PORT MACQUARIE-HASTINGS
COUNCIL

Development Assessment Panel

Business Paper

date of meeting:	**Wednesday 12 July 2017**
location:	**Function Room** **Port Macquarie-Hastings Council** **17 Burrawan Street** **Port Macquarie**
time:	**2:00pm**

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

Development Assessment Panel

CHARTER

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:

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.

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.

Development Assessment Panel

ATTENDANCE REGISTER

Member	**12/04/17**	**10/05/17**	**24/05/17**	**14/06/17**	**28/06/17**
Paul Drake Matt Rogers (alternate)	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson Warren Wisemantel (alternates)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate) Grant Burge (alternate)	 ✓	✓	✓	✓	**A** ✓

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

PORT MACQUARIE HASTINGS COUNCIL

Development Assessment Panel Meeting

Wednesday 12 July 2017

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PORT MACQUARIE HASTINGS COUNCIL

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 28 June 2017 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
Grant Burge

Other Attendees:

Warren Wisemantel,
Fiona Tierney
Ben Roberts

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from David Troemel be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 14 June 2017 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2017 - 332.1 SHED - LOT 7 DP 1060564, NO 13 RIVERBREEZE DRIVE CROSSLANDS

CONSENSUS:

That DA 2017 - 332.1 for an ancillary building (shed) at Lot 7 DP 1060564, No. 13 Riverbreeze Drive Crosslands, be determined by granting consent subject to the recommended conditions.

06 DA2017 - 249.1 PART CHANGE OF USE TO EDUCATIONAL ESTABLISHMENT - LOT 2 DP 610860 - 8 TABLE STREET, PORT MACQUARIE

Speakers
Christine Nicoll (o)
Michelle Love (applicant)

CONSENSUS:

That DA2017 - 249 for a part change of use to educational establishment at Lot 2, DP 610860, No. 8 Table Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition B(5) to read:
  ‘(B072) A stormwater drainage design is to be submitted to and approved by Port Macquarie-Hastings Council prior to the issue of a Construction Certificate for the car park. 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 the kerb and gutter of a public road.

  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.

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

  d) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained
- Amend condition E(3) to read:
  ‘E010) Prior to occupation or the issue of any occupation certificate driveways, access aisles and parking areas shall be provided with a sealed 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).’
- Delete condition E(10)
- Amend condition E(12) to read:
  ‘Prior to occupation or issuing of any occupation certificate the existing dilapidated boundary fencing shall be repaired/upgraded for safety and security purposes. The

western boundary fence for its length from the rear of the main building to the rear boundary shall be increased to a height of 1.8m.'

- Amend condition F(5) to read:
  '(FP195) The school is limited to a maximum of 24 students and two staff members at any one time.'

07 DA 2017 - 287.1 SINGLE DWELLING - LOT 1 DP 1195261 NO 7 DENNING PLACE, PORT MACQUARIE

Speakers:
Robyn Mitchell (o)
Alan Anderson (o)

CONSENSUS:

That DA 2017- 287 for a new single dwelling at Lot 1, DP 1195261, No. 7 Denning Place, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read:
  'Prior to release of the construction certificate, plans are to be submitted for approval by the principal certifying authority providing for a vegetation screen/hedge along the northern boundary from the pool enclosure area for a length of 10m westwards (i.e opposite the raised alfresco area). The hedge plantings are to achieve a minimum 1m width and 3m height at maturity. The hedge is to be maintained for the life of the development.'

08 GENERAL BUSINESS

Nil.

The meeting closed at 3:00pm.

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: .....

.....

Name: ……

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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 *[insert full name of councillor]*	
In the matter of *[insert name of environmental planning instrument]*	
Which is to be considered at a meeting of the *[insert name of meeting]*	
Held on *[insert date of meeting]*	
PECUNIARY INTEREST	
Address of land in which councillor or an associated person, company or body has a proprietary interest (*the* ***identified land)***[i]	
Relationship of identified land to councillor [*Tick or cross one box*.]	☐ 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). ☐ Associated person of councillor has interest in the land. ☐ 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 *(the* ***subject land***[iii] [*Tick or cross one box*]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [*Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land*]	
Proposed change of zone/planning control [*Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land*]	
Effect of proposed change of zone/planning control on councillor [*Tick or cross one box*]	☐ Appreciable financial gain. ☐ Appreciable financial loss.

Councillor's Name: ……

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.

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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..
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: **DA2017 - 306.1 ALTERATIONS AND ADDITIONS TO DWELLING - LOT 88 DP 260441, NO 7 TALBINGO PLACE PORT MACQUARIE**

Report Author: Stephen Ryan

Applicant:	**L C Ardrey**
Owner:	**L C Ardrey**
Estimated Cost:	**$140,000**
Parcel no:	**23036**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 - 306.1 for alterations and additions to dwelling at Lot 88, DP260441, No. 7 Talbingo Place Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

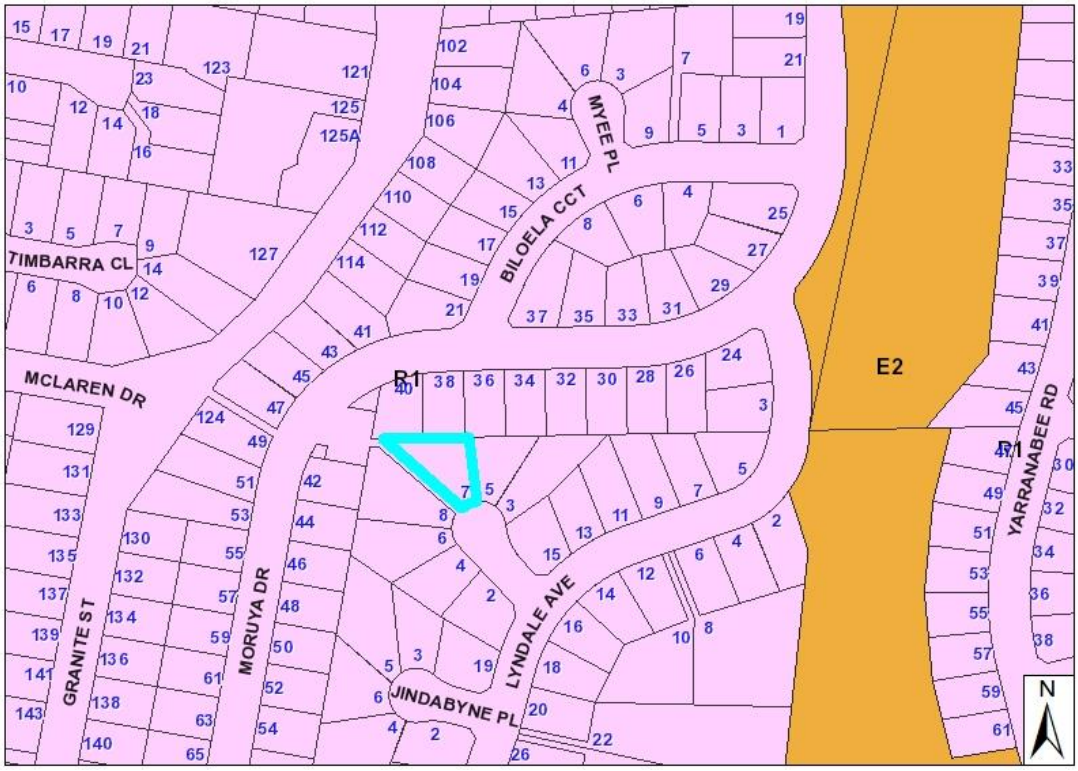
Following exhibition of the application, one (1) submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 810.5m^2.

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:

- Additions to dwelling comprising rear dwelling additions, new rear deck and extension of the existing carport.

Refer to attachments at the end of this report.

Application Chronology

- 13 April 2017 - Application lodged
- 4 May 2017 - 17 May 2017 - Exhibition via neighbour notification
- 12 May 2017- Submission received.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is not located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

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

A BASIX certificate (number A278106) 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 additions are a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 5.0m 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 0.33:1.0 which complies with the maximum 0.65.0:1 floor space ratio applying to the site.
- Clause 7.13, existing services in place.
- Clause 4.6 – exceptions to development standards.
- Clause 5.6 – Architectural roof features.
- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is not mapped as potentially containing acid sulphate soils.
- Clause 7.3, the site is not land within a mapped “flood planning area”.
- Clause 7.5 – Koala Habitat – The land is not identified as a “Koala Habitat area” on the Koala Habitat Map.
- Clause 7.6 – The land is not identified as a Coastal Erosion Risk on the Coastal Erosion Map (Lake Cathie/Town Beach).
- Clause 7.7 – Airspace operations- N/A
- Clause 7.8 - Development in areas subject to aircraft noise- N/A
- Clause 7.9 - Development subject to acoustic controls - N/A
- Clause7.13, 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 force:

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: • 4.8m max. height • Single storey • 60m2 max. area • 24 degree max. roof pitch • Not located in front setback	Rear deck addition. 1.865m to deck level Single storey 48.5m² - Rear setback	 Yes Yes Yes N/A Yes
	Front setback (Residential not R5 zone): • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot	7.6m	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Maintains existing carport setback at 7.6m. Achieves 5.5m setback	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Maintains existing driveway width at boundary	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Compensatory area equal to a 4m setback available on western side boundary for an equitable length of12.5m	Yes
3.2.2.5	Side setbacks: • 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	 Dwelling additions- 1.9m to 4.6m setback to eastern side boundary. Deck- 4.7m to 6m setback from western boundary. Carport addition- 6.4m to eastern side boundary. Shadows from the proposed addition will fall predominately on the subject lot with minor overshadowing to the eastern boundary at 3pm with less than 3 hours duration. Adequate separation exists between the adjoining property to the west.	 Yes Yes Yes
3.2.2.6	35m² min. private open space area including a useable 4x4m	Available at rear	Yes

	min. area which has 5% max. grade		
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed	Some impact in regard to privacy of open spaces will occur from the proposed rumpus windows. Due to the elevated nature of the site, it is considered that the adjoining properties are already impacted upon by the existing dwelling, & impacts from the proposed additions will comparable to what already exists on site.	Yes/No
	• 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 • • • • • • • • • • • • • • •	The upper level rumpus windows are sited less than 3m from the rear boundary for approximately 1/3 of the wall length or equivalent to 1/2 the width of the eastern window. Vegetative screening is provided in part along the rear boundary of the adjoining property. Windows on the upper level north eastern and eastern boundaries are bedrooms & therefore considered a low privacy impact and do not require screening.	Yes & No*
	• Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	The rear deck will be sited 4.8m from the rear boundary and 4.7m from the western side boundary & therefore does not require screening. The deck is partially shielded by an existing studio building on the western boundary.	N/A

DCP 2013: General Provisions			
	Requirements	**Proposed**	**Complies**
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design	Adequate casual surveillance available	Yes

	guideline		
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls		Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	Maintains existing access	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Maintains existing driveway crossover	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	No change to existing parking arrangements	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas		N/A
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	No change to existing driveway grades	N/A
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface	Contained within site	Yes
	Vehicle washing facilities – grassed area etc available.	Available	Yes

The proposal seeks to vary Development Provision 3.2.2.10

The relevant objectives are:

- To protect the visual privacy of on-site and nearby residents

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

- The variation is considered minor.
- The upper level rumpus windows are sited less than 3m from the rear boundary for approximately 1/3 of the wall length or equivalent to half the width of the eastern window. The remainder of the windows are compliant with the DCP provisions.
- The provision of a privacy screen to the eastern rumpus window is not considered to be necessary as the second rumpus window is compliant in terms of setback & does not require one.
- Existing vegetative screening is provided along a portion of the rear boundary of the adjoining property at the rear.

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

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy:

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

Demolition of buildings AS 2601:

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 and setting
Solar access-
- The proposal will be unlikely to have any adverse impacts in regard to solar access.

Public domain-
- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
-

View sharing-
- There are no adverse impacts on existing view sharing.
-

Privacy-
- Privacy impacts from the proposed works are considered to be no greater than what already exists on the site.

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

Water Supply
Service available.

Sewer
Service available.

Stormwater
Service available.

Other Utilities
Telecommunication and electricity services are available to the site.

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

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

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

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

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

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

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

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

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

Bushfire
The site is not identified as being bushfire prone.

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

Social impacts in the locality

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

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

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

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

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

(c) The suitability of the site for the development

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

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

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
Loss of privacy due to 4 windows facing the adjoining rear yard (Building 5.5m at 1.1m distance from fence).	Privacy screening is not considered to be required for the bedroom windows facing the rear boundary as they are not considered to be high use living areas. There is anticipated to be a degree of impact in regard to privacy from the proposed rumpus room windows facing the rear boundary. The rumpus windows are compliant in terms of setbacks for ¾ of the window length. Given the orientation to the north/west and the separation available to the primary open space area of the adjoining dwellings the privacy impact is not considered to be of such an impact that would warrant refusal of the application. Due to the elevated nature of the site it is considered that privacy will be impacted upon to some degree from any addition to the building and any impacts from the proposed additions will be minor to what already exists.
Closeness of the proposed dwelling to the rear boundary at 1.1m.	A proposed setback of 1.1m is permissible in that an equivalent area with a setback of 4m is available along the western boundary. Shadows will not be cast onto the adjoining property from the proposed structure.
The proposed roller door at the rear is too close to boundary and may become a workshop.	The setback of the roller door is permissible. The owner has advised that the proposed roller door is for easier access to the subfloor storage area beneath the dwelling addition.

(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

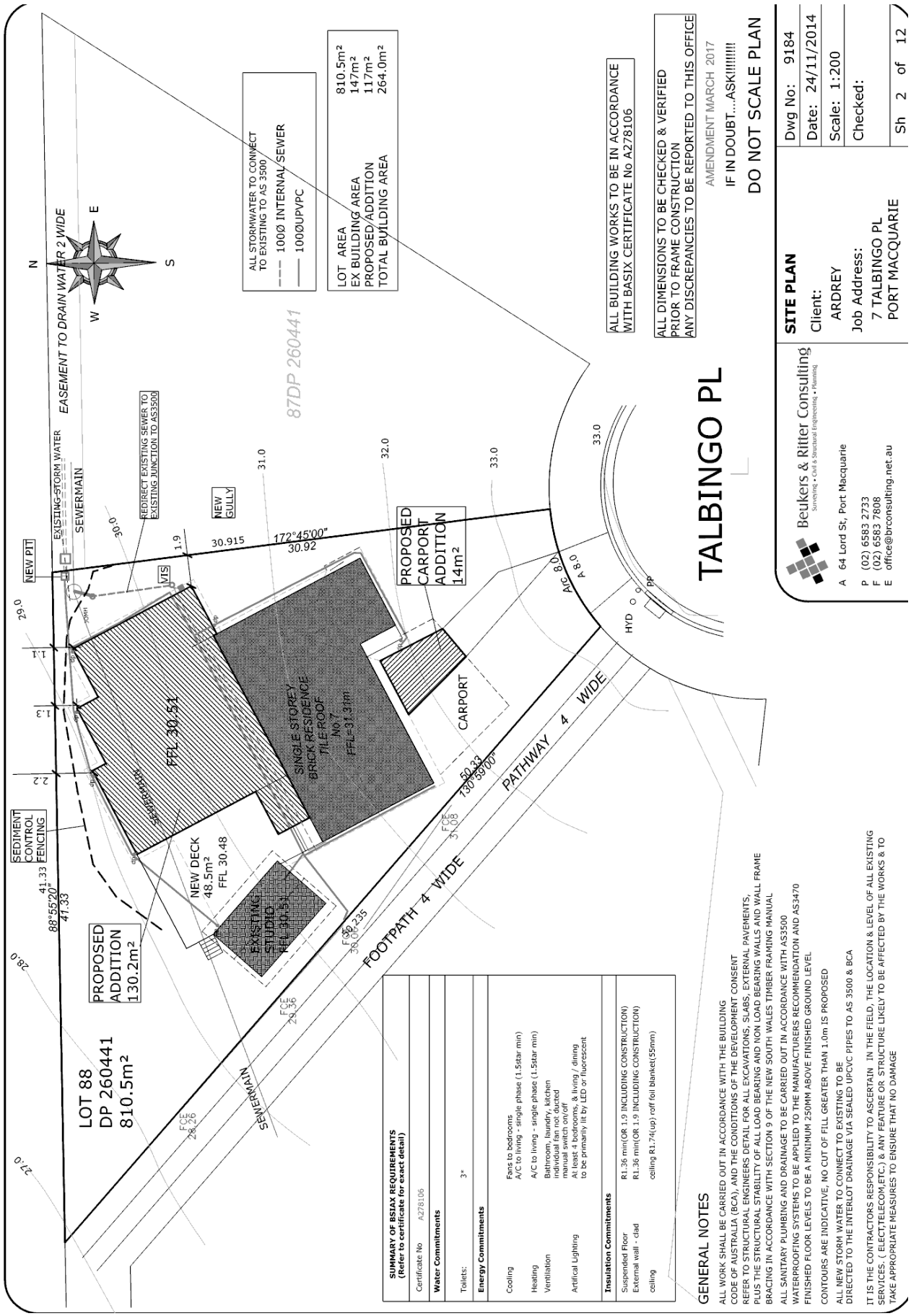
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

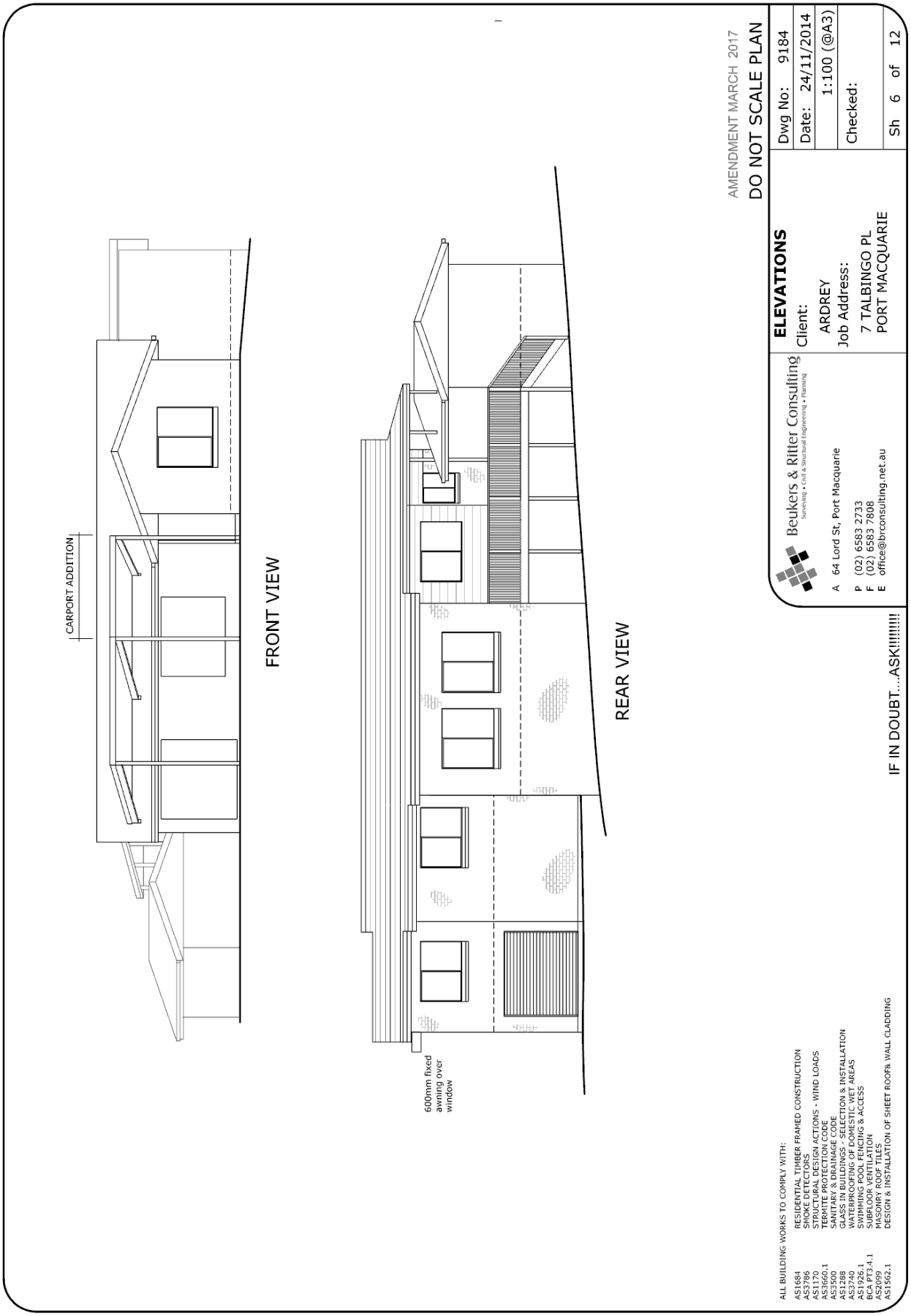
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

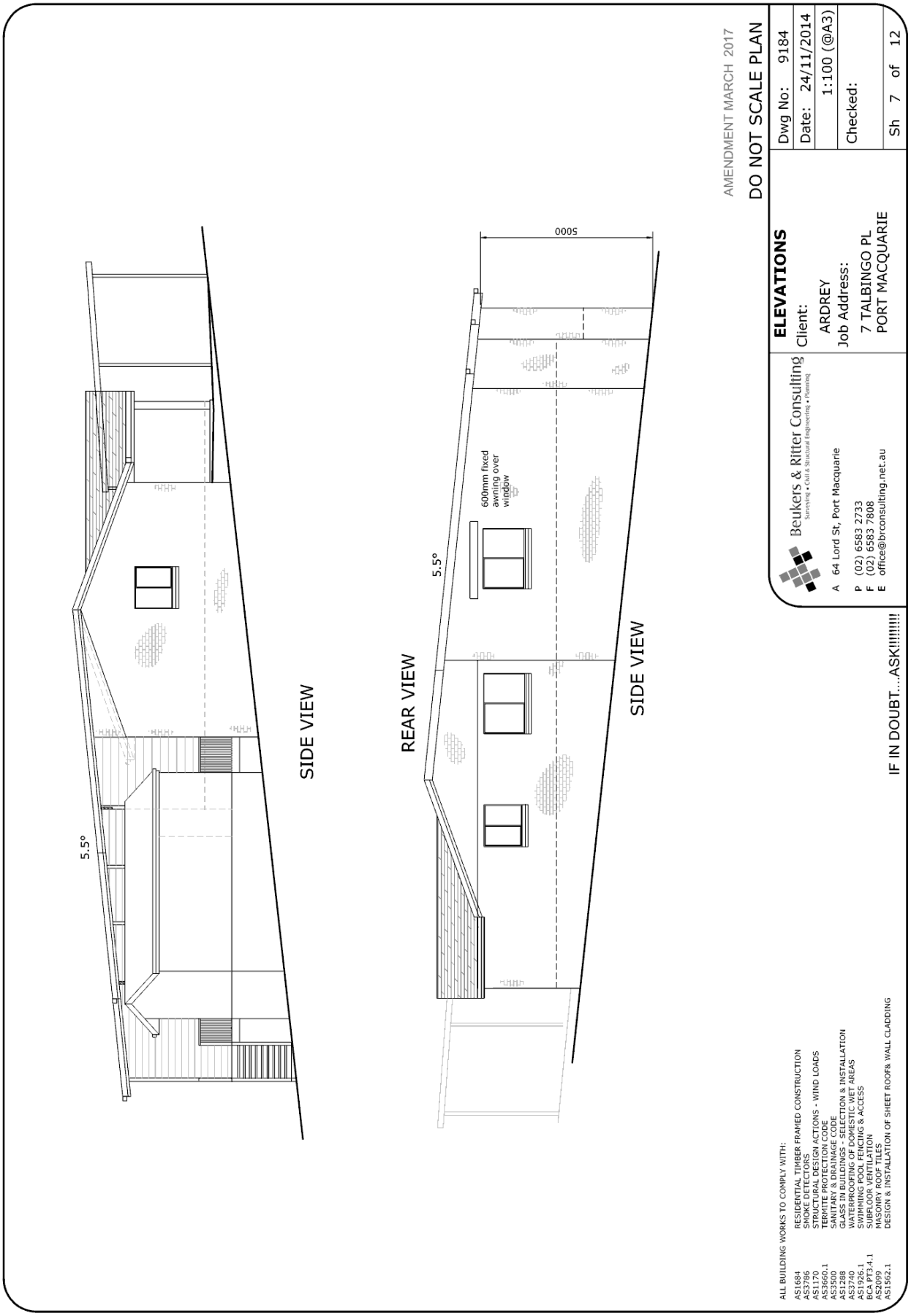
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

Attachments

1View. DA2017 - 306.1 Plans
2View. DA2017 - 306.1 Recommended Conditions
3View. DA2017 - 306.1 Submission - Morel & Post


EASEMENT TO DRAIN WATER 2 WIDE
N
E
S
W
ALL STORMWATER TO CONNECT TO EXISTING TO AS 3500
100Ø INTERNAL SEWER
100ØUPVPC
LOT AREA 810.5m²
EX BUILDING AREA 147m²
PROPOSED ADDITION 117m²
TOTAL BUILDING AREA 264.0m²
87DP 260441
ALL BUILDING WORKS TO BE IN ACCORDANCE WITH BASIX CERTIFICATE No A278106
ALL DIMENSIONS TO BE CHECKED & VERIFIED PRIOR TO FRAME CONSTRUCTION
ANY DISCREPANCIES TO BE REPORTED TO THIS OFFICE
AMENDMENT MARCH 2017
IF IN DOUBT....ASK!!!!!!!!
DO NOT SCALE PLAN
TALBINGO PL
EXISTING STORM WATER
SEWERMAIN
REDIRECT EXISTING SEWER TO EXISTING JUNCTION TO AS3500
NEW GULLY
NEW PIT
VIS
PROPOSED CARPORT ADDITION 14m²
CARPORT
SINGLE STOREY BRICK RESIDENCE TILE ROOF No 7 FFL=31.31m
FFL 30.51
NEW DECK 48.5m² FFL 30.48
EXISTING STUDIO FFL 30.51
PROPOSED ADDITION 130.2m²
SEDIMENT CONTROL FENCING
LOT 88 DP 260441 810.5m²
FOOTPATH 4 WIDE
PATHWAY 4 WIDE
SEWERMAIN
HYD
PP
Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning
A 64 Lord St, Port Macquarie
P (02) 6583 2733
F (02) 6583 7808
E office@brconsulting.net.au
SITE PLAN
Client: ARDREY
Job Address: 7 TALBINGO PL PORT MACQUARIE
Dwg No: 9184
Date: 24/11/2014
Scale: 1:200
Checked:
Sh 2 of 12
SUMMARY OF BSIAX REQUIREMENTS (Refer to certificate for exact detail)
Certificate No A278106
Water Commitments
Toilets: 3*
Energy Commitments
Cooling: Fans to bedrooms; A/C to living - single phase (1.5star min)
Heating: A/C to living - single phase (1.5star min)
Ventilation: Bathroom, laundry, kitchen individual fan not ducted manual switch on/off
Artifical Lighting: At least 4 bedrooms, & living / dining to be primarily lit by LED or fluorescent
Insulation Commitments
Suspended Floor: R1.36 min(OR 1.9 INCLUDING CONSTRUCTION)
External wall - clad: R1.36 min(OR 1.9 INCLUDING CONSTRUCTION)
ceiling: ceiling R1.74(up) roff foil blanket(55mm)
GENERAL NOTES
ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA), AND THE CONDITIONS OF THE DEVELOPMENT CONSENT
REFER TO STRUCTURAL ENGINEERS DETAIL FOR ALL EXCAVATIONS, SLABS, EXTERNAL PAVEMENTS, PLUS THE STRUCTURAL STABILITY OF ALL LOAD BEARING AND NON LOAD BEARING WALLS AND WALL FRAME BRACING IN ACCORDANCE WITH SECTION 9 OF THE NEW SOUTH WALES TIMBER FRAMING MANUAL
ALL SANITARY PLUMBING AND DRAINAGE TO BE CARRIED OUT IN ACCORDANCE WITH AS3500
WATERPROOFING SYSTEMS TO BE APPLIED TO THE MANUFACTURERS RECOMMENDATION AND AS3470
FINISHED FLOOR LEVELS TO BE A MINIMUM 250MM ABOVE FINISHED GROUND LEVEL
CONTOURS ARE INDICATIVE, NO CUT OF FILL GREATER THAN 1.0m IS PROPOSED
ALL NEW STORM WATER TO CONNECT TO EXISTING TO BE DIRECTED TO THE INTERLOT DRAINAGE VIA SEALED UPCVC PIPES TO AS 3500 & BCA
IT IS THE CONTRACTORS RESPONSIBILITY TO ASCERTAIN IN THE FIELD, THE LOCATION & LEVEL OF ALL EXISTING SERVICES. (ELECT,TELECOM,ETC.) & ANY FEATURE OR STRUCTURE LIKELY TO BE AFFECTED BY THE WORKS & TO TAKE APPROPRIATE MEASURES TO ENSURE THAT NO DAMAGE


CARPORT ADDITION
FRONT VIEW
600mm fixed awning over window
REAR VIEW
AMENDMENT MARCH 2017
DO NOT SCALE PLAN
Dwg No: 9184
Date: 24/11/2014
1:100 (@A3)
Checked:
Sh 6 of 12
ELEVATIONS
Client:
ARDREY
Job Address:
7 TALBINGO PL
PORT MACQUARIE
Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning
A 64 Lord St, Port Macquarie
P (02) 6583 2733
F (02) 6583 7808
E office@brconsulting.net.au
IF IN DOUBT....ASK!!!!!!!!!
ALL BUILDING WORKS TO COMPLY WITH:
AS1684 RESIDENTIAL TIMBER FRAMED CONSTRUCTION
AS3786 SMOKE DETECTORS
AS1170 STRUCTURAL DESIGN ACTIONS - WIND LOADS
AS3660.1 TERMITE PROTECTION CODE
AS3500 SANITARY & DRAINAGE CODE
AS1288 GLASS IN BUILDINGS - SELECTION & INSTALLATION
AS3740 WATERPROOFING OF DOMESTIC WET AREAS
AS1926.1 SWIMMING POOL SAFETY FENCING & ACCESS
BCA PT3.4.1 SUBFLOOR VENTILATION
AS2049 MASONRY ROOF TILES
AS1562.1 DESIGN & INSTALLATION OF SHEET ROOF& WALL CLADDING


5.5°
SIDE VIEW
REAR VIEW
5000
600mm fixed awning over window
5.5°
SIDE VIEW
IF IN DOUBT....ASK!!!!!!!!!
ALL BUILDING WORKS TO COMPLY WITH:
AS1684 RESIDENTIAL TIMBER FRAMED CONSTRUCTION
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AS1170 STRUCTURAL DESIGN ACTIONS - WIND LOADS
AS3660.1 TERMITE PROTECTION CODE
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AS1926.1 SWIMMING POOL SAFETY FENCING & ACCESS
BCA PT3.4.1 SUBFLOOR VENTILATION
AS2099 MASONRY ROOF TILES
AS1562.1 DESIGN & INSTALLATION OF SHEET ROOF& WALL CLADDING
Beukers & Ritter Consulting
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A 64 Lord St, Port Macquarie
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1:100 (@A3)
Checked:
Sh 7 of 12

TIMBER WALL FRAMING

IN ACCORDANCE WITH AS1684.2
TIMBER WALL FRAMING GENERALLY 70/90*35 MGP 10
PINE WITH 70/90*45 TOP PLATES TO LOADBEARING
WALLS AND STUDS AT 600 CENTRES WITH ONE ROW NOGGINGS.

NON LOAD BEARING WALLS 70*35 MGP 10 PINE WITH
STUDS AT 600 CENTRES WITH ONE ROW NOGGINGS.

WALL & CEILING LININGS

WALL AND CEILING LINING 10mm PLASTERBOARD FIXED AND
FINISHED TO MANUFACTURERS RECOMMENDATIONS.

WET AREA WALL LININGS 6mm VILLABOARD OR WR PLASTERBOARD
FIXED AND FINISHED TO MANUFACTURERS INSTRUCTIONS.

WET AREA WATERPROOFING IN ACCORDANCE WITH BCA 3.8.1 & AS3740
AND COMPLETED BY AN APPROVED INSTALLER.

GENERAL

ALL SITE CONTOURS AND FINISHED LEVELS TO BE VERIFIED BY BUILDER ON SITE.

BOUNDARY DIMENSIONS BORDERING ON MINIMAL LOCAL COUNCIL SETBACKS
TO BE VERIFIED BY SURVEYOR ON INITAL SETOUT STAGE.

ALL CUT AND FILL BATTERS WHERE NOT RETAINED TO BE NO GREATER GRADIENT
WHERE PRACTICAL OF 1:4 BATTERED EMBANKMENT.

WHERE RETAINING IS REQUIRED ANY WALL EXCEEDING 1.0m IN HEIGHT
ARE TO BE DESIGNED BY A CERTIFIED ENGINEER.

INSULATION

THERMAL PERFORMANCE TO EQUAL R1.5 TO WALLS & R2.5 TO CEILINGS
INSULATION SHOULD MEET THE LEVELS SPECIFIED IN AS2627.1
FOR BULK INSULATIONS & AS 4200.2 FOR PLIABLE BUILDING MEMBRANES

FIBREGLASS BATTS TO COMPLY WITH AS 3742
INSTALLATION OF ALL INSULATION MATERIALS TO COMPLY WITH AS 3999

TERMITE PROTECTION

THE PROCTECTION OF BUILDINGS FROM TERMITE AS REQUIRED BY
AS 3660.1 TERMITE MANAGEMENT NEW BUILDING WORKS

BCA 3.1.3.1 B. ACCEPTABLE CONSTRUCTION PRACTICES REQUIRES
COMPLIANCE TO SATISFY THE PERFORMANCE REQUIREMENT P2.1
A DURABLE NOTICE IS TO BE PERMANENTLY FIXED TO THE BUILDING TO BCA 3.1.3.2

THE INTENT IS TO PROVIDE FOR A TERMITE BARRIER THAT WILL
ENSURE THAT TERMITE WILL NOT ENTER A BUILDING BY A CONCEALED ROUTE
REFER TO TABLE 3.1.3.1 ACCEPTABLE TERMITE SOLUTIONS TABLE

TERMIMESH SYSTEMS BY APPROVED INSTALLER TO CONCRETE SLAB
TERMIGUARD CHEMICAL SYSTEM BY APPROVED INSTALLER
CONTINUOUS ANTCAP TO FLOOR FRAME PERIMETER WALLS, ISOLATED ANTCAPS TO PIERS

BALCONY ROOFING

ROOFING TO COMPLY WTH BCA PART 3.5.1 ROOF CLADDING

COLOURBOND ZINCALUME CUSTOM ORB ROOFING FIXED TO
TIMBER BATTENS 900 END SPAN 1200 INTERMEDIATE SPAN
REFER TO 'USING LYSAGHT ROOFING & WALLING' FOR DETAILED
INSTALLATION RECOMMENDATIONS

GUTTERS AND DOWNPIPES

FASCIA, GUTTERS & DOWNPIPES TO BE COLOURBOND FIXED
TO MANUFACTURERS INSTRUCTIONS & IN ACCORDANCE
WITH BCA PART 3.5.2 & AS 2179

REFER TO 'USING LYSAGHT ROOFING & WALLS' FOR DETAILED
INSTALLATION RECOMMENDATIONS

BCA 3.5.2 REQUIRES & DOWNPIPESTO BE BASED ON
ROOF CATCHMENT AREAS AND 5 MINUTE RAINFALL INTENSITIES/20 YEAR AVERAGE

GUTTERS TO BE SLOTTED TO ALLOW OVERFLOW
100*75mm DOWNPIPES COMPLY WITH BCA TABLE 3.5.2.2

GUTTER & DOWNPIPES TO BE COLOURBOND TO MANUFACTURERS
INSTRUCTIONS AND IN ACCORDANCE WITH BCA PART 3.5.2 & AS 2179
REFER TO 'USING LYSAGHT ROOFING & WALLING' FOR DETAILED INSTALLATION INSTRUCTIONS

ROOF FRAMING

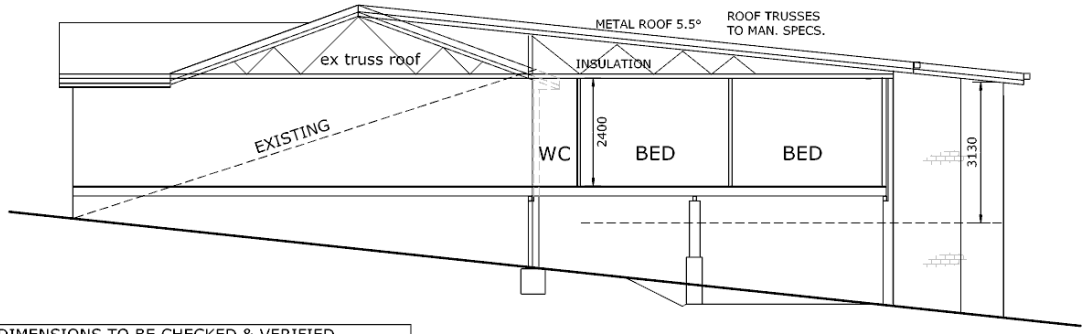
ENGINEERED TIMBER ROOF TRUSSES DESIGNED TO AS 1720.1
REFER TO MANUFACTURES DETAILS & SPECIFICATIONS

EAVE LININGS

EAVE LINING 4.5mm HARDI-FLEX OR SIMILAR FIXED

ELECTRICAL

SMOKE ALARMS FIXED TO CEILINGS & CONNECTED
TO MAIN POWER TO BCA 3.7.2.3 & AS 3786



ALL DIMENSIONS TO BE CHECKED & VERIFIED
PRIOR TO FRAME CONSTRUCTION
ANY DISCREPANCIES TO BE REPORTED TO THIS OFFICE

FOOTINGS / SLABS TO ENG DETAILS

SECTION DETAIL 1:100

STORMWATER DRAINAGE

STORMWATER DRAINAGE TO BE IN ACCORDANCE WITH AS 3500
BCA 3.1.2.5 REQUIRES MIN COVER TO PIPES
* UNDER SIOL 100mm * PAVED AREAS -50mm
* TRAFFIC LIGHT REINF CONCRETE -75mm * LIGHT TRAFFIC
PAVED AREAS -100mm
MEASURED TO UNDERSIDE OF CONCRETE OR PAVING

SANITARY DRAINAGE

SANITARY DRAINAGE TO BE IN ACCORDANCE WITH AS3500

BRICKWORK

BRICKWORK TO BE ARTICULATED IN ACCORDANCE WITH AS 3700

ROOFING

ROOFING TO COMPLY WITH BCA PART 3.5.1 ROOF CLADDING

TERRACOTTA ROOF TILES FIXED IN ACCORDANCE WITH
MANUFACTURING INSTRUCTIONS AND TO COMPLY WITH BCA 3.5.1.2

ROOF TILE BATTENS 38*50mm UNSEASONED HARDWOOD
FIXED TO AUSTRALIAN STANDARD AS 1684

SARKING LOCATED DIRECTLY YNDER BATTENS WITH A
FLAMMABILITY INDEX NOT MORE THAN 5.

SLAB FOOTING CONSTRUCTION NOTES

CONCRETE SLAB & FOOTINGS TO ENGINEERS DETAILS

REFER TO BCA 3.2.3 CONCRETE & REINFORCEMENT
REFER TO BCA 3.2 FOOTINGS AND SLABS
FOOTINGS & SLABS TO BE IN ACCORDANCE WITH AS 2870

STRIP UNDERSLAB AREA OF ALL TOPSOIL, DEBRIS & ORGANIC MATTER
IF EARTHWORKS REVEAL GROUND ANOMALIES INCLUDING ROCK OR
QUESTIONABLE MATERIAL, AN ENGINEER INSPECTION MUST BE CARRIED
OUT.

LINTELS

TRUSS MANUFACTURER TO CHECK ALL LINTEL SIZES

SANITARY COMPARTMENTS

BCA 3.8.3.3 REQUIRES THE DOOR TO A FULLY CLOSED
SANITARY COMPARTMENT (WC) TO ;
(A) OPEN OUTWARDS
(B) SLIDE OR
(C) BE READILY REMOVABLE FROM THE OUTSIDE UNLESS
THERE IS A CLEAR SPACE OF A LEAST 1.2m BETWEEN
THE PAN AND THE NEAREST PART OF THE DOORWAY

EXTERNAL WALL CLADDING

SELECTED WALL CLADDING FIXED TO STUD FRAME
TO MANUFACTURERS INSTRUCTIONS AND BCA PART 3.5.3

WINDOWS

WINDOWS TO BE ALUMINIUM POWERCOATED FINISH
MANUFACTURED & INSTALLED IN ACCORDANCE WITH

* AS 2047 WINDOWS IN BUILDINGS - SELECTION & INSTALLATION
* AS 4055 WIND LOADS FOR HOUSING
* AS 1288 GLASS IN BUILDINGS - SELECTION & INSTALLATION

STAIRS & BALUSTRADES

RISER AND GOING TO COMPLY TO BCA TABLE 3.9.1.2
BALUSTRADES TO BCA PART 3.9.2
HEIGHT OF BALUSTRADE TO BE MIN 1000mm TO LANDINGS AND BALCONIES
AND MIN 865mm ABOVE THE NOSING OF THE STAIR TREADS
NOTE: A TRANSITTION ZONE IS ALLOWED WHERE THE BALUSTRADE HEIGHT
CHANGES

ALL AUSTRALIAN STANDARDS REFERRENCED ARE
THE VERSION OF THE RELEVANT STANDARD ADOPTED
BY THE BCA AT THE TIME THE CONSTRUCTION CERTIFICATE
APPLICATION OR COMPLYING DEVELOPMENT CERTIFICATE
APPLICATION IS LODGED (WHICH EVER IS FIRST)

(S) SMOKE DETECTOR

ALL BUILDING WORKS TO COMPLY WITH:

AS1684	RESIDENTIAL TIMBER FRAMED CONSTRUCTION
AS3786	SMOKE DETECTORS
AS1170	STRUCTURAL DESIGN ACTIONS - WIND LOADS
AS3660.1	TERMITE PROTECTION CODE
AS3500	SANITARY & DRAINAGE CODE
AS1288	GLASS IN BUILDINGS - SELECTION & INSTALLATION
AS3740	WATERPROOFING OF DOMESTIC WET AREAS
AS1926.1	SWIMMING POOL FENCING & ACCESS
BCA PT3.4.1	SUBFLOOR VENTILATION
AS2099	MASONRY ROOF TILES
AS1562.1	DESIGN & INSTALLATION OF SHEET ROOF& WALL CLADDING

ALL BUILDING WORKS TO BE IN ACCORDANCE
WITH BASIX CERTIFICATE No A278106

IF IN DOUBT....ASK!!!!!!!!!

AMENDMENT MARCH 2017

DO NOT SCALE PLAN

Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning

A 64 Lord St, Port Macquarie

P (02) 6583 2733
F (02) 6583 7808
E office@brconsulting.net.au

GENERAL SPECS

Client:
ARDREY

Job Address:
7 TALBINGO PL
PORT MACQUARIE

Dwg No: 9184
Date: 24/11/2014
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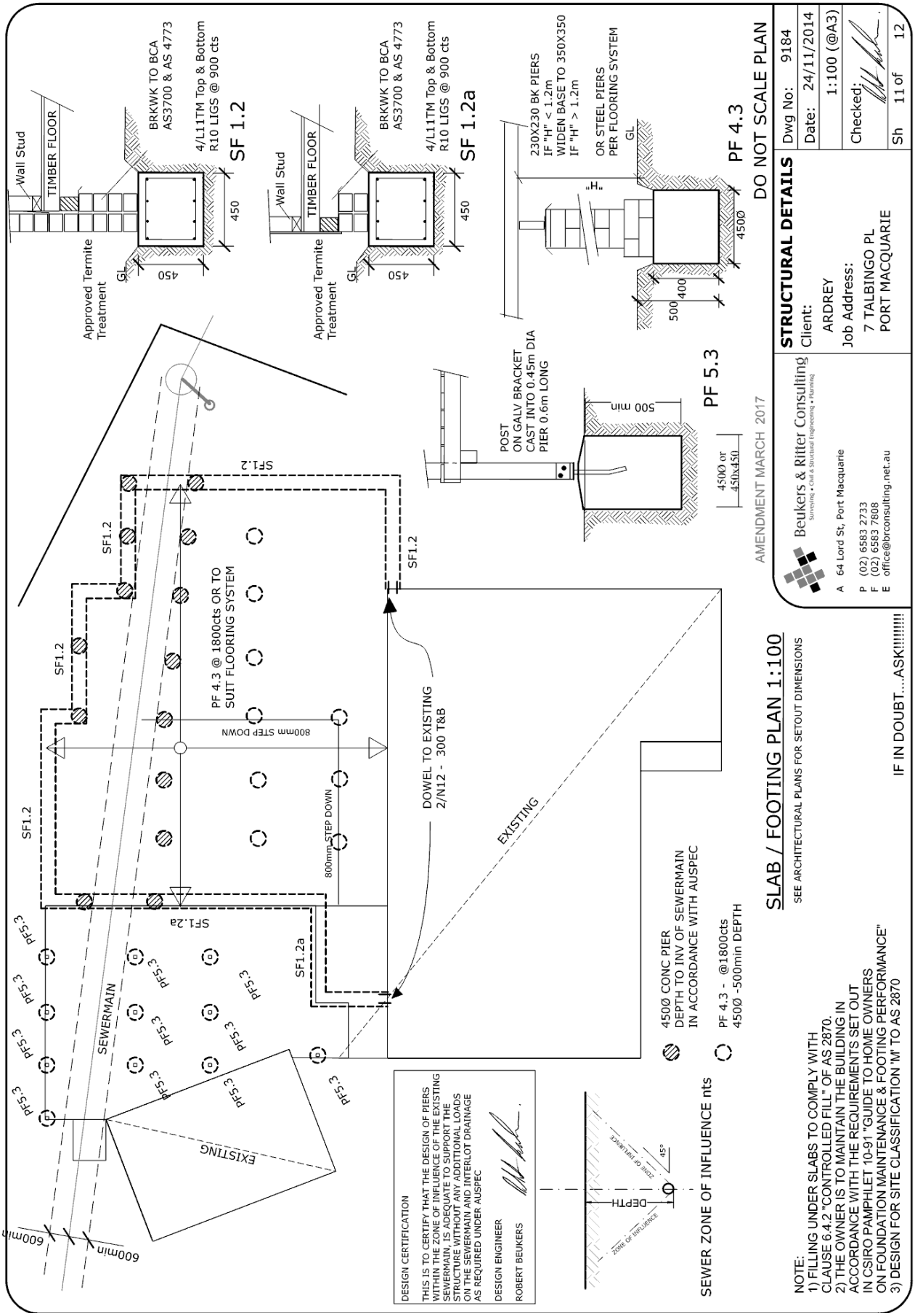
Sh 8 of 12


Wall Stud
TIMBER FLOOR
BRKWK TO BCA AS3700 & AS 4773
4/L11TM Top & Bottom R10 LIGS @ 900 cts
SF 1.2
Approved Termite Treatment
450
GL
SF 1.2a
230X230 BK PIERS IF "H" < 1.2m WIDEN BASE TO 350X350 IF "H" > 1.2m
OR STEEL PIERS PER FLOORING SYSTEM
PF 4.3
DO NOT SCALE PLAN
POST ON GALV BRACKET CAST INTO 0.45m DIA PIER 0.6m LONG
500 min
PF 5.3
4500 or 450x450
AMENDMENT MARCH 2017
SF1.2
SF1.2a
PF 4.3 @ 1800cts OR TO SUIT FLOORING SYSTEM
800mm STEP DOWN
DOWEL TO EXISTING 2/N12 - 300 T&B
EXISTING
SEWERMAIN
PF5.3
600min
450Ø CONC PIER DEPTH TO INV OF SEWERMAIN IN ACCORDANCE WITH AUSPEC
PF 4.3 - @1800cts 450Ø -500min DEPTH
SLAB / FOOTING PLAN 1:100
SEE ARCHITECTURAL PLANS FOR SETOUT DIMENSIONS
IF IN DOUBT....ASK!!!!!!!!
DESIGN CERTIFICATION
THIS IS TO CERTIFY THAT THE DESIGN OF PIERS WITHIN THE ZONE OF INFLUENCE OF THE EXISTING SEWERMAIN, IS ADEQUATE TO SUPPORT THE STRUCTURE WITHOUT ANY ADDITIONAL LOADS ON THE SEWERMAIN AND INTERLOT DRAINAGE AS REQUIRED UNDER AUSPEC
DESIGN ENGINEER
ROBERT BEUKERS
DEPTH
ZONE OF INFLUENCE
ZONE OF PRESSURE
45°
SEWER ZONE OF INFLUENCE nts
NOTE:
1) FILLING UNDER SLABS TO COMPLY WITH CLAUSE 6.4.2 "CONTROLLED FILL" OF AS 2870.
2) THE OWNER IS TO MAINTAIN THE BUILDING IN ACCORDANCE WITH THE REQUIREMENTS SET OUT IN CSIRO PAMPHLET 10-91 "GUIDE TO HOME OWNERS ON FOUNDATION MAINTENANCE & FOOTING PERFORMANCE"
3) DESIGN FOR SITE CLASSIFICATION 'M' TO AS 2870
STRUCTURAL DETAILS
Client: ARDREY
Job Address: 7 TALBINGO PL PORT MACQUARIE
Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning
A 64 Lord St, Port Macquarie
P (02) 6583 2733
F (02) 6583 7808
E office@brconsulting.net.au
Dwg No: 9184
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1:100 (@A3)
Checked:
Sh 11 of 12

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/306 **DATE: 04/07/2017**

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Architectural & Engineering plans	Sheets 1 - 12 Drawing: 9184 Revision B	Beukers & Ritter Consulting	24/11/2014
Basix Certificate	No: A278106	Beukers & Ritter Consulting	10 April 2017

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

(2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

a) the appointment of a Principal Certifying Authority and

b) the date on which work will commence.

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

(3) (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. 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 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

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

(1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

(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*.

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

Safely disposing of asbestos waste from your home

Fibro & Asbestos - A Renovator and Homeowner's Guide

Asbestos Awareness

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

DRAFT

(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) (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

Nil

DRAFT

From: [redacted]
To: Council
Subject: Enquiry for application (21.1995.236.1)
Date: Friday, 12 May 2017 11:56:10 AM
Importance: High

Submission of objection
Rob Post and Lisa Morel, 38 Moruya Drive, [redacted]
App. No. 2017/306
Objections; Loss of privacy, closeness of proposed dwelling to back boundary and roller door facing boundary.

Dear General manager,

We write to you regarding the submission of proposed alteration of the dwelling at 7 Talbingo Place Port Macquarie, application number 2017/306 made by L C Adrey.

We hereby make an objection to the proposed submission by the above named. Reasons for this are;

1. Loss of privacy due to 4 windows facing our backyard (building 5 metres high at 1.1+ metres distance from fence)
2. Closeness of proposed dwelling to back boundary joining our properties(1.1metre+)
3. Proposed roller door facing our property at extreme closeness to boundary. The concern is that it is a intended workshop.

We are very concerned with the rear view windows and distance of the dwelling to the back of 7 Talbingo Place which borders our property at 38 Moruya Drive.
The distance and the height of the proposed dwelling at the back of 7 Talbingo Place will greatly impact on the privacy of the total garden area and back of the dwelling of 38 Moruya Drive.

7 Talbingo Place already consist of an elevated backyard which is higher then the 38 Moruya Drive backyard which means that the propose dwelling of 7 Talbingo Place at the back of the property will totally impose on our privacy.

Kind Regards,

Lisa Morel and Rob Post

Item: **06**

Subject: **DA2017 - 132.1 ALTERATIONS AND ADDITIONS TO VETERINARY HOSPITAL - LOT 1 DP 981233, 206 OXLEY HIGHWAY, PORT MACQUARIE**

Report Author: Deb McKenzie

Applicant:	**Matt Buchanan-Pascall C/-Collin W Collins**
Owner:	**Veterinary Practice Partners Port Macquarie Pty Ltd**
Estimated Cost:	**$30,000**
Parcel no:	**16167**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017-132.1 for alterations and additions to veterinary hospital at Lot 1, DP 981233, No. 206 Oxley Highway, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

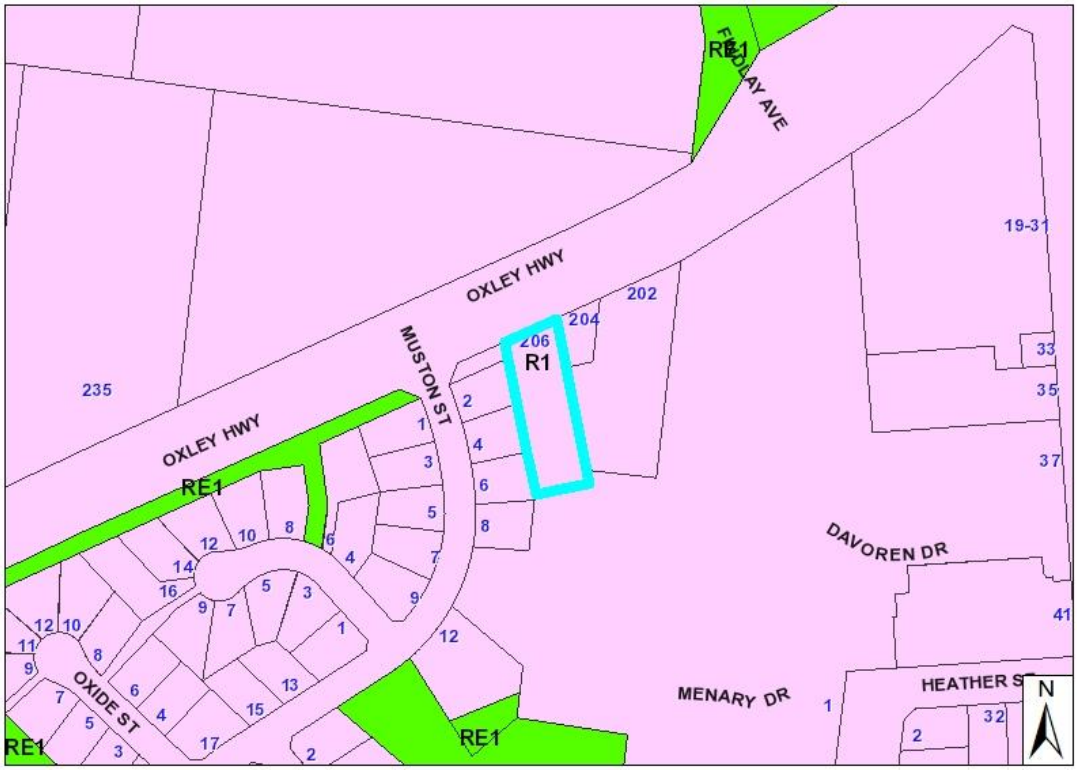
Following exhibition of the application, six (6) submissions have been received with one submitter forwarding addendums to add to their submission.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 2023sqm.

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:



A Veterinary Hospital, as defined in LEP 2011 is a prohibited landuse in the R1 General Residential zone. However, the use of the subject site as a veterinary hospital/clinic is an approved landuse (since 1984) and has been a continuing use since that time.

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

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The original landuse was approved in 1984. The landuse was approved as an 'undefined' use. It is therefore an approved use and has been used and occupied for this purpose since 1984.
- Additions and alterations to the premises have occurred, with permission, during the ensuing period.
- This application seeks additions and alterations to the approved veterinary hospital.
- There are no registered or ongoing complaints on Council's records regarding the operation of the premises in respect of noise emissions or behaviour of pets on the premises.

Refer to attachments at the end of this report.

Application Chronology

- Lodged: 23/2/17
- Public notification period: 6/03/2017 to 20/03/2017.
- Six (6) submissions received during the notification period.
- Addendums to submissions received after notification period.
- 20/3/17 - Additional information request to applicant
- 4/4/17 - Site inspection with applicant and proponent
- 5/5/17 - Receipt of additional information from applicant
- 11/5/17 - Copy of redacted submissions provided to applicant
- 11/5/17 - Email to submitter providing update of application

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is shown hatched on the SEPP 71 maps on Council's GIS system. It is therefore located within a coastal zone noting clause 4 of the SEPP.

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

a) any restricted access (or opportunities for access) to the foreshore

b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;

c) any adverse impacts on flora and fauna;

d) the development being subject to any adverse coastal processes or hazards;

e) any significant conflict between water and land based users of the area;

f) any adverse impacts on any items of archaeological/heritage;

g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);

h) adverse cumulative impacts on the environment;

i) a form of development that is unsustainable in water and energy demands;

j) development relying on flexible zone provisions (refer to clause 5.3 of LEP 2011 - Development near zone boundaries unable to be undertaken when SEPP 71 applies).

The site is predominately cleared and located within an area zoned for residential purposes. The existing landuse on the site, being a veterinary hospital is an approved and ongoing landuse since 1984.

Port Macquarie-Hastings Local Environmental Plan 2011

The following assesses the proposal against the relevant LEP provisions:

- Clause 2.2 - the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 General Residential zone landuse table, the proposed development, being defined as 'veterinary hospital' (in accordance with the LEP definitions) is a prohibited landuse on the subject site.

A 'veterinary hospital' is defined as:

"veterinary hospital" means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

The R1 landuse table states:

Zone R1 General Residential

1 Objectives of zone
- *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.*

2 Permitted without consent
Home occupations

3 Permitted with consent
Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Veterinary hospitals; .....

Existing Use Rights - Environmental Planning and Assessment Act 1979

Part 4, Division 10, Clause 106 of the *EP&A Act* states:

106 Definition of "existing use"

In this Division, existing use means:
(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and
(b) the use of a building, work or land:
(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

In order to establish the historical approval of the site, if any, the applicant was requested to provide evidence of any approval(s) to prove existing use rights for the vet clinic. A search of Council's archive records was undertaken. The following records are noted:

DA 241/84 - (dated 21/9/84) - Approval of Vet Practice in conjunction with existing dwelling
DA 314/85 - Advertisement for premises
DA 392/89 - Extension of the premises
DA369/90 - Sign for premises

The site was zoned Residential 'B' pursuant to Hastings LEP No. 5. The following comments were made on page 32 of the Business paper to the Development Control Unit Meeting held on 18 September 1984:

> *"The proposed veterinary practice is not a defined land use in the LEP. It has characteristics of commercial premises (prohibited), and professional consulting rooms (permissible with consent), and it is considered that the veterinary practice is permissible with consent (as an undefined use*)."

On this basis, 'existing use rights' pursuant to Part 4, Division 10 of the EP&A Act 1979 are established for the ongoing use of the site as veterinary hospital. The proposed additions and alterations to the premises, the subject of this application, can be assessed on a merits based assessment in accordance with the current EPI's and council policies.

In accordance with clause 43 of the *EP&A Regulations 2000*, development consent is required for alteration or extension of buildings and works the subject of existing use rights. The subject application is for the same use and relates to the same land as that originally approved in 1984. The use is not defined as 'commercial premises' or 'light industrial' and are not therefore limited in regard to the size of addition/extension able to be approved. Further, the applicant advises that the proposed is not aimed at intensifying the current use on the site, rather rationalising the existing floor space to provide better pet care facilities that are more practical for staff procedures and care of animals, including insulation of the new premises to address any potential noise emissions from animals. The occupation of the existing dwelling onsite remains unaltered and continues to be directly related to the

operation of the veterinary hospital. While located on the subject site it is not part of the proposed works onsite.

The current application seeks consent to make additions and alterations to the existing, ongoing use of the site as a veterinary hospital.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 2.931m 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 0.23:1 (including the onsite residence and excluding the verandah attached to the staff room at the rear) which complies with the maximum 1.0:1 floor space ratio applying to the site.
- Clause 5.5 - Development within the coastal zone. Relevant objectives of this clause are addressed by SEPP 71 section - see above.
- Clause 5.9 - One tree and some established gardens are required to be removed as part of the building extension as they are located within the building envelope of the new works. This is acceptable in this case. Additional sunlight will be made available to adjoining residential units. Loss of any privacy afforded by the current mature tree is to be addressed via the installation of a lattice/fence extension to the boundary fence, similar to other screening along the boundary fence to the south of the new works.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management/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.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

The PMHDCP 2013 does not contain any provisions specific to the subject landuse, being a veterinary hospital, except for traffic and parking provisions under Section 2.5 Transport, Traffic Management, Access and Car Parking. This is addressed below and concludes that the site can comply, subject to conditions of consent.

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

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:

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:

The site has a north-south orientation with pedestrian and vehicle access off the Oxley Highway. It is noted that left-in, left-out applies to properties along this section of the southern side of the highway.

Adjoining the site to the north is the Oxley Highway (double lane in both directions with median strip). Beyond the highway is vacant land owned by the Department of Education. Douglas Vale historical site is located immediately west of the vacant Department of Education land (approx. 100m from the subject site).

Adjoining the site to the east is a single dwelling (being Lot 50 DP 1051366 - fronting the Oxley Highway) and a multi-unit villa development behind Lot 50, being SP 71541. A number of residential units immediately about the boundary of the subject site.

Adjoining the site to the south is residential development owned by the Trustees of the Roman Catholic Church.

Adjoining the site to the west is low density residential dwelling owned by a mixture of the NSW Land & Housing Corp and private owners.

The existing landuse is a longstanding locally based business since at least 1984 - some 33 years. This proposal does not seek to intensify the current use, rather the applicant states that it to rationalise internal working spaces to better facilitate care of animals and improve work conditions for staff. This was evident upon inspecting the site.

Subject to compliance with proposed conditions of consent, the proposal should be able to continue operations on the site within acceptable limits in terms of impacts on the adjoining residential properties. The measures to address potential impact are outlined throughout this report. Overall, the proposal is considered acceptable and reasonable in relation to the natural and built environment, given the history of occupation of the site and its locational context within a zoned residential area.

Subject to compliance with proposed conditions of consent, there are no significant adverse impacts that warrant refusal of the application.

Parking and Maneoeuvring
Currently, a total of five (5) spaces are provided at the front of the site with staff parking provided at the rear of the site, adjacent the existing dwelling and outbuilding. The applicant states that each of the front parking spaces is 2.5m wide. A condition of consent is proposed to ensure client parking complies with design requirements of Australian Standard AS 2890.

Council's DCP requires the following parking:

3 spaces per vet + 1 space per 2 employees (assistants/administration).
Information provided by the applicant in relation to operation of the premises states that there are a maximum of 2 vets at the facility at any one time (one in surgery, one

consulting) and a maximum of 3 staff. This equates to a parking requirement of 7.5 or 8 parking spaces for five staff and clients.

Five (5) spaces for staff can be provided at the rear of the site - through the gateway, adjacent the managers dwelling and outbuilding. This leaves the 5 parking at the front of the site for clients. This is sufficient for clients of the business.

To assist in addressing neighbour concerns regarding on street parking by clients and staff, the proponent has been asked to put a sign up inside the clinic asking all visitors to park on site. Staff will also be asked to park off-street. No condition of consent is proposed to address this matter.

Utilities
The site is connected to Council's water, sewer, stormwater systems.
Telecommunication and electricity services are available to the site.

Heritage
The site is not a listed heritage item and is not located within a Heritage Conservation Area. Douglas Vale historical homestead and vineyard is located north west of the subject site, separated from the site by the double lane Oxley Highway. The proposed works, located at the rear of the existing premises, will not impact on the historical significance of Douglas Vale.

Tree Removal
One mature tree at the rear of the existing premises is located within the building envelope of the proposed addition. It requires removal to facilitate the development and is considered acceptable. Concerns have been raised regarding loss of privacy due to removal of the tree. A condition of consent is proposed requiring the installation of the boundary fence lattice extensions, with climbing plant to screen the building and address any perceived loss of privacy. This has been discussed and agreed with the proponent. Overall, the removal of the tree is considered acceptable.

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.

Noise and vibration
Concerns were raised regarding noise from the site to residential premises abutting the eastern boundary. The applicant was requested to provide additional information to address this issue. The applicant submitted the following:

> *"The proposal seeks to reduce any noise impacts emanating from both the existing and proposed building.*
>
> *The existing area labelled 'Animal Holding' is an area where animals will be held, either prior to X-Ray/Surgery, or following X-Ray/Surgery. Generally, all animals kept within this area will be sedated or under a general anaesthetic, and under the constant supervision of staff. Animals will not be kept within this area outside normal operating hours of the Veterinary Hospital. Whilst it is not expected that the animals held within this area will make much noise, it is proposed to internally line the existing concrete block wall (approximately 190mm thick) with a timber or metal frame, and 13mm 'soundcheck' plasterboard to assist in reducing any noise emanating from the room.*

The proposed rooms labelled "Prep", "X-Ray" and "Procedure Room" are areas to be used for procedures on animals. All animals within this area will be either preparing for a procedure or undertaking a procedure and will be sedated or under a general anesthetic. Accordingly, animals within these areas are not expected to make much noise. Construction of this section of the building is proposed to have; the external walls constructed of concrete blocks, contain no window or door openings on the eastern or southern elevations and are to be internally framed and lined with 13mm 'soundcheck' plasterboard on the eastern and southern elevations.

The only area within the Veterinary Hospital where animals will be kept for observation outside of normal operating hours will be within the room labelled "holding room". Even through this area is not located adjacent to the eastern lot boundary wall, to assist in further reducing any noise impacts; it is proposed to line the internal walls with 13mm 'soundcheck' plasterboard.

It should be noted that at all times when an animal is within the Veterinary Hospital there is a staff member on-site. During operating hours, there is staff within the facility and outside of operating hours a Vet resides within the dwelling, adjoining the facility to monitor the animals and effectively manage any noise coming from the animals within. There is one egress door on the eastern elevation of the proposed building, to assist in reducing noise impacts it is proposed to replace this door with a solid core door."

The technical Gyprock Product Datasheet for 13mm Soundcheck plasterboard describes its specification as:

Gyprock Soundchek™

Gyprock Soundchek is a high density gypsum plasterboard with increased noise absorption properties for residential and commercial walls and ceilings where superior acoustic resistance is required.

Soundchek provides effective airborne noise and impact noise insulation. Higher levels of noise control can be achieved by including bulk acoustic insulation in the Soundchek wall cavity.

Gyprock Soundchek 13mm

Soundchek 13mm is part of Gyprock's Commercial Select Options range of plasterboards, generally used for acoustic walls in commercial construction where an acoustic rated system is specified.

More information about acoustic solutions in commercial buildings can be found under the Solutions tab.

Typical applications:

- Meeting rooms and quiet rooms in office buildings
- Intertenancy walls in multi-residential developments
- Patient wards and operating theatres in hospitals

Council's EHO advises, that combined with the use of concrete block external building material, is sufficient as a noise abatement measure in this case.

The after-hours management of the premises by a resident vet/staff member(s) also assists in addressing any onsite issues as they arise.

Lesser but more continuous noise and amenity issues raised by adjoining residents relate to the poly pipe attached to the dividing fence and potential siting of the air-conditioning unit on the roof of the new addition. The proponent has acknowledged the rattling of the pipe on the metal fence and is to address it by installing rubber grommets to absorb vibrations. This is considered adequate to address this matter

and will be reinforced via condition of consent. A condition of consent is proposed requiring the air conditioner to be located at ground level away from the boundary fence. Both matters have been discussed and agreed by the proponent.

The pump adjacent to the rear outbuilding is necessary for plumbing and drainage of the rear outbuilding. It operates when the sink within that building is used. The proponent states that the building is currently used as a staff room and used intermittently on any given day. It was confirmed during the site inspection by Council staff. This level of use is considered reasonable in this case. The room is used predominantly during business hours, not after hours and the pump does not operate for long periods at any one time.

Safety, security and crime prevention
The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The existing onsite residence provides a high level of security for the site.

Social impacts in the locality
The vet clinic is a longstanding landuse on this site. Discussions with both the proponent and adjoining residents reveals that, for the most part, relations between the two landuses has been amicable over the long term. A search of Council's CRM records did not reveal any repeated or ongoing complaints about noise or animals on the site. Long term residents of the adjoining units have raised some night time disturbances over the years and cited lack of action on behalf of the proponent. This cannot be corroborated either way. Based on anecdotal evidence the two landuses can generally exist cordially. The onsite manager's/vet's residence can assist with after-hours issues with animals should they arise. This is considered a positive management measure for this landuse in this location.

Economic impact in the locality
Submissions have been received citing potential devaluation of adjoining units due to the proposal. There is no evidence presented to support this supposition. A number of conditions of consent are proposed to address neighbours' submissions regarding future amenity of their residences. These have been discussed with the proponent and agreed.

On this basis, the development is longstanding landuse, established on the site, prior to the construction of the adjoining residents units. The conditions of consent, as recommended, are proposed to address environmental and built form matters raised by submitters.

Site design and internal design
The proposed addition to the existing building is single storey, concrete block construction with metal sheet roofing. The built form satisfactorily responds to the site attributes and locational context of the premises, particularly its location relative to the adjoining residential villas adjacent the eastern boundary.

A single storey addition results is significantly less impact than a two storey development which could be permissible on this site in accordance with local planning policies and its residential zoning. The single storey construction provides light, sunlight and natural ventilation along the eastern side of the building. The addition contains no openings and the metal roofing is to be low pitched with reflective side down, anti-glare side up. It fits with the existing single storey building.

One submission raised the potential for glare and heat from the roof of the new addition into an adjoining villa. As stated above the roof will be anti-glare with a low pitch where midday to afternoon sun will radiate upwards. This submission is not supported.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Standard condition of consent proposed for construction hours.

Cumulative Impacts
Subject to the existing veterinary premises continuing operations as outlined in this report, the cumulative impacts of this landuse on the site are considered reasonable in this case.

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

The site has a longstanding recognised approval for use of the site as a veterinary clinic. Subject to ongoing compliance with noise emission criteria, the use is reasonable on this site. It provides a community service to pet owners at local and district level. The site is located adjoining residential units with private open space areas facing the boundary of two properties. This is not ideal and the vet clinic was the original landuse, not the residential units. Notwithstanding, adequate measures are in place to ensure both landuses are able to co-exist within reasonable limits.

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

Six (6) written submissions (plus addendums) 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
Noise emissions from the premises - complaints to proponent forwarded but not attended to.	The proposed addition is single storey, to be construction of concrete brick with “soundcheck” plasterboard lining, concrete block construction. There are no openings in the eastern elevation of the building, adjacent the eastern boundary. The external door on the western side of the existing building is to be replaced with a solid core door to further reduce any noise emissions from the premises. These mitigation measures are considered adequate to address potential noise emissions along the eastern boundary of the site.

Removal of trees and shrubs - loss of privacy to adjoining residents.	The removal of the trees and shrubs are required as they are located within the building footprint or directly adjoining it. It is acknowledged that this will change the outlook from the outdoor area of the adjoining units from greenery to the built form of the new extension. This was discussed with the proponent and agreed that it could be mitigated by installing a dividing fence lattice extension and planting a climber to grow up and over that extension as a measure to re-establish a level of amenity and green outlook. Further the air conditioning unit of the new addition is not to be placed on the roof, rather at ground level away from the side boundary. These measures are proposed conditions of consent to address this matter.
Privacy - extension of building along the eastern boundary adjacent Villa 11.	Privacy will not change as a result of the building extension as there are no openings on the eastern elevation of the animal holding room or proposed procedures room. Rather, the change is from a green outlook to a built form outlook. As above, a mitigation measure is proposed to soften the built form appearance from the private terrace of the adjoining unit.
Devaluing property - due to disadvantage of living close to vet clinic.	Discussed in the report above. There is no evidence presented that is the case. The vet clinic is a longstanding use. Subject to compliance with consent conditions the proposal is considered acceptable.

Parking - on-street on Oxley Highway causing safety issues for residents entering and leaving the site	On-site parking has been assessed as being capable of complying. Conditions of consent are proposed to address onsite parking, including staff parking at the rear of the site, leaving client parking at the front of the site, directly accessible from the highway via the existing crossover and driveway.
Vibration of fence from pipe connected dividing fence	The proponent has acknowledged this matter and is to install rubber grommets along the pipe to assist vibration of the pipe against the metal fence. As an amenity issue a condition of consent is proposed to ensure this will be completed.
Dogs fretting and barking, especially at night.	Discussed in the report above. The existing animal holding room and the procedure rooms are to be lined with sound proofing plasterboard to mitigate noise emission from the building. The new addition is to be constructed of concrete block with the "soundcheck 13mm" plasterboard lining. During an inspection of the premises it was observed that animals are kept away from the eastern wall where possible. Further, the vet/staff living onsite can assist with any after-hours matters. A check of Council's CRM system of complaints did not reveal any history of complaints about the premises.
Expansion of the business will increase the impact level of noise, parking and loss of amenity	The proponent advises that the primary aim of the proposed works is to rationalise the current practice, providing improved staff work area and enhanced animal care facilities onsite. The hours of operation are to be reinforced via a proposed condition of consent, together with staff onsite. Hours of operation: Monday to Friday: 8am – 7:30pm; Saturday: 8am – 3pm; Sunday: 10am – 1pm. Staff: 2 vets working on-site and 3 staff at any one time.
The proposal is an overdevelopment of the site.	The proposed development is a 37.8sqm addition and internal alterations to the existing building. The existing premises is 241.8sqm (excluding the verandah of the staff room and residence). The residence is estimated to be 220sqm. This equates to a FSR of 0.23:1. The site is located in an area with a residential FSR of 1.0:1. The proposal is single storey, low profile design and construction. The proposal does not result in an

	overdevelopment of the site. This submission is not supported.
Request for site visit and inspection by Council officer.	A site inspection with residents of the adjoining villas was conducted. The issues raised by submitters were inspected and discussed with them and subsequently with the applicant and proponent during a site inspection of the subject site on 4 April 2017. A number of matters raised by submitters are proposed conditions of consent or incorporated into the submitted plans and will be addressed as part of the construction.

(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

Section 94A Contributions are not applicable as the cost of development is less than $100,000.

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.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The applicant has established that the site is subject to 'existing use rights' and the land has been ongoing use since its original approval in 1984. The proposed additions and alterations are permissible pursuant to the provisions of the EP&A Regulations 2000.

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 generally suitable for the proposed works, is not contrary to the wider public's interest and while it is acknowledged that ongoing use of the land as a veterinary hospital has some impact on residential amenity of residential units immediately adjoin the subject site, the applicant has proposed mitigating measures, including noise attenuation measures in the construction of the building to address the locational context of the premises. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report and that those who made submissions be advised of the outcome of the application.

Attachments

1View. DA2017 - 132.1 Plans
2View. DA2017 - 132.1 Recommended DA Conditions
3View. DA2017 - 132.1 Submission - Bissett

4View. DA2017 - 132.1 Submission - Burgess 09032017
5View. DA2017 - 132.1 Submission - Burgess 15032017
6View. DA2017 - 132.1 Submission - Burgess. 21032017
7View. DA2017 - 132.1 Submission - Jacobs
8View. DA2017 - 132.1 Submission - Plummer
9View. DA2017 - 132.1 Submission - Strata Professionals
10View. DA2017 - 132.1 Submission - Van Wees

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SITE PLAN SCALE 1:200

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BDA NSW

Project: EXTENSIONS		SITE PLAN	
LOT No: 1 DP No: 981233	SHEET: 1 OF 6	SCALE:	As indicated
STREET No: 206		SHEET SIZE:	A3
STREET: OXLEY HWY, PORT MACQUARIE		START DATE:	05.10.16
CLIENT: OXLEY HWY VETERINARY		DWG No:	D3451

AMENDMENTS:

Date:	Detail:	Issue:	Drawn:
05.10.16	CONCEPT PLAN	A	DC
10.10.16	REVISED CONCEPT	B	DC
29.11.16	REVISED CONCEPT	C	DC
03.02.17	CC PLANS	D	MS

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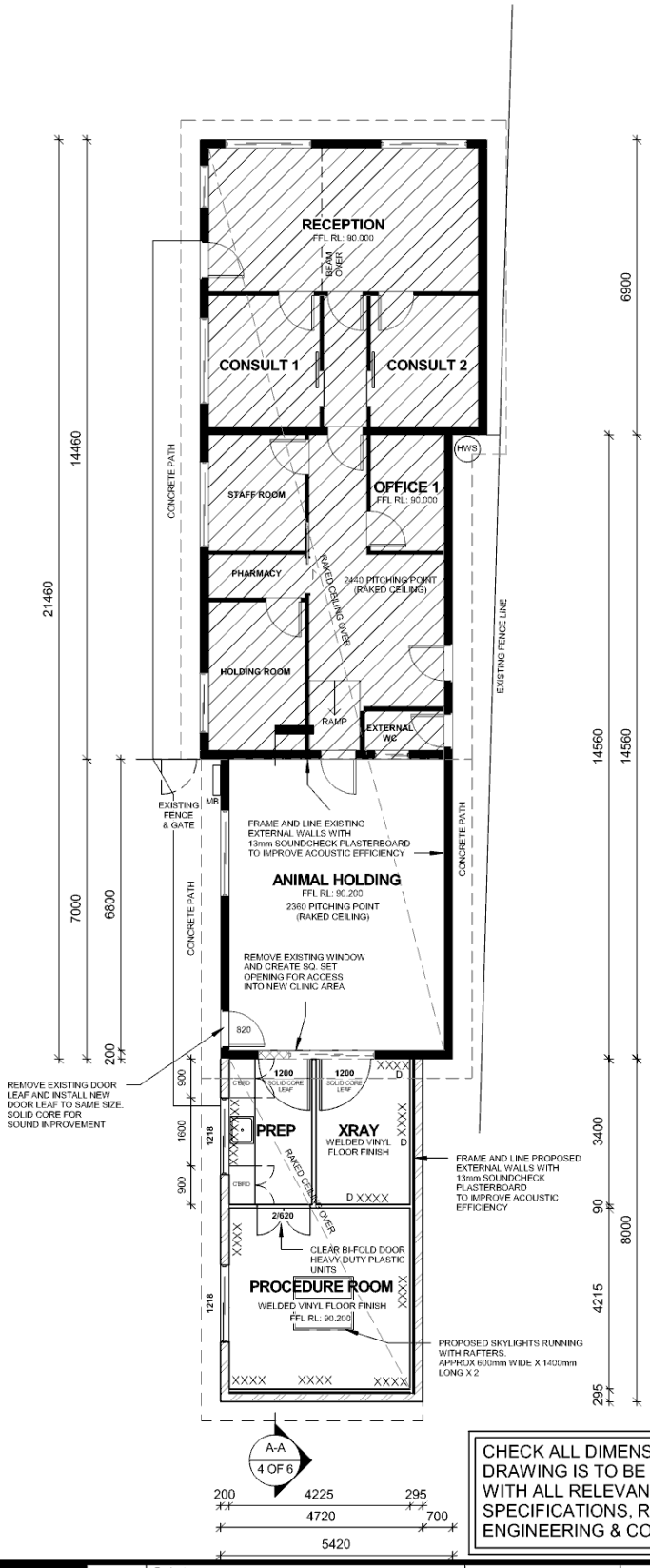

ELECTRICAL LEGEND

- CEILING LIGHT POINT
- TASTIC FAN LIGHT
- FLURO LIGHT
- XX DOUBLE POWER OUTLET
- X SINGLE POWER OUTLET
- D DATA POINT
- W XX EXTERNAL DGPO
- T.V TELEVISION POINT
- PHONE POINT
- SMOKE DETECTOR TO AS3786
- A/C SPLIT SYSTEM AIR CONDITIONING UNIT. INTERNAL UNIT TO BE MOUNTED ON WALL 2300mm TO TOP OF UNIT ABOVE FLOOR LEVEL. EXTERNAL CONDENSER UNIT TO BE MOUNTED ON CONCRETE SLAB AT GROUND LEVEL. CONNECTING PIPES AND WIRES TO BE CONCEALED IN WALL AND/OR CEILING WHERE ACCESSIBLE AND EXTERNALLY IN POWDERCOASTED ALUMINIUM FOLDED CASING WHERE VISIBLE.

FLOOR PLAN

SCALE 1:100

EXISTING FLOOR AREAS	
EXISTING VETERINARY FLOOR AREA:	128.8 m²
VETERINARY OFFICE 4 FLOOR AREA:	8.5 m²
EXISTING SHED FLOOR AREA:	68 m²
EXISTING CARPORT FLOOR AREA:	36.5 m²
PROPOSED VETERINARY FLOOR AREA	37.8 m²
TOTAL AREA:	279.6 m²

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

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Project: EXTENSIONS		FLOOR PLAN	
LOT No: 1 DP No: 981233	SHEET: 2 OF 6	SCALE:	1 : 100
STREET No: 206		SHEET SIZE:	A3
STREET: OXLEY HWY, PORT MACQUARIE		START DATE:	05.10.16
CLIENT: OXLEY HWY VETERINARY		DWG No:	D3451

AMENDMENTS:

Date:	Detail:	Issue:	Drawn:
05.10.16	CONCEPT PLAN	A	DC
10.10.16	REVISED CONCEPT	B	DC
29.11.16	REVISED CONCEPT	C	DC
03.02.17	CC PLANS	D	MS

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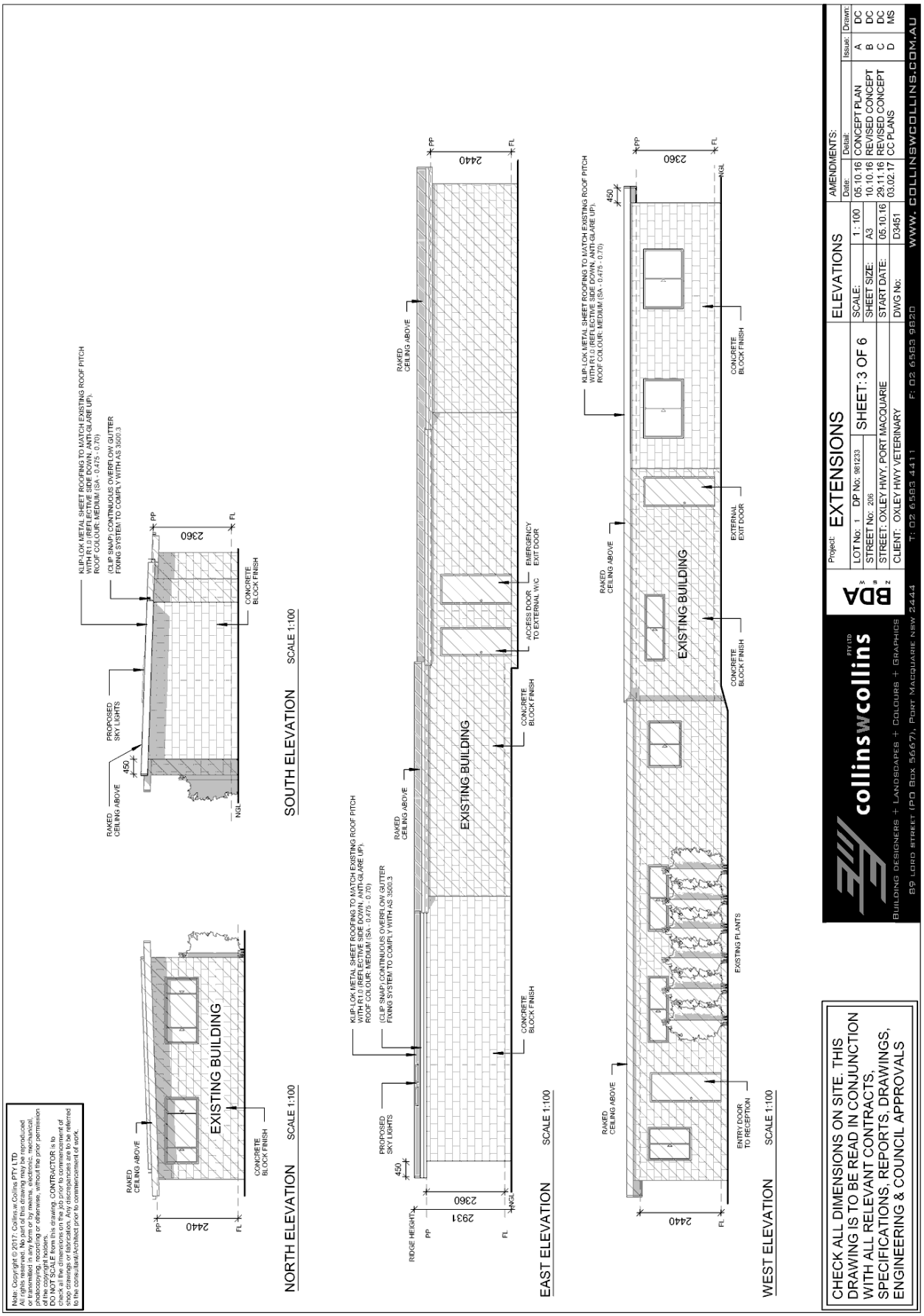
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NORTH ELEVATION SCALE 1:100
SOUTH ELEVATION SCALE 1:100
EAST ELEVATION SCALE 1:100
WEST ELEVATION SCALE 1:100
EXISTING BUILDING
KLIP-LOK METAL SHEET ROOFING TO MATCH EXISTING ROOF PITCH WITH R1.0 (REFLECTIVE SIDE DOWN, ANTI-GLARE UP). ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
(CLIP SNAP) CONTINUOUS OVERFLOW GUTTER FIXING SYSTEM TO COMPLY WITH AS 3500.3
PROPOSED SKY LIGHTS
RAKED CEILING ABOVE
CONCRETE BLOCK FINISH
EMERGENCY EXIT DOOR
ACCESS DOOR TO EXTERNAL W/C
EXTERNAL EXIT DOOR
ENTRY DOOR TO RECEPTION
EXISTING PLANTS
RIDGE HEIGHT
NGL
FL
PP
2440
2360
2931
450
BDA
Project: EXTENSIONS
LOT No: 1 DP No: 981233
STREET No: 206
STREET: OXLEY HWY, PORT MACQUARIE
CLIENT: OXLEY HWY VETERINARY
SHEET: 3 OF 6
ELEVATIONS
SCALE: 1 : 100
SHEET SIZE: A3
START DATE: 05.10.16
DWG No: D3451
AMENDMENTS:
Date: Detail: Issue: Drawn:
05.10.16 CONCEPT PLAN A DC
10.10.16 REVISED CONCEPT B DC
29.11.16 REVISED CONCEPT C DC
03.02.17 CC PLANS D MS
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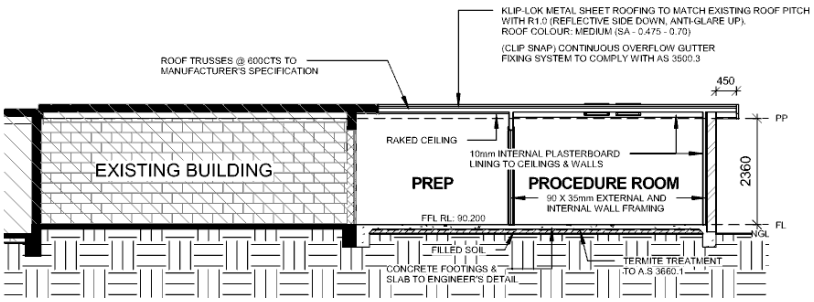

SECTION A-A SCALE 1:100

GLAZING SCHEDULE

ROOM:	HT	W	TYPE	CONST.	GLAZING
PROCEDURE ROOM	1200	1800	SLIDING	ALUMINIUM	STANDARD
PREP	1200	1800	SLIDING	ALUMINIUM	STANDARD

GLAZING SPECIFICATIONS:

WINDOWS SPECIFIED USE NFRC UW & SHGCW VALUES.
WINDOWS AS SPECIFIED OR EQUIVALENT MUST BE INSTALLED ON SITE (REFER TO ABSA CERTIFICATE FOR DETAILS).

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT

WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.6.4.5 OF THE BCA

WINDOWS AND GLAZING TO COMPLY WITH:

AS 4055-1992: STANDARD WIND LOADS FOR HOUSING
AS 1288-2006: GUIDES FOR GLASS IN BUILDING
AS 2047-1999: AUSTRALIAN WINDOW CODE
AS 1170-Part 2: AUSTRALIAN INSTALLATION STANDARDS
AS 2048: AUSTRALIAN INSTALLATION STARDARDS
AS 3959-2009: GUIDE TO WINDOWS & DOORS IN BUSHFIRE PRONE AREAS

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BDA NSW

Project: EXTENSIONS		SECTION / GLAZING SCHEDULE	
LOT No: 1 DP No: 981233	SHEET: 4 OF 6	SCALE:	1 : 100
STREET No: 206		SHEET SIZE:	A3
STREET: OXLEY HWY, PORT MACQUARIE		START DATE:	05.10.16
CLIENT: OXLEY HWY VETERINARY		DWG No:	D3451

AMENDMENTS:

Date:	Detail:	Issue:	Drawn:
05.10.16	CONCEPT PLAN	A	DC
10.10.16	REVISED CONCEPT	B	DC
29.11.16	REVISED CONCEPT	C	DC
03.02.17	CC PLANS	D	MS

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/132 DATE: 04/07/2017

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plan & Elevations	Job No. D3451 Sheet 1 & 3 of 6	Collins W Collins	3.02.17
Floor Plan	Job No. D3451 Sheet 2 of 6	Collins W Collins	3.02.17
Section/Glazing Schedule	Job No. D3451 Sheet 4 of 6	Collins W Collins	3.02.17
SoEE	Lot 1 DP 981233, 206 Oxley Highway, Port Macquarie	Collins W Collins	February 2017
Additional Information	SOEE 206 Oxley Highway, Port Macquarie	Collins W Collins	4.05.17

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) (A197) Parking for the premises is to provided as follows:

A minimum of eight (8) parking spaces is provided onsite, comprising five (5) parking spaces at the rear of the site (behind the onsite residence) for staff and at least three (3) parking spaces at the front of the site, allocated for clients of the premises. The client spaces are to be linemarked and comply with the design standards of AS2890 for parking, access and safety.

(3) (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.

(4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

(5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Building work being limited to the following hours, unless otherwise permitted by Council;
   - Monday to Saturday from 7.00am to 6.00pm
   - No work to be carried out on Sunday or public holidays

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

(6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.

(7) (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 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.

(2) (B0199) An RPZD device shall be fitted to the existing water meter in accordance with AS3500.

(3) (A196) In relation to construction materials for the existing animal holding room and new extension the following is to be detailed on the plans for the required Construction Certificate.

a) "Gyprock Soundchek" 13mm plasterboard or similar material of equal or superior noise attenuation properties to be installed in the building in accordance with the manufacturers requirements; and

b) A solid core door and acoustic seals to be installed in the western façade; and

c) No wall openings in the external concrete wall in the eastern wall of the animal holding and procedures rooms.

(4) (A198) All outdoor lighting must comply with the relevant provisions of ASINZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

(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 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

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

(1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

(1) (E195) Prior to the issue of any Occupation Certificate or occupation certification from a suitably qualified practising professional shall be submitted to council certifying that:

a. The approved "Gyprock Soundchek" 13mm plasterboard or similar material of equal or superior noise attenuation properties has been correctly installed in the building in accordance with the manufacturers requirements; and

b. A solid core door and the required acoustic seals have been correctly installed in the western façade; and

c. The external wall is solid concrete block with no openings in the eastern wall.

(2) (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.

(3) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

(4) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate.

(5) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.

(6) (A195) The following works and landscaping are to be carried out as part of the works onsite:

a. Installation of rubber grommets along the polypipe connected to the dividing fence to arrest noise and vibration of the pipe
b. Installation of a dividing fence lattice colorbond extension, in the same colour as the existing dividing fence, 0.6m high x length of the adjoining outdoor area of Villa No. 11 (minimum).
c. Planting of climbing plant(s) along boundary fence (length of adjacent lattice fence extension).
d. Air conditioning unit for animal holding room and new addition are not to be located on the roof of the premises. The units are to be suitably located, excluding any area on the eastern side of the premises.

F – OCCUPATION OF THE SITE

(1) (F019) Contaminated, Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.

(2) (F195) The hours of operation of the premises are:

Monday to Friday: 8am – 7:30pm;
Saturday: 8am – 3pm;
Sunday: 10am – 1pm.

After-hours operation are permitted as per the established roster of veterinarians to deal with unforeseen emergencies.

(3) (F196) The conditions of consent relate to the following staff numbers for the premises, at any one time. Any change to those numbers will be subject to amendment of this consent and may require additional onsite parking.

Staff: 2 veterinarians working on-site
3 staff (assistants/administration)

(4) (F197) This consent does not approve any new or amended signage for the premises, subject to such signage requiring approval (not be exempt or complying development).

(5) (F198) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

(6) (F199) Any animals kept overnight shall be adequately supervised and controlled so as to avoid any disturbance to adjoining residential properties.

(7) (F200) All outdoor lighting of the premises and/or the site is to comply with the provisions of ASINZ1158.3: 1999 Pedestrian Area (Category P)

Lighting AS4282 - 1997. In this regard outdoor lighting and any signage on-site is not to be directed towards the residential boundaries of the site or to be located as to cause nuisance to the adjoining residences.

(8) All outdoor lighting must comply with the relevant provisions of ASINZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

(9) (F201) The existing dwelling on the site is to be occupied by staff associated with the operation of the veterinary hospital on the site. These occupants are to be available to assist with the onsite management of the premises in terms of security, after hour's operation of the premises (as needed) and maintenance of the residential amenity of the area.

Carmel M Bissett
10/202 Oxley Highway
Port Macquarie 2444
[redacted]

PORT MACQUARIE HASTINGS
TRIM No CRM No
15 MAR 2017
Keyword
Activity
Subject
Folder DA2017-132.1

Re: Application No: 2017/132
Proposed Alterations/Additions to Dr Paws Vet Clinic @ 206 Oxley Highway, Port Macquarie.
Applicant: Mr Matt Buchanan-Pascall

Dear Sir/Madam,

I write in connection with the above proposed Alterations/Additions to Dr Paws Vet Clinic

IT Concerne me that overdevelopment is happening around me.

My Submissions are:

① What exactly is the addition going to be: a treatment and operating hospital? Will sick animals be housed there overnight?
I am concerned re animal noises of upset, fretting dogs etc.
If this is so how will noise be managed?

② Can I see the proposed building/roof from my property?
What distance from fence line is the proposed building?
(I already have an ugly shed, belonging to 206 Oxley Highway Vet Clinic inches from my back fence)
Will trees/shrubs be removed?
Is replanting/screening proposed. Will the remainder of trees/shrubs along the fence line behind Villa 10 Stay there?

③ I would request Council investigate pipes attached to colourbond fence the whole length of my back area, Villa 10, and further pas Villa 11. A noisy pump is in operation with these pipes and Sometimes pump goes till 9 pm.
Pipes were attached to fence without informing residents

Also I recommend Council Officer / Town Planner come and View Villa's 10 & 11 and the site of proposed additions to Dr Paws Vet Clinic, and explain to all concerned what is happening. That way we all get a clearer picture.

I realise Mr Buchanan-Pascall wants to expand his Vet business, but he does have neighbours, and I'm sure thing Can be done to suit us all.

I am particularly concerned the value of my property will some what diminish.

Thank You,

[redacted]

From: Ann Burgess [redacted]
Sent: Thursday, 9 March 2017 12:06 PM
To: Deb McKenzie
Subject: Proposed development at 206 Oxley Highway, Port Macquarie/ Veterinary Hospital extension

Good morning Deborah,

My name is Ann Burgess. I live at 202 Oxley Hwy. Though the street numbers of our property and the Vet's property would not imply so, the proposed hospital extension will run behind the back of our villa (parallel). The proposed building will be positioned close to two of our bedrooms.There is a somewhat crowded and unusual configuration of existing buildings already around our villa which are unsightly. Because the Vet's property drops away at the boundary fence, we could potentially be looking across another flat corrugated metal roof which reflects heat and light into our already stiflingly hot bedrooms in summer. There could also be even more whirlybirds, vent pipes and air conditioning units in the line of vision. Our bedrooms face due west and the existing trees and tall hedging on the Vet's side of the fence presently shield us from most of the heat and light, and offer privacy. These may be removed. We believe, should that occur, our property would be significantly devalued and the outlook from living areas would not be unlike living in a light industrial area. The double storey building on 204 Oxley Highway WAS at one time a business/ showroom and it is almost all we can see from our loungeroom window.

I note that our Submission needs to reach you by 20th March, 2017. I would very much appreciate the opportunity to meet with you soon in a Council office, or on site at 11/202 Oxley Highway. The latter would be preferable and allow you to sight the existing buildings around us.

There are several issues of concern that my husband and I, together with other residents on our complex have regarding this proposed extention, including animal noise -especially dogs (probably post-operative) yelping and crying for hours through the night, and this part of the animal-care might be moved even closer to our bedroom. We have no guarantee that the sound-proofing installed will be 100% effective, and if it isn't, what can we do?

206 Oxley Highway, on which the current veterinary hospital and residence now stands, is a sizeable block of land. There are many other possible positions for the hospital to be constructed that would not diminish any neighbours recreational area or lifestyle.

I look forward to your response.
Ann Burgess

PORT MACQUARIE HASTINGS
TRIM No URM No
15 MAR 2017
Keyword
Activity
Subject
Folder DA2017-132

Ann and Bruce BURGESS
11/202 Oxley Highway
PORT MACQUARIE 2444
[redacted]

Application Number:2017/132

The residents of 202 Oxley Highway have received correspondence from Port Macquarie-Hastings Council regarding a "Development Proposal" by M. Buchanan-Pascall, Veterinarian and owner of "Dr Paws" clinic at 206 Oxley Highway, Port Macquarie.

My husband and I would be the owner/ occupiers who are most likely to be directly affected by the construction of this extension to the existing hospital- if this proposal is approved. We live in very close proximity to the proposed site. We appreciate the opportunity to present this Submission outlining our objection and concerns.

Dr Buchanan-Pascall is a fine practitioner in his field and to date we have been clients of his surgery. We cannot fault the care he and other staff members have provided for our pet. However, since he took over the practice, he has in many respects been disinterested- to say the least- in the impact that changes he has made affect his neighbours...all of whom have moved to Port Macquarie from other regions, attracted by the beauty of the area and the peaceful lifestyle offered. Last year, his FAILURE to address a potentially highly dangerous situation almost caused a fatality, but it did cause signify-cant damage to a dwelling at the rear of 202 Oxley Highway. He had been warned of the potential danger and our increasing concerns through "Strata Management" on several occasions.

We hope Dr Buchanan- Pascall's business will be successful, but not at our "expense". We believe our lifestyle will be diminished if the building goes ahead and we have already experienced aspects that suggest that could be the case.

Considering the pace at which he has addressed our concerns in the past, I present part of my Submission in question form.

1. Will the construction of the proposed hospital extension eliminate the need for the pipe which has been affixed by screws to the Colorbond fence (on Dr Buchanan- Pascall's side of the fence)which separates our properties? This pipe extends from the existing hospital, along the shared fence just 1.8 metres from the bedrooms of Villas 10 and 11 to a building further down the vet's block. We are not sure what passes through this pipe between the two buildings and were not informed prior to its installation. Though this occurs during daylight hours, residents of the two villas have no prior warning when the pipe will be used, but its use causes the fence to vibrate and make a terrible sound as something passes through it. These small backyards are the only completely private outdoor area available to residents of the villas.

2. There had been problems with animal noise, -specifically dogs (possibly post-operative) fretting and yelping....on occasions for hours at night, without staff attending to them. I believe Dr Buchanan-Pascall has taken measures to rectify the problem since it was brought to his attention, in the refurbishment of the EXISTING hospital. However, the

sounds are still audible during the night hours on occasion. Will dogs be kept overnight in the Proposed Extension situating them potentially even closer to the bedrooms of Villas 10 and 11? One night a dog fretted on and off for just under six and a half hours. Nights such as this were particularly upsetting for a neighbor in Villa 10 who was receiving palliative care. When phoning during the night to complain, a recorded message means action is slow or non-existent.

We have no problems with the sounds from Puppy Classes held close by, but disturbed sleep becomes irritating.

3. We have been informed that Dr Buchanan-Pascall no longer resides full-time on the premises at 206 Oxley Highway, and owns another practice in Newcastle. If disturbances and other problems, such as the aforementioned should continue, in and around the new building, what recourse do the residents of 202 Oxley Highway have, particularly those living closest to the hospital?

4. What measures will be taken to eliminate reflected heat and light from the roof of this Proposed Extension? Assuming that trees and shrubs presently growing along the fence-line of the proposed site (on the Vet's side) may need removal, and the roof will probably be corrugated metal sheeting -to keep it consistent with the existing surgery, our bedroom windows which face due west could potentially be exposed to very high temperatures making the "back rooms" unbearably hot. Dr Buchanan- Pascall's property falls away at the fenceline, therefore, we would be also looking out across the roof....giving us an even more expansive view of metal sheeting.

5. Would there be more air-conditioning units, whirlybirds and vent pipes placed on the roof the extension directly in our line of vision, and creating noise?

Dr Buchanan-Pascall has a sizeable parcel of land at 206 Oxley Highway. Whilst the residents of our complex understand his need for expansion, we do not understand why the existing buildings cann be reconfigured so that the building housing Xray Room, Prep Room and Procedure Room runs across the block or is placed at the rear of the block, rather than so close to dwellings.

If one looks at the existing buildings presently constructed around Villa 11/202 Oxley Highway fro above, as on Google Earth, there is already clearly a high concentration of buildings...in very close proximity... and viewing the rear of some is decidedly unattractive.

The two-storey building at 204 Oxley Hwy which our living room faces to the north, was once the showroom and offices for a company that produced aluminium windows and doors. It significantly robs us of the view of the "green corridor"along the Oxley Highway. The signage which Dr Buchanan-Pascall has had placed at the front of his renamed surgery has likewise reduced our already limited view and enjoyment of the old native trees along the Highway. The prospect of bein hemmed-in on the west side also will feel like we are living in a light industrial area. (See enclosed photos).

While Dr Buchanan-Pascall stands to gain from this Proposed Development, I fear we can only lose, as our property's value will diminish significantly. No-one wants to view the back of buildings from just a few metres away. The Proposed extension will partially run behind our back porch where we

eat meals almost daily in summer, regularly entertain guests. The distance between our back wall and the Proposed Hospital is just over 3 metres.

We urge someone from Port-Macquarie –Hastings Council to visit both properties and consider the differing perspectives on this matter.

Ann and Bruce Burgess.

[redacted]

Please refer to back of photographs for location information.

Photo 1

The current Veterinary Hospital. View from window of main bedroom of Villa 11, 202 Oxley Highway.

Notice white pipe on rear wall which crosses to Colorbond fence which is shared. (See point 1)

Photo 2

The two storey building on 204 Oxley Highway - seen from main bedroom and lounge room of Villa 11/202 Oxley Highway

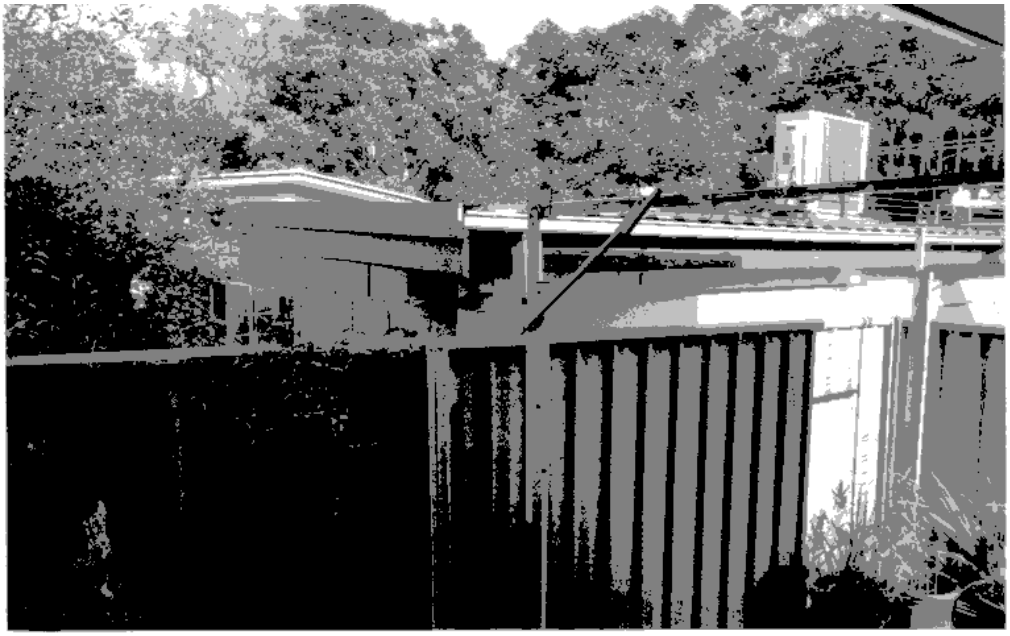


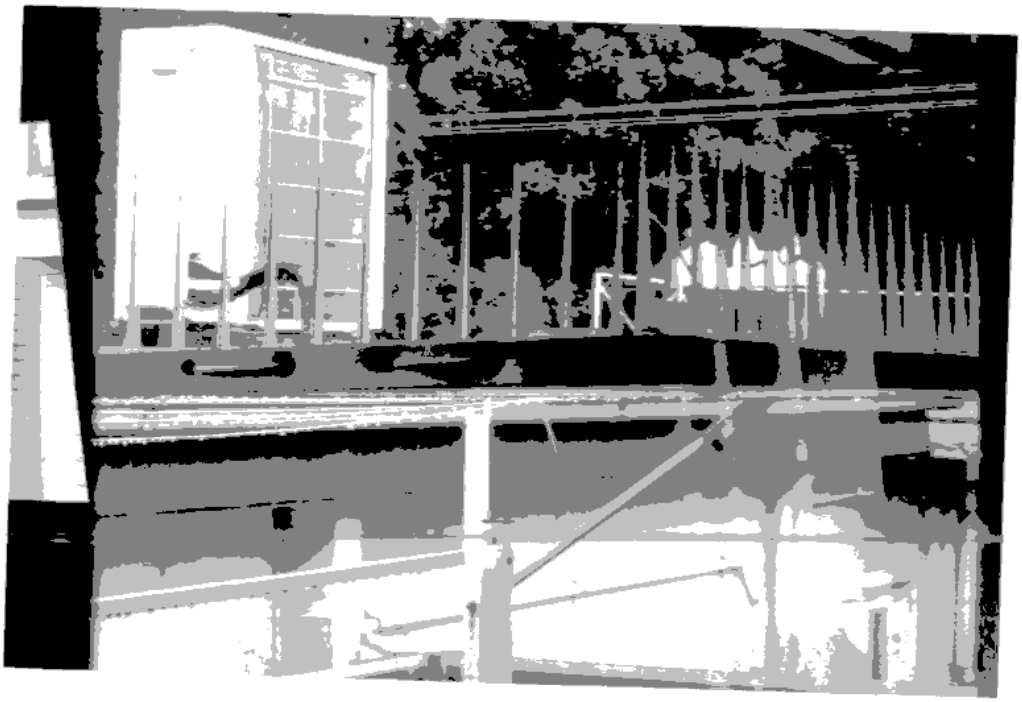
Photo 1

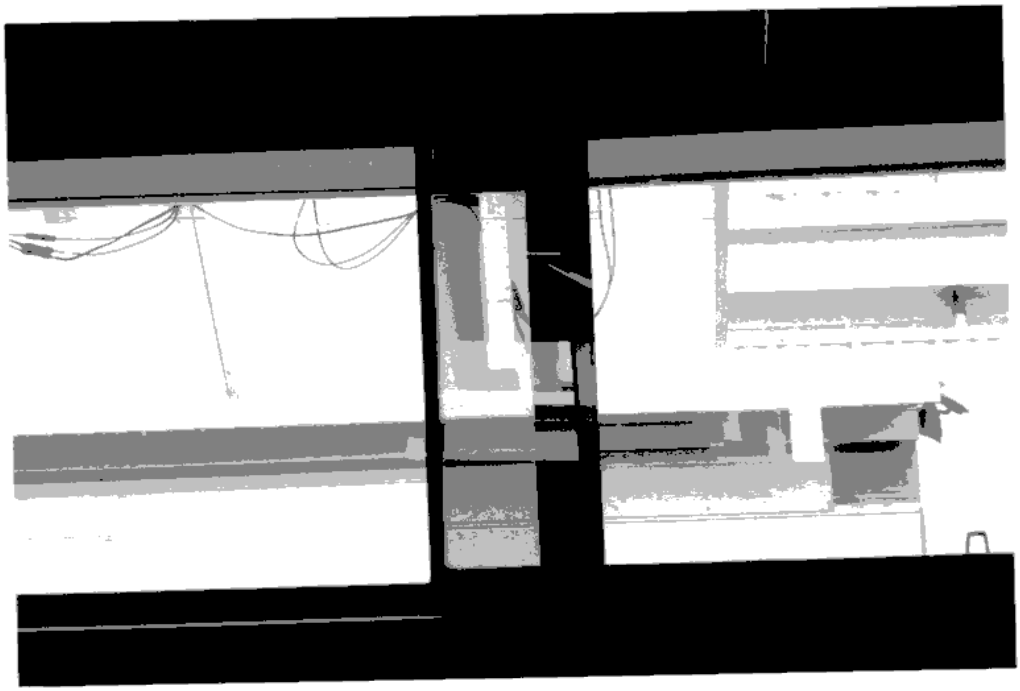
Photo 2.

Photo 3.

The current Veterinary Hospital. View from window of main bedroom of Villa 11, 212 Coley Highway.

Notice white pipe on rear wall which crosses to Colorbond fence which is shared. (See point 1)





4

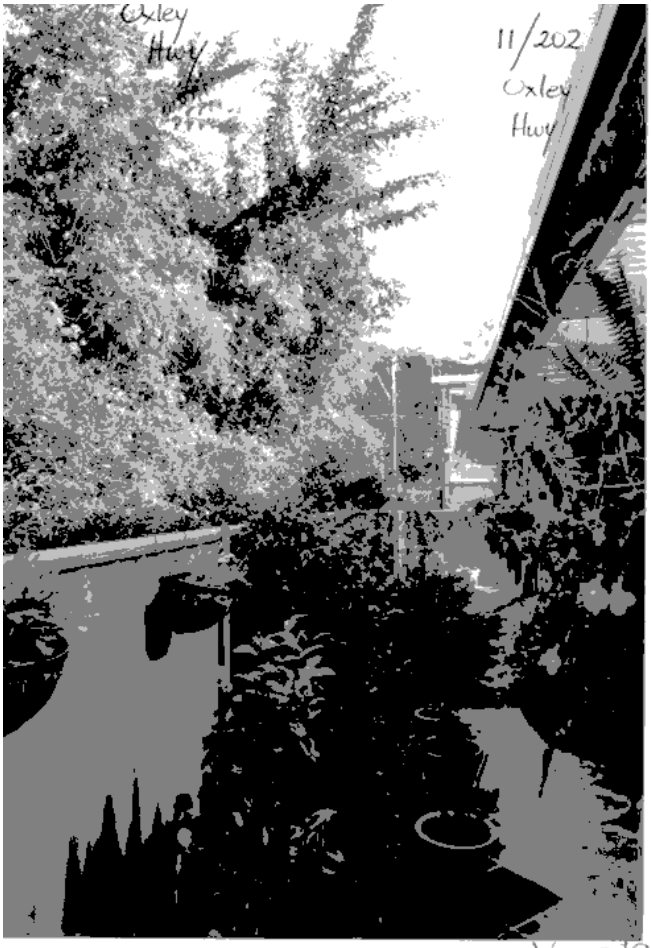
5

4

View out of loungeroom window to 204 Oxley Hwy, facing north.

5

Vegetation which protects 11/202 from extreme temperatures on 2 rear bedrooms in summer.



Vegetation growing above fence which separates 206 Oxley Hwy and 11/202 Oxley Hwy provides privacy and shade from direct afternoon sun.

See point 4.

From: Ann Burgess [redacted]
Sent: Tuesday, 21 March 2017 3:07 PM
To: Deb McKenzie
Subject: Parking outside 202, 204, and 206 Oxley Highway, Port Macquarie.

Good afternoon Deborah,

Further to our conversation at 202 Oxley Highway this morning re Proposed Extension to Veterinary Hospital:

The Veterinary practice now owned by M. Buchanan-Pascall provides on-site parking for 4 vehicles in front of the residence. I believe Staff are encouraged to park on the highway to keep on-site parking available for clients and emergency "patients".

Clients of the practice frequently park along the Oxley Highway in front of the premises of 202, 204 and 206 Oxley Highway. It is possible to park on either side of our entry/exit driveway. There are two lanes of traffic facing west from town centre. At times entering and exiting our Villa complex at 202 is quite unsafe as some vehicles of clients/ staff are parked so close to the driveway. In circumstances such as these it is then only possible for residents to pull out into the second lane. Visibility of on-coming traffic is considerably reduced if trying to exit 202 when a large vehicle - like a 4 wheel drive, is parked immediately to the right of the entry/exit driveway. The exiting driver cannot see beyond and there are times during the day when traffic on the highway is quite busy.

If the Veterinary Practice was to expand, this problem would need to be addressed. We have seen the type of signage we need near Governor's Retirement Resort on Riverpark Road, where there is far less traffic flow.

Again, thank you for your time this morning.
Ann Burgess

3/202 Oxley Highway
Port Macquarie
NSW 2444
10-3-2017

Port Macquarie
Hastings Council
PO Box 84
Port Macquarie
NSW 2444

re Developement + Additions
206 Oxley Highway
Port Macquarie

In response to the notice of Mr Buchanan-Pascall's proposed extension of said premises, as a resident of 202 Oxley Highway, Unit 3, my husband and I object to the closeness of the proposed premises to our common fence line, and possible increase in noise from animals within, especially at night. Already we have had to complain to Mr Buchanan-Pascall re this matter in the past when it has taken a long time for the business to respond.

PORT MACQUARIE HASTINGS
TRIM No CRM No
15 MAR 2017
Keyword
Activity
Subject
Folder DA 2017-132.1

C M + A H JACOBS
3/202 OXLEY HIGHWAY
Port Macquarie
NSW 2444
[redacted]

[redacted]

From: michele plummer [redacted]
Sent: Friday, 10 March 2017 5:26 PM
To: Council
Subject: Noficication of Development Proposal

Categories: Sara

RE: Alterations and additions to Veterinary Hospital
Lot 1DP 981233, 206 Oxley Highway, Port Macquarie
Application No 2017/132
M Buchanan-Pascall

I am the owner of Villa 4, 202 Oxley Highway and not directly affected by the proposed alterations and additions to the Veterinary Hospital.

However, my only concern for neighbours in Villa 11 would be the close proximity of the additional building to the rear of their property. The animal noise at night could be an issue for them also.

Matt Buchanan-Pascall is a lovely gentleman, and my dog's Vet. I understand he wants to expand his business.

I support the submission presented to Council by the Burgess couple in Villa 11, 202 Oxley Highway, and hopefully an outcome which is beneficial to both parties can be achieved.

Kind Regards

MICHELE PLUMMER
Villa 4, 202 Oxley Highway
Port Macquarie

12 March 2017

Strata PROFESSIONALS
STRATA MANAGEMENT SPECIALISTS

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

16 March 2017

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

Dear Sir,

RE: DEVELOPMENT PROPOSAL APPLICATION NUMBER 2017/132
PPTY: 202 OXLEY HIGHWAY, PORT MACQUARIE SP71541

We write as the Strata Managing Agent on behalf of the Owners Corporation of Strata Plan 71541 'Macquarie Mews' 202 Oxley Highway, Port Macquarie.

We write in reference to the Development Application lodged by M Buchanan-Pascall for the property located at 206 Oxley Highway, Port Macquarie. The Owners Corporation of 'Macquarie Mews' has raised the following concerns in relation to the proposed development:

NOISE EMANATING FROM EXISTING VETERINARY HOSPITAL
Previous complaints have been forwarded to Mr Buchan-Pascall due to excessive noise emanating from the veterinary hospital for extended periods of time during the night, without attention. It has been noted that previous attempts have been made to sound proof the current area, which has not alleviated the issue. The Owners Corporation has doubts that the proposed sound proofing of the new hospital will be 100% effective.

REMOVAL OF SHRUBS AND TREES
There is a concern that the proposed works will result in the removal of shrubs and trees along the fence line, which currently provides privacy to the residents of 'Macquarie Mews'. Further concerns have been raised that the removal of the shrubs may increase the noise that emanates from the hospital.

PRIVACY
From the diagram, the proposed location affects the privacy of Villa 11 where the building will run parallel to the back porch of this villa, the only outdoor covered entertaining area.

DEVALUING PROPERTY
The Owners Corporation also expressed concerns that the proposed development could potentially devalue their property, due to the disadvantages of living so closely to a veterinary hospital.

[redacted]

PARKING
Concerns have previously been raised with Port Macquarie-Hastings Council that the vehicles parking directly either side of 'Macquarie Mews' driveway affects resident's ability to safely enter and exit the complex. Further concerns are now raised that an extension to the veterinary hospital may increase the amount of vehicles parked in this area, making entering or exiting the complex even more difficult for residents.

The Owners Corporation requests that the abovementioned concerns be addressed as part of the Development Application process.

Thank you for your attention and co-operation in this matter.

Yours faithfully
STRATA PROFESSIONALS
[redacted]
KAITLYN LINDSAY
STRATA MANAGEMENT

Unit 1 202 Oxley
Highway
Port Macquarie
NSW 2444

TRIM No
15 MAR 2017
Keyword
Activity
Subject
Folder

Development Proposal DA 2017.132.1

Alterations + additions to Veterinary Hospital
lot 1 D.P. 981233 26 Oxley Highway
Port Macquarie N.S.W. 2444

Dear Sir/Madam,
It has come to my attention that the Developmental Proposal for the above property will be of great concern for the residents of the property adjacent to the property to be developed.

1. Removal of shrubs and trees to be replaced by uninteresting buildings
2. Proximity to roofing and ordinary buildings
3. Concern that the value of neighbouring property will be somewhat reduced owing to proximity of constructions
4. Increased animal noise

I request the Council will investigate the whole situation and ensure neighbours will not be disturbed by proposed development. Thank you. Yours Sincerely

Item: **07**

Subject: **DA2017 - 282.1 DWELLING - LOT 54 DP 1226839, NO 47 SUMMER CIRCUIT LAKE CATHIE**

Report Author: Deb McKenzie

Applicant:	**N J & E R Carey**
Owner:	**N J & E R Carey**
Estimated Cost:	**$535,000**
Parcel no:	**66027**

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 – 282.1 for a dwelling at Lot 54, DP 1226839, No. 47 Summer Circuit Lake Cathie, be determined by granting consent subject to the recommended conditions

Executive Summary

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

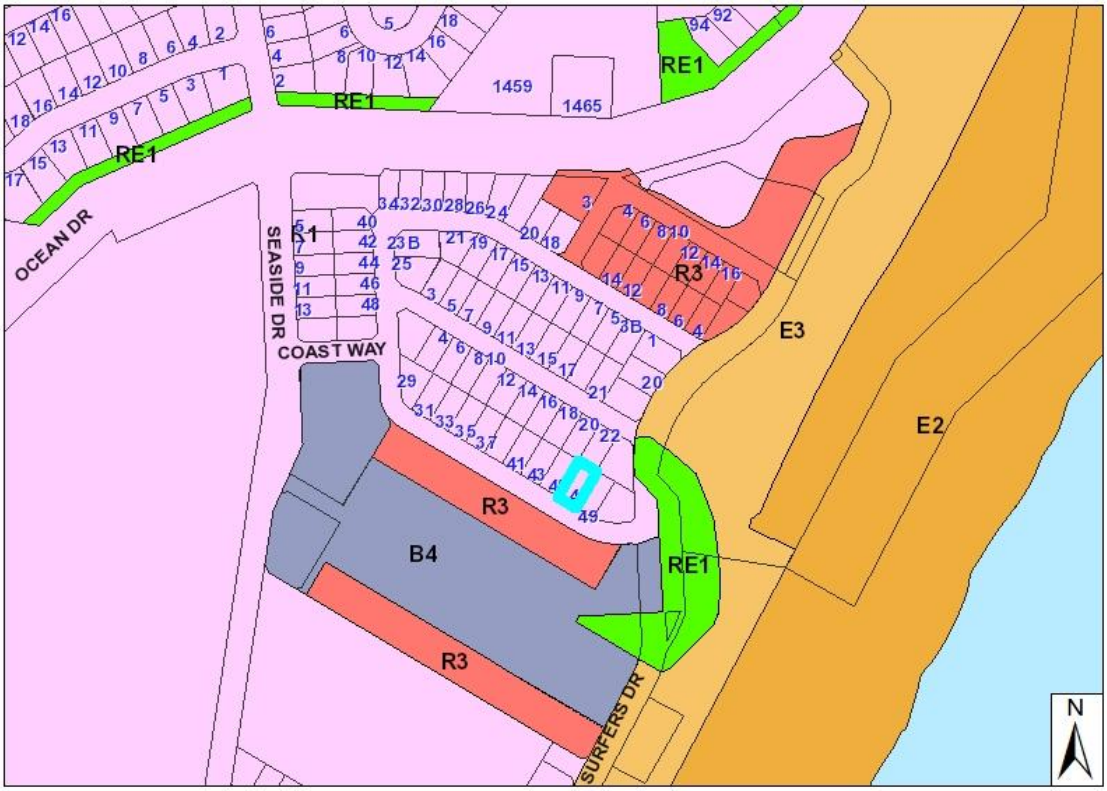
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 508m^2.

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:

- Proposal is for construction of two-storey single detached dwelling.
- Dwelling is to contain 4 bedrooms with double garage.
- Access is from Summer Circuit.
- Submission received from adjoining owner on western side of subject site.

Refer to attachments at the end of this report.

Application Chronology

- 6 April 2017 - DA lodged
- 2 May 2017 - End date of notification period
- 28 April 2017 - Submission received
- 27 April 2017 - Submitter letter to Council General Manager reiterating concerns
- 31 May 2017 - Additional information received addressing submission
- 1 June 2017 - Council to applicant - further info requested
- 1 June 2017 - Additional information from applicant received
- 2 June 2017 - Additional info sent to submitter
- 2 June 2017 - Response to additional information from submitter
- 10 June 2017 - Applicant response

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject site is less than 1 hectare in area and does not involve the removal of any trees. The site forms part of the Lake Cathie - Bonny Hills (Area 14) KPoM and complies with the aims and objectives. No further investigations are required.

State Environmental Planning Policy No.55 – Remediation of Land

The vacant site is part of the newly created Seawide Estate at Lake Cathie. The subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

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

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

a) any restricted access (or opportunities for access) to the coastal foreshore

b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;

c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);

d) subject to any identifiable adverse coastal processes or hazards;

e) any identifiable conflict between water and land based users of the area;

f) any identifiable adverse impacts on any items of archaeological/heritage;

g) reduce the quality of the natural water bodies in the locality.

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

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

A BASIX certificate (806339S) 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 consistent with the established residential locality,

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.167 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.57:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.6 – Architectural roof features.
- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.

- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.5 – Koala Habitat – The site forms part of the Lake Cathie (Area 14) KPoM. As no trees are to be removed no adverse impact to habitat is expected.
- 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 force:

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: • 4.8m max. height • Single storey • 60m^2 max. area • 100m^2 for lots >900m^2 • 24 degree max. roof pitch • Not located in front setback	Carport 3.5m 45m^2 Behind front setback	Yes
3.2.2.2	Articulation zone: • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature	No encroachments Front Deck 4.5m	Yes
	Front setback (Residential not R5 zone): • 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	Front Deck 4.5m	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage 5.70m Positioned 1.2m behind building line	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	**Proposed**	**Complies**
	6m max. width of garage door/s and 50% max. width of building	5m garage door width 3.31m carport width Total 57.14% of building width. In this case the carport is an open structure that does not add the visual dominance of the solid door construction of the garage. It is not antipathetic to the objective of this provision.	No - see discussion under submission section below.
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5m crossover (31.25% of site). Complies.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Proposed rear setback = 6.44m to edge of rear stairs and 7.54m to rear wall of dwelling.	Yes
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	Ground Floor: Eastern boundary: 1.0m to carport and 4.5m to wall of dwelling. Western boundary: 1.0m at rear of the building stepping into 2.0m toward front of dwelling. First Floor: Eastern boundary: 4.5m to wall of dwelling Western boundary: 1.0m to wall of dwelling.	Yes Yes Yes No – see discussion under submission section below.
3.2.2.6	35m^2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	Rear ground floor level private open space with direct access from rumpus room: patio (3.26m x 5.26m - 17.15sqm) + 6.44m x 16.0m - 103sqm). Complies	Yes
3.2.2.7	Front fences	None proposed	N/A

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	**Proposed**	**Complies**
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	Ground floor to be obscured by proposed boundary fencing - 1.8m high. Acceptable. Upper floor western windows of dining area high set with window sill >1.5m above FFL. Windows of low traffic areas of study, toilet, bedroom 2 are narrow, vertical windows. Upper floor eastern bedroom window are high set with window sill >1.5m above FFL. Kitchen windows proposed to be fitted with movable louvers to screen and filter sun access from the east. First floor deck is oriented to the east and north. Separated from western boundary by the dining area (6.2m from that boundary). Stairs up to the deck located at rear of dining room.	Yes – refer to justification under submission section below

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy:

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

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

None applicable.

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

Context and setting

- The proposal satisfactorily addresses the streetscape of Summer Circuit and the public domain.
- There is a single storey dwelling currently under construction on the western side of the subject site (No. 45 Summer Circuit).
- The eastern, north-east and north-west lots that adjoin the site are currently vacant.
- Dwellings are approved on the lots adjoining the site to the north (No. 20 & 22 Aquarius Ave).
- 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 and traffic

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

Water, Sewer, Stormwater

Services available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

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.

Flora and fauna

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

Waste

Satisfactory arrangements will be in place for 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.

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

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

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

Site design and internal design
One submission was received relating to siting, design and layout of the dwelling as it relates to the adjoining new dwelling located on the western side of the property. The assessment of the application has determined that the proposal is acceptable in terms of the LEP 2011 and DCP 2013 low density residential provisions.

Cumulative Impacts
The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment of the locality.

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
• The application contains a number of non-compliances that *"I trust you will give this matter the serious consideration it deserves, and seek to apply the provisions available*	• The submission received has been reviewed and addressed in detail with the applicant and the submitter. Council officers have undertaken to resolve these matters where possible. Amended plans were submitted to address the issues raised or alternative solutions reiterated as submitted. •

within the DCP that were put in place to protect all of the Council's ratepayers."	• In assessing any development application in accordance with a locally adopted Development Control Plan (DCP) Council is subject is subject to Section 79C3(A) of the *Environmental Planning and Assessment Act 1979* ("the Act"). This requires Councils *"to be flexible in applying those [DCP] provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development".* Further Port Macquarie-Hastings DCP states: *The principal purpose of the DCP is to provide guidance to persons carrying out development .....it will be used by Council and landowners as a guideline at the time of preparation and assessment of development applications.* Both the DCP and the Act require flexibility where a reasonable alternative solution is presented. In this case the applicant seeks three DCP variations, presenting alternatives through design solutions and/or justifications for each.
Application does not match the stated purposes of Section 3.2.1 of the DCP by failing to comply with a number of sections of the DCP	The assessment of the application has addressed the stated purpose of the DCP for development of a two storey single detached dwelling. The design, layout and siting of the dwelling has taken into consideration the provisions of the DCP and the matters of concern raised by the adjoining neighbour to the west. The proposal is considered to be reasonable. The variations requested by the applicant have been considered in relation to the provisions of the HLEP 2011 and DCP 2013.
• Non-compliance with Section 3.2.2.5 - Side boundary setbacks	The plans comply with the ground floor side setbacks. The plans do not provide for a 3m setback to the western boundary at first floor level. The applicant submitted shadow diagrams that demonstrate that the primary living area and primary private open space area of the allotment to the west receives the minimum 3hrs of sunlight between 9am - 3pm on 21 June. The proposed 900mm setback is therefore considered acceptable. The original plans submitted with the DA did not provide any wall articulation along the western facade. Revised plans were submitted that comply. The submitter maintains that without the 3m setback *'we will be adjoined by an imposing wall and roof line which I believe is not in keeping with the provisos Council has put in place to avoid such bulk and scale disparity.'*

	In order to give due consideration to this matter a comparison of the setbacks of the proposed dwelling and the approved dwelling plans was undertaken. The submitter's dwelling has a stepped rear setback from west to east of 4.26m to the wall of the family room, 9.17m to the wall of the meals area (under the alfresco area) and 12.78m to the wall of bedroom 1. The proposed dwelling has a setback of 7.54m to the wall of bedroom 4 (ground floor level) and dining area (first floor level). The length of the dining area is approximately 5m, taking the southern end of the dining area approximately in line with the northern wall of Bedroom 1 of the western dwelling. Therefore the only part of the two storey dwelling that will be prominent from the western property is the dining area and rear stairs (that portion that can be seen above the 1.8m high side boundary fence). The setback of the western dwelling is oriented towards the north-east. While up to 5m of the two storey dwelling will be visible from the living area of the western dwelling. The larger than required rear setback of the proposed dwelling provides ample access to natural light, ventilation and outlook to the north-east for the western dwelling. A compliant two storey dwelling, setback only 4m from the rear boundary would reduce the outlook and amenity as large full length windows may be possible with a 3m setback, having an increased impact in terms of overlooking and privacy. The proposed dwelling's first floor living and deck area is located on the north-eastern side of the building, away from the western neighbour. On this basis, the proposed siting and orientation of the proposed dwelling is considered an acceptable design solution in this case. The submitter suggested the rear stairs be relocated to the eastern side of the deck. This was discussed with the applicant and declined. The open space area on the eastern side of the deck provides side access to the rear of the block and will require an access ramp in the future to provide that access. The owners wish to keep that area cleared. Additionally, the applicant contends that it's not required. Overall, the proposal is considered to have been designed to prevent any significant overlooking and loss of privacy to the adjoining the property.
• No shadow diagrams submitted	• Shadow diagrams were requested and submitted by the applicant. These were provided to the submitter for review.

	• • The shadows cast by the proposed dwelling do not impact the private open space of the western allotment at any time of day. The eastern facade (containing Bedroom 1 (with no eastern facade window or opening), ensuite and garage (containing no eastern facade window or opening) will receive shadow between 9am to approximately 11am. From 12 noon the proposed dwelling does not shadow any part of the western property. The single storey dwelling on the western allotment casts its own shadow over its eastern facade and private open space area from just prior to 12 noon and throughout the afternoon.
• Non-compliance with Section 3.2.2.3 - Front Setbacks and streetscape •	The submission states that the garage *'sits proud of the building line proper, with the garage set in front of the building line proper.'* The proposed front setbacks are: - 4.5m to front edge of entry porch and first floor deck - 5.7m to front of garage wall - 6.4m to front wall of the foyer/entry to the dwelling - 6.63m to front of carport The objective of the control is achieved by the articulation of the front facade. The proposal achieves a recessed garage 1.2m behind the built line of the deck above. Street presentation of the dwelling is enhanced by the opposing skillion roof pitches, the recessed upper floor area above the entry porch and use of a combination of external wall cladding and face brickwork. This creates visual interest across the frontage of the property. The total width of the garage and carport is 57.14% of the width of the building. The applicant has requested a variation to this provision on the following grounds: • *The combined width of the proposed garage and carport area is 8.310m or 57.14% of the building width, 7.14% greater than the numerical development provision.* • *The carport area has been proposed to provide off-street parking for a registered caravan and tailor. This off-street parking area is proposed to ensure that on-street parking is preserved and the amenity of the area is not adversely impacted by infrequently used vehicles parked on the roadway.* • *The proposed carport is to be setback 2.13m behind the front of the dwelling, ensuring that the structure is not dominant within the context of the building as a whole.*

	• *The design of the building ensures suitable off-street parking is provided for various vehicles, whilst minimising any impact on the streetscape.* The submission objects to the variation as *'they are clearly the dominant feature of the frontage....this is not in keeping with the stated objective... and exacerbated by the fact the garage sits proud of the building proper.'* • As stated above, the dwelling's front facade is broken up by the stepping of the ground floor setbacks, western setbacks of the upper floor above the entry porch and foyer and opposing skillion roof design. The applicant's justification is reasonable in terms of street presentation and likely future streetscape along Summer Circuit
• Failure to satisfy Section 3.2.2.6 - Access to private open space •	• The submission raises a potential non-compliance with access to the private open space as the SoEE submitted references the first floor deck as useable open space. • • To clarify this issue, it is noted that the dwelling is setback 6.44m (to edge of rear stairs and first floor deck), 7.54m to the wall of Bedroom 4 and dining area and 10.76m to the wall of the ground floor rumpus room. This equates to approximately 140sqm (at ground floor level) of private open space area for the dwelling. This complies with the minimum area required and is accessible directly from the ground floor rumpus room - a living area of the dwelling. There is ample area to locate a clothes drying area and garbage storage on site.
• Failure to satisfy Section 3.2.2.10 - Visual privacy •	The main area of concern for the submitter is the issue of privacy to their private open space area. This area is oriented to the north-east of the allotment, a similar orientation to the proposed dwelling. This, together with the first floor setback and location of the stairs, remain the outstanding matters that could not be resolved between the applicant and the submitter. These matters are interrelated. The assessment of the plans has established that the western setback of the proposed dwelling is acceptable and there is no adverse impact associated with shadowing of the western property. The windows along the northern section of the facade are high set (being 1543mm above finished floor level) and the orientation of the living area of the proposed dwelling is towards the north-east. The windows along the southern section of the first floor (Bedroom 2, toilet and study) are narrow vertical windows to provide light and ventilation.

	The submission maintains that a 3m setback to the first floor level would address both the *'overbearing structure and eyesore'* matter and the visual intrusion. The assessment in point 3 above establishes that the proposed design, layout and siting of the proposed dwelling is reasonable. The western boundary fence is to be a 1.8m high timber fence. This will provide privacy at the ground level. In relation to the rear stairs the boundary fence will screen the open space area of the western property. The only time overlooking would be possible would be going down the stairs on an intermittent basis. The submitter has also stated that they would screen the pool if no change to the location of the stairs was made. There is no established or evident reason for requiring a relocation of the stairs as requested. Screening of the pool, in a manner acceptable to the submitter, that reflects their specific design requirements and solutions, may be the most appropriate solution in this case. Relocation of the rear stairs is not required as part of this application. •

•

(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. The application is for a single detached dwelling only.

5. CONCLUSION

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

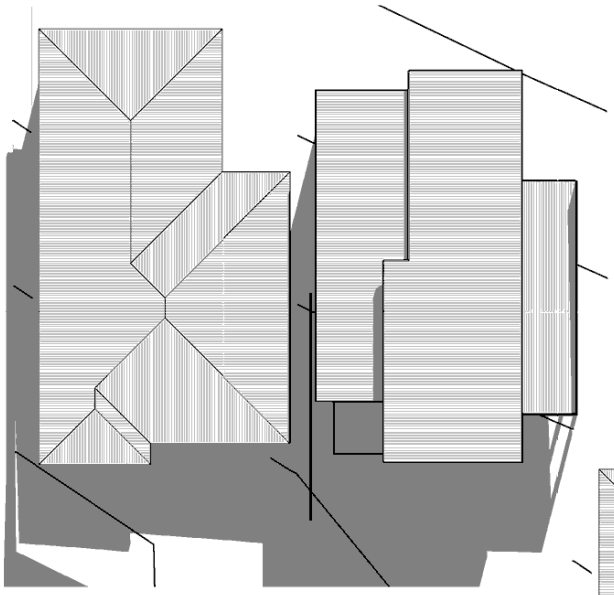
Issues raised during assessment and public exhibition of the application have been considered, in detail, in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the wider public interest and the application has been assessed as unlikely to have a significant adverse on the area. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

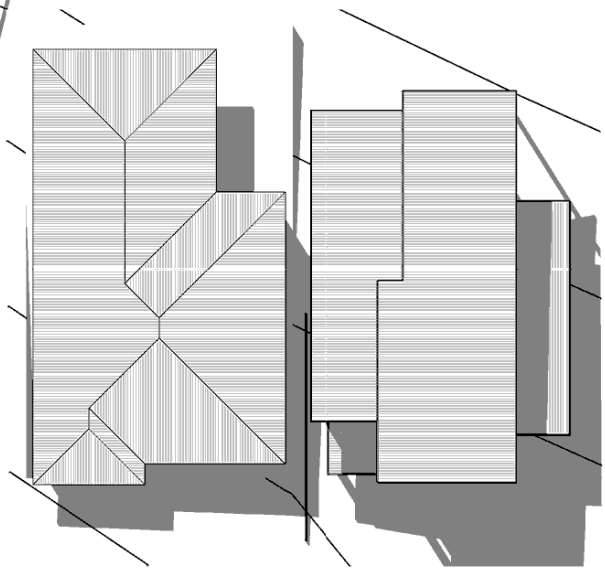
1View. DA2017 - 282.1 Plans
2View. DA2017 - 282.1 Recommended Conditions

3View. DA2017 - 282.1 Submission - Bottle 28042017
4View. DA2017 - 282.1 Submission - Bottle 02062017

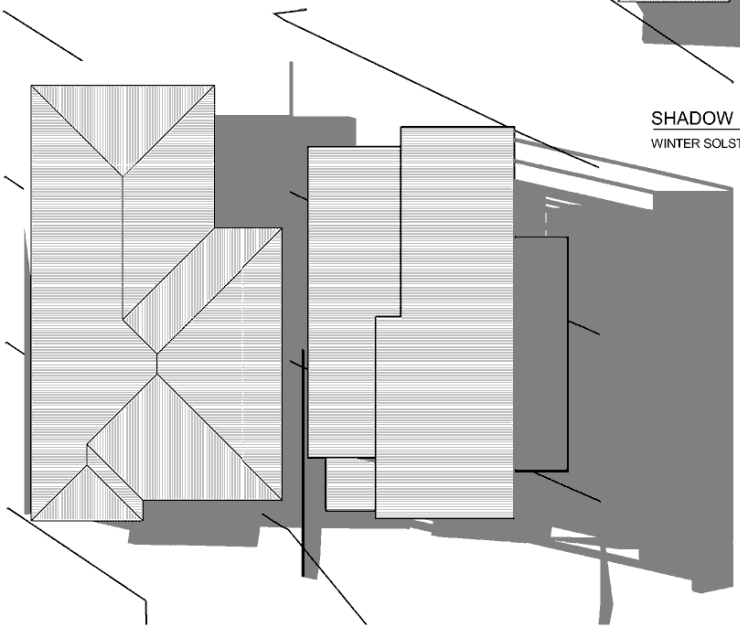


SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 9AM

[redacted]



SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 12PM



SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 3PM

[redacted]

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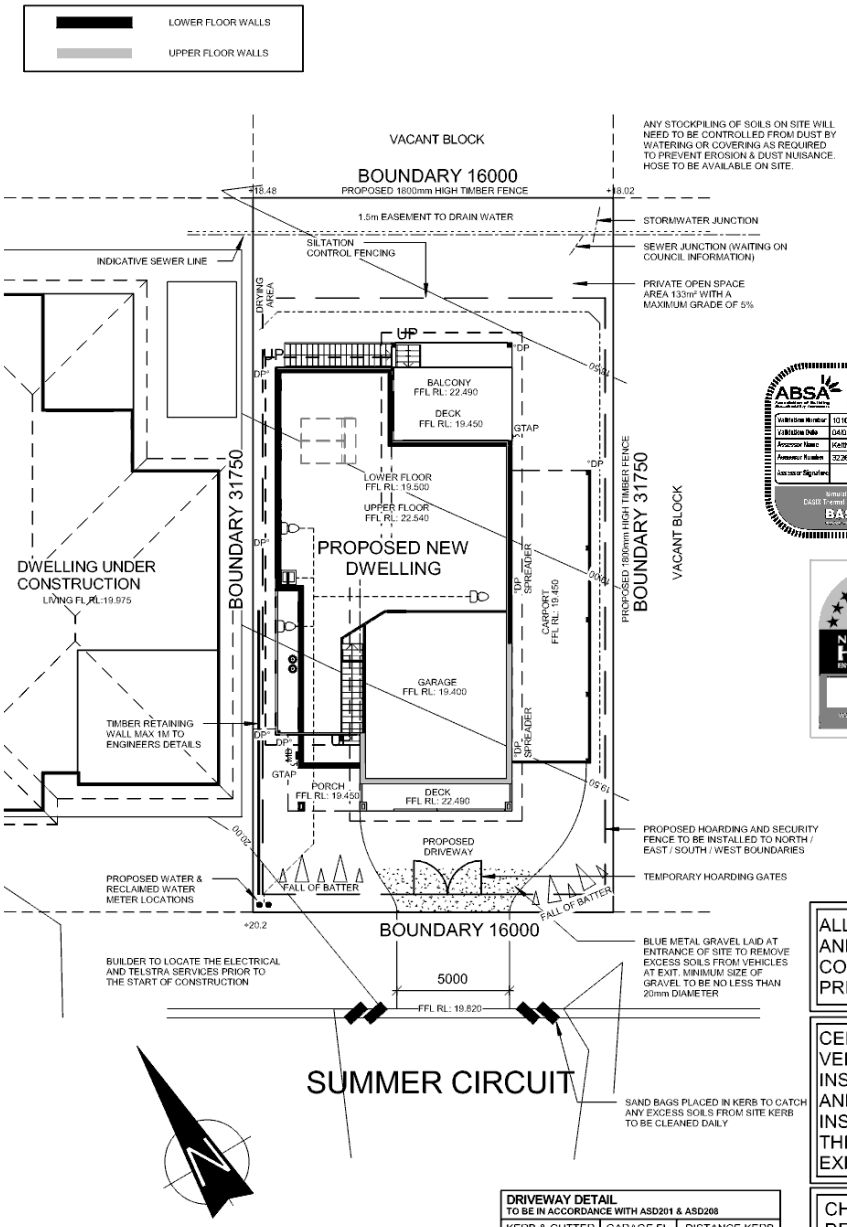
BDA NSW

Project: NEW DWELLING		Unnamed	
LOT No: 54 DP No: 1226839	SHEET: 1 OF 2	SCALE:	1 : 250
STREET No: 47		SHEET SIZE:	A3
STREET: SUMMER CIRCUIT, LAKE CATHIE, NSW		START DATE:	13.09.2016
CLIENT: CAREY		DWG No:	J3356

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
28.10.16	INITIAL ISSUE	C	JC
25.01.17	REV CONCEPT	D	JC
16.02.17	FINAL CONCEPT	E	JC
21[redacted]	PLANS	[redacted]	
25[redacted]	CHANGES	[redacted]	



SITE PLAN SCALE 1:200

DRIVEWAY DETAIL TO BE IN ACCORDANCE WITH ASD201 & ASD208		
KERB & GUTTER INVERT LEVEL	GARAGE FL	DISTANCE KERB TO GARAGE
19.820m	19.400m	10.239m

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer & Framed: Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete, On Ground, No Insulation Timber, Enclosed (elevated where shown on plans), No Insulation Finish: Polished Concrete, Timber & Tiles as per plans
Ceiling	Plasterboard, R2.5 *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 9º, 11º Colour: Medium (0.475 – 0.7)
Eaves	450mm Width generally *Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout, Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments (refer to Certificate for exact details)			
Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star	Kitchen Taps:	3 Star
Reticulated Alternative Water connection: All toilets in the development Cold water supply to the washing machine At least 1 external tap			
Energy Commitments			
HWS:	Solar (electric boosted) RECs 26 – 30		
Cooling:	Ceiling Fan in at least 1 bedroom and 1 living room		
Heating:	No active heating system in the Bedrooms Gas fixed flued heater (2 Star)		
Ventilation:	Kitchen & Bathroom: ducted, manual control Laundry: no mechanical ventilation		
Appliances:	Gas Cooktop & Gas Oven to be installed		
Artificial Lighting:	The following rooms are to be primarily lit by fluorescent or LED lamps: The Laundry		
Clothes Line:	Fixed outdoor clothes drying line to be installed		

ABSA Class 1 Building Single-Dwelling
Validation Number: 1015933 / 6
Validation Date: 04/04/2017
Assessor Name: Keith James
Assessor Number: 32265
Assessor Signature:
Simulated under DASH Thermal Simulation Protocol
BASIX

4.4 NATIONWIDE HOUSE ENERGY RATING SCHEME
99 MJ/m²
www.nathers.gov.au

Certificate Number: UPYDWI60VP
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 29 Mar 2017
Dwelling address:
47 Summer Circuit Lake Cathie NSW 2445
www.nathers.gov.au
https://www.frls.com.au/QRCodeLanding/?publicid=UPYDWI60VP

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ALL LEVELS WERE COMPLETED BY BUILDER AND ARE NOT TO AHD. ALL LEVELS AND CONTOURS TO BE CONFIRMED BY BUILDER PRIOR TO START OF CONSTRUCTION.

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

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

SITE INFORMATION & LEGEND

NOTE: CONTOURS AND SPOT LEVELS ARE INDICATIVE ONLY AND FINAL SITE LEVELS COMPLETED BY A REGISTERED SURVEYOR IS RECOMMENDED BEFORE START OF CONSTRUCTION.

STORMWATER NOTE:
STORMWATER/RAINWATER OVERFLOW TO DRAINAGE EASEMENT AT REAR OF BLOCK

SITE AREA:	= 508.0m²
HABITABLE AREA (including garages)	= 330.7m²
FSR (as per LEP - 290.1m²)	= 57.1%
BUSHFIRE AFFECTED	= NO
APPROX 300m² HARDSTAND AREA	

SILTATION CONTROL IN ACCORDANCE WITH COUNCIL POLICY E1 AND THE ADOPTED AUSPEC STANDARD
SEWER LINE
GTAP — GARDEN TAP LOCATION
DP — DOWN PIPE LOCATION
SITE HOARDING FENCING

****RECLAIMED WATER UTILISED****

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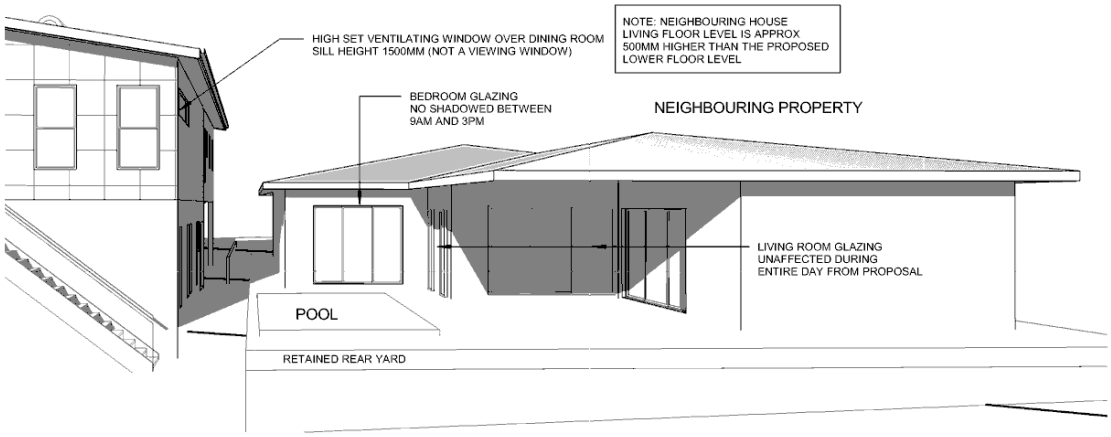
BDA NSW

Project: NEW DWELLING		SITE PLAN	
LOT No: 54 DP No: 1226839	SHEET: 1 OF 8	SCALE:	As indicated
STREET No: 47		SHEET SIZE:	A3
STREET: SUMMER CIRCUIT, LAKE CATHIE, NSW		START DATE:	13.09.2016
CLIENT: CAREY		DWG No:	J3356

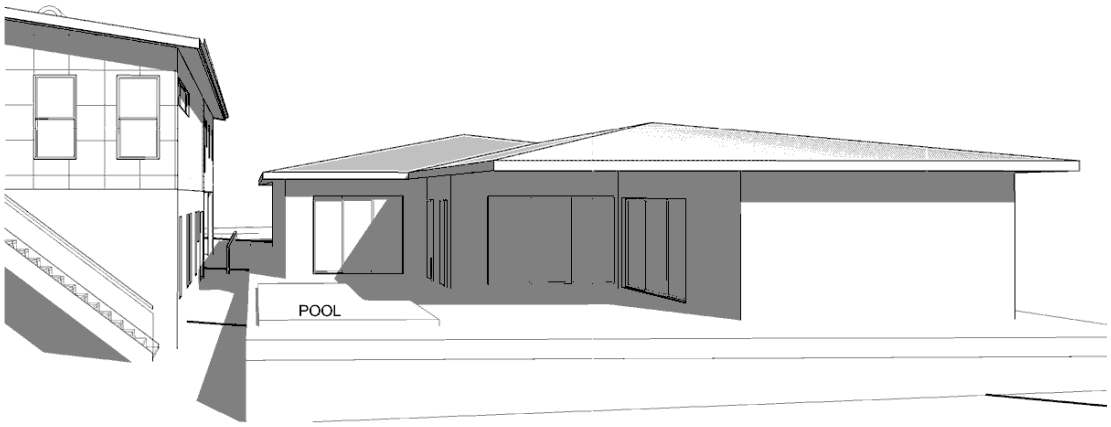
AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
28.10.16	INITIAL ISSUE	C	JC
25.01.17	REV CONCEPT	D	JC
16.02.17	FINAL CONCEPT	E	JC
21.03.17	CC PLANS	F	MS
25.05.17	DA CHANGES	H	JC



SHADOW DIAGRAM SCALE 1:300

WINTER SOLSTICE 9AM



SHADOW DIAGRAM SCALE 1:300

WINTER SOLSTICE 12PM

SHADOW DIAGRAM SCALE 1:300

WINTER SOLSTICE 3PM

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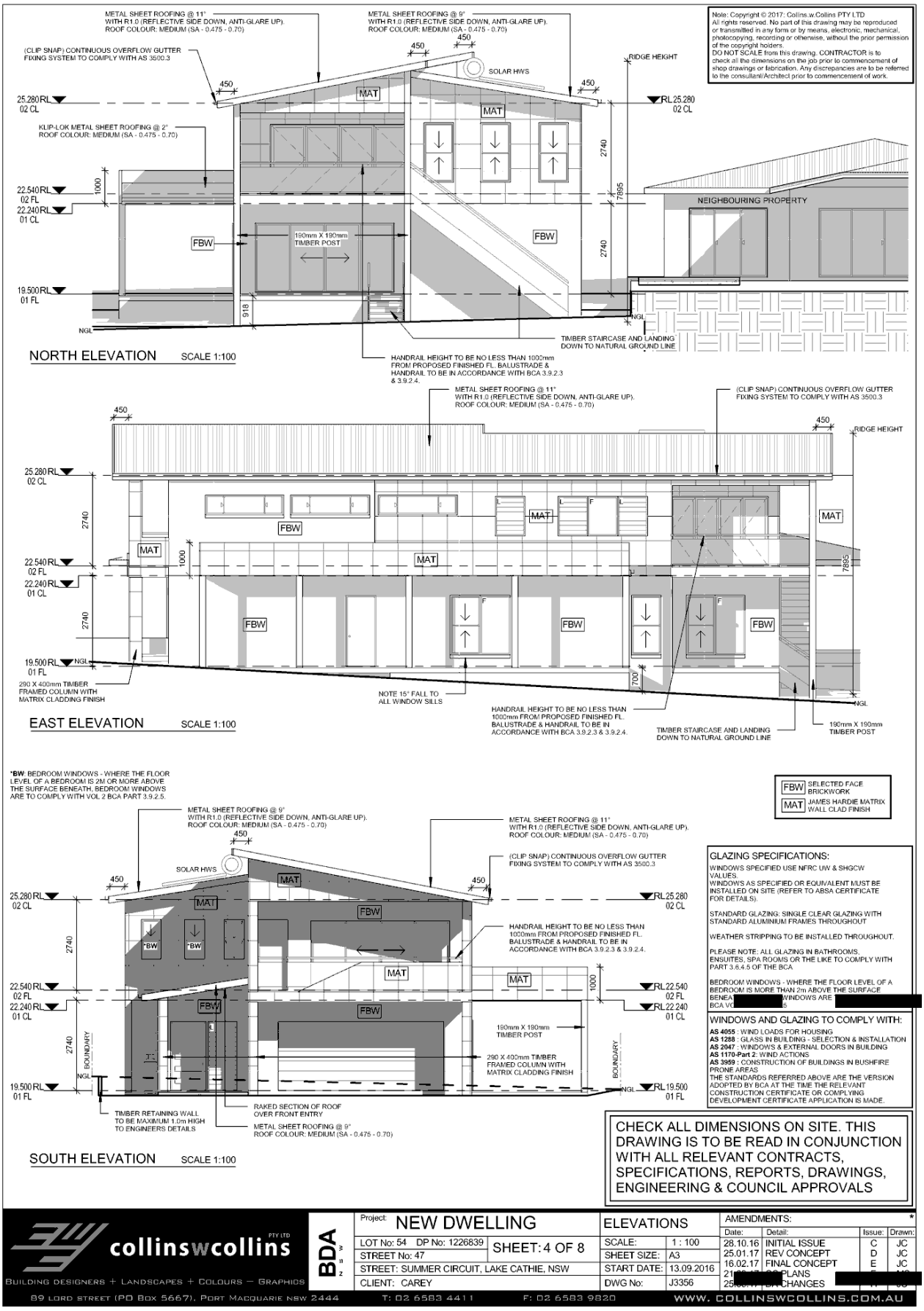
BDA NSW

Project: NEW DWELLING		SHADOWS	
LOT No: 54 DP No: 1226839	SHEET: 2 OF 2	SCALE:	
STREET No: 47		SHEET SIZE:	A3
STREET: SUMMER CIRCUIT, LAKE CATHIE, NSW		START DATE:	13.09.2016
CLIENT: CAREY		DWG No:	J3356

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
28.10.16	INITIAL ISSUE	C	JC
25.01.17	REV CONCEPT	D	JC
16.02.17	FINAL CONCEPT	E	JC
21.03.17	CC PLANS	F	MS
25.05.17	DA CHANGES	H	JC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METAL SHEET ROOFING @ 11° WITH R1.0 (REFLECTIVE SIDE DOWN, ANTI-GLARE UP). ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
METAL SHEET ROOFING @ 9° WITH R1.0 (REFLECTIVE SIDE DOWN, ANTI-GLARE UP). ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
(CLIP SNAP) CONTINUOUS OVERFLOW GUTTER FIXING SYSTEM TO COMPLY WITH AS 3500.3
KLIP-LOK METAL SHEET ROOFING @ 2° ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
SOLAR HWS
RIDGE HEIGHT
25.280RL 02 CL
22.540RL 02 FL
22.240RL 01 CL
19.500RL 01 FL
NGL
MAT
FBW
190mm X 190mm TIMBER POST
NEIGHBOURING PROPERTY
TIMBER STAIRCASE AND LANDING DOWN TO NATURAL GROUND LINE
HANDRAIL HEIGHT TO BE NO LESS THAN 1000mm FROM PROPOSED FINISHED FL. BALUSTRADE & HANDRAIL TO BE IN ACCORDANCE WITH BCA 3.9.2.3 & 3.9.2.4.
NORTH ELEVATION SCALE 1:100
290 X 400mm TIMBER FRAMED COLUMN WITH MATRIX CLADDING FINISH
NOTE 15° FALL TO ALL WINDOW SILLS
EAST ELEVATION SCALE 1:100
*BW: BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS 2M OR MORE ABOVE THE SURFACE BENEATH, BEDROOM WINDOWS ARE TO COMPLY WITH VOL 2 BCA PART 3.9.2.5.
FBW SELECTED FACE BRICKWORK
MAT JAMES HARDIE MATRIX WALL CLAD FINISH
GLAZING SPECIFICATIONS:
WINDOWS SPECIFIED USE NFRC UW & SHGCW VALUES.
WINDOWS AS SPECIFIED OR EQUIVALENT MUST BE INSTALLED ON SITE (REFER TO ABSA CERTIFICATE FOR DETAILS).
STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT
WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.
PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.6.4.5 OF THE BCA
BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS MORE THAN 2m ABOVE THE SURFACE BENEA[redacted] WINDOWS ARE [redacted] BCA VO[redacted]5
WINDOWS AND GLAZING TO COMPLY WITH:
AS 4055 : WIND LOADS FOR HOUSING
AS 1288 : GLASS IN BUILDING - SELECTION & INSTALLATION
AS 2047 : WINDOWS & EXTERNAL DOORS IN BUILDING
AS 1170-Part 2: WIND ACTIONS
AS 3959 : CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS
THE STANDARDS REFERRED ABOVE ARE THE VERSION ADOPTED BY BCA AT THE TIME THE RELEVANT CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION IS MADE.
TIMBER RETAINING WALL TO BE MAXIMUM 1.0m HIGH TO ENGINEERS DETAILS
RAKED SECTION OF ROOF OVER FRONT ENTRY
METAL SHEET ROOFING @ 9° ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
BOUNDARY
SOUTH ELEVATION SCALE 1:100
CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS
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Project: NEW DWELLING
LOT No: 54 DP No: 1226839
STREET No: 47
STREET: SUMMER CIRCUIT, LAKE CATHIE, NSW
CLIENT: CAREY
SHEET: 4 OF 8
ELEVATIONS
SCALE: 1 : 100
SHEET SIZE: A3
START DATE: 13.09.2016
DWG No: J3356
AMENDMENTS:
Date: Detail: Issue: Drawn:
28.10.16 INITIAL ISSUE C JC
25.01.17 REV CONCEPT D JC
16.02.17 FINAL CONCEPT E JC
21[redacted] PLANS [redacted]
25[redacted] CHANGES [redacted]

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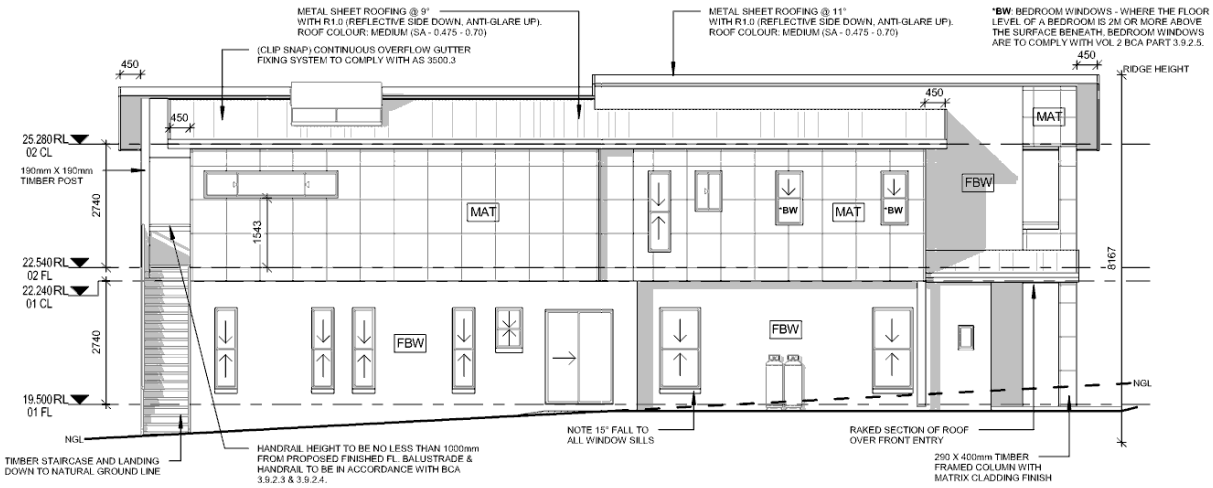
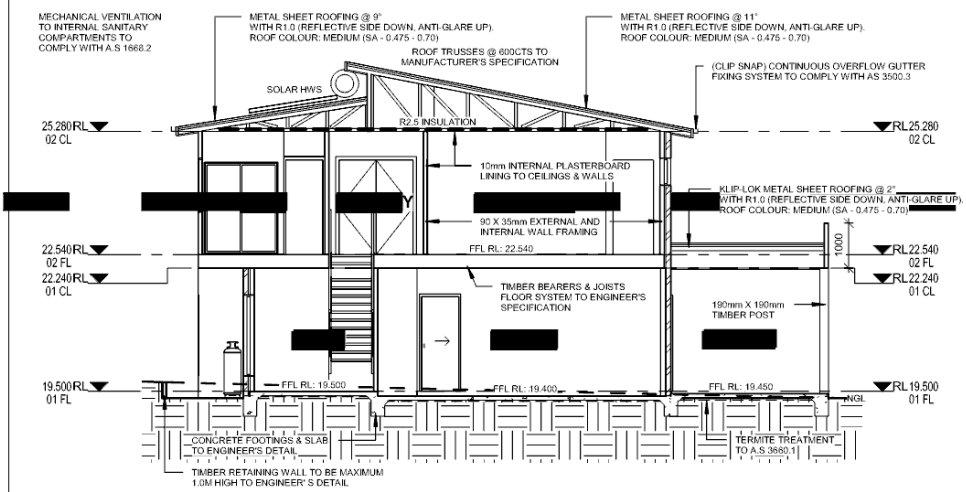


WEST ELEVATION SCALE 1:100

FBW	SELECTED FACE BRICKWORK
MAT	JAMES HARDIE MATRIX WALL CLAD FINISH



SECTION A-A SCALE 1:100

GLAZ[redacted]FICATIONS: [redacted]

WINDOWS SPECIFIED USE NFRC UW & SHGCW VALUES.
WINDOWS AS SPECIFIED OR EQUIVALENT MUST BE INSTALLED ON SITE (REFER TO ABSA CERTIFICATE FOR DETAILS).

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT

WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.8.4.5 OF THE BCA

BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS MORE THAN 2m ABOVE THE SURFACE BENEATH, BEDROOM WINDOWS ARE TO COMPLY WITH BCA VOL 2 PART 3.9.2.5

WINDOWS AND GLAZING TO COMPLY WITH:

AS 4055 : WIND LOADS FOR HOUSING
AS 1288 : GLASS IN BUILDING - SELECTION & INSTALLATION
AS 2047 : WINDOWS & EXTERNAL DOORS IN BUILDING
AS 1170-Part 2: WIND ACTIONS
AS 3959 : CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS
THE STANDARDS REFERRED ABOVE ARE THE VERSION ADOPTED BY BCA AT THE TIME THE RELEVANT CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION IS MADE.

Summary of ABSA Commitments
(refer to Certificate for exact details)

Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer & Framed: Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete, On Ground, No Insulation Timber, Enclosed (elevated where shown on plans), No Insulation Finish: Polished Concrete, Timber & Tiles as per plans
Ceiling	Plasterboard, R2.5 *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 9°, 11° Colour: Medium (0.475 – 0.7)
Eaves	450mm Width generally *Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout. Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments
(refer to Certificate for exact details)

Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star	Kitchen Taps:	3 Star
Reticulated Alternative Water connection: All toilets in the development Cold water supply to the washing machine At least 1 external tap			
Energy Commitments			
HWS:	Solar (electric boosted) RECs 26 – 30		
Cooling:	Ceiling Fan in at least 1 bedroom and 1 living room		
Heating:	No active heating system In the Bedrooms Gas fixed flued heater (2 Star)		
Ventilation:	Kitchen & Bathroom: ducted, manual control Laundry: no mechanical ventilation		
Appliances:	Gas Cooktop & Gas Oven to be installed		
Artificial Lighting:	The following rooms are to be primarily lit by fluorescent or LED lamps: The Laundry		
Clothes Line:	Fixed outdoor clothes drying line to be installed		

ABSA Accreditation of Building Compliance Assessors
Class 1 Building Single-Dwelling

Validation Number	1012933716
Validation Date	04/04/2017
Assessor Name	Keith James
Assessor Number	32265
Assessor Signature	

Simulated under BASIX Thermal Comfort Protocol
BASIX Accredited Software

4.4 NATIONWIDE HOUSE ENERGY RATING SCHEME
99 MJ/m²
www.nathers.gov.au

Certificate Number: UPYDWI60VP
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 29 Mar 2017
Dwelling address:
47 Summer Circuit Lake Cathie NSW 2445
www.nathers.gov.au
https://www.hfs.com.au/QRCodeLanding?Publicid=UPYDWI60VP

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

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BDA NSW

Project: NEW DWELLING		ELEVATION / SECTION	
LOT No: 54 DP No: 1226839	SHEET: 5 OF 8	SCALE:	1 : 100
STREET No: 47		SHEET SIZE:	A3
STREET: SUMMER CIRCUIT, LAKE CATHIE, NSW		START DATE:	13.09.2016
CLIENT: CAREY		DWG No:	J3356

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
28.10.16	INITIAL ISSUE	C	JC
25.01.17	REV CONCEPT	D	JC
16.02.17	FINAL CONCEPT	E	JC
21.03.17	CC PLANS	F	MS
25.05.17	DA CHANGES	H	JC

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/282 DATE: 04/07/2017

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plan	Job No. J3356 Rev H Sheets	Collins W Collins	25.05.17
Floor Plans	Job No. J3356 Rev H Sheets 2 & 3 of 8	Collins W Collins	25.05.17

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

(2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

a) the appointment of a Principal Certifying Authority and

b) the date on which work will commence.

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

(3) (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. 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 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

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

(1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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.

RECEIVED
DATE 1-5-17 BY S.LACEY

SUBMISSION

66027

PORT MACQUARIE HASTINGS
TRIM NO
- 2 MAY 2017
Keyword
Activity
Subject
Folder DA2017-282.1

28/04/2017

Mr. Stephen Bottle
PO Box 161, Lake Cathie
NSW, 2445
[redacted]

To The General Manager, Port Macquarie Hastings Council,

This submission is in relation to the following DA -
Application Number: 2017/282
Property: Lot 54, DP 1226839, 47 Summer Circuit, Lake Cathie

I am one of the owners of Lot 55, number 45 Summer Circuit, the adjoining property on the Western side of this proposed development. I have an approved DA/CC for that lot and construction is under way. In developing our proposal we went to great lengths to make every effort to comply with those specifications for development that Council had developed and enacted.

The basis upon which this submission is tendered is with reference to the Port Macquarie-Hastings Development Control Plan (DCP) dated 2013., v20131108, with specific reference to those sections of Chapter 3 that pertain to low density residential development. Section 3.2.1 of that document includes a number of stated purposes of the development and application of the plan, including but not limited to -
- Have regard to the desired scale, bulk and height of existing residential development as well as streetscape and landscape in the locality;
- Not unduly affect the amenity of neighbours;
- Be sited and designed to have regard to adjoining and nearby existing structures, street facades and public open space.
and, of major importance -
- ensure ongoing privacy of neighbouring properties.
It is my view that this application does not meet the requirements that match those stated purposes by failing to comply with a number of sections of the DCP.

By the applicant's agents own admission there are a number of non compliances that they have identified. However it is my belief that there are a number more that have not been identified, either by oversight or omission.

I will begin with those non compliances identified. These are outlined in section 5.2 of the development application itself.

The first non compliance issue I'd like to draw attention to is the inclusion of two side walls, on both the East and West sides, in excess of 12m and without articulation. I will deal with the West wall of the development as that is the side that adjoins my property and by which I will be directly affected.

This Western wall is proposed to be 16m long without articulation, in itself clearly a breach of section 3.2.2.5, part c) of Development Provisions within the DCP which states quite clearly that -

"*Building walls are to step in and out at least every 12m by a minimum of 500mm.*"

Not only is this wall proposed to be 16m long, it will contain both a ground and first floor, and it is proposed that the first floor be set back just 1m from the common boundary, in line with the first floor. These non compliances combined will result in a 16m long, 6.5 m high edifice sitting just 1m from the common boundary. This will result in an overtly imposing structure sitting aside a single story dwelling. I do not believe this to be in keeping with the bulk and scale considerations so prevalent in the DCP.

The applicant's DA document states that "on the winter solstice the property to the west will not be overshadowed at all from the subject dwelling from before midday for the rest of the afternoon." There is no shadow diagram to support this statement, I believe one should be provided. Further, I believe that our Ensuite Bathroom located on that side will receive no sun. In a high humidity, and hence mould, environment like port Macquarie that could create issues. More importantly there is the possibility that our prime area of private open space will be subject to excessive shading. This will affect the amenity of utilising this area. A top story setback in accord with the requirements of the DCP would address this issue.

The erection of such a wall would result in an imposing structure. The objectives of section 3.2.2.5 of the DCP, in part, are -

" *To reduce overbearing and perceptions of building bulk on adjoining properties..*"

Clearly the erection of a 16m wall, 6.5m high and just 1m from the common boundary are in opposition to that stated objective, and that has come about through the non compliance with a number of stated provisions within the DCP.

The DA document states that "The use of different, yet complimentary external wall facades on the western wall elevation, in combination with the location and size of wall penetrations, creates a visual interest and reduces any feelings of overbearing."

I cannot disagree with this strongly enough. I can assure you that as the resident who will be affected by the erection of this wall if it is allowed to proceed as proposed that there will be no visual interest or any reduction in feelings of overbearing no matter how many different wall facades or 'wall penetrations' there are. There will be no visual interest looking up at a 16m long, 6.5m high edifice 1m from the boundary blocking out the sun.

The next identified non compliance relates to the inclusion of both a double garage and an unenclosed carport that results in the development exceeding the required width of vehicle openings. The application document suggests that the amount in excess is minimal. However a cursory examination of the plan drawings will demonstrate that the most prominent ground floor aspect of the front facade (South Elevation) is the Garage Door and carport opening. Combined they present a visual effect such that the appearance is much greater than the 57.14% of front facade as stated. They are clearly the dominant feature of the frontage. This is not in keeping with the stated objectives of section 3.2.2.3 which is-

"*To minimise the impact of garages and driveways on the streetscape... To minimise the visual dominance of garages in the streetscape.*"

Moreover, this is exacerbated by the fact that the garage sits proud of the building proper, with the garage set in front of the building line proper. I believe this is in contravention of point b) of section 3.2.2.3 which states that (a garage should)-

"*be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more*"

The only part of the development in front of the garage is a pair of pillars supporting a balcony. There is no part of the building line proper in front of the garage line. I do not believe this to be in keeping with either the spirit of the objective or requirements of this section of the DCP.

Further, the unenclosed carport designed to hold a caravan will result in an unsightly open space clearly visible from the street. This type of treatment may be suitable on a farm or in a rural environment, but is not suited to low density residential development. I refer to section 3.2.2.2 of the DCP, part of the stated objective of which is to -

"*...support an attractive streetscape.*"

It is clearly demonstrated through the detail identified above that the treatment of the garage/carport openings in this development will be detrimental to the streetscape, and not in keeping with the objectives or requirements of the DCP.

As well as those non compliance identified within the DA document itself that there a number of other non compliances which have not been identified. Specifically these non compliances affect the privacy and amenity of our adjoining property, and are of most serious concern to me. Lack of privacy from direct visual access from the proposed development will have serious deleterious effects on our family. I would reiterate the sole objective of section 3.2.2.10 of the DCP, which is -

"*To protect the visual privacy of on-site and nearby residents*"

In dealing with issues of visual privacy the DA application identifies non compliances on the Eastern side, but makes no reference to issues on the Western Side. In fact at one point the document refers to "Direct views within 12m radius from living rooms and principle areas of open space screened or obscured" and refers to this provision as being 'N/A'. I strongly dispute this, as I will demonstrate.

At the rear of the proposed development there are 3 large windows on the upper floor, located on the Western side of the North Elevation. These windows are in a regularly used living area, namely a dining room. The design of the proposal is such that all three of these windows have direct visual access into our private open space, which will contain a pool, and area for associated activities such as sunbathing. As you can appreciate a lack of privacy in a pool area is of major concern. This open space area is the only space we have within our property to position this pool. These windows will all have direct visual access into this area. These windows, all with direct visual access into our open space area, are all within a 12m radius of this area.

Section 3.2.2.10, part a) dot point 3 of the Development Provisions within the DCP states -

"direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius."

and further to this, part c) of the same section states the following -

"Privacy screens are encouraged for:
• Windows in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
• The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
• The window has a sill height of less than 1.5m"

Each of the windows discussed above fall under part c) of Section 3.2.2.10 of the DCP under the proposal as it currently exists.

Given that the DA application does not even identify these windows as being subject to these provisions I doubt there is any plan to screen them as required. This would result in a serious compromise of our privacy within our open space, and be in direct contravention of the objective and purpose of this section of the DCP.

Moreover, there is also direct visual access into our private open space via other aspects of the proposed development. All of the main living areas of the proposed development are located upstairs, and they open on to a rear deck. This deck presents serious incursions into the privacy of all surrounding neighbours, however I cannot argue the case for other s so will concentrate on how this affects our privacy. This deck allows unimpeded visual access into our private open space in our backyard at exactly the point where our pool will be positioned. Section 3.2.2.10, part d) of the Development Provisions of the DCP states that-

" A balcony, deck, patio, pergola, terrace or veranda should have a privacy screen if:
• direct views ... into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius."

This deck is within a 12m radius of our private open space and hence the above section applies.

Further, this deck is accessed via an external staircase running down from the rear of the house (Northern Elevation). Anyone seeking egress from the deck via this staircase similarly has direct views into our private open space. Whilst I cannot find any specific references to external staircases within the DCP, I am certain that Council did not go to the lengths it has to develop the DCP to ensure privacy only to have it circumvented by the provision of external staircases. Since the sole use of this staircase is to provide access and egress to/from the rear deck, I would contend that it is in fact an extension of the rear deck, and that those provision of the DCP which apply to a deck should apply to the staircase. Application of this logic would mean that the staircase would be subject to Section 3.2.2.10, point d), bullet point 4 of the Development Provisions of the DCP which states that a privacy screen is required if-

"A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary, and is greater than 3m2 and more than 1m above ground level"

At the point at which the staircase rises above 1m from ground level it is within 3m of the boundary and it is greater than 3 sq m in total. Hence it would need to comply with the above stated development provision.

As has been demonstrated with reference to the external staircase, the deck, and the rear windows of the dining room, there are serious incursions into our private open space contained within this development proposal that would seriously jeopardise our ability to enjoy the amenity of our own property. Council has these provisions in place for a reason. I trust they will be acutely aware of them when assessing this proposal.

It is worth noting that section 3.0 of the DA application document states that "The proposed dwelling is to consist of... an open style kitchen/dining/living area opening directly onto a usable open space area." Note that these living areas are contained on the upper floor of the proposed development. I can only assume that the 'usable open space' which these rooms are 'opening directly' on to is the deck which sits outside the kitchen area. The DCP clearly states that private open space should have "direct accessibility from a ground floor living area" (Section 3.2.2.6, part d) of the Development Provisions of the DCP). Therefore it is questionable whether this statement is accurate. The deck constitutes part of the dwelling construction so it does not fit within the definition of private open space contained in the DCP. I cannot comment on whether the development proposal actually meets the requirements of the above stated section in having direct access from a ground floor living area.

As I have demonstrated with this submission the multiple non compliances contained within this proposal result in serious implications for the privacy and amenity of our adjoining property. Council has developed the DCP specifically to try and protect such aspects as demonstrated by the stated purposes and objectives contained within the DCP. To ignore these when assessing this development proposal would result in a serious injustice for those affected by it.

This submission is in no way a reflection of any personal animosity towards the applicants. I have not met them and have no personal issue with them. I am sure that when developing this proposal they may not have foreseen the effect that it would have on the privacy of their neighbours. However the fact is that the proposal as it stands encompasses a number of non compliances that would seriously compromise our ability to use our property with freedom, contentment, and in private. I could not fail to act given those circumstances.

I trust you will give this matter the serious consideration it deserves, and seek to apply the provisions available within the DCP that were put in place to protect all of the Council's ratepayers.

Thanks and Regards.

[redacted]

Stephen Bottle

From: Stephen Bottle
To: Michael Roberts
Cc: Dan Croft
Subject: RE: DA2017-282 Proposed Dwelling Lot 54 Summer Circuit Lake Cathie
Date: Friday, 2 June 2017 11:19:44 AM
Attachments: image001.jpg

Good morning Michael,

Many thanks for your response and for keeping me informed.

I appreciate that the applicants have made attempts to comply with the relevant sections of Council's DCP. Unfortunately, it has not involved setting the top floor back 3m as specified in the DCP. The result for us, as clearly demonstrated by the plans provided, is that we will be adjoined by an imposing wall and roof line which I believe is not in keeping with the provisos Council has put in place to avoid such bulk and scale disparity. It appears that this matter has not been addressed. This is of greater concern to me than the 500mm articulation requirement, particularly in that section of the application that extends beyond the rear of part of our Eastern elevation and imposes itself on us visually. It is clear that it will be an overbearing structure and an eyesore. I had hoped for a better outcome. Can you please advise whether this a matter Council will be pursuing?

The overlooking and privacy issues are of enormous concern for me. Particularly so given the fact that the contentious parts of the proposal will provide direct visual access into our private open space area which will contain our pool. Again, the attached plans only serve to enforce the obvious which is that the overhanging section of the rear balcony, and the external staircase providing egress from same, will provide direct visual access straight into our pool area. If the applicants could see their way clear to relocating the external staircase access to the Eastern side of the upstairs balcony behind the proposed carport, rather than rear access, and screening the Western part of that balcony where it overlooks our property, that would go quite a way to addressing our concerns. The three rear windows that also allow visual access to our property are another concern. If these are determined to be non-compliant under the regulations specified by the DCP I would expect Council to state that these need to be screened as required. I note no mention of addressing this matter in the revised plans provided. If this is not the case then I foresee us incurring a great deal of cost in providing appropriate privacy screening to address this.

I trust that these matters will be given serious consideration by both Council and the applicant.

Many thanks.

Regards, Steve Bottle

From: Michael Roberts [mailto:Michael.Roberts@pmhc.nsw.gov.au]
Sent: Friday, 2 June 2017 10:03 AM
To: [redacted]
Subject: DA2017-282 Proposed Dwelling Lot 54 Summer Circuit Lake Cathie

Dear Mr Bottle,
I would like to provide you with an update on the status of the above Application with reference

to your letter dated 28/4/17.
The issues raised in your submission were forwarded to the applicant to address.
Shadow Plans have since been provided to Council demonstrating compliance with the DCP2013 provisions and amendment's were also made to the western elevation wall (see attached Plans) to comply with the 12m long wall and articulation requirements of the DCP.
These plans have been attached for your perusal.
I have also sent another email to the applicant requesting they provide a response to the overlooking and privacy issues you have raised in your submission.

Please note - I will be on Leave from today however one of my colleagues will be handling the Application. Please contact my Manager - Dan Croft in my absence. Dan.Croft@pmhc.nsw.gov.au
Thankyou

Regards,

Michael Roberts
Building Surveyor

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444
(02) 6581 8111
(02) 6581 8123 (Fax)

Your Voice Our Community_Email Signature_400x150px_0 2

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Item: **08**

Subject: **DA2017 - 284.1 ALTERATIONS AND ADDITIONS TO DWELLING - LOT 6 DP 862732, NO 12 ELKHORN GROVE, PORT MACQUARIE**

Report Author: Fiona Tierney

Applicant:	**R R & L J Wood**
Owner:	**R R & L J Wood**
Estimated Cost:	**$48,000**
Parcel no:	**29123**

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 – 284.1 for alterations and additions to dwelling at Lot 6, DP862732, No. 12 Elkhorn Grove, Port Macquarie be determined by granting consent subject to the recommended conditions.

Executive Summary

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

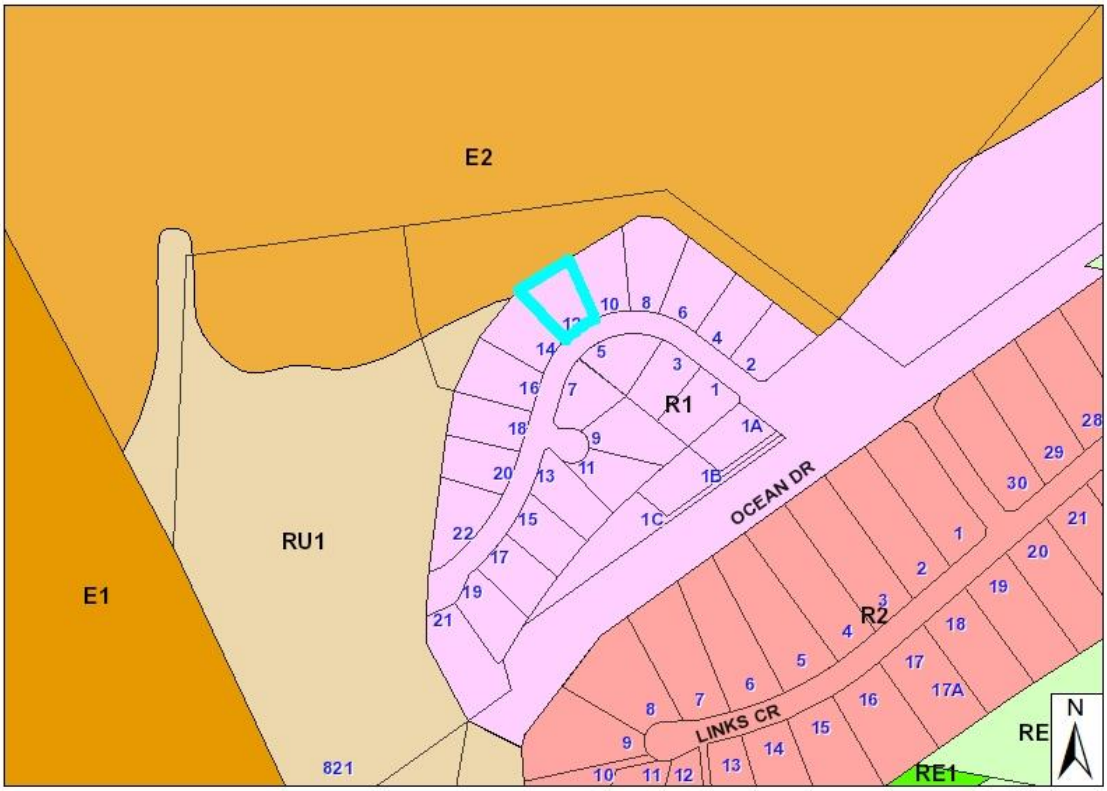
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 1775m^2.

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:

- Construct roof over existing deck
- Extend family room
- Construct caravan port over existing slab/ parking area

Refer to attachments at the end of this report.

Application Chronology

- 7 April 2017 - Application lodged.
- 24 April 2017 to 9 May 2017 - Neighbour notification of the proposal.
- 18 May 2017 - Additional information requested from Applicant.
- 31 May 2017 - Additional information and amended plans submitted by Applicant.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

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

  The objectives of the R1 zone are as follows:
  - To provide for the housing needs of the community.
  - To provide for a variety of housing types and densities.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

  In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
  - The proposal is a permissible landuse;
  - The development would provide for a variety of housing types and densities to meet the housing needs of the community.

- Clause 4.3, the proposed works will be below the existing ridge height.
- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.

- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
3.2.2.2	Articulation zone: • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature		N/A
	Front setback (Residential not R5 zone): • Min. 4.5m local road		Yes
3.2.2.3	Garage minimum 5.5m front setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	Existing	Yes
	6m max. width of garage door/s and 50% max. width of building	Existing	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space		Yes
3.2.2.5	Side setbacks:	Single storey	NO-

	• 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.	carport/caravan port. Permitted to extend to side boundary 2 sides open 1/3 perimeter as per BCA. Not considered to be any adverse privacy, overshadowing or bulk and scale impacts.	however considered acceptable.
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.		Yes
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. 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	Non- accessible area- for parking of caravan. Deck well away from boundaries.	Yes

DCP 2013: General Provisions			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline:	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any	Yes

	• Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations	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.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls		Yes
2.3.3.2	1m max. height retaining walls along road frontages		N/A
	Any retaining wall >1.0 in height to be certified by structural engineer		Yes
	Combination of retaining wall and front fence height		N/A
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint	None proposed to be removed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access from local road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Existing.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: • 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	Existing	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Concrete.	Yes

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

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

iv) any matters prescribed by the Regulations:

Nil

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

No Coastal Zone Management Plan applies to the 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:

The site has a general southerly street frontage orientation to Elkhorn Grove.

Existing dwellings adjoin the site to the south, east, and west. Fire trail, wetlands/ melaleuca forest to the rear. 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 significant adverse lighting impacts.

There are no significant adverse privacy impacts. Privacy has been adequately addressed through building design.

Overshadowing
There are no adverse overshadowing impacts.
Roads
The site has road frontage to Elkhorn Grove which is a public road with an AC sealed pavement, a layback kerb and gutter, under the care and control of Council.

Traffic and Transport
The traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access
Existing vehicle access to the site is though a driveway with direct frontage to Elkhorn Grove.

Water Supply Connection

Council records indicate that the development site has existing service from the 100mm diameter water mains.

Refer to relevant conditions of consent.

Sewer Connection
Council records indicate that the development site is connected to Sewer via junction

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

Refer to relevant conditions of consent.

Stormwater
The site naturally grades towards the rear.

The legal point of discharge for the proposed development is defined as existing.

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

Refer to relevant conditions of consent.

Other Utilities
Telecommunication and electricity services are available to the site.

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

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

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

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

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

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

Flora and fauna

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

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

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

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

Bushfire
The site is identified as being bushfire prone and will be required to comply with BAL 29 construction requirements.

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

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

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

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

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

Cumulative Impacts

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

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

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

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

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

One 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
Concerns over roof over existing deck is large and prominent and will result in loss of privacy between the 2 dwellings but conceded not to object.	Noted. Deck has significant setbacks from adjoining boundaries and there is not considered to be an adverse privacy impact.
Caravan Port unnecessary and impact privacy, loss of sunlight and compromised pool safety fencing.	Carport is single storey and permissible at proposed setback. Applicant has offered to construct a privacy screen that is also swimming pool compliant. It is considered that given the orientation and existing vegetation that minimal additional loss of sunlight will occur to the pool area.
Unauthorised concrete hard stand area.	Complaint has been investigated- appears will fall outside of exempt. Recommend condition of approval that a building certificate be obtained.

(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

NIL

5. CONCLUSION

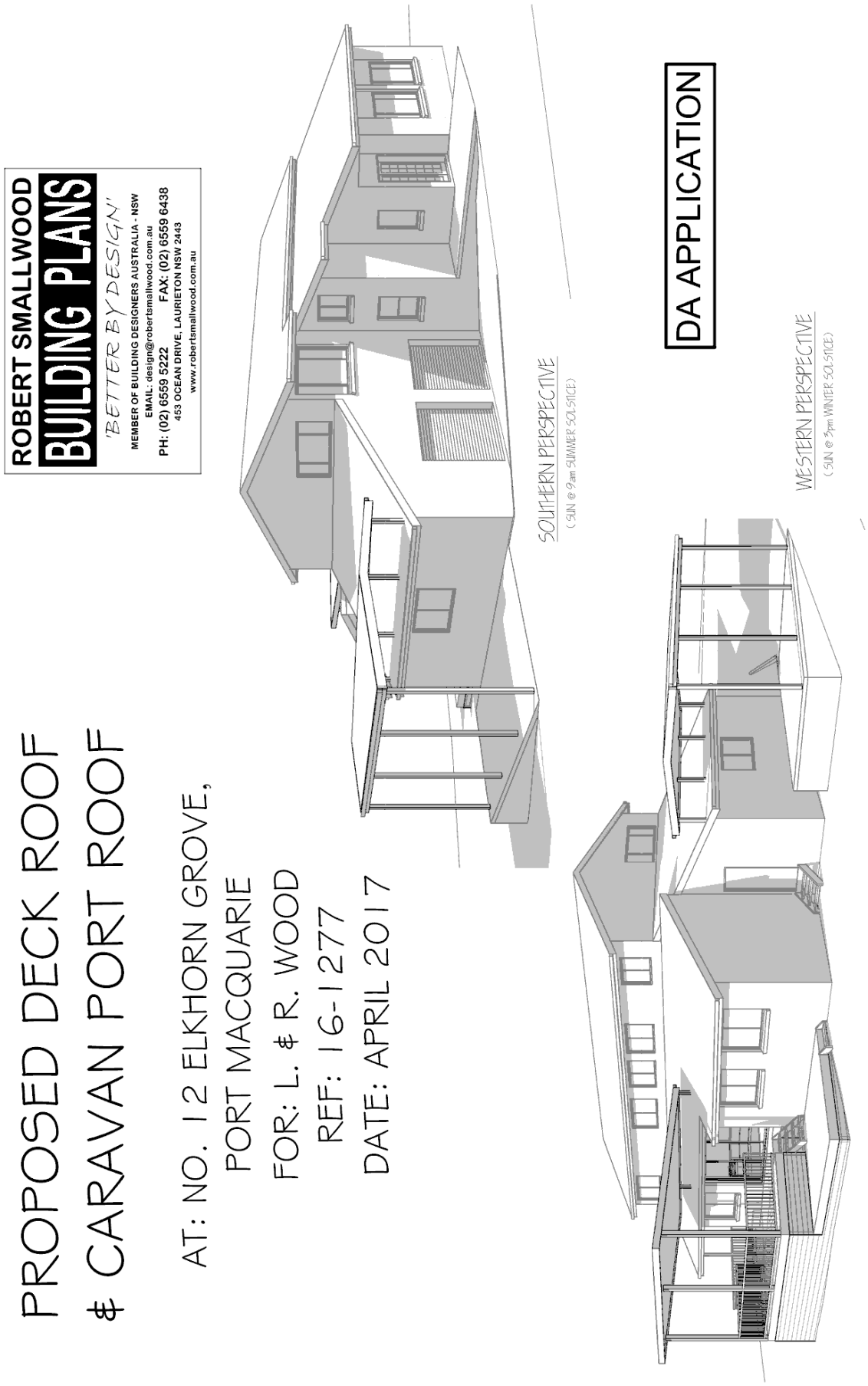
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

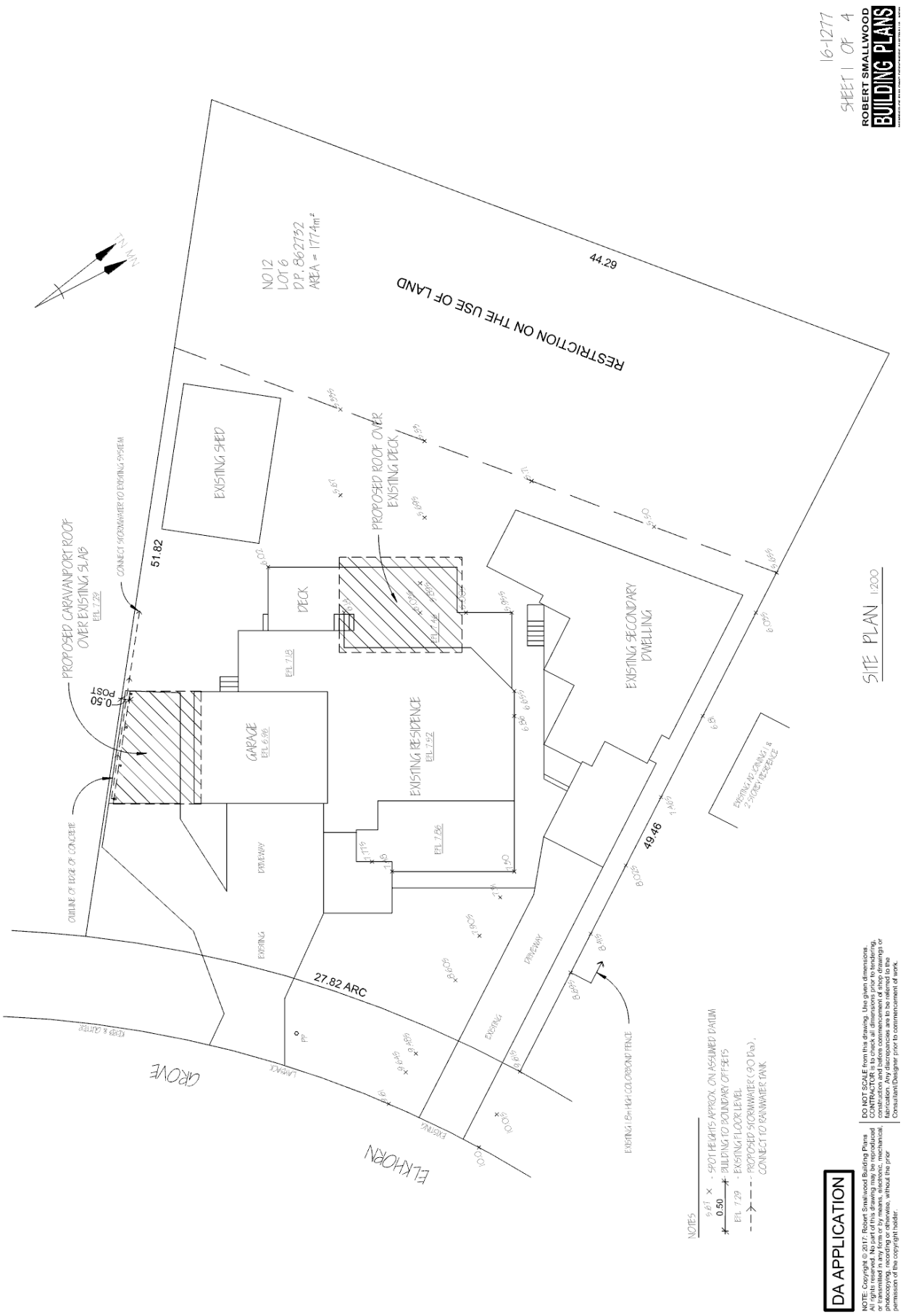
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

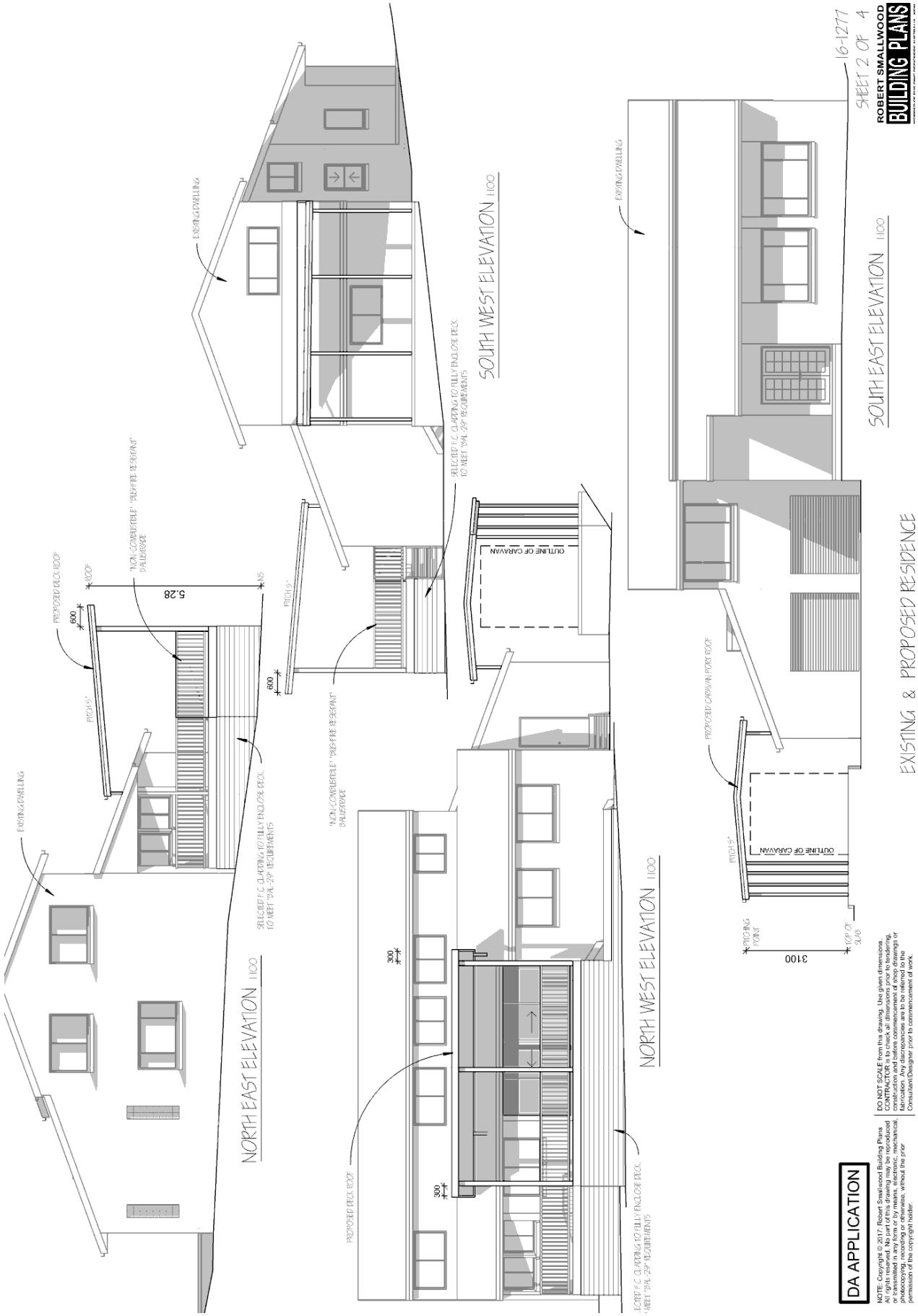
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

Attachments

1View. DA2017 - 284.1 Plans
2View. DA2017 - 284.1 Recommended Conditions
3View. DA2017 - 284.1 Submission - Capner


ROBERT SMALLWOOD
BUILDING PLANS
'BETTER BY DESIGN'
MEMBER OF BUILDING DESIGNERS AUSTRALIA - NSW
EMAIL: design@robertsmallwood.com.au
PH: (02) 6559 5222 FAX: (02) 6559 6438
453 OCEAN DRIVE, LAURIETON NSW 2443
www.robertsmallwood.com.au
PROPOSED DECK ROOF
& CARAVAN PORT ROOF
AT: NO. 12 ELKHORN GROVE,
PORT MACQUARIE
FOR: L. & R. WOOD
REF: 16-1277
DATE: APRIL 2017
SOUTHERN PERSPECTIVE
(SUN @ 9am SUMMER SOLSTICE)
DA APPLICATION
WESTERN PERSPECTIVE
(SUN @ 3pm WINTER SOLSTICE)


16-1277
SHEET 1 OF 4
ROBERT SMALLWOOD
BUILDING PLANS
SITE PLAN 1:200
NO 12
LOT 6
D.P. 862732
AREA = 1774m²
RESTRICTION ON THE USE OF LAND
44.29
51.82
49.46
27.82 ARC
EXISTING SHED
PROPOSED ROOF OVER EXISTING DECK
DECK
GARAGE
EFL 6.96
EXISTING RESIDENCE
EFL 7.52
EFL 7.18
EFL 7.86
EFL 7.49
EXISTING SECONDARY DWELLING
PROPOSED CARAVANPORT ROOF OVER EXISTING SLAB
EFL 7.29
CONNECT STORMWATER TO EXISTING SYSTEM
0.50 POST
OUTLINE OF EDGE OF CONCRETE
DRIVEWAY
EXISTING
EXISTING 1.8m HIGH COLORBOND FENCE
NOTES
DA APPLICATION
DO NOT SCALE from this drawing. Use given dimensions. CONTRACTOR is to check all dimensions prior to tendering, construction and before commencement of shop drawings or fabrication. Any discrepancies are to be referred to the Consultant/Designer prior to commencement of work.
NOTE: Copyright © 2017, Robert Smallwood Building Plans. All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright holder.


16-1277
SHEET 2 OF 4
ROBERT SMALLWOOD
BUILDING PLANS
EXISTING & PROPOSED RESIDENCE
SOUTH EAST ELEVATION 1:100
SOUTH WEST ELEVATION 1:100
NORTH WEST ELEVATION 1:100
NORTH EAST ELEVATION 1:100
EXISTING DWELLING
PROPOSED CARAVAN PORT ROOF
OUTLINE OF CARAVAN
PITCH 5°
PITCHING POINT
TOP OF SLAB
3100
PROPOSED DECK ROOF
SELECTED F.C. CLADDING TO FULLY ENCLOSE DECK. TO MEET 'BAL-29' REQUIREMENTS
"NON-COMBUSTIBLE" 'BALEFIRE RESISTANT' BALUSTRADE
300
600
5.28
DA APPLICATION
NOTE: Copyright © 2017, Robert Smallwood Building Plans. All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright holder.
DO NOT SCALE from this drawing. Use given dimensions. CONTRACTOR is to check all dimensions prior to tendering, construction and before commencement of shop drawings or fabrication. Any discrepancies are to be referred to the Consultant/Designer prior to commencement of work.

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/284 **DATE: 5/07/2017**

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2017/284 are as follows:

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Architectural Plans and Specifications		Robert Smallwood Building Plans	30 May 2017
SOEE		Robert Smallwood Building Plans	March 2017

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

(2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

a) the appointment of a Principal Certifying Authority and

b) the date on which work will commence.

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

(3) (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. 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

(2) (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) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

Safely disposing of asbestos waste from your home

Fibro & Asbestos - A Renovator and Homeowner's Guide

Asbestos Awareness

(2) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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) (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.

(3) A building certificate is to be obtained from council for the elevated hard stand area adjoining the western boundary.

(4) A 1.2m high non climbable screen fence is to be provided for the full length of the caravan port continuing to the existing shed.

F – OCCUPATION OF THE SITE

NIL

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 healthy built environment.

DRAFT

4th May 2017

14 Elkhorn Grove
Port Macquarie NSW 2444

[redacted]

council@pmhc.nsw.gov.au

Attention: General Manager
Port Macquarie-Hastings Council

Submission on Development Application Ref: DA2017.284.1

Proposal: Alterations and Additions to Dwelling Lot 6 DP: 862732, 12 Elkhorn Grove

This submission is to formally record our objection to some of the above proposal as submitted by the applicant's L J Wood & R R Wood.

Build a "Roof over Roof" over existing deck plus extend family room

From documentation and information provided on "Application Tracker" I am unable to identify or evaluate any matters or issues with regard to the **Extension of the Family Room ?**

I accept that Building a "Roof over Roof" over existing deck will result in the continuation of more months of extended disturbance and some inconvenience to ourselves while the building activity is occurring. Construction of a Second dwelling on the same property, erection of a very large color bond shed, new driveways, construction of a swimming pool, enlargement of existing back patio, alterations to the front of the main residence and other building activity on Lot 6 has continued unabated since October 2015.

My disquiet with the recent extension of a large deck/patio area and intended erection of such a high and prominent roof over roof is with the visual impact and reduction in privacy between both properties. The proposal refers to building over the existing deck. The original rear deck has little resemblance to what it is now. The new deck has been significantly enlarged and is actually being constructed/completed as I write this letter.

In good faith and endeavoring to maintain a shared good and beneficial relationship between neighbor's I will continue, as I did for the construction of the large Color Bond Shed, etc. and not oppose or object to Build a Roof over Roof as indicated in the proposal.

Build a "Roof over existing Slab" for a Caravan port

Building a Caravan Deck Roof and Raised Concrete Slab is unnecessary and imposes an extremely negative impact on our privacy, introduces a complete breach of our swimming Pool

safety fence compliance and places an obvious security and safety risk to persons easily entering our property over our northern boundary fence.

In addition to limiting our view to the East/North East the intended Caravan Roofing will significantly over shadow our garden and swimming pool areas while restricting morning sun from entering our property.

Side boundaries between our two properties are separated by the construction of an 1800 mm color bond fence. This boundary fence has been in situ for more than ten years and was constructed with the full agreement and cooperation between neighbors.

This new application refers to placing the proposed caravan roof over an existing concrete slab. This statement is misleading and a complete manipulation of the facts to suit or favor the Wood's application for Council Approval.

The concrete slab referred to in their proposal was the basis for my enquiry to Council of 10th October 2016, raising concerns over compliance of works being undertaken at 12 Elkhorn Grove and the negative impacts toward our property, 14 Elkhorn Grove.

At that time, the raising of the ground levels and the pouring of a concrete slab hard against our shared boundary fence was still under construction. Though It would have been obvious that the raising of the existing ground level and pouring a concrete slab to within one meter from the top of our existing 1800mm boundary fence would clearly create significant consequences for their neighbor's, ourselves.

We had received nil communication or consultation from our neighbors and as there were no mention of this work in their previous development proposals (the erection of a large shed and construction of a second dwelling on property Lot 6, 12 Elkhorn Grove), I raised my concerns and objection in an inquiry to council on the 10th October 2016.

To my disappointment and detriment six months has passed and Port Macquarie - Hastings Council has still not contacted me or replied to my concerns raised in CRM 22242/2016. We now have a serious and worrying situation where our 1800mm boundary fence providing the required pool safety requirement, our privacy between properties and site security provided by the 1800mm fence has been compromised.

To compound this situation further, I receive another building proposal to Erect a Caravan Roof over this recently constructed slab, further impacting on our property as indicated above.

I cannot believe or accept that this action that directly impacts on one's neighbor and their property is condoned or legally permitted in our local Government or State building codes.

As a property owner and neighbor for more than 4 decades I have always maintained valued and good neighbor practices. Obviously on some occasions this has meant personal efforts and compromises being required. Nevertheless, having a mutually acceptable good neighbor

relationship has been and remains my prime consideration. Regrettably, this recent experience has and continues to cause me great disappointment and embitterment.

Caravans are purposely manufactured to withstand exposure to normal out door weather conditions and in this particular situation our neighbors caravan has been left unroofed and maintained in the open for many years. Precisely to the specifications that Caravans have been designed and built toward.

My wife and myself are completely opposed to the construction of a Caravan port roof as it is proposed and urgently seek Council support in the issues and consequences brought about as a direct result of the recent raising of ground levels and pouring a concrete slab to within one meter from the top of our existing boundary fence.

Thank you for your time and consideration to our objections in relation to this development proposal Application Ref: DA2017.284.1. and to our concerns as presented. We await your reply.

Sincerely Yours,

James and Vivienne Capner

[redacted]

Item: **09**

Subject: **DA2017 - 290.1 2 LOT SUBDIVISION - LOT 85 DP 204600 NO 28 WAUGH ST, WAUCHOPE**

Report Author: Deb McKenzie

Applicant:	**I Hemler & M G Grounds**
Owner:	**I Hemler & M G Grounds**
Estimated Cost:	**$0**
Parcel no:	**24939**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 – 290.1 for a two lot subdivision at Lot 85, DP 204600, No. 28 Waugh Street, Wauchope, be determined by granting consent subject to the recommended conditions].

Executive Summary

This report considers a development application for a subdivision of one lot into two lots and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

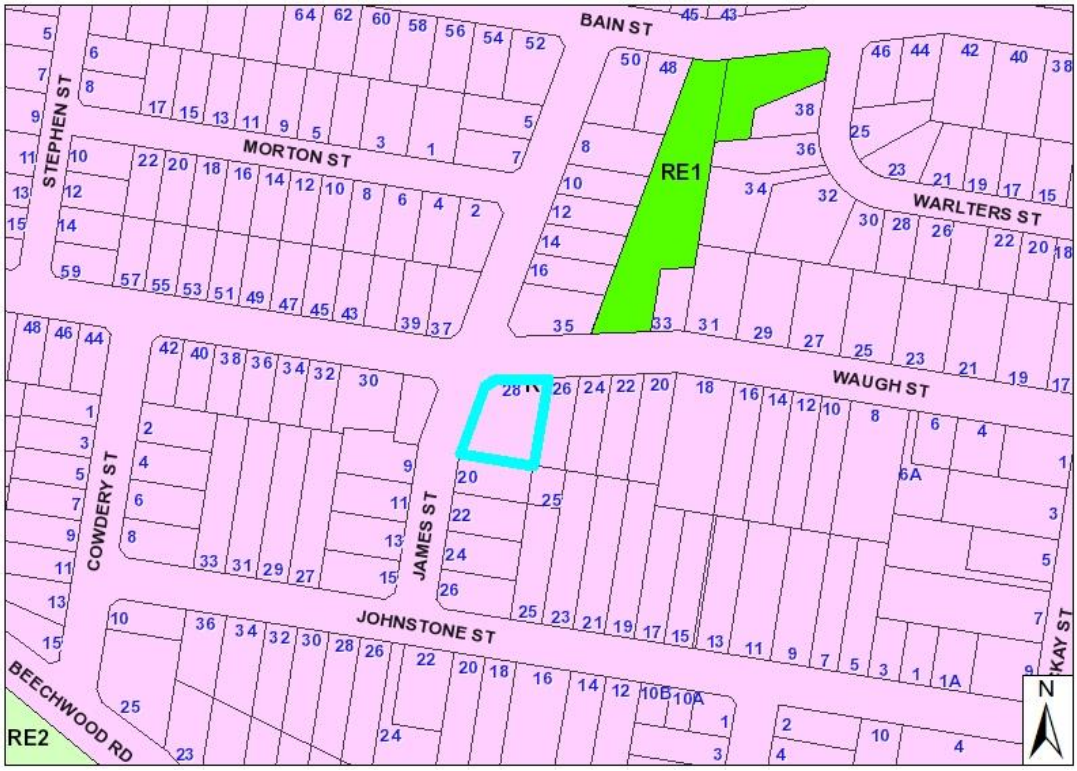
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1258m^2.

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:

- Subdivision of one lot into two lots
- Proposed Lot 1: 751.1sqm
- Proposed Lot 2: 507.4sqm
- Site is a corner lot.
- Access to each lot is from Waugh Street and James Street respectively.

Refer to attachments at the end of this report.

Application Chronology

- 10 April 2017 – application lodged
- 24 April 2017 – additional information requested
- 27 April 2017 – application notified
- 21 May 2017 – additional information received

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No.55 – Remediation of Land

The subject land has longstanding history of residential use and is not identified as being potentially contaminated and is suitable for the intended use.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for the subdivision of one lot into two lots is a permissible landuse with consent.

  The objectives of the R1 zone are as follows:
  - *To provide for the housing needs of the community.*
  - *To provide for a variety of housing types and densities.*
  - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

  In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
  - *the proposal is a permissible landuse;*
  - *the site is size and shape of the existing lot is sufficient to allow the creation of a new lot that generally complies with the provisions of HLEP 2011 and DCP 2013.*
  - *The new lot will allow for the development of new general residential development, providing new accommodation within the urban area of Wauchope.*

- Clause 2.7 - The demolition of the existing carport may be carried out as exempt development, subject to compliance with the AS 2601—2001.
- Clause7.13 - subject to recommended conditions of consent, satisfactory arrangements can be put in place for provision of essential services including water supply, electricity supply, on-site sewage management/sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

Nil

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	Proposed front boundary: 12.695m. At 5.5m along the northern boundary the lot width is approximately 13m This is a variation of approximately 2m. This variation is considered acceptable as the proposal is an infill development within an existing urban area. A compliant lot width in this case would not result in any different development potential behind the building line on proposed Lot 2.	No. Acceptable in this case.
	Minimum width of 7m when boundaries are extended to kerb line.	Complies	Yes
	Minimum depth of 25m.	Side boundaries are: Northern boundary: 33.615m Southern boundary: 35.66m	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	Satisfactory access is available to both lots. In terms of access the subject site is relatively flat.	Yes
3.6.3.4	Lots are to be designed	Proposed Lot 1: existing	Yes

	to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	single dwelling. Proposed Lot 2: the size and shape of the lot is capable of accommodating new residential development.	
3.6.3.5	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Proposed Lot 2 is of sufficient size and shape for adequate siting, design and layout of new residential development to provide for solar access to the new development.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Access into Proposed Lot 2 will be determined as part of the design and siting of new residential development on the site. It would be pre-emptive to locate a crossover and driveway to this site as part of the subdivision construction certificate, noting that an existing crossover currently provide access to the carport at the rear of the existing dwelling.	

Based on the above assessment, the variation proposed to the lot frontage of proposed Lot 2 is considered acceptable and the relevant objectives have been satisfied. The variation does not amount to an adverse impact or a significance that would justify refusal of the application.

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

Nil

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

Demolition of the existing carport 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 <u>Coastal Protection Act 1979</u>), 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:

The site to be subdivided is a corner lot, over 1200m^2 in area. The existing dwelling is oriented to Waugh Street and the new lot is oriented to James Street.

The area is characterised by low density residential development, predominantly single detached dwellings. A small 'pocket park' playground is located opposite proposed Lot 2.

The proposal is permissible and the newly created allotment is of a size and shape to accommodate a new residential development. A submission has been received raising concern with potential new dwelling on proposed Lot 2. New development is

Roads
The site has road frontage to Waugh Street and James Street. James Street is mapped as a Council-owned road while Waugh Street, like many roads in Wauchope, is currently mapped as a crown-owned road. This historical issue is likely to be resolved by the Crown Lands authority in future and has no impact on this application for subdivision. Both roads are currently maintained by Council, have 20m wide road reserves and approximately 13m wide sealed carriageways. Waugh Street is classified by Council as an Urban Collector road (under the AUS-SPEC system) while James Street is an Urban Local Street.

Both roads are also bounded by upright (SA) type kerb and gutter. There is no concrete footpath within James Street near the development site, while Waugh Street does have concrete footpath on the opposite (northern) side of the road from the site.

Traffic and Transport
A single residential dwelling is expected on average to generate 7-9 trips per day based on data collected in the RMS Guide to Traffic Generating Developments and Council's own local experience. The proposal is to subdivide and create another residential allotment which if developed using Complying Development provisions represents an intensification of another 7-9 trips per day. The existing local road network has sufficient capacity to cater for the proposed traffic increase.

Site Frontage & Access
The existing dwelling (proposed Lot 1) currently has vehicular access via a driveway crossing and layback in the north eastern corner of the site. The proposed Lot 2 is of sufficient size to enable a variety of future residential proposals and so the location of a driveway crossing should be determined with the future proposal. It is noted that there is an existing layback formed within the kerb serving Lot 2 (apparently poured with the original kerb and gutter construction).

Parking and Manoeuvring
The existing dwelling has no formal garage parking space, and has two parking spaces within the driveway forward of the building line. No additional on-site parking is required for Lot 2 at this time as this is to be designed with any future proposal (Complying Development or DA). Because proposed Lot 2 meets the minimum lot size for the zone it can reasonably be expected to accommodate the minimum parking demand and on-site manoeuvring required by Council's Development Control Plan with any future application.

Water Supply Connection
Council records indicate that the development site has an existing 20mm metered water service from the 100 AC water main on the opposite side of Waugh Street. This water service can remain in use for Lot 1. A second sealed water service is

required for proposed Lot 2. Details are to be shown on the engineering plans. Relevant conditions of consent to apply.

Sewer Connection
Council records indicate that the development site has multiple connections to sewer. Each proposed lot must have an individual connection to sewer. Any unused sewer junctions must be capped. Details are to be shown on the engineering plans with the CC documentation.

A separate sewer connection to Councils main is required for each Torrens Title lot. A manhole will also be required at the high end of the line as it will be more than 40m long. If the main is subject to future extension an end of line terminal shaft (poo pit) will be required.

Stormwater
The site naturally grades towards the Waugh Street (northern) frontage. The legal point of discharge for the proposed development is defined as a direct piped connection to Council's stormwater pit/pipeline within James Street.

Stormwater from the proposed development is planned to be disposed of constructing a new inter-allotment drainage line burdening Lot 1 and benefitting upstream Lot 2. A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a Construction Certificate.

Council's mapping system indicates there is a possibility that the existing street drainage pipe (recorded as 750mm in diameter) on the eastern side of James Street encroaches within the corner of proposed Lot 2. This is shown as a straight line of pipe between the pit at the intersection and the lot. If investigation by the applicant proves this to be correct, the issue needs to be rectified prior to any intensification proposal being finalised. This can be achieved by providing an easement to drain water in favour of Council (minimum 3m wide centred over the existing pipe) as part of the Subdivision Certificate. Alternatively the stormwater pipe may be relocated into the road reserve if a satisfactory design can be achieved.

If any work (e.g. on sewer or stormwater drainage lines) is required within adjoining properties, the written consent of that owner to the work will need to be obtained before a construction approval can be issued. Relevant conditions of consent to apply.

Other Utilities
Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval. Relevant conditions of consent to apply.

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

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

Water cycle

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

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

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

Flora and fauna
Construction of the proposed development will not require any removal/clearing of any significant vegetation. No requirements.

Waste
Demolition waste will be generated by the removal of the existing carport. Site works may also generate wastes. A Waste Management Plan is to be submitted with the Construction Certificate documentation. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Social impacts in the locality
The two lot subdivision is unlikely to result in any adverse social impacts.

Economic impact in the locality
No adverse impacts.

Site design
The size and shape of both resultant lot is acceptable.

Cumulative impacts
The proposal is small development resulting in one additional low density residential lot. The proposal is not expected to have any adverse cumulative impacts on the natural or built environment attributes of the locality.

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

The site complies with the minimum lot size requirements of the LEP, achieves the objectives of the R1 zone. The size and shape of the new lot (Lot 2) is adequate for future residential development, subject to approval via DA or CDC. Appropriate conditions regarding servicing of both lots are recommended.

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

One 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
Proposed Lot 2 is only marginally above the minimum lot size	The proposal comprises: Proposed Lot 1: 751.1m^2 Proposed Lot 2: 507.4m^2 Both lots comply with the minimum lot size of 450m^2 under HELP 2011, clause 4.1.
Frontage to James Street is narrower than surrounding sites.	The frontage to James Street is 12.695m. This is a minor variation to the 15m frontage provision in clause 3.6.3.2 (Lot layout) of the DCP 2013. This variation has been addressed and considered reasonable and acceptable in this case.
Parking in James Street is already well used day and night.	Proposed Lot 2 is sized to contain a residential development compliant with the provisions of LEP 2011 and DCP 2013, including parking onsite. There is an existing crossover on James Street that provides access to the rear of the existing lot. If this is replaced by a new driveway there is no nett loss of on street parking on James Street.
Reduce amenity and enjoyment of adjoining property due to loss of direct sunlight, closeness of neighbours, noise concerns, loss of views	Proposed Lot 2 is of sufficient size and shape to accommodate a new residential development on the site. The environmental impact of any new development will be required to address the matters raised.
Existing dwelling not shown on plan accurately.	The submitted subdivision plan has been prepared by a qualified surveyor.
Conversion of existing parking to habitable room	A condition of consent will require a minimum of one car parking space to be provided for proposed Lot 1 that contains the existing dwelling. Details to be submitted with the construction certificate for the subdivision works. There is adequate space on proposed Lot 1 to provide this parking.
Plans do not show existing structures at rear of property	Noted. A revised plan was requested and submitted showing the location of the existing carport on the plan.
Removal of mature trees from the block in 2016.	Unknown. No record of any CRM on record advising of unauthorised or illegal tree removal.
Sewer issues with the site.	The application was referred to Council's Engineers. Conditions of consent recommended.
Stormwater pooling and 'wet' blocks.	The application was referred to Council's Engineers. Conditions of consent recommended.
Approval of subdivision means potential complying development dwelling with no notification to neighbours	Any future residential development will be required to comply with the provisions of the EP&A Act. It is acknowledged that that could include a complying development dwelling on the site. Notwithstanding, complying

	development is subject to approval in accordance with specific provisions of the Act pertaining to siting, design and layout of any proposed development. The size and shape of proposed Lot 2 is sufficient to accommodate a dwelling.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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

5. CONCLUSION

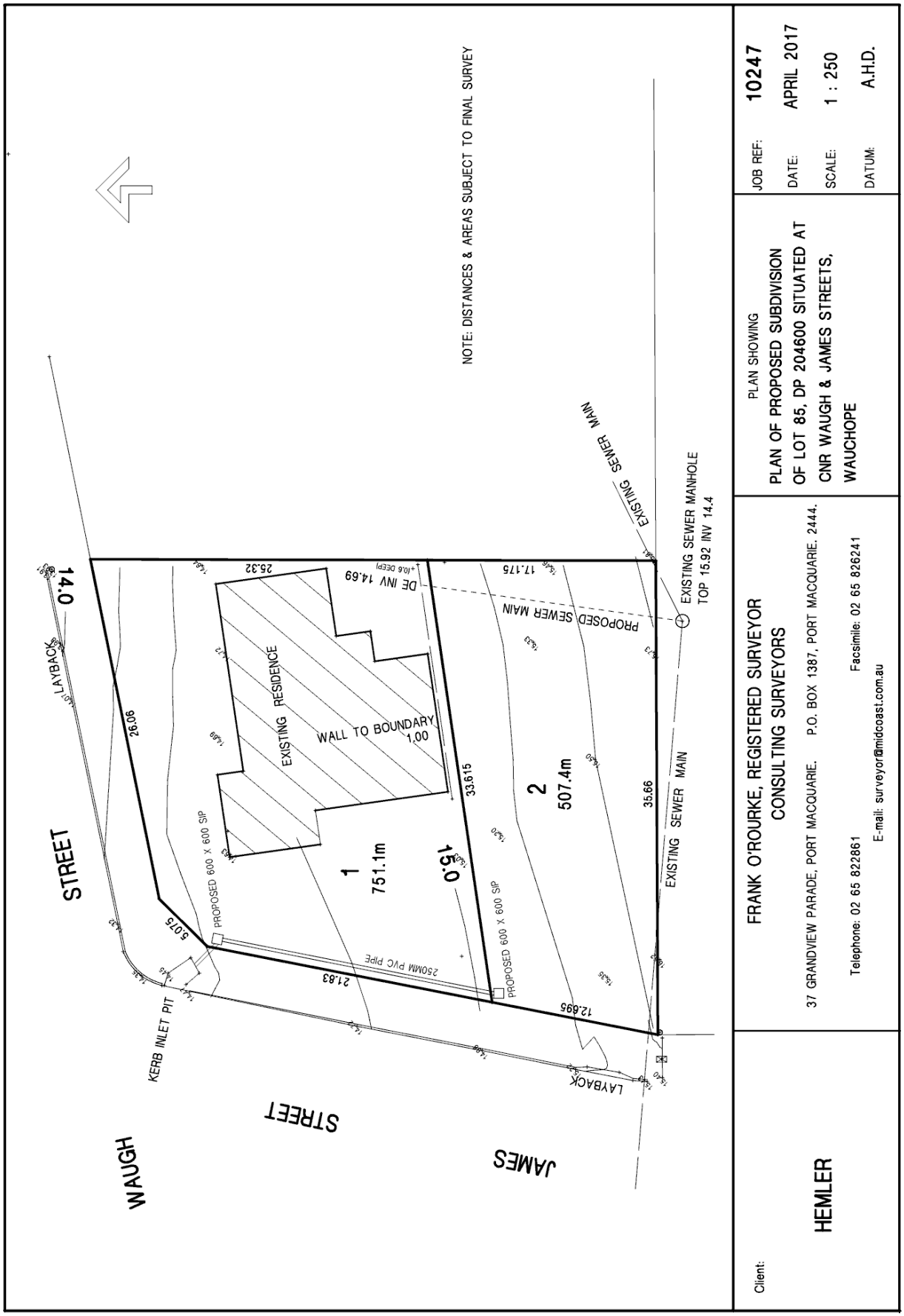
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

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

Attachments

1View. DA2017 - 290.1 Plan
2View. DA2017 - 290.1 Submission - Conley
3View. DA2017 - 290.1 Recommended DA Conditions


NOTE: DISTANCES & AREAS SUBJECT TO FINAL SURVEY
WAUGH STREET
JAMES STREET
STREET
LAYBACK
KERB INLET PIT
14.0
5.075
26.06
21.83
12.695
25.32
17.175
33.615
35.66
15.0
1
751.1m
2
507.4m
EXISTING RESIDENCE
WALL TO BOUNDARY 1.00
PROPOSED 600 X 600 SIP
250MM PVC PIPE
DE INV 14.69
PROPOSED SEWER MAIN
EXISTING SEWER MAIN
EXISTING SEWER MANHOLE TOP 15.92 INV 14.4
JOB REF: 10247
DATE: APRIL 2017
SCALE: 1 : 250
DATUM: A.H.D.
PLAN SHOWING
PLAN OF PROPOSED SUBDIVISION OF LOT 85, DP 204600 SITUATED AT CNR WAUGH & JAMES STREETS, WAUCHOPE
FRANK O'ROURKE, REGISTERED SURVEYOR
CONSULTING SURVEYORS
37 GRANDVIEW PARADE, PORT MACQUARIE. P.O. BOX 1387, PORT MACQUARIE. 2444.
Telephone: 02 65 822861 Facsimile: 02 65 826241
E-mail: surveyor@midcoast.com.au
Client:
HEMLER

RECEIVED
DATE 9/11/17 BY Le

20 James Street
Wauchope NSW 2446

8 May 2017

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

Dear Sir

Re: Submission
Application Number 2017/290
2-Lot Subdivision Proposal;
Lot: 85DP: 204600; 28 Waugh St Wauchope NSW.
Our property adjoins the proposed Lot 2 to the South.

Following discussions with a firm of consulting surveyors and town planners we are lodging an objection to the above Development Application.

The grounds for our objection are outlined below:

- Lot 2 of the proposed subdivision is only marginally above the minimum size required for a building block in Wauchope.
- The planned frontage to James Street is far narrower than surrounding properties being only 12.695m.
    - Considering the necessity of a driveway and off street parking the flexibility with regard to siting a building on the proposed Lot 2, is highly constrained.
- Parking in James Street is already well used during the day and the night.
- Any increase or change to the current building envelope will significantly reduce our existing amenity and enjoyment.

- This includes: The loss of direct sunlight between mid-April until mid-August, closeness of any new neighbours, extra noise concerns and loss of views.
- Of particular concern is the changing of the current rear boundary of number 28 Waugh Street to a side boundary of Lot 2 and the significant change to the building setback thus allowed. This is the boundary that boarders our property.

- The current dwelling at 28 Waugh Street has a greater size and roof area than indicated in the subdivision plan. The current building was brick veneered and roof line extended some decades ago.
- The existing dwelling at 28 Waugh Street no longer has a double garage as this has been made into a habitual room.
- The existing carport and garden shed and are not indicated on the proposed subdivision plan.
- The removal of the mature trees from the block in 2016.
- There were sewer problems that Council was involved with in 2015 or 2016 under the fence line where the existing sewer main crosses into the proposed Lot 2.
- Both our block (20 James Street) and the property at 28 Waugh Street are subject to significant storm water pooling and are considered "wet" blocks with water ponding during the summer rainfall months.
- Our concern that if the subdivision plan is approved then a complying building plan would also be approved without notification to neighbours. This would likely lead to our loss of enjoyment and amenity.

Yours faithfully

[redacted]

Ian and Yvonne Conley

[redacted]

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/290 DATE: 04/07/2017

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
Subdivision Plan	Job No. 10247	Frank O'Rourke	April 2017
SoEE	Job No. 10247	Frank O'Rourke	19/4/17

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) (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.

(3) (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.

(4) (A004) An application for a Construction Certificate shall be lodged with and approved by the Council or an Accredited Certifier prior to commencing subdivision works, and a Subdivision Certificate application shall be lodged with and approved by the Principal Certifying Authority (e.g. Council) prior to dedication of the land or works to the public.

(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. 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) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:

a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,

b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,

c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

i. deposit with the Council, or

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

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

(9) (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 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

(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:

a) Sewerage reticulation.

b) 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.

c) Stormwater systems.

d) Location of all existing and proposed utility services including:

a. Conduits for electricity supply and communication services (including fibre optic cable).

b. Water supply

c. Sewerage

d. Stormwater

(3) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

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

(4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

(5) (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.

(6) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

(7) (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.

b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.

c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5.

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

(8) (B195) Prior to each Construction Certificate for subdivision works, a Compliance Certificate under Section 109(C) of the EP&A Act shall be issued by the Water Authority approving the design of water and sewer subdivision works. The certificate and stamped plans shall form part of the Construction Certificate for subdivision works.

(9) (B196) Council records indicate that the development site has an existing 20mm metered water service from the 100 AC water main on the opposite side of Waugh Street. This water service can remain in use for Lot 1. A second sealed water service is required for proposed Lot 2. Details are to be shown on the engineering plans.

(10) (B197) Council records indicate that the development site has multiple connections to the sewer. Each proposed lot must have an individual connection to sewer. Any unused sewer junctions must be capped. Details are to be shown on the engineering plans.

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 CONSTRUCTION

(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. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;

b. prior to the pouring of concrete for sewerage works and/or works on public property;

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

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

(3) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

Safely disposing of asbestos waste from your home

Fibro & Asbestos - A Renovator and Homeowner's Guide

Asbestos Awareness

E – PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

(1) (B010) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Hastings S94 Administration Building Contributions Plan
- Hastings Administration Levy Contributions Plan
- 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.

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

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

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

(5) (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.

(6) (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.

(7) (E053) All public infrastructure 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.

(8) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.

(9) (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.

(10) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.

(11) (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 Certificate. The copyright for all information supplied, shall be assigned to Council.

(12) (E195) Prior to or concurrently with the Subdivision Certificate, the line of existing public stormwater pipes within James Street adjacent to the site shall be investigated at no cost to Council and if Council determines that any of the pipe encroaches within proposed Lot 2 (western corner), an easement to drain water in favour of Council shall be registered over the pipe, with a width as required by Council's AUS-SPEC (minimum 3m) centred over the line of pipe. Alternatively Council may approve a Roads Act (s138) application to reconstruct the line of pipes (and pits if necessary) within the road reserve.

(13) The existing carport on proposed Lot 2 is to be demolished prior to release of the Subdivision Certificate.

(14) (A195) A minimum of at least one car parking space for the existing dwelling on proposed Lot 1 is to be provided, behind the building line (4.5m). This parking space is be 5.4m x 2.6m minimum, to be sealed with driveway access from either Waugh Street or James Street.

If a new crossover and driveway is required to satisfy this condition, then details are to provided with the application for approval pursuant to Section 138 of the Roads Act. Such to be approved prior to issue of the Subdivision Certificate for the subdivision.

F – OCCUPATION OF THE SITE

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

Item: **10**

Subject: **DA2017 - 299.1 DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - LOT 55 DP 807508, NO.2 HART STREET, PORT MACQUARIE**

Report Author: Fiona Tierney

Applicant:	**D A Jordan**
Owner:	**D A & K M Jordan & P J Boag**
Estimated Cost:	**$287,625**
Parcel no:	**8182**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 - 299 for a Dual Occupancy and Torrens Title Subdivision at Lot 55, DP 807508, No. 2 Hart Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

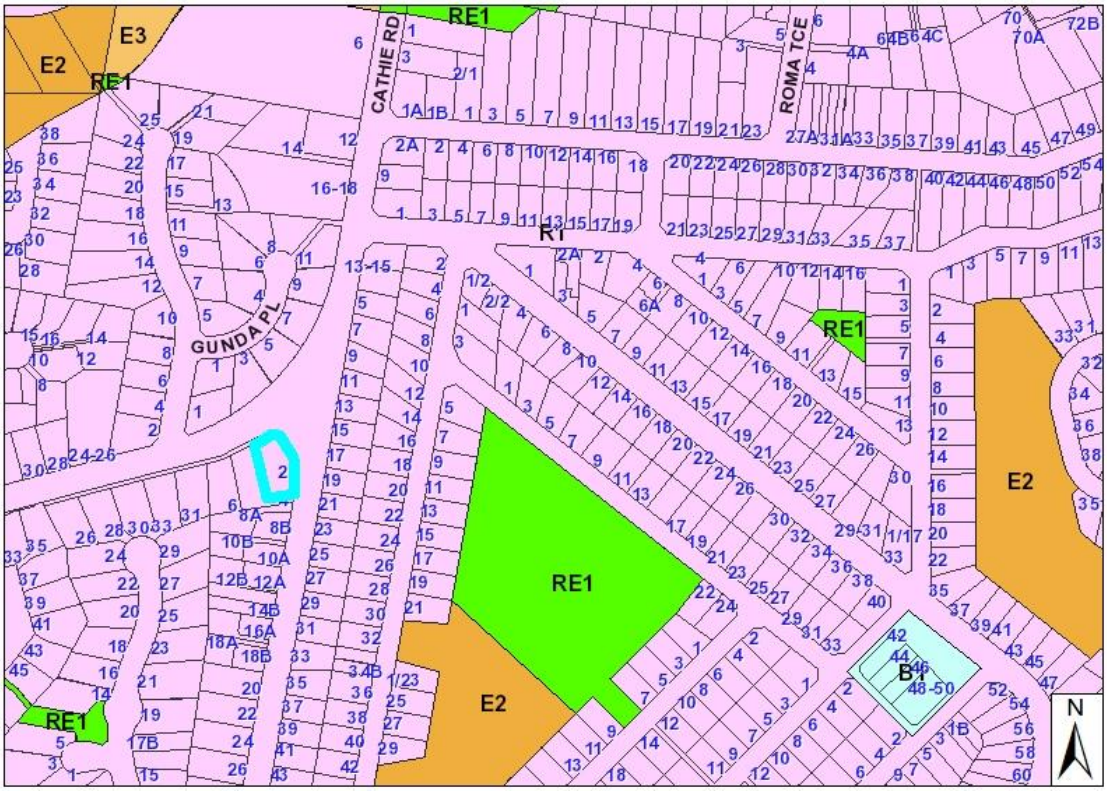
This report considers a development application for a dual occupancy and torrens title subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.
Following exhibition of the application, three submissions have been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1074m2.

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:

- Subdivision of the land into two Torrens title lots;
- Construction of a single dwelling on the new lot.

Refer to attachments at the end of this report.

Application Chronology

- 12 April 2017 - Application lodged.
- 3 May 2017 to 16 May 2017 - Neighbour notification of the proposal.
- 8 June 2017 - Additional information requested from Applicant.
- 23 June 2017 - Additional information and amended plans submitted by Applicant.
- 26 June 2017 - Copy of amended plans forwarded to objector.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

BASIX certificates (number 810514S and A277412) 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 proposal is consistent with the LEP having regard to the following:

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

  The objectives of the R1 zone are as follows:
  - To provide for the housing needs of the community.
  - To provide for a variety of housing types and densities.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
- The proposal is a permissible landuse;
- The development would provide for a variety of housing types and densities to meet the housing needs of the community.

- Clause 4.1A – The minimum lot size does not apply as the development includes subdivision into two lots and the construction of a dwelling on each lot.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.794m which complies with the standard height limit of 8.5m & 11.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 1:1 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 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
3.2.2.2	Articulation zone: • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature	Unit 2 4.413m	Yes
	Front setback (Residential not R5 zone): • Min. 4.5m local road	Minimum 4.489 Unit 1 setback to local road.	No*
3.2.2.3	Garage minimum 5.5m front setback and garage	Minimum 6.537m setback and more than 1 metre	Yes

	door recessed behind building line at least 1m or eaves/overhangs provided	behind the building line.	
	6m max. width of garage door/s and 50% max. width of building	5.0m wide and 33% of building width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5.0m wide and 25% of site frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Minimum 2.3m rear setback	No*
3.2.2.5	Side setbacks: • 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.	Minimum 900mm side setback The Applicant has submitted shadow diagrams demonstrating that the development would not adversely overshadow neighbouring primary living areas and private open space for more than 3 hours on 21 June. Building wall articulation satisfactory.	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.	Unit 1 and 2 have a minimum 35m^2 private open space including 4m x4m area accessible from living room. Multiple deck and usable open space areas are provided that enable outdoor living and utility spaces.	Yes
3.2.2.7	Front fences: • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances (Fig 3.3 of AS2890.1 2004 overrides this standard		N/A

	by requiring a min 2.5x2m splay for driveway entrances) See David Troemel for info.		
3.2.2.8	• Front fences and walls to have complimentary materials to context • No chain wire, solid timber, masonry or solid steel		N/A
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. 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	Boundary fencing and existing landscaping assist with screening. The applicant has also amended plans to provide a privacy screen to unit 2 deck adjoining side boundary.	Yes

DCP 2013: General Provisions			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and	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	Yes

	ownership • Lighting • Way finding • Predictable routes and entrapment locations	surveillance within the locality and openings from each dwelling overlook common and private areas.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls		Yes
2.3.3.2	1m max. height retaining walls along road frontages	Maximum 1m retaining wall along road frontage.	Yes
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended requiring certification of retaining walls.	Yes
	Combination of retaining wall and front fence height	Maximum 1m retaining wall along road frontage with 1.5m fence setback 1m behind the top of the retaining wall.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint	Street tree vegetation proposed to be removed to enable driveway construction.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access from local road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Single shared driveway 5.0m wide proposed to each dwelling. Additional access from ROW.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: • 1 space = single dwelling (behind building line) and dual occupancy • Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings	Double garage for each dwelling.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Concrete.	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 complying. Long section will be required prior to the issue of a Construction Certificate.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying. Long section will be required prior to the issue of a Construction Certificate.	Yes

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
3.6.3.2	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m^2 if: • Each lot to be created is part of a community or strata title scheme, or • Is part of an integrated Torrens title housing development.	Proposal is an integrated Torrens title housing development and includes creation of one lot smaller than 450m^2.	
3.6.3.3	Council may consider permitting Torrens Title battleaxe allotments for —infill development where it is demonstrated that; • 5 full length of the driveway; and • addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and • extends utilities to the end of the axe handle; and • there is sufficient space for garbage collection on the frontage.		N/A
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level,	Proposal includes construction of dwelling on each lot and has detailed the extent of cut and fill.	Yes

	outside the dwellings external walls.		
3.6.3.20	Water supply to meet Council's design specifications.	See comments later in this report under Water Supply Connection.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	Reclaimed water not available.	n/a
3.6.3.24	Separate sewer junction provided for each lot.	See comments later in this report under Sewer Connection.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Standard condition recommended confirming this requirement.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Condition recommended requiring satisfactory arrangements certification from electricity and telecommunications authorities.	Yes

The proposal seeks to vary Development Provision 3.2.2.2 in relation to the minimum front setback of Unit 1.

The relevant objective is that front setbacks should support an attractive streetscape.

The proposal is considered to be consistent with the objectives of the provision for the following reasons:

- The site has an angular frontage to the street with a unique generous road reserve that extends to a closed road/cul-de-sac and frontages to the right of carriageway.
- The encroachment is minor and relates to the deck. The existing dwelling is currently situated less than 2m from the side boundary due to the current block alignment and this variation is not significantly intensified with the additions to unit 1. Unit 2 has a deck that would generally be permitted within the articulation zone.
- The building is articulated and the variation would not adversely impact the streetscape.

The proposal seeks to vary Development Provision 3.2.2.4 in relation to the minimum rear setback of Unit 2.

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.

The proposal is considered to be consistent with the objectives of the provision for the following reasons:

- The adjoining property to the west is at a higher elevation and the reduced setback would not adversely affect natural light and ventilation between the dwellings. A large high courtyard wall extends around the pool area and retaining walls and what appears to be magnolias are planted along the boundary.

- A useable yard area and decks are proposed between the dwelling and the rear boundary.

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:

No provisions of the regulations are applicable to the proposal.

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:

The site has a general south-westerly street frontage orientation to Beacon Court.

Two storey dwellings adjoin the site to the north, east, and west. 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 significant adverse lighting impacts.

There are no significant adverse privacy impacts. Privacy has been adequately addressed through building design.

Overshadowing
There are no adverse overshadowing impacts. The Applicant has submitted shadow diagrams demonstrating that the proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads
The site has road frontage to Hart Street to the east and Cathie Road to the north. Access to Council-owned Cathie Road is not proposed. The shared driveway along the southern frontage is a privately owned Right of Carriageway and is discussed under the Access heading below.

Hart Street is a Council-owned and maintained road with 'Local Street' classification under the AUS-SPEC system. It has a sealed carriageway of approximately 8m width, within a road reserve of variable width (minimum 20m wide). From the site southwards, the road is bounded on both sides by rollover (SE) type kerb and gutter, but north of the existing driveway crossover no kerb is formed (grass shoulder). Hart Street has no existing concrete footpaths on either side of the road in the vicinity of the site. No footpaths are required as a result of this development because there is no existing footpath infrastructure in the surrounding streets and considering the low intensity (dual occupancy) nature of the proposal.

Having regard to Council's frontage works policy, a condition is recommended requiring upgrade of the Hart Street frontage of the property with concrete kerb and gutter. This is to ensure that development incrementally deals with the impacts of intensification on surrounding roads by providing required infrastructure.

A restriction as to user (fifthly referred to by DP 807508) currently prevents vehicular access across the northern and most of the eastern boundary of the site. Council's Transport and Stormwater Network staff has agreed that a small part of this restriction can be extinguished to allow the proposed driveway crossovers, noting that Hart Street has been reconfigured as a dead-end with no access to Cathie Road. This release will need to occur before the Occupation Certificate is granted, and most likely as part of the Subdivision Certificate application for the proposed subdivision. If Hart St and Cathie Rd are re-connected in the distant future there is considered sufficient space for the intersection design to accommodate traffic safety concerns.

Traffic and Transport
The site is currently occupied by a single dwelling which is expected to generate 7-9 daily trips on average with reference to the RMS *Guide to Traffic Generating Developments* and Council traffic surveys. This development proposes to create an additional dwelling which would be expected to generate an increase of 7-9 daily trips. The existing road network has sufficient capacity to accommodate the increase in traffic trips associated with the development.

Site Frontage & Access
The proposal includes two driveways to Hart Street which have been discussed under the Roads heading above, and a third driveway onto the existing shared access handle to the south, which is a Right of Carriageway benefitting the subject Lot 55. Although legal access was not available to Lot 55 under the original subdivision (DP 807508), dealing 5168052 N was registered in 1998 so that the lot would benefit from this access.

Each new driveway crossing on public land will require a Roads Act (s138) application to Council for approval. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring
A total of 2 existing garage parking spaces are available for Unit 1 (Lot 1). 3 new parking spaces have been provided on-site within garages for Unit 2. Additional informal parking is available in the driveways within each lot boundary. Council's DCP requires each single dwelling or dual occupancy to provide a minimum of 1 parking space per dwelling.

There is approximately 40m (excluding the proposed new driveway crossovers) of additional capacity for overflow parking directly fronting the site within the public 8m wide road, and a condition of consent has been recommended requiring extension of

the kerb and gutter along the property frontage to protect and discourage parking on the grass verge.

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements. Refer to relevant conditions of consent.

Water Supply Connection
Council records indicate that the development site has an existing 20mm metered water service from the 100 AC water main on the opposite side of Hart Street. This water service can be adopted for Unit 2. A second metered water service is required for Unit 1. The water meter locations shown on the plans are acceptable for Water Supply Section.

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

Sewer Connection
Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs outside the southern property boundary. Council's sewer infrastructure must be extended to provide each proposed lot with an individual connection to sewer. Details are to be provided on the engineering plans.

A separate sewer connection to Councils main is required for each Torrens Title lot.A manhole will also be required at the high end of the line as it will be more than 40m long. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans. Detailed plans will be required to be submitted for assessment with the S.68 application.

Stormwater
The site naturally grades towards the south, to an existing public drainage line and sag pit within the shared Right of Carriageway on the southern boundary of the site. The site is currently benefitted by an easement to drain water (DP 807508) across the handle to the pit. It is likely that a junction into the pit exists for the connection to the existing dwelling although Council's mapping system has no record of this.

The legal point of discharge for the proposed development is defined as a direct connection to that sag pit which is a part of Council's stormwater network because it drains Cathie Road from further up the hill to the northwest. Because the two dwellings are proposed on separate titles (Torrens system), an inter-allotment drainage network and easement is to be extended across Lot 2 to provide a new connection point for Lot 1. The capacity of the downstream junction will need to be proven as part of the detailed hydraulic design, and upgraded if necessary to comply with current standards.

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

- In accordance with Councils AUSPEC requirements, on site stormwater detention facilities must also be incorporated into the stormwater drainage plan separately for each dwelling. Water tanks may achieve the required detention capacity (hydraulic calculations to be provided).

Other Utilities
Telecommunication and electricity services are available to the site. It is recommended that the applicant contact the utilities as soon as possible and prior to

commencement of construction, to determine any requirements of the relevant utilities to provide separate new services to each dwelling. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

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

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

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

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

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

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

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

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

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

Bushfire
The site is not identified as being bushfire prone.

Safety, security and crime prevention
The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of

security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

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

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

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

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

Cumulative Impacts

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

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

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

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

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

Three (3) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Failure of both dwellings to comply with DCP requirements of 4.5m to Hart St. Will detract from amenity and streetscape.	Variation considered acceptable given large road reserve and ability for decks/patios to extend to 3m.The existing dwelling has been constructed with side boundary to Hart St with relevant reduced setbacks.
Dwelling 2 setback less than 4m from rear boundary.	No genuine rear setback given lot configuration, however setback considered appropriate with staggered setbacks and deck areas proposed. No significant privacy, overshadowing or bulk and scale impacts are considered to result from the proposed building setbacks. Adequate separation available between adjoining buildings. Significant courtyard wall on adjoining property at 3m in height provides for added privacy.
Dwelling 2 not provided 4 x 4 area	The proposal is considered to comply with the open space provisions and objectives of the DCP – refer to DCP comments.
No privacy screen to Western elevation rear deck	Provided in amended plans
Right of Carriageway confirmation	Documentary evidence of legal access to right of carriage way submitted
Restriction driveway access from Hart St	Council engineering staff have agreed that restriction may be removed. Condition to be applied.
Traffic/Parking	Council engineers confirm road capable of accommodation additional traffic that may be generated by the proposal.
Drainage	Details to be provided with CC

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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

5. CONCLUSION

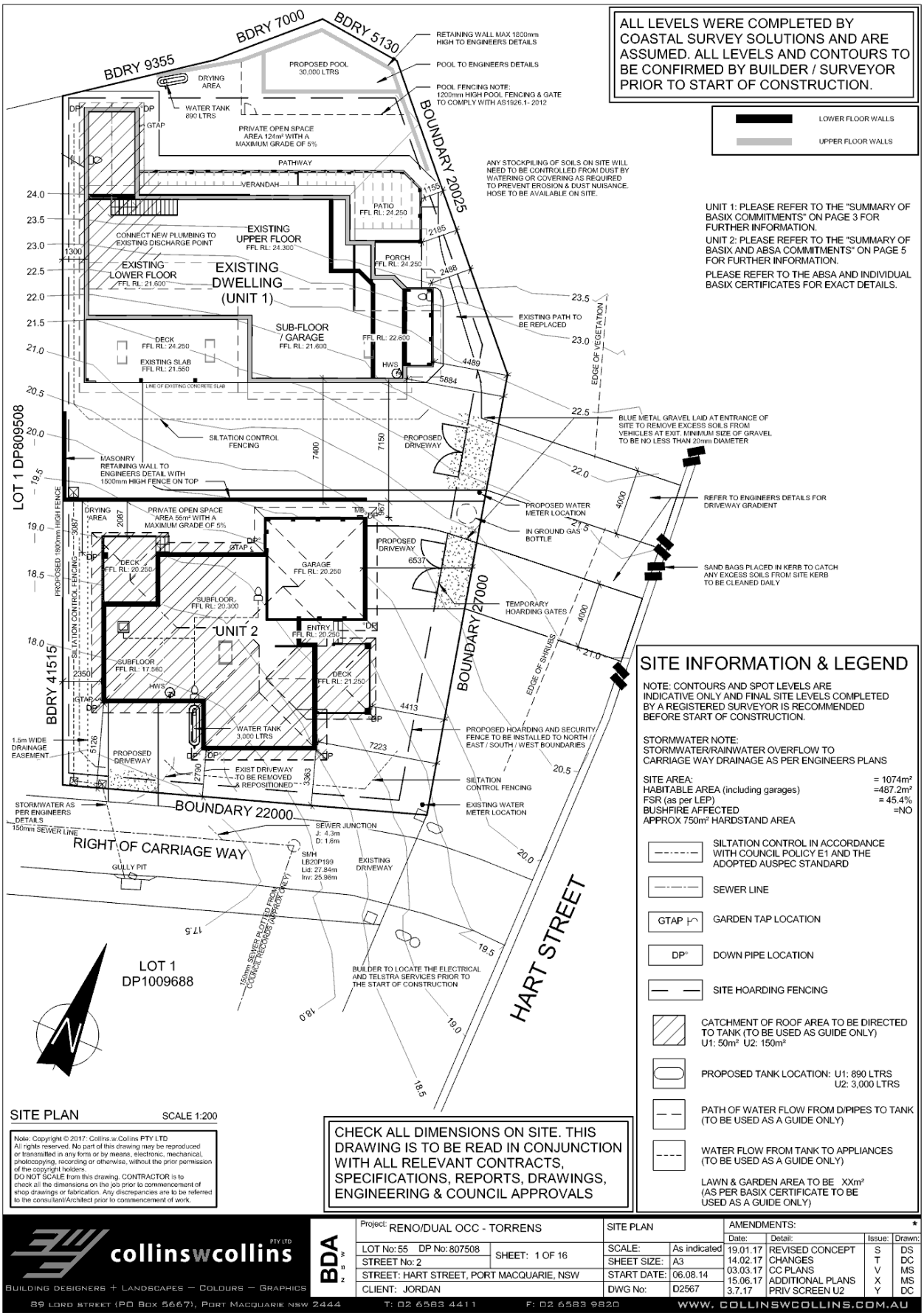
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

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

Attachments

1View. DA2017 - 299.1 Plans
2View. DA2017 - 299.1 Recommended DA Conditions
3View. DA2017 - 299.1 Submission - Dickson
4View. DA2017 - 299.1 Submission - Gunn
5View. DA2017 - 299.1 Submission - Jackson


ALL LEVELS WERE COMPLETED BY COASTAL SURVEY SOLUTIONS AND ARE ASSUMED. ALL LEVELS AND CONTOURS TO BE CONFIRMED BY BUILDER / SURVEYOR PRIOR TO START OF CONSTRUCTION.
LOWER FLOOR WALLS
UPPER FLOOR WALLS
BDRY 7000
BDRY 5130
BDRY 9355
BDRY 41515
BOUNDARY 20025
BOUNDARY 27000
BOUNDARY 22000
RETAINING WALL MAX 1800mm HIGH TO ENGINEERS DETAILS
POOL TO ENGINEERS DETAILS
POOL FENCING NOTE: 1200mm HIGH POOL FENCING & GATE TO COMPLY WITH AS1926.1- 2012
PROPOSED POOL 30,000 LTRS
DRYING AREA
WATER TANK 890 LTRS
PRIVATE OPEN SPACE AREA 124m² WITH A MAXIMUM GRADE OF 5%
PATHWAY
VERANDAH
PATIO FFL RL: 24.250
ANY STOCKPILING OF SOILS ON SITE WILL NEED TO BE CONTROLLED FROM DUST BY WATERING OR COVERING AS REQUIRED TO PREVENT EROSION & DUST NUISANCE. HOSE TO BE AVAILABLE ON SITE.
UNIT 1: PLEASE REFER TO THE "SUMMARY OF BASIX COMMITMENTS" ON PAGE 3 FOR FURTHER INFORMATION.
UNIT 2: PLEASE REFER TO THE "SUMMARY OF BASIX AND ABSA COMMITMENTS" ON PAGE 5 FOR FURTHER INFORMATION.
PLEASE REFER TO THE ABSA AND INDIVIDUAL BASIX CERTIFICATES FOR EXACT DETAILS.
CONNECT NEW PLUMBING TO EXISTING DISCHARGE POINT
EXISTING UPPER FLOOR FFL RL: 24.300
EXISTING LOWER FLOOR FFL RL: 21.600
EXISTING DWELLING (UNIT 1)
PORCH FFL RL: 24.250
SUB-FLOOR / GARAGE FFL RL: 21.600
FFL RL: 22.600
DECK FFL RL: 24.250
EXISTING SLAB FFL RL: 21.550
LINE OF EXISTING CONCRETE SLAB
EXISTING PATH TO BE REPLACED
EDGE OF VEGETATION
BLUE METAL GRAVEL LAID AT ENTRANCE OF SITE TO REMOVE EXCESS SOILS FROM VEHICLES AT EXIT. MINIMUM SIZE OF GRAVEL TO BE NO LESS THAN 20mm DIAMETER
SILTATION CONTROL FENCING
PROPOSED DRIVEWAY
MASONRY RETAINING WALL TO ENGINEERS DETAIL WITH 1500mm HIGH FENCE ON TOP
LOT 1 DP809508
PROPOSED 1800mm HIGH FENCE
SILTATION CONTROL FENCING
PRIVATE OPEN SPACE AREA 56m² WITH A MAXIMUM GRADE OF 5%
PROPOSED WATER METER LOCATION
IN GROUND GAS BOTTLE
REFER TO ENGINEERS DETAILS FOR DRIVEWAY GRADIENT
SAND BAGS PLACED IN KERB TO CATCH ANY EXCESS SOILS FROM SITE KERB TO BE CLEANED DAILY
GARAGE FFL RL: 20.250
SUBFLOOR FFL RL: 20.300
UNIT 2
ENTRY FFL RL: 20.250
SUBFLOOR FFL RL: 17.560
DECK FFL RL: 21.250
TEMPORARY HOARDING GATES
EDGE OF SHRUBS
WATER TANK 3,000 LTRS
PROPOSED HOARDING AND SECURITY FENCE TO BE INSTALLED TO NORTH / EAST / SOUTH / WEST BOUNDARIES
1.5m WIDE DRAINAGE EASEMENT
PROPOSED DRIVEWAY
EXIST DRIVEWAY TO BE REMOVED & REPOSITIONED
SILTATION CONTROL FENCING
EXISTING WATER METER LOCATION
STORMWATER AS PER ENGINEERS DETAILS
150mm SEWER LINE
SEWER JUNCTION J: 4.3m D: 1.6m
RIGHT OF CARRIAGE WAY
SMH LB20P199 Lid: 27.84m Inv: 25.96m
EXISTING DRIVEWAY
GULLY PIT
150mm SEWER PLOTTED FROM COUNCIL RECORDS (APPROXIMATELY)
LOT 1 DP1009688
BUILDER TO LOCATE THE ELECTRICAL AND TELSTRA SERVICES PRIOR TO THE START OF CONSTRUCTION
HART STREET
SITE PLAN
SCALE 1:200
SITE INFORMATION & LEGEND
NOTE: CONTOURS AND SPOT LEVELS ARE INDICATIVE ONLY AND FINAL SITE LEVELS COMPLETED BY A REGISTERED SURVEYOR IS RECOMMENDED BEFORE START OF CONSTRUCTION.
STORMWATER NOTE: STORMWATER/RAINWATER OVERFLOW TO CARRIAGE WAY DRAINAGE AS PER ENGINEERS PLANS
SITE AREA: = 1074m²
HABITABLE AREA (including garages) =487.2m²
FSR (as per LEP) = 45.4%
BUSHFIRE AFFECTED =NO
APPROX 750m² HARDSTAND AREA
SILTATION CONTROL IN ACCORDANCE WITH COUNCIL POLICY E1 AND THE ADOPTED AUSPEC STANDARD
SEWER LINE
GTAP GARDEN TAP LOCATION
DP DOWN PIPE LOCATION
SITE HOARDING FENCING
CATCHMENT OF ROOF AREA TO BE DIRECTED TO TANK (TO BE USED AS GUIDE ONLY) U1: 50m² U2: 150m²
PROPOSED TANK LOCATION: U1: 890 LTRS U2: 3,000 LTRS
PATH OF WATER FLOW FROM D/PIPES TO TANK (TO BE USED AS A GUIDE ONLY)
WATER FLOW FROM TANK TO APPLIANCES (TO BE USED AS A GUIDE ONLY)
LAWN & GARDEN AREA TO BE XXm² (AS PER BASIX CERTIFICATE TO BE USED AS A GUIDE ONLY)
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BDA
Project: RENO/DUAL OCC - TORRENS
LOT No: 55 DP No: 807508
STREET No: 2
STREET: HART STREET, PORT MACQUARIE, NSW
CLIENT: JORDAN
SHEET: 1 OF 16
SITE PLAN
SCALE: As indicated
SHEET SIZE: A3
START DATE: 06.08.14
DWG No: D2567
AMENDMENTS:
Date: Detail: Issue: Drawn:
19.01.17 REVISED CONCEPT S DS
14.02.17 CHANGES T DC
03.03.17 CC PLANS V MS
15.06.17 ADDITIONAL PLANS X MS
3.7.17 PRIV SCREEN U2 Y DC

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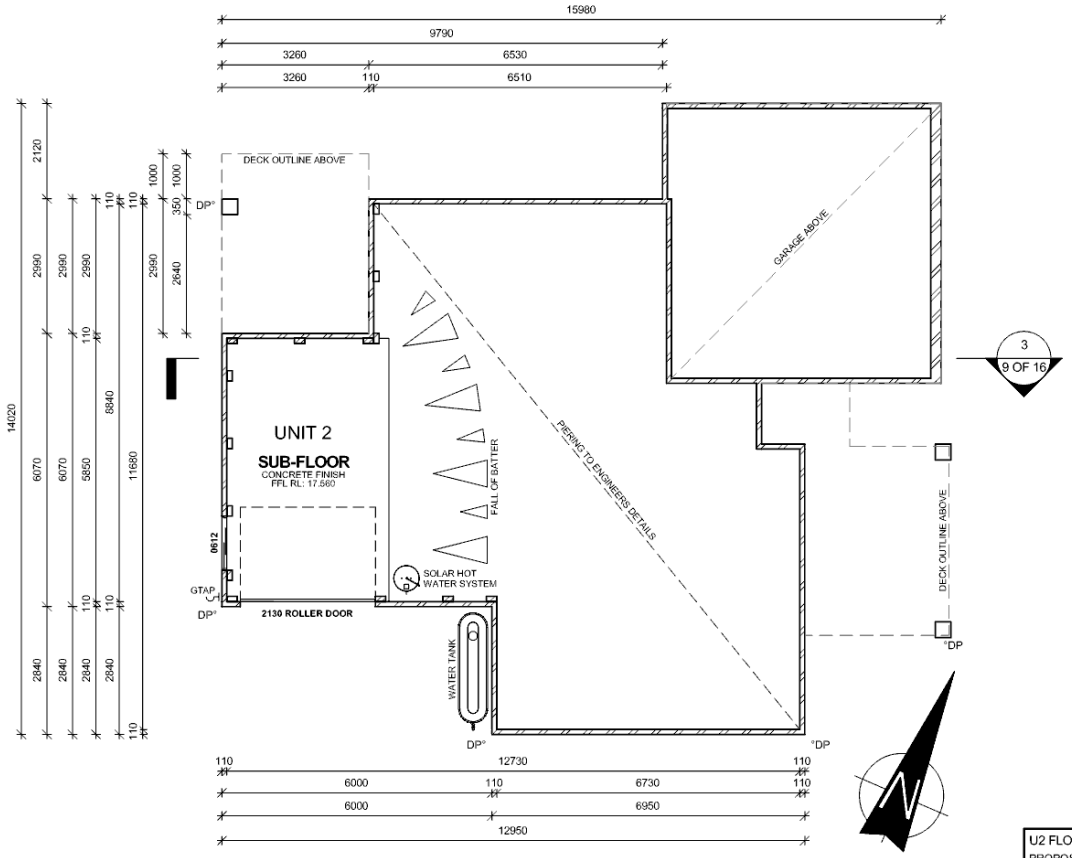
CEILING PENETRATION - APPROVED NON-VENTILATED COVER OR SHIELD IS TO BE INSTALLED TO ALL RECESSED LIGHTING AND EXHAUST FANS TO ALLOW INSULATION TO BE CLOSELY INSTALLED TO THE TOP AND SIDES OF THE LIGHT OR EXHAUST FITTING.



U2 LOWER FLOOR PLAN SCALE 1:100

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer: Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete (garage only), On Ground, No Insulation Timber, Enclosed, No Insulation Finish: Tiles as per plans
Ceiling	Plasterboard, R2.5 (inl to garage) *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 16° | Colour: Medium (0.475 – 0.7)
Eaves	*Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout. Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments – New Dwelling (refer to Certificate for exact details)			
Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star	Kitchen Taps:	3 Star
Individual Water Tank:	3,000L	Individual Roof Collection:	150m²
Individual Rainwater Connection:	All toilets in the development Cold water supply to the washing machine At least 1 external tap		
Energy Commitments			
HWS:	Solar (gas boosted) RECs 21 - 25		
Cooling:	No active cooling system in the development		
Heating:	No active heating system in the development		
Ventilation:	Kitchen: not ducted, manual control Laundry & Bathroom: ducted, manual control		
Appliances:	Electric Cooktop & Electric Oven to be installed		
Clothes Line:	Fixed outdoor clothes drying line to be installed		

ABSA Class 1 Building Single-Dwelling

Validation Number	1013957583 UNIT 2
Validation Date	06/04/2017
Assessor Name	Keith James
Assessor Number	32265
Assessor Signature	

Simulated under BASIX Thermal Comfort Protocol
BASIX

LEGEND

	SMOKE ALARMS TO AS 3786 AND SECTION 3.7.2 OF THE BCA. ALL DETECTORS ARE TO BE INTERCONNECTED
DP°	DOWN PIPE LOCATION TO AS 3500
Ⓔ	INTERNAL VENTILATION TO AS 1668.2
GTAP	GARDEN TAP LOCATION
LOH	LIFT OFF HINGE
1815	1800mm HIGH x 1500mm WIDE
820	820mm DOOR
MH	ACCESS MAN HOLE
DTR	DOUBLE TOWEL RAIL
TRH	TOILET ROLL HOLDER

GLAZING SPECIFICATIONS:

WINDOWS SPECIFIED USE NFRC UW & SHGCW VALUES.
WINDOWS AS SPECIFIED OR EQUIVALENT MUST BE INSTALLED ON SITE (REFER TO ABSA CERTIFICATE FOR DETAILS).

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT

WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.8.4.5 OF THE BCA

BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS MORE THAN 2m ABOVE THE SURFACE BENEATH, BEDROOM WINDOWS ARE TO COMPLY WITH BCA VOL 2 PART 3.9.2.5

WINDOWS AND GLAZING TO COMPLY WITH:

AS 4055 : WIND LOADS FOR HOUSING
AS 1288 : GLASS IN BUILDING - SELECTION & INSTALLATION
AS 2047 : WINDOWS & EXTERNAL DOORS IN BUILDING
AS 1170-Part 2: WIND ACTIONS
AS 3959 : CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS
THE STANDARDS REFERRED ABOVE ARE THE VERSION ADOPTED BY BCA AT THE TIME THE RELEVANT CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION IS MADE.

4.6 NATIONWIDE HOUSE ENERGY RATING SCHEME
96.1 MJ/m²
www.nathers.gov.au

Certificate Number: BFHTK1VBR2 (UNIT 2)
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 21 Mar 2017
Dwelling address:
2 Hart Street Port Macquarie NSW 2444
www.nathers.gov.au

https://www.rhs.com.au/Q?CodeVersion=1&Code=BFHTK1VBR2

U2 FLOOR AREAS	
PROPOSED FLOOR AREA:	114.1 m²
PROPOSED GARAGE AREA:	24.4 m²
PROPOSED DECK AREA:	29.1 m²
PROPOSED SUBFLOOR AREA:	22.5 m²
TOTAL FLOOR AREA:	**190.1 m²**
TOTAL ROOF AREA:	**217.3 m²**

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

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BDA

Project: RENO/DUAL OCC - TORRENS		U2 LOWER FLOOR PLAN	
LOT No: 55 DP No: 807508	SHEET: 5 OF 16	SCALE:	1 : 100
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC

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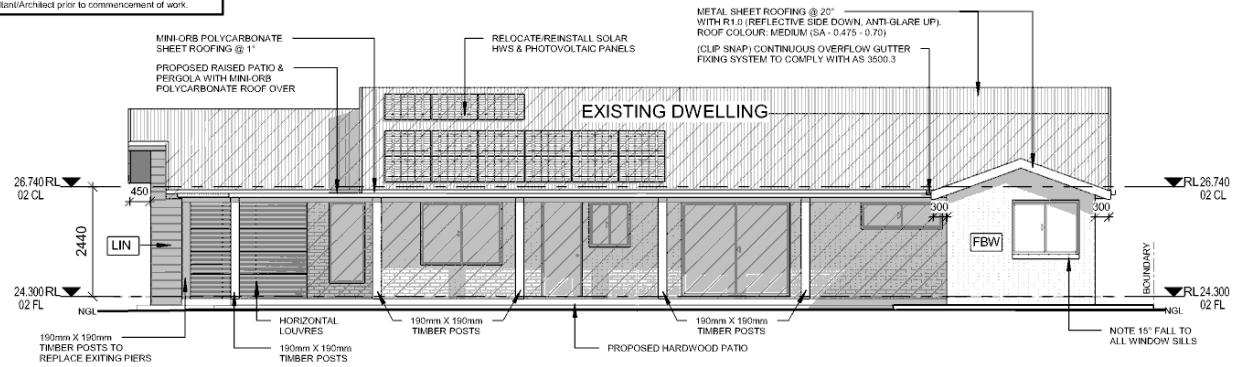
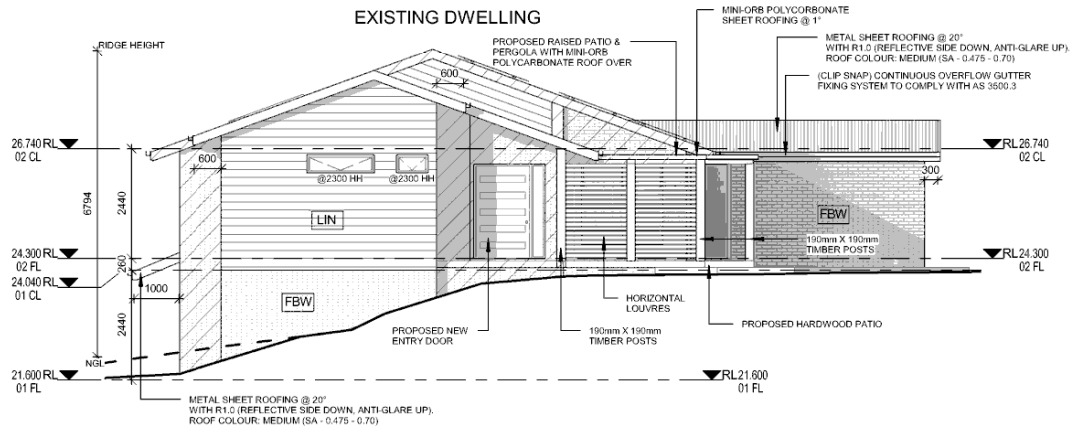
Summary of BASIX Commitments (refer to Certificate for exact details)	
Pool & Spa	
Swimming Pool: 30,000L, outdoors/unshaded, electric heat pump heating system to be installed, pump on a timer, pool cover to be installed	
Rainwater Tank: 890 litre volume collecting a minimum of 50m² of roof area, must be connected to an external tap that is within 10m of pool edge	
Fixtures and Systems	
HWS:	Solar (gas boosted) system to be installed
Lighting:	40% of new or altered fixtures are fitted with fluorescent, compact fluorescent or LED lamps
Fixtures:	All new or altered showerheads, toilets or taps must have a minimum 3 star water rating
Construction	
Floor:	**Construction**: Framed, Enclosed Sub-Floor **Insulation**: R0.6(down) or R1.3 including construction
External Wall:	**Construction**: Framed (Weatherboard, FC sheet or Metal Cladding) **Insulation**: R 1.30 (or R1.70 incl. construction) **Construction**: Brick Veneer **Insulation**: R 1.16 (or R1.70 incl. construction)
Ceiling:	**Construction**: Flat ceiling | **Insulation –** R 1.95 (up)
Roof:	**Construction**: Pitched roof | **Colour:** Medium (SA 0.475 - 0.70) **Insulation**: Foil backed Blanket (Anticon) 55mm
Glazing	
Frame and Glass Type: Standard aluminium, single clear **Skylight**: 1x 1200x600mm, timber framed with double clear/air fill glazing **Applicable Windows**: All new windows | **Shading**: as per BASIX Certificate and plans	



U1 NORTH ELEVATION SCALE 1:100

FBW	SELECTED FACE BRICKWORK
LIN	JAMES HARDIE LINEA WALL CLAD FINISH



U1 EAST ELEVATION SCALE 1:100

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BDA

Project: RENO/DUAL OCC - TORRENS		U1 ELEVATIONS	
LOT No: 55 DP No: 807508	SHEET: 6 OF 16	SCALE:	1 : 100
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
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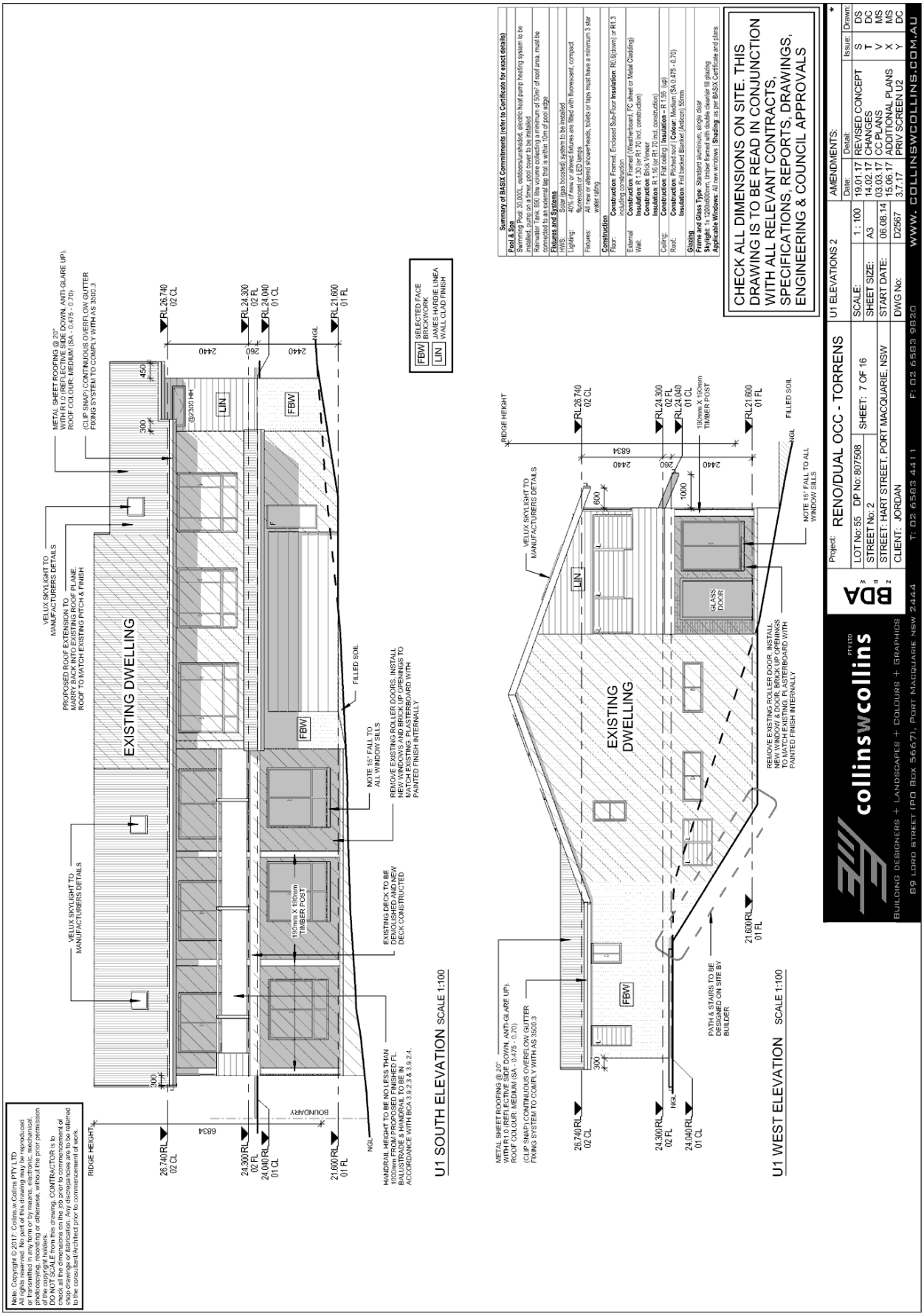
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC


Summary of BASIX Commitments (refer to Certificate for exact details)
Pool & Spa
Swimming Pool: 30,000L outdoor/shaded, electric heat pump heating system to be installed
Swimming Pool: on a 3mm, gold cover to be installed
Rainwater Tank: 890 litre volume collecting a minimum of 50m² of roof area, must be connected to an external tap that is within 10m of pool edge
Fixtures and Systems
HWS: Solar (gas boosted) system to be installed
Lighting: 40% of the installed fixtures are fitted with fluorescent, compact fluorescent or LED lamps
Fixtures: All new or altered showerheads, toilets or taps must have a minimum 3 star water rating
Construction
Floor: Construction: Framed, Enclosed Sub-Floor Insulation: R0.6(down) or R1.3 (exposed perimeter)
External Wall: Construction: Framed (Weatherboard, FC sheet or Metal Cladding) Insulation: R 1.30 (or R1.70 incl. construction) Construction: Brick Veneer Insulation: R 1.16 (or R1.70 incl. construction)
Ceiling: Construction: Plasterboard Insulation: R 5.05 (up)
Roof: Construction: Pitched roof | Colour: Medium (SA 0.475 - 0.70) Insulation: Foil backed Blanket (Anticon) 55mm
Glazing
Frame and Glass Type: Standard aluminium, single clear
Skylight 1: 1200x550mm, timber framed with double clear/air fill glazing
Applicable Windows: All new windows | Shading: as per BASIX Certificate and plans
CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS
Project: RENO/DUAL OCC - TORRENS
LOT No:55 DP No: 807508
STREET No: 2
STREET: HART STREET, PORT MACQUARIE, NSW
CLIENT: JORDAN
SHEET: 7 OF 16
U1 ELEVATIONS 2
SCALE: 1 : 100
SHEET SIZE: A3
START DATE: 06.08.14
DWG No: D2567
AMENDMENTS:
Date: Detail: Issue: Drawn:
19.01.17 REVISED CONCEPT S DS
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EXISTING DWELLING
PROPOSED ROOF EXTENSION TO MARRY BACK INTO EXISTING ROOF PLANE ROOF TO MATCH EXISTING PITCH & FINISH
VELUX SKYLIGHT TO MANUFACTURERS DETAILS
METAL SHEET ROOFING @ 20° WITH R1.0 (REFLECTIVE SIDE DOWN, ANTI-GLARE UP). ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
(CLIP SNAP) CONTINUOUS OVERFLOW GUTTER FIXING SYSTEM TO COMPLY WITH AS 3500.3
RL26.740 02 CL
RL24.300 02 FL
RL24.040 01 CL
RL21.600 01 FL
NGL
FILLED SOIL
NOTE 15° FALL TO ALL WINDOW SILLS
REMOVE EXISTING ROLLER DOORS. INSTALL NEW WINDOWS AND BRICK UP OPENINGS TO MATCH EXISTING. PLASTERBOARD WITH PAINTED FINISH INTERNALLY
EXISTING DECK TO BE DEMOLISHED AND NEW DECK CONSTRUCTED
190mm X 190mm TIMBER POST
HANDRAIL HEIGHT TO BE NO LESS THAN 1100mm FROM PROPOSED FINISHED FL. BALUSTRADE & HANDRAIL TO BE IN ACCORDANCE WITH BCA 3.9.2.3 & 3.9.2.4.
BOUNDARY
RIDGE HEIGHT
6834
2440
260
450
300
@2300 HH
LIN
FBW
SELECTED FACE BRICKWORK
JAMES HARDIE LINEA WALL CLAD FINISH
U1 SOUTH ELEVATION SCALE 1:100
VELUX SKYLIGHT TO MANUFACTURERS DETAILS
METAL SHEET ROOFING @ 20° WITH R1.0 (REFLECTIVE SIDE DOWN, ANTI-GLARE UP). ROOF COLOUR: MEDIUM (SA - 0.475 - 0.70)
(CLIP SNAP) CONTINUOUS OVERFLOW GUTTER FIXING SYSTEM TO COMPLY WITH AS 3500.3
EXISTING DWELLING
GLASS DOOR
REMOVE EXISTING ROLLER DOOR. INSTALL NEW WINDOWS AND BRICK UP OPENINGS TO MATCH EXISTING. PLASTERBOARD WITH PAINTED FINISH INTERNALLY
PATH & STAIRS TO BE DESIGNED ON SITE BY BUILDER
U1 WEST ELEVATION SCALE 1:100

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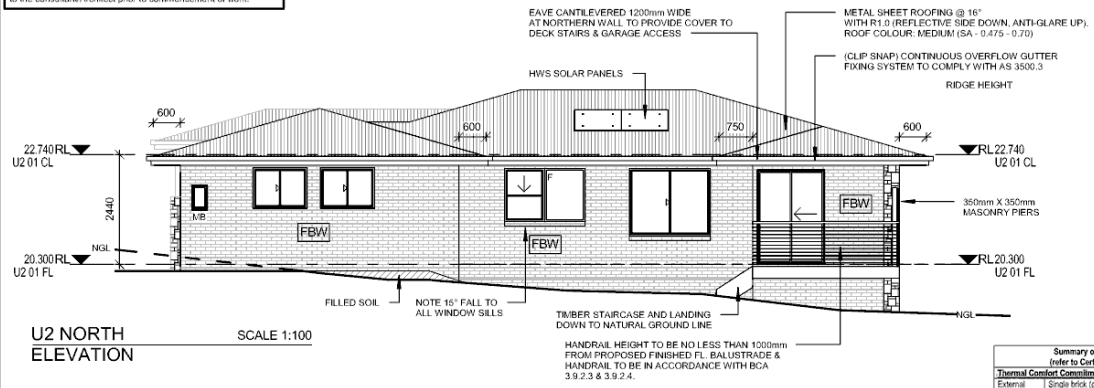
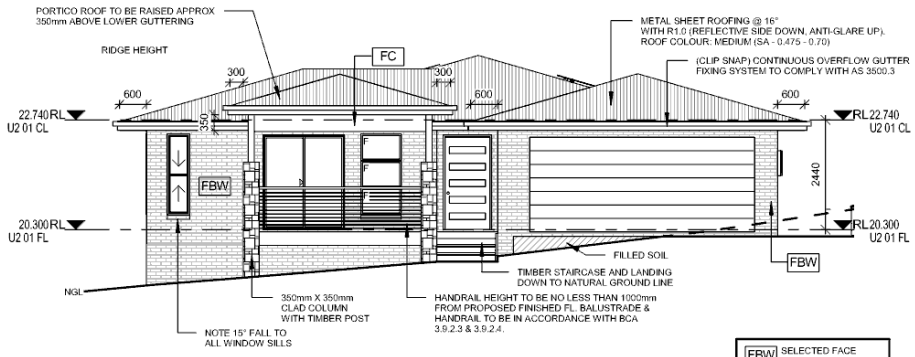


U2 NORTH ELEVATION SCALE 1:100

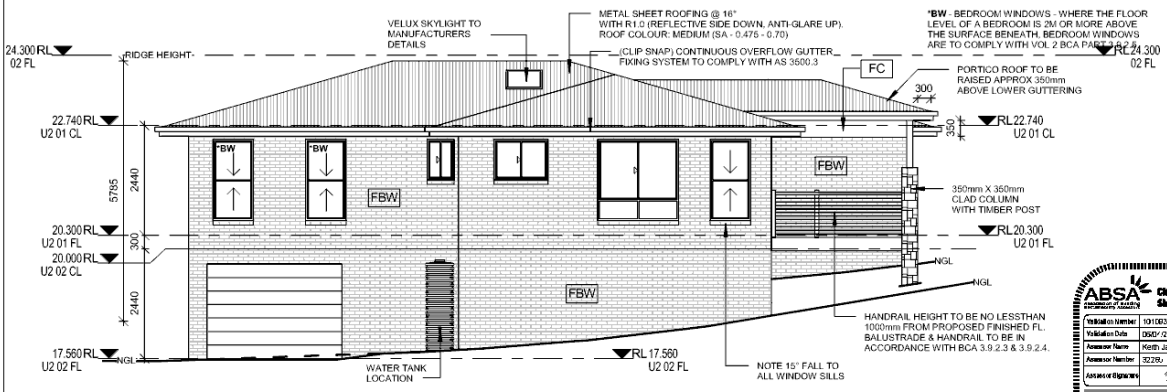
Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer, Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete (garage only), On Ground, No Insulation Timber, Enclosed, No Insulation Finish: Tiles as per plans
Ceiling	Plasterboard, R2.5 (nil to garage) *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 16°	Colour: Medium (0.475 - 0.7)
Eaves	*Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout, Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments - New Dwelling (refer to Certificate for exact details)			
Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star	Kitchen Taps:	3 Star
Individual Water Tank:	3,000L	Individual Roof Collection:	150m²
Individual Rainwater Connection:	All toilets in the development Cold water supply to the washing machine At least 1 external tap		
Energy Commitments			
HWS:	Solar (gas boosted) RECs 21 - 25		
Cooling:	No active cooling system in the development		
Heating:	No active heating system in the development		
Ventilation:	Kitchen: not ducted, manual control Laundry & Bathroom: ducted, manual control		
Appliances:	Electric Cooktop & Electric Oven to be installed		
Clothes Line:	Fixed outdoor clothes drying line to be installed		



U2 EAST ELEVATION SCALE 1:100

FBW	SELECTED FACE BRICKWORK
LIN	JAMES HARDIE LINEA WALL CLAD FINISH



U2 SOUTH ELEVATION SCALE 1:100

ABSA Class 1 Building Single-Dwelling
Validation Number: 1010D3/B03 UNIT 2
Validation Date: 06/07/2017
Assessor Name: Keith James
Assessor Number: 32261
Assessor Signature:
Assessed under DASIX Thermal Comfort Protocol
BASIX

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

4.6 NATIONWIDE HOUSE ENERGY RATING SCHEME
96.1 MJ/m²
www.nathers.gov.au

Certificate Number: BFHTK1VBR2 (UNIT 2)
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 21 Mar 2017
Dwelling address:
2 Hart Street Port Macquarie NSW 2444
www.nathers.gov.au
https://www.h5.com.au/QRCodeLanding/?PublicId=BFHTK1VBR2

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Project: RENO/DUAL OCC - TORRENS		U2 ELEVATIONS	
LOT No: 55 DP No: 807508	SHEET: 8 OF 16	SCALE:	1 : 100
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
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3.7.17	PRIV SCREEN U2	Y	DC

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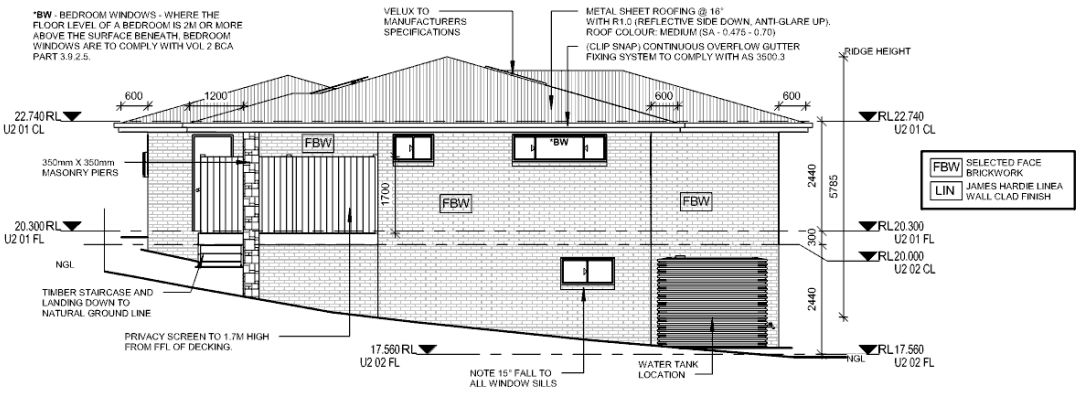
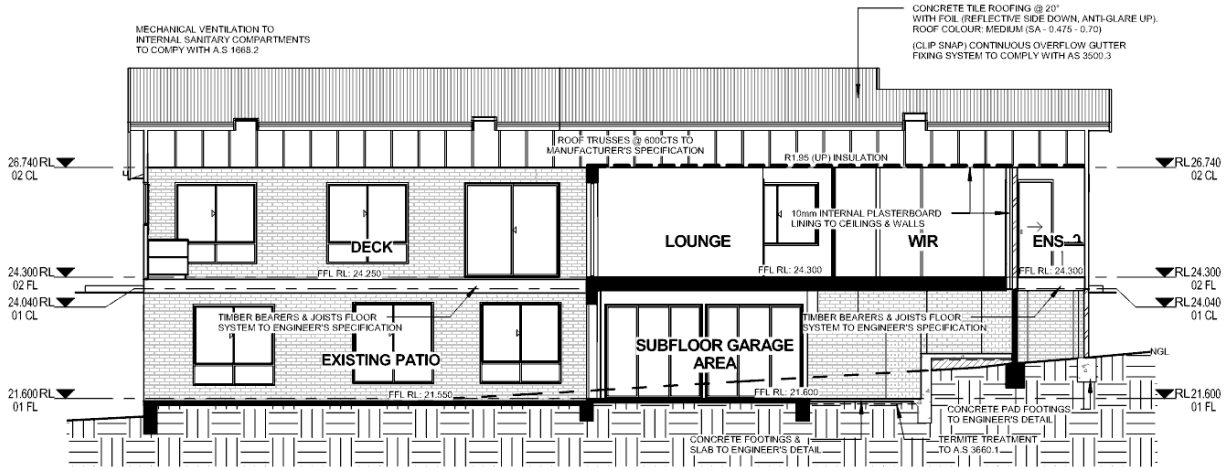
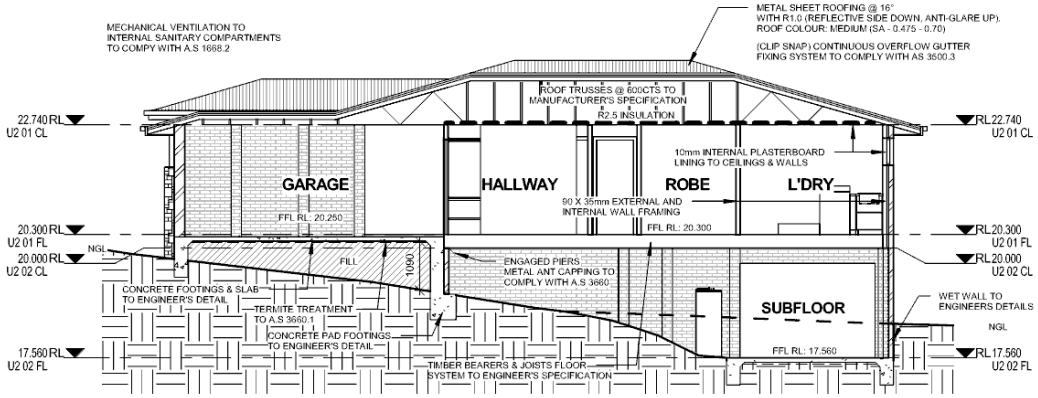


U2 WEST ELEVATION SCALE 1:100



U1 SECTION A-A SCALE 1:100



U2 SECTION B-B SCALE 1:100

UNIT 1: PLEASE REFER TO THE "SUMMARY OF BASIX COMMITMENTS" ON PAGE 3 FOR FURTHER INFORMATION.

UNIT 2: PLEASE REFER TO THE "SUMMARY OF BASIX AND ABSA COMMITMENTS" ON PAGE 5 FOR FURTHER INFORMATION.

PLEASE REFER TO THE ABSA AND INDIVIDUAL BASIX CERTIFICATES FOR EXACT DETAILS.

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Project: RENO/DUAL OCC - TORRENS		U2 ELEVATIONS 2 / SECTIONS	
LOT No: 55 DP No: 807508	SHEET: 9 OF 16	SCALE:	1 : 100
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
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03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC

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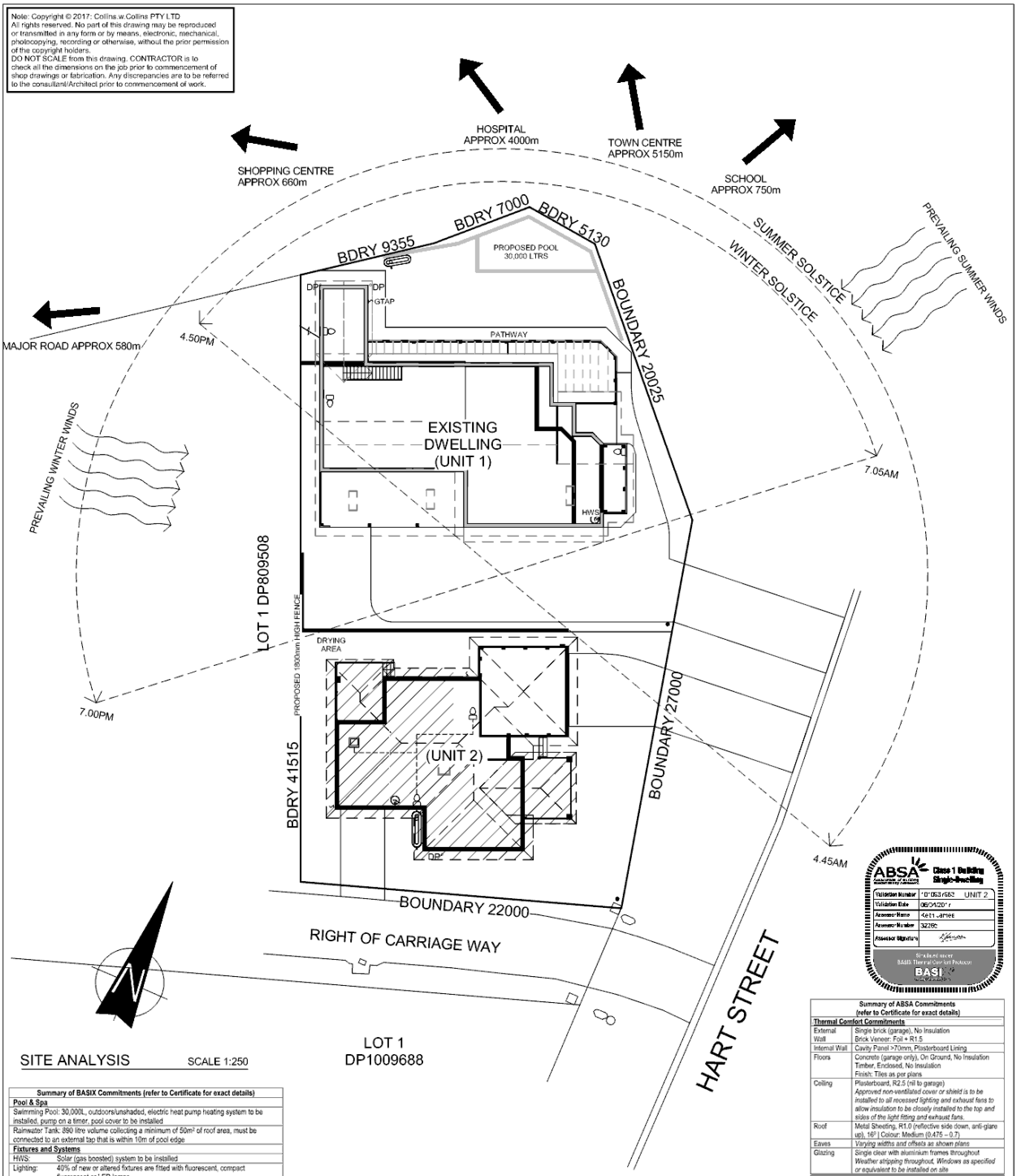

SITE ANALYSIS SCALE 1:250

Summary of BASIX Commitments (refer to Certificate for exact details)	
Pool & Spa	
Swimming Pool: 30,000L, outdoors/unshaded, electric heat pump heating system to be installed, pump on a timer, pool cover to be installed	
Rainwater Tank: 890 litre volume collecting a minimum of 50m² of roof area, must be connected to an external tap that is within 10m of pool edge	
Fixtures and Systems	
HWS:	Solar (gas boosted) system to be installed
Lighting:	40% of new or altered fixtures are fitted with fluorescent, compact fluorescent or LED lamps
Fixtures:	All new or altered showerheads, toilets or taps must have a minimum 3 star water rating
Construction	
Floor:	**Construction**: Framed, Enclosed Sub-Floor **Insulation**: R0.6(down) or R1.3 including construction
External Wall:	**Construction**: Framed (Weatherboard, FC sheet or Metal Cladding) **Insulation**: R 1.30 (or R1.70 incl. construction) **Construction**: Brick Veneer **Insulation**: R 1.16 (or R1.70 incl. construction)
Ceiling:	**Construction**: Flat ceiling | **Insulation** – R 1.95 (up)
Roof:	**Construction**: Pitched roof | **Colour:** Medium (SA 0.475 - 0.70) **Insulation**: Foil backed Blanket (Anticon) 55mm
Glazing	
Frame and Glass Type: Standard aluminium, single clear **Skylight**: 1x 1200x600mm, timber framed with double clear/air fill glazing **Applicable Windows**: All new windows | **Shading**: as per BASIX Certificate and plans	

Certificate Number: BFHTK1VBR2 (UNIT 2)
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 21 Mar 2017
Dwelling address:
2 Hart Street Port Macquarie NSW 2444
www.nathers.gov.au

4.6 NATIONWIDE HOUSE ENERGY RATING SCHEME 96.1 MJ/m² www.nathers.gov.au

https://www.frs.com.au/QRCodeLanding/?publicid=BFHTK1VBR2

ABSA Class 1 Building Single-Dwelling

Validation Number	10 053/682 UNIT 2
Validation Date	06/04/2017
Assessor Name	Keith James
Assessor Number	32265
Assessor Signature	

Simulated using BASIX Thermal Comfort Protocol BASI

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer: Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete (garage only), On Ground, No Insulation Timber, Enclosed, No Insulation Finish: Tiles as per plans
Ceiling	Plasterboard, R2.5 (nil to garage) *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 16° | Colour: Medium (0.475 – 0.7)
Eaves	*Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout, Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments – New Dwelling (refer to Certificate for exact details)					
Water Commitments					
Showerheads:	3* (>6 but <=7.5 L/min)		Toilets:	3 Star	
Basin Taps:	3 Star	Kitchen Taps:	3 Star		
Individual Water Tank:	3,000L	Individual Roof Collection:	150m²		
Individual Rainwater Connection:	All toilets in the development Cold water supply to the washing machine At least 1 external tap				
Energy Commitments					
HWS:	Solar (gas boosted) RECs 21 - 25				
Cooling:	No active cooling system in the development				
Heating:	No active heating system in the development				
Ventilation:	Kitchen: not ducted, manual control Laundry & Bathroom: ducted, manual control				
Appliances:	Electric Cooktop & Electric Oven to be installed				
Clothes Line:	Fixed outdoor clothes drying line to be installed				

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BDA NSW

Project: RENO/DUAL OCC - TORRENS		SITE ANALYSIS	
LOT No: 55 DP No: 807508	SHEET: 11 OF 16	SCALE:	As indicated
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC

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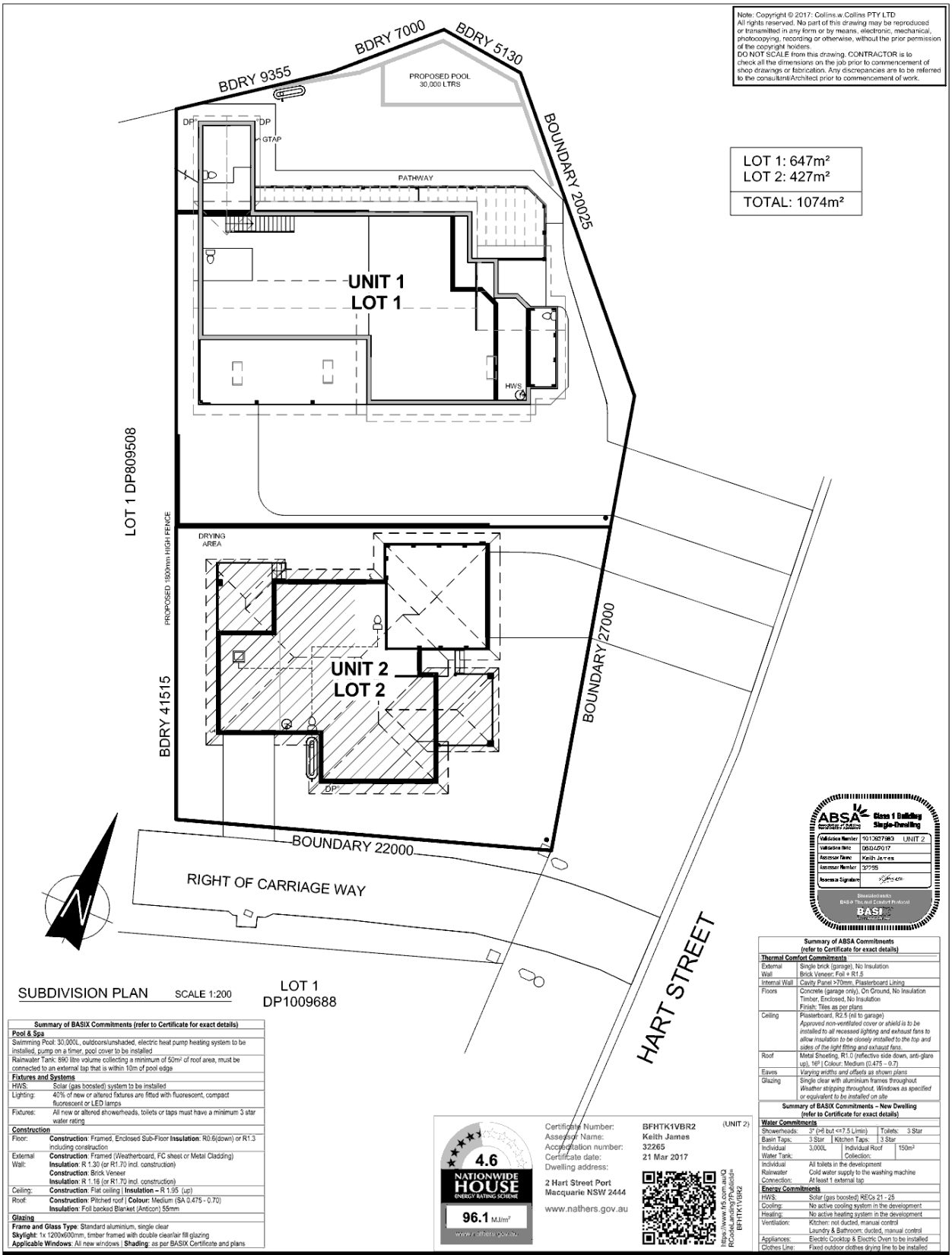

SUBDIVISION PLAN SCALE 1:200

Summary of BASIX Commitments (refer to Certificate for exact details)	
Pool & Spa	
Swimming Pool: 30,000L, outdoors/unshaded, electric heat pump heating system to be installed, pump on a timer, pool cover to be installed	
Rainwater Tank: 890 litre volume collecting a minimum of 50m² of roof area, must be connected to an external tap that is within 10m of pool edge	
Fixtures and Systems	
HWS:	Solar (gas boosted) system to be installed
Lighting:	40% of new or altered fixtures are fitted with fluorescent, compact fluorescent or LED lamps
Fixtures:	All new or altered showerheads, toilets or taps must have a minimum 3 star water rating
Construction	
Floor:	**Construction**: Framed, Enclosed Sub-Floor **Insulation**: R0.6(down) or R1.3 including construction
External Wall:	**Construction**: Framed (Weatherboard, FC sheet or Metal Cladding) **Insulation**: R 1.30 (or R1.70 incl. construction) **Construction**: Brick Veneer **Insulation**: R 1.16 (or R1.70 incl. construction)
Ceiling:	**Construction**: Flat ceiling | **Insulation –** R 1.95 (up)
Roof:	**Construction**: Pitched roof | **Colour:** Medium (SA 0.475 - 0.70) **Insulation**: Foil backed Blanket (Anticon) 55mm
Glazing	
Frame and Glass Type: Standard aluminium, single clear **Skylight**: 1x 1200x600mm, timber framed with double clear/air fill glazing **Applicable Windows**: All new windows | **Shading**: as per BASIX Certificate and plans	

Certificate Number: BFHTK1VBR2 (UNIT 2)
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 21 Mar 2017
Dwelling address:
2 Hart Street Port Macquarie NSW 2444
www.nathers.gov.au

4.6 NATIONWIDE HOUSE ENERGY RATING SCHEME
96.1 MJ/m²
www.nathers.gov.au

https://www.fr5.com.au/QRCodeLanding?PublicId=BFHTK1VBR2

ABSA Class 1 Building Single-Dwelling

Validation Number	1010027983 UNIT 2
Validation Date	06/04/2017
Assessor Name	Keith James
Assessor Number	32265
Assessor Signature	

Simulation Method: BASIX Thermal Comfort Protocol
BASIX

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer, Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete (garage only), On Ground, No Insulation Timber, Enclosed, No Insulation Finish: Tiles as per plans
Ceiling	Plasterboard, R2.5 (nil to garage) *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 16° | Colour: Medium (0.475 – 0.7)
Eaves	*Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout, Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments – New Dwelling (refer to Certificate for exact details)			
Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star | Kitchen Taps:	3 Star	
Individual Water Tank:	3,000L	Individual Roof Collection:	150m²
Individual Rainwater Connection:	All toilets in the development Cold water supply to the washing machine At least 1 external tap		
Energy Commitments			
HWS:	Solar (gas boosted) RECs 21 - 25		
Cooling:	No active cooling system in the development		
Heating:	No active heating system in the development		
Ventilation:	Kitchen: not ducted, manual control Laundry & Bathroom: ducted, manual control		
Appliances:	Electric Cooktop & Electric Oven to be installed		
Clothes Line:	Fixed outdoor clothes drying line to be installed		

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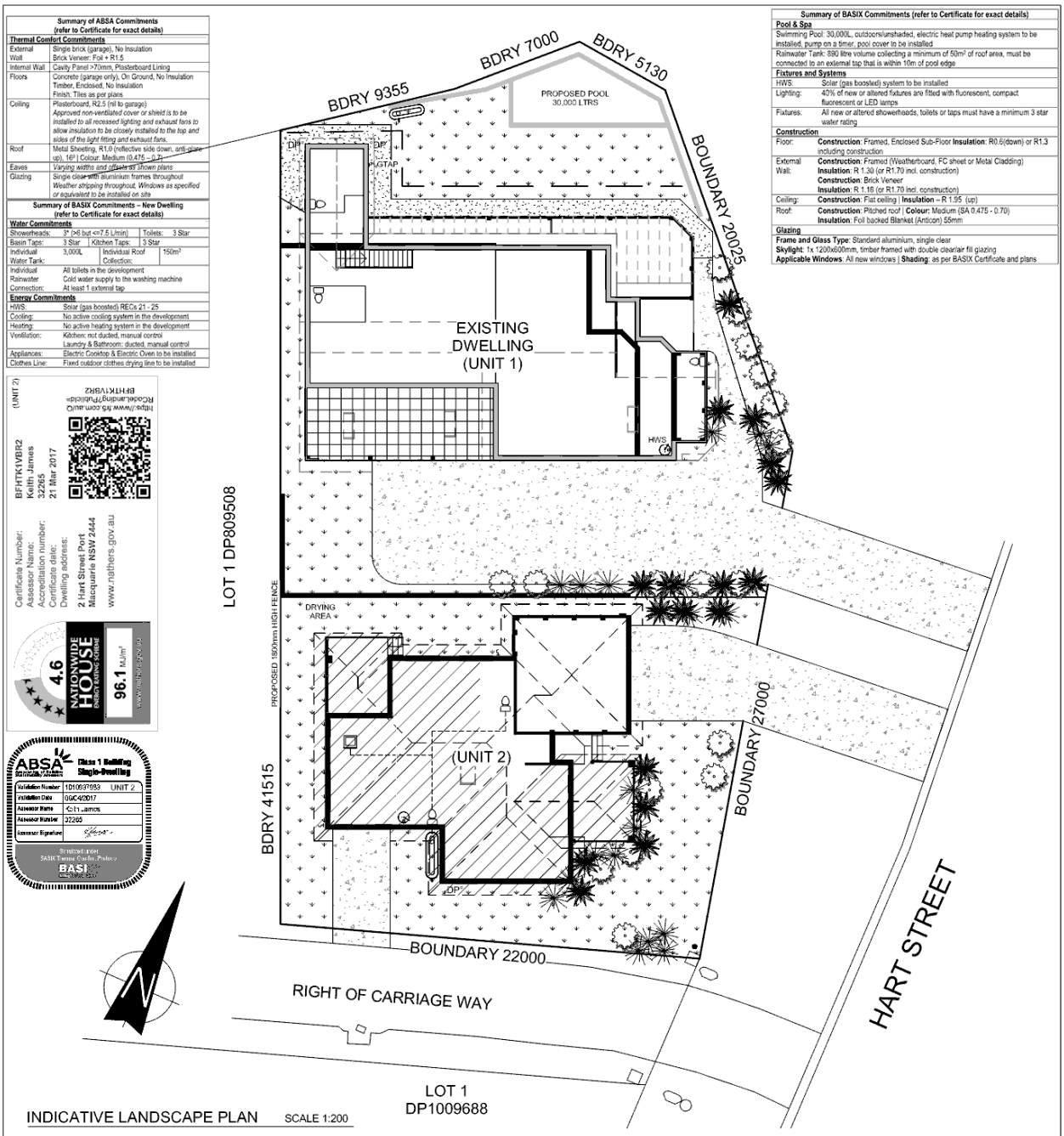
BDA NSW

Project: RENO/DUAL OCC - TORRENS		SUBDIVISIONS PLAN	
LOT No: 55 DP No: 807508	SHEET: 12 OF 16	SCALE:	As indicated
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC



INDICATIVE LANDSCAPE PLAN SCALE 1:200

Summary of ABSA Commitments (refer to Certificate for exact details)

Thermal Comfort Commitments	
External Wall	Single brick (garage), No Insulation Brick Veneer: Foil + R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining
Floors	Concrete (garage only), On Ground, No Insulation Timber, Enclosed, No Insulation Finish: Tiles as per plans
Ceiling	Plasterboard, R2.5 (nil to garage) *Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.*
Roof	Metal Sheeting, R1.0 (reflective side down, anti-glare up), 16° | Colour: Medium (0.475 – 0.7)
Eaves	*Varying widths and offsets as shown plans*
Glazing	Single clear with aluminium frames throughout *Weather stripping throughout. Windows as specified or equivalent to be installed on site*

Summary of BASIX Commitments – New Dwelling (refer to Certificate for exact details)

Water Commitments			
Showerheads:	3* (>6 but <=7.5 L/min)	Toilets:	3 Star
Basin Taps:	3 Star | Kitchen Taps:	3 Star	
Individual Water Tank:	3,000L	Individual Roof Collection:	150m²
Individual Rainwater Connection:	All toilets in the development Cold water supply to the washing machine At least 1 external tap		
Energy Commitments			
HWS:	Solar (gas boosted) RECs 21 - 25		
Cooling:	No active cooling system in the development		
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Ventilation:	Kitchen: not ducted, manual control Laundry & Bathroom: ducted, manual control		
Appliances:	Electric Cooktop & Electric Oven to be installed		
Clothes Line:	Fixed outdoor clothes drying line to be installed		

Summary of BASIX Commitments (refer to Certificate for exact details)

Pool & Spa	
Swimming Pool: 30,000L, outdoors/unshaded, electric heat pump heating system to be installed, pump on a timer, pool cover to be installed	
Rainwater Tank: 890 litre volume collecting a minimum of 50m² of roof area, must be connected to an external tap that is within 10m of pool edge	
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Roof:	**Construction**: Pitched roof | **Colour:** Medium (SA 0.475 - 0.70) **Insulation**: Foil backed Blanket (Anticon) 55mm
Glazing	
Frame and Glass Type: Standard aluminium, single clear **Skylight**: 1x 1200x600mm, timber framed with double clear/air fill glazing **Applicable Windows**: All new windows | **Shading**: as per BASIX Certificate and plans	

Certificate Number: BFHTK1VBR2
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 21 Mar 2017
Dwelling address: 2 Hart Street Port Macquarie NSW 2444
www.nathers.gov.au
https://www.hb.com.au/RecollectingPublished=BFHTK1VBR2
(UNIT 2)

4.6 NATIONWIDE HOUSE ENERGY RATING SCHEME 96.1 MJ/m²

ABSA Class 1 Building Single-Dwelling

Validation Number	1D10937993 UNIT 2
Validation Date	09/04/2017
Assessor Name	Keith James
Assessor Number	32265
Assessor Signature	

Submitted under BASIX Terms Certificate Number BASIX

LEGEND AND NOTES

- NEW WARM SEASON TURF GRASS THROUGHOUT
- HARD SURFACE - PATHS PATHS TO HAVE PERMEABLE SURFACE FINISH
- HARD SURFACE - DRIVEWAY REFER BUILDING DESIGN FOR DETAILS
- HARD SURFACE - PATIOS REFER BUILDING DESIGN FOR DETAILS
- EXISTING NEIGHBOURING VEGETATION TO BE PRESERVED AND PROTECTED THROUGHOUT
- SMALL EVERGREEN NATIVE TREES
- FEATURE OR STATEMENT PLANTINGS
- NEW SMALL / MEDIUM EVERGREEN SHRUBS
- NEW SMALL / MEDIUM EVERGREEN SOFT WOODED PERENNIALS
- NEW EVERGREEN PROSTRATE SHRUBS OR GROUND COVER PLANTINGS

- THIS PLAN IS NOT BE USED FOR CONSTRUCTION
- THIS PLAN IS CONCEPTUAL ONLY AND IS DESIGNED TO HIGHLIGHT VARIOUS LANDSCAPE USES AROUND THE SITE.
- ANY SUGGESTED PLANTS OR PLANT LIST IS INDICATIVE ONLY AND THE FINAL SELECTION OF ACTUAL SPECIES WILL BE SITE AND MICRO CLIMATE DEPENDENT,
- ALL HARD-SCAPED SURFACES SHALL BE INSTALLED BY QUALIFIED LANDSCAPE TRADES AND AS PER MANUFACTURERS INSTRUCTIONS.
- TURF SPECIES SHALL CONSISTS OF A WARM SEASON SPECIES ONLY SUCH AS; BUFFALO, KIKUYU OR COUCH,
- THE ADVICE AND PLAN FROM A PROFESSIONAL LANDSCAPE DESIGNER IS TO BE SOUGHT PRIOR TO ANY CONSTRUCTION / LANDSCAPE WORKS COMMENCING,
- LANDSCAPE HAS A DOMINANT NORTHERN ASPECT AND SELECTED PLANTS ARE TO BE SUN TO FULL SUN TOLERANT CAPABLE OF WITHSTANDING YEAR ROUND NORTHERN SUN,
- PLANTS ON THE IMMEDIATE SOUTHERN SIDE OF BUILDINGS AND DWELLING MAY NEED SOME SHADE TOLERANCE,
- PLANTINGS ARE TO BE WATER WISE AND DROUGHT TOLERANT ONCE ESTABLISHED

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BDA NSW

Project: RENO/DUAL OCC - TORRENS		INDICATIVE LANDSCAPE PLAN	
LOT No: 55 DP No: 807508	SHEET: 13 OF 16	SCALE:	1 : 200
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.
THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS

All works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of Australia (BCA), Volume 2 and the Plumbing Code of Australia (PCA), Volume 3 as applicable.
All Australian Standards listed are the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Certificate or Complying Development Certificate Application.

SITE PREPARATION

Earthworks - Earthworks are to be undertaken in accordance with Part 3.1.1 of the BCA.
Drainage – Stormwater drainage is to be undertaken in accordance with AS/NZS 3500.3, or, Section 5 of 3500.5, or, the Acceptable Construction Practice as detailed in Part 3.1.2 of the BCA.
Termite Risk Management – Where a primary building element is considered susceptible to termite attack the building shall be protected in accordance with the following:
a) AS 3600.1, and
b) A durable notice is permanently fixed to the building in a prominent location, such as in a meter box or the like, including the details listed in Part 3.1.3.2 of the BCA, or
c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.3 of the BCA.

FOOTINGS AND SLABS

The footing or slab is to be constructed in accordance with AS 2870, except that for the purposes of Clause 5.3.3.1 of AS 2870, a damp-proofing membrane is required to be provided, or, the Acceptable Construction Practice detailed in Part 3.2 of the BCA

Piled footings are to be designed in accordance with AS 2159.

MASONRY

Unreinforced Masonry – to be designed and constructed in accordance with;

a) AS 3700; or
b) AS 4773 Parts 1 and 2
Reinforced Masonry – to be designed and constructed in accordance with;
a) AS 3700; or
b) AS 4773 parts 1 and 2

Masonry Accessories – to be constructed and installed in accordance with;

a) AS 3700; or
b) AS 4773 Parts 1 and 2
Weatherproofing of Masonry
This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1 Building.
This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class 1 building.
The weatherproofing of masonry is to be carried out in accordance with;
a) AS 3700; or
b) AS 4773 Part2 1 and 2

FRAMING

Structural Software – Must comply with the Australian Building Codes Board (ABCB) Protocol for Structural Software and Part 3.4.0.2 of the BCA.
Sub-Floor Ventilation – Is to comply with the Acceptable Construction Practice of Part 3.4.1 of the BCA.
Steel Framing – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.2 of the BCA, or, one of the following manuals:
a) Steel structures: AS 4100.
b) Cold-formed steel structures: AS/NZS4600.
c) Residential and low-rise steel framing: NASH Standard.
Timber Framing – is to be designed and consiructed in accordance with the following, as appropriate:
a) AS 1684.2.
b) AS 1684.4.
Structural Steel Members – is to be designed and consiructed in accordance with the Acceptable Construction Practice of Part 3.4.4 of the BCA, or, one of the following manuals:
a) Steel Structures: AS 4100.
b) Cold-formed steel structures: AS/NZS 4600.

ROOF AND WALL CLADDING

Roof Cladding – is to comply with the Acceptable Construction Practice of Part 3.5.1 of the BCA, or, one of the following:
a) Roofing tiles: AS 2049 and AS 2050.
b) Metal roofing: AS 1562.1.
c) Plastic sheet roofing: AS/NZS 4256 Parts 1, 2, 3 and 5; and AS/NZS 1562.3.
d) Corrugated fibre-reinforced cement sheet roofing: AS/NZS 1562.2.
e) Asphalt shingles: ASTM D3018-90.
f) Pliable membrane and underlay: AS/NZS 4200 Parts 1 and 2.
Gutters and Downpipes – are to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.2 of the BCA, or, AS/NZS 3500.3 – Stormwater drainage, or AS/NZS 3500.5 – Domestic installations, Section 5 – Stormwater drainage.
Wall Cladding – to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.3.1 of the BCA, or, for metal wall cladding if it is designed and constructed in accordance with AS 1562.1.

GLAZING

Glazing – to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.6.1 of the BCA, or, one of the following manuals as applicable:
a) AS 2047.
b) AS 1288.

FIRE SAFETY

Fire Separation – to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.7.1 of the BCA.
Smoke Alarms – to be designed, connected and located in accordance with the Acceptable Construction Practice of Part 3.7.2 of the BCA.
Heating Appliances – are to be installed in accordance with the Acceptable Construction Practice of part 3.7.3 of the BCA, or, one of the following manuals:
a) Domestic solid-fuel burning appliances are installed in accordance with AS/NZS 2918.
b) Boilers and pressure vessels are installed in accordance with AS/NZS 1200.

BUSHFIRE AREAS

Bushfire Areas – This section relates to:
a) A Class 1 building; or
b) A Class 10a building or deck associated with a Class 1 building, If it is constructed in accordance with the following:
c) AS 3959, except for Section 9 Construction for Bushfire Attack Level FZ (BAL-FZ). Buildings subject to BAL-FZ must comply with specific conditions of development consent for construction at this level; or
d) The requirements of (c) above as modified by the development consent following consultation with the NSW Rural Fire Service undersection 79BA of the Environmental Planning and Assessment Act 1979; or
e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

Alpine Areas – to be constructed in accordance with the Acceptable Construction Practice of Part 3.7.5 of the BCA if located in an alpine area, as identified in Figure 3.7.5.2 of the BCA.

HEALTH AND AMENITY

Wet Areas and External Waterproofing – building elements in wet areas within a building must:
a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA; and
b) Comply with AS 3740.
Room Heights – are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA.
Facilities – are to be constructed in accordance with Acceptable Practice of Part 3.8.3 of the BCA.
Light – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.4 of the BCA.
Ventilation – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.5 of the BCA.
Sound Insulation – (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

SAFE MOVEMENT AND ACCESS

Safe Movement and Access
Stair Construction – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.1 of the BCA.
Balustrades and Handrails – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.
Swimming Pool Access – to be designed and installed in accordance with the Swimming Pools Act 1992, Swimming Pool Regulation 2008 and AS 1926 Parts 1 and 2.
Swimming Pool Water recirculation Systems – is to be designed and constructed in accordance with AS1926.3.

ADDITIONAL CONSTRUCTION REQUIREMENTS

High Wind Areas – Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA). To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA
Earthquake Areas – relates to areas subject to seismic activity. To be constructed in accordance with the Acceptable Construction Manuals listed in Part 3.11 of the BCA.
Flood Hazard Areas – applies to areas on a site (weather or not mapped) encompassing the land lower than the flood hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be constructed in accordance with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

STRUCTURAL DESIGN MANUALS

Structural Design Manuals – is satisfied by complying with:
a) 3.11.2, 3.11.3 and 3.11.6 of the BCA; or
b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements; or
c) any combination thereof.

ENERGY EFFICIENCY

Energy Efficiency – to comply with the measures contained in the relevant BASIX certificate.

STREET MONTAGE NOT TO SCALE

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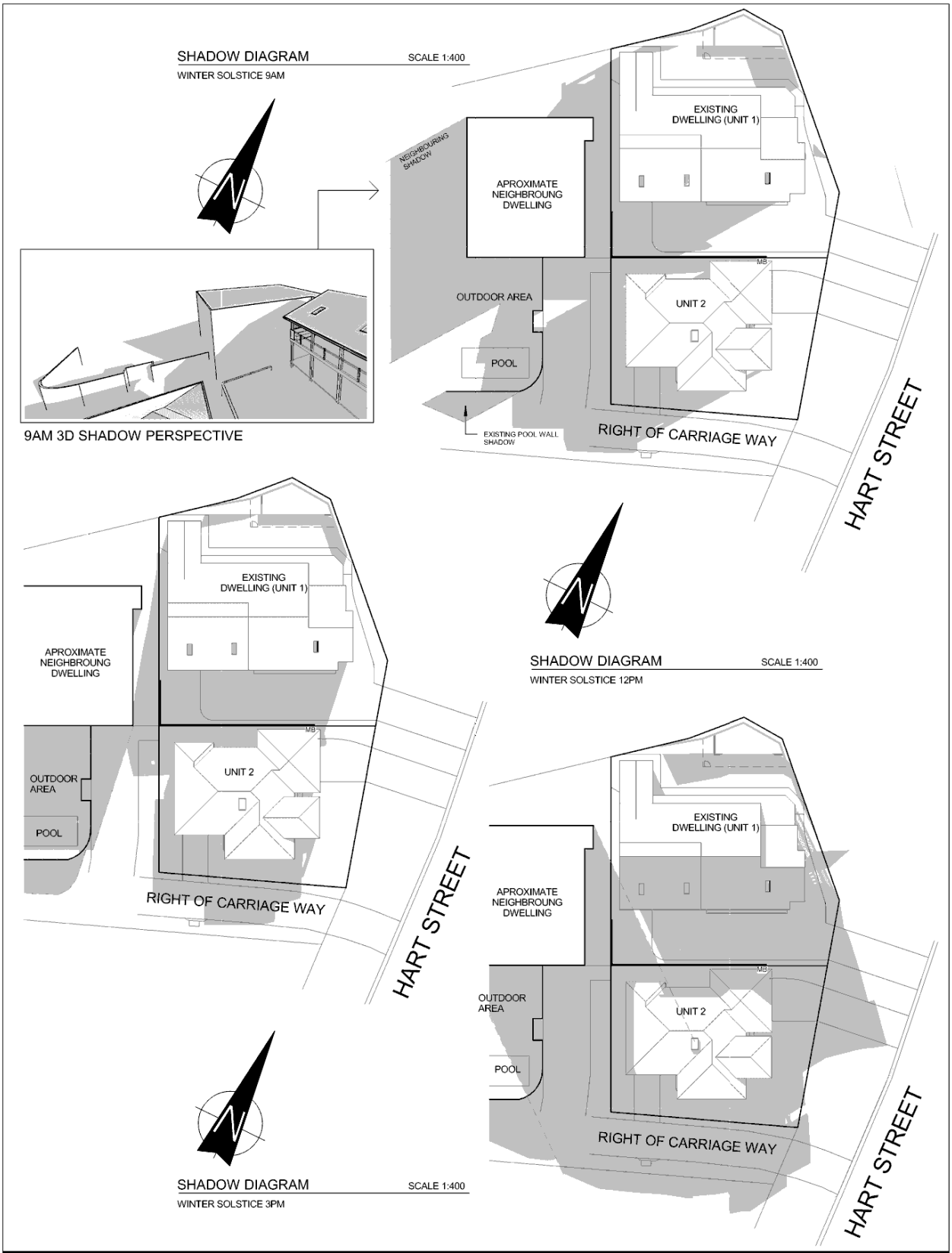
BDA NSW

Project: RENO/DUAL OCC - TORRENS		BUILDING SPEC + STREET MONTAGE	
LOT No: 55 DP No: 807508	SHEET: 14 OF 16	SCALE:	1 : 100
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC



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BDA NSW

Project: RENO/DUAL OCC - TORRENS		SHADOWS	
LOT No: 55 DP No: 807508	SHEET: 16 OF 16	SCALE:	1 : 400
STREET No: 2		SHEET SIZE:	A3
STREET: HART STREET, PORT MACQUARIE, NSW		START DATE:	06.08.14
CLIENT: JORDAN		DWG No:	D2567

AMENDMENTS: *

Date:	Detail:	Issue:	Drawn:
19.01.17	REVISED CONCEPT	S	DS
14.02.17	CHANGES	T	DC
03.03.17	CC PLANS	V	MS
15.06.17	ADDITIONAL PLANS	X	MS
3.7.17	PRIV SCREEN U2	Y	DC

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/299 **DATE: 4/07/2017**

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2017/299.1 are as follows:

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Architectural Plans and Specifications	D2367	Collins W Collins	3 July 2017
SOEE		Collins W Collins	March 2017
BASIX	810514S & A277412	Collins W Collins	10 April 2017

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

(2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

a. the appointment of a Principal Certifying Authority; and

b. the date on which work will commence.

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

(3) (A004) An application for a Construction Certificate shall be lodged with and approved by the Council or an Accredited Certifier prior to commencing subdivision works, and a Subdivision Certificate application shall be lodged with and approved by the Principal Certifying Authority (e.g. Council) prior to dedication of the land or works to the public.

(4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

(5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. 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 holidays

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

(6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.

(7) (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.

(8) A separate application is to be submitted for the proposed swimming pool noted on plan.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

Such works include, but not be limited to:

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

(3) (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. Sewerage reticulation.
3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
4. Stormwater systems.
5. Detailed driveway profiles in accordance with Australian Standard 2890, AUSPEC D1, ASD201 and ASD 208, Port Macquarie-Hastings Council current version.

(4) (B010) Payment to Council, prior to the issue of the Subdivision or Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Hastings S94 Administration Building Contributions Plan
- Hastings Administration Levy Contributions Plan

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

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

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

(5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or, Subdivision Certificate , of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the local area water supply
- augmentation of the local area sewerage system

(6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

(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) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

(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) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

(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 the existing inter-allotment drainage pit and easement south of the site.

b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.

c) The design requires the provision of inter-allotment drainage with an easement a minimum of 1.5m wide and no encroachment by eaves in accordance with AUSPEC D5

d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

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

f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.

(12) Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs outside the southern property boundary. Council's sewer infrastructure must be extended to provide each proposed lot with an individual connection to sewer. Details are to be provided on the engineering plans.

(13) The section of Hart Street fronting the property shall be upgraded to rollover (SE) type kerb and gutter. Details shall be included with the Roads Act (s138) application and shall be to the satisfaction of Council as the Road Authority.

C – PRIOR TO ANY WORK COMMENCING ON SITE

(1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.

(2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

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

a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;

b. prior to the pouring of concrete for sewerage works and/or works on public property;

c. 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) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

(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 / SUBDIVISION CERTIFICATE

(1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.

(2) (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.

(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) (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.

(5) (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.

(6) (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.

(7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.

(8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.

(9) (E068) Prior to the issue of a Subdivision Certificate or Occupation Certificate (whichever occurs first), 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 street lighting and fibre optic cabling where required).

(10) Prior to issue of a Subdivision Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over Lot 2 to enable the gravity drainage of Lot 1. The easement and inter-allotment system, must comply with the requirements of AUSPEC D5.

(11) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

(12) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.

(13) (E196) Prior to the first Occupation Certificate or concurrently with registration of the plan of subdivision (whichever occurs first), a section 88b instrument shall be registered to partially release the existing Restriction on the Use of Land fifthly referred to on DP 807508. The release shall be to the minimum extent necessary to allow the proposed driveway crossovers (e.g. unencumbering the 27m long segment of property boundary facing Hart St) and details shall be to the satisfaction of Council as the Road Authority.

(14) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

F – OCCUPATION OF THE SITE

(1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

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

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 healthy built environment.

Rights of Appeal

If you are dissatisfied with this decision:

1. 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.
2. Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

DRAFT

SUBMISSION in relation to notification of development proposal

Name: Tom and Minie Dickson
Address: 6 Hart Street, Port Macquarie
Phone: [redacted]
Email: [redacted]

NOTIFICATION OF DEVELOPMENT PROPOSAL

Proposal: Dual Occupancy and Torrens Title Subdivision
Property: Lot: 55 DP: 807508, 2 Hart Street PORT MACQUARIE

Application No. 2017/299
Applicant: D A Jordan
Consent Authority: Port Macquarie-Hastings Council
Integrated Development: No
Designated Development: No

Grounds for objection of the proposal

Dear Sir/Madam,

I refer to the above development and raise the following concerns regarding the Non-Compliance issues as raised in the Statement of Environmental Effects along with a number of other concerns.

Front of building to be setback less than 4.5m from road frontage

- Councils Development Control Plan (DCP) section 3.2.2.2 states that front setbacks should support an attractive streetscape. Primary frontage setbacks is recommended to have a setback of 4.5m to Hart Street. Both Units 1 & 2 fail to comply with this criteria. The existing row of trees as stated in the submitted Statement of Environmental Effects (SOEE) that obscure the existing dwelling 1 from the roadway is not a true indication of what exists. The existing dwelling is visible when travelling North up Hart Street and the encroachment into the front setback will not only detract from the existing streetscape, however will detract from the general amenity of the Hart Street precinct and Lighthouse Beach area.
- Proposed dwelling 2 fails to meet the requirements of councils DCP also regarding front setbacks and once again will detract from the existing streetscape and amenity of the area.

Proposed dwelling 2 to be setback less than 4m from rear lot boundary

- Councils DCP section 3.2.2.4 states that development should allow natural light and ventilation between dwellings/buildings and to provide open space areas, along with providing useable yard areas and open space. The proposed 2.350m rear setback clearly fails to meet this provision, and will crowd what is a nice and open neighbourhood.

Proposed dwelling 2 is not proposed to be provided with a 4m x 4m minimum dimension area

- Councils DCP section 3.2.2.6 states that development is to encourage useable private open space for dwellings to meet occupants' requirements for privacy, safety, access, outdoor activities and landscaping. The submitted SOEE states that the proposed deck provides a useable outdoor dining/entertaining space. I find this contradicts the DCP provisions as using the deck for open space would seem to be going against the grain of privacy, safety, access and outdoor activities.

No privacy screen proposed to western elevation of rear deck

- Councils DCP section 3.2.2.10 states that development is to protect the visual privacy of on-site and nearby residents. Councils DCP clearly states that a deck having a setback of less than 3m from a side or rear boundary, and is greater than 3m2 is to be screened. The proposed deck will be looking towards not only our outdoor living space/front deck, but also our master bedroom.

As you can see the application does impact us in a number of ways purely from the non-compliance issues as highlighted above. The submitted SOEE is somewhat misleading and we request the applicant be requested to update the document to truly reflect the impact the proposed development will have on neighbours.

Other matters that should be addressed and clarified also are:

- The submitted plans refer to levels relating to RL. Could you please provide amended plans to Australian Height Datum (AHD) to give notified neighbours a true indication of the proposed heights?

- The Statement of Environmental Effects outlines the proposed development. The submitted plans indicate two driveways servicing the proposed new building (Unit 2), however no mention of this in the SOEE. Currently the existing dwelling is serviced via the private carriageway, which also serves other dwellings on the right of carriageway. Why would a typical standard dwelling require two driveways? The proposed Unit 2 dwelling is not permitted right of carriageway according to the original subdivision.

- On the initial subdivision there is a restriction on the driveway of that title from Hart Street. In the new development 2 new driveways are proposed to access Hart Street. This will increase traffic movements even more to an already tight space that we have at the end this dead end street. Note, that there is no existing curb and guttering in place here, something that will no doubt have to be added at a cost to the council.

- Traffic - With many residents not aware that it is a dead end street, the turning circle at the end is not conducive to traffic in its current state and the extra development will add to the congested area already regarding car movements and parking for local residents. Often large trucks are vehicles with trailers use this space in front of 2 Hart Street to turn around instead of going to the end of this dead end street as is not suitable for this action as a cul-de-sac has not been built here for that purpose.

- Parking – The additional dwelling (Unit 2) will attract more parking. The rest of this side of the street, past 2 Hart Street, is signed 'No Parking'. The addition of two driveways to this north end of Hart St will take away a lot of on-street parking. Residences 2, 4, and 6 are all large homes and require on-street parking quite regularly. It should be noted that already the residents of number 2 Hart St have to currently park several vehicles on the lot that is proposed to be developed, if these vehicles are to be parked on the street it will be very crowded and dangerous.

- The proposed development is to be constructed on a sloping block. The submitted plans do not clearly depict the extent of cut and fill and how this will impact surrounding properties regarding drainage.

- Fencing/retaining walls - No details or elevations are available for the proposed fencing and retaining walls. Could details please be provided demonstrating visual impacts from our property?

- There is a concern that additional fencing along the right of carriage way would also create a potential hiding space and could contribute to crime and theft to our area.

- The potential fencing could also make the driveway very dangerous and difficult to use for all residents as currently it is very open and any approaching car can easily be seen to avoid accidents. The proposed dwelling is already very close the driveway and any fencing would create dangerous blind spots. Many children, even those of 2 Hart St who propose the development, use the driveway as a safe place to ride bikes, scooters etc, and fencing close to right of carriageway would make it very dangerous for them as the driver's view of them will be taken away.

- The development design should contribute to the streetscape through built form and landscape that respects and responds to the local context, and desired streetscape of the area. The current appeal of the streetscape will be lost as all three houses on this current subdivision are all set up the top of the block to enjoy ocean views and breezes. The proposed Unit 2 dwelling is not consistent with this and will interrupt the ocean vista that is currently enjoyed. The current proposal does not meet these criteria.

- Rear setbacks are to provide sufficient space for outdoor living areas. Current proposal fails to meet these criteria.

- Building bulk and scale should ensure future development responds to the desired future character of the area and that its bulk and scale is not excessive. The proposed development would appear to be excessive for the area considering the non-compliance issues raised previously with councils DCP.

- Proposed roofing - What colour is the proposed roofing going to be? Will the roof have significant glare issues for adjoining neighbours? Could a colour chart be provided for the proposed development depicting glare reflectivity please? Are any solar panels included in the design? Will they impact upon the glare we may get from our from deck?

- Safety and security should assist the development in mitigating opportunities for criminal activity, behaviour, and perceived opportunities for crime. The position of unit 2 is contributing to an avenue for crime by enclosing the right of carriageway to certain degree. The right of carriage way is currently fully open to the public and to the properties who have the benefit of the carriageway. The proposed development will enclose that portion of carriageway and could have a detrimental effect to the safety and security of its users.

- Stormwater - The current stormwater system struggles to cope with the influx of water currently in a storm event. Is the extra stormwater expected from the new development going to require the stormwater infrastructure to be upgraded? And if so at what cost and whose expenses?

- The site analysis plan submitted seems to only address the subject site. A site analysis plan should identify the existing conditions relating to the subject site, and the surrounding land/development that may influence the design process. We request an updated site analysis plan be prepared and available for further comment.

I trust you will address my concerns and provide further information for clarification as requested. We request that an on site inspection to be organised by council, together with us and other concerned residents, to take place so that the assessing officer can see the impact that this development will have on the streetscape.

Regards,

Tom Dickson

Submitted by email to council@pmhc.nsw.gov.au
15/5/17

From: [redacted]
To: Council
Subject: Fwd: SUBMISSION RE DEVELOPMENT PROPOSAL
Date: Tuesday, 16 May 2017 1:57:01 PM

------ Original Message ------
From: [redacted]
To: council@phmc.nsw.gov.au
Sent: Tuesday, 16 May, 2017 At 1:51 PM
Subject: SUBMISSION RE DEVELOPMENT PROPOSAL

THE GENERAL MANAGER
PORT MACQUARIE HASTINGS COUNCIL.

I would like to submit a limited objection as follows;

TITLE: Dual occupancy and Torrens Title Subdivision

PROPERTY: LOT: 55 DP:807508, 2 Hart Street, PORT MACQUARIE

Application No. 2017/299

First of all let me state that I have no objection in principal to the proposed development/subdivision. My objection is pure and simply on traffic/safety grounds.

Currently the area of the street subject to the application consists of a closed off street and a could be considered to be a poorly constructed cul de sac without adequate/kerb and guttering with an area of natural flora, to the northern end of Hart Street in the vicinity of the proposed development.

Adjacent to the area is a lane off the west of Hart Street, servicing 3 residences at No.s 2, 4 and 6 Hart Street, there is no provision for parking on this lane, therefore currently people requiring access to numbers 2, 4 & 6 Hart Street, for any reason only have a total area of approximately 45 metres for parking. If this application is approved it would decrease this area by 10 metres to service 4 residences. A situation in my opinion would be quite unsatisfactory and unsafe and lead to traffic congestion when one or more of the residents in the vicinity

wish to conduct a social engagement, which has been experienced on numerous occasions in the past.

It is also my opinion that due to the lack of adequate kerb and guttering, particularly on the eastern side of Hart Street will lead to damage to the lawn areas of the current residences, by vehicles completing U Turns due to the inadequate nature of the area available for such manoeuvres, which has, also occurred in the past, with damage being caused to the our over flow rain water pipes by such vehicles.

Also on numerous occasions large articulated vehicles making deliveries to the northern end of Hart Street experience severe difficulty in turning around, this will be worse if the application is approved, with the increased traffic congestion.

I have previously been informed on two occasions by former Council employees that proper kerb and guttering would be constructed to the northern end of Hart Street when the western side of the street war originally developed, this obviously has not been the case.

Finally it is my understanding and I am prepared to be corrected, that when Unit 1 was originally constructed the site plan was altered on request of the applicant, to be situated higher on the block, on the understanding that no application for dual occupancy would either be submitted by any applicant nor accepted by Council.

G R & P D Gunn

19 Hart Street,

Port Macquarie NSW 2444

[redacted]

To the General Manager – Port Macquarie-Hastings Council

SUBMISSION in relation to notification of development proposal

Name: Stuart & Lina Jackson
Address: 4 Hart Street, Port Macquarie
Phone: [redacted]
Email:

NOTIFICATION OF DEVELOPMENT PROPOSAL

Proposal: Dual Occupancy and Torrens Title Subdivision
Property: Lot: 55 DP: 807508, 2 Hart Street PORT MACQUARIE

Application No. 2017/299
Applicant: D A Jordan
Consent Authority: Port Macquarie-Hastings Council
Integrated Development: No
Designated Development: No

Grounds for objection of the proposal

Dear Sir/Madam,

I refer to the above development and raise the following concerns regarding the Non-Compliance issues as raised in the Statement of Environmental Effects along with a number of other concerns.

Front of building to be setback less than 4.5m from road frontage

- Councils Development Control Plan (DCP) section 3.2.2.2 states that front setbacks should support an attractive streetscape. Primary frontage setbacks is recommended to have a setback of 4.5m to Hart Street. Both Units 1 & 2 fail to comply with this criteria. The existing row of trees as stated in the submitted Statement of Environmental Effects (SOEE) that obscure the existing dwelling 1 from the roadway is not a true indication of what exists. The existing dwelling is visible when travelling North up Hart Street and the encroachment into the front setback will not only detract from the existing streetscape, however will detract from the general amenity of the Hart Street precinct and Lighthouse Beach area.
- Proposed dwelling 2 fails to meet the requirements of councils DCP also regarding front setbacks and once again will detract from the existing streetscape and amenity of the area.

Proposed dwelling 2 to be setback less than 4m from rear lot boundary

- Councils DCP section 3.2.2.4 states that development should allow natural light and ventilation between dwellings/buildings and to provide open space areas, along with providing useable yard areas and open space. The proposed 2.350m rear setback clearly fails to meet this provision. The SOEE states that there will be no impact to my property. This is once again untrue as it impacts on my private open space area

where my children gather and play on the area immediately behind the proposed development and the shadowing will have a detrimental impact upon the existing garden. No shadow diagrams are available to demonstrate this and I request shadow diagrams be forthcoming to justify the applicants claims.

- This maybe a subdivision of allotment, however it is still a residential building. Shouldn't this be assessed against the provisions of councils DCP for residential development?

Proposed dwelling 2 is not proposed to be provided with a 4m x 4m minimum dimension area

- Councils DCP section 3.2.2.6 states that development is to encourage useable private open space for dwellings to meet occupants' requirements for privacy, safety, access, outdoor activities and landscaping. The submitted SOEE states that the proposed deck provides a useable outdoor dining/entertaining space. I find this contradicts the DCP provisions as using the deck for open space would seem to be going against the grain of privacy, safety, access and outdoor activities.

No privacy screen proposed to western elevation of rear deck

- Councils DCP section 3.2.2.10 states that development is to protect the visual privacy of on-site and nearby residents. Councils DCP clearly states that a deck having a setback of less than 3m from a side or rear boundary, and is greater than 3m2 is to be screened. The proposed deck may not over look our living room, however will intrude on our privacy when we are catching sea breezes from our front balcony where we often enjoy afternoon dinners whilst watching the kids in the pool below. The deck will also impede and invade our privacy on our open space area in the front yard.

As you can see the application does impact us in a number of ways purely from the non-compliance issues as highlighted above. The submitted SOEE is somewhat misleading and we request the applicant be requested to update the document to truly reflect the impact the proposed development will have on neighbours.

Other matters that should be addressed and clarified also are:

- The submitted plans refer to levels relating to RL. Could you please provide amended plans to Australian Height Datum (AHD) to give notified neighbours a true indication of the proposed heights?

- The Statement of Environmental Effects outlines the proposed development. The submitted plans indicate two driveways servicing the proposed new building (Unit 2), however no mention of this in the SOEE. Currently the existing dwelling is serviced via the private carriageway, which also serves other dwellings on the right of carriageway. Why would a typical standard dwelling require two driveways? The proposed Unit 2 dwelling is not permitted right of carriageway according to the original subdivision.

- On the initial subdivision there is a restriction on the driveway of that title from Hart Street. In the new development 2 new driveways are proposed to access Hart Street. This will increase traffic movements even more to an already tight space that we have

at the end this dead end street. Note, that there is no existing curb and guttering in place here.

- Traffic - With many residents not aware that it is a dead end street, the turning circle at the end is not conducive to traffic in its current state and the extra development will add to the congested area already regarding car movements and parking for local residents. Often heavy vehicles and cars with trailers use this space in front of 2 Hart Street to turn around instead of going to the end of this dead end street as it is not suitable for this action as a cul-de-sac has not been built here for that purpose.

- Parking – The additional dwelling (Unit 2) will attract more parking. The rest of this side of the street, past 2 Hart Street, is signed 'No Parking'. Where are additional visitors and friends for number 4 and 6 Hart Street going to park?

- The proposed development is to be constructed on a sloping block. The submitted plans do not clearly depict the extent of cut and fill and how this will impact on my property regarding drainage.

- Fencing/retaining walls - No details or elevations are available for the proposed fencing and retaining walls and how they will impact on our property. Could details please be provided demonstrating visual impacts from our property?

- There is a concern that additional fencing along the right of carriage way will detract from the appeal of our property as it may screen the existing front garden and mail box, thus losing street appeal. A precedent has already been set by council when we sort approval for our front fence, recommending that it be set back at least 3 metres from the right of carriage way in order to create a safe environment for vehicles and visitors entering and leaving the properties here and to maintain an open space. We were told if we complied with this then our building application would be streamlined to get the 'green light' to go ahead. As a result we set back our fence 3.5 metres to comply with this. It would be totally unfair and contradictory to allow a fence to be built any closer to the right of carriage way then this. Therefore, we have further concern that the proposed dwelling 2 is only set back 2.79 metres from the carriageway, which is closer then our fence. In order to preserve the existing streetscape along the right of carriageway we request that the fence lines align with each other.

- This potential fencing would also create an obscure space that potentially is a hiding space and contribute to crime and theft in the area. We have already had to alarm our house as a result of these instances in the past.

- The development design should contribute to the streetscape through built form and landscape that respects and responds to the local context, and desired streetscape of the area. The house at 4 Hart Street is currently viewed from the street and will be obscured with the proposed development of Unit 2, thus losing appeal. The current appeal of the streetscape will be lost as all three houses on this current subdivision are all set up the top of the block to enjoy ocean views and breezes. The proposed Unit 2 dwelling is not consistent with this and will interrupt the ocean vista that is currently enjoyed. The current proposal does not meet these criteria.

- Rear setbacks are to provide sufficient space for outdoor living areas. Current proposal fails to meet these criteria.

- Building bulk and scale should ensure future development responds to the desired future character of the area and that its bulk and scale is not excessive. The proposed development would appear to be excessive for the area considering the non-compliance issues raised previously with councils DCP.

- Proposed roofing - What colour is the proposed roofing going to be? Will the roof have significant glare issues for adjoining neighbours? Could a colour chart be provided for the proposed development depicting glare reflectivity please? Are any solar panels included in the design? Will they impact upon the glare we may get from our from deck?

- Safety and security should assist the development in mitigating opportunities for criminal activity, behaviour, and perceived opportunities for crime. The position of unit 2 is contributing to an avenue for crime by enclosing the right of carriageway to certain degree. The right of carriage way is currently fully open to the public and to the properties who have the benefit of the carriageway. The proposed development will enclose that portion of carriageway and could have a detrimental effect to the safety and security of its users.

- Stormwater - The current stormwater system struggles to cope with the influx of water currently in a storm event. Is the extra stormwater expected from the new development going to require the stormwater infrastructure to be upgraded? And if so at what cost and whose expenses?

- The site analysis plan submitted seems to only address the subject site. A site analysis plan should identify the existing conditions relating to the subject site, and the surrounding land/development that may influence the design process. We request an updated site analysis plan be prepared and available for further comment.

I trust you will address my concerns and provide further information for clarification as requested. We request that an on site inspection to be organised by council, together with us and other concern residents, to take place so that the assessing officer can see the impact that this development will have on the streetscape.

Regards,

Stuart & Lina Jackson

Submitted by email to council@pmhc.nsw.gov.au
15/5/17