

# Development Assessment Panel

## Business Paper

date of meeting:	Wednesday 24 October 2018
location:	Function Room Port Macquarie-Hastings Council 17 Burrawan Street Port Macquarie
time:	2:00pm

## **Development Assessment Panel**

### **CHARTER**

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#### **1.0 OBJECTIVES**

To assist in managing Council's development assessment function by providing independent and expert determinations of development applications that fall outside of staff delegations.

#### **2.0 KEY FUNCTIONS**

- To review development application reports and conditions;
- To determine development applications outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP);
- To maintain transparency in the determination of development applications.

#### **Delegated Authority of Panel**

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- 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.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

#### **3.0 MEMBERSHIP**

##### **3.1 Voting Members**

- Two independent external members. One of the independent external members to

- be the Chairperson.
- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

### **3.2 Non-Voting Members**

- Not applicable

### **3.3 Obligations of members**

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- 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.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

### **3.4 Member Tenure**

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

### **3.5 Appointment of members**

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

## **4.0 TIMETABLE OF MEETINGS**

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.

## **5.0 MEETING PRACTICES**

### **5.1 Meeting Format**

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- 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.

### **5.2 Decision Making**

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

### **5.3 Quorum**

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

### **5.4 Chairperson and Deputy Chairperson**

- Independent Chair (alternate, second independent member)

### **5.5 Secretariat**

- The Director Development & Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

### **5.6 Recording of decisions**

- Minutes will record decisions and how each member votes for each item before the Panel.

## **6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS**

Not applicable.

## **7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST**

- Members of the Panel must comply with the applicable provisions of Council’s Code of Conduct. It is the personal responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted. Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

## **8.0 LOBBYING**

- All members and applicants are to adhere to Council’s Lobbying policy. 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.

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	27/06/18	11/07/28	25/07/18	08/08/18	26/09/18
Paul Drake	✓	✓	✓	A	✓
Robert Hussey	✓	✓	✓	✓	✓
David Crofts (alternate member)				✓	
Dan Croft (Acting Director Development & Environment) Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology

## Development Assessment Panel Meeting

Wednesday 24 October 2018

### Items of Business

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 26 September 2018 be confirmed.



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**PRESENT**

***Members:***

Paul Drake  
Robert Hussey  
Dan Croft

***Other Attendees:***

David Troemel  
Fiona Tierney

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 8 August 2018 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2018 - 525 - STAGED DUAL OCCUPANCY (ATTACHED), SHED, SOLAR PV SYSTEM AND POOL - 21 BLACK SWAN TERRACE, WEST HAVEN**

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Speakers:

Roberts Smallwood (applicant)

David Wall (applicant)

CONSENSUS:

That DA2018 - 525 for a staged dual occupancy (attached), shed, solar PV system and pool at Lot 213, DP 1042231, No. 21 Black Swan Terrace, West Haven, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition A(7) to read:

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

- Stage 1: Bulk earthworks and the smaller of the 2 dwellings.
- Stage 2: Dwelling, pool, shed and solar PV system.

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

- Amend condition B(3) to read:

‘As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the “Notice of Payment – Developer Charges” schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

augmentation of the town water supply headworks

Payment of contributions is not required where it can be demonstrated to the satisfaction of the water authority (Council) that the development can be serviced by one water meter.’

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**06 DA2018 - 572 DUAL OCCUPANCY- LOT 90 DP 1223398 NO 15 SAFFRON AVENUE, YIPPIN CREEK**

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Speakers:

Di Blanch (o)

Greg Chapman (applicant)

CONSENSUS:

That DA 2018 - 572 for a dual occupancy at Lot 90, DP 1223398, No. 15 Saffron Avenue, Yippin Creek, 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 amended plans are to be submitted to provide for a 2.5m rear boundary setback to dwelling number 2. The setback is to be increase by 'shrinking' the proposal and not decreasing side or front setbacks.'
- Delete condition E(9).

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**07 GENERAL BUSINESS**

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Nil.

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The meeting closed at 2:47pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

I, ..... declare the following interest:

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant Interest:**

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

☐

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

May participate in consideration and voting.

For the reason that: .....  
.....

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

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

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

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**Item: 05****Subject: DA2018 - 215.1 - DEMOLITION OF HERITAGE LISTED CHIMNEYS  
ASSOCIATED WITH FORMER MILL WORKERS COTTAGES AND  
INTERPRETATION PLAN - NO. 47 HOMEDALE ROAD, KEW****Report Author: Patrick Galbraith-Robertson**

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<b>Applicant:</b>	<b>Yevrah Super Pty Ltd &amp; Jones Investment P/L CARE GEM Planning Projects</b>
<b>Owner:</b>	<b>Yevrah Super Pty Ltd &amp; Jojeni Investments Pty Ltd</b>
<b>Estimated Cost:</b>	<b>\$2,000</b>
<b>Parcel no:</b>	<b>61584</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA2018 – 215.1 for a demolition of heritage listed chimneys associated with former mill workers’ cottages and Interpretation Plan at Lot 1, DP 1161722, No. 47 Homedale Road, Kew, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a Development Application for a demolition of heritage listed chimneys associated with former mill workers’ cottages and Interpretation Plan 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.

The proposal has been amended during the assessment of the application inclusive of addition of an Interpretation Management Plan proposed with options for reinterpreting aspect of the heritage item including interpretation of one(1) of the former mill workers cottages (and one chimney).

An extract photo of the two (2) chimneys currently on-site is shown below:





The application has been in with Council for a considerable length of time to resolve important heritage implications of the proposal. Council's nominated Heritage Advisor has been involved in the assessment and recommendations for the proposal.

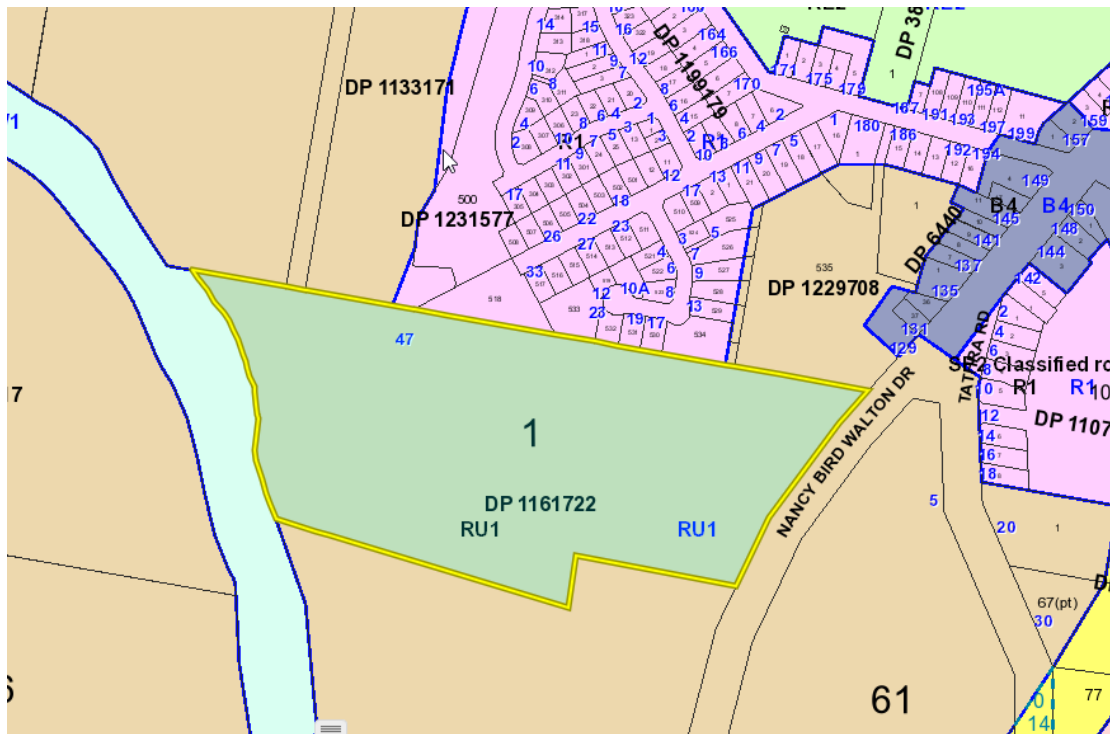
The Applicant has provided satisfactory amended documentation throughout the assessment process which has assisted with the assessment and justification of the suitability of the proposal which now includes positive outcome for retention of the heritage item's significance.

## **1. BACKGROUND**

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

The site has an area of 14.18 hectares.

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

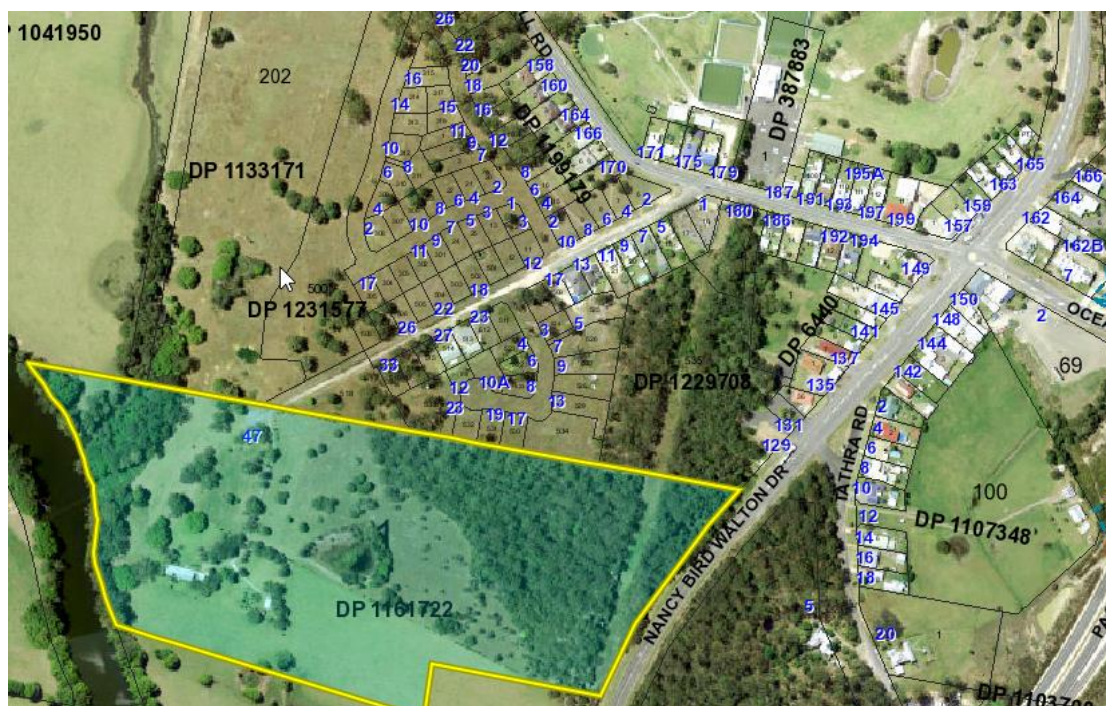


An existing consent (DA2007 – 132) as modified and active for a two (2) lot Torrens title and 58 lot community title subdivision applies to the land. The proposal does not propose to change this subdivision.

The property is located at the southern end of Homedale Road, Kew and lies within the Port Macquarie-Hastings local government area. The two (2) chimneys, which are the only visible remains of former mill workers' cottages, are located in the north western corner of the property. The chimneys are the only visible remains of what is believed to have been six (6) mill worker cottages numbered three and six.

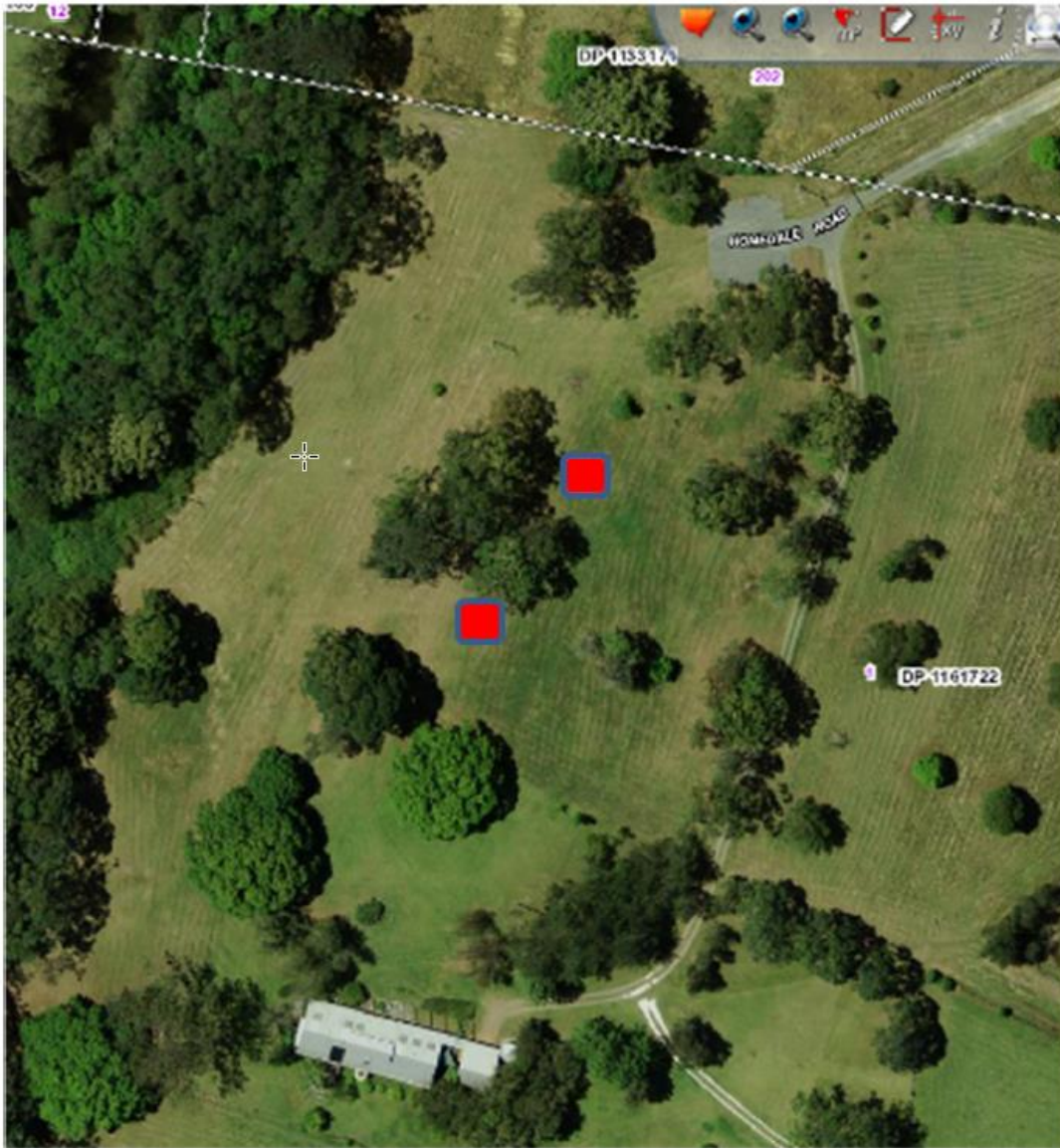
The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photographs (2012 and nearmap July 2018):







The approximate location of the chimneys is shown below:



Location of chimneys

## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal, as amended, include the following:

- Demolition of two (2) existing chimneys associated with former mill workers' cottages
- Reinterpretation of one (1) of the former mill workers' cottages including reconstructing one (1) chimney – Three (3) Options proposed in Interpretation Plan

Refer to attachments at the end of this report including a copy of the proposed Interpretation Strategy.

Photo extracts of the existing chimneys (northern chimney then southern chimney) are shown below:





Looking east



Looking west



Looking east



Looking west

### **Application Chronology**

- 20 March 2018 – DA lodged with Council
- 4 April 2018 – Additional information requested – fees, owner's consent and cost of works
- 5 April 2018 – Additional information received

- 10 April 2018 – Council's nominated Heritage Advisor specialist comments received
- 12 to 25 April 2018 – Exhibition of proposal via neighbour notification and advertisement in local newspaper
- 19 April 2018 – Extension of exhibition period granted
- 22 May 2018 - Council's nominated Heritage Advisor specialist comments received – Interpretation recommended
- 3 August 2018 – Heritage Interpretation Management Strategy received
- 14 August 2018 - Council's nominated Heritage Advisor specialist comments received – initial review of Interpretation Strategy
- 4 September 2018 – Copies of redacted submissions provided to Applicant and latest Heritage Advisor's advice
- 7 September 2018 – Additional information received from Applicant – response to submissions and Heritage Advisor's advice
- 11 September 2018 – Final Heritage Advisor advice provided to assessing officer.

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(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 land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

#### **State Environmental Planning Policy No.55 – Remediation of Land**

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

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

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

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

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



Applicable clauses for consideration	Comments	Satisfactory
The existing uses and approved uses of land in the vicinity of the development - 10(3)(a)	The proposal is for demolition and reinterpretation of a current listed heritage item – former mills worker cottage. No land use conflicts can be identified with the proposal	Yes
Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development – 10(3)(b)		
Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b) – 10(3)(c)		
If the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone – 10(3)(d)	N/A	N/A
Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d) – 10(3)(e).	No specific mitigation measures considered necessary.	Yes

### Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned RU1 primary production.

The objectives of the RU1 primary production zone are as follows:

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

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

- the proposal is a permissible landuse;
- no adverse land use conflicts or loss of significant agricultural land resource can be identified
- Clause 2.5 – additional permitted uses – the site is identified in Schedule 1 as permitting a community title subdivision. The subject proposal does not involve any landuse that requires consideration of this clause. There is a subdivision consent in place consistent with the permitted landuse.

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 5.10 – Heritage:
  - The chimneys are an item of local environmental heritage under Schedule 5 of Port Macquarie-Hastings Local Environment Plan (LEP) 2011. A Development Application has been lodged to demolish and reinterpret one of the mill workers' cottages (as amended).
  - The Applicant has submitted satisfactory specialist structural information by Alan Taylor and Associates to justify that the structural integrity of the chimneys is unsound, potentially dangerous and should be demolished.
  - Council's nominated Heritage Advisor has provided specialist advice on several occasions and most recently on the recommendations of the Interpretation Strategy submitted during the assessment of the DA. A copy of the Interpretation Strategy is attached to this report.
  - The following final recommendations provided by Council's Heritage Advisor are as follows and are considered appropriate and recommended to be supported with the exception that the public reserve dedication be considered with any future rezoning of the site and the final construction plans for the interpretation structures be approved by Council's nominated Heritage Advisor prior to construction commencing:

***“Option 1- Establish a Public Reserve and incorporate reconstructed Chimneys and cottages- I would suggest two off and go further in identifying the footprint of the other four, now demolished / destroyed cottages. Interpretative plaquing would accompany this. This is my preferred option.”***

*I was not privileged to information that a “heritage” bricklayer had assessed the chimneys and advised that there were only sufficient bricks to reconstruct one chimney with full integrity. In this case the feasible outcome is to reconstruct one of the chimneys.*

*As the Planning Consultant has advised that the location of the other 4 cottages is unknown precisely, to outline a footprint would be conjectural. Therefore that is not pertinent to pursue and if it were it would possibly be misleading.*

*The chimney that is not being reconstructed should have its footprint (not that of the cottage) but the known chimney footprint, marked on the site, in a manner to be determined in the future, so as not to delay the making safe of the site.*

*I believe and confirmed that Option 1 was a good outcome and indeed will clearly be a better result than simply removing the chimneys. I recommend approval for the demolition on this basis.*

Option 1 in more detail is as follows:

#### **OPTION 1**

##### **PUBLIC RESERVE INCORPORATING RECONSTRUCTION CHIMNEY AND COTTAGE (preferred)**

- Reconstruct one of the chimneys on its current location using the bricks from both chimneys,
- Interpret the mill worker's cottage associated with the chimney with a simple frame structure that the chimney was once part of, and



- Interpret the history of the property with interpretive panels.  
The panels could be of metal and attached to timber pylons/posts.

This option would be conditional upon incorporating the reconstructed chimney and worker's cottage structure in a public reserve.

Appropriate conditions are recommended to address the above requirements, timing for completion of works from demolition and construction requirements.

An example image extract is shown below of a potential interpretation:

**Examples of simple skeleton frames.**

Something similar could be used to interpret the mill worker's cottage.



- Clause 7.1, the site is partly mapped as potentially containing class 1, 2 and 3 acid sulfate soils. The proposed development includes works which are well clear of the potential acid sulphate soils therefore no adverse impacts are expected to occur.

- Clause 7.3, the site is land within a partly mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). In this regard, the proposed works are well clear and above the mapped flood planning area with no specific considerations required for the proposal.

**(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**

There are no specific requirements in this DCP to consider for the proposal with the exception that the proposal has been exhibited in accordance with the Community Participation section of the DCP.

**(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:**

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

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

**Demolition of buildings AS 2601 – Clause 92**

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

**(a)(v) Any Coastal Zone Management Plan**

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

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

**Context and setting**

The site has access to Homedale Road via an existing right of carriageway across the northern property.

The property has frontage to the Camden Haven River to the west.

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

The proposal (as amended) including the proposed reinterpreted cottage and proposed interpretative panels will be unlikely to result in any adverse impacts to neighbouring properties.

Any potential future impacts of creating a public reserve will need to be considered as part of any future rezoning process and/or as part of being accommodated within a community lot within the current approved active community title subdivision on the site.

**Traffic and Transport**

No changes are proposed to the existing arrangements for access to the site and it is noted that an existing driveway access is servicing a dwelling currently on the site. The existing driveway can provide sufficient private access to the heritage item until further subdivision at a later date if that occurs.

**Heritage**

The proposal directly relates to demolition and reinterpretation of heritage listed mill workers' cottages and one chimney on the site.

**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 any new 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**

No adverse impacts anticipated. Standard precautionary site management condition recommended.

**Energy**

No adverse impacts anticipated.

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone. The subject structures including reinterpreted structures are not to be habitable and unlikely to subject to any identifiable bushfire risk subject to management of an appropriate Asset Protection



Zone around the perimeter of the heritage item. Access is available from Homedale Road in the event of a bushfire emergency.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

Six(6) written submissions have been received following public exhibition of the application. One (1) submission is in support of the proposal as amended including the interpretation of one the Struggle town cottages.

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

Submission Issue/Summary	Planning Comment/Response
Object to demolishing one of most significant landmarks in district.	A Development Application has been lodged with Council which has been subject to extensive planning assessment and public consultation. The Applicant has amended their proposal following public exhibition to propose an Interpretation Plan with
Due care has not been taken to protect the chimneys.	
The chimneys being the last remnant of an historic site, should remain where they	

Submission Issue/Summary	Planning Comment/Response
currently stand and hopefully in the future some form of Heritage funding will be available to restore them to their original state.	Option 1 being deemed suitable to support and is now considered to be a good practical outcome for ongoing protection and recognition of this important heritage item. Refer to additional comments earlier in this report and in the attached Interpretation Plan to this report.
Strongly support the interpretation of one of the Struggle Town cottages.	Noted.
Plan to collect the bricks from the chimneys and move them to a site adjacent to the Visitor Information Centre at Kew strongly opposed to.	The proposal has been amended to include interpretation of one of the Struggle Town cottages on-site.
The communities of Kew and Kendall are very proud of their timber milling history and the charm of the area is largely due to older buildings and items of heritage value being preserved.	Noted and recognised during the extensive planning assessment and public consultation process.
With modern technology and appropriately experienced tradespeople, that the restoration of the chimneys could be achieved and they could be retained to enhance the new residential subdivision and to provide a link to the heritage of the area.	The proposal has been amended to include interpretation of one of the Struggle Town cottages. Only one of the chimneys are proposed to be reinterpreted.
Is there any planned open space within the development site that could protect and interpret this heritage and history.	The Applicant has amended their proposal to propose an Interpretation Plan with Option 1 being deemed suitable to support and will be a good outcome for ongoing protection and recognition of the heritage item. A public reserve is not proposed at this stage and will need to be considered with any future rezoning of the site.
This part of the Port Macquarie-Hastings area is very much lacking in public open space facilities and turning this place into a pretty place for all members of the public to enjoy would be greatly received in the community.	

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls as justified and is likely to positively impact on the wider public interest with retention of the heritage significance of the site.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

No development contributions are applicable to the proposal.

**5. CONCLUSION AND STATEMENT OF REASON**

The application has been assessed in accordance with Section 4.15 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 considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

- 1[View](#). DA2018 - 215.1 Recommended Conditions
- 2[View](#). DA2018 - 215.1 SOEE
- 3[View](#). DA2018 - 215.1 Interpretation Strategy Final - The Chimneys, Kew
- 4[View](#). DA2018 - 215.1 Engineering Report

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/215****DATE: 17/10/2018****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Interpretation Strategy – The Chimneys		Port Macquarie Hastings Heritage	August 2018
Statement of Environmental Effects		GEM Planning Projects	March 2018
Inspection and Report on Structural Integrity of Existing Brick Chimneys		Alan Taylor & Associates	27 February 2018

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 other than demolition shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. 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.

- (4) (A195) The demolition of the existing chimneys shall be completed within 3 months of the date of this consent.
- (5) (A196) The Option 1 recommendations of the approved Interpretation Strategy with the exception of creation of a public reserve shall be completed within 6 months of the demolition of the chimneys.
- (6) (A197) Any future rezoning of the site shall incorporate this interpreted heritage item within a public reserve.

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

- (1) (B195) Prior to issue of a Construction Certificate for construction of the new interpreted chimney and interpretation structures for one(1) of the former mill workers' cottages Council's nominated Heritage Advisor shall approve all construction plans and details.

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

nil

#### **D – DURING WORK**

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

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

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

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

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



Asbestos Awareness

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

- (1) (E001) At completion of the interpretation structures an Occupation Certificate is to issued by the Principal Certifying Authority.

DRAFT

Development application

For  
Demolition of two chimneys  
at  
Lot 1 DP 1161722,  
Homedale Road  
Kew

On behalf of  
Yevrah Super Pty Ltd  
& Jojeni Investments Pty Ltd

Statement of environmental effects

March 2018





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## Appendix

Appendix A	Letter from Tenant –safety concerns 29 Dec 2017
Appendix B	Structural Integrity report – Mr Greg Knight 27 February 2018
Appendix C	John Appleton Heritage sensitivity assessment December 2004





SoEE - The Chimneys demolition, Kew

This assessment has been undertaken with skill, care and diligence by the staff of GEM Planning Projects Pty Ltd. This assessment is based on information provided by the client, third party research and research undertaken by GEM Planning Projects Pty Ltd. Independent verification of the documents relied upon has not been undertaken.

GEM Planning Projects disclaims any responsibility to the client and others in respect of any matters outside the scope of this report.

This report has been prepared on behalf of and for the exclusive use of the client and is subject to and issued in accordance with the agreement between the client and GEM Planning Projects. GEM Planning Projects accepts no liability or responsibility of whatsoever nature in respect of any use of or reliance upon this report by any third party.

A handwritten signature in black ink, appearing to read 'G Haigh'.

Geraldine Haigh  
GEM Planning Projects Pty Ltd  
Date: ...13 March 2018.....

Job: ...0083 CHM.....



## Statement of Environmental Effects

### 1. Introduction

This application is made on behalf of *Yevrah Super Pty Ltd & Jones Investment Pty Ltd* under Part 4 of EP & A Act seeking development consent to demolish structurally unsound Chimneys under Clause 5.10 (2) (a) of PMHC LEP 2011, subject to completion of photographic and historical documentation of the item and retention of the bricks in archive pending their future use as part of an interpretative display or exhibit.

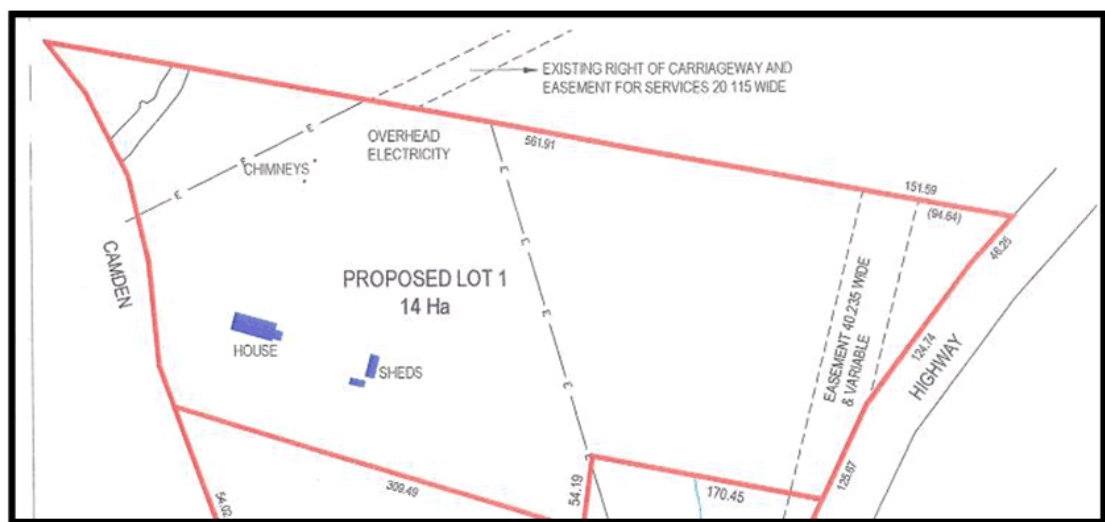


Figure 1 Location of Chimneys within Lot 1 (source King & Campbell)

The items are described as two extant chimneys associated with a former small mill community known as "Struggletown". They are noted as a Local Heritage Item I161 under Council's LEP Schedule 5:

<b>Kew</b>	<b>Chimneys (remains of mill workers' cottages)</b>	<b>Homedale Road</b>	<b>Lot 1, DP 1161722 Local</b>	<b>I161</b>
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The local heritage items are identified as being representative of a mill settlement associated with the timber industry in the Hastings Valley.





Recent concerns about safety were expressed by the tenant (Appendix A) and subsequent structural engineering report by Mr Greg Knight of Alan Taylor & Associates observed *“both chimneys are in very poor condition with the northern chimney in a more advanced stage of dilapidation.*

*Both chimneys are badly cracked, missing bricks and leaning. The lean on the southern chimney was measured at approximately 7 degrees. This is many times acceptable limits.*

The chimneys in their current condition are identified as:

- Structurally unsound
- Potentially dangerous under wind load or minor accidental loading
- Not capable of being stabilised without unacceptably high risk to tradesman carrying out the work.

The final recommendation from the structural engineer is to demolish the chimneys and until demolition is carried out a security fence is recommended a minimum of 8 m clear of the chimneys.

The recommended security fence has been erected.

The owner of land is mindful of the risk the chimneys pose to their tenant and any member of public who may enter the lands should the Chimneys remain in place. This application seeks urgent approval to demolish the structurally unsound items due to the safety hazard they propose.





## 2. Statutory Assessment

Under the provisions of Clause 4.15 (formerly Section 79C) of the Environmental Planning & Assessment Act, matters for consideration include:

- (a) the provisions of:
  - (i) any environmental planning instrument
    - Port Macquarie Hastings Local Environmental Plan 2011
    - Clause 5.10 Heritage Conservation
  - (ii) any draft instrument that is or has been notified by the consent authority, and
  - (iii) any development control plan:
  - (iiia) any planning agreement or draft planning agreement, and
  - (iv) the regulations (as applicable),
    - Integrated Development -Not applicable.
- and
- (b) the likely impacts of that development, including
  - environmental impacts on both the natural and built environments, and
  - social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

### 2.1 Port Macquarie Hastings LEP 2011

#### Clause 5.10 Heritage conservation

The chimneys have been the subject of a previous heritage assessment prepared by Mr John Appleton, Archaeological Surveys & Reports Pty Ltd, December 2004 in relation to a development proposed on adjoining land to the north. It is titled: "The assessment of the heritage sensitivity of property in the vicinity of a known Heritage Site ('Struggletown') -Lot 2 DP 1019318, Homedale Road, Kew". Refer Appendix C.

Mr Appleton's 2004 report states at the time of writing the item was not found to be listed in the State Heritage Inventory, nor in the Hastings LEP 2001 Schedule 4 Heritage items. It was identified by way of listing in the Hasting Heritage Inventory 2003.

The item has been included in subsequent Local Environmental Plans as a local heritage time.



The Appleton 2004 assessment provides the following summary of 'Struggletown' and the condition of the remaining two brick chimneys.

The inventory records the physical description of the site as follows: "The two brick chimneys are the only remains of the original identical six mill houses known as Struggletown", and describes their condition in February 2003, as being "in a very poor state".

The historical notes to the inventory record state:

The property was purchased and called 'Homedale' at the beginning of the 20<sup>th</sup> Century. There were originally six identical houses all located along the ridge running north-south and the group was known as "Struggletown". They were occupied by mill-workers, with a mill located on the opposite bank of the Camden Haven River. They were part of the property and rented until the 1950s – the rent at that time was 10 shillings per week.

In subsequent years the houses fell into disrepair and materials slowly disappeared with the two chimneys being all that remains.

The construction consisted of the two-sided brick chimney, with an open fire serving the living/dining room on the west and a wood-burning stove in the other side of the kitchen. Two bedrooms were opened off the living room and were located on the northern side of the house. A narrow verandah ran full width across the front. The laundry was a skillion roof addition to the kitchen and the privy was located at the foot of the back garden.

Floors, walls and roof framing were hardwood, weatherboards were splay-cut hardwood and the roofing was galvanised corrugated iron.

Figure 2 Extract Heritage inventory notes

The abovementioned Heritage Inventory dated 2003 describes Federal Mill at Kew as one of the early sawmills to be built inland from Laurieton. It is believed to be built in 1880s together with a tramline to convey logs from the forest several miles west of Herons Creek to the Mill. The Mill closed in 1890s and later renewed operations in early 1900s.

The two brick chimneys are the remnants of the original identical six mill houses known as 'Struggletown' and the Hastings describes their condition in February 2003 as 'in a very poor state'.





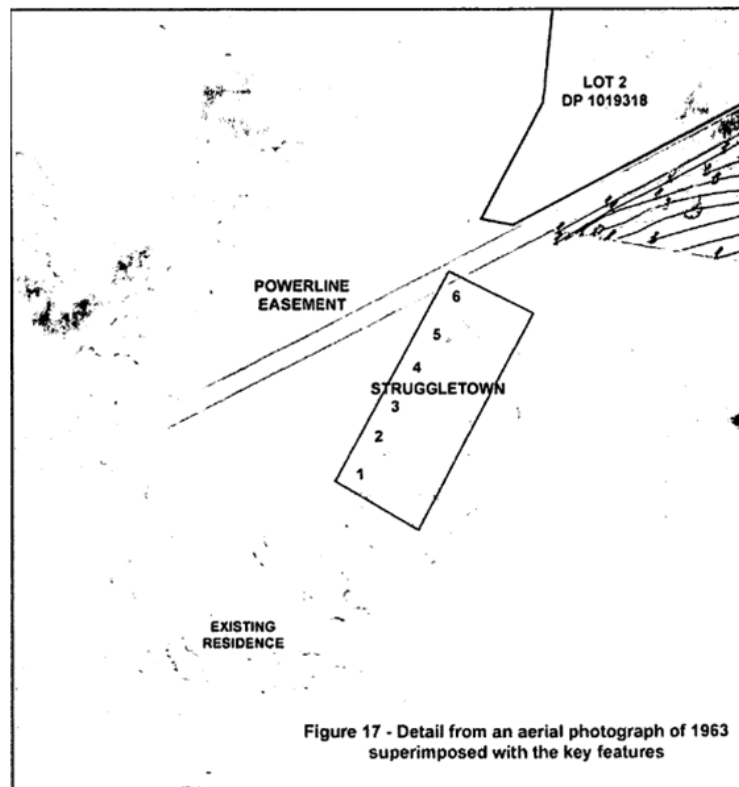


Figure 3 Struggletown approx site (source P.19 J Appleton – Dec 2004).

Photographs from the 2004 assessment demonstrate the condition of the Chimneys at the time (14 years ago). The condition of the Chimneys has continued to deteriorate significantly with loose bricks, large cracks in the structures and failing foundations as evidenced by recent photographs provided Figures 5 & 6 below.

The two chimneys have been assessed by a qualified structural engineer and are identified as structurally unsound, potentially dangerous under wind load or minor accidental loading and not capable of being stabilized without unacceptably high risk to tradesmen carrying out the work.

The structural engineer's report states that: *Both chimneys are badly cracked, missing bricks and leaning. The lean on the southern chimney was measured at approximately 7 degrees. This is many times acceptable limits.*



HERITAGE ASSESSMENT:  
Lot 2, DP 1019318 Homedale Road  
KEW

7

MR V.T. Brown



Figure 5 – The chimneys viewed from the north-east.



Figure 6 – Same view showing the projected rooflines and internal partitions.

ARCHAEOLOGICAL SURVEYS & REPORTS Pty Ltd – December 2004

Figure 4 Photographs from 2004 report



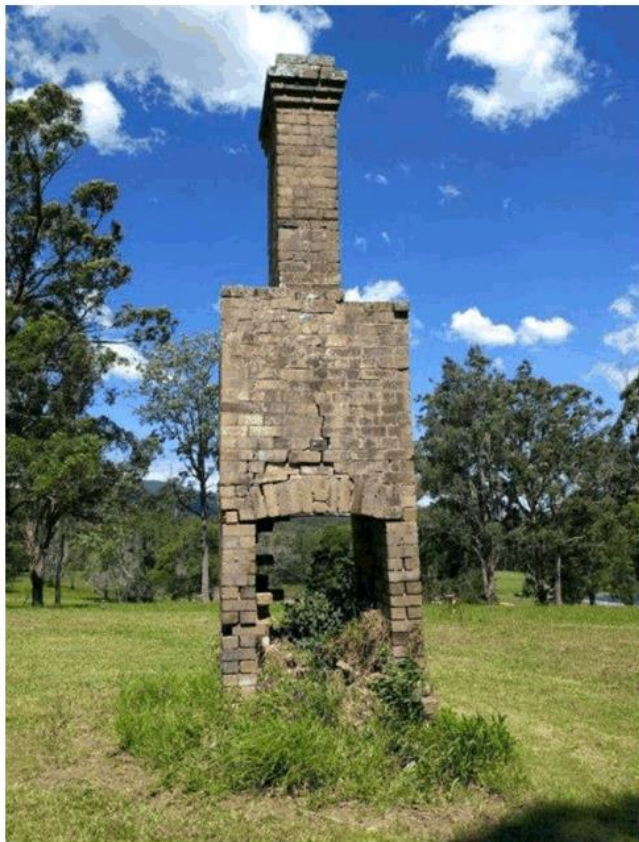


Figure 5 Recent photos







Figure 6 Recent photos 2





Subclause (2) of Clause 5.10 requires Development Consent for development affecting a heritage item, including applications for demolition.

In consideration of subclause (4) the effect of the proposed development will see removal of the unsafe structures and retrieval of the bricks for archive storage.

Heritage management would include complete photographic record and documentation of the history of Struggletown and related history of Federal Mill. The retention of the bricks in archive and subsequent interpretative display or exhibition in any future development on the site is supported by the owner.

Alternatively, a local community based heritage organisation may wish to take custodianship of the relics, photographs and documented history for inclusion in a wider display about the timber industry in the Hastings valley or a publicly available facility such as Kew visitor centre or in the Big Axe park..

The extremely dilapidated condition of the Chimneys and their central location in the property near public roads and local streets occupied by young families (Homedale Road & The Links Estate) is such that *in-situ* retention of the remnant chimneys is not viable or safe.

## **2.2 Any draft instrument that is or has been notified by the consent authority, and**

Council's draft Urban Growth Management Strategy 2011 – 2031 exhibited December 2017 applies and identifies this land as part of the Camden Haven "Future Investigation area".

No other draft instrument in place. However, Council resolution of dated 16 August 2017 to commence investigations for site-specific planning proposal has allowed detailed site investigations to progress and a draft Planning Proposal is nearing submission.

## **2.3 Any development control plan:**

Development Control plan provisions relating to Heritage items are not specifically relevant to this proposal and primarily reference LEP Clause 5.10 provisions.

## **2.4 Any planning agreement or draft planning agreement, and**

There is no Voluntary Planning Agreement or draft planning agreement in place in relation to the land.



**2.5 The regulations (as applicable), and**

No specific regulations requiring comment.

**2.6 The likely impacts of that development, including**

- *environmental impacts on both the natural and built environments, and*
- *social and economic impacts in the locality,*

Environmental impacts extent to the demolition of remnant chimney structures of local heritage status and association social impacts relating to the retrieval of the chimney bricks for subsequent utilisation in an interpretative exhibit relating to the history of timber milling in the Hastings Valley.

**2.7 The suitability of the site for the development,**

Not applicable.

**2.8 Any submissions made in accordance with this Act or the regulations,**

It is anticipated that the proposal will be notified in accordance with Council's policy and requirements for the regulations in relation to Local heritage items. Any submissions would need to be considered by Council prior to determination of the application.

**2.9 The public interest.**

The public interest centres around the implications of removing a local heritage item. Reference to the Heritage Office Guidelines made by Mr Appleton (page 24) provide a useful template for considering the impact of the proposed demolition and interpretative re-use of retrieved bricks.

i. What if anything remains of the cultural record	Two extant brick chimneys from six mill worker cottages. During demolition bricks would be retrieved and archived for future use as part of heritage record and display.
ii. What is the condition of any relics or structures that remain?	2003 - Reported as being "in very poor state – Hastings Heritage Inventory Feb 2003 2004 - Photographed and described as "two poorly preserved chimneys" by J Appleton December 2004



	<p>2018 - Greg Knight, B.E.(Structural), M.I.E., C.P. Eng. Structural Integrity Report concludes:</p> <ul style="list-style-type: none"> <li>• Structurally unsound</li> <li>• Potentially dangerous under wind load or minor accidental loading</li> <li>• Not capable of being stabilised without unacceptably high risk to tradesman carrying out the work.</li> </ul>
iii. Are the relics or structures portable or fixed ?	Fixed
iv. Are the relics or structures <i>in situ</i> or have they been redeposited or significantly disturbed?	<i>In situ</i>
v. Will removal of the relics or structures significantly impact upon their cultural significance?	<p>Their significance is described as being 'a rare surviving element of a mill settlement and one of a few remaining sites with strong associations with the timber industry in the Hastings.</p> <p>The remaining elements of the site represent a public safety risk due to their dilapidated state and possibility of collapse.</p> <p>Proposed archive documentation and preservation of bricks will partially mitigate loss.</p>
vi. Are the relics or structures removable?	No. It is possible to keep and archive the bricks from the chimneys but removal of the chimneys as a whole piece is not possible due to their structural instability and poor condition.
vii. Is the conservation or preservation of the relics or structures <i>in situ</i> a practical solution?	<p>No. Preservation of the structures <i>in situ</i> is not a practical solution. The structural engineer has assessed the structures as too dangerous and not capable of being stabilised without unacceptably high risk to tradespersons carrying out the work.</p> <p>Note the subject land has an existing approval for 58 lots under a community title development - DA 2007/132. The DA</p>



	<p>conditions are silent on the matter of the management of the chimneys.</p> <p>The subject land is part of Council's UGMS identified for Urban Investigation.</p>
viii. Is conservation or preservation of the relics or structures <i>in situ</i> a viable solution?	<p>No. Preservation of the structures <i>in situ</i> is not a viable solution.</p> <p>Concerns expressed by the current tenant of the land and proximity to new housing generates a very real risk that exploring children will investigate the relics (whether fenced or not) means safety and land owner liability is a very real concern.</p> <p>In order to conserve the chimneys on site long term they would need to be made safe. The extent of deterioration of the chimneys is well documented and include failed footings, loose and lost bricks, missing mortar and significant lean of the structures.</p> <p>The safety concerns assessed by the structural engineer precludes tradespersons from working on the chimneys <i>in situ</i>.</p>
ix. If the relics or structures are removed how would they be conserved or preserved, or managed, or displayed or stored?	<p>The bricks would be retrieved and placed in archive storage under instruction of a heritage specialist for future use in an interpretative display or exhibition on the property as part of a future development.</p> <p>Alternatively, a local community based heritage organisation or museum may wish to take custodianship of the relics, photographs and documented history for inclusion in a wider display about the timber industry in the Hastings valley.</p>
x. Who would be responsible for the ongoing cost of curating and managing the relics or structures removed from the site?	Yet to be resolved





xi.	If the relics or structures are to remain <i>in situ</i> can they be 'contained' as to preserve their context by encasing them in concrete or some other such 'permanent' protective shield?	No – the two chimneys are 3.1m high and 2.1m high. Containment of the vertically unstable structures is not considered practical or viable.
xii.	Would the 'containment' of the relics or structures necessitate major alteration to the proposed development?	As above
xiii.	Would 'containment' of the relics or structures <i>in situ</i> prevent, limit or constrain future development of the site?	Yes – potential risk to residents and the public would constrain future development of the site. The chimneys are in the general location of a future road extension from Homedale Road and are centrally located in the western part of the site. They are not located near a boundary or in a corner where they could be excluded from the site with minimal impact.
xiv.	Would the financial cost of managing the relics or structures <i>in situ</i> result in abandonment of the proposed project, and the neglect and ultimate deterioration of the relics or structures?	The liability and cost of keeping the unstable structures <i>in situ</i> includes: <ul style="list-style-type: none"> <li>- Ongoing risk to residents and the public – due to their location in the site.</li> <li>- The chimneys are likely to continue to deteriorate given their current state of instability.</li> <li>- Retention of the chimneys in private land surrounded by residential development carries an unacceptable risk to any landowner.</li> </ul>
xv.	Which relics or structures should be preserved <i>in situ</i> , and which should be removed for conservation, display or storage?	Demolition of the chimneys in a manner that minimises damage to the bricks and conservation of the retrieved bricks for future display is the preferred option.
xvi.	If the site has been assessed to be of potential heritage significance, are the potential costs, both temporally and financially, of the above and other considerations, such that the options should identified by the project managers or proponents before the archaeological investigation commences?	The issue of the safety and structural instability of the chimneys has been raised by the current tenant and the recommendations resulting from the structural engineering report has precipitated this application outside the rezoning process.





SoEE - The Chimneys demolition, Kew

Council's urgent consideration of this application is requested due to the significant public safety risk discussed above. The proposal to document the heritage of the site, retrieve and archive the bricks for future interpretative re-use or display is proposed to partially mitigate the loss of the item.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Haigh'.

Geraldine Haigh  
Director & Senior Planner  
GEM Planning Projects

0439 836 711  
Geraldine@ gemplanningprojects.com.au

P O Box 2068  
Port Macquarie NSW 244





## Interpretation Strategy



### The Chimneys

Lot 1 DP 1161722  
Homedale Rd, Kew

**Port Macquarie  
Hastings Heritage**

PO Box 9495  
Port Macquarie.  
NSW 2444

Ph: 0447 429 016

August 2018

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## 1. Introduction

Port Macquarie Hastings Heritage has been commissioned by Yevrah Super Pty Ltd and Jojeni Investments Pty Ltd to prepare this Interpretation Strategy for 'The Chimneys' - Lot 1 DP 1161722 Homedale Road, Kew.

This Interpretation Strategy is a requirement of Port Macquarie-Hastings Council.

### 1.1 Authorship

This Interpretation Strategy has been prepared by Mitch McKay of Port Macquarie Hastings Heritage.

Prior to establishing Port Macquarie Hastings Heritage in 2009 Mitch was the Heritage Officer at Port Macquarie-Hastings Council for 10 years.

Since establishing the practice Mitch has been responsible for preparing Statements of Heritage Impact for items of State and local heritage significance, Heritage Assessments for items of local significance and grant applications for items of State heritage significance. Mitch is also Heritage Advisor to a number of Councils in New South Wales.

### 1.2 Study area

The property is located at the southern end of Homedale Road, Kew and lies within the Port Macquarie-Hastings local government area. The two chimneys, which are the only visible remains of former mill workers' cottages, are located in the north western corner of the property.





Location of property



Location of chimneys

### 1.3 Background to strategy

Port Macquarie Hastings Heritage has been commissioned by Yevrah Super Pty Ltd and Jojeni Investments Pty Ltd to prepare this Interpretation Strategy for 'The Chimneys' - Lot 1 DP 1161722 Homedale Road, Kew.

This Interpretation Strategy is a requirement of Port Macquarie-Hastings Council.

### 1.4 Heritage status

The chimneys, which are the subject of this interpretation strategy, are an item of local environmental heritage under Port Macquarie-Hastings Local Environment Plan (LEP) 2011.

The item is identified below:

#### Schedule 5 Environmental heritage

(Clause 5.10)

#### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Kew	Chimneys (remains of mill workers' cottages)	Homedale Road	Lot 1 DP 1161722	Local	1161

### 1.5 Limitations

This document relies primarily on secondary sources. Primary research carried out includes only the general assessment of the physical evidence on site.

This Interpretation Strategy is a research document intended to collate the types of information available for the site. Preparation of this document has not included the seeking of copyright approval for use of any historical images, or information being used on any site interpretation medium.

## 2. Historical context, themes and significance

### 2.1 Brief history of the site

The chimneys, which are the subject of this Interpretation Strategy, are located on a parcel of land that was once known as Portion 21 in the Parish of Camden Haven, County of Macquarie. Portion 21 was owned by Laurence Stenland. Stenland not only owned this portion but also Portion 18 which adjoined the southern boundary and Portion 106 which was along the eastern boundary of both portions.

In 1895 the Federal Timber Company erected a mill on Portion 21 which in 1896 was working in full swing. *The Port Macquarie News and Hastings River Advocate* 6 June, 1896 reported that:

*The Federal Timber Company has a new mill working in full swing at Kew, Camden Haven. A recent visitor to the mill supplies us with the following details: - The mill which is down in a hollow, and cannot be seen till one is nearly on top of it, is fronting the waters of the Camden Haven, about half-a-mile from Kew. It is a roomy building, and is fitted up with all the most modern appliances, being capable, when in full swing, of cutting 50,000 feet of timber per week. A tramway is in course of construction, which will run from the mill into the bush about five miles, the trucks running on the lines being drawn by teams of horses. There is no steam punt running up or down the river for logs at present, as there has been no means of getting the logs from the river bank into the mill, but another tramway, of about 150 yards in length, is being laid from the mill to the river, and when this is finished, the punt, for which the tug Unique went to Bulahdelah, Port Stephens, on Saturday last, will then travel the river for logs. The Company has also started a store at Kew, having bought the store keeping business from Mr. Adkins, and a neat little building has been erected opposite the hotel for this business. Three cottages have been erected near the mill, and three more are in course of erection. Mr. R. Ochs being the contractor. Mr. McKinna is manager for the company at Camden Haven.*

The tramway was constructed of timber and gazetted on 12 August, 1896 and refortified in 1904.

It is believed that the Federal Timber Company was operated by the Australian Timber Company as *The Sydney Mail* 3 June, 1903 reported that:

*About eight years since the Australian Timber Company was formed and erected a large mill at Kew. This was afterwards purchased from the official liquidator by Messrs. Longworth and Co., and removed to Laurieton adjoining another and smaller mill which that firm had erected a year or two previously.*

Shortly after the property was purchased by Farquhar Wallace.

On 28 September, 1917 *The Dungog Chronicle Durham and Gloucester Advertiser* reported that:

*On part of Mr. F. Wallace's property at Kew has recently been erected an establishment for the purposes of wood-distillation. Needless to say, it will add much to the progress of what was likely to become the obsolete township of Kew. It is unique in that it is the only works in New South Wales, and from present appearances bids fair to return to its astute and enterprising owner Mr. F. Wilson, in the near future, a substantial remuneration for his large outlay in buildings and machinery. Two large iron retorts*



*have been erected. These are filled with waste timber from the sawmill, or with any rough split timber that lends itself to the purpose. The intense heat generated by the furnace drives off all liquid or gaseous matter, leaving as a residue the best economical charcoal. The gaseous matters are conducted through condensing pipes, from which emerges a steady stream of pyroligneous acids, tar, and non-condensable gas which can be used as an illuminant. The tar extracted is only second in rank to the pine tars of Stockholm. The pyroligneous acids, after purifying processes are condensed in evaporating pans, and crystallised, and from these crystals acetic acid is finally distilled. Other products may be extracted later on, such as formalin, pieric acid, dyes, acetone, guaiacol (sic), wood naptha (sic). Although only in operation a few weeks, some thousands of gallons of crude liquid have already been extracted, but as it has to pass through so many processes, it must of necessity some weeks before the marketable stage is reached.*

*When we reflect on the fact that the only other wood-distillation works in the Commonwealth, viz., in Victoria took three years to perfect at a cost of about thirty thousand pounds, we congratulate Mr. Wilson on the progress he has made during his nine months of preparatory work here.*

It is unclear when this activity ceased.

It is believed that the property, which had been known as Struggletown and was renamed Homedale sometime around 1920, was sold in 1939 to William and Margaret Bailey. The mill workers cottages, except for cottage number four which had been destroyed by fire sometime during the late 1930s, were then rented out some into the 1960s.

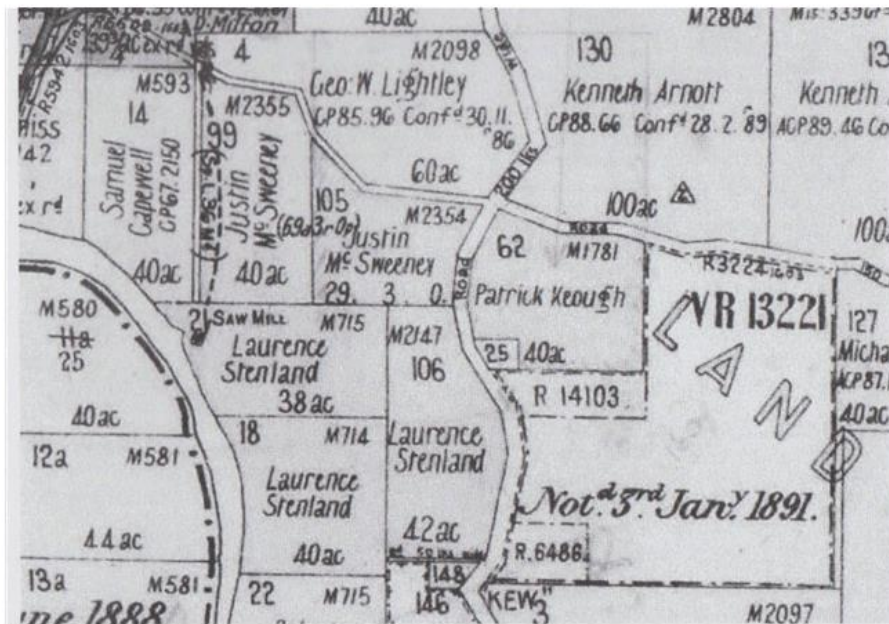
The property was eventually passed down to their son architect Ian William Bailey. In the 2000s Bailey and his partner Annie Georgeson developed a vision for the property to turn it into a 66 dwelling sustainable village. The development, which would be known as 'The Chimneys' - the chimneys being conserved, would demonstrate environmental, architectural, social and economic sustainability while addressing key issues of water, energy, food, transport and community well-being.

Bailey passed away in 2013 and the property was sold in 2017 when the proposed development proved to be financially not viable.

The two chimneys are the only visible remains of what is believed to have been mill worker cottages three and six.

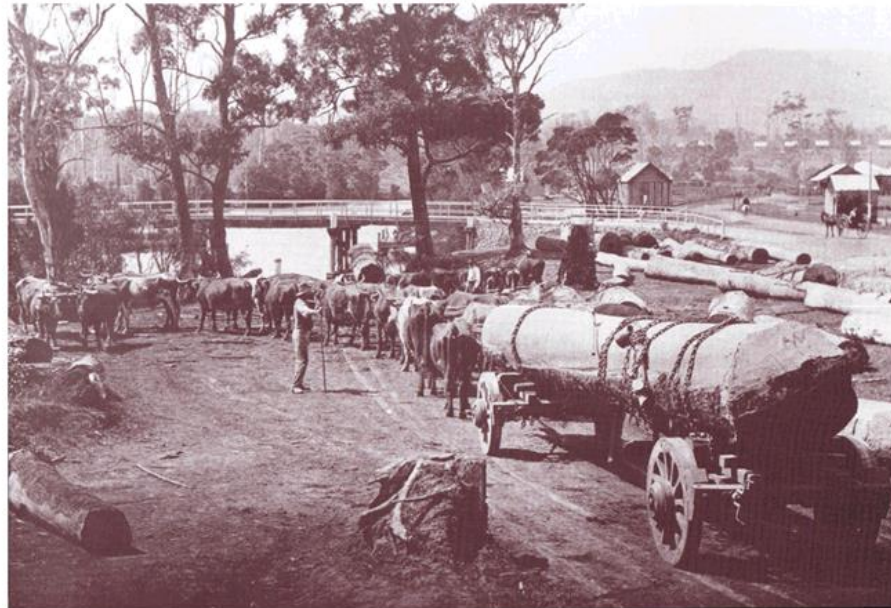
The following historical notes pertaining to the construction of the cottages is taken from NSW State Heritage Register Inventory Database No. 1730161.

The construction consisted of the two-sided brick chimney, with an open fire serving the living/dining room on the west and a wood-burning stove in the other side of the kitchen. Two bedrooms were opened off the living room and were located on the northern side of the house. A narrow verandah ran full width across the front. The laundry was a skillion roof addition to the kitchen and the privy was located at the foot of the back garden. Floors, walls and roof framing were hardwood, weatherboards were splay-cut hardwood and the roofing was galvanised corrugated iron.



Extract from Parish map c1881 showing location of sawmill and tramway.

Source: *Footprints and Foundations – The Early Dwellings and Residents 1860-1960 Kew, Ross Glen, Herons Creek*  
published by Kendall Heritage Society Inc. 2010



Undated photograph looking from Kendall bridge towards cottages on Homedale Road

## 2.2 Statement of significance

The following statement is taken from the NSW State Heritage Register Inventory Database No. 1730161.

The archaeological remains are a rare surviving element of a mill settlement and is significant as it is one of the few remaining sites with strong associations with the timber industry in the Hastings.

## 2.3 Historical themes

A framework of historical themes has been developed by the Heritage Council of New South Wales which links in with the National framework of themes developed by the Australian Heritage Commission. Themes can be identified on national, state and local levels. These themes identify the historical values that might be used to interpret heritage significance.

By presenting information about the key historical themes which have shaped the subject site in an enlightening and interesting way, weighed up from an analysis of the site and an assessment of its cultural significance, good interpretative outcomes will be achieved. The key messages which emanate from the historical themes relevant to the subject property help us to identify the stories about the site which should be relayed to future site users and visitors.

The following themes are taken from the NSW State Heritage Register Inventory Database No. 1730161.

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Industry-Activities associated with the manufacture, production and distribution of goods	(none)-
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	(none)-

Key messages of the site:

- Land tenure
- Timber mill industry and accommodation
- Wood distillation industry

### 3. The current setting

The chimneys are situated on private property being Lot 1 DP 1161722 along Homedale Road overlooking the Camden Haven River.

The immediate landscape is dominated by residential homes to the north, the main residence on the property a short distance away to the south and the Camden Haven River runs along the western boundary.

#### 3.1 Condition of the chimneys

An inspection and report on structural integrity of the chimneys prepared by Alan Taylor and Associates dated 27 February 2018 states that:

*the larger base sections of the chimneys are approximately 1200mm x 1320mm dimension and 3100mm high with the smaller section above 470mm x 840mm and a further 2100mm high.*

*The base section has a fireplace opening right through with 230mm bonded brick sides. The chimneys appear to be founded on roughly cut and mortared rock footings, depth unknown.*

*Both chimneys are in very poor condition with the northern chimney in a more advanced stage of dilapidation. Both chimneys are badly cracked, missing bricks and leaning. The lean on the southern chimney was measured at approximately 7 degrees.*

The report went on to say that:

*in their current condition the chimneys are:*

- *Structurally unsound.*
- *Potentially dangerous under wind load or minor accidental loading.*
- *Not capable of being stabilised without unacceptably high risk to tradesman carrying out the work, and that*
- *the chimneys be demolished and until the demolition is carried out a security fence erected a minimum of 8 metres clear of the chimneys.*

The security fence was subsequently erected.

A report by Port Macquarie-Hastings Council's Heritage Advisor Stephen Booker dated 10 April 2018 states that:

*since my previous visit to the site, the condition of the chimneys has significantly deteriorated and the southern most structure has developed a lean in the order of 7 degrees, identified by the engineers as reaching the point of overturning.*

*The curved arch bar has separated from the brickwork it once supported, indicating that the two supporting walls have moved inwards causing the upper brickwork to move upwards under compression; the lower walls are ready to collapse inwards in the absence of the internal cross wall.*



*In fabric terms, the southern structure has lost its internal brickwork between the two adjoining hearths thus losing its bracing in between the end walls. The structure, as a result of this, but further exacerbated by the severe cracking and loss of mortar is at the point of collapse and given strong winds, earth tremor, or an errant child that is attracted to climb it, would self-destruct. A child in this circumstance would surely be severely injured or killed.*

*The northern structure is in a more sound condition however it has lost much of its mortar joints in the lower areas due to rising damp, but also has the added complication of being enveloped by a climbing plant, entwined on it.*

*Removal of the vine will jeopardise the structure, as it is in a fragile state as it is.*

*Attempts to remediate the brickwork or repoint may be possible in this instance, however there is so much of it to do that it is not considered worthy of the expenditure and the workers would be in a potentially dangerous situation in the process.*

Booker's recommendation was that:

*the two chimneys be demolished on the grounds of their being in an advanced state of deterioration and a potential state of collapse rendering them dangerous to be in close proximity.*

*Demolition will need to be careful in a WHS context to avoid harm to the workers.*

Booker's report further stated that:

*The structures need to be interpreted on site and the fabric remnant needs to be utilised on the site, not given to a heritage organization or moved beyond the site.*

*My suggestion is to identify the footprint of the structures (the six cottages) on the specific site in a meaningful manner with associated explanation. The bricks could be used in the setting out of the footprints of the dwellings as understood from the earlier archaeological research.*

*Alternatively, the chimney section should be salvaged intact and set on a footing at the estate entry, with the remaining bricks being used in the construction of a backup wall, utilising the chimneys as piers set at the front of the wall as a pier or pilaster.*

*Interpretation of what the bricks were a part of and where they came from should be part of the assemblage.*

*A survey plan needs to be prepared of the footprint of the remaining two fireplaces.*



Photograph of northern chimney looking towards southern chimney



Photograph of southern chimney looking towards northern chimney



Northern chimney



Looking north



Looking south



Looking east



Looking west

Southern chimney



Looking north



Looking south



Looking east



Looking west



#### 4. Proposed interpretation strategy

The author inspected the chimneys on 6 July, 2018 with Barry Nelis bricklayer and Geraldine Haigh Director and Senior Planner GEM Planning Projects acting on behalf of the owner.

The inspection concurred with Alan Taylor and Associates and Stephen Booker's assessment that the chimneys are dangerous and that prior to any work a survey plan be prepared of the footprint of the remaining two chimneys and that all surviving bricks be retained and stored somewhere on the site.

The property, with its existing development consent for sixty six dwellings, is currently under consideration for rezoning to R1 residential. This presents an opportunity for possible interpretations of the site that can be situated on public land as part of the rezoning and subject to agreement with the current owner.

It was considered, that after careful dismantling of the chimneys, that there was an opportunity to consider the following options to interpret the site:

##### OPTION 1

###### PUBLIC RESERVE INCORPORATING RECONSTRUCTED CHIMNEY AND COTTAGE (preferred)

- reconstruct one of the chimneys on its current location using the bricks from both chimneys,
- interpret the mill worker's cottage associated with the chimney with a simple frame structure that the chimney was once part of, and
- interpret the history of the property with interpretive panels.  
The panels could be of metal and attached to timber pylons/posts.

This option would be conditional upon incorporating the reconstructed chimney and worker's cottage structure in a public reserve.

##### OPTION 2

###### PUBLIC RESERVE INCORPORATING COTTAGE INTERPRETATION

- interpret, the mill worker's cottage with a simple skeleton frame structure that the chimney was once part of,
- interpret the history of the property with interpretive panels.  
Should there be insufficient bricks to reconstruct the chimney then extend the simple skeleton frame down to the ground to reflect a chimney and attach the metal panels to the skeleton frame of the interpreted chimney, and
- delineate the corners of the mill worker's cottage using the bricks from the dismantled chimneys.

This option would also be conditional upon incorporating the interpreted worker's cottage in a public reserve.

Communicating the history of the site should not be limited to providing facts. Interpretation should engage the senses and imaginations of the audience.

The interpretive panels for Options 1 and 2 should convey the key messages of the site:

- Land tenure
- Timber mill industry and accommodation
- Wood distillation industry

The interpretive panels should also convey the story of the dismantling of the chimneys and any subsequent chimney reconstruction or construction of the skeleton frame to interpret the cottage.

The interpretation would be for a variety of audiences including:

- the general public, researchers and local residents, and
- passers-by whether pedestrians or people in vehicles.

### OPTION 3

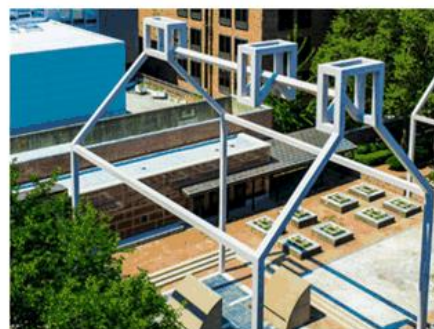
#### PRIVATE PROPERTY (least preferred)

As a local heritage item there is no statutory obligation on the private owner to maintain or conserve the item.

- bricks should be retained and stored,
- history already documented,
- photographic archival recording of the chimneys deposited in the local studies section of the public library, and
- a plaque in a location that would not be accessible to the public.

**Examples of simple skeleton frames.**

Something similar could be used to interpret the mill worker's cottage.



Examples of simple interpretive signage panels.

Something similar could be used to interpret the history of the property.



## 5. Conclusion

This Interpretation Strategy is structured to:

- identify the main historical themes of the site and any relevant and engaging stories; and
- provide an indication of options for means of interpretation.



## 6. Attachments

## NSW State Heritage Register Inventory Database No. 1730161



## Chimneys (Remains of Mill Workers' Cottages)

## Item details

<b>Name of item:</b>	Chimneys (Remains of Mill Workers' Cottages)
<b>Type of item:</b>	Archaeological-Terrestrial
<b>Group/Collection:</b>	Forestry and Timber Industry
<b>Category:</b>	Mill settlement
<b>Location:</b>	Lat: 0 Long: 0
<b>Primary address:</b>	Homedale Road, Kew, NSW 2439
<b>Parish:</b>	Camden Haven
<b>County:</b>	Macquarie
<b>Local govt. area:</b>	Port Macquarie-Hastings

## All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Homedale Road	Kew	Port Macquarie-Hastings	Camden Haven	Macquarie	Primary Address
Kendall Road	Kew	Port Macquarie-Hastings			Alternate Address

## Statement of significance:

The archaeological remains are a rare surviving element of a mill settlement and is significant as it is one of the few remaining sites with strong associations with the timber industry in the Hastings.

**Date significance updated:** 03 Feb 03

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH [copyright and disclaimer](#).*

**Description**

**Physical description:** The two brick chimneys are the only remains of the original identical six mill houses known as Struggletown.

**Physical condition and/or Archaeological potential:** In intact remains of the chimneys are in a very poor state.

**Date condition updated:** 03 Feb 03

**Current use:** Vacant/Unused

**Former use:** Forestry

**History**

**Historical notes:** The property was purchased and called 'Homedale' at the beginning of the 20th Century. There were originally six identical houses all located along the ridge running north-south and the group was known as "Struggletown". They were occupied by mill-workers, with a mill located on the opposite bank of the Camden Haven River. They were part of the property and rented until the 1950s - the rent at that time was 10 shillings per week. In subsequent years the houses fell into disrepair and materials slowly disappeared with the two chimneys being all that remains. The construction consisted of the two-sided brick chimney, with an open fire serving the living/dining room on the west and a wood-burning stove in the other side of the kitchen. Two bedrooms were opened off the living room and were located on the northern side of the house. A narrow verandah ran full width across the front. The laundry was a skillion roof addition to the kitchen and the privy was located at the foot of the back garden. Floors, walls and roof framing were hardwood, weatherboards were splay-cut hardwood and the roofing was galvanised corrugated iron.

**Historic themes**


Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Industry-Activities associated with the manufacture, production and distribution of goods	(none)-
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	(none)-

**Assessment of significance**

**SHR Criteria a)** This item is assessed as historically significant locally.  
[Historical significance]

**SHR Criteria e)** This item is assessed as scientifically significant regionally.  
[Research potential]

**SHR Criteria g)** This item is assessed as scientifically representative regionally.  
[Representativeness]

**Assessment criteria:** Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

**Recommended management:**

Maintenance

**Listings**

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	PMH LEP 2011	1161	23 Feb 11		
Local Environmental Plan - Lapsed	Hastings LEP 2001		17 May 02	87	3106

**References, internet links & images**

Type	Author	Year	Title	Internet Links
Written			Written sources	

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

**Data source**

The information for this entry comes from the following source:

**Name:** Local Government

**Database number:** 1730161

[Return to previous page](#)

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Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the [Database Manager](#).

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## 7. References

Alan Taylor & Associates

**Inspection and Report on Structural Integrity of Existing Brick Chimneys  
at 47 Homedale Road, Kew – 27 February, 2018**

Archaeological Surveys and Reports Pty Ltd

**The Assessment of the Heritage Sensitivity of Property in the Vicinity of a known  
Heritage Site (Struggletown) Lot 2 DP 1019318 – December, 2004**

Australian Town and Country Journal

**Through the North Coast – 21 December, 1895**

Barrier Miner

**Death of Laurence Stenland – 20 July, 1893**

Camden Haven Courier

**Inspiration Legacy – Ian William Bailey (1944-2013) by Elaine van Kempen – 14 April, 2013**

Charles Fenning

**Echoes of the Axe - 1997**

Dungog Chronicle Durham and Gloucester Advertiser

**Kew Wood-distillation Works – 28 September, 1917**

Kendall Heritage Society Inc.

**Footprints and Foundations – The Early Dwellings and Residents 1860-1960  
Kew, Ross Glen, Herons Creek – 2010**

Port Macquarie-Hastings Council

**Stephen Booker Heritage Advisor Visit – 10 April, 2018**

The Macleay Chronicle

**Mr. George P. Adkins – 12 September, 1934**

The Manning River Times and Advocate for the North Coast Districts of New South Wales

**Kew (from our correspondent) – 9 January, 1898**

The Manning River Times and Advocate for the North Coast Districts of New South Wales

**Camden Haven Sawmills – 16 July, 1898**

The Manning River Times and Advocate for the North Coast Districts of New South Wales

**Kendall (from our correspondent) – 7 September, 1898**

The Port Macquarie News and Hastings River Advocate

**The Federal Timber Mill – 9 May, 1896**

The Port Macquarie News and Hastings River Advocate

**Kendall (from our correspondent) – 6 June, 1896**

Sydney Mail

**Laurieton and its Flourishing Timber Industry – 3 June, 1903**



ALAN TAYLOR

B.E.(Civil/Structural), M.I.E. Aust., C.P. Eng., L.E.A.D.R.

GREG KNIGHT

B.E.(Structural), M.I.E. Aust., C.P. Eng

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Jojenni Pty Ltd ATF Jojenni Superannuation Fund &  
Yevrah Pty Ltd ATF Yevrah Superannuation Fund  
21A Redan Street  
MOSMAN NSW 2088

27 February 2018

Ref No: 218 4576

Attention: John Harvey

Dear John

RE: **Inspection & Report on Structural Integrity of Existing  
Brick Chimneys at 47 Homedale Road, Kew**

We confirm having attended the above site on 25 February 2018, for the purpose of assessing the structural condition of two brick chimneys.

The chimneys are isolated structures, the associated cottages have been missing for an unknown, but considerable number of years.

Both chimneys are very similar in construction although their condition varies.

See Photos 1 to 4 for southern chimney and Photos 5 to 8 for northern chimney.

The larger base sections of the chimneys are approximately 1200mm x 1320mm dimension and 3100mm high with the smaller section above 470mm x 840mm and a further 2100mm high.

The base section has a fireplace opening right through with 230mm bonded brick sides.

The chimneys appear to be founded on roughly cut and mortared rock footings, depth unknown. (See Photo 9).

As can be observed in the photos both chimneys are in very poor condition with the northern chimney in a more advanced stage of dilapidation.

Both chimneys are badly cracked, missing bricks and leaning. The lean on the southern chimney was measured at approximately 7 degrees. This is many times acceptable limits.

Due to the geometry the chimneys, even if in good condition, would require stabilising structures to be considered safe.

In their current condition I consider the chimneys to be:

- Structurally unsound.
- Potentially dangerous under wind load or minor accidental loading.
- Not capable of being stabilised without unacceptably high risk to tradesman carrying out the work.

My recommendation is that the chimneys be demolished and until the demolition is carried out a security fence erected a minimum of 8 metres clear of the chimneys.

We trust this submission meets with your approval and should you have any queries please do not hesitate to contact Greg Knight at our office.

Yours faithfully



Greg Knight  
Alan Taylor & Associates



*Photo 1: East face of southern chimney*



*Photo 2: South face of southern chimney*



*Photo 3: West face of southern chimney*





*Photo 4: North face of southern chimney*

*Page 6 of 11*



*Photo 5: East face of northern chimney*

*Page 7 of 11*



*Photo 6: South face of northern chimney*



*Photo 7: West face of northern chimney*



*Photo 8: North face of northern chimney*

*Page 10 of 11*





*Photo 9: Rock footing*

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**Item:** 06

**Subject:** DA2018 - 555.1 ALTERATIONS AND ADDITIONS TO DWELLING AND USE AS A HOME BUSINESS (HAIR AND BEAUTY SALON), LOT 246 DP 828767, NO. 10 SPINDRIFT ROW, PORT MACQUARIE

**Report Author:** Chris Gardiner

---

**Applicant:** G S & J A Thompson

**Owner:** G S & J A Thompson

**Estimated Cost:** \$98,000

**Parcel no:** 22548

---

### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That DA 2018 – 555.1 for Alterations and Additions to Dwelling and Use as a Home Business (Hair and Beauty Salon) at Lot 246, DP 828767, No. 10 Spindrift Row, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### **Executive Summary**

This report considers a development application for alterations and additions to dwelling and use as a home business (hair and beauty salon) 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, five (5) submissions have been received.

## **1. BACKGROUND**

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

The site has an area of 750.9m<sup>2</sup>.

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



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Single storey alterations and additions to the existing dwelling;
- Use of the addition as a home business (hair and beauty salon);
- Erection of a small business identification sign.

Refer to attachments at the end of this report.

**Application Chronology**

- 25 July 2018 – Application lodged.
- 30 August 2018 to 12 September 2018 – Neighbour notification.
- 19 September 2018 – Amended plans submitted by the Applicant.
- 21 September 2018 – Additional information requested.
- 4 October 2018 – Additional information and amended plans submitted by Applicant.

**3. STATUTORY ASSESSMENT****Section 4.15(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. 62 – Sustainable Aquaculture**

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

**State Environmental Planning Policy No. 64 – Advertising and Signage**

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

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

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



Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage complies with the subject Clause. In particular, the proposed signage is not excessive in scale and will not significantly impact on streetscape.	Yes
Schedule 1(1) Character of the area.	The area has a residential character and there is no signage in the immediate locality. The proposed business identification sign is of a low scale and height and is not expected to compromise the character of the area, noting that signs of up to 1m <sup>2</sup> on a building wall or fence are permitted in residential zones as Exempt Development.	Yes
Schedule 1(2) Special areas.	The site is in a residential zone. See comments above regarding the character of the area.	Yes
Schedule 1(3) Views and vistas.	No views or vistas impacted.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposed signage is not excessive, and would fit into the streetscape setting.	Yes
Schedule 1(5) Site and building.	The proposed signage fits in with the site and location of buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	No illumination proposed.	N/A
Schedule 1(7) Safety.	The signage will create no safety impacts.	Yes

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

A BASIX certificate (A323254) 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 alterations and additions to a dwelling and home business 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 provides a service for residents in the locality.

It is noted that by definition a home business includes the following restrictions;

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) *the employment of more than 2 persons other than those residents, or*
- (b) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
- (c) *the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
- (d) *the exhibition of any signage (other than a business identification sign), or*
- (e) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

Conditions are recommended confirming the neighbourhood amenity and retailing restrictions above.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 4.36m 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 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.4 – The floor area of the proposed home business is 24m<sup>2</sup> and does not exceed the maximum permitted floor area of 60m<sup>2</sup>.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

## (iii) Any Development Control Plan in force:

## Port Macquarie-Hastings Development Control Plan 2013

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	No ancillary development proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback is compliant with the minimum 4.5m front setback requirements.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Existing garage with no changes proposed.	N/A
	6m max. width of garage door/s and 50% max. width of building	Existing garage with no changes proposed.	N/A
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing driveway with no changes proposed.	N/A
3.2.2.4	4m min. rear setback. Variation subject to site	Proposed addition is setback 11.475m from rear	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	analysis and provision of private open space	boundary.	
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m	The minimum side setback requirements are complied with.	Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Proposed additions would not affect existing compliant open space area.	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	No front fences proposed.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No front fences proposed.	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	The proposed addition for a home business would have a floor level below the natural ground level at the fence line along the side boundary. Existing boundary fence is considered to provide adequate privacy screening.  The southern elevation of the addition has only a single window with 2.36m sill height.	Yes

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

	Requirements	Proposed	Complies
	less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m		
3.2.2.11	Roof terraces	N/A	NA
3.2.2.13 onwards	Jetties and boat ramps	N/A	NA

**DCP 2013: General Provisions**

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Retaining wall maximum 0.95m high.	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not	No new access proposed to	N/A

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	permitted from arterial or distributor roads	arterial or distributor road.	
	Driveway crossing/s minimal in number and width including maximising street parking	No change to existing crossover proposed.	N/A
2.5.3.3	Parking in accordance with Table 2.5.1. Dwelling requirements + 1 space for visitors + 1 space per 2 employees.	2 spaces in garage, plus stacked parking in driveway suitable for 2 vehicles. The submitted Statement of Environmental Effects indicates that the resident will be the only employee. The two parking spaces in the driveway are therefore expected to be available for customers. A condition is recommended requiring the parking spaces to be available for use during the trading hours for the home business.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	N/A
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway existing.	Yes
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	Proposed sign is a business identification sign and does not relate to products or services.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame	All proposed signage is within the property boundaries.	Yes



<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	signage may separately be approved by Council under the Roads Act 1993 or section 68 of the Local government Act 1993.		
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m <sup>2</sup> , and should contain a sign written heading indicating the premises to which it refers.	None proposed.	n/a
	On-premise signs should not project above or to the side of building facades	N/A	N/A
2.2.2.2	Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	Signage not proposed to be illuminated.	N/A

**(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:**

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

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

**Demolition of buildings AS 2601:**

The proposal includes some minor demolition work and a condition is recommended to ensure that the work is carried out in accordance with the Australian Standard.

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

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, Traffic and Transport**

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The Statement of Environmental Effects indicates that the business will have approximately 5 customers per day. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

**Sewer Connection**

The site has an existing sewer connection and the proposed addition can drain to the existing point of connection. Hair traps will be required in wash basins and dry basket arrestors in any floor waste in the salon. Details required with S.68 application.

**Water Supply Connection**

Service available – details required with S.68 application.

**Stormwater**

The site currently drains to a kerb adaptor in Spindrift Row. The proposed addition is capable of connecting to the existing drainage system. Details required with S.68 application.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

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

**Other land resources**

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. Part 7 of the Biodiversity Conservation 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.

**Noise and vibration**

The submitted Statement of Environmental Effects indicates that the proposed hours of operation for the business are 9.00am to 5.00pm Monday to Friday (with extended hours to 7.00pm on Thursdays) for 3 days per week on average. Following consideration of the submissions received on the application, the Applicant has amended the proposed hours to 9.00am to 5.00pm Monday to Friday, and 9.00am to 1.00pm Saturdays.

The proposed hours are considered to be reasonable in a residential context and a condition is recommended restricting hours to those proposed.

Noise from the operation of the home business is expected to be manageable, with the loudest equipment used in the salon being a hand-held hair dryer. The building has been designed with only a single fixed glass window on the southern elevation which would reduce potential noise impacts on the closest neighbour to the south. A condition is recommended prohibiting offensive noise from being generated by the proposal.

Condition also 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.

**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.

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

Five (5) 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
Proposed hours of operation are not clearly defined and operation until 7.00pm would have adverse amenity impacts on neighbours.	Following consideration of the submissions received on the application, the Applicant has amended the proposed hours to 9.00am to 5.00pm Monday to Friday, and 9.00am to 1.00pm Saturdays. The hours can be confirmed by condition.
Use of a skip bin for waste management would affect the streetscape and result in unsafe storage of hairdressing chemicals.	The skip bin is only proposed for waste management during the construction phase. Operational waste is proposed to be managed using the existing residential bin service.
The parking spaces noted in the application to be available for customers are regularly used for parking vehicles owned by the residents. This will result in customers parking in the street in front of neighbouring residences.	<p>The Applicant has advised that construction of the garage is yet to be completed, and some internal work is still being carried out. Once completed, the garage would provide two parking spaces for the residents' vehicles.</p> <p>Section 4.15(3A)(a) of the Environmental Planning and Assessment Act 1979 provides that if a development satisfies a standard set in a DCP, the consent authority cannot impose a more onerous standard in relation to that aspect of the development. As the proposal satisfies the minimum parking requirement in the DCP, additional off-street parking cannot be required.</p>

Submission Issue/Summary	Planning Comment/Response
	However, to ensure that the parking on site remains available for use by residents and customers, a condition is recommended requiring parking in the garage to be available for use by residents and parking at the top of the driveway to be available for customers at all times that the home business is operating.
The building additions appear to be designed to allow for future expansion of the business beyond a sole trader.	Following the notification of the proposal, the Applicant has reduced the floor area of the addition that is proposed to be used for the purpose of a home business and confirmed the intention for the business to be operated as a sole trader. A condition is recommended preventing the employment of any additional staff.
Excavation for the proposed retaining wall would potentially impact the stability of the dividing fence.	Given the proximity of the retaining wall to the boundary, a condition is recommended requiring engineering certification of the structural adequacy of the retaining wall.
The proposed development would significantly increase traffic in the street.	The Statement of Environmental Effects indicates that the business will have approximately 5 customers per day (10 vehicle trips). The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.
A Social Impact Assessment should be submitted for the proposed development.	Council's Social Impact Assessment Policy does not require a Social Impact Assessment for home businesses.
Loss of property values in the locality.	Relevant case law confirms that this is not a matter that can be given weight in the assessment of the application.
If the proposal is approved, Council should impose conditions requiring the Applicant to provide double glazing of lounge room windows, privacy screens along the proposed porch addition and footpath, planting mature trees within the adjoining property to the south, and to pay half the cost of a higher dividing fence.	The proposed development is not considered to create a nexus for the suggested works to the neighbouring property. Cost-sharing for the dividing fence is a matter to be determined under the Dividing Fences Act 1991, and Council cannot make a ruling on this matter.
The site has a narrow street frontage and is located on a bend with neighbouring driveways in close proximity. There is no opportunity for street parking in the site frontage, which would lead to customers/residents parking in front of other properties in the street. The	The limitations of street parking in the site frontage are noted, and it is agreed that any customers choosing to park in the street are likely to do so in front of other properties in the locality. However, as noted earlier in this report, the proposal meets the



Submission Issue/Summary	Planning Comment/Response
<p>steepness of the driveway would discourage customers from utilising the off-street parking.</p> <p>Conditions recommended requiring residents to park in the garage when the business is operating to ensure that parking in the driveway is available for customers, and requiring customers to be advised to park on the driveway when they make a booking.</p>	<p>minimum parking requirements in the DCP and the consent authority cannot impose more onerous requirements in this regard.</p> <p>The driveway grades are less than the maximum permitted under AS2890, and the proposed customer parking is therefore considered to be safely accessible.</p> <p>Given the limitations on street parking it is important to ensure that the off-street parking proposed is available for use by residents and customers, and conditions have been recommended in this regard.</p>
<p>Amenity impacts on No 8 Spindrift Row from customers accessing the business via the footpath, and customers congregating on the porch.</p>	<p>As the proposal is for one hairdresser and the Statement of Environmental Effects indicates that the business is likely to have a maximum of 5 customers per day, it is not expected that the development would create potential for customers to congregate outside the building or create significant amenity impacts on neighbours.</p>
<p>All activities should be contained within the building and windows and doors closed during operation.</p>	<p>This would be an effective means of managing noise from the proposed home business. However, quieter aspects of the use would likely allow window/doors to be open for ventilation without affecting the amenity of neighbours. It is not considered necessary to impose a condition that is this specific, as a general condition is recommended regarding offensive noise.</p>
<p>Any outside air conditioning unit should be located at the rear of the addition.</p>	<p>The submitted plans do not show any air conditioning unit proposed. Any air conditioning unit would need to be sited in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p>Safety impacts of customers backing out of the driveway.</p>	<p>The driveway grades are less than the maximum permitted under AS2890, and the site has safe sight distance in both directions.</p>
<p>Visual impact of proposed sign and loss of residential character.</p>	<p>The proposed business identification sign is of a low scale and height and is not expected to compromise the character of the area, noting that signs</p>

Submission Issue/Summary	Planning Comment/Response
	of up to 1m <sup>2</sup> on a building wall or fence are permitted in residential zones as Exempt Development.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS**

- Development contributions will not 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 not 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 AND STATEMENT OF REASON**

The application has been assessed in accordance with Section 4.15 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 considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

1 [View](#). DA2018 - 555.1 Recommended Conditions

2 [View](#). DA2018 - 555.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/555****DATE: 12/10/2018****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Site Plan	9188 Sheet 1 Issue h	R J Cartwright Design & Drafting Service	22 September 2018
Elevations, Floor and Section Plans	9188 Sheet 2 - 5 Issue i	R J Cartwright Design & Drafting Service	28 September 2018
BASIX Certificate	A323254_02	Robert Cartwright	11 September 2018
Statement of Environmental Effects	-	Julia & Geoffrey Thompson	27 July 2018

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

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

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

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

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

- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (5) (A195) Hair traps are to be installed in all wash basins and dry basket arrestors shall be installed in any floor waste.

#### **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) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
  - i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
  - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (3) (B049) Work associated with the fit out of hairdressing, beauty and skin penetrations salons shall be designed and carried out in accordance with the requirements of:
  - a. The Local Government (General) Regulation 2005,
  - b. The Building Code of Australia,
  - c. Public Health Act 2010,
  - d. Public Health Regulation 2012Prior to release of the Construction Certificate details demonstrating compliance with the above are to be illustrated on the plans.

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

nil

**D – DURING WORK**

- (1) (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.
- (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) (D011) Provision being made for support of adjoining properties during construction.
- (4) (D029) Any demolition work shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E026) Occupation of the premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.
- (3) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all

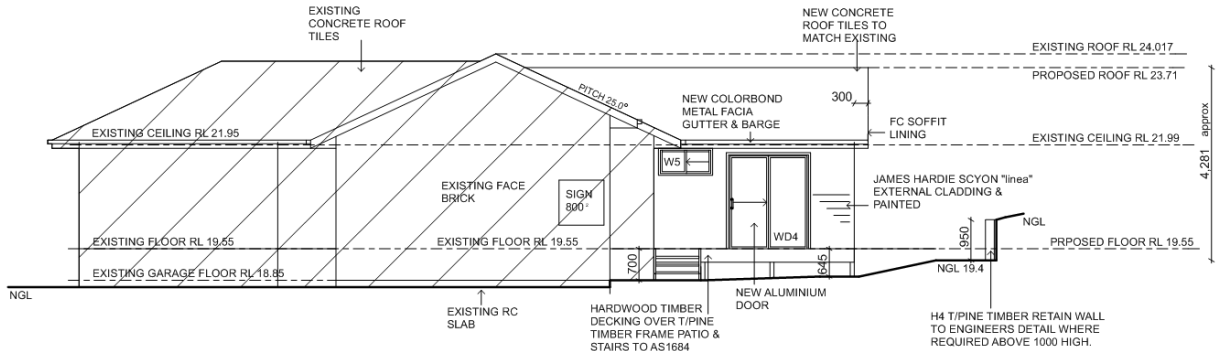


commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

#### F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. Parking within the garage is to be available for use by the residents to ensure that parking spaces on the driveway are available to customers.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (5) (F025) Hours of operation of the development are restricted to the following hours:
  - 9.00 am to 5.00 pm – Mondays to Fridays
  - 9.00 am to 1.00 pm – Saturdays
  - No work is to be carried out on Sundays and Public Holidays
- (6) (F195) The sale of items (whether goods or materials), or the exposure or offer for sale of items by retail is not permitted, except for goods produced at the dwelling.
- (7) (F196) The home business is to be carried out by one resident of the dwelling only, and additional staff members are not permitted.



**WEST ELEVATION.**

SCALE 1 : 100

EXISTING SHOWN WITH  
DIAGONAL HATCH.

BASIX Certificate number: A323254\_02

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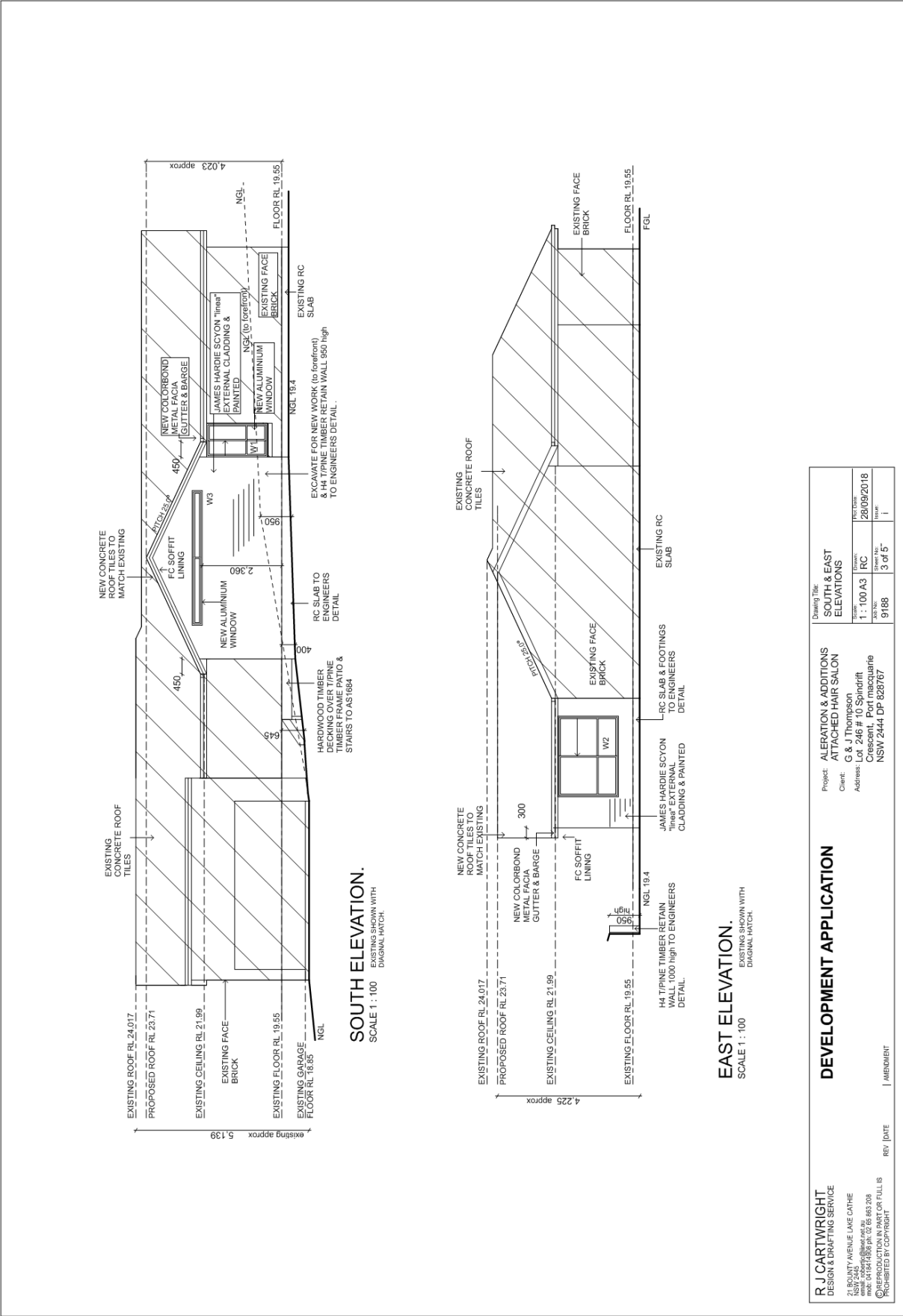
Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Windows and glazed doors</b>			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:			
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓

BASIX Certificate number: A323254\_02

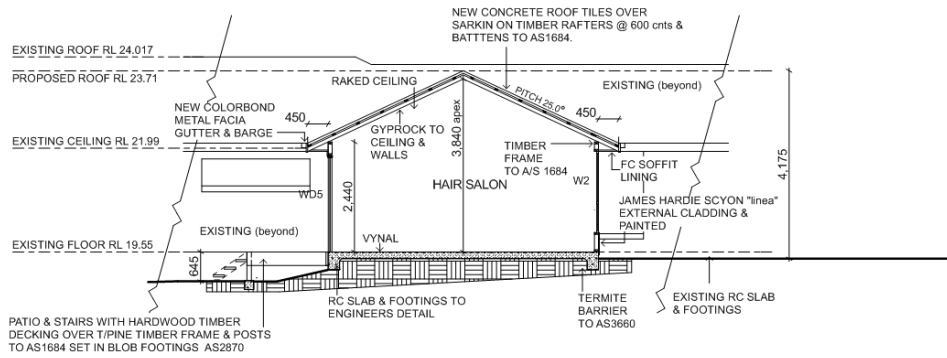
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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)		Shading device	Frame and glass type		
W4	W	3.78	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W5	W	0.72	0	0	awning (adjustable) >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
Skylights								
The applicant must install the skylights in accordance with the specifications listed in the table below.						✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:								
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.							✓	✓
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m2)	Shading device			Frame and glass type			
S1	1	no shading			timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)			
S2	1	no shading			timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)			

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©REPRODUCTION IN PART OR FULL IS  
PROHIBITED BY COPYRIGHT**DEVELOPMENT APPLICATION**Project: ALTERATION & ADDITIONS  
ATTACHED HAIR SALON  
Client: G & J Thompson  
Address: Lot 246 # 10 Spindrift  
Crescent, Port Macquarie  
NSW 2444 DP 828767Drawing Title:  
**WEST ELEVATION**Scale: 1 : 100 A3  
Job No: 9188  
Drawn: RC  
Sheet No: 4 of 5  
Plot Date: 28/09/2018  
Issue: 1



R J CARTWRIGHT DESIGN & DRAFTING SERVICE 21 BOUNTY AVENUE LAKE CATHE NSW 2444 ph: 02 65 863 208 mob: 0416414888 ©REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT	Project: ALTERATION & ADDITIONS ATTACHED HAIR SALON		Drawing Title: SOUTH & EAST ELEVATIONS	
	Client: G & J Thompson		Scale: 1 : 100 A3	Proj. Date: 28/09/2018
	Address: Lot 246 # 10 Spindrift Crescent, Port Macquarie NSW 2444 DP 828767		Proj. Name: 3 of 5"	Proj. Issue: 1



**SECTION A - 1** BAL CONSTRUCTION REQUIREMENTS DO NOT APPLY TO THESE WORKS.  
SCALE 1 : 100

**TIMBER: FRAMING DETAIL to A/S 1684**

	EXTERNAL	INTERNAL
BOTTOM PLATE	F5 45 x 90	F5 45 x 90
TOP PLATE	F5 2 / 45 x 90	F5 45 x 90
STUDS	F5 90 x 45 @ 600 cnts	F5 90 x 45 @ 600 cnts
NOGGINGS	F5 90 x 35 1 centre row	F5 90 x 35 1 centre row

TIMBER FRAME, TIE DOWNS & BRACING TO A/S 1684 & ENGINEERS DETAIL/ SPECS. INCLUDING HW TIMBER LINTELS OVER WINDOWS & DOORS F27 & TO AS1684

NOTE: REQUIRED SINK, BASIN, HYGEIN EQUIPMENT, CABINETS & OTHER FIXTURES DESIGN BY OTHERS PER OWNERS DETAILS

NOTE: INTERNAL DESIGN & FINISHES TO OWNERS DETAIL.

ALL POWER POINTS, SWITCHES/ LIGHTS, FANS, NBN, ENTERTAINMENT & OTHER FITTINGS ETC TO CLIENTS LOCATION DIAGRAM & INSTRUCTIONS & ARE TO BE NOTED ON THE FLOOR PLANS BEFORE START OF WORKS.

GLAZING SCHEDULE NOTE: CHECK MEASURE ALL WINDOW & DOOR OPENINGS ON SITE PRIOR TO MANUFACTURE.

W #	ROOM	HEIGHT	WIDTH	CONSTRUCTION	GLAZING	TYPE	AREA
1	BED 2	1800	1000	ALUMINIUM	SLIDE WIND OVER FIXED SASH		1.80
2	HAIR WASH	1800	2400	ALUMINIUM	SLIDE WIND OVER FIXED SASH		4.32
3	SALON	0350	4000	ALUMINIUM	FIXED WIND		1.40
4D	SALON	2100	1800	ALUMINIUM	SLIDE DOOR		3.78
5	WC	0600	1200	ALUMINIUM	SLIDE WIND		0.72

Relevant standards & codes that apply to these works.

AS1170 Structural design actions	AS3700 Masonry structures
AS1288 Glass in buildings	AS3740 Water proofing of domestic wet areas
AS1562 Design & installation of sheet roof	AS3786 Smoke alarms
AS1684 Residential timber frame construction	AS3959 Construction of buildings in bushfire prone areas
AS2047 Windows in buildings	AS4440 Installation of nail plated timber trusses
AS2050 Installation of roof tiles	AS4678 Earth retaining structures
AS2870 Residential sabs & footings	BCA part 3.9.1 Stair construction
AS3660 Termite management	BCA part 3.9.2 Balustrades

Notes:

All construction to comply with BCA-NCC and relevant Australian standards.  
All construction details to be confirmed by the structural engineer  
Plans to be read in conjunction with the engineers details  
Plans to be read in conjunction with frame & truss design  
Builder to provide erosion & sediment control barrier to councils requirements  
An accredited service provider to remove waste building material from site  
All set out dimensions to be confirmed on site prior to any construction  
Do not scale drawings.

BASIX Certificate number: A323254\_02

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Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Insulation requirements</b>			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m <sup>2</sup> , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
<b>Construction</b>	<b>Additional insulation required (R-value)</b>	<b>Other specifications</b>	
concrete slab on ground floor.	nil		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		

**R J CARTWRIGHT**  
DESIGN & DRAFTING SERVICE

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## DEVELOPMENT APPLICATION

Project: ALTERATION & ADDITIONS  
Client: ATTACHED HAIR SALON  
Address: G & J Thompson  
Lot 246 # 10 Spindrift  
Crescent, Port Macquarie  
NSW 2444 DP 828767

Drawing Title:  
**SECTION A - 1**

Scale	Drawn	Plot Date
1 : 100 A3	RC	28/09/2018
Job No: 9188	Sheet No: 5 of 5	Issue: i