures
6. DAP members shall not speak to the media on any matter before the Panel otherwise than with the express approval of the Director Development & Environment Services.



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel

ATTENDANCE REGISTER

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	25/11/15
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓	✓ ✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	09/12/15	16/12/15	20/01/16	24/02/16	23/03/16
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	13/04/16	27/04/16	11/05/16		
Paul Drake	✓	A	✓		
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 May 2016

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>7</u>
02	Apologies.....	<u>7</u>
03	Confirmation of Minutes	<u>7</u>
04	Disclosures of Interest.....	<u>12</u>
05	DA2015 - 855.1 - 8 Lot Rural Torrens Title Subdivision And Koala Plan of Management - Lot 3 DP 789114, No 352 Burrawan Forest Drive, Lake Innes	<u>16</u>
06	DA2016 - 93.1 - Demolition Of Existing Dwelling And Construct New Dwelling And Swimming Pool - Lot 9 Sec 1 DP 758603 No 184 Camden Head Road, Camden Head	<u>95</u>
07	DA2004 - 859.4 - Modification Existing Dwelling - Alterations And Additions, Lot 88 DP232885, 5 Glen Street,Port Macquarie	<u>124</u>
08	DA2015 - 698.1 - Demolition Of Dwelling And Construction Of Child Care Centre - Lot 2 DP808998, 156 Horton Street, Port Macquarie	<u>143</u>
09	DA2014 - 258.3 - Modification To Multi Dwelling Housing - Lot B DP162593, Lot 2 DP38827, Lot 1 DP38827, Allan Road, Wauchope	<u>174</u>
10	General Business	



**PORT MACQUARIE
HASTINGS**

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 11 May 2016 be confirmed.

PRESENT

Members:

Paul Drake (Chairperson)
Dan Croft
David Troemel

Other Attendees:

Clinton Tink
Ben Roberts
Patrick Galbraith-Robertson

The meeting opened at 2.02pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 27 April 2016 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2014 - 410.3 MODIFICATION TO SHOP TOP HOUSING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 123 DP1219042, CLARENCE STREET, PORT MACQUARIE

Speaker:

David Pensini

CONSENSUS:

That it be recommended to Council that Section 96 modification to DA2014 - 410.3 for Shop Top Housing including Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition B4 by adding the words 'Stage 2' prior to the words 'Construction Certificate'.
- Amend condition B5 by adding the words 'Stage 2' prior to the words 'Construction Certificate'

06 DA2016 - 149.1 SHOP TOP HOUSING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 123 DP1219042, CLARENCE STREET, PORT MACQUARIE

Speaker:

David Pensini (Applicant)

CONSENSUS:

That it be recommended to Council that DA2016 - 149.1 for Shop Top Housing including Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition A(14) to read: 'This consent provides for the necessary change in levels and access to the car parking approved via DA2015/332.'
- Amend Condition A1 to by updating plan table to reference the following:

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	15 Clarence Street	David Pensini	December 2015
Development Plans	1507 Revision B	Wayne Ellis Architect	10 May 2016
BASIX Certificate	652499M	Concept Designs Australia	11 January 2016

07 DA2016 - 46.1 - DWELLING AND SWIMMING POOL - LOT 48 DP 233413, NO 25 ASTRONOMERS TERRACE, PORT MACQUARIE

Speakers:

Jackie Bowden (o)
 Greg Trembath (o)
 Craig Teasdell (applicant)

CONSENSUS:

That DA 2016 - 46.1 for a dwelling and swimming pool at Lot 48, DP 233413, No. 25 Astronomers Terrace, Port Macquarie, be determined by granting of consent subject to the recommended conditions and as amended below:

- Amend condition B3 to read: 'The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 and (BAL) 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement and consistency with the bushfire risk assessment submitted with the application.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia'.

08 DA2016 - 162.1 ANCILLARY BUILDING (SHED) - LOT 20 DP 707776, NO 20 LINKS CRESCENT, PORT MACQUARIE

CONSENSUS:

That the application be deferred at the request of the applicant.

The meeting closed at 2.37pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

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

Non-Pecuniary - Significant Interest:
Take no part in the consideration and voting and be out of sight of the meeting.

Non-Pecuniary - Less than Significant Interest:
May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(Further explanation is provided on the next page)



Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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



SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: **Date:**



Important Information

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

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

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

Item: 05

Subject: DA2015 - 855.1 - 8 LOT RURAL TORRENS TITLE SUBDIVISION AND
KOALA PLAN OF MANAGEMENT - LOT 3 DP 789114, NO 352
BURRAWAN FOREST DRIVE, LAKE INNES

Report Author: Patrick Galbraith-Robertson

Property: Lot 3 DP 789114, 352 Burrawan Forest Drive, Lake Innes
Applicant: Lymarn Holdings Pty Ltd CARE Hopkins Consultants
Owner: Lymarn Holdings Pty Ltd
Application Date: 24 November 2015
Estimated Cost: N/A
Location: Lake Innes
File no: DA2015 - 855.1
Parcel no: 3163

Alignment with Delivery Program

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

RECOMMENDATION

1. That the draft Koala Plan of Management: Lot 3 Burrawan Forest Drive: Rural Subdivision dated 28 April 2016 be approved.
2. That DA2015 - 855.1 for a 8 lot rural torrens title subdivision at Lot 3, DP 789114, No. 352 Burrawan Forest Drive, Lake Innes, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for an 8 lot rural subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

A Koala Plan of Management has submitted and approval of the DA is dependent upon its endorsement.

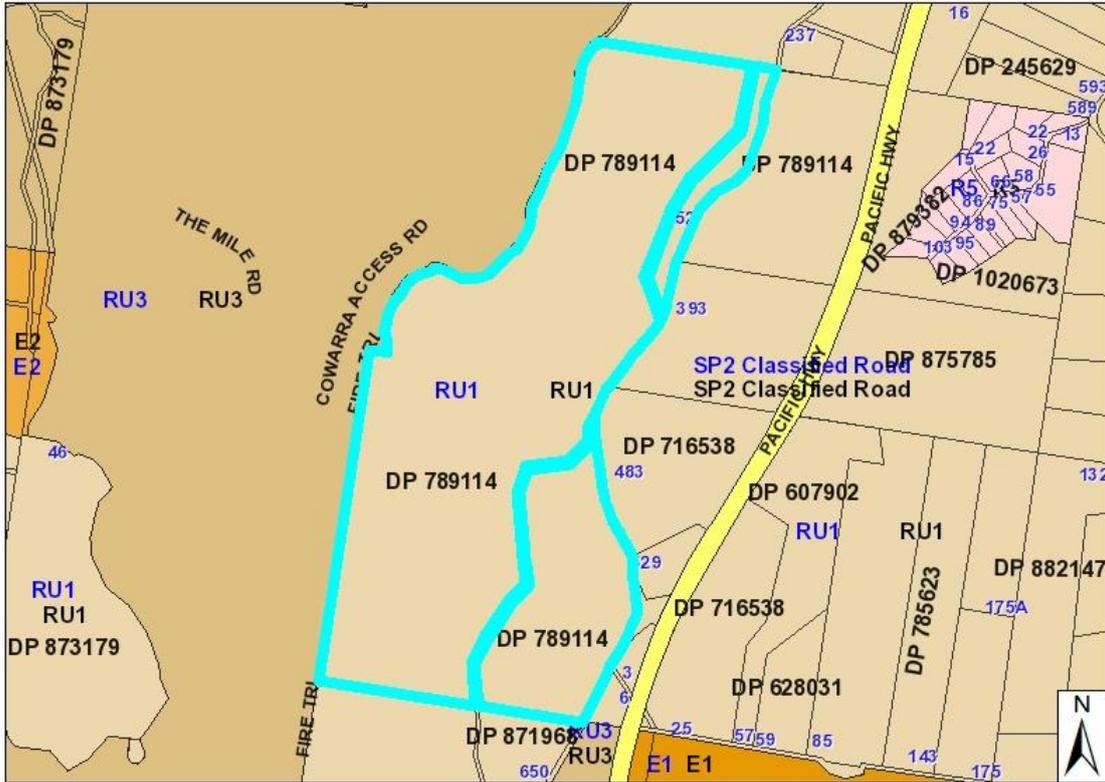
Following neighbour notification of the application, one (1) submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

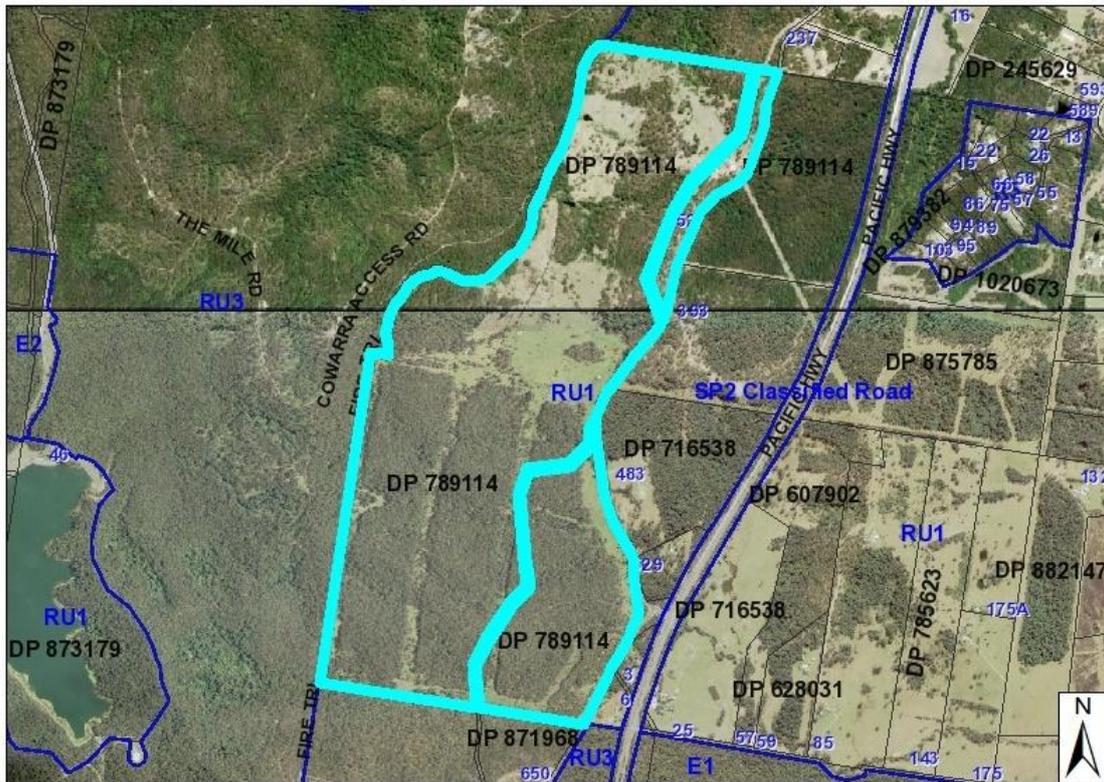
The site has an area of 352.95 hectares.

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:





The site currently comprises tracts of vegetation, cleared paddocks and contains a single dwelling house towards its northern end. The site has a total area of 352.95Ha and is of an irregular shape that runs in a general north-south orientation parallel to Burrawan Forest Drive.

Adjoining the site to the west is the Cowarra State Forest. The site is adjoined at the North and South by large lot rural properties containing single dwellings. Burrawan Forest Drive forms the eastern boundary of the site, with large-lot rural properties located beyond.

The site is undulating, with slopes of 0-10%. The site includes a number of dams and minor waterways. The site has previously been utilised for the keeping of stock and features poorly maintained improvements including unsealed tracks, fences and gates throughout.

The site enjoys a long contiguous frontage to Burrawan Forest Drive, which was the previous alignment of the Pacific Highway.

PMHC vegetation community mapping shows most of the forest vegetation as Grey Gum-Grey Ironbark Moist Forest, with tracks of cleared pasture and woodland. The drainage lines generally contain Flooded Gum Moist Riparian & Gully Forest. An area along the southern boundary is mapped as Swamp Oak - Mixed Eucalypt Coastal Floodplain Wetland Forest.

The site has recently been subject to a Private Native Forestry – Property Vegetation Plan (PNF PVP) and has been moderately cleared in accordance with this plan. Open paddocks are common along the eastern section of the site and clearings are present throughout the site which previously formed log dumps under the PNF PVP.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Subdivision into 8 rural lots. All proposed lots are greater than 40ha in area.
- Koala Plan of Management

Refer to attachments at the end of this report.

Application Chronology

- 24 November 2015 - DA lodged
- 30 November 2015 - Referral to NSW Rural Fire Service
- 3-16 December 2015 - neighbour consultation
- 5 January 2016 - Additional information requested
- 29 January 2016 - RFS issued Bushfire Safety Authority
- 4 March 2016 - Amended Koala Plan of Management submitted
- 8 March 2016 - Referral of KPoM to Department of Planning and Environment
- 20 April 2016 - Additional information received - driveway locations
- 10 May 2016 - KPoM approved by the Department of Planning and Environment

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy 44 - Koala Habitat Protection

The site is greater than 1 ha in size, which triggers consideration of the SEPP. During the assessment of the site and the preparation of the Ecological Assessment, investigations were undertaken to determine the potential presence of Koalas and Koala habitat. These investigations, as outlined in the ecological assessment revealed the following:

“Due to evident occurrence of Koalas in the study area; ongoing records of Koalas within associated habitats, as well as high activity levels on site and in the study area: the site was considered to form part of a larger area of Core Koala Habitat.”

In compliance with SEPP44, the Applicant has lodged a Koala Plan of Management (KPoM) for the proposed development. A KPoM for the site has been prepared by *NatureCall* and is attached to this report. The KPoM concludes:

“The principle objective of this Koala Plan of Management is to ensure the study site retains its ability to support a Koala population in the long term and maintain linkages within the broader landscape of identified Core Koala Habitat.



To achieve this, the KPoM aims to achieve the following:

- *Retention of the majority of Koala habitat present on site.*
- *Mitigation of potential and existing threats via effective measures with compliance mechanisms to ensure mortality rates are not elevated to the point of resulting in population collapse or creation of a sink.*

The proposal poses a relatively low threat to the site’s Core Koala Habitat values given the minimal if any further habitat loss. Provided the proposal abides the KPoM’s requirements, connectivity, habitability and carrying capacity for the Koala should be retained in the long term.”

The KPoM has been referred to the Department of Planning and Environment who have approved the Plan after some minor amendments.

The Koala Plan of Management as provided is sufficient in addressing the assessment requirements of SEPP 44 and the recommendations of the plan are adequate in mitigating any impact the proposed development might have on Koalas and Koala habitat within the subject site.

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 (Rural Lands) 2008

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

Applicable clauses for consideration	Comments	Satisfactory
The existing uses and approved uses of land in the vicinity of the development - 10(3)(a)	The land currently contains a single dwelling. Surrounding uses can be described as rural, with some examples of similar large-lot residential development to the scale of this proposal. The proposed subdivision and the future use of the site for rural activities is consistent with existing uses in the area.	Yes
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 – 10(3)(b)	The proposed development is unlikely to have a significant impact on surrounding land uses. The proposed subdivision will not prevent the future use of this site, or any neighbouring sites for rural or agricultural purposes.	Yes
Whether or not the development is likely to be incompatible with a use	The proposed development is wholly compatible, if not identical to the surrounding	Yes



referred to in paragraph (a) or (b) – 10(3)(c)	land uses. It will result in eight large parcels of land which continue to reflect the rural nature of the area.	
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 – 10(3)(d)	The land is situated within a rural zone and is not adjoined by land zoned specifically for rural-residential uses.	Yes
Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d) – 10(3) (e).	As noted above, no incompatibility exists. The proposed subdivision is consistent with the subdivision pattern and land uses of the surrounding area.	Yes

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.

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for rural tourism that does not compromise the primary industry capabilities of the land and is based on the rural attributes of the land.*
- *To secure a future for agriculture in the area by minimising loss of potential agricultural productivity and fragmentation of rural land.*

The proposal is consistent with the objectives of the RU1 Zone in that:

- The proposal will not limit the ability of the proposed lots to be utilised for primary production purposes. The large lot sizes (consistent with the minimum lot size for the area) may effectively be utilised for primary production.
- The proposed subdivision will result in large-lot rural parcels which will facilitate low-density rural and/or rural-residential usage which will remain consistent with the existing landscape and character of the area.
- The proposed subdivision will secure each proposed lot for future agricultural use and does not represent a fragmentation of rural land.
- Clause 4.1, all the lot sizes are equal to or greater than the minimum 40 hectares lot sizes identified in the Lot Size Map relating to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including electricity supply, on-site sewage management, 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

The proposal complies with the requirements of DCP 2013. Those provisions from *DCP Chapter 3.3 Subdivision – Rural Subdivisions* which are relevant considerations to the assessment of this subdivision are commented on below:

Requirement	Proposed	Complies
a) A minimum gate width of 3.6m should be provided to any property.	A gate width of 3.6m can be achieved for each proposed lot	Achievable - subject to separate DA for individual dwellings
b) Land with a slope greater than 15 degrees is not to be proposed for house construction or effluent disposal.	Each proposed building envelope is located in an area with slopes less than 15 degrees.	yes
c) Unless created under clause 4.2 of LEP 2011 or clause 9 of SEPP (Rural Lands) 2008, lots in rural areas should:		
have an identified building platform for a dwelling house.	Dwelling envelopes are identified and indicated on the attached plan of subdivision	yes
have appropriate area and dimensions for the siting and construction of a dwelling and any ancillary outbuildings.	Each proposed lot has ample room for the siting and construction of a dwelling and associated outbuildings	yes
• have a gate installed for the driveway	A gate is to be installed for each proposed lot	Yes - achievable
• demonstrate that an environmentally sensitive, 2 wheel drive standard access can be located between the driveway (referred to above) and the nominated building platform on each lot and in accordance with Council’s adopted design specifications.	Each lot has the opportunity for the creation of 2-wheel drive standard access of suitable grades between the proposed building envelopes and Burrawan Forest Drive which can be achieved without the removal of additional vegetation or earthworks.	yes
have a sealed driveway, constructed from the road to 3m inside the property boundary.	There are no constraints for each proposed lot to be provided with a sealed driveway from the road to 3m inside each parcel.	
• comply with bushfire guidelines;	The proposed development complies with bushfire guidelines, as demonstrated in the Bushfire Report supplied	yes



• be above Q100 flood level and has high level road and/or pedestrian access to land above probable maximum flood level;	The proposed site is not within a flood planning area	yes
• have adequate solar access;	Each lot is benefitted by ample solar access opportunities, given their size and the separation distances between suggested dwelling envelopes	yes
not impact on rural activities on nearby land.	The proposal will have no impact on rural activities conducted on nearby land. Each lot will be of a sufficient size so as to be consistent with the rural character of the locality.	yes
d) Where access is on a right of way over another property, the maximum number of allotments that may share in the above right of way access arrangements is 2.	Access is to be provided to each proposed lot directly to Burrawan Forest Drive. No right of way arrangements are required.	yes
e) For battleaxe or hatchet shaped allotments access width should be a minimum of pavement width	The proposed lots are all regular in shape. No battle-axe allotments are proposed	yes
• have access to a public road that is readily upgraded to all weather two wheel drive standard;	Each lot has access to Burrawan Forest Drive, a sealed road once built to national highway standard, which is appropriate for all weather two-wheel drive access	yes

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

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

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

iv) any matters prescribed by the Regulations:

N/A

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 proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

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

Roads

The site has road frontage to Burrawan Forest Drive.

Adjacent to the site, Burrawan Forest Drive is a sealed public road under the care and control of Council. Burrawan Forest Drive is a collector road with a 7m wide pavement within an 18m wide and variable road reserve width. Burrawan Forest Drive is a rural road with no formed kerb and gutter.

The site is traversed by an existing paper road. It will be necessary for the Applicant to formally close these public road reserves as part of the subdivision certificate process.

Traffic and Transport

This development proposes to generate an estimated 49 additional daily trips. The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

Vehicle access to the site is proposed via individual access driveways to Burrawan Forest Drive for each proposed Lot. The Applicant has submitted details demonstrating that they can achieve the 165m site distance as required by Austroad Road Design Guide Part 3 - Geometric Road Design. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally grades towards the street frontage and is currently unserviced. The legal point of discharge for the proposed development is defined as Burrawan Forest Drive.

Water

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.

Flora & Fauna



The Applicant has submitted a flora and fauna impact assessment report prepared by Naturecall. The Naturecall report details the following:

- Development envelopes (dwelling location and associated Asset Protection Zones) are nominated for the purposes of this assessment to be located in existing clearings, generally comprising former log processing areas established during under the current Private Native Forestry (PNF) Property Vegetation Plan, or land cleared of regrowth under the Routine Agricultural Management Activities (RAMAs) exemptions under the *Native Vegetation (NV) Act 2003*.
- No threatened flora species were found, with *Cynanchum elegans* considered only a low potential occurrence in the least disturbed portions of the drainage line, due to generic potential habitat and a local record in very different habitat to the south.
- The majority of the drainage lines which contain Flooded Gum Moist Riparian & Gully Forest or Flaxleaved Paperbark – Mixed Eucalypt Coastal Floodplain Wetland Forest Complex generally qualified as Coastal Floodplain EECs (although mapping appears to over-estimate the extent of alluvial soils, especially in the southeast). The Swamp Oak - Mixed Eucalypt Coastal Floodplain Wetland Forest Complex is mapped under the PMHC ECC mapping as *Swamp Oak Floodplain Forest on Coastal Floodplains*, but lack of a sub-saline or saline watertable and adjacent vegetation strongly suggests it may better fit the Final Determination for the EEC – *Swamp Sclerophyll Forest on Coastal Floodplains*.
- Due to the detection of several areas of major activity on site, the site was also determined to contain Core Koala Habitat, and hence a Koala Plan of Management is submitted to accompany the DA.
- Overall, the proposal will have only a limited net negative impact due to strategic location of the dwelling sites in existing clearings in the eastern side of the property, and limited extent of indirect impacts associated with the establishment of 7 additional dwellings. Given this; the ecology of the subject species; and that current connectivity is retained: the proposal is not considered likely to result in impacts of sufficient order of magnitude to place a local viable population at risk of extinction.

The assessment provided has been assessed as being acceptable.

Bushfire risk

The site is identified as being bushfire prone.

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

The Applicant has submitted a bushfire risk report prepared by a Certified Consultant.

The Application has been referred to the NSW Rural Fire Service who have assessed the development and issued a Bushfire Safety Authority subject to conditions.

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.

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.

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.

Noise

Future dwellings on the proposed lots would be within 2km of existing motorsports facilities to the south, being a gokart/supermotard track and a motocross track. It is noted that as part of the approvals of these facilities that noise impact assessments were undertaken having regard to the nearest residential receivers. In this regard, there is an existing dwelling at No.6 Coolamin Road opposite the site which is sited approximately 790m from the nearest section of the go kart/super motard track. In comparison to the proposed subdivision, a dwelling could potentially be constructed at the closest point to the southern boundary of Lot 8 at distance of approximately 760m (factoring in bushfire APZ requirements).

A noise level of 112dB(A) (competition motocross bike) produced at the motorcross track would reduce, by distance attenuation alone, to an external receiver noise level of 58 dB(A) at a distance of 1 km. Other factors such as ground absorption and shielding due to topography would reduce noise further to the extent that unacceptable outdoor noise levels are unlikely to be experienced.

However, a precautionary approach is warranted to ensure no adverse landuse conflict is created. It is recommended that a building envelope restriction should be imposed on Lot 8 to require a minimum 1 kilometre distance separation from the nearest point of Port Macquarie motocross track with a variation only possible if a proponent for a dwelling undertakes a specialist noise impact assessment.

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

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

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

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

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

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



Submission Issue/Summary	Planning Comment/Response
<p>Council's attention drawn to the clearing of native vegetation (trees) down to the edge of the road, particularly on the high bank on the northern end of the development. We feel this is not on developer land and was therefore illegal and done purely to clear the area for better views.</p>	<p>The applicant has advised that the development as proposed is for subdivision only, no tree clearing is required to facilitate this. As noted in previously submitted documentation, the subject site has previously been cleared pursuant to a Private Native Forestry - Property Vegetation Plan, however the tree clearing performed under this has now been completed and no further tree felling is proposed under this development application. As such, tree clearing on the property is not considered a relevant consideration for this development application.</p>
<p>Each allotment being 350 to 500 metres wide and each having a separate access the danger for all using this road will be greatly increased as there are many blind corners and inadequate sections to allow for safe exit and access for future owners.</p>	<p>A concept plan has been provided following neighbour notification to identify likely proposed driveway locations (see attached to this report). The proposed lots are large and have wide road frontages, providing ample opportunity for access to each proposed lot and wide separation between these access points. The proposed subdivision layout is consistent with a large lot rural subdivision, each lot is in excess of the minimum lot size requirement of 40ha and provides lengthy frontage to a sealed road. It is considered that each lot will be able to provide access suitable for a rural setting and that traffic movements within the immediate area will not be adversely effected by the addition of these lots. Vehicle access to the site is proposed though individual access driveways to Burrawan Forest Dr for each proposed Lot. The applicant has submitted details demonstrating that they can achieve the 165m site distance as required by Austroad Road Design Guide Part 3 - Geometric Road Design. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.</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 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

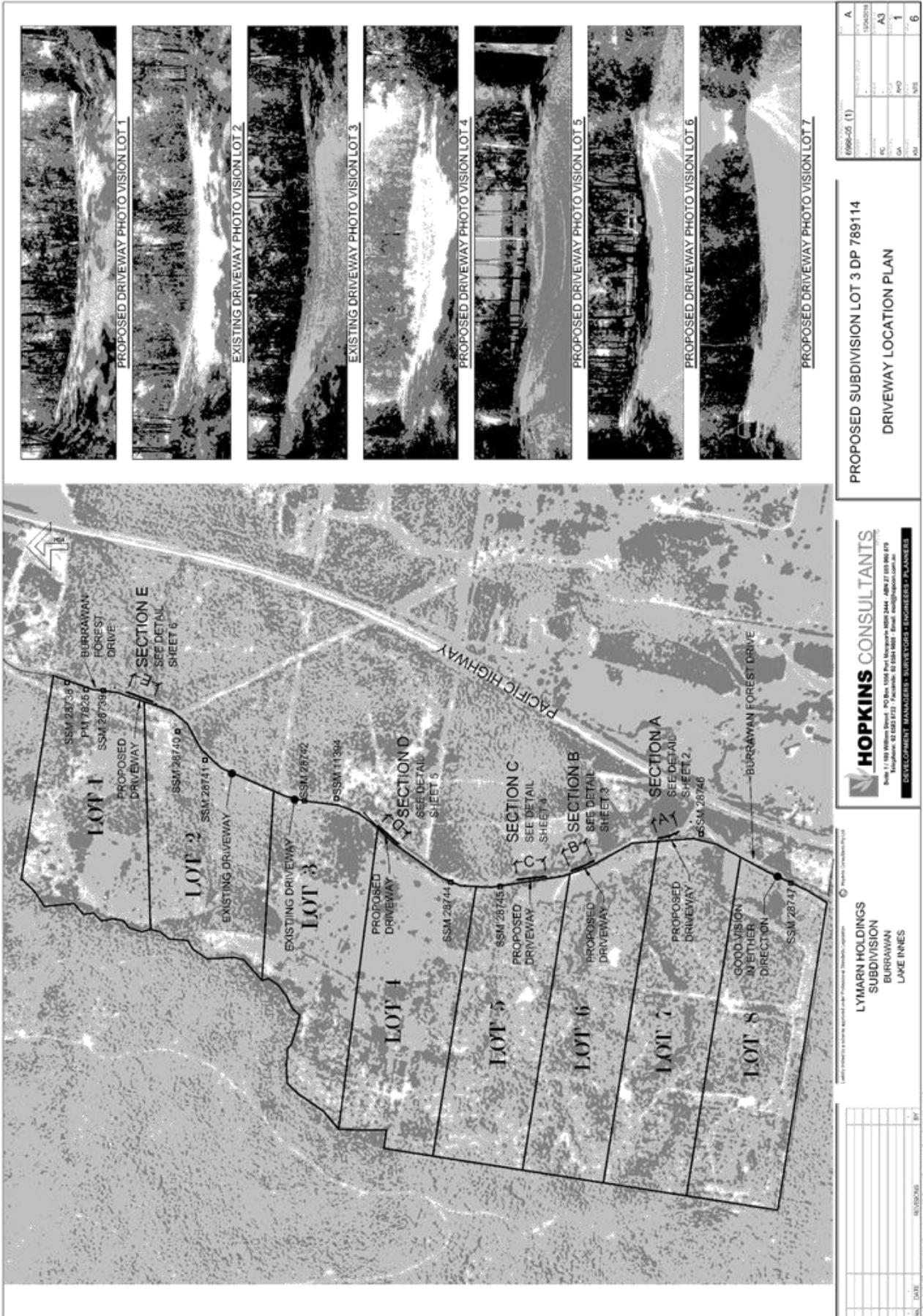
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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 - 855.1 Plans
- 2 [View](#). DA2015 - 855.1 Koala Plan of Management
- 3 [View](#). DA2015 - 855.1 Submission - Trotter
- 4 [View](#). DA2015 - 855.1 Recommended DA Conditions

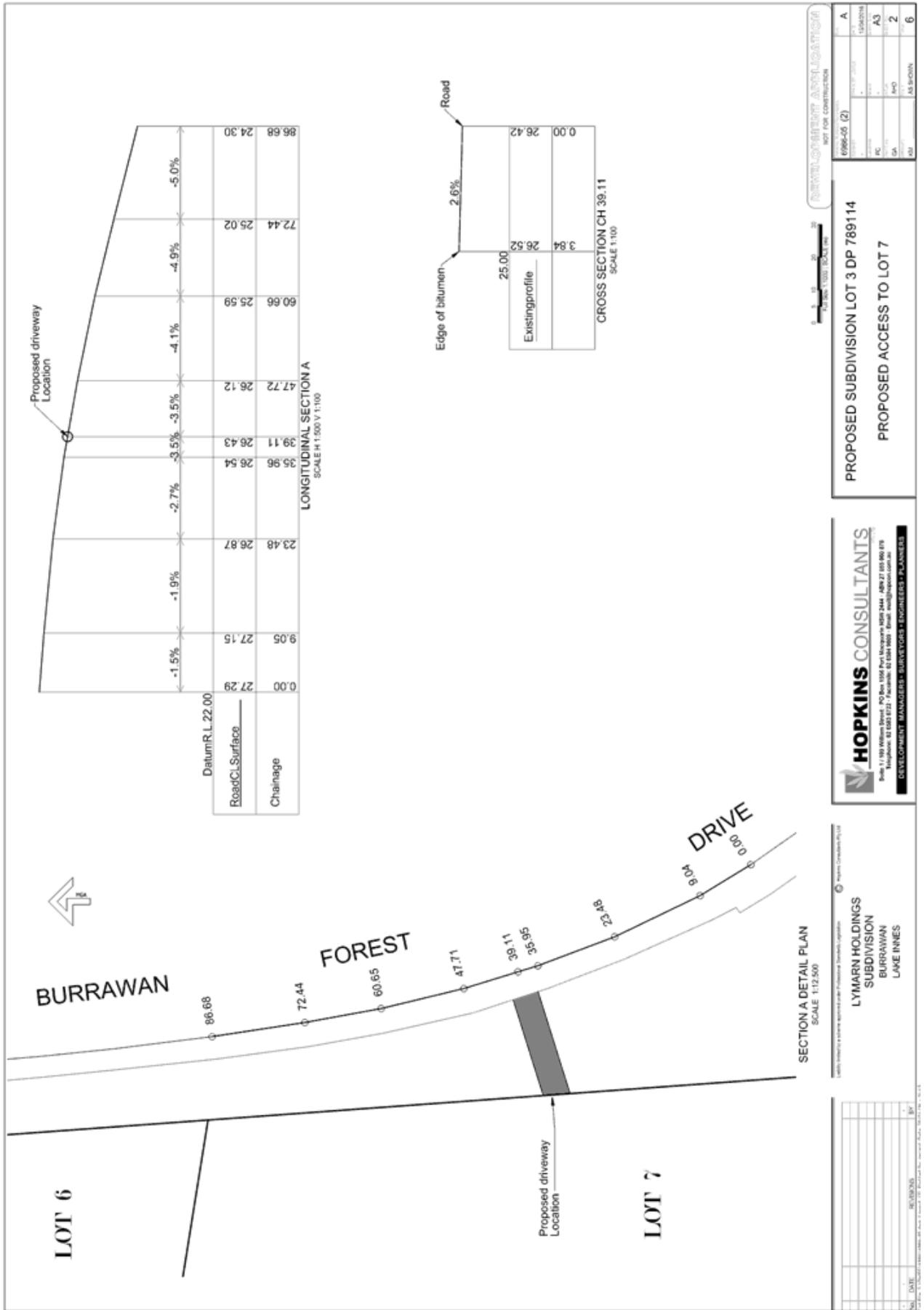


PROPOSED SUBDIVISION LOT 3 DP 789114
DRIVEWAY LOCATION PLAN

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 Telephone: 03 9483 9723 Fax: 03 9483 9889 Email: info@hopkins.com.au
 DEVELOPMENT MANAGER - SURVEYORS & ENGINEERS PT 2, MANUELIS

LYMARN HOLDINGS
SUBDIVISION
BURRAWAN
LIME INNES

NO.	DATE	BY



DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

PLAN	A
DATE	15/05/2016
PROJECT	6986-05 (2)
NO.	2
REV.	A3
BY	AW
CHECKED	AW
DATE	15/05/2016
SCALE	AS SHOWN
NO.	6

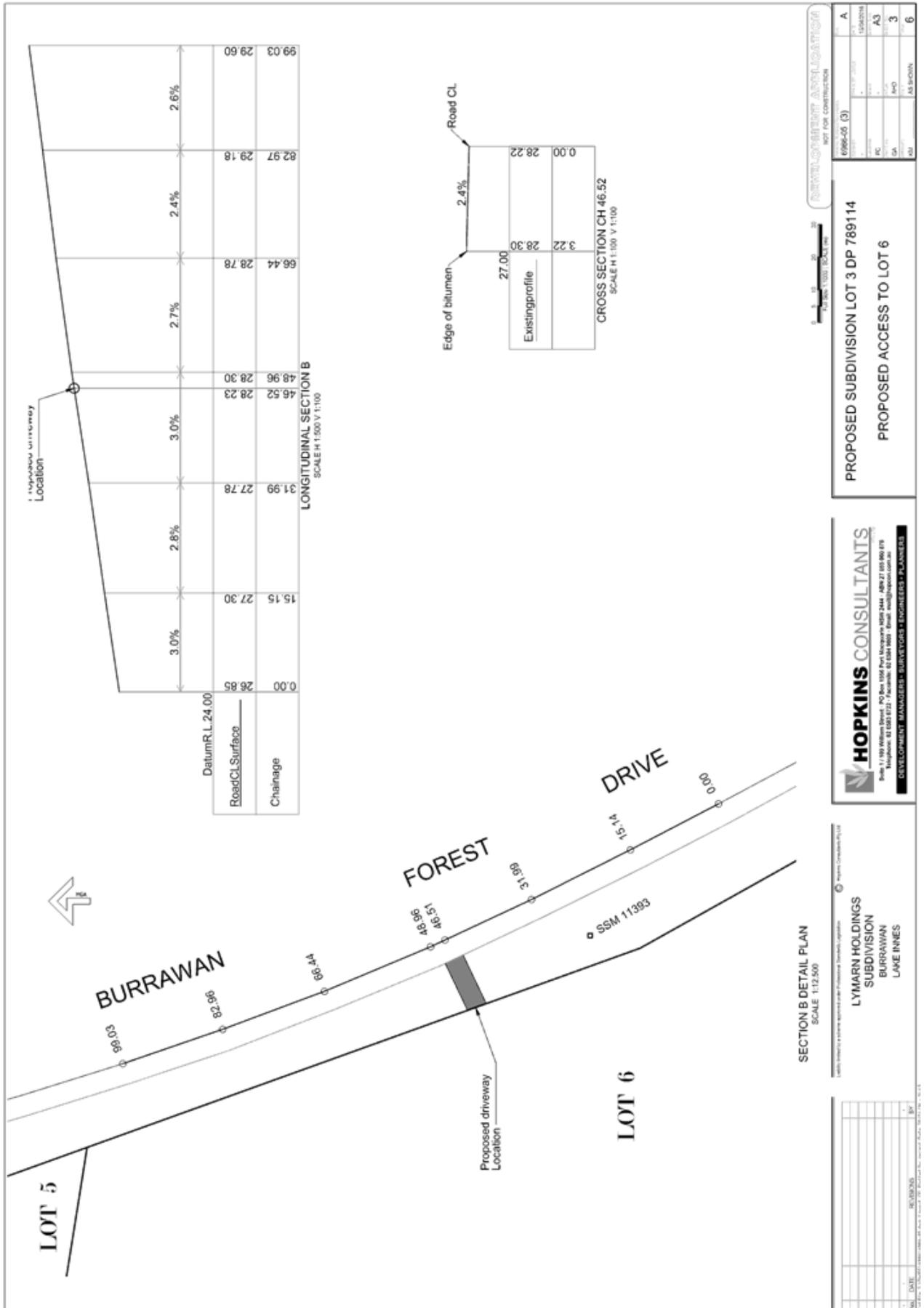
PROPOSED SUBDIVISION LOT 3 DP 789114
PROPOSED ACCESS TO LOT 7

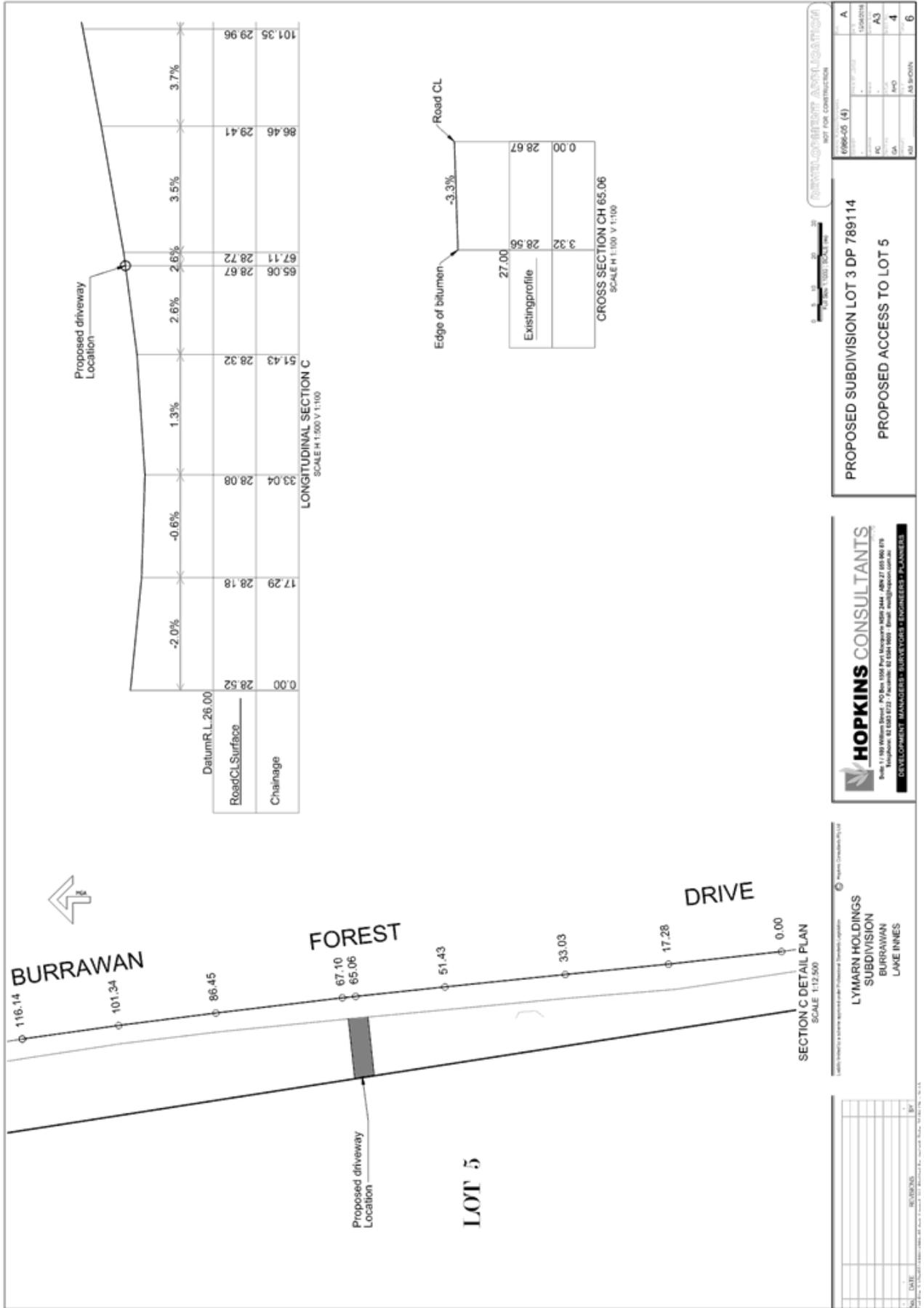
HOPKINS CONSULTANTS
DEVELOPMENT MANAGER • SURVEYORS • ENGINEERS • PLANNERS

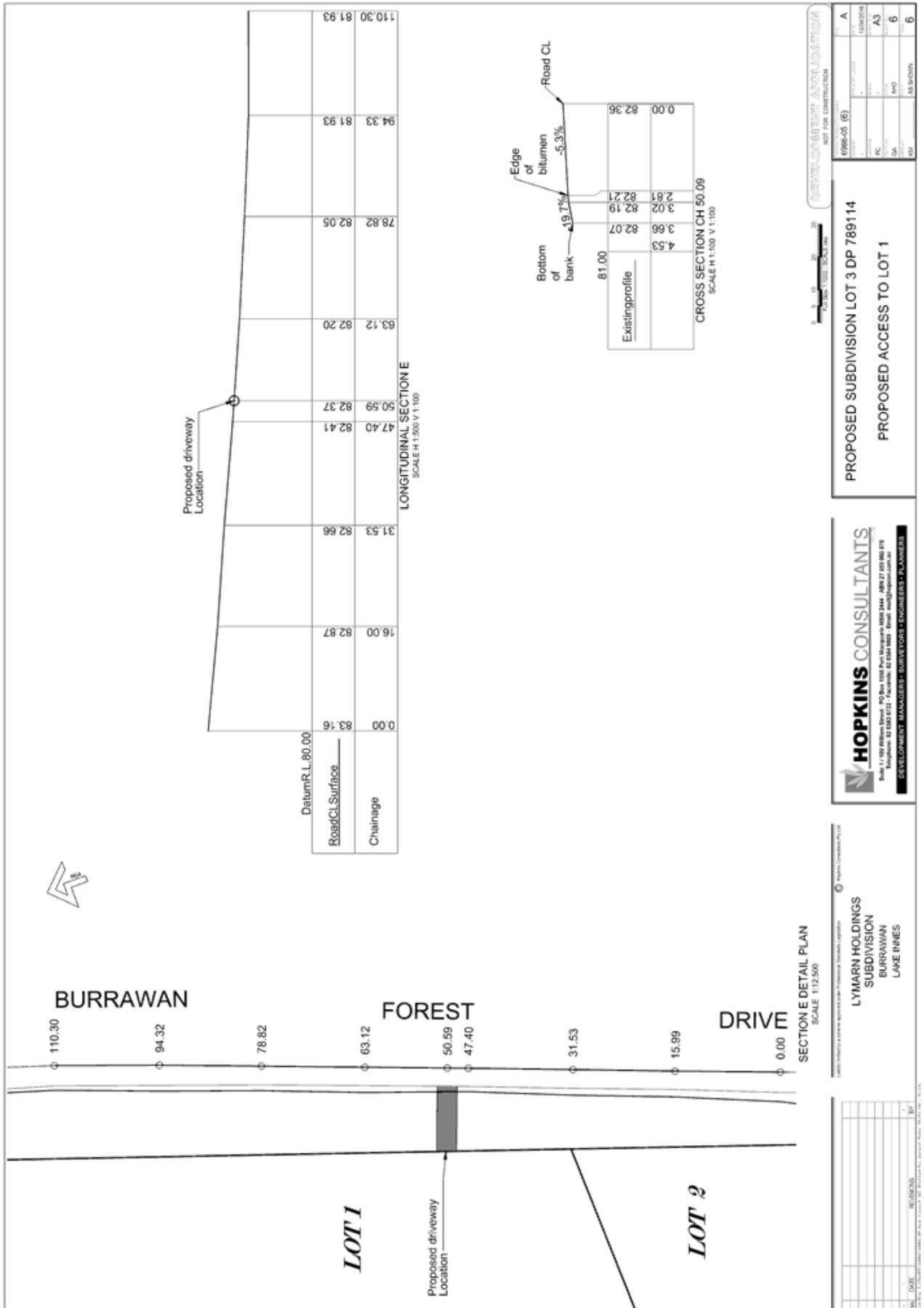
11/130 Williams Street, PO Box 1058 Port Macquarie NSW 2444 ABN 27 655 980 878
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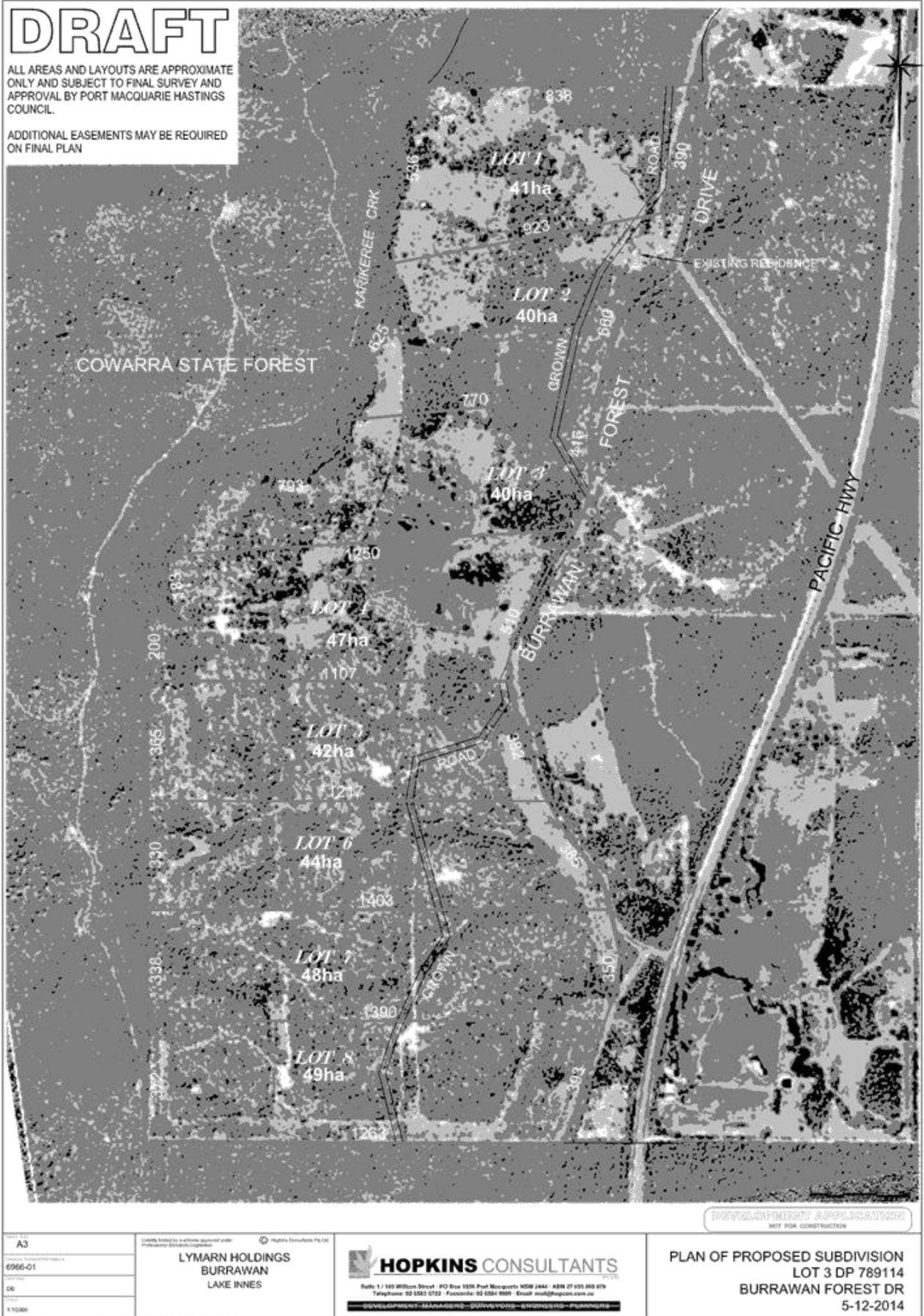
LYMARN HOLDINGS
SUBDIVISION
BURRAWAN
LIME INNES

NO.	DATE	REVISIONS









Sheet No.	A3
Common Name	6966-01
Code	56
Date	8/10/09

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 Lybby Smith & Co
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 DEVELOPMENT MANAGERS - SURVEYORS - ENGINEERS - PLANNERS

DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PLAN OF PROPOSED SUBDIVISION
LOT 3 DP 789114
BURRAWAN FOREST DR
 5-12-2014



Koala Plan of Management:

Project:

Lot 3 Burrawan Forest Drive:
Rural Subdivision

Client:

Hopkins Consultants

April 2016



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Document Status

Version	Purpose	Author	Reviewed By	Approved By	Date
Rev 1	Draft	Hannah Reid/ Jason Berrigan	Jason Berrigan	Luke Bowden	29/10/2015
Rev 2	Update	Hannah Reid /Jason Berrigan	Jason Berrigan	Luke Bowden	17/11/2015
Rev 3	Update	Jason Berrigan	Jason Berrigan	Luke Bowden	29/2/2016
Rev 4	Update	Jason Berrigan	Jason Berrigan	Luke Bowden	3/4/2016
Rev 5	Update	Jason Berrigan	Jason Berrigan	Luke Bowden	14/4/2016
Rev 6	Final	Jason Berrigan	Jason Berrigan	Luke Bowden	28/4/2016

Document Control

Copy No.	Date	Type/Via	Issued to	Name	Purpose
1	16/11/20015	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Review
2	16/11/2015	Electronic/ Email	Naturecall	Ashley Parker	File Copy
3	17/11/2015	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Review
4	17/11/2015	Electronic/ Email	Naturecall	Ashley Parker	File Copy
5	29/2/2016	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Review
6	29/2/2016	Electronic/ Email	Naturecall	Ashley Parker	File Copy
7	3/4/2016	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Review
8	3/4/2016	Electronic/ Email	Naturecall	Ashley Parker	File Copy
9	14/3/2016	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Review
10	14/3/2016	Electronic/ Email	Naturecall	Ashley Parker	File Copy
11	28/4/2016	Electronic/ Email	Hopkins Consultants	Andrew Lister	Client Copy
12	28/4/2016	Electronic/ Email	Naturecall	Ashley Parker	File Copy



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Project Number: EC1128

Our Document Reference: EC1128-BEC-REP-0002-KPoM-rev6.0

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Contents

1.0	Introduction	1
2.0	Background Information	1
2.1.	Key Definitions	1
2.2.	Site Location and Adjoining Landuses	1
2.3.	Proposed Development	2
2.4.	Soils, Topography and Geology	2
3.0	KPoM Objectives and Performance Criteria	5
3.1.	Objectives	5
3.2.	Performance Criteria	5
3.3.	Guidelines for Individual KPoMs	5
4.0	State and Federal Koala Policies	6
4.1.	SEPP No. 44 - Koala Habitat Protection	6
4.2.	National Koala Conservation Strategy 1998	7
4.3.	National Koala Conservation and Management Strategy 2009-2014	7
4.4.	NSW Koala Recovery Plan 2008	7
4.5.	<i>Threatened Species Conservation Act 1995</i>	8
4.6.	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	8
5.0	Koala Habitat and Population Characteristics	9
5.1.	Site Vegetation Communities	9
5.2.	SEPP 44 Koala Habitat Assessment	12
5.3.	Characteristics of the Core Koala Habitat	14
6.0	Threat Assessment	22
6.1.	Current Threats	22
7.0	Ameliorative Measures	27
7.1.	Habitat Retention and Offsets	27
7.2.	Road Design and Speed Controls	29
7.3.	Dog Management	29
7.4.	Barriers	30
7.5.	Drowning in Pools	30
7.6.	Bushfire	30
7.7.	Disease	32
8.0	Implementation and Compliance	32



8.1. Per DA KPoM Compliance Checks	32
8.2. KPoM Implementation Schedule	32
8.3. Implementation Schedule	33
8.4. Monitoring	37
9.0 Conclusion	37
10.0 References	38
Appendix 1: Compliance Checklist	47

List of Figures

Figure 1: Site location and extent.....	3
Figure 2: Concept development layout of site	4
Figure 3. Vegetation within the KPoM area	11
Figure 4: Koala activity levels across the study area	13
Figure 5. OEH Corridors	19
Figure 6. Koala Records	20
Figure 7. Biolink Koala Population Model mapping	21
Figure 8: Core Koala Habitat mapping of the site.....	23

List of Tables

Table 1: SEPP 44 KPoM guidelines	5
Table 2. Key SAT results	14
Table 3: PMHC LGA primary preferred Koala food trees per soil landscape	15
Table 4: Implementation schedule for ameliorative measures	33
Table 5: KPoM compliance checklist.....	48



1.0 Introduction

Biodiversity Australia Pty Ltd Trading as Naturecall Environmental (hereafter referred to as 'Naturecall') was engaged by Hopkins Consultants to prepare a Koala Plan of Management for a proposed subdivision of Lot 3 DP 789114, Burrawan Forest Drive, Lake Innes.

The development proposal is for the subdivision of Lot 3 (which in total is 351ha) into 8 lots ranging from 40-49ha.

Assessment as per SEPP undertaken by Naturecall (2015) confirmed that the site is part of a wider area of Core Koala Habitat used by a low density population of Koalas. Consequently, a Koala Plan of Management (KPoM) is required to accompany the Development Application (DA).

2.0 Background Information

2.1. Key Definitions

The site is defined as the current entirety of Lot 3 DP789114/352 Burrawan Forest Road, Lake Innes. The study area is land within 100m of the site, and the locality is land within a 10km radius of the site.

Koala food trees refers to all species listed in Schedule 2 of SEPP 44, and species listed as primary and secondary preferred species in table 2.6.1 of the PMHC Development Control Plan 2013.

2.2. Site Location and Adjoining Landuses

The approximately 351ha subject site is located on Burrawan Forest Road, Lake Innes (Figure 1), within the PMHC Local Government Area (LGA). Burrawan Forest Drive runs adjacent to the property, with all Lots having direct access.

The land is zoned RU1 Primary Production under the *Port Macquarie Hastings Council Local Environmental Plan 2011*.

The western boundary of the property is shared with Cowarra State Forest with Cowarra Dam within 2km to the west, both zoned as RU3 Forestry. Burrawan State Forest and Queens Lake State Forests (RU3 Forestry) are located to the southwest and southeast of the site respectively.

Land immediately adjacent to the south and east are zoned as RU1 Primary Production, with patches of R5 Large Lot Residential within the locality, to the north and east. There is also land zoned as E2 Environmental Conservation, located to the southeast of the site on the opposite side of the Pacific Highway.



2.3. Proposed Development

As shown in Figure 2, the development proposal is for the subdivision of Lot 3 into 8 lots ranging from 40-49ha.

Development envelopes (dwelling location and associated Asset Protection Zones) are nominated for the purposes of this assessment to be located in existing clearings, generally comprising former log processing areas established during under the current Private Native Forestry (PNF) Property Vegetation Plan (PNF-PVP-03177), or land cleared of regrowth under the Routine Agricultural Management Activities (RAMAs) exemptions under the Native Vegetation (NV) Act 2003.

The establishment of future dwellings is expected to require minimal if any further vegetation removal due to existing cleared areas. No clearing is expected to be required for access roads to each development envelope. Should future landowners of the new Lots desire to relocate the development envelope that requires clearing, further assessment will be required.

Under the PMHC Local Environmental Plan 2011, the site is zoned RU1 and will remain this post-development, hence the RAMA exemptions under the *Native Vegetation Act 2003* will apply regardless of the proposal proceeding or not. Consequently, potential clearing (eg for boundary and internal fences, or of regrowth) under RAMAs is not considered in this assessment as it is permissible without consent.

2.4. Soils, Topography and Geology

2.4.1. Topography

The site is characterised by rolling low hills with drainage lines running from west to east. Elevation ranges from 20m (drainage lines and low lying plain in the south) to 105m. The steepest gradients are experienced in the southwest of the site. There are localised flats and gentle slopes in the centre and northern part of the site.

The site contains both ephemeral and permanent water sources in the form of drainage lines and dams.

2.4.2. Soils and Geology

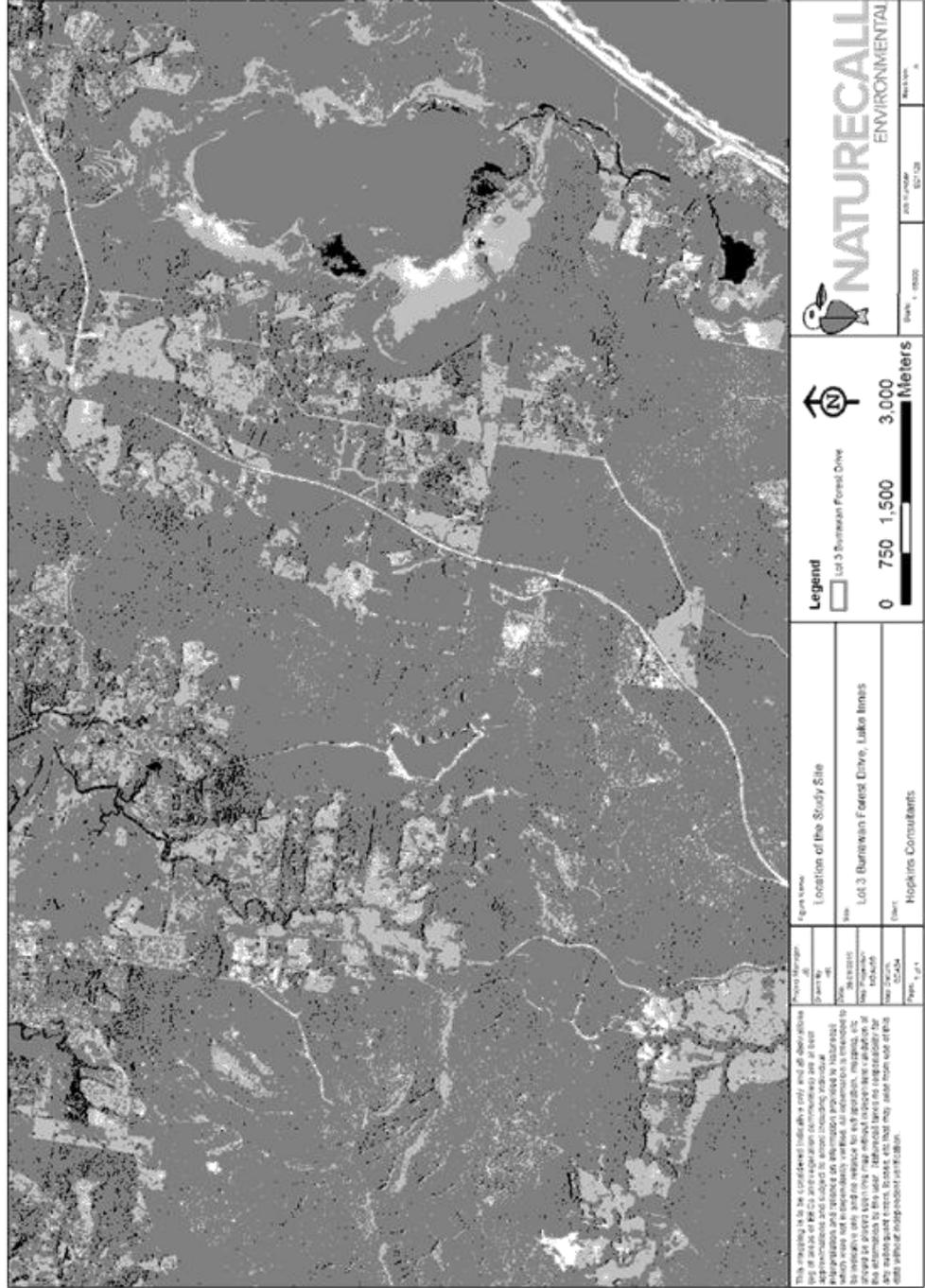
The underlying geology of site is the Watonga Formation (Palaeozoic), which consists of slate, chert, minor slaty sandstone, rare metabasalt, with a small section of Thrumster Slate (Palaeozoic) along the eastern boundary. Derived soils from this landscape dominate the rolling hills, and present as brown to orange-brown clays with a gravel content. The southeast-most corner appears to form the edge of a Kraznozem.

Areas of Quaternary alluvial soil landscapes occur along an alluvial plain and alluvial terrace along the southern boundary and southeast drainage line, with other alluvial plains in the floor of the drainage lines in the mid-southeast, and the head of a drainage line in the mid-northwest (see Figure 3).



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

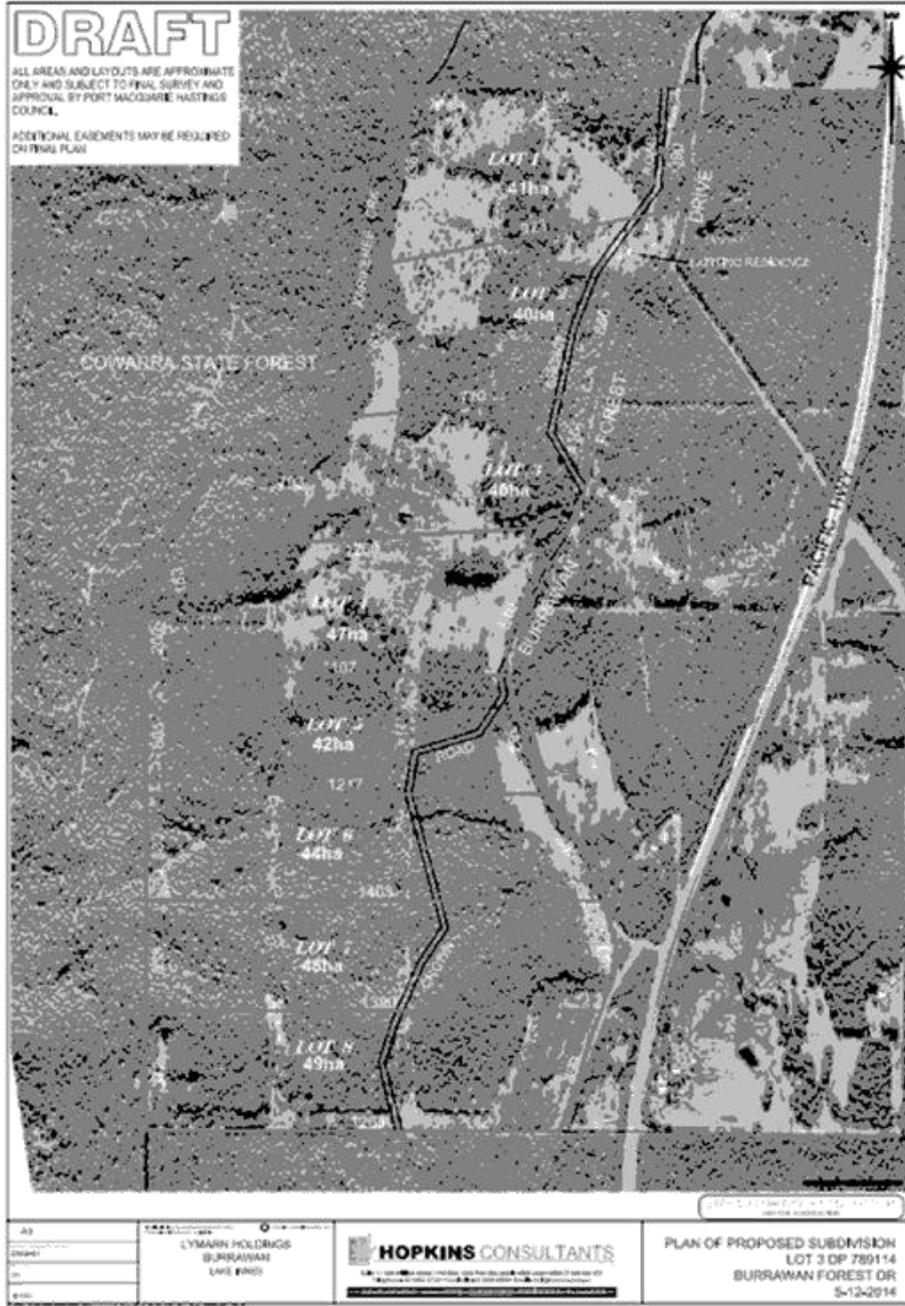
Figure 1: Site location and extent





Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 2: Concept development layout of site





3.0 KPoM Objectives and Performance Criteria

3.1. Objectives

The principle objective of this Koala Plan of Management is to ensure the study area retains its ability to support a Koala population and to maintain the carrying capacity and linkages within the broader Core Koala Habitat.

The objectives of this Koala Plan of Management (KPoM) are:

- To maintain the viability of the current Koala population which occurs in the local area via:
 - Retaining the majority of existing mature Koala food trees, and current activity areas.
 - Maintaining linkages with other habitat known to be required by the local Koala population; and,
 - Effectively mitigate threats to the viability of Koalas induced by the proposal.
- To effectively minimise the proposal's contributions to other threats facing the Koala.

3.2. Performance Criteria

The criteria against which achievement of the objectives are to be measured are:

- Retention of the site's local linkage and landscape linkage values.
- Nil Koala losses or injury due to road strike, drowning in pools, or attack by dogs.
- No increase in disease incidence.
- No unmitigated increase in threats to Koalas within the study area.

3.3. Guidelines for Individual KPoMs

The SEPP 44 B35 Circular (Department of Urban Affairs and Planning 1995) provides guidelines for the preparation of individual Koala Plans of Management (KPoMs). These are shown in Table 1 below along with the section in which they are addressed in the KPoM.

Table 1: SEPP 44 KPoM guidelines

Number	Criteria	Section Addressed
1	An estimate of population size	Section 5.3.1
2	Identification of preferred tree species for the locality and extent of resource available	Section 5.2.1
3	An assessment of the regional distribution of Koalas and the extent of alternative habitat available to compensate for that to be affected by the actions	Section 5.3.3



Number	Criteria	Section Addressed
4	Identification of linkages of Core Koala Habitat to other adjacent areas of habitat and movement of Kolas between areas of habitat. Provision of strategies to enhance and manage these corridors	Section 5.3.3 Section 7.1
5	Identification of major threatening processes such as disease, clearance of habitat, road kill and dog attack which impact on the population. Provision of methods for reducing these impacts	Section 6 & 7
6	Provision of detailed proposals for amelioration of impacts on Koala populations from any anticipated development within zones of Core Koala Habitat	Section 7
7	Identification of any opportunities to increase size or improve condition of existing core habitat, this should include lands adjacent to areas of identified Core Koala Habitat	Section 7
8	The plan should state clearly what it aims to achieve (for example, maintaining or expanding the current population size or habitat area)	Section 3
9	The plan should state criteria against which achievement of these objectives is to be measured (for example, a specified population size or specific time frame or the abatement of threats to the population)	Section 3
10	The plan should also have provisions for continuing monitoring, review and reporting. This should include an identification of who will undertake further work and how it will be funded.	Section 8 and appendices

4.0 State and Federal Koala Policies

4.1. SEPP No. 44 - Koala Habitat Protection

State Environmental Planning Policy no. 44 – Koala Habitat Protection (SEPP 44) is a planning policy that “*aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline*”.

SEPP 44 requires the identification of Potential and Core Koala Habitat on development sites and planning areas, and the preparation of a Koala Plan of Management (KPOM) if Core Koala Habitat is found.

SEPP 44 also allows local governments to prepare LGA wide Koala management plans referred to as Comprehensive Koala Plans of Management (CKPoM). Coastal LGA's that have implemented CKPoMs include Kempsey, Coffs Harbour, Port Stephens and Lismore. No approved CKPoM has been prepared for the Port Macquarie-Hastings LGA to date, however a large Koala population study has recently been undertaken by Biolink (2013).



4.2. National Koala Conservation Strategy 1998

This was prepared in 1998 by the Australian and New Zealand Environment and Conservation Council (ANZECC) and subsequently signed by the Commonwealth, States and Territories. The primary aim of the strategy was *"to conserve Koalas by retaining viable populations in the wild throughout their natural range"*.

The strategy sets out the following six objectives to achieve this primary aim:

- To conserve Koalas in their existing habitat
- To rehabilitate and restore Koala habitat and populations
- To develop a better understanding of the conservation biology of Koalas
- To ensure that the community has access to factual information about the distribution, conservation and management of Koalas at a national, state and local scale
- To manage captive, sick or injured Koalas and orphaned wild Koalas to ensure consistent and high standards of care
- To manage over-browsing to effectively prevent both Koala starvation and ecosystem damage in discrete patches of habitat

A 10 year review of the strategy was undertaken by Parsons Brinckerhoff in 2008 (Predavec 2008). This found that the strategy had been poorly implemented and coordinated overall and had achieved few positive outcomes. The review also stated that significant declines in Koala populations and habitat in Queensland, New South Wales and Victoria had occurred since the strategy was implemented and the main threatening processes continued to operate.

4.3. National Koala Conservation and Management Strategy 2009-2014

This was prepared by the Natural Resource Management Ministerial Council to supersede the 1998 National Koala Strategy, and was effective from December 2009 with a review scheduled in 2014. It addressed shortcomings of the 1998 strategy by including a detailed implementation plan and setting up an implementation team to coordinate the identified actions which were linked to outputs, prioritised, and a time-frame.

The plan also aimed to strengthen partnerships between government, stakeholders and the community and effectively engage the community in Koala conservation.

4.4. NSW Koala Recovery Plan 2008

A NSW Recovery Plan for the Koala was prepared by the then Department of Environment and Climate Change (DECC) in 2008. The overall objective of the plan is *"to reverse the decline of the Koala in New South Wales, to ensure adequate protection, management and restoration of Koala habitat, and to maintain healthy breeding populations of Koalas throughout their current range."*



The plan adopted the specific objectives of the National Koala Conservation Strategy (ANZECC 1998) to achieve broader conservation outcomes. A number of specific recovery actions and performance criteria were formulated to implement the objectives.

4.5. Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act) is a key piece of NSW State legislation that relates to the conservation of threatened species, populations and ecological communities and promotion of ecologically sustainable development. Provision is made under the Act for the preparation of recovery plans, threat abatement plans and mapping of critical habitat.

An assessment under the planning legislation amendment provisions of Act is required if a development or activity is likely to significantly impact identified threatened species, populations or ecological communities.

The Koala is listed as Vulnerable under the TSC Act.

4.6. Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Federal Government's primary environmental legislative instrument. This act necessitates approval for any action that will have a Significant Impact on Matters of National Environmental Significance (MNES). MNES recognised under the EPBC Act, that act as a trigger for the Commonwealth assessment and approval process include;

- World Heritage properties;
- National Heritage Places;
- RAMSAR wetlands of international significance;
- Threatened species and ecological communities;
- Migratory species;
- Nuclear actions, including uranium mining;
- The Commonwealth marine environment;
- A water resource, in relation to coal seam gas development and large coal mining development

The Koala was listed as Vulnerable under the EPBC Act in April 2012. This listing covered the most at-risk Koala populations in Queensland, NSW and the ACT. As a result, any actions that are likely to have a significant impact on the Koala in these states must be referred to the Minister who will decide whether an assessment is required under the EPBC Act (DotE 2014).



5.0 Koala Habitat and Population Characteristics

5.1. Site Vegetation Communities

Six vegetation communities were found on the site (Naturecall 2015), as shown in Figure 3. All of the vegetation types, except pastoral woodland, are mapped at Secondary (A) Koala habitat (Biolink 2013b).

The 6 vegetation communities on site are:

- **Pastoral Woodland:** Open pastoral woodland with scattered trees and shrubs and dense grassy ground cover. The canopy is predominantly comprised of Small Fruited Grey Gum (*Eucalyptus propinqua*) and Grey Ironbark (*Eucalyptus siderophloia*). The canopy is mostly sparse with scattered trees (<15% canopy cover) and varying in height from ~10-25m. The understory consists of scattered Prickly-leaved Tea Tree (*Melaleuca styphelioides*), Willow Bottlebrush (*Callistemon salignus*) and Forest Oak (*Allocasuarina torulosa*) with an average height of ~6m. The dense ground cover is dominated by native grasses (Kangaroo Grass, Blady Grass) and introduced grasses (Whiskey Grass, Paspalum and Carpet).
- **Aquatic Vegetation (dams):** There are 6 dams scattered throughout pastoral woodland on site, with an average diameter of ~15m. Canopy and understory are mostly absent, occasionally Eucalypt spp., Prickly Leaved Tea-tree or Willow Bottlebrush occur within 5m of dam bank. In general the dams are dominated by emergent species. These include a tall dense sward of sedges, primarily comprising of Giant Spikerush (*Eleocharis sphacelata*), *Eleocharis acuta*; with Slender Knotweed (*Persicaria decipiens*) and River Buttercup (*Ranunculus inundatus*). *Setaria* spp. has also encroached in the shallow margins. The water surface dominated by Water Lily (*Nymphaea gigantea*). Frogsmouth (*Philydrum lanuginosum*) is common around the shallow edges.
- **Grey Gum – Grey Ironbark Moist Forest (Tall Open Wet Sclerophyll Forest):** Open wet sclerophyll forest that is prominent over the forest tracts of the property. The vegetation is drier towards the northern end of the site and western areas, and could be considered dry sclerophyll. The canopy is up to 25m in height due to disturbance (clearing) in the past. Canopy overall dominated by Small Fruited Grey Gum and Grey Ironbark, with Thick-leaved Mahogany, White Stringybark and Pink Bloodwood common associates. Turpentine was also common in some patches in the southern region of the site. Some local dominance by Blackbutt in western areas, with Tallowwood also a less common associate. The understory is comprised of Prickly-leaved Tea Tree, Forest Oak and Willow Bottlebrush. The groundcover ranges with location but Blady Grass, Coffee Bush, Spiny-headed Matrush, Orange Thorn, Tall Sword Sedge, Wombat Berry, Kangaroo Grass and Whiteroot are the dominant species. The disturbance level varies throughout site, with the highest level occurring in northern section of site.
- **Flooded Gum Moist Riparian and Gully Forest (Tall Open Wet Sclerophyll Forest):** Tall, relatively undisturbed wet sclerophyll forest located in lower portions of drainage lines. The canopy is dominated by Flooded Gum, Brushbox, Pink Bloodwood, Turpentine and occasionally Tallowwood in lower sections. Upper sections of drainage lines generally dominated by Grey Gums and Grey Ironbarks with Brushbox.



The understory is comprised of species including Prickly-leaved Tea Tree, Willow Bottlebrush, Cheese Tree and Water Gum. Spiny-headed Mat-Rush, *Lomandra hystrix*, Tall Saw-sedge, Lantana, Gristle Fern, Settlers' Twine, Sweet Sarsaparilla and Narrow-leaved Palm Lily are the dominant species in the lowest stratum. This community is relatively undisturbed and in good condition across the site.

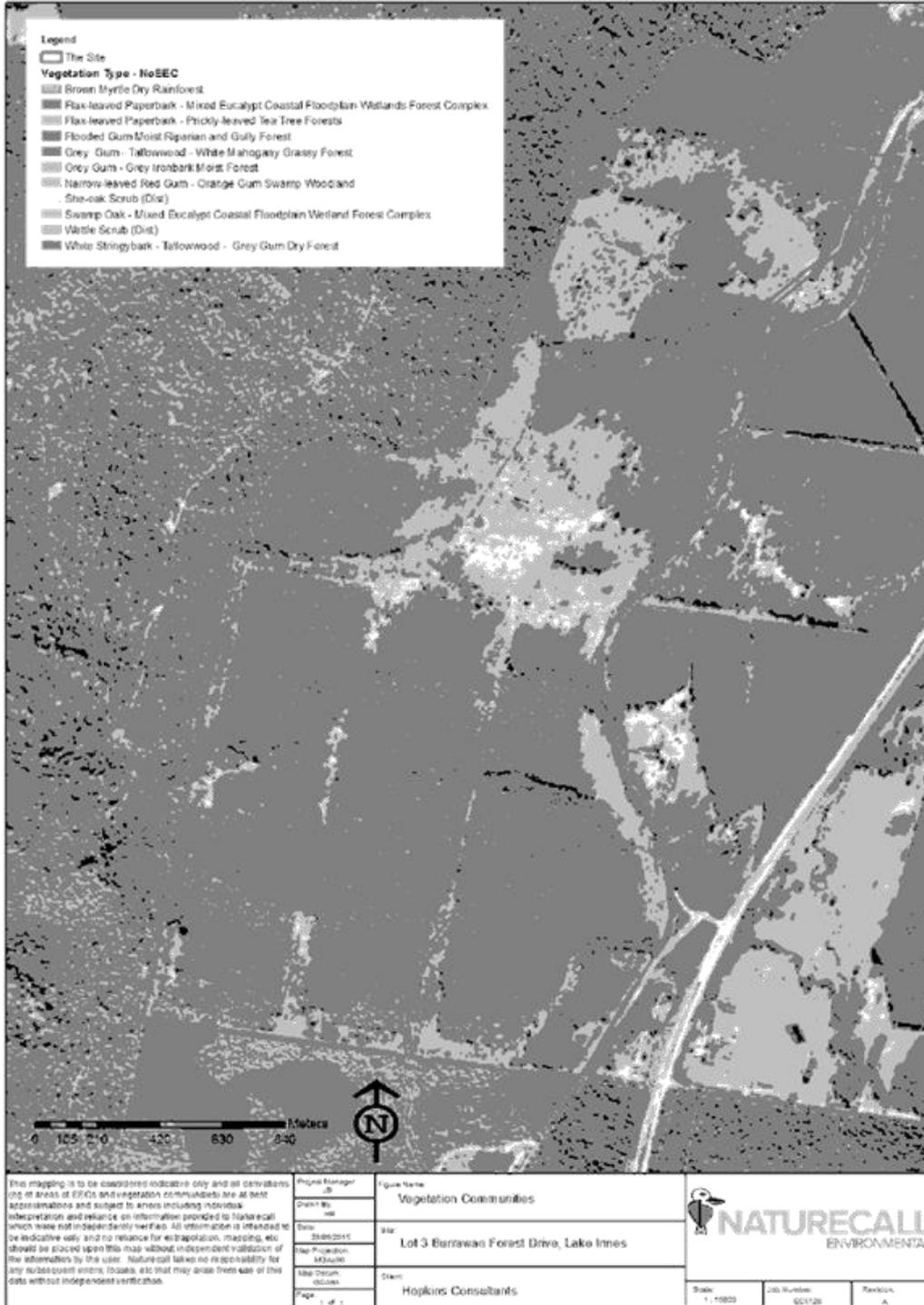
- **Swamp Oak Forest:** Appears to be an ecotone of swamp forest and wet sclerophyll due to local waterlogging, and historical clearing/pasture improvement. Canopy dominated by Swamp Oak, Small-fruited Grey Gum, Forest Red Gum, Red Mahogany. Understorey of Flax-leaved Paperbark, Prickly-leaved Tea Tree, Willow Bottlebrush, and Black Oak. Groundcover is mostly pasture with some *Gahnia*, *Juncus usitatus* and Bladey Grass.
- **Flax-leaf Paperbark Forest:** Occurs in drainage lines in southeast and an alluvial plain – latter was regrowth comprising Swamp Oak and Weeping Bottlebrush in the southeast, and has been cleared. Flooded Gum, Tallowwood, Small-fruited Grey Gum, Grey Ironbark and Turpentine are common along drainage line and southwest occurrence. Mid Stratum of Flax-leaved Paperbark, Prickly-leaved Tea Tree, Willow Bottlebrush, Cheese Tree, and Forest Oak.

Ground layer consists of Tall saw-sedge, Coffee Bush, Spiny-headed Matrush, Orange Thorn, Narrow-leaved Palm Lily. Exotic grasses also common in highly disturbed southeastern corner.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 3. Vegetation within the KPoM area





5.2. SEPP 44 Koala Habitat Assessment

Refer to Naturecall (2015) for the full assessment. The following is a summary.

5.2.1. Potential Koala Habitat Assessment

The identification of an area of land as Potential Koala habitat is determined by the presence of Primary Preferred Koala Browse tree species. These species are listed under Schedule 2 of SEPP 44: *Koala Habitat Protection* (DoP 1995).

Potential Koala Habitat is defined as areas where the tree species listed under Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Primary preferred food species occurring in the Local Government Area (LGA) are: Tallowwood (*E. microcorys*), Scribbly Gum (*E. signata*), Grey Gum (*E. punctata*), Swamp Mahogany (*E. robusta*) and Forest Red Gum (*E. tereticornis*).

An area of land to which the policy applies, must be at least 1ha (and may include adjoining land in the same ownership). According to a Land and Environment Court ruling (*St Ives Bus Services v. Ku-Ring-Gai Council 1995 NSW LEC 189*), it may also refer to a minimum of 1ha of habitat within a larger property containing sufficient Schedule 2 species to qualify as Potential Koala Habitat.

There are 3 Schedule 2 browse species that are present on the site: Tallowwood, Forest Red Gum and Swamp Mahogany.

A formal Potential Koala Habitat Assessment was undertaken on site where Schedule 2 species were most locally common, resulting in Schedule 2 species comprising of 20%, 29% and 14% over areas at least 1ha in area. The site thus contains Potential Koala Habitat

Biolink (2013b) also classified the site in terms of Koala habitat, with majority of the site being classed as Secondary A.

5.2.2. Core Koala Habitat Assessment Results

No Koalas were directly observed on site or responded to call playback, despite the survey being undertaken over several weeks in the peak of the annual Koala breeding season.

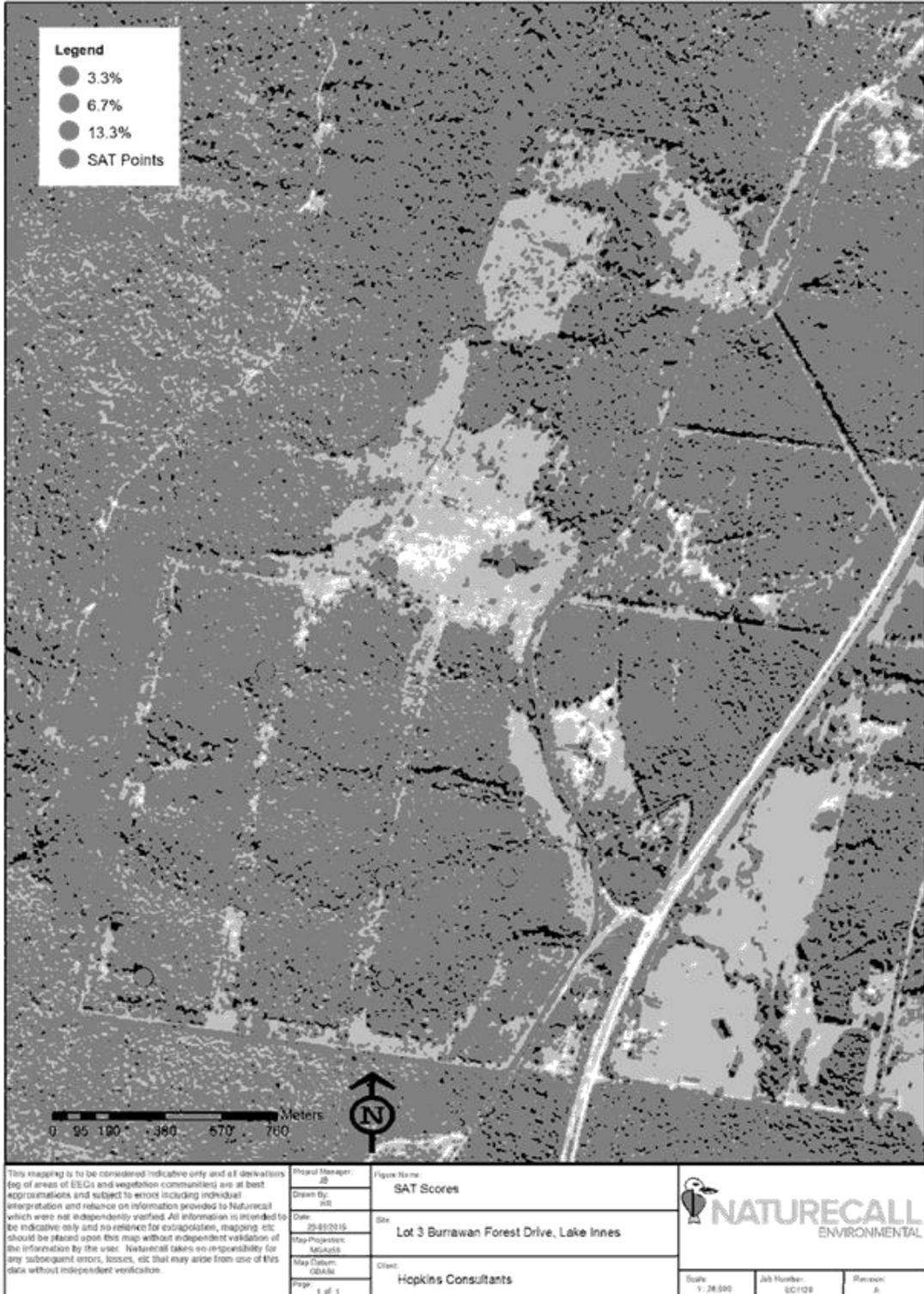
One of several procedures when assessing a site for Core Koala Habitat is to utilise the Spot Assessment Technique (Phillips and Callaghan 2011, Biolink 2013b) to determine if the site contains an area of major activity (an indication of resident Koalas). A regularised grid (250m x 250m) was used to sample the site for Koala activity.

A Koala scat was located under at least one tree in 8 out of 24 Spot Assessment Techniques (SATs) conducted on site. There were 4 SATs in which 1 scat was located; 3 SATs in which 2 scats were located; and 1 SAT site where scats were found under 4 separate trees.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 4: Koala activity levels across the study area





As all the SAT points on site occur on an erosional soil landscape, the East Coast (low Koala density) SAT activity range applies (Biolink 2013b). As shown in Table 2, 7 SAT sites scored in the medium use ($\geq 3.33\%$ to $\leq 12.59\%$) East Coast low Koala density activity range, with one scoring in the high ($> 12.59\%$) use threshold. Hence according to Biolink (2013b), the site has areas of major activity (ie contains Core Koala Habitat) indicating the presence of a low density Koala population.

Table 2. Key SAT results

SAT number	Centre tree coordinates	Activity level	East Coast Low-Medium Activity Category
1	152.799392 -31.488484	3.33%	Medium
2	152.795540 -31.491498	6.7%	Medium
3	152.799392 -31.491610	6.7%	Medium
6	152.784598 -31.497806	6.7%	Medium
7	152.795651 -31.497862	13.33%	High
18	152.780858 -31.510590	3.33%	Medium
20	152.788227 -31.510534	3.33%	Medium
23	152.784598 -31.513605	3.33%	Medium

5.2.3. Conclusion

Due to evident occurrence of Koalas in the study area; ongoing records of Koalas within associated habitats, as well as high activity levels on site and in the study area: the site was considered to form part of a larger area of Core Koala Habitat.

5.3. Characteristics of the Core Koala Habitat

5.3.1. Estimate of Population Size

No Koalas were observed during the survey however based on Biolink (2013b), it is expected that the local Koala population is a low-density population. In the study area, this local population is likely to consist of 1-3 Koalas with home ranges spread over hundreds of hectares with localised areas of higher activity reflecting edaphic influences and floristic assemblages.

5.3.2. Preferred Tree Species

Koala scats were found under 7 Grey Gums, 4 Tallowwoods, 2 White Stringybarks and 1 Turpentine.

From a collation of previous landscape-based Koala food tree research and data collected the coastal LGA study, Biolink (2013b) determined that the following are the primary preferred Koala browse species in the PMHC LGA, depending on soil landscape:



Table 3: PMHC LGA primary preferred Koala food trees per soil landscape

Transferral, Alluvial, Swamp and Thrumster Residual (TASTr) Soil Landscapes: Medium to High Fertility	Erosional, other Residuals, Colluvial, Beach and Aeolian (ERCBA) Soil Landscapes: Low to Medium Fertility
Tallowwood (<i>E. microcorys</i>)	*Tallowwood (<i>E. microcorys</i>)
Swamp Mahogany (<i>E. robusta</i>)	Swamp Mahogany (<i>E. robusta</i>)
Grey Gum (<i>E. propinqua</i>)	
Forest Red Gum (<i>Eucalyptus tereticornis</i>)	

* Tallowwood use appears to be size dependent on low to medium soil landscapes (Biolink 2013b).

Tallowwood, Forest Red Gum and Swamp Mahogany (in decreasing order of abundance) are the only preferred Koala browse species on site, however Grey Gums are expected to be used as a secondary browse species.

5.3.3. Koala Populations, Site Context and Linkages

Regional and Local Government Area Distribution of Koalas

(i) Regional Distribution of Koalas

Koala numbers have declined throughout most of their previous range in NSW, with the main occurrences being in the northeast of the state (DECC 2008). Most coastal populations now persist in fragmented and isolated areas of habitat (predominantly secondary class A with some localised primary areas supporting high density populations), with extensive areas of potential habitat appearing to be devoid of Koalas (DECC 2008). In contrast, some well-known western populations appear to be increasing. The difference is considered to primarily be due to increasing development pressure eg from agriculture and urban expansion in the coastal region (DECC 2008, AKF 2014, 2007).

In the north coast and mid-north coast regions, areas with large numbers of records are restricted to localities such as Ballina, Port Stephens, Port Macquarie, Coffs Harbour, Tweed and Lismore (Connell Wagner 2000b, Lunney *et al* 1999, Port Stephens Council 2001, DECC 2008, AKF 2008, 2007). The Koala Recovery Plan (DECC 2008) notes that in addition to these major population centres are numerous small populations many of which are disjunct to urban and rural development, as well as natural barriers (DECC 2008).

(ii) Distribution and Abundance of Koalas in the PMHC LGA:

The coastal sector of the Hastings Local Government Area (LGA) is well known to contain a viable Koala population in varying densities, generally within the following major areas (Biolink 2013, Connell Wagner 2000a, 2000b, Starr 1990, Biolink 2003, 2005a, 2005a, 2005c, 2008, 2013, AMBS 2003, Biosis 2004, Darkheart 2013, 2008a, 2008b, 2006e, 2005a-i, 2005a-h, Berrigan 2003a-d, 2002a-c, 2001a-e, 2000a-f, 1999a-c, 1998, 1997, Kendall 1993, 1991, Mt King Ecological Surveys 1993, OEH 2015a):



- Port Macquarie urban area
- Lake Cathie Plains to Lakes Innes/Thrumster area (approaching Sancrox)
- Lake Innes Nature Reserve/Kooloonbung Creek Nature Reserve and adjoining private lands
- Lake Cathie area
- Dunbogan Peninsula
- Point Plomer area

A number of other well-known smaller population centres also occur in scattered occurrences eg Broken Bago State Forest, Telegraph Point, North Brother, Bonny Hills, North Shore and Huntington area (OEH 2015a, Biolink 2005c, 2013b, Darkheart 2005a, 2005b, 2004a, Kel Mackay pers. comm., Mrs Penny Marshall BHCC pers. comm.).

Biolink (2013b) in their major study estimated a population of approximately 2000 Koalas in the coastal LGA, occupying an Area of Occupancy of only 24% of available habitat.

Studies of the nearby Lake Innes Nature Reserve (Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b), Thrumster (Biolink 2008, 2005a, 2005b, 2005d, 2003, Darkheart 2005g, 2006e) and Port Macquarie (Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b, Wilkes and Snowden 1998, Martin 1996) have estimated that a sizeable Koala population exists in the locality of the site. Estimates range from 400-500 in Port Macquarie (Martin 1996) with a similar number in the northern reaches of Lake Innes Nature Reserve (NPWS 1999, Phillips unpub. data cited in Biolink 2008, 2005a, 2005b), to >200 in the Thrumster area (Biolink 2008, 2005a, 2005c). An estimated 300 Koalas in the Lake Cathie area has been proposed though given limitations on survey methodology (ie public records which may be many sightings of the same Koala), this figure is recommended by Biolink to be treated with caution (Biolink 2005a, 2005c).

The Lake Innes-Thrumster population is considered by Biolink (2013b, 2008, 2005a, 2005b) to be of national and state significance.

(iii) Local Populations:

As noted above, estimates have been proposed in the range of 400-500 in Port Macquarie (Martin 1996) with a smaller number in the northern reaches of Lake Innes Nature Reserve (NPWS 1999, Phillips unpub. data cited in Biolink 2005a, 2005c), and the Thrumster area (Biolink 2008). These numbers are only provisional estimates however, with no comprehensive survey or verified statistical census undertaken to date (DECC 2008). Biolink (2005a, 2008) has offered estimates from their work in the northern Lake Innes Peninsular and Thrumster area, but these have not been independently verified and are subject to review (Dr Jim Charley, pers. comm.).

This lack of firm knowledge about the extent and health status of the local Koala population is a significant concern for planning. Over-estimation of the Koala population size and poor understanding of health status (eg low fertility due to Chlamydia) can mask declines.

There is no data of similar detail available for the low density Koala population in the study area, other than what can be inferred from Koala habitat mapping and records. Based on this information



and Koala ecology in similar landscapes (Biolink 2011), density would be low and home ranges larger than the above populations.

Linkages

Refer to Figure 5 for the following:

(i) Regional:

An OEH modelled regional corridor is mapped over the northern section of the site. Although the site is fragmented in the northern half, sufficient linkage via remaining forest and scattered trees across the pastoral woodland, and lack of impassable physical barriers mean the site's vegetation would provide good connectivity for the Koala.

This corridor along with extensive surrounding forest (including State Forest to the north, south and west) also forms a connection to Lake Innes Nature Reserve to the east, broken by the Pacific Highway which although is a key mortality risk, lacks barrier fencing; hence is passable (albeit at risk) by Koalas.

(ii) Local:

The site's extensive forest has direct high quality links to habitat to the north, south and west of the site, and to some extent to the east. Due to the extent of this local forest, it is however not a key local corridor, habitat link or stepping stone for the local Koala population; but one of several.

In the northern part of site, the vegetation is fragmented and hence Koala movement here is at risk of predation by foxes and wild dogs due to broad expanses of open ground. Habitat links occur via scattered trees and narrow bottlenecks of forest. The southern half of the site has less limitations apart from pasture in the east.

Burrawan Forest Drive runs off the eastern boundary of the property from north to south, posing a risk of vehicle strike of Koalas crossing from one side to the other. The speed limit is 80km/hr.

The Pacific highway is located <1km to the east, and as noted above, acts as a major mortality risk and behavioral barrier. There is no dedicated underpass for Koalas nearby, hence vehicle strike is a key risk, whilst the open ground exposes the Koalas to predators.

Overall, these links collectively provide connectivity for movement between habitat in the local area, and assist genetic exchange between the study area and Nature Reserve populations to maintain viability of the local Koala population (Biolink 2013b, DECC 2008).

5.3.3.1. Database Searches

Database Records

An OEH Bionet database (OEH 2015a) search detected 109 records of Koalas in the locality. There are 7 records within 1km of the site boundary, with 1 within 100m on the north western boundary (Figure 6).



Port Macquarie-Hastings Koala Plan of Management

The draft Hastings Council Koala Plan of Management (Connell Wagner 2000a, 2000b) illustrates a high abundance of Koala records in the locality that include State Forests, community and OEH records.

Port Macquarie-Hastings Koala Habitat & Population Assessment

The Port Macquarie-Hastings Koala Habitat & Population Assessment (Biolink 2013b) has mapped all forest on the site as Secondary Koala Habitat A. This is habitat where primary food species are present but not dominant or co-dominant, and are usually growing in association with one or more secondary food species. This classification is correct – Grey Gum is a co-dominant species and is listed in the study as a secondary food species.

Almost all the site falls on non-basaltic residual soils, and hence the low-medium nutrient (ERCBA) soil landscape activity levels (East Coast low Koala density) apply apart from the habitat on alluvial soils (Biolink 2013b). Koala activity contours from Biolink's landscape scale study show two activity cells overlapping onto the site from adjoining habitat. The most significant is the 3-12% Koala activity area in the southwestern corner (which indicates Core Koala Habitat as per the East Coast low). There is also an area of activity mapped to contain 3% Koala activity along the eastern boundary (Figure 7 **Error! Reference source not found.**). This evidences a low density Koala population in the study area (Biolink 2013b, 2011).



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

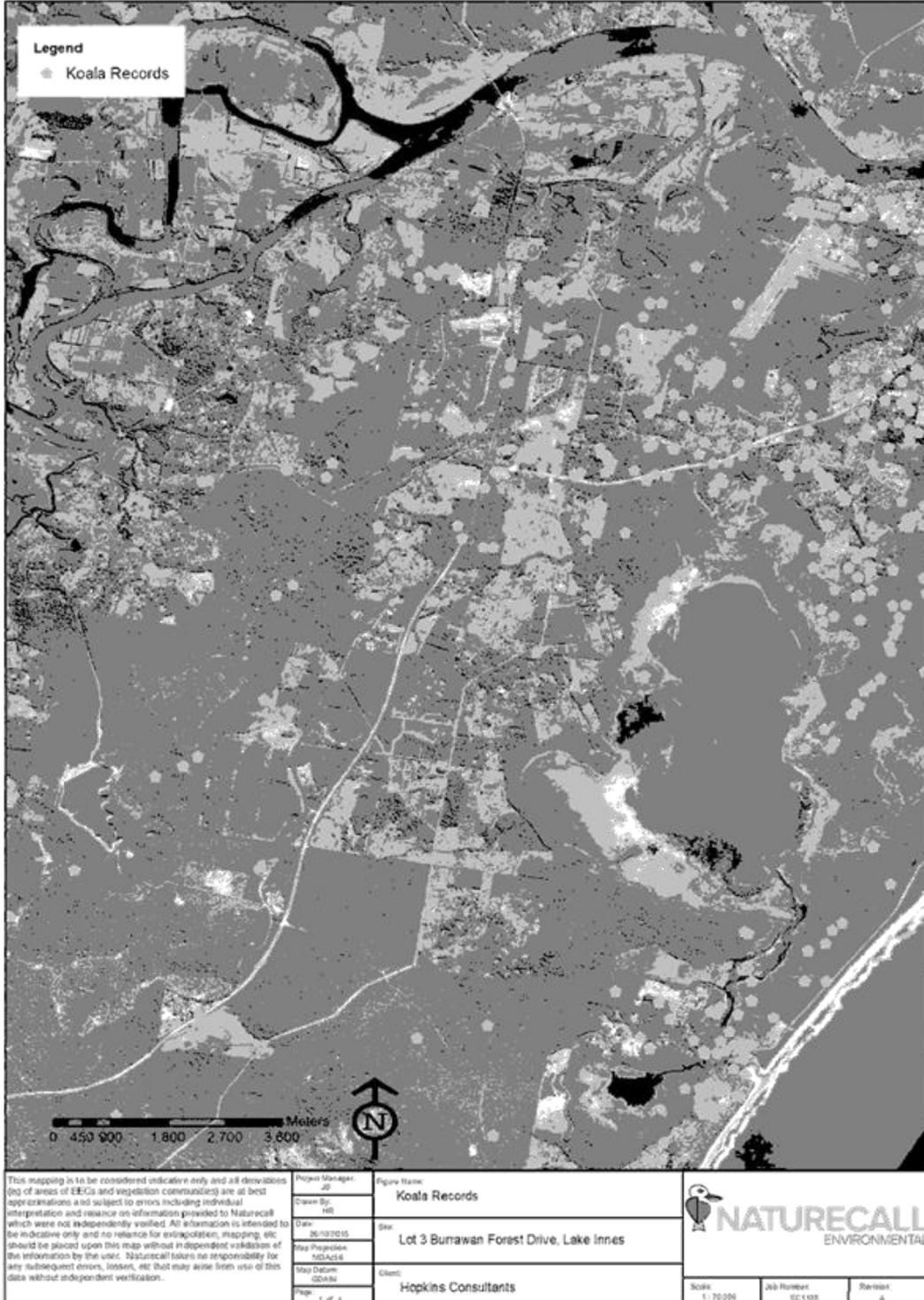
Figure 5. OEH Corridors





Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 6. Koala Records





Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 7. Biolink Koala Population Model mapping





6.0 Threat Assessment

6.1. Current Threats

Development of Koala habitat is generally associated with the following impacts/threats (Connell Wagner 2000a, 2000b, Wilkes and Snowden 1998, Biolink 2013b, 2003, 2005a, 2005b, 2005c, 2008, Dr Stephen Phillips pers. comm., Lunney *et al* 1999, Port Stephens Council 2001, AKF 2007, 2000, State Forests 2000, DECC 2008). In context of the anticipated rezoning, these are first identified, and then the ameliorative measures/recommendations to address this threat/impact are described in this section.

Identified threatening processes are:

- Loss of forage trees/habitat
- Injury during clearing
- Road kill
- Dog attack
- Drowning in pools
- Physical barriers
- Bushfire
- Disease

These are described in detail below.

6.1.1. Loss of Forage Trees/Habitat

Habitat loss and/or fragmentation is the most serious threat to Koalas both historically and at present (DECC 2008, AKF 2014, 2007, 2000, Connell Wagner 2000b, Port Stephens Council 2001, Lunney *et al* 1999, Wilkes and Snowden 1998, etc.).

All remaining forest on site contains Grey Gum +/- Tallowwoods, hence for the purposes of SEPP 44 and the PMHC Local Environmental Plan 2011, is mapped as Core Koala Habitat (see Figure 8).

It anticipated that no further clearing of Koala food trees will occur as a result of the proposal as all dwelling sites have been located to utilise existing cleared areas. At future DA stages for dwellings, the individual property owner must demonstrate the location of any KFT within the final location of the building envelope and APZ (see section 7.1.1).

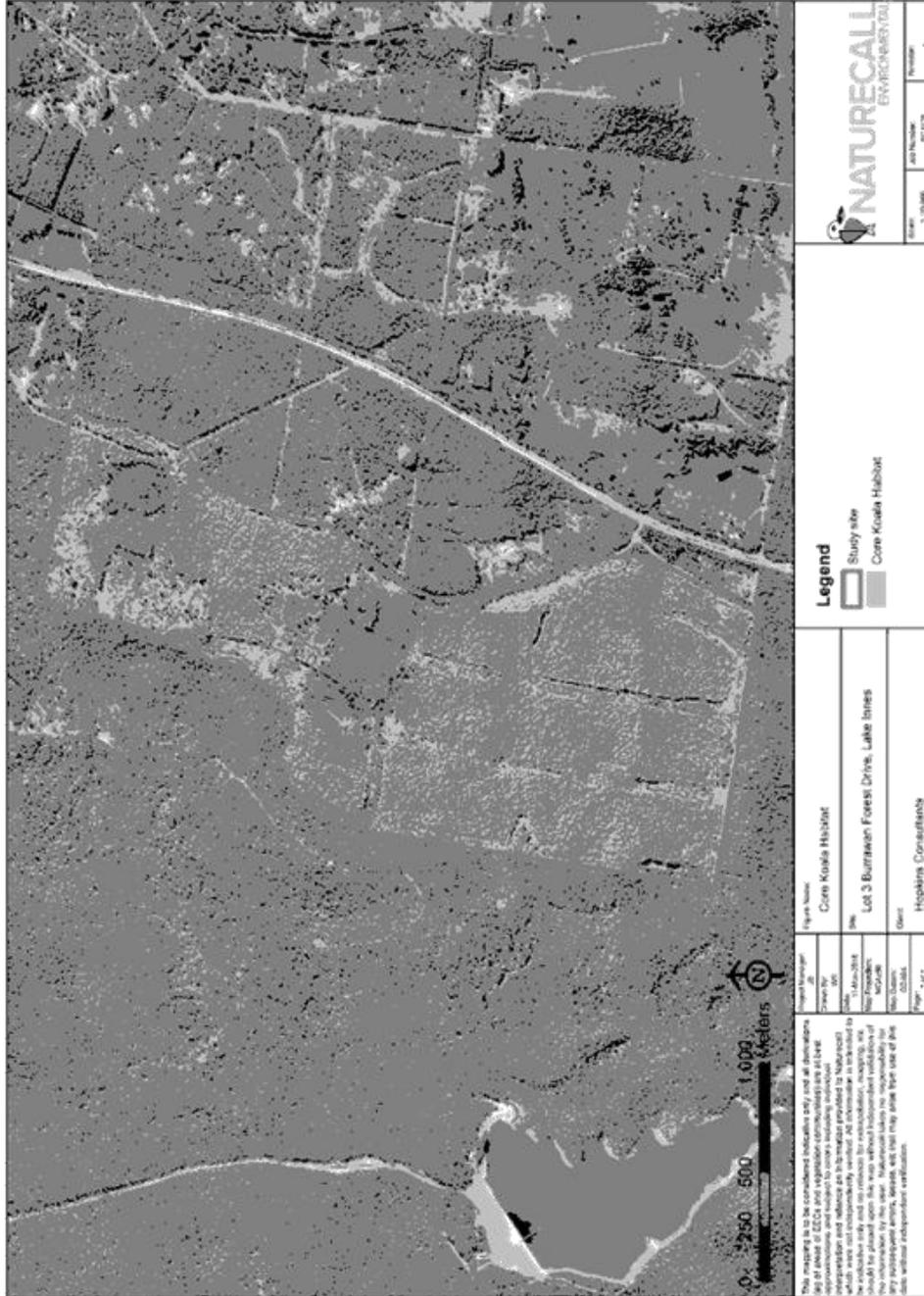
6.1.2. Injury During Clearing

It is expected that due to the lack of requirement for any substantial vegetation removal for building envelopes (some thinning perhaps for APZs), that there is no significant threat of Koala injuries.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Figure 8: Core Koala Habitat mapping of the site





6.1.3. Traffic Collision (Road Kills)

Wilkes and Snowden (1998) and Connell Wagner (2000b) note that traffic collision (usually resulting in death) is a major threatening process to the Port Macquarie Koala population, particularly to males, who account for most of the injured animals (most likely due to more frequent and longer movements during their life cycle eg during breeding seasons).

Burrawan Forest Drive runs along the eastern boundary of the site, however it is expected that local traffic volume will not be substantially increased as a result of the proposal given current volume. Therefore there will be no considerable increase in the threat of vehicle strike on Burrawan Forest Drive due to the proposed development.

The current proposal requires the construction of new access roads/driveways (>200m in Lot 4 & 6). It is expected that this will not increase the risk of vehicle strike as traffic will be private, the driveways short, and speeds low (eg due to gravel roads).

6.1.4. Pets and Feral Predators

Domestic Dogs

Dog attack is a major cause of Koala mortality. Domestic dogs are probably the main source of dog attack mortality near residential areas (Wilkes and Snowden 1998, Lunney *et al* 1999, Port Stephens Council 2001, Connell Wagner 2000, State Forests 2000).

Following extensive fire, dog attack (and predation by wild dogs) is a key threat to low density Koala populations (Lunney *et al* 2007, McAlpine *et al* 2006). This is due to the fact that the populations are small, hence any increase in mortality which exceeds recruitment rates can lead to the decline of the local population.

The options for controlling this threat are:

- a) Prohibition of dogs (via title covenant and enforcement by PMHC in the long term).
- b) Restriction of dogs to a fenced enclosure when not accompanied.
- c) Restrictions on breeds.

Restriction on permissible dog breeds is not considered a viable option due to compliance enforcement limitations (Mr Thor Aaso, pers. comm.), and even small dogs under some circumstances can threaten Koalas (AKF 2007).

PMHC have requested a prohibition on dog keeping on the site due to evident declines of low density Koala populations in rural-residential estates in the Local Government Area (Mr Thor Aaso, pers. comm.). This compliance would rely on periodic inspection to confirm dogs were not being kept. The on-going need for compliance inspection is however a weakness of this option.

Conversely, the site has previously had working dogs on site due to being used for rural purposes including grazing cattle, and the risk of wild dog predation will continue. On the northern lots, stock grazing will also be expected to continue, hence there is likely to be strong conflict with PMHC



attempting to enforce the restriction in the long term with subsequent landholders who wish to have working dogs; and the strong association of rural land ownership with keeping dogs.

The compromise thus to meet the performance criteria of nil injuries or mortality due to domestic animal attack in this situation, is to require dogs to be retained within suitably fenced yards in the development envelope when not being accompanied. This enclosure is expected to be located to avoid enclosure of any preferred Koala food trees, and to be surrounded by a fence which Koalas cannot climb. Any overhanging tree limb should also be removed.

This can be implemented as a title covenant, and assessed at the DA stage, and during any relevant inspection at any time. If dogs are recorded as being present and not confined to the yard, compliance enforcement can be undertaken.

Cats

Domestic cats are not considered a serious predator to the Koala (NSWSC 2000a, Dickman 1996, Wilkes and Snowden 1998, DECC 2008, Lunney *et al* 1999, Connell Wagner 2000b, etc). Hence no specific prescription is provided in this KPoM.

Feral Cats, Wild Dogs and Foxes

Feral cats and foxes are not considered a significant threat to Koalas, though there is the potential for attack on sick, injured or juvenile Koalas (DECC 2008). These vermin are also a serious threat to native species ie recognised as Key Threatening Processes (NSWSC 2000a, 2000b, Dickman 1996). These are subject to current controls under the PMHC Feral Species Management Strategy.

Wild dogs are known to occur on site and thus pose a threat to Koalas. The proposed development is not likely to increase the threat of wild dogs, and future owners are expected to encourage landscape control of wild dogs (and foxes) to protect stock.

6.1.5. Drowning In Pools

Koalas can swim, but have been recorded drowning in pools where they could not climb out. Koalas may enter the pool via falling from overhanging branches, or walking in by mistake (DECC 2008). Wilkes and Snowden (1998) state that since the implementation of child-proof fencing around pools, accidental drowning has ceased to be a significant threatening process in Port Macquarie.

As pools may be installed by new landowners, there may be a risk of Koalas drowning if Koala proof fences are not installed or if trees are left overhanging the pools. Provisions will be required to mitigate this threat.

6.1.6. Barriers

Developments may result in physical and behavioural barriers that impair Koala usage of the site or access to adjacent areas.

Fences offer the main physical barrier. Koalas can climb sturdy chain mesh, wooden paling or solid-type fences with wooden fences on both sides (Port Stephens Council 2001, Wilkes and Snowden



1998). Busy roads, barking or aggressive dogs, and adverse human contact may pose behavioural barriers (DECC 2008).

The site is currently partially fenced along boundaries and around pastoral land, however fencing is post and wire which does not pose a barrier to Koalas.

The proposed development is likely to eventually result in the establishment of new fences around each building envelope and potentially along boundary lines (eg via exclusions under the *Native Vegetation Act 2003*). These fences would be post and wire and hence pose no barrier to Koala movement.

It is possible that fencing around dwellings may include sheet metal (colorbond) fences that are a barrier for Koalas (Wilkes and Snowden 1998). This will beneficially prevent Koalas from accessing areas with potential hazards such as pools and domestic dogs, but given their limited extent, will not form landscape barriers.

6.1.7. Bushfire

Bushfires, particularly intense, crown-burning fires, are a major threat to wildlife and threatened fauna such as Koalas (DECC 2008). Extensive fires that burn out a large extent of habitat – particularly habitat that is isolated or fragmented, and thus limited in escape, refuge or re-colonisation potential, are particularly damaging if not catastrophic via direct mortality or indirectly (e.g. insufficient resources left to support the population).

Less intense fires may also cause secondary problems such as smoke-inhalation/breathing disorders, loss of food supply, stress and displacement (e.g. via complete burning of an individual's home range).

Altered fire frequency can also ultimately simplify or alter the character of vegetation communities by removing fire sensitive species (e.g. convert wet sclerophyll to dry), and even develop fire-prone communities e.g. promote development of a grassy groundcover (NSWSC 2000).

The densely vegetated portions of the site are considered fire prone with a demonstrated fire history and hence the local Koala population is potentially threatened by fire. As noted previously, the site is also linked to a large expanse of contiguous forest to the north, west south and hence a wildfire could impact upon the site from this area. The main fire threat overall is from Cowarra State Forest to the west.

Residents are also may desire to practice periodic prescription burning to reduce fuel loads. If practised incorrectly, this could lead to adverse habitat modification.

6.1.8. Disease

Most Koalas are naturally infected with Chlamydia pathogens (Sharp and Phillips 1999, Phillips 1997). Chlamydia and other diseases may develop when Koalas are under stress, of which one cause is habitat loss/disturbance (DECC 2008, Catling 1991, McFarland 1999, AKF 2007, Port Stephens Council 2001). Chlamydia infections may lead to urinary tract and reproductive tract infections which can cause female infertility.



This disease occurs throughout the Port Macquarie Koala population (Connell Wagner 2000b). This is a concern for low density populations given the risk of transmission of this disease through the population via breeding activity, and potential sterilisation of dominant adults limiting recruitment and fecundity.

The proposal is not expected to result in any significant increase stresses on the local aggregate given the minimal if any loss or modification of habitat, no significant barriers and only a localised increased human presence.

7.0 Ameliorative Measures

7.1. Habitat Retention and Offsets

7.1.1. Extinguishment of Private Native Forest PVP

The parent parcel of land currently has an approved Private Native Forest Property Vegetation Plan (PVP 031777).

This is to be extinguished to protect the remaining Koala habitat from logging under this PVP.

7.1.2. Habitat Retention

Retention of KFTs

All Koala Food Trees (KFTs) with trunk diameter at breast height (DBH) >250mm must be retained.

Development envelopes are preferred to be located within the centre of already cleared development envelopes to minimise the need for any further vegetation to be cleared for APZs and minimise fragmentation.

However, as individual aspirations vary, final location of the dwelling site, location of services, and APZ clearing provisions should be selected on the following criteria:

- Minimises loss/fragmentation of forest (eg utilise existing clearings).
- Avoids the loss of hollow-bearing trees.
- Avoids loss of trees with trunk DBH>500mm (potential hollow-bearing recruit tree).
- Minimises/avoids loss of Allocasuarinas.
- Avoids loss of Koala food trees.
- Avoids directly impacting EECs.
- Minimises length of driveway access to reduce barriers and vehicle strike risk.
- Maximises proximity to services ie electricity and phone lines, hence reducing need for additional clearing for these services.
- Complies with RFS bushfire requirements.



Future DAs for dwelling must demonstrate that the above criteria habitat been met via:

- DA plan to show surveyed location of all Koala food trees >250mm DBH within the development envelope to be retained.
- Plan to be certified by an ecologist.

If Koala food trees fall within building envelopes or APZs, they may be removed if they show do not fall into an area of activity, and an adequate offset can be provided as per section 7.1.3.

Residual of Property

Schedule 2 Koala food trees on the remainder of the site area to be retained via provisions of the *Native Vegetation Act 2003*, with the exception of clearing under RAMA provisions (eg. along boundary and internal fence lines).

7.1.3. Habitat Replacement

Any offset plantings are to comprise of Tallowwoods at a ratio of 4 plantings for every Koala Food Tree removed.

These are to be located in an existing cleared area adjacent to intact forest to ensure Koalas can readily access them. These offset areas are also required by PMHC to be planted with native understorey and shrub species to establish a native forest identical to that currently occurring on site. Offset areas thus should select locations with some natural regeneration and minimum weed content to minimise weed maintenance obligations.

Council policy requires that replacement plantings are to be spaced at a minimum of 10m apart to allow maximum crown development via allowing low branching (woodland form) and reduced competition. Trees to be used preferred to advanced size trees that meet NATSPEC *Specifying Trees*, unless plantings are undertaken pre-emptively (preferably at least 5 years before actual tree loss) in which case small size classes may be used.

Any offset plantings will be managed and monitored by a Vegetation Management Plan (VMP), which must address the KPoM's objectives.

Any VMP will ensure any planting area which may fall within a bushfire Asset Protection Zone or in proximity to dwellings does not conflict with current or future planning, engineering, infrastructure and bushfire requirements, including the 10/50 Vegetation Clearing Code of Practice.



7.2. Road Design and Speed Controls

Burrawan Forest Drive runs along the eastern boundary of the site; however as the proposal will not result in a significant increase in local traffic volume, no specific measures are required.

As new driveways will be short, low speed and gravel, no specific controls are required.

7.3. Dog Management

7.3.1. Pets

Ideally to negate the risk of this threat, dogs should be prohibited via a title restriction, however in a rural situation (where working dogs are required to manage stock) as opposed to an urban environment, this is very difficult to enforce by Council due to logistical and other constraints.

Given this limitation, under title restrictions, dogs will be required to be confined to a Koala-proof fenced yard around the dwelling as follows:

- Dogs to be confined to dwelling or an enclosed yard (which specifically excludes Koala food trees) when unleashed or not being supervised.
- Fencing around the dog enclosure is to be of Koala proof fencing. Such material includes sheet metal, brick and floppy top design (DEHP 2012).
- No dog should ever be allowed to come into contact or be found threatening a Koala.
- All non-resident dogs are to be reported by residents to Council's Rangers for removal.
- No tree limbs should overhang fences enclosing a yard with a dog. Vegetation adjacent to the fence should be regularly maintained to exclude trees and shrubs from within 3m of the fence, keep canopies of trees trimmed to remove links to tree canopies on the other side of the fence, and remove fallen branches and vines growing on the fence which koalas may use to climb over the fence (DEHP 2012).

Inspection of the implementation of this measure can be undertaken by Council during periodic on-site effluent licensing inspections as a routine part of Council's activities. Council will also be relied upon to ensure compliance with all aspects of the *Companion Animals Act 1998* are also enforced.

7.3.2. Wild Dogs

Wild dogs and feral cats are potential predators for the Koala population (cats only pose threat to sick or juvenile Koalas) both on and adjacent to the site. Dogs were detected on site during the field survey and require control. It is recommended that the following be undertaken:

- Liaison with the Local Land Services (LLS), Forestry Corp, OEH and adjacent landowners to undertake an annual control/extermination program in the locality, supplemented with regular monitoring eg reporting of tracks, sightings, scats, etc in order to initiate control programs.
- On-going liaison with adjacent landowners and LLS to undertake a regular coordinated pest control program over the locality including the site and adjacent land to allow suppression of feral



species populations in the area, and eliminate reservoir populations.

- All residents required to microchip and de-sex their pets to reduce the breeding reservoir.
- Sightings to be reported to LLS.

7.4. Barriers

The following measures generally apply to boundary and non-dog enclosure fencing:

- No boundary fence design (either temporary or permanent) should include a material or design feature that may potentially injure Koalas (or other fauna).
- Boundary fences should not act as a barrier of Koala movement. Koala friendly fences such as post and wire, sturdy chain mesh, or wooden paling fences should be used.

7.5. Drowning in Pools

Pools may be installed by future residents in backyards. To prevent Koalas drowning the following measures should be implemented:

- Preventing Koalas from accessing the pool area via using Koala-impermeable pool fencing. Such fencing must also comply with Australian Standards and relevant state and local government requirements for children. Koala-proof pool fencing includes sheet metal, glass or perspex fencing that has negligible gaps at the bottom and between panels and the gate (DEHP 2012).
- Pools must be located away from any Koala food trees. There should be no branches/limbs (of any tree species) over hanging the fence allowing access to Koala.
- Where possible, pools designs should consist of a shallow lagoon-style entry where the pool water is level with part of the surrounding pavement.

7.6. Bushfire

A Bushfire Risk Assessment has been conducted for the proposal, and recommendations for bushfire management and legislative compliance have been incorporated into the design.

As a result of this assessment, Asset Protection Zones will be established to reduce the potential for fire to threaten dwellings. Maintenance of these APZs will be the responsibility of future residents.

7.6.1. Statutory Controls

The NVA 2003 defines "burning" of native vegetation as clearing (section 7 of NVA 2003), hence where protected vegetation is affected it is an activity which requires approval unless authorised under provisions of the *Rural Fires Act 1997* (as subsequently detailed). However burning to promote "green pick" falls under the definition of "sustainable grazing" if the fire frequency and/or intensity does not lead to structural and floristic changes (Mr John Barlow DECC per. comm. and section 24 of the NVA 2003), hence is permissible under the NVA/NVRA. The DECC also advised that should landowners be detected causing floristic and structural changes in vegetation due to excessive burning (as well as grazing, fencing, etc), they will have to justify a "reasonable need" or such action



will be considered a breach of the NVA and hence liability for prosecution with substantial fines, court costs and restoration works resulting.

The *Rural Fires Act 1997* (RFA 1997) also has relevant provisions for controlling the fire regime. It appears that burning for the purpose of hazard reduction requires a Bush Fire Hazard Reduction Certificate (BFHRC) to be issued by the Rural Fire Service (RFS). This environmental approval is required under the RFA 1997 if the hazard reduction proposed affects native vegetation; poses a potential threat to threatened species, endangered ecological communities, etc; or could result in air or water pollution, or soil erosion (see sections 86, 89, 100C, 100D and 100G of the RFA 1997).

A BFHRC requires legal compliance to the specified conditions which will take into account environmental factors such as:

- Presence of threatened species or EECs.
- Risk of soil erosion or mass movement.
- History and minimum fire frequency intervals for specific vegetation types.
- Location of waterbodies and waterside (riparian) vegetation.

A BFHRC thus may include measures to protect significant areas eg limiting fire frequency, specifying exclusion areas (eg the EECs). Riparian areas are recommended specifically to be avoided by the RFS guidelines. The existence of EECs and habitat of several threatened species on site will thus require specific environmental protection measures to be specified in the BFHRC.

The guidelines for hazard reduction recommend use of low intensity fires for hazard reduction to minimise rate of spread (hence allowing fauna to escape), generation of smoke (which may affect arboreal species), and maximises protection of the canopy. The guidelines also recommend use of spot fires which burn patchily, hence this may result in the creation of a complex mosaic of fire histories which is more ecologically beneficial.

The BFHRC also requires landowners to complete a report post-completion of works, hence provides a means of monitoring and compliance to the BFHRC's conditions.

7.6.2. Burning

The Act also requires that clearing via burning requires approval under the NVA 2003 (see section 86 of the RFA 1997 and Part 7 of the NVA 2003) unless a BFHRC has been issued (see section 100C of the RFA 1997).

The RFA 1997 also requires landowners intending to burn to provide at least 24hrs notice to all neighbours, hence this provides an opportunity for monitoring and control of fires.

If landowners desire to undertake prescription burning, they are to:

- Contact the RFS to get a BFHRC.
- Provide the RFS with a copy of this KPoM and statutory assessment (Naturecall 2015) for baseline information on environmental constraints.
- Undertake burning in strict accordance with BFHRC, with assistance of the local RFS volunteers.



- Post-burning, complete the compliance report to RFS.

Burning is to avoid the riparian vegetation, and pre-burn surveys are to be undertaken for Koalas in the affected area. If any Koalas are present, works are to be delayed until Koalas are absent.

7.6.3. Uncontrolled Bushfire

The following measures are to be implemented in regards to bushfire:

- The designation/location of APZs is to minimise perceived risk of vulnerability to bushfire and hence demand for hazard reduction in adjacent habitat.
- APZs to be maintained.
- All other fires to be reported to RFS.
- Ensure the wet sclerophyll, swamp forest communities and drainage lines are rarely if ever burnt to maintain values.

7.7. Disease

Disease is a current threat to the local Koala aggregate and habitat loss associated with development of the site has the potential to increase the current disease risk. To help reduce this, the following measures are to be implemented:

- Contact details for Koala Hospital at site during construction.
- New owners to be provided with Koala Hospital details to report any sick or injured Koalas.

8.0 Implementation and Compliance

8.1. Per DA KPoM Compliance Checks

By undertaking compliance monitoring for each subsequent DA for future dwellings, consent for future DAs can ensure the effective implementation of this KPoM.

The check list appended to this document summarises the specific actions required to be undertaken by responsible authorities to implement the recommendations of the KPoM. This checklist is to be completed to ensure each DA complies with the KPoM.

8.2. KPoM Implementation Schedule

To ensure key measures of this KPoM are implemented, each proponent's DA must demonstrate compliance with the provisions of the KPoM at various stages from the DA to post-construction. Table 3 shows a provisional timeline for implementation of the KPoM measures which indicates what will need to be reported at given stages.

This is to ensure KPoM measures such as installation of domestic dog fencing are undertaken as required on an ongoing basis until the full development is realised.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

8.3. Implementation Schedule

The following table provides a summary of the timeline for implementation of the ameliorative measures for assisting with compliance assessment.

Table 4: Implementation schedule for ameliorative measures

Issue	Pre-DA	DA Approval	Construction Phase	Operation Phase
Retention and Protection of Key Habitat	<p>Subdivision:</p> <ul style="list-style-type: none"> Layout design demonstrating retention of habitat via centring dwellings in existing clearings. <p>Future Dwellings:</p> <ul style="list-style-type: none"> Survey location of all Grey Gums and Tallowoods in APZs Survey location of trees to be retained in APZ by new owners as part of dwelling DA. House located to minimise tree loss. 	<p>Subdivision:</p> <ul style="list-style-type: none"> Approval of subdivision DA specifying implementation of KPoM measures via title constraints. <p>Future Dwellings:</p> <ul style="list-style-type: none"> Location of dwelling approved on compliance with KPoM. 	<ul style="list-style-type: none"> Clear identification and fencing off of trees/vegetation to be removed/retained. Construction undertaken in accordance with KPoM and consent conditions. Compliance enforcement by Council. 	<p>Subdivision Established:</p> <ul style="list-style-type: none"> All retained habitat managed and protected permanently. No further clearing (other than for permissible fencing). Compliance enforcement by Council as required.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Issue	Pre-DA	DA Approval	Construction Phase	Operation Phase
Habitat replacement (if KFTs are to be removed)	<ul style="list-style-type: none"> Identify Koala food trees to be removed. Identify and map proposed location of all planting areas in relation to development, and estimate number of replacements. 	<ul style="list-style-type: none"> Plans for offset plantings regeneration approved and become binding on proponent to execute as detailed. Commence and complete VMP and planting works. 	<ul style="list-style-type: none"> Maintain plantings as applicable per development stage. 	<ul style="list-style-type: none"> Maintenance of weeds and plantings until established. Ongoing maintenance until all plantings self-sufficient. Compliance enforcement by Council. Implementation of any recommendations for improvements until plantings are self-sufficient.
Predator Control	<ul style="list-style-type: none"> Planning provisions to specify dog enclosure provisions. 	<ul style="list-style-type: none"> Title covenant specifying Koala-proof fences. 	<ul style="list-style-type: none"> Compliance enforcement by Council. 	<ul style="list-style-type: none"> Compliance enforcement by Council. Records kept of Koala injuries and included in monitoring reports. Dogs to be retained within building envelope with fencing Implementation of any recommendations for improvements.
Pools	<ul style="list-style-type: none"> Planning provisions to manage pools. 	<ul style="list-style-type: none"> Council to ensure Koala-proof fencing Other measures such as Koala-friendly pool design implemented where possible/necessary. 	<ul style="list-style-type: none"> Compliance enforcement by Council. Removal of any tree limbs or vegetation overhanging fencing 	<ul style="list-style-type: none"> Compliance enforcement by Council. Maintenance of vegetation overhanging fencing.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Issue	Pre-DA	DA Approval	Construction Phase	Operation Phase
Mortality/injury during clearing of habitat	<ul style="list-style-type: none"> Survey and mapping of all habitat to be retained/removed. 	<ul style="list-style-type: none"> Surveyed trees to be removed/retained in APZ become condition of consent. DA for individual dwelling approved on compliance with KPoM. 	<ul style="list-style-type: none"> Clearing as per protocol. Report to PMHC confirming compliance. 	N/A
Physical and Behavioural Barriers (fences and roads)	<ul style="list-style-type: none"> DA plans to show permanent fencing is required Measures to ensure temporary construction fences Koala friendly where required. 	<ul style="list-style-type: none"> Consent approval subject to Koala friendly fencing where applicable. Compliance enforcement by Council. 	<ul style="list-style-type: none"> Fencing constructed as per development consent conditions Compliance enforcement by Council. 	<ul style="list-style-type: none"> Reporting of any injured Koalas to Koala Hospital. Remedial taken following reporting of injuries. Compliance enforcement by Council.
Disease	N/A	N/A	<ul style="list-style-type: none"> Construction undertaken in accordance with plans. Contact details for Koala Hospital provided on site during construction 	<ul style="list-style-type: none"> Records kept and included in monitoring reports. Permanent public Koala signage at crossing points with Koala Hospital phone number. Implementation of any recommendations for improvements. Compliance enforcement by Council.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Issue	Pre-DA	DA Approval	Construction Phase	Operation Phase
Bushfire	<ul style="list-style-type: none"> Specify condition in DA detailing bushfire management obligations 	<ul style="list-style-type: none"> DA consent condition on basis of compliance to statutory obligations 	<ul style="list-style-type: none"> APZ established as per statutory requirements. 	<ul style="list-style-type: none"> Residents to obtain BFHRC and provide RFS with ecological documents. All prescription burning in liaison with RFS. Pre-burn survey for Koalas All unauthorised fire reported to RFS. RFS emergency number on signage and with title documents. Maintenance of APZs.



8.4. Monitoring

The implementation and effectiveness of the KPoM will be monitored via:

- Koala survey annually for 5 years after development approval (re-sampling of SAT sites).
- Completion of the checklist in Appendix 1 and provision to PMHC.

This will be undertaken by a project ecologist (funded by the proponent of the subdivision), with a report provided to PMHC. The results of the monitoring and checklist will be used by PMHC to initiate compliance if required, or amendments of the KPoM to achieve its objectives.

9.0 Conclusion

The principle objective of this Koala Plan of Management is to ensure the study site retains its ability to support a Koala population in the long term and maintain linkages within the broader landscape of identified Core Koala Habitat.

To achieve this, the KPoM aims to achieve the following:

- Retention of the majority of Koala habitat present on site.
- Mitigation of potential and existing threats via effective measures with compliance mechanisms to ensure mortality rates are not elevated to the point of resulting in population collapse or creation of a sink.

The proposal poses a relatively low threat to the site's Core Koala Habitat values given the minimal if any further habitat loss required. Provided the proposal abides the KPoM's requirements: connectivity, habitability and carrying capacity for the Koala should be retained in the long term.



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Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

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Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

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Appendix 1: Compliance Checklist

The following checklist details the specific actions to be taken to achieve the objectives the KPoM and the responsible authorities for implementation. This Plan will help compliance assessment of the KPoM in regards to its performance criteria.



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Table 5: KPoM compliance checklist

Number	Action	Responsible Organisation	Timeframe	Action completed	Comments
In-situ Habitat Retention					
1	Future DA stages for dwellings require the individual property owner to demonstrate the location of any KFT within the final location of the building envelope and APZ	Proponents	Pre-DA DA	<input type="checkbox"/>	
Offset Plantings (If required)					
2a	If required, suitable offsets provided (ratio 1:4), and trees planted 10m apart.	Proponents	Pre-DA DA Post DA	<input type="checkbox"/>	
2b	Offsets located suitable area where Koalas can safely access them.	Proponents PMHC	Pre-DA DA	<input type="checkbox"/>	
2c	Prepare and implement VMP to manage plantings/offset areas	Proponents PMHC	Pre-DA DA Post-DA	<input type="checkbox"/>	
Dog Attack					
3a	Koala exclusion fences installed around enclosed yard in development envelope if dogs kept on site	Proponent	DA On-going	<input type="checkbox"/>	
3b	Dogs to be retained within building envelope	Proponent	On-going	<input type="checkbox"/>	
3c	No tree limbs should overhang dwelling fences	Proponent	On-going	<input type="checkbox"/>	
3d	Compliance with the above.	PMHC	On-going	<input type="checkbox"/>	



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Number	Action	Responsible Organisation	Timeframe	Action completed	Comments
3e	All non-resident dogs are to be reported by residents to Council's Rangers for removal	Proponent	On-going	<input type="checkbox"/>	
3f	No dog will be allowed to come into contact or be found threatening a Koala.	Proponent	On-going	<input type="checkbox"/>	
3g	On-going liaison with adjacent landowners and LLS to undertake a regular coordinated pest control program	Proponent PMHC	On-going	<input type="checkbox"/>	
3h	All residents required to microchip and de-sex their pets to reduce the breeding reservoir	Proponent	On-going	<input type="checkbox"/>	
3i	Wild dog sightings to be reported to LLS	Proponent	On-going	<input type="checkbox"/>	
Pools					
4a	Pool fence to be Koala proof.	Proponent	DA	<input type="checkbox"/>	
4b	Overhanging vegetation removed and maintained	Proponent	Ongoing	<input type="checkbox"/>	
4c	Compliance	PMHC	On-going	<input type="checkbox"/>	
Barriers					
5a	No fence design (either temporary or permanent) is to include a material or design feature that may potentially injure Koalas (or other fauna) eg barbs and loose wire.	Proponents Construction Contractors	DA Construction	<input type="checkbox"/>	
5b	Boundary fences should not act as a barrier of Koala movement.	Proponent	On-going	<input type="checkbox"/>	
5c	Retention of vegetation on either side of boundary fences to facilitate movement	Proponent	On-going	<input type="checkbox"/>	



Koala Plan of Management | Lot 3 Burrawan Forest Drive | April 2016

Number	Action	Responsible Organisation	Timeframe	Action completed	Comments
5d	Exclusion fencing around dwellings, where hazards such as dogs and pools exist should be installed.	Proponent	On-going	<input type="checkbox"/>	
Bushfire					
6a	Designation and management of APZs to minimise perceived risk of vulnerability to bushfire and hence demand for hazard reduction in adjacent habitat.	PMHC Planners/ proponents	Pre-DA DA	<input type="checkbox"/>	
6b	Contact the RFS to get a BFHRC before burning	Proponent	On-going	<input type="checkbox"/>	
6c	Provide the RFS with a copy of this KPoM and threatened species assessment	Proponent	On-going	<input type="checkbox"/>	
6d	Undertake burning in strict accordance with BFHRC, with assistance of the local RFS volunteers	Proponent RFS	On-going	<input type="checkbox"/>	
6e	All other fires to be reported to RFS.	Proponent	On-going	<input type="checkbox"/>	
Disease					
7a	New owners to be given information detailing contact details for the Koala Hospital to facilitate prompt reporting of sick or injured Koalas.	PMHC Proponent	DA	<input type="checkbox"/>	
7c	Contact details for Koala hospital at construction site during construction to report any sick or injured Koalas	PMHC Construction Contractor	DA Construction Phase	<input type="checkbox"/>	

[REDACTED]

From: [REDACTED]
Sent: Friday, 18 December 2015 9:07 AM
To: Council
Subject: Fwd: development no 2015/855
Categories: Red Category

----- Forwarded message -----
Date [REDACTED]
From [REDACTED]
Subject: [REDACTED]
To: council@pmhc.nsw.gov.au

To the relevant Officer,

I wish to raise 2 concerns re this development that are not objections but considerations for the relevant Council Officer.

Firstly, we have lived at our address 529 Burrawan Forest Drive for the last 35 years and as such have seen many changes and fought to preserve the natural habitat. We wish to draw Council's attention to the clearing of native vegetation (trees) down to the edge of the road, particularly on the high bank on the northern end of the development. We feel this is not on developer land and was therefore illegal and done purely to clear the area for better views.

Secondly, we believe with each allotment being 350 to 500 metres wide and each having a separate access the danger for all using this road will be greatly increased as there are many blind corners and inadequate sections to allow for safe exit and access for future owners.

Yours sincerely,
Mike and Chris Trotter
[REDACTED]

----- End forwarded message -----

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/855

DATE: 17/05/2016

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
Koala Plan of Management	Lot 3 Burrawan Forest Drive: Rural Subdivision	Naturecall	28 April 2016
Proposed plan of subdivision	Drawing No. 6986-01	Hopkins Consultants	5 April 2014

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

- (2) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (3) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D15/3789 DA15120499731 WS and dated 29 January 2016, are attached and form part of this consent.
- (4) (A016) This consent does not override any requirements of the *Native Vegetation Act 2003* and/or the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (5) (A028) Construction of functional vehicular accesses to rural allotments in accordance with AUSPEC Specifications D1.31. Details of the construction of the accesses are to be provided with the application for approval pursuant to Section 138 of the Roads Act.
- (6) (A195) The developer is to engage a suitably qualified koala ecologist to undertake 5 years of motioning in accordance with the approved Koala Plan of Management.

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 THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (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.
- (2) (E008) Payment to Council, prior to the issue of the Subdivision Certificate (whichever occurs first) of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Hastings S94 Major Roads Contributions Plan
 - Hastings S94 Open Space Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005

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.

- (3) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including fibre optic cabling where required).
- (4) (E195) Prior to issuing the Subdivision Certificate, the landholder is to register the approved Koala Plan of Management under s88B Conveyancing Act 1919 on the title to the 8 lots in favour of Council.
- (5) (E197) Prior to the issue of any Subdivision Certificate unformed public road reserve which traverses the site shall be formally closed and consolidated with Lot 3, DP 789114. Evidence of both the road closure and land consolidation shall be provided to the Principal Certifying Authority.
- (6) (E196) Prior to issuing the Subdivision Certificate, the landholder is to register a building envelope restriction under s88B Conveyancing Act 1919 on the title Lot 8 which achieves a minimum 1 kilometre separation distance to the

nearest point of the adjoining motocross track to the south in favour of Council.

F – OCCUPATION OF THE SITE

nil

DRAFT

Item: 06

Subject: DA2016 - 93.1 - DEMOLITION OF EXISTING DWELLING AND
CONSTRUCT NEW DWELLING AND SWIMMING POOL - LOT 9 SEC 1
DP 758603 NO 184 CAMDEN HEAD ROAD, CAMDEN HEAD

Report Author: Patrick Galbraith-Robertson

Property: Lot 9 Sec 1 DP 758603, No 184 Camden Head Road, Camden
Head

Applicant: AR Wilson CARE King and Campbell

Owner: AR Wilson

Application Date: 18 December 2015

Estimated Cost: \$988,200

Location: Camden Head

File no: DA2016 - 93.1

Parcel no: 3495

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2016 - 93.1 for demolition of existing dwelling and construction of new dwelling and swimming pool at Lot 9, Sec 1, DP 758603, No. 184 Camden Head Road, Camden Head, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for demolition of existing dwelling and construction of new dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

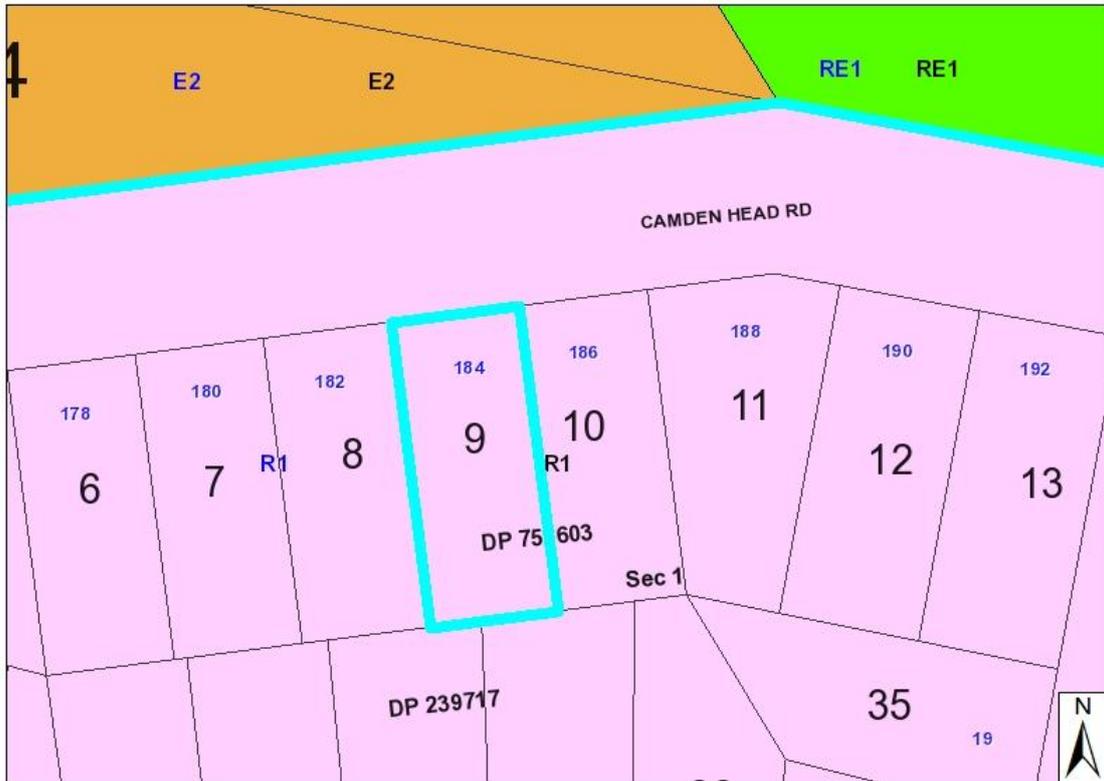
The plans have been amended during the assessment of the application following completion of neighbour notification. The height of the building has been reduced to comply and the rear setback increased to comply with the planning controls.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 556.4m².

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



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





2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling and shed
- Construction of new dwelling and pool

Refer to attachments at the end of this report.

Application Chronology

- 18 December 2015 - DA lodged
- 24 February to 8 March 2016 - neighbour consultation (further extension was permitted to consider late submissions)
- 8 March 2016 - Additional information received - bushfire risk assessment
- 14 March 2016 - Additional information requested
- 9 May 2016 - Amended 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 44 - Koala Habitat Protection

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

State Environmental Planning Policy 55 – Remediation of Land

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

State Environmental Planning Policy 62 - Sustainable Aquaculture

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

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

A BASIX certificate (number 693211S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and compatible with the established residential locality.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.5m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.64:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.9 - no trees are proposed to be removed are proposed to be removed. There is an existing tree overhanging the western boundary of the property. Branches will be required to be pruned back having regard to the building footprint (min 2.0m side setback). A condition is recommended to require an Arborist Assessment for pruning of the tree to be submitted to Council prior to issue of a Construction Certificate. There are no significant adverse flora or fauna impacts identified.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Location of water tank and swimming pool at rear of dwelling acceptable	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	>10m front setback	yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	>10m setback and behind main building line	yes
	6m max. width of garage door/s and 50% max. width of building	5.4m garage door and less than 50% building	yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	3m wide driveway crossing <1/3 proportional width	yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	4m rear setback (amended from original)	yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	2m west and east side setbacks stepped along boundaries. No adverse overshadowing to neighbouring properties identified. Building walls set in and set out	yes



DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings.	yes
DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Some additional casual surveillance available within immediate locality	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill changes within 1m change Condition recommended to require maximum 1m height retaining wall within front setback - agreed to by Applicant	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)	N/A	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
2.5.3.2	New accesses not permitted from arterial or distributor roads	n/a	
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing width acceptable	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	2 parking spaces in garage	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway	yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of complying with Australian Standards and Council standard driveway crossovers.	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:

N/A

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 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 generally consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no identifiable adverse impacts on existing view sharing given that the building is now compliant with the Local Environmental Plan and Development Control Plan.
- There are no adverse privacy impacts having regard to Council's DCP.

- 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.

Water supply

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

Stormwater

Likely discharge to drain in Camden Head Road – details required with S.68 application.

Other utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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



Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

The applicant has submitted a bushfire report prepared by a Consultant - Krisann Johnson (Certified Consultant). The report submitted has satisfactorily addressed the assessment of likely hazard, access and water supply. The assessment concludes that the bushfire risk is acceptable subject to BAL 29 construction levels being implemented and APZ being maintained. A condition is recommended in this regard.

Safety, security and crime prevention

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

Social Impact in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

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

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



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

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

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



Submission Issue/Summary	Planning Comment/Response
Object to height of 9.67m which is 13.7% above the maximum height allowed.	Plans have been amended to be compliant now at maximum 8.5m height (entire building lowered)
Three storeys will shade 7 Allenwood Street.	No adverse shadowing within 9am to 3pm midwinter identified to principal private open space area and living area. The dwelling at 7 Allenwood is approximately 16m from northern boundary of development site.
Solar hot water heaters on the roof will generate glare off the said panels.	It is likely that any solar hot water would be angled more towards the north with no impact to the southern neighbours with regard to glare.
There are no similar residential dwellings in the area.	The proposal as amended now complies with the planning controls.
Object to building being 1m rear setback and should be 2m minimum. With the sheer size of the proposed house this will negate any privacy that 7 Allenwood Street now enjoys.	The proposal has now been amended with an increased 4m rear setback proposed.
With the proposed building being 3 storeys 7 Allenwood will be severely impacted with a noise factor from both floors of building. When occupied will be able to actually hear the WC whilst enjoying the deck from 7 Allenwood.	There is an office and bedroom with deck at the rear of uppermost second floor level. There is 2 bedrooms and ensuite with deck at rear of lower first floor level. The window referred to in the ground floor in the ensuite which has a WC has an awning window proposed and is located approximately 20m from the deck in question. There is also a boundary fence in between. No adverse impacts expected.
Question whether any trees or vegetation will be removed. Several trees overhang the property that will need to be severely cut back. Koalas have been cited in these trees on occasions.	There is an existing tree overhanging the western boundary of the property. Branches will be required to be pruned back having regard to the building footprint (min 2.0m side setback). A condition is recommended to require an Arborist Assessment for pruning of the tree to be submitted to Council prior to issue of a Construction Certificate.
The dwelling will have an adverse impact on community amenity particularly due to the non-compliance matters with Council rules. Cumulative impacts are concerning.	The proposal as amended now complies with the planning controls.
The building should be pinned out so that all residents of the headland be able to see the extent and magnitude of this building.	The proposal as amended now complies with the planning controls.
Question whether the house will be used as a holiday house.	Not proposed as part of application.



Placing the dwelling at the rear of the block to maximise views is concerning when the proponent already enjoys the views due the recent bush vandalism which will take about 10 years to regenerate. The property slopes up from the footpath north to south by 7% therefore the landowners already have their panoramic views from the existing single storey home.	The proposal as amended now complies with the planning controls. A 4m rear setback is now proposed.
The view from back bedroom and lounge room would be completely blocked from 9 Allenwood Street.	The views will be lost however it is unreasonable to require retention when the proposal now complies with the planning controls particularly having regard to the building height and rear setback.
The dwelling would be far too close to the backyard of 9 Allenwood Street. The current dwelling is about 3m from the back fence.	The proposal as amended now complies with the planning controls. A 4m rear setback is now proposed.
The dwelling is too bulky.	The proposal as amended now complies with the planning controls.
The loss of rights under the Development Control Plan will mean that it is rendered almost meaningless.	
The bulk of the dwelling will severely affect the amenity of the area.	

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION

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

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

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

Attachments

- 1 [View](#). DA2016 - 93.1.Plans
- 2 [View](#). DA2016 - 93.1 Recommended Conditions



AGENDA

DEVELOPMENT ASSESSMENT PANEL
25/05/2016

3[View](#). DA2016 - 93.1 Submission - Hearnden

4[View](#). DA2016 - 93.1 Submission - Smith



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY**

DA NO: 2016/93

DATE: 17/05/2016

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	Sheets 2 to 11	King Campbell and	9 May 2016
BASIX certificate	693211S	King Campbell and	17 February 2016

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.

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
Such works include, but not be limited to:
 - i. Footway and gutter crossing
 - ii. Functional vehicular access
- (3) The plans submitted with the application for Construction Certificate shall detail a maximum 1m height of the front retaining wall.
- (4) An Arborist Assessment is to be submitted to Council prior to the issue of a Construction Certificate to address pruning of the tree overhanging the western boundary.
- (5) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (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.
- (2) (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*.

- (3) (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.
- (4) (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.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

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

Your Ref: DA2016.93.1

28 March 2016

G. K. & L. J. Hearnden
12 Beaconview Street
BALGOWLAH HEIGHTS NSW 2093

Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Dear Sir

Re: 184 Camden Head Road, Camden Head

Submission 3495.

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
31 MAR 2016	
Forward	
Subject	
Folder	DA2016.93.1.

We refer to your Notification of Development Proposal dated the 19 February 2016 and advise we are the owners of 9 Allenwood Street, Camden Head. We also confirm you allowed us an extension of time in which to object the proposal in relation to the above property.

The planning for the erection of a new dwelling at 184 Camden Head Road, are objected to on the following grounds:-

- a. the view from our back bedroom and lounge room would be completely blocked;
- b. the dwelling would be far too close to our back yard (the dwelling currently on the block is about 3 metres from our back fence);
- c. the dwelling is too bulky;
- d. the dwelling does not comply with the height limit and various matters set under the Port Macquarie Hastings Development Control Plan 2013 (and as set out in the letter from King and Campbell – Town Planners dated 16 February 2016).
- e. the loss of our rights we have pursuant to the Development Control Plan will mean, so far as we are concerned, the Development Control Plan is rendered almost meaningless;
- f. the bulk of the dwelling will severely affect the amenity of the local area.

We strongly endorse the objections made by our neighbour, Neil and Anne Smith of 7 Allenwood Street, Camden Head and enclose a copy of their letter to you of 7 March 2016 setting out these objections.

We look forward to the Council's rejection of a Development Application.

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.

Keith and Lois Hearnden



7 Allenwood Street,
Camden Head. 2443



Mr. P. Galbraith-Robertson,
Development and Environmental Services,
Port Macquarie Hastings Council.

RE: Objection to Development Application 2016/93, DP 758603,
184 Camden Head Road, Camden Head. 2443.

We would like to lodge an official objection to the above mentioned Development Application. Our house is directly behind said property. We have put these objections in point form from both a personal level and a community level.

- a. A height of 9.67 metres which is 13.7% above the maximum height allowed. This not only will affect our outlook but also will severely affect any north easterly breeze that we enjoy by opening of our glass doors at our rear.
- b. Three storeys will shade our property all day in winter as well as neighbouring properties.
- c. It is stated that a solar hot water will be in operation, should this be the case we will also have 'glare' off said panels.
- d. This should not be allowed to go ahead. Contrary to what the planner stated there are no 'similar residential dwellings in the area" See photo 2.

- e. Building being 1 metre rear setback from our shared back boundary. This is not within any building code and nor should it be, a two metre at the minimum. With the sheer size of the proposed house this will negate any privacy that we now enjoy.
- f. With the proposed building being three (3) storeys we will be severely impacted with a noise factor from both floors of building. When occupied we will be able to actually hear their WC (proposed for the second story) whilst enjoying our deck.
- g. With this proposal 1 metre from our shared back boundary will this be a hive of weeds etc?
- h. The planner has stated "no trees or vegetation are proposed to be removed". This is not the case as there are several trees that overhang said property that will need to be severely cut back. We have seen Koalas in these trees on occasions.
- i. Community amenity. As stated above this is not within the amenity of the headland and 99% of homes on the headland comply with council regulations regarding height regulations and maximum boundaries. Council has an obligation to all residents of Camden Head to enforce these regulations. Should this proposal be considered I request that the building be pinned out so that all residents of the headland be able to see the extent and magnitude of this building. We have been led to believe that it is a holiday house. The Council is opening a "can of worms" if it allows this application to proceed as it stands i.e. exceeding Council's own height restrictions.

With regard to building being placed at the rear of the block to maximise owners "Grants Head and northerly views" They already enjoy said views (See photo 1 taken from the footpath of said property) due to the recent bush vandalism which will take about 10 years to regenerate.

The property slopes up from footpath north to south of 7%, therefore the landowners already have their panoramic views from the existing single storey home.

Regards,


Ann Margaret Smith


Neil David Smith.

7th March, 2016.



Photo 1. Taken from "Council footpath"



Photo 2. Street scope.



Item: 07

Subject: DA2004 - 859.4 - MODIFICATION EXISTING DWELLING -
ALTERATIONS AND ADDITIONS, LOT 88 DP232885, 5 GLEN
STREET, PORT MACQUARIE

Report Author: Fiona Tierney

Property: Lot 88 DP 232885, No 5 Glen Street, Port Macquarie
Applicant: Beukers & Ritter Consulting Pty Ltd
Owner: P L & A M Davidson
Application Date: 12 April 2016
Estimated Cost: 0
Location: Port Macquarie
File no: DA2004 - 859.4
Parcel no: 7082

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2004- 859.4 for a modification to existing dwelling- alterations and additions at Lot 88, DP 232885, No. 5 Glen Street, Port Macquarie, be determined by granting the modified consent subject to reimposition of the previous conditions of consent.

Executive Summary

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

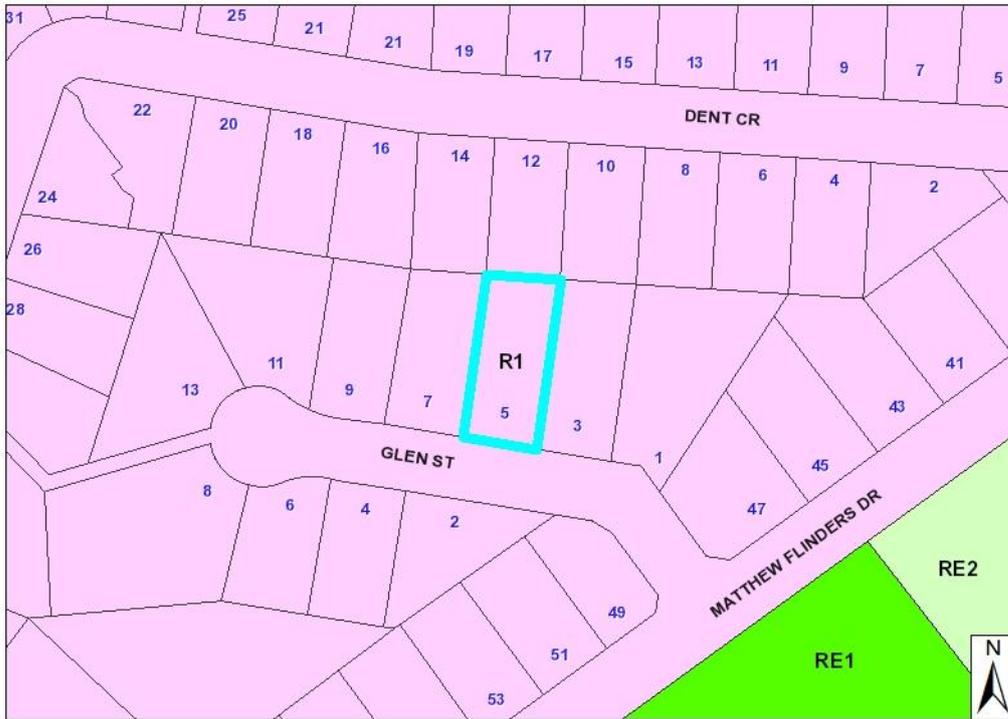
Following exhibition of the application, 1 submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 739.8m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Additional course of block work and capping to existing approved wall.



Refer to attachments at the end of this report.

Application Chronology

- 12 April 2016- Application lodged.
- 19 April 2016 to 2 May 2016- Public notification.

3. STATUTORY ASSESSMENT

Is the proposal substantially the same?

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, misdescription or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

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

- The proposal involved a minor increase to an existing wall.

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

Nil.

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

Neighbour notification has been undertaken in accordance with DCP 2013.

Any submissions made concerning the modification?

One submission was received following completion of the neighbour notification period.

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

Submission Issue/Summary	Planning Comment/Response
1. Loss of view	The wall has been constructed to the required height with a 50mm capping to be installed if approved. The additional 250mm in wall height will not result in significant view loss. Any loss of views is considered minor and is not at odds with the principles of view sharing.

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

Section 79C(1) Matters for Consideration

For the purpose of this modification assessment needs to be given to the environmental planning instruments applicable at the time. The following relevant instruments were in force at the time.

(a) The provisions (where applicable) of:

(i) any Environmental Planning Instrument:

Nil

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

Nil

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

No additional considerations for minor increase in height of wall.

(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:

Nil

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:

Nil

(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

- There is no identifiable adverse impact on existing view sharing.

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.

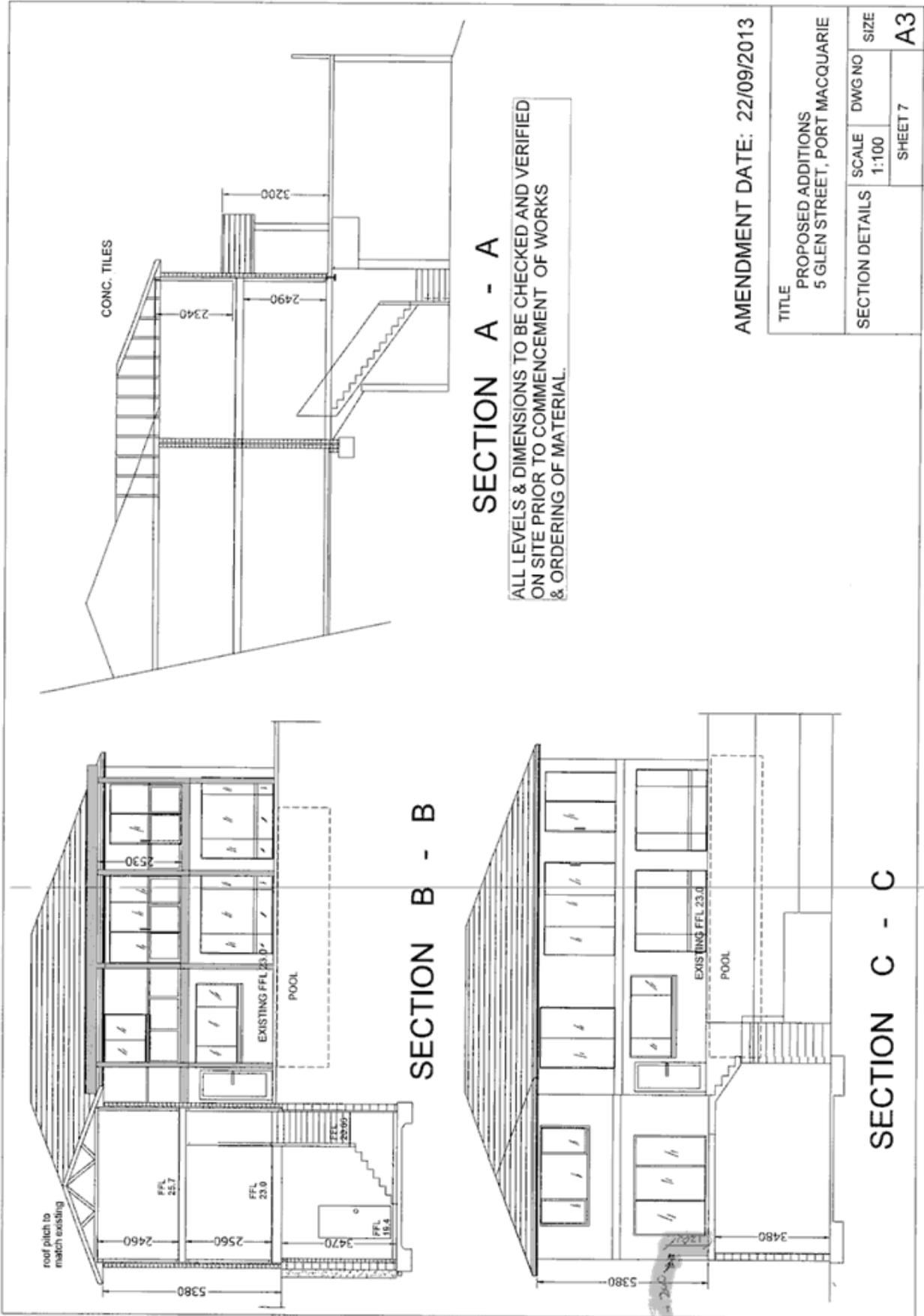


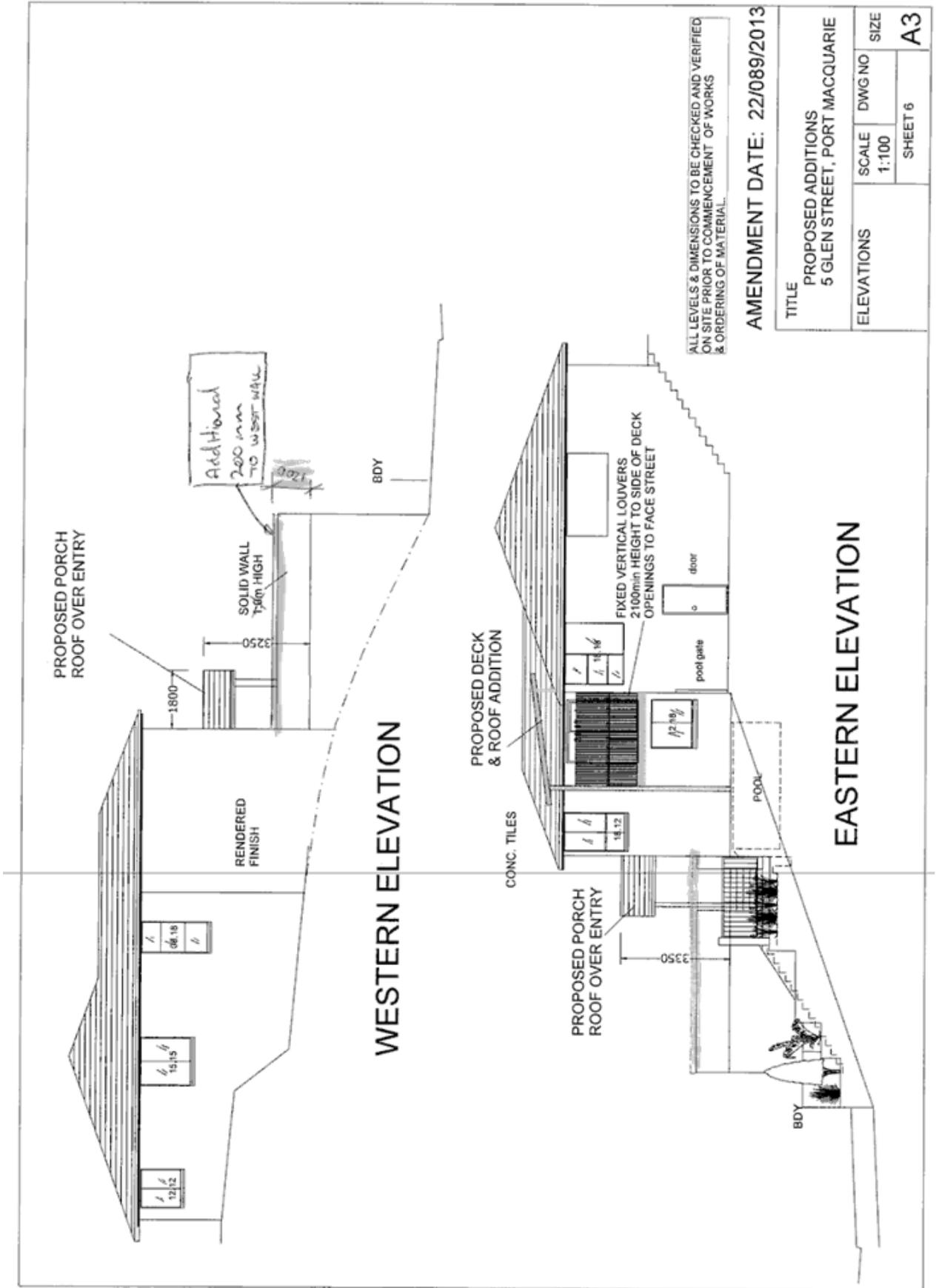
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

Attachments

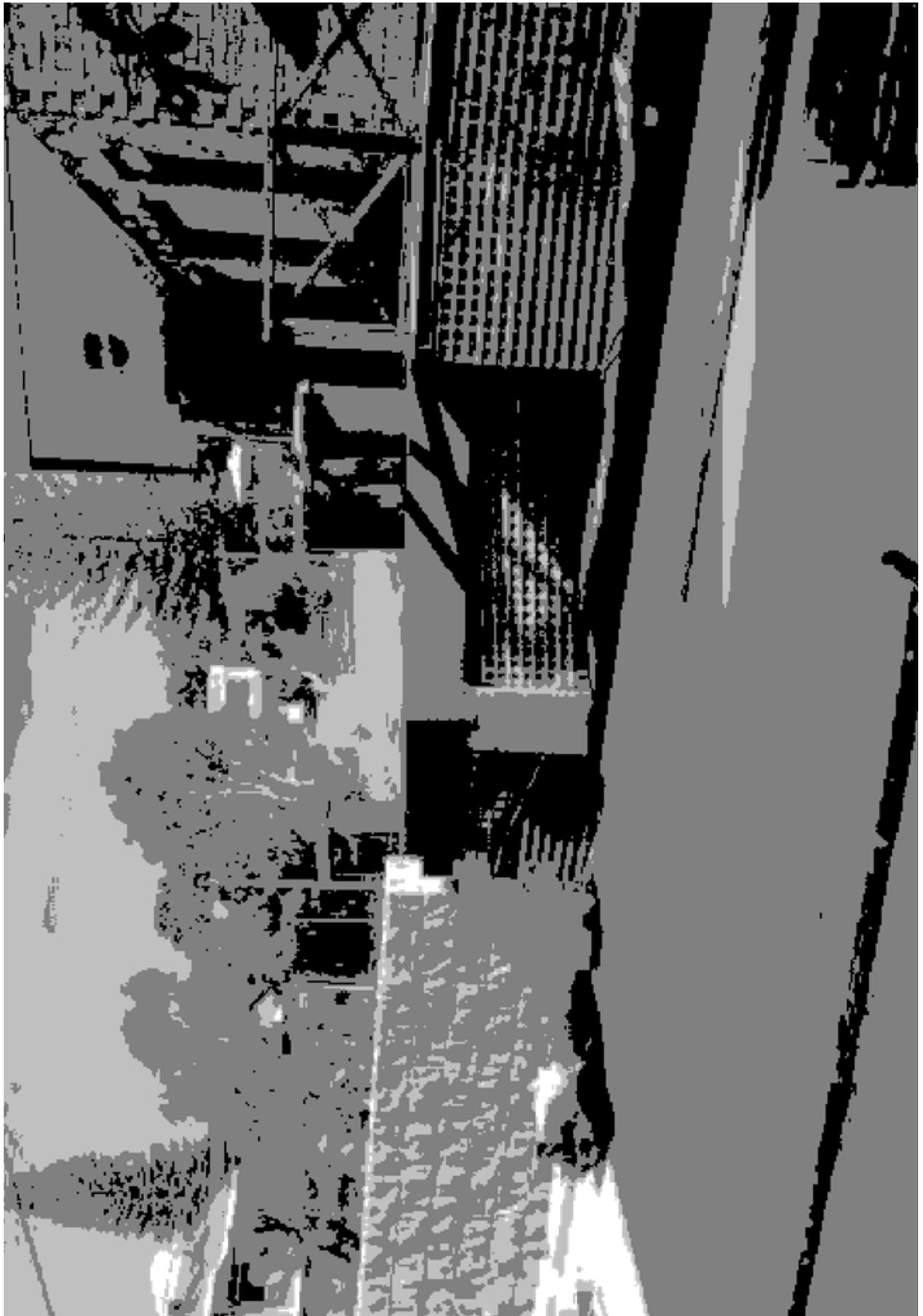
- 1 [View](#). DA2004 - 859.4 Plans
- 2 [View](#). DA2004 - 859.4 Photos
- 3 [View](#). DA2004 - 859.4 Modification of Consent
- 4 [View](#). DA2004 - 859.4 Submission - Fell

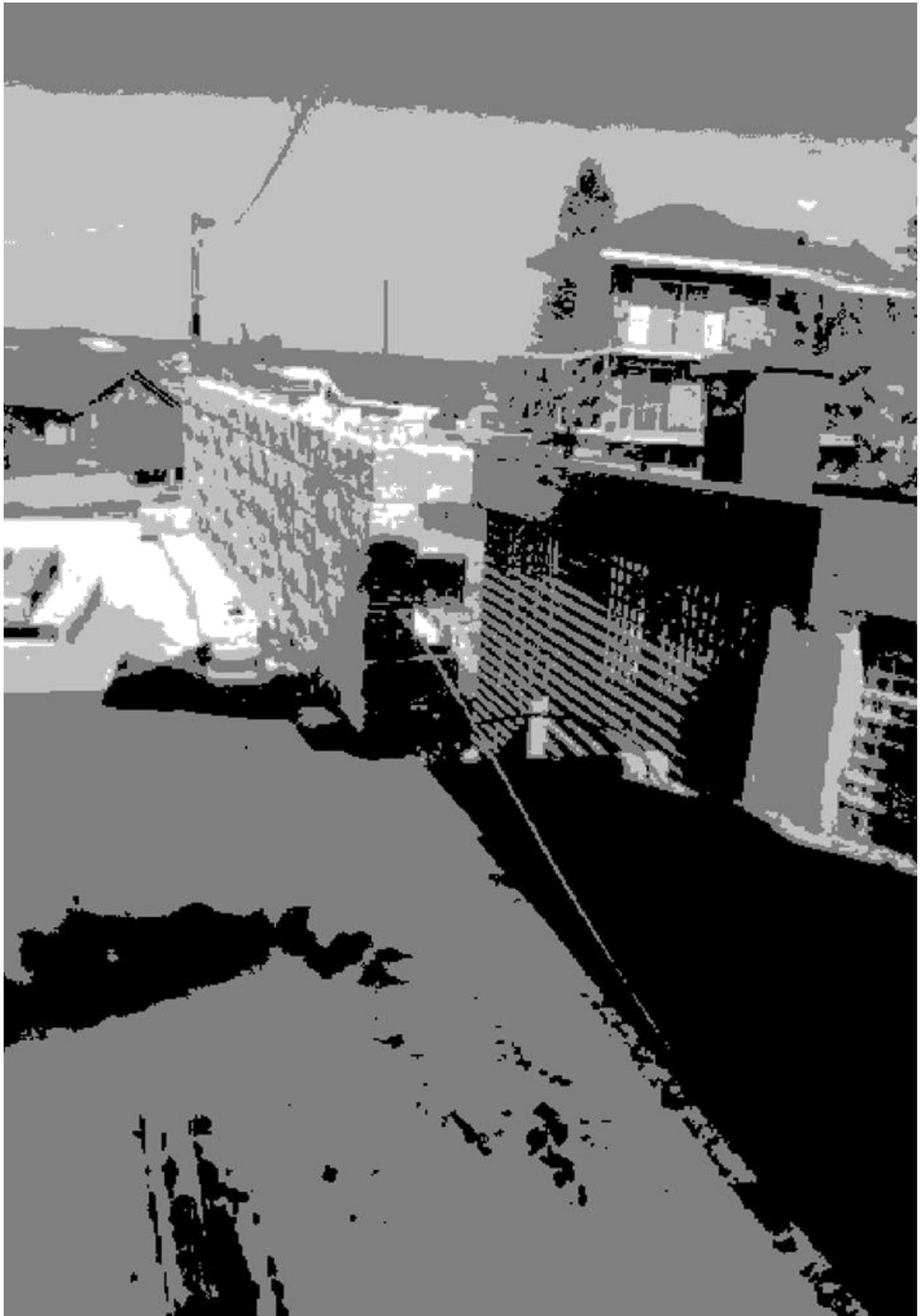






TITLE		PROPOSED ADDITIONS 5 GLEN STREET, PORT MACQUARIE	
ELEVATIONS	SCALE	DWG NO	SIZE
	1:100	SHEET 6	A3







SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2004/859 are as follows:

No.1	Modification No.1	21 June 2012
No 2	Modification No 2	22 October 2013
No 3	Modification No 3	Date

A - GENERAL MATTERS

- (1) (DDA0000101) The development shall be carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent.²

Plans	Reference	Prepared By	Date
Drafting Plans	Drawing No 5317 – 5 Glen Street Sheets 1-6	Beukers & Ritter Consulting Surveyors Planners & Subdivision Engineer's	22 May 2012
Amended Plans (Sheets 1-7)	Dwg No 5317	Beukers & Ritter Consulting Surveyors, Planners & Subdivision Engineer's	22 September 2013 (As amended April 2016)

- (2) (DDA0000102) 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) (DDA0000103) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DDA0000117) Pools to be fenced in accordance with Section 7 of the Swimming Pools Act, 1992 and to Australian Standards 1926-1986. Such fence shall be provided with a self-latching and self-closing gate, opening outwards, capable of being opened from the pool side only and with provision for permanent locking when not in use. Refer Australian Standard 1926-1986.
- (5) (DDA0000119) Backwash from the filter is to be discharged to a sewer yard gully and an air gap of 50mm is to be provided between the discharge outlet and the gully grate.
- (6) (DDA0000124) The external wall of the building used as a child resistant barrier is to comply with Section 19 of the Swimming Pools Act 1992.

- (7) (DDA0000125) A primary building element shall be protected from attack from subterranean termites in accordance with Australian Standard AS 3660.1-2000 Protection of Primary Building Elements from Subterranean Termites - New Buildings.

On completion of the installation of the barrier, the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

- (8) (DDA0000135) Douglas Fir (Oregon) shall not be used for the construction of external decks, verandahs, balconies, carports, pergolas or the like. It may however, be used for fascias, bargeboards and some other members in structures mentioned above where suitable protection is provided including prime coating before fixing. Hot dipped galvanised bolts, nuts, washers, nails and fixings shall be used in all applications.

- (9) (DDA0000143) An automatic fire detection and alarm system is to be installed in every dwelling and must satisfy the requirements and comply with the Building Code of Australia.

NOTE: A smoke detector system complying with AS 3786 and connected to mains electrical power with standby power (battery backup) located outside the entrance to each bedroom and in any storey of the building not containing bedrooms complies with the above provisions.

- (10) (DDA0000144) Roof and surface waters are to be disposed of to the street watertable by means of sealed pipes complying with AS 3500.3. Where pipes penetrate the concrete road kerb such penetration shall be by a Council approved stormwater kerb adapter.

- (11) (DDA0000150) A yard gully is to be provided the top of which is at least 150mm below finished floor level and 75mm above finished ground level.

- (12) (DDA0000151) All sanitary plumbing and drainage work is to be carried out by a licenced plumber in accordance with the requirements of the Local Government Approvals Regulation 1999 and *AS3500 The National Plumbing and Drainage Code*. Persons carrying out stormwater and sewerage works must be the holder of a permit issued in accordance with the Plumbing and Drainage Code of Practice. No alterations or additions are permitted without the express approval of Council.

- (13) Amended plans to be submitted reducing the pitch of the roof of the dwelling addition to the minimum permissible for a tile roof. The front hip is to be maintained.

- (14) Prior to any new building works the subject of this modification being carried out, a modified Construction Certificate is to be obtained from the Certifying Authority. ¹

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DDPCC00204) The depth of cut and fill shall not exceed 1.0m in accordance with DCP No. 41 - Building Construction and Site Management.
- (2) (DDPCC00216) The existing sewer, including junction and/or stormwater drainage shall be physically located on the site and indicated on the plans which accompany the application for the construction certificate.
- (3) (DDPCC00217) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main.
- (4) (DDPCC00221) Submission of engineering details prepared by a professional engineer, for the design of any retaining walls over 600mm in height. Details to be

submitted with the application for the construction certificate.

- (5) (DDPCC00234) Footings of buildings adjacent to sewer lines or stormwater easements are to comply with DCP No. 41 - Building Construction and Site Management. Detailed drawings and specifications prepared by a professional engineer are to be submitted with the application for the construction certificate.
- (6) (DDPCC00235) The finished floor level of the slab must comply with DCP No. 41 - Building Construction and Site Management. Detailed drawings and specifications are to be submitted with the application for the construction certificate.
- (7) (DDPCC00246) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Hastings Council sediment control policies and Councils adopted AUS-SPEC Design and Construction Guidelines shall be submitted to and approved by the Principle Certifying Authority.

The plan shall include measures to:

- a) Prevent site vehicles tracking sediment and other pollutants from the development site.
 - b) Dust control measures.
 - c) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - d) Contingencies in the event of flooding.
- (8) (DDPCC00253) Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any water supply, stormwater and sewerage works commencing on site.
 - (9) (DDPCC00297) Details of the proposed method of isolation fencing for the swimming pool are to be submitted to the certifying authority indicating compliance with the Swimming Pools Act.

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DDPW000303) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.
- (2) (DDPW000306) The erection of suitable fencing or other measures to prevent public access to the work site and, materials or equipment when the construction work is not in progress or the site is otherwise unoccupied.
- (3) (DDPW000309) Notification in writing of the builders name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencement.
- (4) (DDPW000310) A minimum of one (1) week's notice in writing of the intention to commence works 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.
- (5) (DDPW000313) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - Stating that unauthorised entry to the work site is prohibited, and
 - Showing the name of the person in charge of the work site and a telephone

- number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.

This does not apply to:

- Building work carried out inside an existing building, or
- Building work carried out on premises that are to be occupied continuously (both during and outside working hours)
- While the work is being carried out.
- (6) (DDPW000314) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (7) (DDPW000316) 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.
- (8) (DDPW000324) No work shall commence on site until a construction certificate has been issued by Council or an accredited private certifier.

D - DURING WORK

- (1) (DDDW000400) Work on the project 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.
- (2) (DDDW000401) An inspection must be undertaken by the Consent Authority or an Accredited Certifier prior to the covering of any of the works specified below:
- a) Footing trenches, pier holes and footing reinforcement
 - b) Bearers and joists
 - c) Damp-proof courses, bearers & joists, waterproof membranes under floors, subsoil drains and termite metal shields
 - d) All reinforcement of floors, beams, columns and the like
 - e) All framework, with wetroom flashing & shower trays in place, first floor joists.
 - f) Stormwater drainage lines
 - g) Completion of building before final occupation.
 - h) Pool excavations and steel reinforcing
 - i) Completion of pool safety fencing before filling with water
 - j) Completion of the pool before use with safety fencing in place
- Please note that where Council is nominated as the Principal Certifying Authority or has been requested to undertake an inspection a minimum of 24 hours notice is required to perform the inspection. You will need to quote your Development Application number and property description to ensure your inspection is confirmed.
- (3) (DDDW000403) An inspection must be undertaken by Council prior to the covering of the works specified below:
- a) sanitary plumbing and drainage
 - b) water supply plumbing
 - c) completion of all plumbing and drainage works

Please note that Council requires a minimum of 24 hours notice to undertake the inspection. You will need to quote your Development Application number and property description to ensure your inspection is confirmed.

- (4) (DDDW000404) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (5) (DDDW000405) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- (6) (DDDW000408) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or form work 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 THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

- (1) (DDPO000500) A Compliance Certificate shall be issued at the completion of the inspections referred to previously, certifying that the works have been completed and comply with the relevant conditions of consent. Where an inspection has been carried out by an Accredited Certifier other than the Principal Certifying Authority, a compliance certificate shall be issued by the Accredited Certifier for each inspection undertaken.
- (2) (DDPO000501) The building shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (3) (DDPO000502) All hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene proposed, at a temperature not exceeding 50oC.

The applicant is required to provide a certificate to the Principle Certifying Authority prior to the issue of the occupation certificate that the temperature control device has been installed in accordance with the relevant provisions of the National Plumbing and Drainage Code.

- (4) (DDPO000507) A certificate from the licensed builder, owner/builder or person waterproofing the wall and floor junction and joints of wet areas must be produced to the Principal Certifying Authority prior to the occupation certificate, certifying that the manufacturer's recommendations have been followed and that the application/installation has been carried out in accordance with Australian Standard AS3740-1994: *Waterproofing of Wet Areas in Residential Areas*.
- (5) (DDPO000550) The applicant is required to provide certification to the Principal Certifying Authority prior to the issue of an occupation certificate that the fire detection and alarm system installed within the dwelling:
 - a. has obtained the relevant standards mark approval and complies with AS 3786;
 - b. has mains electrical wiring with standby power source;
 - c. protects every bedroom or group of bedrooms from the remainder of the building, and
 - d. protects every storey of the building.
- (6) (DDPO000552) Prior to the occupation of the building a works as executed drawing for the sanitary drainage servicing the building shall be provided to the Water Supply Authority. Such diagram shall comply with the Authority Guidelines for the

preparation of drainage diagrams.

- (7) (DDPO000555) Prior to occupation of the building, a durable termite management system notice is to be displayed within the building. Such as in the meter box. Such notice shall indicate:
- a) the method of protection;
 - b) the date of installation of the system;
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority Label;
 - d) the need to maintain and inspect the system on a regular basis.

Note: Chemical treatments used for termite protection have a short and limited lifespan. Information as to the likely lifespan of any chemicals proposed to be used for this purpose in connection with this construction, is available from the National Registration Authority. The applicant should make enquiry of that body and ensure that further treatments are applied as and when necessary to ensure, as far as is possible, that the treatment by this means will be effective. Council has no responsibility and cannot accept any responsibility for any damage caused by termite infestation, which may occur to the property.

F - ADVICE

- (1) (DDAV00701) Light and ventilation to comply with Part F4 of the Building Code of Australia.
- (2) (DDADV00707) All stairs, handrails and balustrades to comply with Part DP 2 of the Building Code of Australia.
- (3) (DDADV00710) Glazing material used in the building are to comply with the requirements of the Building Code of Australia Housing Provisions Part 3.6, AS 1288 and AS 2047.
- (4) (DDADV00711) Internal/External Structural Steel members shall be protected in accordance with Part 3.4.4 of the Building Code of Australia. Details of the method of protection are to be provided prior to the issuing of the Construction Certificate.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and health built environment.

Rights of Appeal

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

F Tierney
DEVELOPMENT ASSESSMENT PLANNER

Port Macquarie Hastings Council
Cnr Lord & Burrowan Sts
Port Macquarie 2444

7 Glen St,
Port Macquarie
27th April, 2016

RE DA 2004.859.4

Dear Fiona Tierney,

In reference to councils letter dated 14th April, 2016 we wish to object to the applicants increase in the wall height.

Our objection is based on the fact that it will block out the small remaining view from our downstairs lounge room & garage/pool table of Beach's iconic beach & beach events. It gives the impression of a large enclosing wall whereas the current approved level wall is ^{acceptable@1.} ~~not an enclosing~~. There are also reinforcing rods in place to take the wall higher.

We welcome hosting a site inspection by council & look forward to resolving this matter.

7082

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
28 APR 2016	
Keyword	
Activity	
Subject	
Folder	DA 2004-859.4

Yours faithfully

[Redacted Signature]

Trevor & Donna Fell.

Item: 08

Subject: DA2015 - 698.1 - DEMOLITION OF DWELLING AND CONSTRUCTION OF CHILD CARE CENTRE - LOT 2 DP808998, 156 HORTON STREET, PORT MACQUARIE

Report Author: Benjamin Roberts

Property: Lot 2 DP808998, 156 Horton Street, Port Macquarie
Applicant: Love Project Management
Owner: Warrmara Properties Pty Ltd
Application Date: 1 October 2015
Estimated Cost: \$1,500,000
Location: Port Macquarie
File no: DA2015 - 698.1
Parcel no: 9913

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 698.1 for a Demolition of Dwelling and Construction of Child Care Centre at Lot 2, DP808998, No. 156 Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

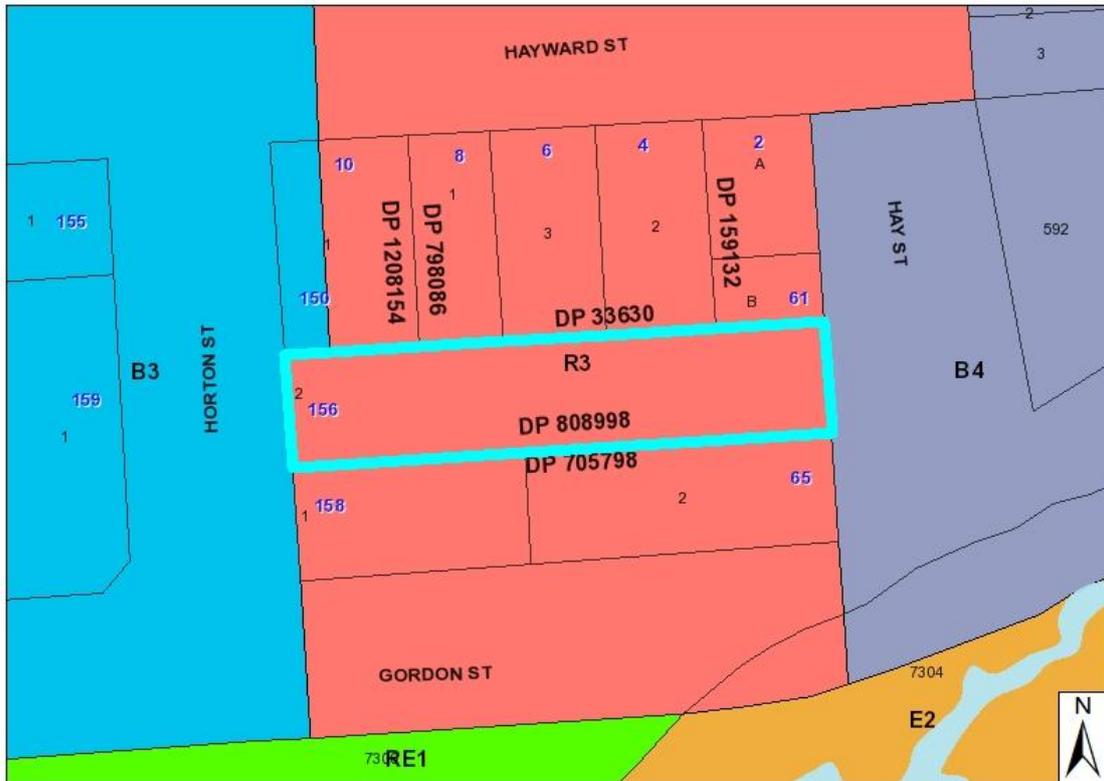
Following exhibition of the application, two (2) submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 2038m².

The site is zoned R3 Medium Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling, associated structures and vegetation.
- Construction of childcare centre to cater for 72 children.
- Hours of operation being Monday to Friday 6am to 6:30pm.
- Construction of car park (19 spaces), outdoor play areas and landscaping.
- Erection of signage.
- Upgrading of Hay Street access to the site.

Refer to attachments at the end of this report.

Application Chronology

- 1 October 2015 - Application lodged.
- 8 October 2015 - Heritage Council referral sent.
- 8 October 2015 - NSW RFS referral sent.
- 9 October 2015 - Additional information request (extent of tree removal).
- 13-26 October 2015 - Public exhibition via neighbour notification.
- 24 October 2015 - Details of tree removal on site provided by applicant.
- 6 November 2015 - Heritage Council response received.
- 11 November 2015 - NSW RFS authority received.
- 6 January 2016 - Additional information request for extent of tree removal for works in the road reservation.
- 22 February 2016 - Details of tree removal within road reservation provided.
- 29 April 2016 - Amended plans received following Council engineering comment.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

(a) The provisions (where applicable) of:

(i) any Environmental Planning Instrument:

State Environmental Planning Policy 44 - Koala Habitat Protection

The site has an area of less than 1 hectare therefore the requirements for this SEPP do not require consideration.

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy 62 - Sustainable Aquaculture

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 64 - Advertising and Signage

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

The signage comprises of a two business identification signs on the Horton Street and Hay Street frontages. This signs are 3.6m high and 1.8m wide. The signs are proposed to be illuminated.

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a). Schedule 1(1) Character of the area.	The signage is compatible with the desired amenity and visual character for the immediate locality. The signage will provide effective communication in suitable locations on the site having regard to the existing context.	Yes
Schedule 1(2) Special areas.	The signage is limited in scale and is compatible with the existing context.	Yes
Schedule 1(3) Views and vistas.	The signage will not have any identifiable adverse impacts on important views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportion of the signage is appropriate to existing streetscapes and setting. The signage does not protrude above the proposed building or existing trees within the locality.	Yes
Schedule 1(5) Site and building.	The size of the signage is compatible with the building design features and desired functioning of the site.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No logos are proposed as part of the business identification signage.	Yes
Schedule 1(7) Illumination.	The illumination should be restricted to 11pm consistent with DCP provisions. The illumination should not contain and flashing or colour arrangements that could confuse pedestrian or vehicle users.	Suitable condition recommended.
Schedule 1(7) Safety.	The signage will not result in any identifiable public road safety concerns in the locality.	Yes



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 2, 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 (due to effluent & stormwater disposal, construction impacts, land use conflicts);
- h) adverse cumulative impacts of the proposed development on the environment;
- i) development within a zone to be consented to as if it were in a neighbouring zone.

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R3 medium density residential. In accordance with clause 2.3(1) and the R3 zone landuse table, the proposed development for a childcare centre is a permissible landuse with consent.

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

- the proposal is a permissible landuse;
- the proposal will provide for an additional service to meet the day to day needs of residents;
- Clause 2.7, the demolition of the existing dwelling and associated structures requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 7.6m which complies with the building height limit of 10m applying to the site.

- Clause 4.4, the floor space ratio of the proposal complies with the maximum floor space ratio of 1:1 applying to the site.
- Clause 5.9 - The proposed development proposes to remove a number of existing trees none of which have been identified to be of any significance.
- Clause 5.10 – Heritage. The site is listed as potentially containing archaeological heritage items. The application was referred to the NSW Heritage Office and following comments were provided:

“It is noted that no archaeological assessment has been prepared to support the Development Application to Council.

Review of the AMP which contains the 1826 map showing the settlement of the Town of Port Macquarie between 1821 up to 1831 outlines the presence of a structure within 158 Horton Street with a road leading up to it through 156 Horton Street. Given the early date of this structure and the high likelihood for additional features within the neighbouring allotments, it is recommended that Council includes the following conditions on the DA:

- 1. The Proponent should engage a suitably qualified historical archaeologist to undertake an archaeological assessment of the site. This assessment should be prepared in accordance with guidelines of the Heritage Council of NSW and identify and assess the significance of any potential archaeological remains within 156 Horton Street. The Assessment should also determine the impact of the proposed development on these relics, if any at all.*
- 2. In the event the Assessment identifies a high likelihood for archaeological remains to be present within the subject site, an approval under the Heritage Act 1977 may be required prior to harm occurring to historical archaeological relics under s139(4) or s140 of the Heritage Act 1977.*
- 3. In the event state significant archaeological remains may be harmed by the proposed development, these remains should be avoided and protected during these works”.*

A condition providing for the above requirements forms part of the recommended conditions.

The buildings on the site are not listed as items of any heritage significance, however Council’s Heritage Advisor has advised that the building appears to be dating back to the early 20th century and the loss of the building is of concern similar to other buildings of this vintage that have not subsequently been listed as heritage items. The Heritage Advisor comments are as follows:

The existing building on this site is set at the top of a steep gradient leading down to Horton Street, and to the south of the former National Parks and Wildlife Service Office building at 152 Horton Street, Port Macquarie. This building is a weatherboard structure, gable roofed with a bay window on the minor gabled projection. The verandah facing the north west and north has been enclosed. Otherwise the building appears to be in an authentic condition for a building dating from the late 19th-early 20th century. The building appears to be pre 1920s, without examining the structure and details in close proximity.

Loss of this building is considered to be a concern, however, it has not been identified as a heritage item, as many timber residences from this period have not, but should have been seriously considered for listing. The

deficiency in full time resources to carry out heritage assessment of the many prospective residential heritage items has resulted in buildings such as this being lost. My concern is that there appears to have been no consideration to incorporate the building into the Childcare Centre proposal, meaning that the intrinsic value of the existing structure has been ignored. A more sustainable environmental solution may have been achieved through retention of the existing building. The proposed building's presentation to Horton Street, oversails the crest of the embankment and present a more imposing structure that that which is extant.

The proposed building's presentation to Horton Street, oversails the crest of the embankment and present a more imposing structure that that which is extant.

The building site is in close proximity to the Second Burial Ground and adjacent to the historic well an archaeological item on Schedule 5 of the LEP.

The proposed sign on Horton Street, which is described as I understand, to be illuminated, is considered to be intrusive in this context and should be a sign written element which at the most could be lit at night but NOT a neon element.

Sizing of the sign and its font/ graphic style needs to be assessed in detail. No details have been provided. No details have been provided for colour nor materiality of the building. But for the fact that the adjacent northern site is being the subject of redevelopment and an Archaeological Baseline Assessment has been produced, that can be applied to this site, the application is deficient in assessment of the Archaeological impacts and any mitigating steps to any potential impact.

Recommendations

The loss of the existing building is considered to be a poor outcome in this instance. The proposed building is an unashamedly contemporary intervention and does incorporate environmental design, whilst there is some question over it being the best sustainable solution. Concern is expressed over the impact of any illuminated or neon signage, the detail of which should be submitted. There is no legislative basis upon which heritage can be cited as an imposition to the approval of this application. The house proposed for demolition is an intact example of early 20th century development in Port Macquarie.

Having regard to the above, and in particular noting that the building has never been a listed heritage item, requiring its retention is considered unreasonable in this instance. In acknowledging the heritage advice, and to ensure Council has an appropriate record of the building, it is considered reasonable to request the proponent provide photo archival recordings of the dwelling prior to and during demolition to capture the identified heritage value of the building. A condition has been recommended.

In response to the heritage advisors concerns surrounding the potential impacts of the signage conditions have been recommended requiring detailed design plans to provide illumination in the form of plain white floodlighting with no flashing or neon elements and colouring that will not conflict with road traffic signals/signage.

- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

None applicable.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

No specific building controls apply to development of this nature. The following applicable general provisions are addressed in the table below:

Requirement	Proposed	Complies
2.2 Advertising and signage	The signage is primarily intended to identify the business. The signage does not project above or the side of building facades.	Yes
2.3 Environmental Management	Cut and fill. The development will require a small amount of cut and fill with retaining walls ranging from 600mm to 800mm to create a stable building foundation for construction. The development will implement the appropriate erosion and sedimentary control measures during the construction phase. Hollow bearing trees – The development will not involve the removal of hollow bearing trees. No significant trees are proposed to be removed.	Yes
2.5 Transport, Traffic Management, Access and Carparking	Parking is required at a rate of 1 space per 4 children. The proposed development will have a maximum of 72 children and will require 18 spaces. 19 off-street parking spaces are proposed. There is no formal set down and pick up area however two dedicated turnaround bays have been provided. Given all children are required to be signed in by parents, a set down and pick up area is not practical. Satisfactory landscaping is proposed to soften the impact of the at grade car parking area and building on the site. Refer to further comments later in report addressing traffic and access.	Yes
2.7 Social Impact Assessment and Crime Prevention	Satisfactory information has been submitted. No adverse crime risk potential identified with design layout of the centre.	Yes



	Adequate boundary fencing is provided to the centre has been designed to provide surveillance of outdoor areas.	
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(iiiia) 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.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

Consistent. Refer to earlier comments under SEPP 71 heading of this report.

Demolition of buildings AS 2601 – Clause 92

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

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

No coastal zone management plan applies to the 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 building form is well articulated with a clear entrance defined from the proposed at grade carpark.

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

The proposal does not have significant adverse lighting impacts.

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

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

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

Access, Transport & Traffic

The site is accessed via Hay Street from an informal road. The development will warrant the road to be upgraded. Suitable conditions have been recommended detailing the extent of works necessary. Subject to the upgrade works the anticipated increase in traffic is unlikely to have any adverse impacts within the immediate

locality and the existing road network will satisfactorily cater for the anticipated traffic generation as a result of the development.

Pedestrians

Foot paving is required and suitable conditions have been recommended.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally grades towards the Hay street frontage. Stormwater from the proposed development is planned to be disposed to a pit in Hay Street. A preliminary stormwater concept plan has been provided.

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.

Water

Council records indicate that the development site has an existing 20mm metered water service from the 200 PVC water main on the same side of Horton Street. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements. Minimum water service size for a commercial development is 25mm. Details are to be shown on the engineering plans.

Sewer

Council records indicate that the development site is possibly connected to the 150 sewer main that traverses the development site via a sideline junction. Since the proposed development sewer load will exceed 2 ET, the sewer must discharge to an existing or proposed manhole. The engineering plans are to show any existing and proposed sewer junctions as well as detailing how the development will avoid placing additional load onto the existing sewer infrastructure.

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

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Waste

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



management condition recommended.

Energy

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

Noise & Vibration

The proposed hours of operation are 6:00am to 6:30pm weekdays only. A condition confirming these operational hours has been recommended. A condition restricting construction work to standard hours is also recommended.

Childcare centres have the potential to result in noise impacts to adjoining residential occupants. Outdoor play areas experience a high level of activity and are subsequently the central noise source emanating from a childcare centre.

The outdoor play area is located on the northern side of building and illustrated on the plans. A 2m high timber fence is proposed along the northern boundary dividing the play area from the adjoining properties.

Having regard to the proposed hours of operation fencing arrangements and building separation distances it is anticipated that no significant adverse noise impacts would result that could warrant refusal of the application.

Natural Hazards

The site is identified as being bushfire prone. In accordance with Section 100B - Rural Fires Act 1997 - the application proposes development of bushfire prone land for a Special Fire Protection Purpose.

The applicant has submitted a bushfire report prepared by Midcoast Building and Environmental dated October 2015. The report has carried out an assessment under Section 100B requirements. The Commissioner has assessed the development and has issued a Bushfire Safety Authority consisting of a series of conditions. These conditions comprise part of the recommended conditions attached to the report.

Safety, Security & Crime Prevention

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

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction and operation of the development.

Site Design and Internal Design

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

Construction

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



Cumulative Impacts

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

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Two (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
We have previously received negative response from Council re the kerbing and channelling of the road access to 61 Hay St. The proposed access will impact on 61 Hay Street and 2 Hayward Street.	Noted. No change to the access arrangements is proposed to 61 Hay Street or 2 Hayward Street.
The rear access to lots 1 and 2 will also be permanently disadvantaged.	Access to Lots 1 and 2 will remain unchanged and be via the improved access within the Hay Street road reservation.
The edge of the proposed access road appears to be mid air over the Hay Street. Before Council considers the proposal we would like to peruse properly surveyed and drawn road access plans.	Not considered necessary at DA stage. Detailed survey and engineering plans will be developed as part of the Infrastructure Construction Certificate application. Suitable condition have been recommended.
As the address of the property is Horton Street then perhaps all access to the development should be from Horton Street.	There is no change to the existing access arrangements. The significant slope of the site toward Horton Street and the traffic volumes along this section of Horton Street would prevent any suitable access arrangement along this frontage.
Object to any loss of privacy that may be imposed to the property at 8 Hayward Street. Can glazing be used on any doors or windows that overlook the residence.	There are no adverse privacy impacts identified. Adequate building separation is provided and a 2m high timber fence will provide sufficient privacy to adjoin dwellings to the north.

(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

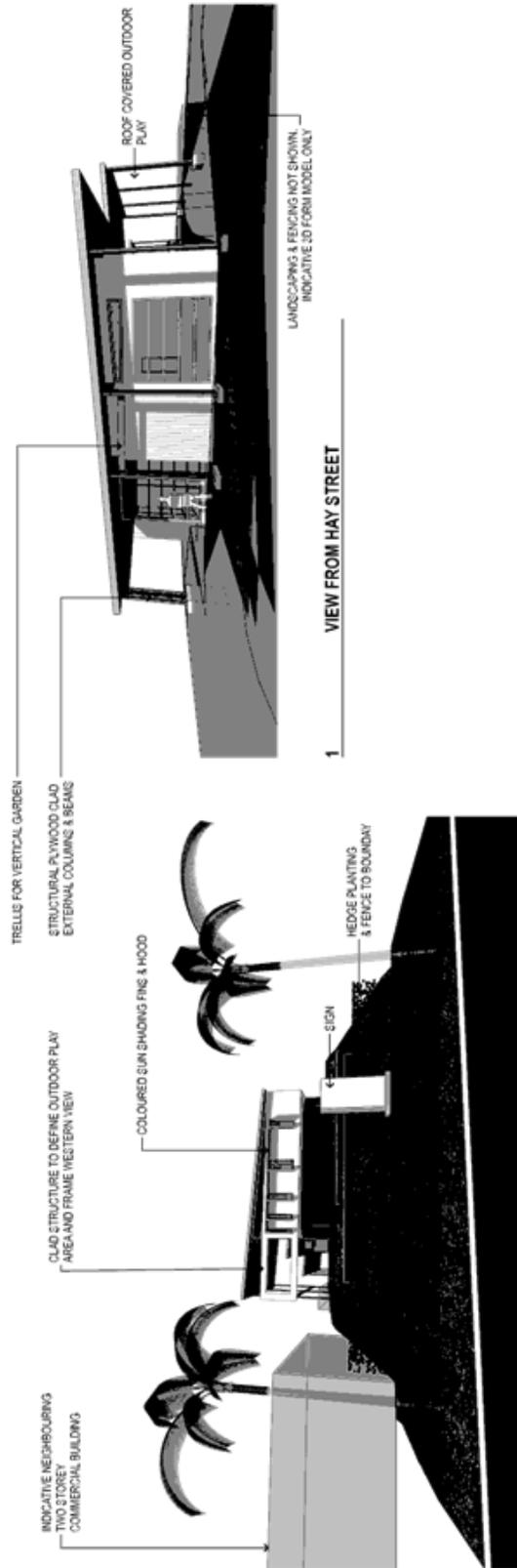
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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 - 698.1 Plans
- 2 [View](#). DA2015 - 698.1 Recommended Conditions
- 3 [View](#). DA2015 - 698.1 Submission - Flanagan
- 4 [View](#). DA2015 - 698.1 Submission - Reid & Gardiner.



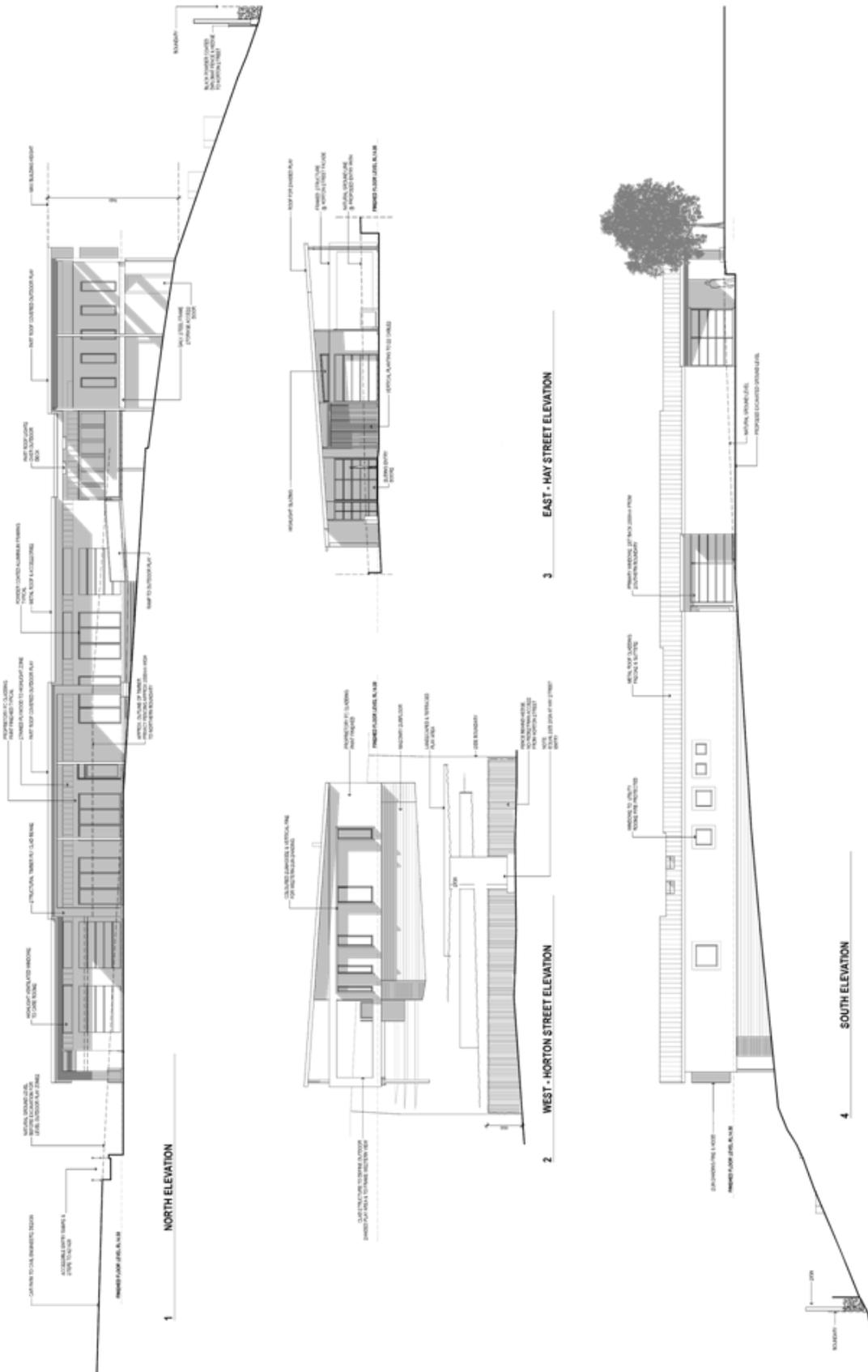
Craig Tensell
Suite 5F, 22 Cleveleys Street
Port Macquarie NSW 2444
m: 0488 668 240

Revisions
A 1.10.15 ISSUED FOR DEVELOPMENT APPLICATION WITH PMHC

General Notes
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Drawings shall not be used for construction purposes until issued for construction. Do not place drawings, all boundaries and contents subject to survey.

PERSPECTIVE ILLUSTRATIONS
PROJECT: CHILD CARE CENTRE
HORTON STREET PORT MACQUARIE NSW
LOT 2 DP808898
CLIENT: WARREN FLOWRIGHT

Scale:	as noted	Project No:	1403
Date:	6/10/2015	Rev	A
Drawing No.:		DA00	



Project No.	1400
Date	15/05/16
Drawn No.	DA02
Rev.	A

ELEVATIONS
PROJECT CHILD CARE CENTRE
HORTON STREET PORT MACQUARRE NSW
CLIENT WARREN FLOWRIGHT

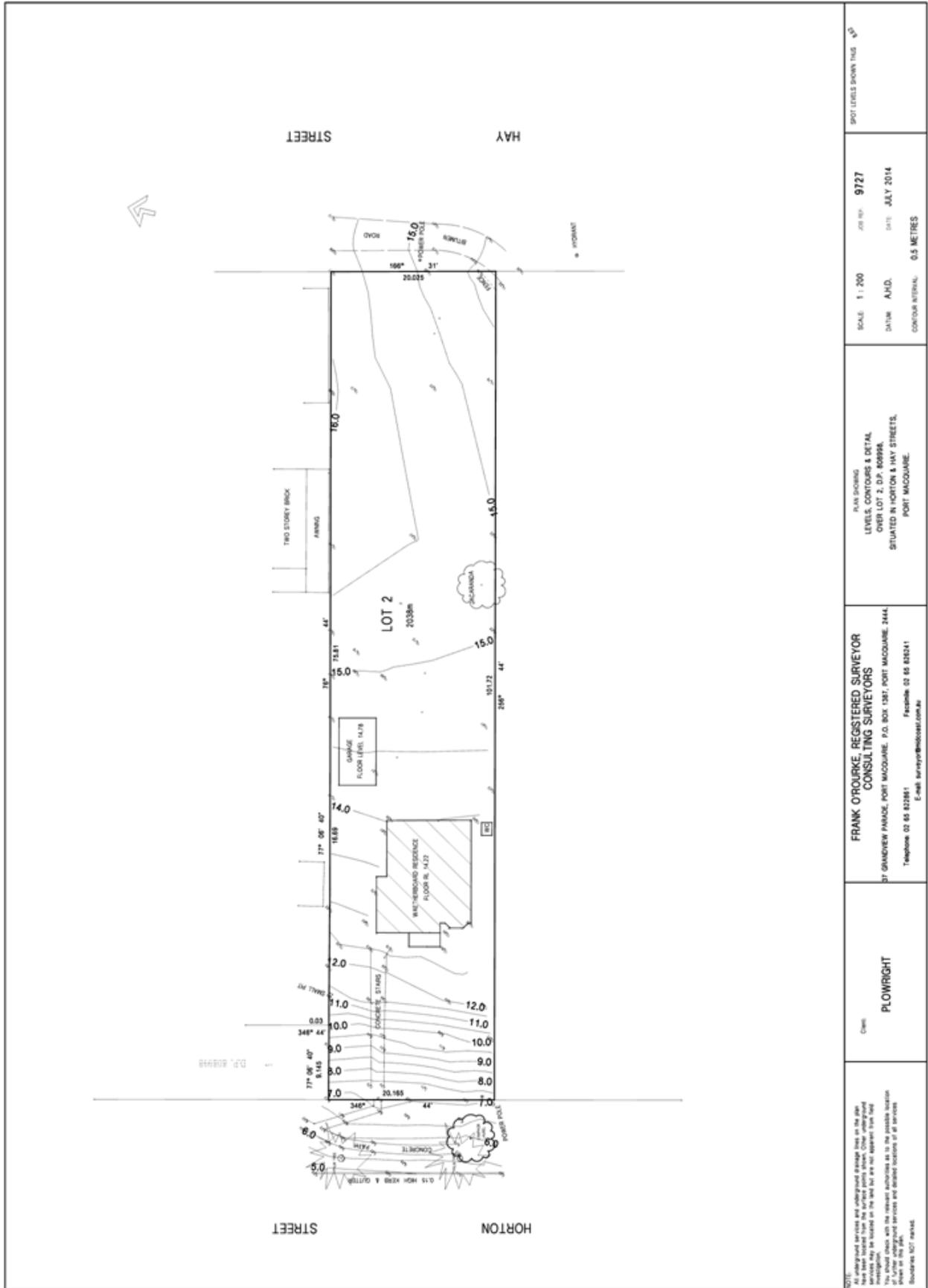
Architect
R. TAYLOR ARCHITECTURE AND INTERIORS

Scale 1:50
Port Macquarie NSW 2448
10/11 Archibald, Registrar Board No. 8822

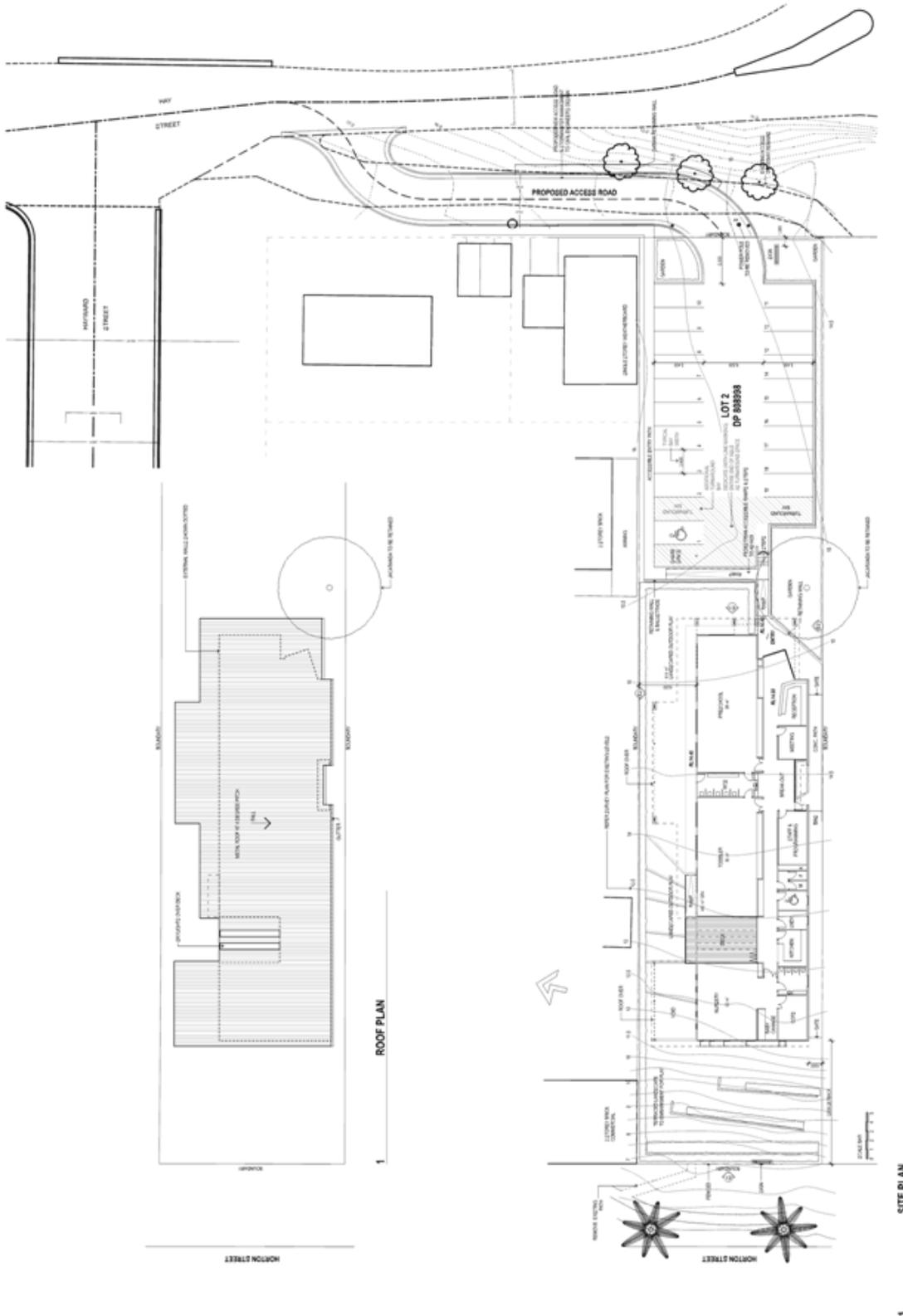
Project No. 1400
Date 15/05/16
Drawn No. DA02
Rev. A

Scale 1:50
Port Macquarie NSW 2448
10/11 Archibald, Registrar Board No. 8822





<p>SPOT LEVELS SHOWN THIS</p>	<p>SCALE: 1 : 200 JOB NO: 9727 DATE: JULY 2014 DATUM: A.M.D. CONTOUR INTERVAL: 0.5 METRES</p>	<p>PLAN SHOWING LEVELS, CONTOURS & DETAIL OVER LOT 2, D.P. 809998, SITUATED IN HORTON & HAY STREETS, PORT MACQUARRE.</p>	<p>FRANK O'ROURKE, REGISTERED SURVEYOR CONSULTING SURVEYORS 37 GRANOVEN PARADE, PORT MACQUARRE, P.O. BOX 1387, PORT MACQUARRE, 2444. Telephone: 02 65 822861 E-mail: franko@frankosai.com.au Facsimile: 02 65 832841</p>	<p>Client: FLOWRIGHT</p>	<p>NOTE: All underground services are underground storage lines in the plan. Investigation services may be located on the site but are not apparent from this investigation. Services shown with this contour schedule are to the outside location of further underground services and related locations of all services shown in the plan. Drawn as 1:27 revised.</p>
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Scale: 1:1000	Project No: 1400
Date: 11/05/2016	Drawn No: DA01B
Sheet No: DA01B	Rev: B

SITE PLAN
PROJECT CHILD CARE CENTRE
NORTON STREET PORT MACQUARRE NSW
LOT 2 DP 888998
CLIENT: WARREN FLOWRIGHT

Notes:
1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE DEVELOPMENT APPLICATION AND THE DEVELOPMENT INSTRUMENT.
2. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

Scale:
1:1000
1:500
1:200
1:100
1:50
1:20
1:10
1:5
1:2
1:1

Callie 25, 23 Chivers Street
Port Macquarie NSW 2444
Phone: 02 6562 1111
102 Archibald, Registration Board No. 8822

Craig Tisdell

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/698

DATE: 13/05/2016

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	156 Horton Street	Love Project Management	September 2015
Development Plans	1403	Craig Teasdell Architect	21 April 2016
Bushfire Hazard Assessment	156 Horton Street	David Pensini	October 2015

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - **NSW Rural Fire Service** - The General Terms of Approval, Reference D15/3094 DA15101398922 PC and dated 11 November 2015, are attached and form part of this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (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.
- (9) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (10) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (A032) The developer is responsible for any costs relating to alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (12) (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.

- (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) The engineering plans are indicative and Council has not accepted the details in their current form. Plans and details shall be submitted to Council as part of the Roads Act (s138) application, detailing engineering works for the road retaining structures, road pavement, road drainage and any ancillary works to be constructed prior to Occupation Certificate (including relocation of utilities if required). Details shall be to the satisfaction of Council's Director of Infrastructure prior to s138 approval. The following minimum requirements shall be met:
 - a) Provision of a sealed, minimum 5.5m wide two-way road within the road reserve from Hay Street to access the site.
 - b) The road pavement shall be designed to AUS-SPEC D1 'Access Place' standard.
 - c) A professional engineer shall also provide a Certificate of Compliance confirming that the geotechnical design is structurally adequate to support the road formation and has been designed against land slip for all reasonably anticipatable conditions (and these assumed conditions shall be stated).
 - d) Provision of a concrete pedestrian footpath 1.5m wide within the Hay Street road reserve for a length equivalent to the frontage width of the site.
 - e) Retention or upgrade of the existing vehicular access to Lot 2 DP 705798.
- (15) (A196) On-site parking and circulation aisle dimensions shall meet AS 2890.1 Class 3 standard for short-term facilities. A suitably qualified and/or experienced person shall provide a Certificate of Compliance to the Principal Certifying Authority at the following stages of the development:
 - a) Prior to the issue of a Construction Certificate for building works, certifying that the design of the on-site parking and circulation aisles complies with the provisions of Class 3 of that standard, and
 - b) Prior to the issue of the Occupation Certificate, certifying that the as-built dimensions of the on-site parking and circulation aisles comply with the provisions of Class 3 of that standard.

- (16) Prior to demolition and during demolition of the existing buildings an archival record in the form of photographic recording shall be provided to Port Macquarie-Hastings Council. The photos shall be taken and provided in accordance with the document titled Heritage Information Series: How to Prepare Archival Records of Heritage Items prepared by NSW Heritage Office, dated June 1998.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Earthworks, including filling of the land for flood protection.
 3. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Sewerage reticulation.
 5. 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.
 6. Retaining walls.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. 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
 10. Landscaping.
 11. Traffic management control plan.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202, ASD 208, AS2890, Port Macquarie-Hastings Council current version.

13. Detailed intersection layout at the junction of Hay Street and the access lane in accordance with the current version of the AUSTRROADS guidelines for Intersection design, giving particular attention to sight distance.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B030) Prior to issue of Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used)
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system in Hay Street must be extended. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
 - b) The 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) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (12) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.

- (13) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (14) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority.
- (15) (B086) Prior to issue of a Construction Certificate evidence provided to the satisfaction of the Certifying Authority of an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (16) (B195) Prior to Roads Act (s138) approval, design plans shall include any details for upgrade of the Horton Street road verge along the frontage of the site to meet the provisions and outcomes of the Town Centre Master Plan, to the satisfaction of Council's Town Centre Master Plan committee.
- (17) (B196) Council records indicate that the development site has an existing 20mm metered water service from the 200 PVC water main on the same side of Horton Street. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements. Minimum water service size for a commercial development is 25mm. Details are to be shown on the engineering plans.
- (18) (B197) Council records indicate that the development site is possibly connected to the 150 sewer main that traverses the development site via a sideline junction. Since the proposed development sewer load will exceed 2 ET, the sewer must discharge to an existing or proposed manhole. The engineering plans are to show any existing and proposed sewer junctions as well as detailing how the development will avoid placing additional load onto the existing sewer infrastructure.
- (19) Prior to issue of the Construction Certificate detailed design plans of the signs shall be provided to the certifying authority which provides for:
 - Illumination being of plain white floodlight arrangement. No flashing/neon elements are permitted;
 - Colour arrangements that do not conflict with road traffic signals/signage.
- (20) The proponent is to engage a suitably qualified historical archaeologist to undertake an archaeological assessment of the site. This assessment is to be prepared in accordance with guidelines of the Heritage Council of NSW and identify and assess the significance of any potential archaeological remains within 156 Horton Street. The Assessment should also determine the impact of the proposed development on these relics, if any at all. In the event the Assessment identifies a high likelihood for archaeological remains to be present within the subject site, an approval under the Heritage Act 1977 may be required prior to harm occurring to historical archaeological relics under s139(4) or s140 of the Heritage Act 1977. In the event state significant archaeological remains may be harmed by the proposed development, these remains should be avoided and protected during these works.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (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*.

- (4) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (5) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
- a. CBR test results, and

- b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (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.
- (8) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").

- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (9) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (10) (E053) All public works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (11) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (12) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (13) (E068) Prior to the issue of a Subdivision or Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots and/or dwellings/units (including street lighting and fibre optic cabling where required).
- (14) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (15) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (16) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (17) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food & garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.

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 19 spaces are to be provided onsite.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F025) Hours of operation of the development are restricted to the following hours:
- 6 am to 6:30 pm – Mondays to Fridays
- (5) (F195) The illumination of the signage shall cease at 11pm each night.

9913

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
	19 OCT 2015
Keyword	PJ&LC Flanagan
Activity	4a Hayward St
Subject	Port Macquarie 2444
Folder	16 th October 2015

DA 2015 628

Ben Robells

The Manager
 Development and Environment Services
 Port Macquarie Council
 P.O .Box 84
 Port Macquarie NSW 2444



Re Notification of Development Proposal
 Lot 2 DP 808998 156 Horton St
 Application No 2015/698

We are the owners of residential properties known as 61 Hay St and 2 Hayward Sts Port Macquarie which would both be affected by the proposed Development referred to above.

Whilst we are not opposed to the said development but we note that the address or the said lot is 156 Horton St Port Macquarie not Hay St Port Macquarie which is the rear undeveloped access to the proposed development.

We have previously contacted the council with regard to the kerbing channelling and road access to 61 Hay St and adjacent to 2 Hayward St and received a negative response. (Your CRM 25358/2013 dated 3rd December) and (CRM18594/2013 dated 22nd Jan 2014) Our main

concern is the proposed roadway access to the rear of 156 Horton St will impact on our properties 61 Hay St and 2 Hayward St and not to mention the property at Lot 1 Horton St which if Horton St is not regarded as the natural access as is supposed for Lot 2 Horton St will be grossly and permanently disadvantaged as to the rear access to their property. We have not consulted with the owners of Lot 1.

Reference is made to the site plan No DA01 Project 1403 RRFA which accompanies the proposed development which would indicate that the natural extension of the footpath continuum along Hay St may be truncated by the development and that the proposed roadway on its eastern edge ^{will} be in mid air over the Hay St cutting. Further to the plan it seems to show that the entrance to the access road will be from at least the middle of Hay St above the cutting and opposite the now closed Fire Station.

Before Council considers the proposed development we as affected property owners would like to peruse the actual properly surveyed and drawn road access plans .As the address of the said property in Horton St perhaps all access to the development should be from Horton St.

Would your Council please consider the points raised by us and provide a formal response to us prior to further consideration of the proposed development

Yours faithfully


Peter J Flanagan



Leoné C Flanagan



Port Macquarie – Hastings Council

PO Box 84

Port Macquarie

NSW 2444

DX7415

Attn Benjamin Roberts

Mr. B Reid & Ms Patty Gardiner

Unit 109, 56 Harp Rd,

Kew

Victoria 3101

Objection: Application No. 2015/698

Development proposal 2015/698, Demolition of Dwelling and construction of Childcare Centre

Dear Sir,

I am writing in regard to the planning proposal listed above, lodged by Love Project Management. Apologies for this late notice, the Council correspondence went to an incorrect address, this has now been remedied.

I wish to lodge an objection to this development, not in regard to the actual development but in regard to any loss of privacy that the development may impose on my property at 8 Hayward St, Port Macquarie.

Can modesty glazing (opaque glass) be used on any doors or windows that overlook my residence?

Your consideration and feedback would be appreciated.

Yours faithfully,



Brian Reid



17/11/2015.

Item: 09

Subject: DA2014 - 258.3 - MODIFICATION TO MULTI DWELLING HOUSING -
LOT B DP162593, LOT 2 DP38827, LOT 1 DP38827, ALLAN ROAD,
WAUCHOPE

Report Author: Benjamin Roberts

Property: Lot B DP162593, Lot 2 DP38827, Lot 1 DP38827, Allan Road,
Wauchope
Applicant: Pamcol Constructions Pty Ltd & D Greenaway
Owner: C D Property Enterprises Pty Ltd
Application Date: 8 February 2016
Estimated Cost: N/A
Location: Wauchope
File no: DA2014 - 258.3
Parcel no: 29054, 299, 29053

Alignment with Delivery Program

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

RECOMMENDATION

That section 96 modification to DA 2014 - 258.3 for Multi Dwelling Housing at Lot B, DP162593, Lot 2 DP38827, Lot 1 DP38827, Allan Street, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a section 96 application to modify approval for multi dwelling housing at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

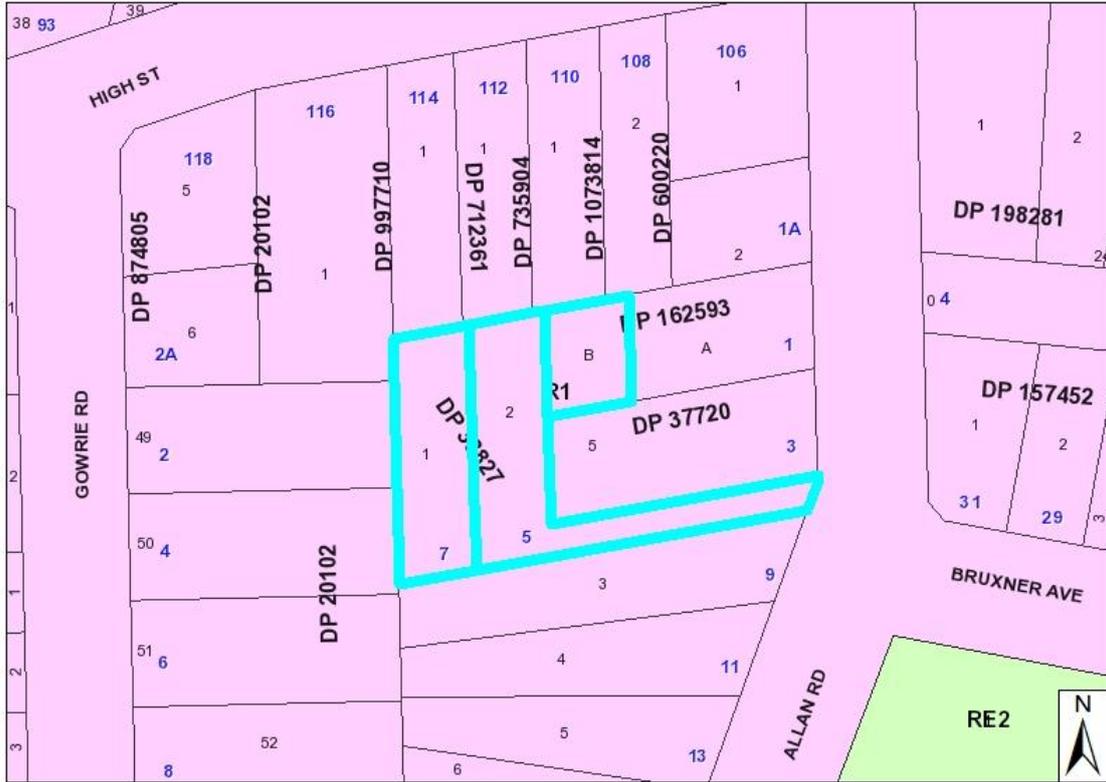
Following exhibition of the application, one (1) submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has a combined area of 1954m².

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:

- Changes to internal room configuration. Previously 3 bed units now 4 bed units.
- Changes to external appearance including roof forms.
- Change in levels to accommodate stepping down the site.

Refer to attachments at the end of this report.

Application Chronology

- 4 February 2016 - Application lodged.
- 8 February 2016 - Additional information request for plans and owners consent.
- 10 February 2016 - Owners consent and plans provided.
- 16 - 29 February 2016 - Public exhibition via neighbour notification.
- 11 February 2015 - Request for summary of changes proposed.
- 12 February 2016 - Summary of changes provided.

3. STATUTORY ASSESSMENT

Is the proposal substantially the same?

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, mis-description or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

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

- The development use remains unchanged.
- The development footprint remains the same.
- Building height and built form are substantially the same.

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

No changes to any conditions imposed by a Minister, government or public authority.

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

Neighbour notification has been undertaken in accordance with DCP 2013.

Any submissions made concerning the modification?

One submission was received following completion of the neighbour notification period. 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 plans do not indicate how stormwater is to be managed.	Stormwater can be adequately managed on site. Specific details and engineering design plans will be reviewed as part of the section 68 application. Suitable conditions already exist in the development consent.
Previous plans show a storage area along the southern boundary for waste bins which may create unacceptable air pollution.	Typical of all domestic waste bins the management of odour will be the responsibility of the landowners.

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

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

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

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

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

In accordance with clause 6, revised BASIX certificates have 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 requirements of this LEP are considered satisfied having regard to the following provisions:

- clause 2.2, the subject site is zoned R1 General Residential.
-
- clause 2.3(1) and the R1 zone land use table, the proposed development for multi dwelling housing and strata subdivision is a permissible land use 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.*
 -
 - clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
 - the proposal is a permissible land use;
 - the proposal would provide for higher density housing to meet the needs of the community.
 -
 - clause 4.1, the proposed lots are below the 450m² minimum lot size standard. However, Clause 4.1A of the LEP allows an integrated housing proposal whereby construction and subdivision are included in the one application. Under this scenario, Clause 4.1A allows the minimum lot size standard to be varied. The intent of the clause is to encourage housing diversity without compromising residential amenity. This overall assessment demonstrates that the development will have limited impact on the amenity of the area.
 -
 - clause 4.3, the maximum overall height of the proposal above ground level (existing) is approximately 7.65m which complies with the standard height limit of 8.5m applying to the site.
 -
 - clause 4.4, the floor space ratio of the proposal is approximately 0.45:1 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 including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.
 -
 -
- (ii) **Any draft instruments that apply to the site or are on exhibition:**

No draft instruments apply to the site.

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

Port Macquarie Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
DCP Objective	Development Provisions	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 24 degree max. roof pitch • Not located in front setback 	No ancillary development proposed.	N/A



3.2.2.2	Articulation zone: <ul style="list-style-type: none"> Min. 3m front setback Not extend above eave gutter line 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road Min. 3.0m secondary road Min. 2.0m Laneway 	Buildings setback approximately 60m from Allan Road frontage.	Yes
	Front setback R5 and rural zones: <ul style="list-style-type: none"> Min. 10m 	N/A	N/A
3.2.2.3	Garage minimum 5.5m front setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	Garages and carports setback approx 60m and will not be visible from street frontage.	Yes
	6m max. width of garage door/s and 50% max. width of building	4.5m max garage width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing right of way 6.1m wide to be used. Technically, the crossover exceeds the frontage requirements but is due to the narrow battleaxe handle width. Overall, it is impossible to comply and there will be no adverse impact on streetscape to that which occurs at present.	No, but acceptable
	Garage and driveway provided on each frontage of dual occupancy on corner lot	Not a corner lot.	N/A
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Wall of dwellings 4m to west boundary. First floor decks within 4m setback.	No*
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor min. 0.9m First floors & above min. 3m setback, unless demonstrated that adjoining property primary living areas & POS unaffected. Building wall set in and out every 12m by 0.5m. 	Ground north side = 1.165m First floor north side = 3m.	Yes
		Ground floor south side = 2.16m setback unit 1. First floor >3m.	Yes
		Articulation acceptable.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade and is directly accessible from a ground floor living area.	All units provided with >35m ² private open space with 4m x 4m areas directly accessible from living areas.	Yes



3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandas etc which have <3m side/rear setback and floor level height >1m 	<p>Adequate building separation provided to adjoining dwellings. Noted landscaping to be provided along rear boundary. No adverse privacy impacts identified.</p> <p>Rear decks setback >3m. No side facing decks.</p> <p>Rear decks setback >3m. No side facing decks.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	<p>Design addresses generic principles of Crime Prevention Through Environmental Design guideline:</p> <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	<p>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.</p>	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Minimal cut and fill required <1m.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	No retaining proposed along road frontage.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	Retaining proposed along northern boundary and internal driveway.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and	Refer to main body of report.	Yes



	Stormwater		
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Existing single access from local road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Only one crossover proposed.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 space = single dwelling (behind building line) and dual occupancy Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings 	6 x 4 bed unit = 9 spaces. 6 x 0.25 visitor = 1.5 spaces. Total required = 10.5 spaces. Proposal includes 11 spaces, plus 2 nominated visitor spaces. Total 13 spaces proposed.	Yes
2.5.3.7	Visitor parking to be easily accessible	Visitor spaces in front of unit 1 are easily accessible.	Yes
	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	No stacked parking proposed.	N/A
	Parking in accordance with AS 2890.1	Parking dimensions shown on the plans appear to comply with AS 2890. Certification by a suitably qualified consultant that the on-site parking complies with AS 2890 will be required for construction certificate plans.	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS 2890.3	Sufficient areas available.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Driveway to be sealed.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Capable of compliance. Details to be provided with section 138 application.	Yes
2.5.3.16	Transitional grades min. 2m length	See above.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater can be adequately managed on the site.	Yes



	Vehicle washing facilities – grassed area etc available.	Suitable area available for washing vehicles.	Yes
	No direct discharge to K&G or swale drain	Not proposed.	N/A
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Car park areas can be adequately drained.	Yes

The proposal seeks to vary Development Provision 3.2.2.4 which requires a rear setback of 4m. The proposal incorporates first floor decks and roofing setback slightly within the 4m setback.

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

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

- Adequate separation distance exists between the rear decks and adjoining dwelling at the rear, which is setback approximately 17m from the boundary.
- The reduced rear setbacks for the first floor decks will not restrict natural light or ventilation between dwellings or private open space areas.
- The ground floor setback provides useable yard and open space area to each unit.

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

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

iv) any matters prescribed by the Regulations:

No matters prescribed by the regulations apply 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.

(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 compatible with other residential development in the locality and adequately addresses planning controls for the area.

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



The proposal does not have significant adverse lighting impacts.

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

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

Access, Transport & Traffic

The development has approximately 6m of frontage to Allan Road, being an access handle between other residential allotments which front the street.

Allan Road is a crown road under care and maintenance by Council. It is classified as an urban local street in Council's asset register. The pavement is bordered by an upright (Type SA) kerb.

A typical residential dwelling is expected to generate approximately seven vehicle trips per day on average. Given the existing dwelling will be demolished and six new dwellings are proposed, the local area traffic is likely to increase by around 35 trips per day. The public road network has sufficient capacity to cater for the development.

The internal access aisles are proposed to be within the common property of the strata plan. There is not adequate space where the lots front public road for garbage bins to stand during collection. The strata development is to have garbage collected by private contractors. A suitable condition has been recommended.

The driveway crossing shall be upgraded to heavy duty standard due to traffic generation by multiple equivalent tenements and shall be sealed. The minimum width of the crossing shall be 5.5m in accordance with AS 2890 to allow for vehicles to pass each other. Suitable conditions have been recommended. Consolidation of the allotments will be required to manage internal access and servicing across boundaries.

Parking dimensions and manoeuvring areas shall comply with AS 2890 and shall be certified as compliant by the designer and post-construction. The parking and garage dimensions shown on the plans can comply with AS 2890.

The length of the northern internal aisle is approximately 45m, and provision must be made for vehicles to turn around at the end and drive out in a forward direction. The residential classification of the facility under AS 2890 permits three-point turns as the minimum standard. The aisle width shown is adequate for a B99 sized vehicle (99th percentile) to make a three point turn. The size of the design garbage collection vehicle has not been specified, but turning templates provided use a turning radius of 12m which is roughly equivalent to a Heavy Rigid (HR) vehicle up to 12.5m long. The applicant suggests that if the vehicle is larger it may need to reverse down the driveway from the public road. This is unacceptable due to the impact on operation and safety of the public road. Entry and egress movements must be in a forward only manner. However, it is considered that the vehicle is unlikely to exceed the size of a HR given the style of development.

Pedestrians

There is no existing footpath within Allan Road. Council policy requires provision of footpath for the frontage of new developments, but as the frontage for this site will consist of a concrete driveway crossing, no footpath is required. Management of



footway within the common property on the strata plan is a private issue for the strata corporation.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The applicant has provided limited detail on stormwater management and has anticipated that it can be adequately managed onsite and disposed of via an existing drainage easement running through the rear of the adjoining properties to the west of the site.

Investigations by Council engineering staff has revealed the following:

- On-site detention measures will be necessary due to high impervious area.
- A drainage pipe appears to exist near the rear of the subject lots (western boundary) in neighbouring properties. Deposited Plan (DP) 20102 shows an eight foot wide drainage easement which serves Council's road reserve (i.e. Council is the authority). Site stormwater should tie in with this pipe on Lot 50 DP 20102. Existing pipe size is 450mm diameter on Lot 50. Pipe capacity must be demonstrated to be adequate to cater for the development; if existing is inadequate, upgrade may be required at developer's cost.
- All works to comply with AUSPEC D5 and D7

As described above, the legal point of discharge may be the existing inter-allotment drainage line within Lots 1, 49 or 50 DP 20102 (at the western boundary of the development). Should the above prove not viable, the alternative is that inter-allotment drainage must be created over other adjacent properties and/or a piped connection to Council's infrastructure within the road reserve via the access handle to Lot 2 DP 38827. All stormwater inter-allotment and/or works on public property shall conform to Council's AUSPEC specifications D5 and D7. Specific conditions have been recommended to ensure the development can legally and effectively dispose of stormwater.

Sewer

Council records indicate that sewer is connected to the site via a junction from the 150mm sewer main that runs on the northern side of the northern property boundary. In addition, there is a sewer main that crosses the access handle adjacent to Allan Road. As the development will be greater than two equivalent tenements (ET), a new junction from a new manhole will be required.

It appears that there is a significant fall across the site (approximately 4m from north to south) which has not been shown on the plans. Given the fall across the site, there may be issues draining the south western corner. Design plans will be required to show how sewer is to be connected to the development.

Suitable conditions have been recommended to satisfy the above matters.

Water

Council records indicate that there is a 20mm metered water service from the 100mm water main on the same side of Allan Road. A separate 20mm metered water service to Council's main is required for each Lot with the meters being located on the road frontage.



It appears that adequate fire service coverage will not be achieved. Therefore hydraulic plans will be required to address fire service requirements to AS 2419. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations. In addition, the hydraulic plans are to show the internal water service pipe sizing. Suitable conditions have been recommended to satisfy these requirements.

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Waste

A condition has been recommended requiring a private waste collection service to be provided for storage and collection of waste and recyclables.

Energy

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

Noise & Vibration

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

Natural Hazards

No natural hazards have been identified as affecting the site.

Safety, Security & Crime Prevention

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

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on impacts such as maintained employment and expenditure in the area.



Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

One (1) written submission was received following public exhibition of the application. Refer to comments previously provided within the report addressing concerns raised.

(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.

Having regard to the change in bedroom numbers for each unit a revised contribution schedule will be attached to any revised consent.

5. CONCLUSION

The application has been assessed in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

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

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



Attachments

- 1 [View](#). DA2014 - 258.3 Plans.
- 2 [View](#). DA2014 - 258.3 Modification of Consent
- 3 [View](#). DA2014 - 258.3 Submission - Thomas.



ADC



NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH B.C.A. & ALL APPLICABLE REGULATIONS. WORKING DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WORKER'S PAY ALL FEES.
2. ALL RELEVANT DIMENSIONS TO BE TAKEN FROM THE FACE OF THE WORK UNLESS OTHERWISE SPECIFIED. NO DIMENSIONS SHALL BE TO DO THIS.
3. BEFORE ENTERING RESIDENCE IS AUTOMATICALLY LOCKED. UNLESS OTHERWISE SPECIFIED, ALL INTERLOCKED DOORS SHALL BE KEPT CLOSED UNTIL THE STRUCTURE IS CAREFULLY EXAMINED AND FOUND TO BE SOUND. PRIOR TO COMMENCING ANY WORK.
4. THESE DRAWINGS TO BE READ IN CONJUNCTION WITH CONTRACT DOCUMENTS.



 PANCOFF CONSTRUCTION INC.
 100 BICKERS LANE TORONTO, ONTARIO M9P 2E2
 416-291-1111
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PANCOFF CONSTRUCTIONS INC. 100 BICKERS LANE TORONTO, ONTARIO M9P 2E2 416-291-1111 416-291-1112 416-291-1113 416-291-1114 416-291-1115 416-291-1116 416-291-1117 416-291-1118 416-291-1119 416-291-1120 416-291-1121 416-291-1122 416-291-1123 416-291-1124 416-291-1125 416-291-1126 416-291-1127 416-291-1128 416-291-1129 416-291-1130 416-291-1131 416-291-1132 416-291-1133 416-291-1134 416-291-1135 416-291-1136 416-291-1137 416-291-1138 416-291-1139 416-291-1140 416-291-1141 416-291-1142 416-291-1143 416-291-1144 416-291-1145 416-291-1146 416-291-1147 416-291-1148 416-291-1149 416-291-1150 416-291-1151 416-291-1152 416-291-1153 416-291-1154 416-291-1155 416-291-1156 416-291-1157 416-291-1158 416-291-1159 416-291-1160 416-291-1161 416-291-1162 416-291-1163 416-291-1164 416-291-1165 416-291-1166 416-291-1167 416-291-1168 416-291-1169 416-291-1170 416-291-1171 416-291-1172 416-291-1173 416-291-1174 416-291-1175 416-291-1176 416-291-1177 416-291-1178 416-291-1179 416-291-1180 416-291-1181 416-291-1182 416-291-1183 416-291-1184 416-291-1185 416-291-1186 416-291-1187 416-291-1188 416-291-1189 416-291-1190 416-291-1191 416-291-1192 416-291-1193 416-291-1194 416-291-1195 416-291-1196 416-291-1197 416-291-1198 416-291-1199 416-291-1200	
PROJECT NO. 5014	DRAWING NO. 00 C
DATE 2016	SCALE 1:100
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PROJECT ADDRESS 5014	SHEET TITLE 00 C
PROJECT CONTACT 5014	SHEET DESCRIPTION 00 C
PROJECT PHONE 5014	SHEET DATE 00 C
PROJECT FAX 5014	SHEET AUTHOR 00 C
PROJECT EMAIL 5014	SHEET CHECKED 00 C
PROJECT WEBSITE 5014	SHEET APPROVED 00 C

ADC

NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE RELEVANT JURISDICTION OVER THE WORKS & PAY ALL FEES.
2. ALL RELEVANT DIMENSIONS TO BE PROVIDED TO THE RELEVANT JURISDICTION PRIOR TO COMMENCING WORK. NO ALLOWANCES WILL BE MADE FOR FAILURE TO DO THIS.
3. ENSURE EXISTING RESIDENCE IS ADEQUATELY WATERPROOFED DURING CONSTRUCTION. EXISTING STRUCTURE TO BE CAREFULLY SUPPORTED PRIOR TO COMMENCING ANY WORK.
4. THESE DRAWINGS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS.



28 EXCELSIOR POE
CAREY BAY NSW 2283
PO BOX 510, TORONTO NSW 2283
PF 02 4955324

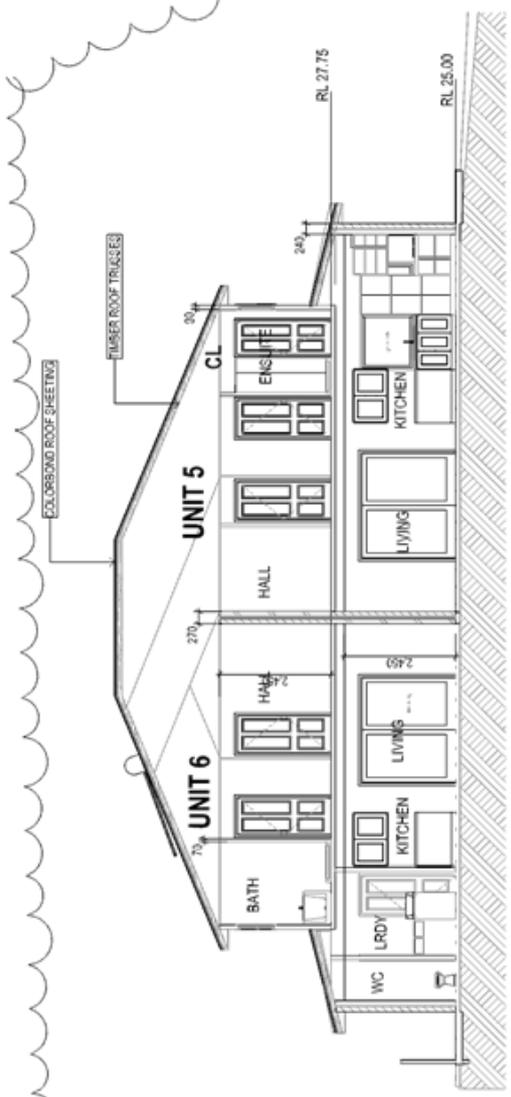
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This drawing is intended to be used in conjunction with the relevant jurisdiction's rules and regulations.
The client is responsible for ensuring that the drawing is used in accordance with the relevant jurisdiction's rules and regulations.

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PAMCOLL CONSTRUCTIONS PT
PROJECT:
PROPOSED 'FAIRVIEW' VILLAS
LOT 1 & 2 DP38827 &
LOT 8 DP 162539
No 5-7 ALLAN RD,
WAUCHOPE NSW 2446
Drawing Title:

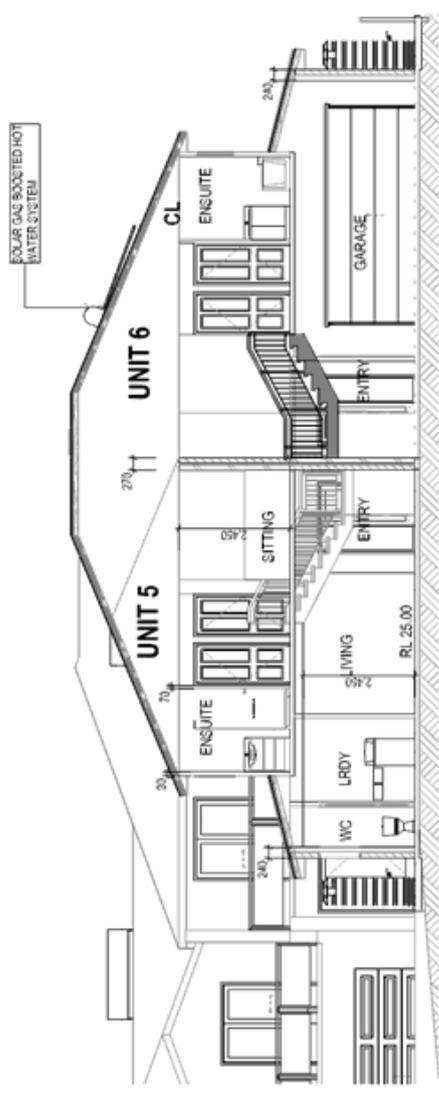
PLANS
SECTIONS

Scale: 1/100	Drawn By: SUZUKI
Date:	Project No:
Sheet No:	Drawn No:
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REVISIONS	DATE

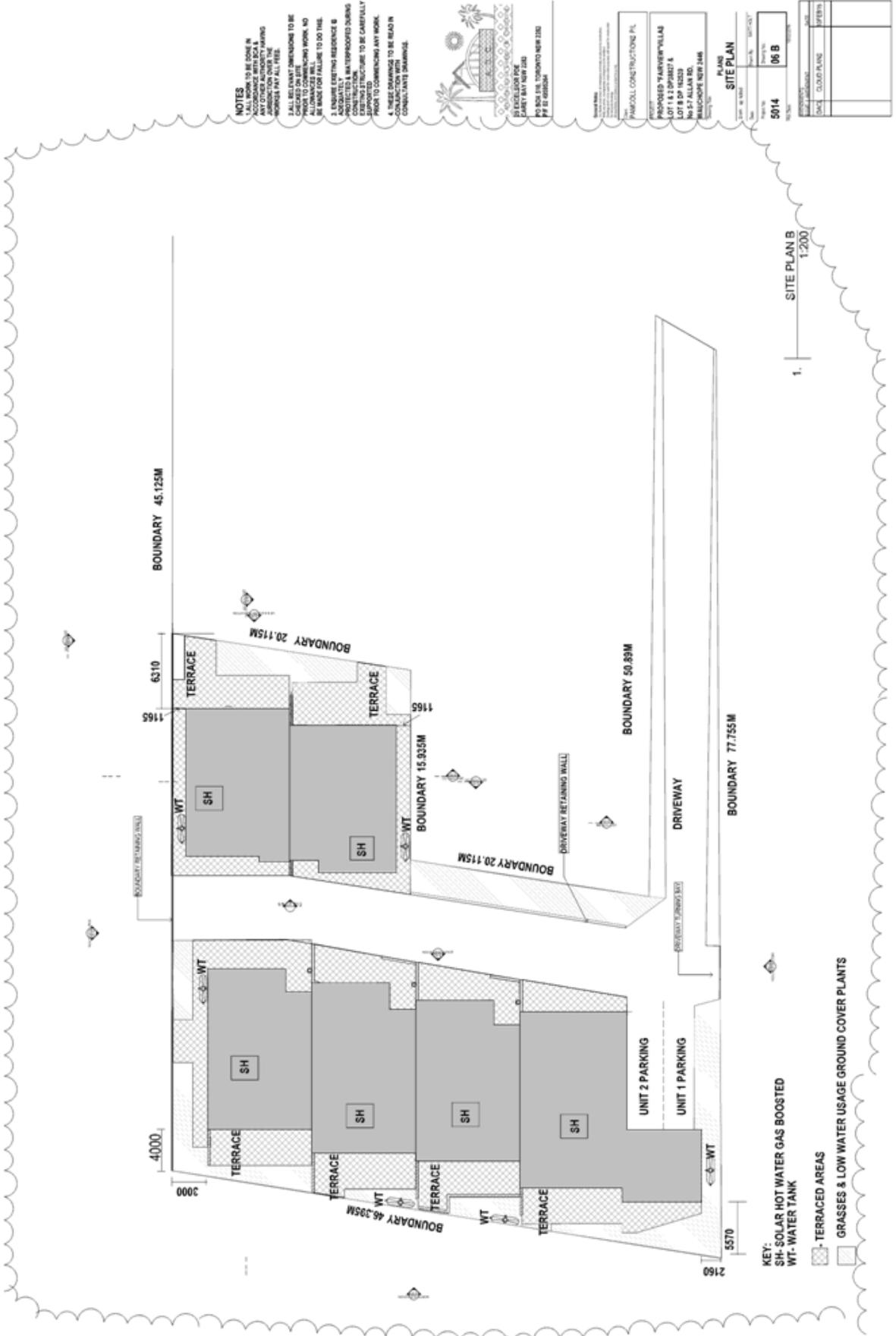


S-03 SECTION CC
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S-04 SECTION DD
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ADC



SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2014/258 are as follows:

<No.1>	Modification No.1	8 December 2014
<No.2>	Modification No.2	<<Insert determination date>>

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	5-7 Allan Road	Darrin Greenaway	9 April 2014
Development Plans as amended	5014	ADC	10 February 2016
BASIX Certificates	Units 1-6 Allan Road, Wauchope	Sole trader	14 May 2014

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.²

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

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.

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

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

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

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

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

- i. deposit with the Council, or

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

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

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

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.

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

- (2) (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 AS 2890.
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. Retaining walls.
5. Stormwater systems.

6. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
7. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 & 207, Port Macquarie-Hastings Council current version.

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

Such works include, but not be limited to:

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

- (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. 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
- Hastings S94 Major Roads Contributions Plan
- Hastings S94 Open Space Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005

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 is required. 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) (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.
- (8) (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.
- (9) (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.
- (10) (B063) Prior to release of the Construction Certificate, submission of a detailed landscape plan to the Principal Certifying Authority.
- (11) (B196) A separate 20mm metered water service to Council's main is required for each Lot, with the meters being located on the road frontage.
- (12) (B197) Hydraulic plans will be required to address fire service requirements to AS 2419. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations. In addition, the hydraulic plans are to show the internal water service pipe sizing. Details to be provided with construction certificate plans.
- (13) (B198) As the development will be greater than two equivalent tenements (ET), a new junction from a new manhole will be required. Given the fall across the site, there may be issues draining the south western corner. Design plans will be required to show how sewer is to be connected to the development.
- (14) (B199) The minimum width of the driveway crossing shall be 5.5m in accordance with AS 2890. Prior to release of the construction certificate, details of compliance with the above driveway width is to be illustrated on the approved construction certificate plans.
- (15) (B200) Prior to Local Government Act (Section 68) approval, a stormwater management plan shall be submitted to Council along with construction plans, detailing the proposed point of connection of internal drainage lines to the legal point of discharge as specified by Council.

The plans shall specify the provision of onsite detention facilities to ensure that peak outflows from the site do not exceed the pre-development outflows, for all storm events up to and including the 100 year ARI. Hydraulic calculations demonstrating compliance with this condition shall be provided to Council.

- (16) (B201) Solid screening measuring a minimum of 1.8m in height is to be provided between the proposed visitor parking spaces and the master bedroom of proposed unit 1. Prior to release of the construction certificate, details of the screening must be shown on the approved construction certificate plans.
- (17) (B202) Where augmentation is required on an adjoining property, owner's consent shall be provided to Council with any Section 68 application and/or Construction Certificate application for subdivision works including:
 - Public and/or private drainage infrastructure (i.e. interallotment drainage, Council drainage)
 - Council's sewer infrastructure (i.e. sewer junction, sideline or manhole)
- (18) A solid boundary fence with a minimum height of 1.8m is to be provided along the full width of the western boundary of the site. Details are to be provided as part of the Construction Certificate application.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. at completion of installation of traffic management works
 - c. when 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;

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (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
- (4) (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.
- (5) (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*.

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, whichever occurs first.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (5) (E030) Parking spaces being line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and

- b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (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, whichever occurs first.
- (10) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (11) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (12) (E054) No building is to be connected to Council's future sewer main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for air testing, visual inspection, manhole lid seal and the level of the lid mm above the proposed finished surface level. The manhole must be protected during dwelling construction by erecting a barrier around the manhole. Any alterations to the finished surface level requiring the raising or lowering of the manhole will require Council's approval.
- (13) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (14) (E061) Landscaped areas being completed prior to occupation.
- (15) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (16) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have

been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.

- (17) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor (this WAX may be part of the Roads etc. WAX).
- (20) (E196) Prior to release of the Subdivision Certificate, the strata management statement is to include provision for a private domestic waste collection service for all units. A private domestic waste collection arrangement shall be in place prior to release of any occupation certificate.
- (21) (E197) 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.

F – OCCUPATION OF THE SITE

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

[REDACTED]

From: Thomas Kemp [REDACTED]
Sent: Friday, 19 February 2016 8:31 AM
To: Council
Subject: Development Proposal 5 - 7 Allan Rd. Wauchope
Categories: Sara

From Thomas Kempf and Marta Forcael-Kempf dated 19. February 2016

Can you please send an acknowledgement of receiving that letter.

Attn: Benjamin Roberts

Re: Concerns about the proposed development at address mentioned above.

Thank you for the Notification on the proposed development at 5-7 Allan Rd.

We are the owners of 9 Allan Rd located south of 5-7 Allan Rd.

On the plans we can not see how run off surface water from paved areas, in particular the concrete driveway which runs downhill to the south and the access road to the site is managed.

We need to see the details of appropriate measures taken prior and during construction as well as after completion.

Further previous plans show a storage area along the south boundary for at least 12 waste storage bins which may create some unacceptable air pollution.

We like to use our backyard which is very narrow for recreational purposes and would appreciate if you could have a look into it.

Regards

Thomas Kempf and Marta Forcael-Kempf