



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: 5/12/2018

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

time: 2:00pm

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

Development Assessment Panel

CHARTER

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	08/08/18	26/09/18	24/10/18	14/11/18	28/11/18
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

5/12/2018

Items of Business

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05	DA2018 - 759.1 Replacement Of Revetment Wall And Construction Of Pontoon - Lot 5 DP 217022, No, 10 North Shore Drive, North Shore.	<u>17</u>
06	DA2018 - 735.1 Alterations And Additions To Dwelling - Lot 9 DP 708575, No 32 St Andrews Avenue, Port Macquarie	<u>34</u>
07	DA2018 - 528.1 Log Processing Works (Rural Industry) - Lot 2 DP 505234, 75 Bobs Creek Road, Bobs Creek	<u>61</u>
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Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 28 November 2018 be confirmed.

PRESENT

Members:

Paul Drake
Robert Hussey
Dan Croft

Other Attendees:

Patrick Galbraith-Robertson
Steven Ford
Caroline Horan

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 14 November 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

Item - 05 DA2017 - 736.1- Staged 198 Site Manufactured Home Estate With Associated Amenities And Infrastructure, And Modification To Previous Approved Subdivision (DA2006-57) - 79 Batar Creek Road, Kendall - has been moved to another part of the document and considered at 5:30pm.

06 DA2018 - 790.1 ADDITIONAL DWELLING TO CREATE DUAL OCCUPANCY AND STRATA SUBDIVISION

Speaker:
David Pensini (applicant)

CONSENSUS:

That DA 2018-790 for an Additional Dwelling to Create a Dual Occupancy and Strata Subdivision at Lot 130, DP 815514, No. 27 Grassmere Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.

07 DA2018 - 778.1 ALTERATIONS AND ADDITIONS TO DWELLING - LOT 18, NO. 8 CHEPANA STREET, LAKE CATHIE.

Speaker:
Craig Maltman

Submission from Michelle Chapman dated 27 November 2018 tabled at the meeting.

CONSENSUS:

That DA2018 – 778.1 for alterations and additions to dwelling at Lot 18 DP241740 No. 8 Chepana Street, Lake Cathie be determined by granting consent subject to conditions and as amended below:

- Additional condition in section B of the consent to read: *‘An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.*
 - A. *Such works include, but not be limited to:*
 - Footway and gutter crossing*
 - Functional vehicular access*
 - Removal of redundant driveway crossing and replacement with upright kerb to match existing.’*
 - Additional condition in Section B of the consent to read: *‘The northern elevation of the ground floor garage wall is to be painted a light colour. Details are to be submitted to Council for approval prior to release of the Construction Certificate.’*
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- Additional condition in Section E of the consent to read: *Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.*

The Development Assessment Panel meeting adjourned at 2:17pm and reconvened at 5:30pm.

05 DA2017 - 736.1- STAGED 198 SITE MANUFACTURED HOME ESTATE WITH ASSOCIATED AMENITIES AND INFRASTRUCTURE, AND MODIFICATION TO PREVIOUS APPROVED SUBDIVISION (DA2006-57) - 79 BATAR CREEK ROAD, KENDALL

Speakers:

David Adamson (o)
Wendy Hay (o)
Terry Parker (o)
Debra Bennett (o)
Millicent Jones (o)
Sean Gleeson (o)
Edwin Elliot (o)
Roy Eagleton (o)
Dale Carr (o)
Donna Clarke (applicant)
Andy Davis (applicant)
Michael Summers (applicant)

CONSENSUS:

That DA2017 - 736.1 for a two (2) lot subdivision, modification to previous approved subdivision and a staged 198 site manufactured home estate with associated amenities and infrastructure at Lot 1 DP 122192, Lot 79 DP 655658, Lot 23 DP112083 and Lot 1 DP 1142845, Batar Creek Road, Kendall be determined by granting consent subject to the recommended conditions and as amended below:

- The Social Impact Assessment submitted with the application prepared by All About Planning is to be referenced in the approved plans and documentation outlined in condition A(1).

06 GENERAL BUSINESS

Nil.

The meeting closed at 7:15pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐**Pecuniary:**

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

☐**Non-Pecuniary - Significant Interest:**

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

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

May participate in consideration and voting.

For the reason that:
.....

Name:

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (section 451)

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's 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.

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

Item: 05

**Subject: DA2018 - 759.1 REPLACEMENT OF REVETMENT WALL AND
CONSTRUCTION OF PONTOON - LOT 5 DP 217022, NO, 10 NORTH
SHORE DRIVE, NORTH SHORE.**

Report Author: Stephen Ryan

Applicant: M J & P B Chapman
Owner: M J & P B Chapman
Estimated Cost: \$19,500
Parcel no: 14796

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 – 759.1 for the replacement of revetment wall and construction of pontoon at Lot 5 DP 217022 No.10 North Shore Drive, North Shore, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

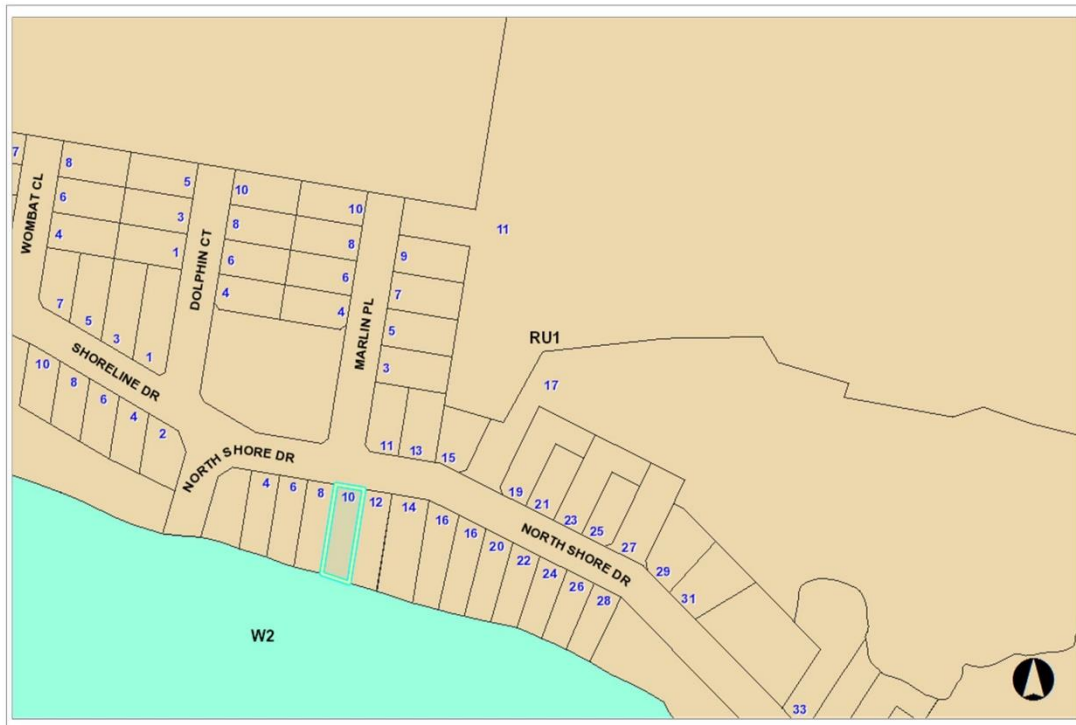
Following exhibition of the application, 3 submissions have been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 743.13m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Replace deteriorated revetment wall along the river frontage and install new floating pontoon & walkway.

Refer to attachments at the end of this report.

Application Chronology

- 18 September 2018- Application lodged.
- 4 October 2018 - 2 November 2018- Exhibition via neighbour notification
- 8 October 2018 - Submission received
- 18 October 2018 - Submission received
- 22 October 2018 – Revised submission received
- 7 November 2018 - Site inspection.

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

The proposal will be unlikely to have any adverse impact on existing aquaculture industries. Controlled activity approvals will be required from Department of Primary Industries and Office of Water. These approvals will need to be followed through the construction process to ensure there is no significant impact on the Hastings River environment.

State Environmental Planning Policy (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal use area / coastal environment area.

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

Having regard to clauses 13 and 14 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funneling and the loss of views from public places to foreshores;

The the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an existing residential area.

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

BASIX is not applicable.

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 General Residential. In accordance with clause 2.3(1) and the RU1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

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

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

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3, there is no maximum overall standard height limit applying to the site.

- Clause 4.4, there is no maximum floor space ratio applying to the site.
- Clause 4.6 – exceptions to development standards.
- Clause 5.5 - Development within the coastal zone - relevant objectives of this clause are addressed by SEPP (Coastal Management) 2018 section (see above).
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is mapped as potentially containing class 3 acid sulphate soils.
 - Works more than 1 metre below the natural ground surface.
 - Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

The proposed development includes 4 bored piles to a depth of 1.5m. Works are consistent with Councils Policy Acid Sulfate Soil Management Plan for Minor Works. No adverse impacts are expected to occur to the acid sulphate soils found on site.

- Clause 7.3, the site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Clause 7.5 – Koala Habitat applies to the site. Refer to comments under SEPP 44 heading.
- Clause 7.6 – The land is not identified as a Coastal Erosion Risk on the Coastal Erosion Map (Lake Cathie/Town Beach).
- 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

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Pontoon and walkway 22m ² Rear setback	N/A Yes Yes N/A N/A Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	Walkway setback 1.0m from side boundary.	Yes
3.2.2.13 onwards	Jetties and boat ramps	a) Mooring piles are to be set at a level no lower than the level which ensures that the floating structure is retained during the design 1:100 year flood event. b) The width of a jetty walkway not to exceed 1.0m. (1.0m proposed). c) The area of a platform should not exceed 10m ² . d) Jetty length measured from the existing revetment wall not to exceed 17m. (12m proposed). e) Boating ramps should have a maximum overall width of 3.0 metres and a maximum overall length of 10.0 metres. f) Pontoons moored at right angles to the revetment wall not to extend 17 metres from the wall. g) Pile cut off levels should	Yes Yes Yes Yes N/A N/A

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

	Requirements	Proposed	Complies
		not be lower than RL3.0m AHD. (3.8m proposed)	Yes
		h) Fixed jetties may only extend to a point 7m from the revetment wall.	N/A
		i) Any extension beyond a point 7m from the revetment wall is to be by way of a pivoting walkway to a floating pontoon.	Yes
		j) The deck of the jetty is to be above and not resting on the revetment wall and the top surface is not to be above RL 1.4m AHD.	Yes
		k) Pontoons moored parallel to the revetment wall not to extend beyond a point 12 metres. (12m proposed).	Yes
		l) Floating moorings should be located between 17m from the revetment wall.	N/A
		m) Fixed mooring poles should not be greater than 17m from the revetment wall.	Yes

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		
	Any retaining wall >1.0 in height to be certified by structure engineer	Revetment/ retaining wall engineer designed	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25%	No retaining wall front fence combination proposed.	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	transparent, and splay at corners and adjacent to driveway		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	

(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:

New South Wales Coastal Policy:

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

Demolition of buildings AS 2601 – Clause 92

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

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

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

Access, Traffic and Transport

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

Other Utilities

N/A

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

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

No adverse impact anticipated. Standard construction methodologies capable for completing the works.

Noise and vibration

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

Bushfire

The site is identified as being partially bushfire prone.

No construction requirements under AS3959- 2009 are applicable to the proposed works.

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.

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

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

3 written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Pontoon does not suit the surrounding environment & will be out of place.	The pontoon & walkway is consistent with other similar structures to the east of the subject lot.
The length of the walkway is excessive & will be a hazard at night.	The walkway length is consistent with the maximum length specified in the Development Control Plan.
The pontoon is not suited to a river especially during flood times.	The pontoon is engineer certified to withstand flood forces at the 1:100 year flood event.
The consideration requires more consideration (environmental reports of water flow, sand build up, effect on weed	Further environmental assessments are not considered necessary. The relevant State Government authorities

Submission Issue/Summary	Planning Comment/Response
beds)	have granted consent and imposed conditions of approval.
This part of the river is for the use of everyone	The proposed walkway and pontoon does not restrict the use of the river.
During flood & heavy rain, debris, logs, oyster racks etc. will get caught up on the western part of the pontoon.	The pontoon is engineer certified to withstand flood forces at the 1:100 year flood event.
Debris will block neighbouring walls & boat ramps.	The effect of debris during river flows cannot be anticipated.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION 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 - 759.1 Recommended conditions

2 [View](#). DA2018 - 759.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/759****DATE: 27/11/2018****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.

Plan / Supporting Document	Reference	Prepared by	Date
Architectural plans & engineering	Drawing No: 4274.01A Revision A sheets 1-3	Roger G Veness Consulting Engineer	26/06/2018

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;
- Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- Building waste is to be managed via an appropriate receptacle;
- 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) Pontoons moored at right angles to the revetment wall are not to extend beyond a point 17 metres from the wall.
- (5) The structure is not to be modified, extended or changed without the prior approval of Council.
- (6) The design of the structure and its moorings piles, etc., are to ensure that the floating structure is retained during the design 1 in 100 year flood event. Account is to be taken of likely debris loading.
- (7) Pile cut off levels should not be lower than RL 3.0m AHD.
- (8) Fixed jetties may only extend to a point 7m from the revetment wall.
- (9) The deck of the jetty is to be above and not resting on the revetment wall and the top surface is not to be above RL 1.4m AHD. No load is to be imparted to the revetment wall.
- (10) Any extension beyond a point 7m from the revetment wall is to be by way of a pivoting walkway to a floating pontoon.
- (11) Pontoons moored parallel to the revetment wall are not to extend beyond a point 12 metres from it.
- (12) Floating moorings are to be located between 12m and 15m from the revetment wall.
- (13) Fixed mooring poles shall not be greater than 17m from the revetment wall.

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) Prior to the issue of a Construction Certificate, the applicant is to obtain from the Natural Resources Access Regulator written consent for the proposed works.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

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

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

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

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

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

[Asbestos Awareness](#)

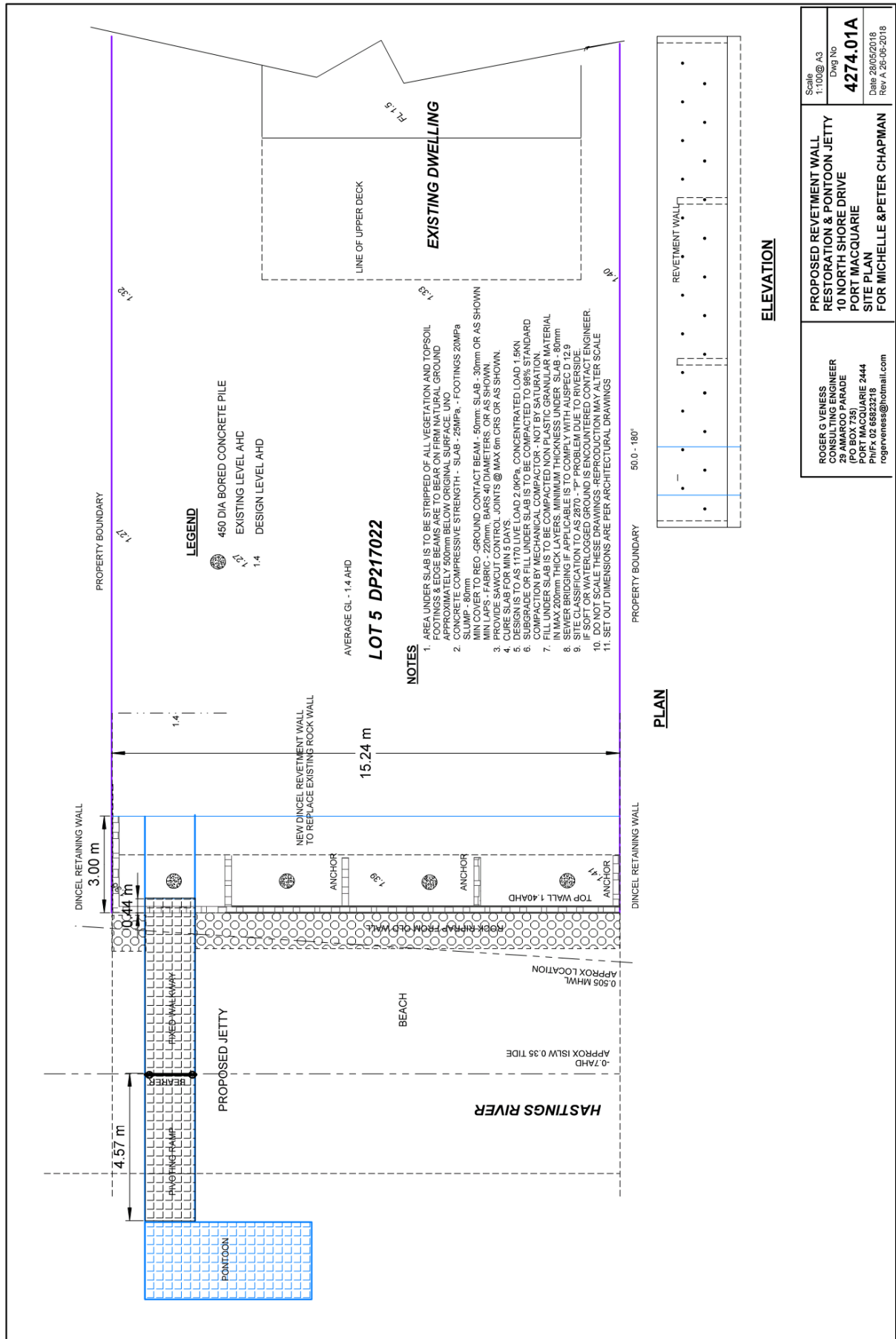
- (2) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) The provision of erosion and sediment controls in accordance with Council's Erosion and Sedimentation Control Policy, prior to the commencement of any soil disturbance.
- (4) Marine grade, Type "SR" or equivalent cement to be used in concrete work in the tidal zone.
- (5) The building contractor is responsible for the provision, erection and maintenance of barriers, lights, etc, as may be required to ensure that safety of the public at all times.

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) Mooring piles are to be painted white above RL 1.0 AHD. Timber mooring piles are to be fitted with a steel collar at the top of to restrain splitting.

F – OCCUPATION OF THE SITE

- (1) All structures are to be kept tidy and regularly maintained. Council retains the right to remove any unsafe, unsightly or unauthorized structure or part thereof without prior notice or within 14 days of written notice to the property owner.
- (2) The owner of the structure shall maintain the beach zone and bed of the waterway, in the vicinity of the structure/s from localized scour and loss of sand and rock protection material, by the replacement of materials as required, to the design profiles to the satisfaction of the Director of Infrastructure Services of Council.
- (3) The use of the jetty shall be such as to prohibit the encroaching of any boat, when moored beyond the projection of the property boundaries.

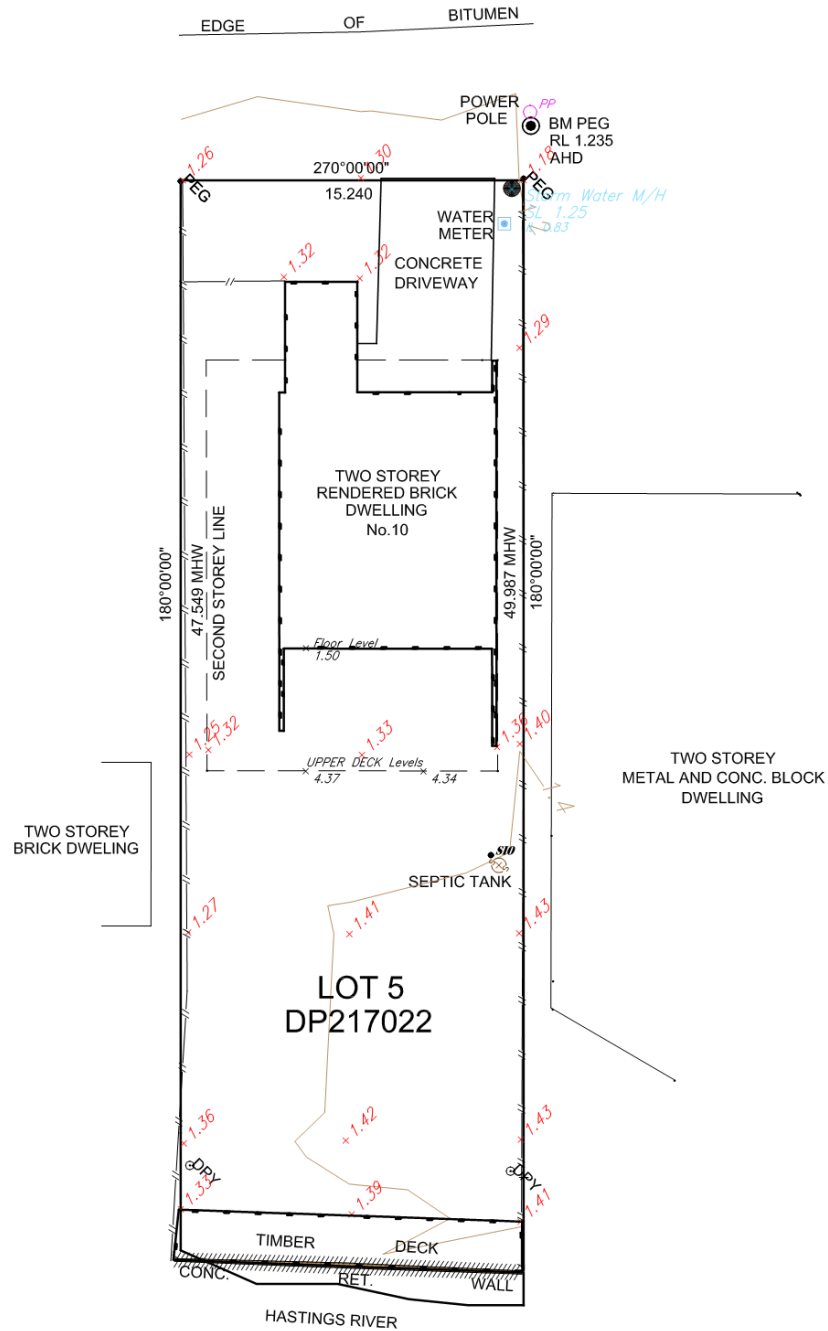




NOTES:-

- i) SERVICE PITS SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. LOCATION OF SERVICE LINES WHERE SHOWN ARE APPROXIMATE
- ii) PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE THE RELEVANT SERVICE AUTHORITIES SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATION OF ALL SERVICES
- iii) CADASTRAL BOUNDARIES SHOWN HEREON HAVE BEEN COMPILED FROM PLANS ON PUBLIC RECORD AND DETERMINED FROM LIMITED SURVEYED CONNECTIONS. A COMPLETE SURVEY REDEFINITION HAS NOT BEEN DONE.
- iv) SEWER HAS NOT BEEN SURVEYED

NORTHSHORE DRIVE



SCALE: 1:200		ORIGINAL SHEET SIZE A3		COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS AND PLANNERS		DETAIL AND CONTOUR SURVEY			ROAD NO: 7239	SHEET NO: N01	NO. OF SHEETS: N01	COUNCIL PLAN NO:
DATE: 04/08/2017		JOB NO: 7239				DESIGNED: NA	LOT 5 DP 217022 NORTH SHORE		COORD NO:	CLIENT: CHAPMAN	REF: 7239	
DRAWN: LE		DATE: 04/08/2017	CHECKED: MC	7 WILLOW PLACE PORT MACQUARIE NSW 2444 PO BOX 2223 PMQ		Ph. 65 837574 Mobile 0488 464 644 mar@coastalsurveysolutions.com.au						

Item: 06

**Subject: DA2018 - 735.1 ALTERATIONS AND ADDITIONS TO DWELLING -
LOT 9 DP 708575, NO 32 ST ANDREWS AVENUE, PORT
MACQUARIE**

Report Author: Andrew Rock

Applicant: J T McKeough
Owner: J T McKeough
Estimated Cost: \$180,000
Parcel no: 22662

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 – 735.1 for alterations and additions to dwelling at Lot 9 DP708575, No. 32 St Andrews Avenue, Port Macquarie be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a [description of development] 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, four (4) submissions has been received, from the one objector.

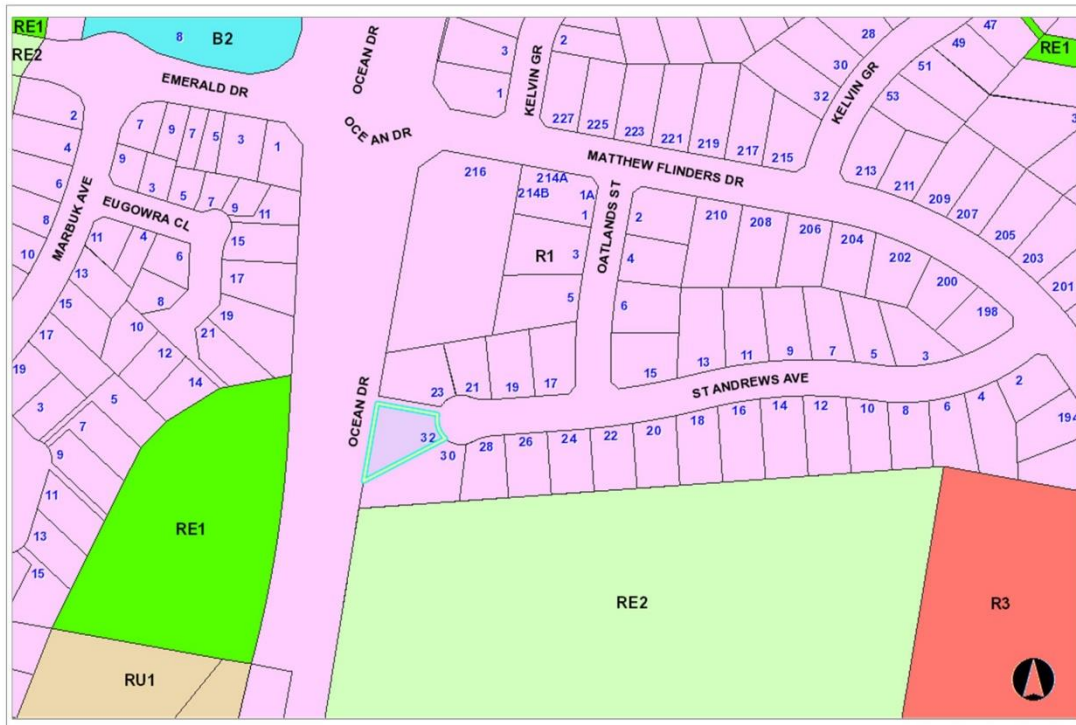
1. BACKGROUND

Existing sites features and surrounding development

St Andrews Ave is a residential street containing one and two storey dwellings.

The subject site has an area of 990.200m².

The site is zoned R 1 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:

- An upper floor addition to a rear section of the existing dwelling, adjacent to the southern lot boundary.
- The removal of a ground floor store room.
- Internal alterations.

Refer to attachments at the end of this report.

Application Chronology

- 11.9.18 – Application lodged
- 13.9.18 – Notification undertaken (18.9.18 – 2.10.18)
- 2.10.18 – First submission received (email dated 2.10.18)
- 3.10.18 – Second submission received (email dated 3.10.18)
- 11.10.18 – Amended plans received (Rev F)
- 16.10.18 – Additional plans received (Rev H)
- 16.10.18 – Third submission received (email dated 16.10.18)
- 14.11.18 – Site inspection of proposed development site
- 16.11.18 – Site inspection from objectors property
- 16.11.18 – Fourth submission received (undated)
- 20.11.18 – Final plan set received (Rev I)

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 (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within on land within a proximity area for coastal wetlands and within a coastal use and coastal environment area.

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

In accordance with clause 11, the proposed additions will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Having regard to clauses 13 and 14 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funneling and the loss of views from public places to foreshores;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is cleared and located within an area zoned for residential purposes.

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

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

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

The objectives of the R1 zone are as follows:

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

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

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.861 m which complies with the standard height limit of 11.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 26.6:1.0 which complies with the maximum 1.0:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is not mapped as potentially containing acid sulfate soils.
- Clause 7.3, the site is not land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard).
- Clause 7.5 – Site is not mapped as containing Koala Habitat.
- Clause 7.8 - Development in areas subject to aircraft noise – site not located within an ANEF contour of 20 or greater.
- Clause 7.9 - Development subject to acoustic controls – site not identified as being subject to acoustic controls.
- 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:

N/A

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch 	Ancillary development appropriately located.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	• Not located in front setback		
3.2.2.2	<p>Articulation zone:</p> <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No elements within the articulation zone.	Yes
	<p>Front setback (Residential not R5 zone):</p> <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	All proposed development behind the building line and greater than 6m from Ocean Drive.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	No changes to existing proposed.	N/A
	6m max. width of garage door/s and 50% max. width of building	No changes to existing proposed.	N/A
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing driveway suitable.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	<p>Side setbacks:</p> <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	<p>The minimum ground floor side setback requirements are complied with.</p> <p>Upper floor addition proposed to be setback 1.942m from the southern lot boundary (labelled eastern elevation plan).</p> <p>The ground floor 3m addition to the south-west would result in an</p>	<p>Yes</p> <p>No</p> <p>No</p>

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

	Requirements	Proposed	Complies
		unarticulated building wall length of approximately 20m to the southern wall.	
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	The upper floor addition is not proposed to contain primary indoor living areas. Windows proposed on the eastern elevation plan are a high sill 0.6m x 0.9m (height x width) window and 0.9m x 0.6m wet area window. Upper floor windows proposed on the northern and southern elevations will not provide direct views (directly overlook with normal use of the room) to the primary indoor living area or primary outdoor space of an adjoining property.	Yes

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	Minimal cut/fill proposed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not	No new access proposed to	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	permitted from arterial or distributor roads	arterial or distribution road.	
	Driveway crossing/s minimal in number and width including maximising street parking	Existing driveway crossing considered suitable.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Existing double garage on-site.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Existing single dwelling only with 1 domestic driveway. No alterations considered necessary.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Existing sealed driveway.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Existing driveway considered suitable.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Existing single dwelling only with 1 domestic driveway. Stormwater drainage is currently being managed adequately.	Yes

The proposal seeks to vary Development Provision 3.2.2.5 relating to ground floor building walls being unarticulated for greater than 12m (approx. 20m) and the upper floor side setback of less than 3m (1.942m).

The relevant objectives are:

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

With regard to the proposed ground floor building walls (existing walls + proposed) being unarticulated for approximately 20m (eastern elevation as shown on plan), the following observations are made:

- The existing wall extends for approximately 17m without articulation, and a 3m extension of the subject wall is proposed.
- The site of the proposed development is significantly lower than the existing dwelling and land to the south (30 St Andrews Ave).
- There is an existing sheet metal dividing fence along the subject common boundary.



View to proposed development site from 30 St Andrews Ave

Given the above considerations, it is not considered that the proposed additions to the ground floor, resulting in an unarticulated wall of approximately 20m, will create a feeling of overbearing or perceptions of building bulk from the property to the south (30 St Andrews Ave).

With regard to the proposed upper floor side setback being 1.942m from the southern side boundary, the following observations are made:

- The floor level of the proposed upper floor addition is of a similar height to that of the primary outdoor living area of dwelling to the south (no 30 St Andrews Ave). See page 11 of the plan set.
- The proposed addition is to have a physical separation of 7.8m from the dwelling to the south (30 St Andrews Ave). See page 11 of the plan set.
- The proposed upper floor addition is to extend a length of 7.990m along the southern lot boundary.
- Upper floor windows adjoining the southern lot boundary (labelled as east elevation on plan) are not within living rooms. One window with dimensions 0.6m x 1.5m (height x width) has a minimum sill height of 1.5m, and the other window with dimensions of 0.9 x 0.6m, is proposed to be located within a wet area.
- There will be additional overshadowing caused to a section of grassed area of the property to the south (30 St Andrews Ave).

Given the above observations, and the residential context, it is not considered that the proposed upper floor addition will feel unacceptably overbearing or unacceptably bulky when considered from the property to the south. The window placement on the eastern elevation labelled plans will ensure that visual privacy is maintained to the primary outdoor living area to the dwelling to the south. The physical separation between the dwellings, combined with the proposed use of the rooms adjoining the lot boundary, will maintain an adequate level of acoustic privacy between dwellings. The upper floor addition, proposed to be setback 1.942m from the side lot boundary will result in some overshadowing to the land to the south, which is explored in more detail below.

When considering side setbacks and overshadowing impacts, Development Provision 3.2.2.5 of Port Macquarie-Hastings Development Control Plan, point b) states:

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

With regard to the above, the following observations are made:

- The proposed development will result in additional overshadowing on the land to the south (30 St Andrews Ave). The overshadowing will occur in a section of land to the north-west of an existing covered deck.
- The extent of the overshadowing is shown in the plans accompanying the application. Page 4 shows an isometric projection of the existing development only on 21 June. Pages 5 and 12 shows a plan and isometric projection of the proposed development on the 21 June. Page 13 shows an isometric projection on 21 March.
- The plans show that no adjoining living areas will be over shadowed as a result of the proposed development.
- The plans show that the deck area of the dwelling to the south (30 St Andrews Ave) will not be overshadowed as a result of the development.
- Open space areas located on the property to the south (30 St Andrews Ave) exist, relative to the covered deck area, are to the; north, north-west, west area, along the southern lot boundary and a section along the eastern lot boundary.
- The area which would be overshadowed as a result of the proposed development is an area to the north-west of the existing deck at 30 St Andrews Ave. Other areas identified in the point above will not be overshadowed as a result of the proposed development.
- It is noted that some of the areas of open space listed above, at 30 St Andrew Ave, will be overshadowed at different times of the day from the existing dwelling at 30 St Andrews Ave.



Aerial image of proposed development site, taken 23 October 2018 (*nearmap*)

The proposed upper floor addition will result in overshadowing impacts to an area of open space to the north-west of the existing deck at 30 St Andrews Ave. It is noted that the impacted lot is quite large and has a number of grassed outdoor areas, most of which directly adjoin a large covered deck which is considered the principal outdoor living area. These open space areas are all behind the building line and screened from adjoining residential land by boundary fencing. Accordingly, given the availability of a variety of private open space areas available at 30 St Andrew Ave, the period of time within the year when there will be an overshadowing impact and the 11.5m max building height, it is considered that the overshadowing impact is not considered unacceptable given the site circumstances.

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

(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:

N/A

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601:

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

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

With regard to view impacts, there will be some interruption to a view of trees along Ocean Drive to the north-west from the covered deck area of 30 St Andrew Ave. The view proposed to be interrupted is across a side boundary and will not be for the entirety of the northern lot boundary. There will no impact to a view of trees along Ocean Drive over the western rear boundary, or of the Port Macquarie Golf Course over the rear southern lot boundary. The interruption of a view to the north-west of the affected property would occur as a result of a non-compliance with a development provision of the Development Control Plan, however the extent of the view loss is not considered unreasonable given the site circumstances.



View to the north-west from the deck of 30 St Andrew Ave, Port Macquarie

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts to primary living areas or primary private open space areas due to the proposed orientation of windows, high window sill design to the southern elevation and proposed use of the rooms containing windows.

There would be some overshadowing impacts resulting from the proposed development however due to the limited size of the area to be affected, for a limited period of the year the extent of overshadowing is not considered unreasonable.

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

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

Access, Traffic and Transport

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

Water Supply Connection

Service available – details required with S.68 application.

Sewer Connection

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

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

Bushfire

The site is identified as being bushfire prone.

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

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 29 shall be required and that some upgrading of the existing dwelling is recommended.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

The proposed development design adequately responds to the site attributes and will result in a section of the dwelling being double storey, which will fit into the locality. The internal design, with no primary living areas proposed on the upper floor, assists to minimise potential impacts.

Construction

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

Cumulative Impacts

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

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

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

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

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

Four (4) 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
Overshadowing to a section of the backyard.	Proposed development will result in overshadowing to a section of the backyard of an adjoining property, particularly during the winter months however the extent of overshadowing is not considered unacceptable. See assessment earlier in this report.
View and 'atmosphere' impacts from primary indoor and outdoor areas.	<p>Proposed development will have an impact on a view from the subject areas however view to be interrupted is not considered unacceptable given the circumstances. See assessment earlier in this report.</p> <p>Potential impacts to the 'atmosphere' of the subject areas are not considered significant due to the relative height of the proposed development, window placement and the proposed use of the rooms on the upper floor addition.</p>
Privacy impacts including 'overlooking' of a swimming pool and backyard and 'direct views' into primary indoor living and covered deck area.	<p>Upper floor windows proposed on the northern and southern elevation plans are orientated to the front and rear of the subject lot respectively. Normal use of the rooms containing these windows is unlikely to cause unacceptably 'overlooking' of the yard and pool areas.</p> <p>There are two windows proposed on the eastern elevation which are orientated to the primary indoor living and covered deck area of 30 St Andrews Ave. As identified in the assessment above, neither of the rooms is proposed to contain primary indoor living areas. One of the windows has a sill height of a minimum of 1.5m above floor level and the other window is proposed to contain a wet area. The high sill window is unlikely to result in adverse privacy impacts and it is proposed to impose a condition that the wet area window contain obscured glass.</p>

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

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 - 735.1 Recommended conditions

2 [View](#). DA2018 - 735.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/735****DATE: 26/11/2018****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.

Plan / Supporting Document	Reference	Prepared by	Date
Plan set	DWG No. J3883, Revision I	Collins W Collins Building Designers	19 November 2018
Floor Plans	DWG No. J3883, Revision I	Collins W Collins Building Designers	19 November 2018
BASIX Certificate	A323769	Collins W Collins Pty Ltd	21 August 2018
Bushfire Attack Level Certificate	32 St Andrews Ave, Port Macquarie	S & K Johnson Constructions Pty Ltd	7 August 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;

2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
- (2) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (3) The wet area window shown on the eastern elevation plan is to contain obscure glass. Plans demonstrating this requirement are to be provided to the Principal Certifying Authority prior to the issue of the construction certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of*

Structures. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

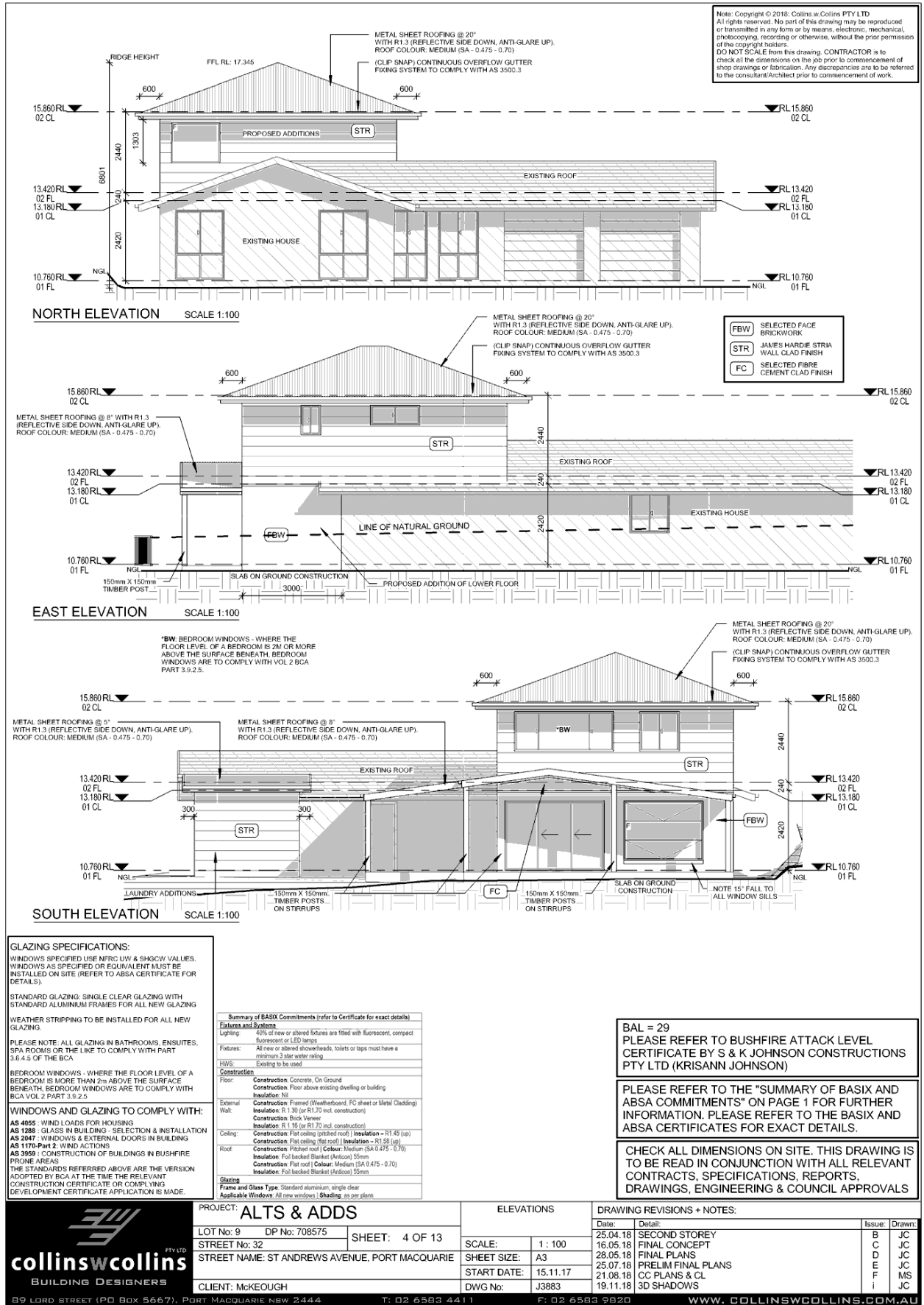
E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any 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.
- (3) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

- (1) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.







WINDOW GLAZING SCHEDULE					
ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
KITCHEN	1800	2400	AW/F/AW	STANDARD	ALUMINIUM
DINING	1800	2400	AW/F/AW	STANDARD	ALUMINIUM
L'DRY	900	600	SLIDING	STANDARD	ALUMINIUM
STAIRS	1200	1500	FIXED	STANDARD	ALUMINIUM
WC	900	600	SLIDING	STANDARD	ALUMINIUM
ENS	1200	1200	SLIDING	STANDARD	ALUMINIUM
MASTER BED	1200	3000	SLIDING	STANDARD	ALUMINIUM
MASTER BED	1200	3000	SLIDING	STANDARD	ALUMINIUM
	600	1500	SLIDING		

DOOR GLAZING SCHEDULE					
ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
DINING	2100	3000	STACKING DOORS	ALUMINIUM	STANDARD
DINING	2100	4200	SLIDING DOORS	ALUMINIUM	STANDARD

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All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright holders.
DO NOT SCALE from this drawing. **CONTRACTOR** is to check all the dimensions on the job prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the consultant/Architect prior to commencement of work.

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

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH
STANDARD ALUMINIUM FRAMES FOR ALL NEW GLAZING

WEATHER STRIPPING TO BE INSTALLED FOR ALL NEW
GLAZING.

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

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


WINDOWS AND GLAZING TO COMPLY WITH:

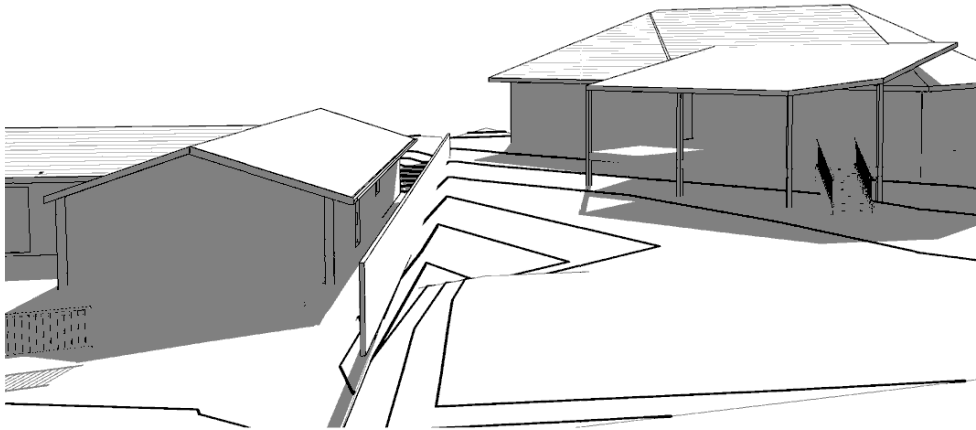
AS 4055 : WIND LOADS FOR HOUSING
AS 1288 : GLASS IN BUILDING - SELECTION & INSTALLATION
AS 2047 : WINDOWS & EXTERNAL DOORS IN BUILDING
AS 1170-Part 2: WIND ACTIONS
AS 3959 : CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS

THE STANDARDS REFERRED ABOVE ARE THE VERSION ADOPTED BY BCA AT THE TIME THE RELEVANT CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION IS MADE.

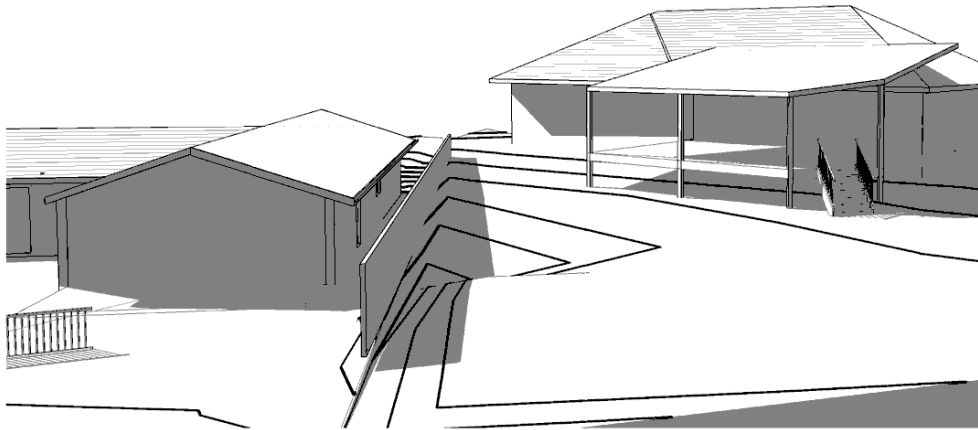
PLEASE REFER TO THE "SUMMARY OF BASIX AND ABSA COMMITMENTS" ON PAGE 1 FOR FURTHER INFORMATION. PLEASE REFER TO THE BASIX AND ABSA CERTIFICATES FOR EXACT DETAILS.

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

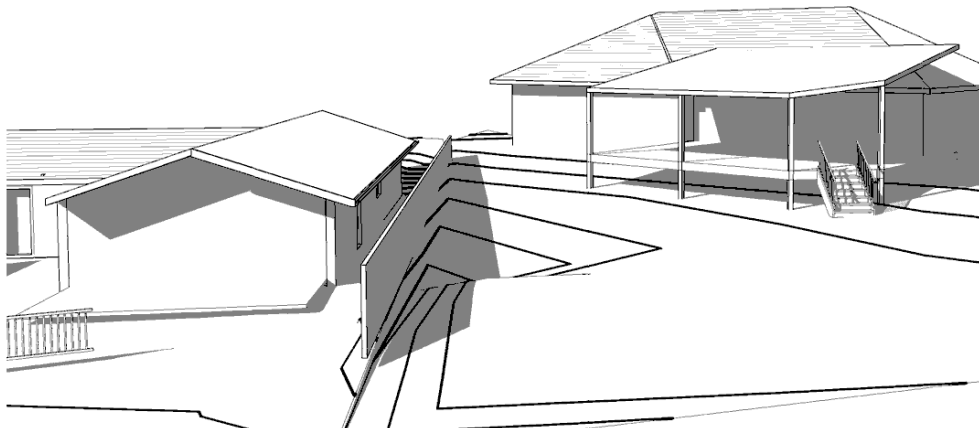
 collins & collins BUILDING DESIGNERS	PROJECT: ALTS & ADDS		ELEVATION, SECTION & GLAZING SCHEDULE		DRAWING REVISIONS + NOTES:				
	LOT No: 9	DP No: 708575	SHEET: 5 OF 13	SCALE:	1 : 100	Date:	Detail:	Issue:	Drawn:
	STREET No: 32	STREET NAME: ST ANDREWS AVENUE, PORT MACQUARIE		SHEET SIZE:	A3	25.04.18	SECOND STOREY	B	JC
	CLIENT: McKEOUGH			START DATE:	15.11.17	25.05.18	FINAL CONCEPT	C	JC
				DWG No:	J3883	25.05.18	FINAL PLANS	D	JC
89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444 T: 02 6583 4411		F: 02 6583 3820 WWW.COLLINSWCOLLINS.COM.AU		21.08.18	CC PLANS & CL	E	JC		
				19.11.18	3D SHADOWS	F	JUS		




SHADOW DIAGRAM
WINTER SOLSTICE 9AM

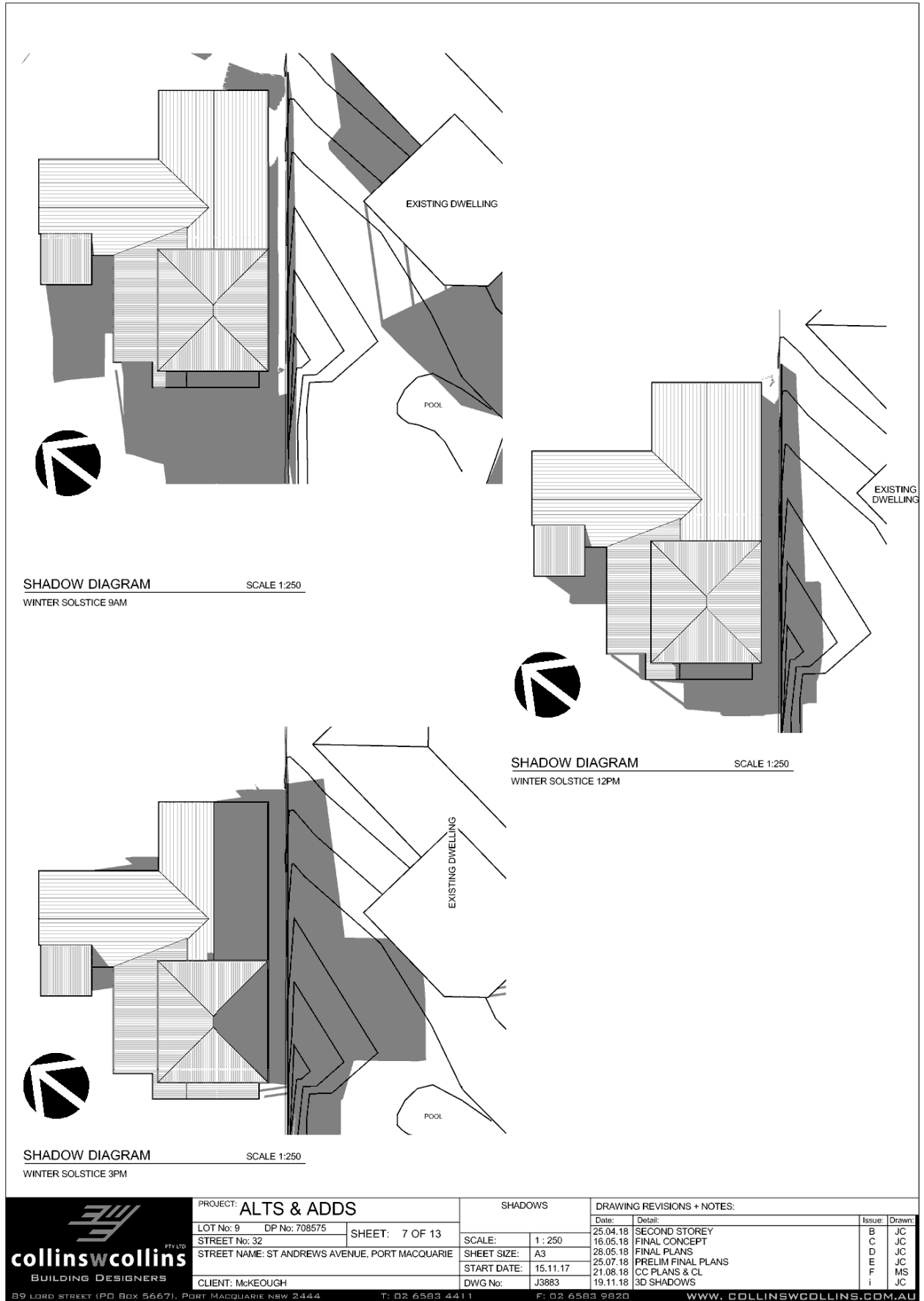


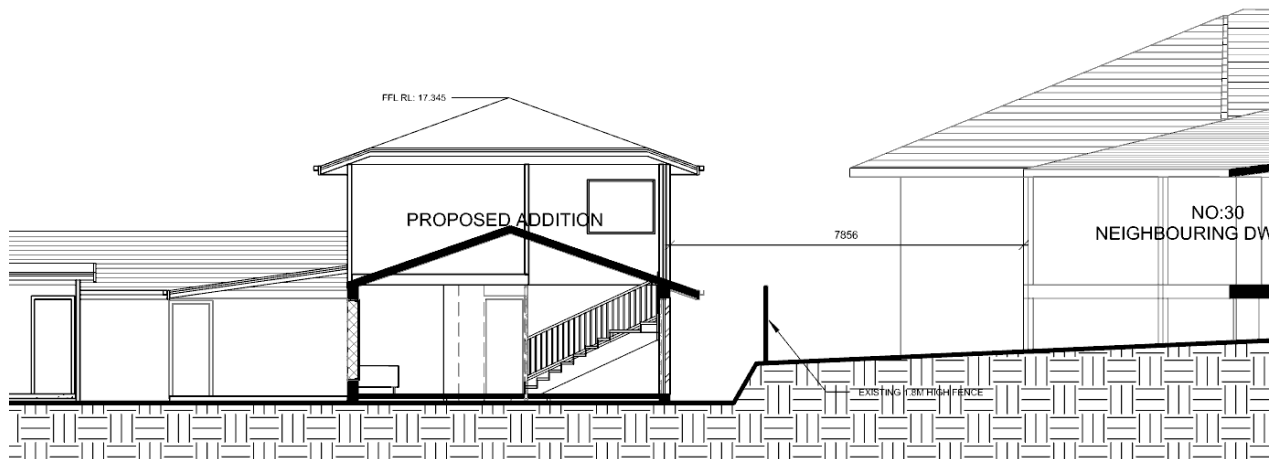
SHADOW DIAGRAM
WINTER SOLSTICE 12PM




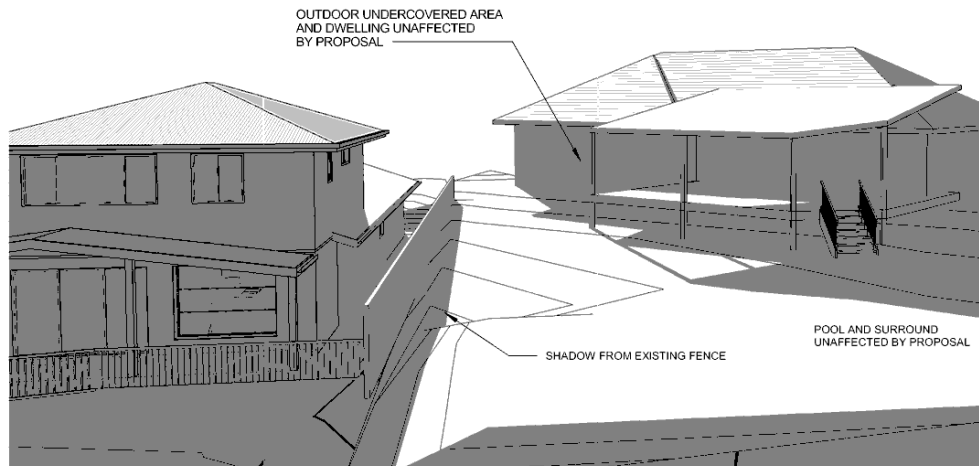
SHADOW DIAGRAM
WINTER SOLSTICE 3PM

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	STREET No: 32				25.04.18	SECOND STOREY	B	JC
	STREET NAME: ST ANDREWS AVENUE, PORT MACQUARIE		SHEET SIZE: A3	25.05.18	FINAL CONCEPT	C	JC	
	CLIENT: McKEOUGH			28.05.18	FINAL PLANS	D	JC	
	89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444			25.07.18	PRELIM FINAL PLANS	E	JC	
	T: 02 6583 4411		21.08.18	CC PLANS & CL	F	MS		
F: 02 6583 9820		19.11.18	3D SHADOWS	i	JC			
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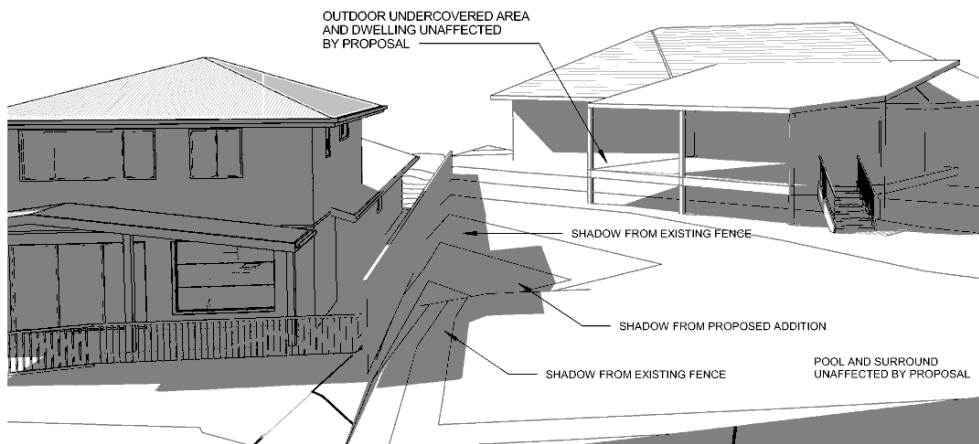


	PROJECT: ALTS & ADDS		SITE SECTION		DRAWING REVISIONS + NOTES	
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	CLIENT: McKEOUGH		SHEET SIZE:	A3	16.05.18 FINAL CONCEPT	28.05.18 FINAL PLANS
89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444		T: 02 6583 4411		START DATE:	15.11.17	25.07.18 PRELIM FINAL PLANS
				DWG No:	J3883	21.08.18 CC PLANS & CL
						19.11.18 3D SHADOWS
						WWW.



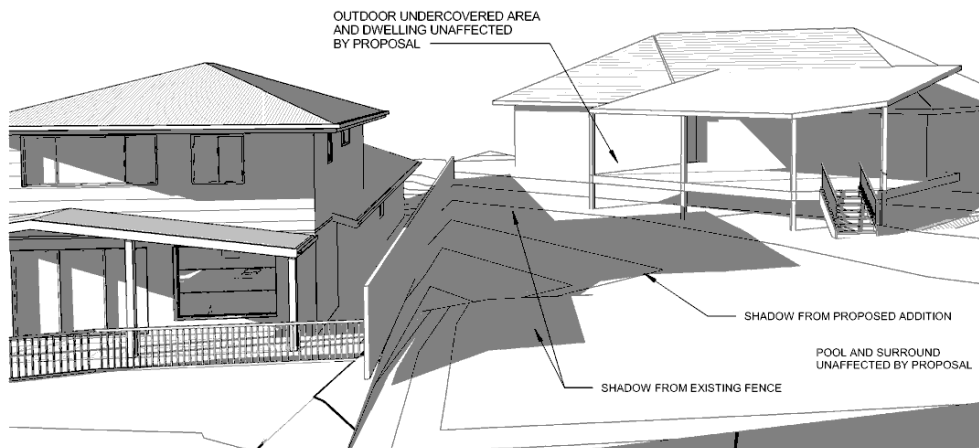
SHADOW DIAGRAM

WINTER SOLSTICE 9AM



SHADOW DIAGRAM

WINTER SOLSTICE 12PM



SHADOW DIAGRAM

WINTER SOLSTICE 3PM

collinswcollins PTY LTD
BUILDING DESIGNERS

89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444

T: 02 6583 4411

F: 02 6583 9820

WWW.COLLINSWCOLLINS.COM.AU

PROJECT: ALTS & ADDS

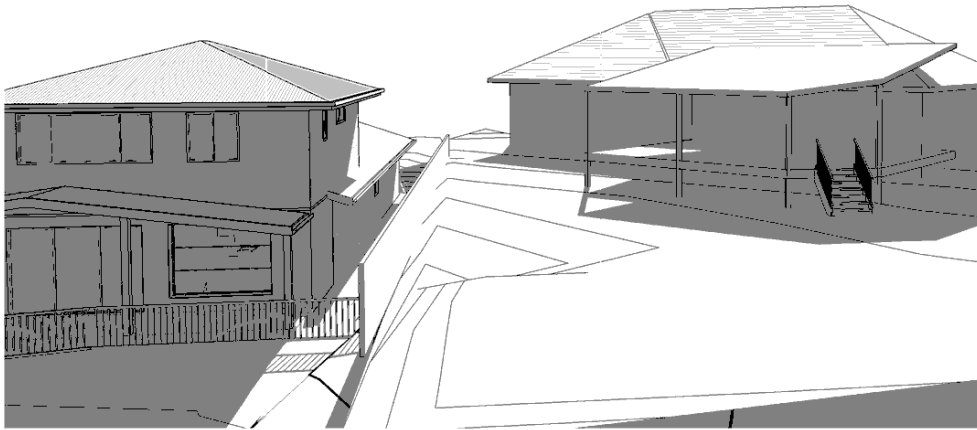
LOT No: 9 DP No: 708575 SHEET: 12 OF 13
STREET No: 32
STREET NAME: ST ANDREWS AVENUE, PORT MACQUARIE
CLIENT: McKEOUGH

3D SHADOW

SCALE:
SHEET SIZE: A3
START DATE: 15.11.17
DWG No: J3883

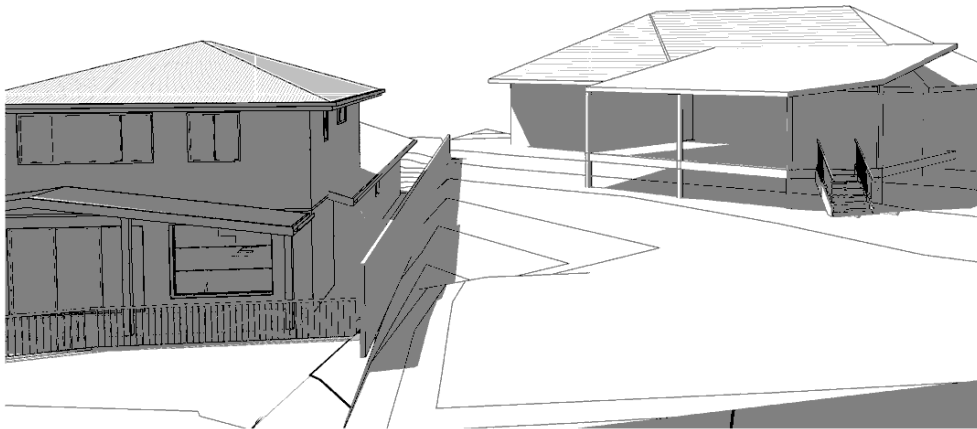
DRAWING REVISIONS + NOTES:

Date:	Detail:	Issue:	Drawn:
25.04.18	SECOND STOREY	B	JC
16.05.18	FINAL CONCEPT	C	JC
28.05.18	FINAL PLANS	D	JC
25.07.18	PRELIM FINAL PLANS	E	JC
21.08.18	CC PLANS & CL	F	MS
19.11.18	3D SHADOWS	i	JC



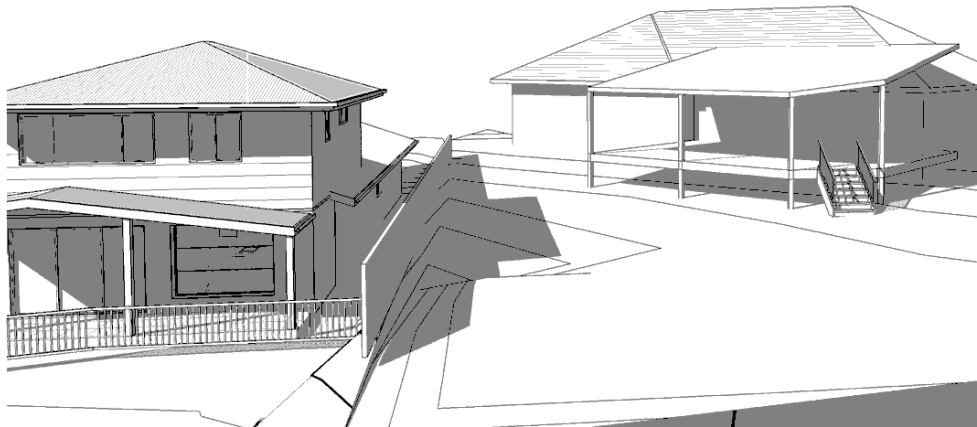
SHADOW DIAGRAM

MARCH 21ST 9AM




SHADOW DIAGRAM

MARCH 21ST 12PM



SHADOW DIAGRAM

MARCH 21ST 3PM

 89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444	PROJECT: ALTS & ADDS		MARCH SHADOWS		DRAWING REVISIONS + NOTES:					
	LOT No: 9	DP No: 708575	SHEET: 13 OF 13	SCALE:	Date:	Detail:	Issue: Drawn:			
	STREET No: 32	STREET NAME: ST ANDREWS AVENUE, PORT MACQUARIE			25.04.18	SECOND STOREY	B	JC		
	CLIENT: McKEOUGH		SHEET SIZE: A3	16.05.18	FINAL CONCEPT	C	JC			
	T: 02 6583 4411		START DATE: 15.11.17	28.05.18	FINAL PLANS	D	JC			
	F: 02 6583 9820		DWG No: J3883	25.07.18	PRELIM FINAL PLANS	E	JC			
				21.08.18	CC PLANS & CL	F	MS			
			19.11.18	3D SHADOWS	i	JC				
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Item: 07

Subject: DA2018 - 528.1 LOG PROCESSING WORKS (RURAL INDUSTRY) -
LOT 2 DP 505234, 75 BOBS CREEK ROAD, BOBS CREEK

Report Author: Clint Tink

Applicant: B E & J B Osbourne

Owner: B E & J B Osbourne

Estimated Cost: N/A

Parcel no: 18658

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2018 – 528.1 for a log processing works (rural industry) at Lot 2, DP 505234, No. 75 Bobs Creek Road, Bobs Creek, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

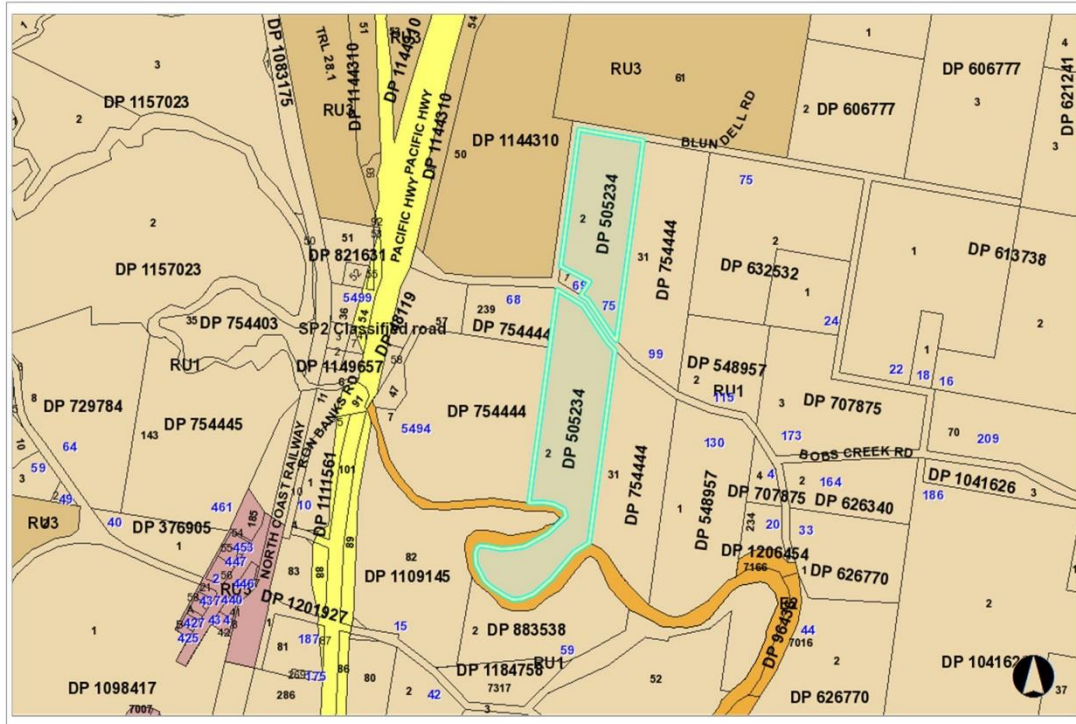
Following exhibition of the application and prior to finalising this report, ten (10) submissions were received. The submissions comprise two (2) against the proposal and eight (8) in support of the proposal.

1. BACKGROUND

Existing sites features and Surrounding development

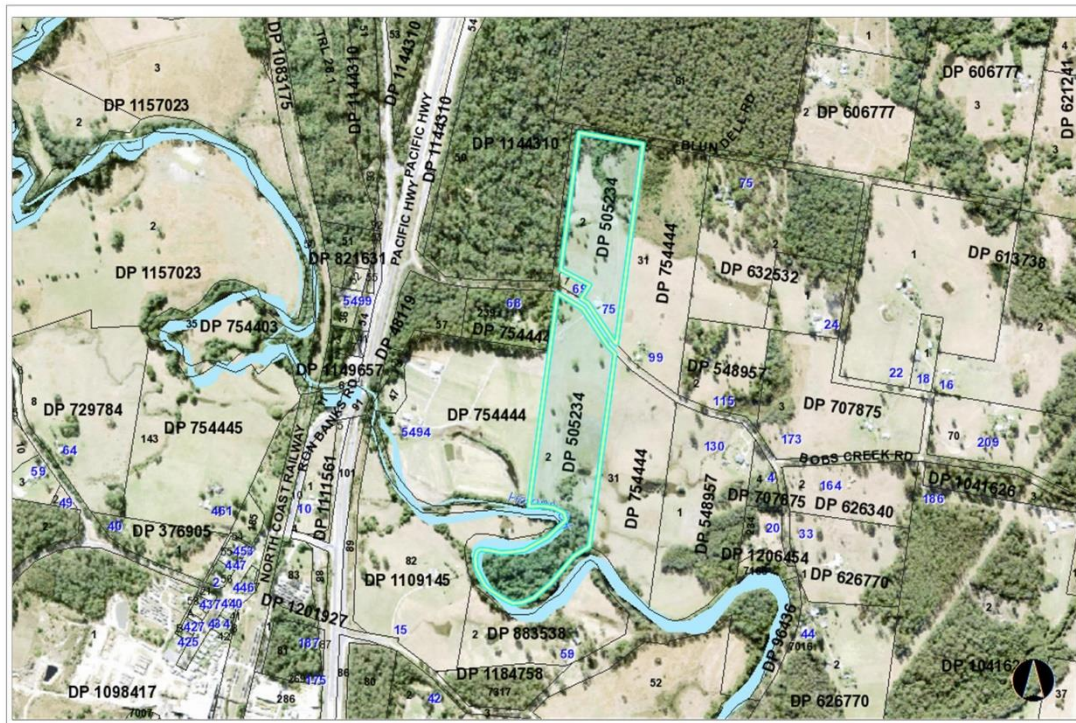
The site has an area of 19.92ha.

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



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

Geocortex image 2013



Nearmap image zoomed in on logging works area 2018



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- A log processing mill is to be established for the purposes of processing timber into firewood and timber fencing.
- Hours of operation (including vehicles picking up and delivering product) are proposed to be 7:30am to 4:00pm Monday to Friday and 8:00am to 1:00pm Saturdays.
- Maximum of four (4) staff operating the mill.
- 3000-4000 tonnes (approx 4600m³) to be processed per year with less than 1000 tonnes to be stored onsite at any one time.
- Approximately two (2) to three (3) truckloads (28 tonnes per load) of timber will be delivered per week during the aforementioned hours of operation.
- Timber to be sold via wholesale market with no retails sales direct to the public occurring onsite.
- A noise impact assessment has been undertaken.
- Access for staff, people doing repairs and friends (light vehicles) will predominately be obtained via the existing southern private access/driveway off Bobs Creek Road. Access for trucks delivering and picking up timber will be via the existing western Forestry Road off Bobs Creek Road. The Forestry access will ensure the larger timber trucks do not have to pass the neighbouring dwellings in Bobs Creek Road.
- No burning of timber will occur onsite with waste timber to be recycled or sent to a waste management facility.
- No works are proposed within 40m of the eastern drainage line onsite.
- No clearing is proposed onsite as part of this application.
- Amenities facilities are available within the existing dwelling and shed onsite.
- A twelve (12) month trial period is proposed to be condition to allow the applicant the opportunity to show compliance with conditions and to align with the Forest Corporation twelve (12) month access approval. Towards the end of the twelve (12) month trial, the applicant can modify the consent to extend the consent.

Refer to attachments at the end of this report.

Application Chronology

- 18/7/2018 – Development Application lodged with Council.
- 20/7/2018 – Council staff sought clarification from the applicant on noise impacts, works within 40m of drainage line, truck movements, amount of material to be processed, waste disposal, location of amenities, owners consent from Forestry Corporation to use forestry road for access to commercial operation, access and use of facility. Applicant acknowledged request.
- 25/7/2018 to 7/8/2018 – Development Application notification period.
- 31/7/2018 – Applicant provided update on additional information issues and that noise consultant would take approximately five (5) weeks to complete noise report (based on their workload).
- 26/9/2018 – Update was provided to one of the objectors on the status of the application. The applicant also provided partial response to additional information issues.
- 27/9/2018 – Applicant confirmed location of sawdust stockpile onsite. Update provided to one of the objectors who had requested status of the application.
- 17/10/2018 – Council staff requested update on owners consent from Forestry Corporation. Applicant provided response.
- 19/10/2018 – Update was provided to one of the objectors on status of the application.
- 24/10/2018 – Applicant provide update on owners consent from Forestry Corporation.
- 26/10/2018 – Forestry Corporation consent provided for 12 months. Council staff checked with applicant that they were aware consent was for only 12 months.
- 30/10/2018 – One of the objectors raised concerns with ongoing operations without consent.
- 6&7/11/2018 – Update on status of the application provided to objector. Discussion with applicant on Forestry Corporation consent and Development Assessment Panel (DAP) process. Applicant requested copies of submissions. Council staff provided redacted copies of submissions to applicant. Applicant also discussed with Council staff that they would be obtaining letters of support.
- 8&20/11/2018 – Discussion with applicant about obtaining pre-development application information.
- 12&20/11/2018 – Discussion with one of the objectors and the applicant regarding a truck arriving before 7:30am.
- 13&20/11/2018 – Applicant provided response to submission issues, which was acknowledged by Council staff.

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 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. In this case, the development has the potential to be an offensive industry by virtue of the noise component. Having considered the SEPP along with the associated application and imposition of conditions; the proposed development is not considered to be an offensive industry and will create no adverse impact. Proposal can be considered a rural industry.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land is greater than one (1) hectare and therefore the provisions of SEPP must be considered.

In this case, the application has demonstrated that no habitat will be removed or modified (ie the development will occur within existing cleared areas). 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/erosion control that will be in place; the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy No. 64 – Advertising and Signage

No signage proposed.

State Environmental Planning Policy (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

While the lower part of the property (south of Bobs Creek Road) contains land affected by the SEPP; no development is proposed within such an area. In particular, the proposed development is located over 300m from land affected by the SEPP.

As a result of the above, the proposed development is not considered to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;

- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (State and Regional Development) 2011

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

State Environmental Planning Policy (Rural Lands) 2008

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

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	Log processing is a permissible use in a rural zone. The use will not impact on the overall rural use of the site or surrounding areas. In addition, the portable nature of the business ensures no long term impact on the land.	Yes
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	Refer to above comment. The rural planning principles are specifically addressed later in this assessment table.	Yes
2(c) to implement measures designed to reduce land use conflicts,	Conditions are to be imposed to manage conflicts arising from such issues as noise and visual impact of the development on adjoining properties. In particular, screening of the site, additional mufflers, enclosure around engines, restrictions on access/use etc will be utilised.	Yes
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The development will not affect the viability of any state significant agricultural land. As mentioned previously, the portable nature of the business ensures no long term impact on the land.	Yes

2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	Local environmental planning provisions have removed concessional lots.	N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The development will not affect the productivity and sustainability of surrounding rural areas. Most of the immediate properties comprise either forestry land or smaller rural farms/hobby farms or rural residential sized lots.	Yes
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Refer to above comment. In addition, the proposed use comprises rural based elements i.e. processing of a primary product (timber).	Yes
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	The processing of a primary product for firewood purposes and typically rural fencing products plays a role in the local community through maintenance of jobs and expenditure, while also providing a product (firewood and fencing) to the area, state etc.	Yes
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The zoning of the site allows for the use with other issues such as noise, access, servicing etc having been considered in this assessment report. Impacts are considered manageable through conditions.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	This application deals with the processing of a primary product. The product (trees) would have already been approved to be removed elsewhere in supplying this business (ie the trees are approved as a separate process to this application). In addition, the processing of timber onsite will occur within a cleared section of land, clear of any sensitive environment land. This will also ensure no further adverse impact on flora and fauna onsite.	Yes
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	The development does not involve subdivision or impact on rural settlement opportunities.	N/A

7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	No new housing proposed.	N/A
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The development is not inconsistent with any strategy.	Yes
Rural Subdivision Principles	No subdivision proposed.	N/A
Matters to be considered in determining development applications for rural subdivisions or rural dwellings	No subdivision or dwellings proposed.	N/A

The requirements of this SEPP are therefore satisfied.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned RU1 Primary Production. In accordance with clause 2.3(1) and the RU1 zone landuse table, the proposed development for a rural industry (log processing industry) is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

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

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

- The proposal is a permissible landuse.
 - The proposal does not impact on the resource base.
 - The proposal encourages diversity by providing an alternate primary industry.
 - The proposal does not fragment land or alienate a resource base.
 - Conditions will be utilised to reduce conflict with neighbouring properties.
- Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance. The area is also disturbed from past agriculture/grazing purposes.
- Clause 7.3, the lower part of the site (south of Bobs Creek Road) contains land within a mapped "flood planning area". However, this development is located on the northern side of Bobs Creek Road, well clear of the flood prone area. Flood free access is also retained. As a result of the above, no further consideration of flooding provisions required.

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

Designated Development**33 Wood or timber milling or processing works**

Wood or timber milling or processing works (being works, other than joineries, builders supply yards or home improvement centres) that saw, machine, mill, chip, pulp or compress timber or wood:

- (a) *that have an intended processing capacity of more than 6,000 cubic metres of timber per year and:*
- (i) *are located within 500 metres of a dwelling not associated with the milling works, or*
 - (ii) *are located within 40 metres of a natural waterbody or wetland, or*
 - (iii) *burn waste (other than as a source of fuel), or*
- (b) *that have an intended processing capacity of more than 50,000 cubic metres of timber per year.*

The proposed development is not designated as it does not have an annual processing capacity of 6000 cubic metres (approximately 4600 cubic metres proposed per annum), will be located 40m from a natural waterbody and will not burn any waste. Conditions will also be imposed to reinforce compliance.

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

There are no relevant draft instruments that are applicable to this site or development.

(iii) any Development Control Plan in force:**Port Macquarie-Hastings Development Control Plan 2013**

DCP 2013: Chapter 3.5 - Industrial Development (used as guide)			
DCP Objective	Development Provisions	Proposed	Complies
3.5.3.1	Minimum setbacks are provided as follows: <ul style="list-style-type: none"> • 10m from a classified road; • 7.6m from any other road boundary; • 3m from any secondary road frontage. 	Development is setback approximately 200m from Bobs Creek Road.	Yes
3.5.3.2	Elevations of building which are visible from a public road, reserve or adjacent or adjoining residential areas are to be constructed using: <ul style="list-style-type: none"> • brick, masonry, pre-coloured metal cladding, 	No buildings proposed. Milling structures are more portable/machinery type structures. Nonetheless, the structures are approximately 200m	Yes

	<p>or</p> <ul style="list-style-type: none"> appropriately finished 'tilt-slab' concrete; or a combination of a number of these materials. 	from Bobs Creek Road and screened via logs and vegetation.	
	Large unrelieved expanses of wall or building mass are not favoured, and as such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.	Refer to above comment.	Yes
3.5.3.3	Material storage/work areas and volumes to be provided with application.	Storage and work areas shown on plans.	Yes
	Open work and storage areas to be located at rear of premises and screen from view by landscaping and/or fencing minimum 2m high.	Work areas and storage are located approximately 200m from Bobs Creek Road and suitably screened via logs and vegetation.	Yes
3.5.3.4	Detailed landscaping plan submitted.	Considered not applicable to this application given the separation to roads/adjoining dwellings and existing vegetation. Screening will also be covered by conditions of consent.	N/A
	Landscaped strip 3m wide for 2/3 of each road frontage.	Refer to above comment.	N/A
	No fencing in front setback unless for display items. High quality fencing and landscaping.	No fencing proposed.	N/A
3.5.3.5	<p>An onsite recreation area is provided for staff that:</p> <ul style="list-style-type: none"> Includes seating, tables and rubbish bin. If outside, is adequately protected from the weather Is safely accessible to all staff. Is separate private from public areas. Is located away from noisy or odorous activities. 	Area exists onsite for casual amenities/recreation by staff.	Yes
3.5.3.6	Provide onsite facilities for changing, showering and secure bike storage.	Facilities available at the shed/dwelling onsite.	Yes

3.5.3.7	Development complies with NSW Industrial Noise Policy.	A noise impact assessment was submitted with the application. The assessment was reviewed by Council's Environmental Health Officer and deemed capable of complying, subject to conditions. It should be noted that noise impacts and associated comments are addressed in more detail later in this report.	Yes
	Building openings located to minimise noise impacts if within 400m of residential zone.	No buildings proposed. Conditions will be imposed to manage noise.	N/A
	External plant such as generators, air conditioning plant and the like, should be enclosed to minimise noise nuisance and located away from residences.	Conditions are proposed to enclose plant.	Yes
	External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.	No lighting proposed. Development will not operate outside of daylight hours.	N/A
	Driveways should be arranged or screened to avoid headlight glare on residential windows.	No new driveways proposed. In addition, the development will only operate during daylight hours, which will negate the use and impact of headlight glare.	N/A
3.5.3.8	Office space ancillary to the industrial use is permissible with consent, subject to satisfaction of the following matters: <ul style="list-style-type: none"> • That the office component of a proposed development is ancillary to the functions carried out in the factory, warehouse or other industrial use. • That the office area is not leased to a separate company or entity. • That parking facilities are adequate to cater for the 	None proposed.	N/A

	size of the office development.		
3.5.3.10	Garbage storage areas are not visible from a public place.	To be conditioned.	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	The subject site has an existing dwelling that can provide surveillance of the site. CCTV can also be installed to provide further security when the site is not in use. No other adverse concealment, entrapment or crime issues foreseen.	Yes
2.3.3.2	Any retaining wall >1.0 in height to be certified by structural engineer	Loading ramp exceeds 1m in height and will be conditioned to require certification from a structural engineer.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	No tree removal proposed or required.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No tree removal proposed or required.	N/A
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	No new access proposed, including to an arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking.	No new access or driveway proposed.	N/A
2.5.3.3	Off-street parking in accordance with Table 2.5.1. Reduction possible if supported by parking demand study.	Being a rural property, the site contains sufficient area for informal parking associated with the development.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	There is an existing strip of vegetation south of the operations area, which suitably screens the development and parking	Yes

		from surrounding areas.	
2.5.3.14	Sealed driveway surfaces unless justified	Being a rural property, the gravelled driveway is acceptable. In particular, gravel driveways and roads are common in rural zoned areas. Conditions will be imposed to manage dust.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Driveway grades are acceptable and easily traversed by two wheel drive vehicles.	Yes
2.5.3.20	Where visible from the public domain, loading bays are located behind the building.	The loading areas are partially screened by existing vegetation onsite. Conditions will also be imposed to create stockpile screens.	Yes
	Where visible from the public domain, loading bays are located behind the building.	Refer to above comments.	Yes
	Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.	Refer to above comments.	
2.5.3.21	Plans to confirm vehicular access, circulation and manoeuvring in accordance with AUSTROADS and AS 2890.	Being a large rural property, adequate area exists onsite to allow manoeuvring of the vehicles that will use the facility. Vehicles will also be able to enter and exit the site in a forward direction with suitable site distances.	Yes

(iiiia) 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:

None relevant.

iv) any matters prescribed by the Regulations:

None relevant.

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

Context & Setting

The site has frontage to Bobs Creek Road to the south and also west (via a Forest Corporation road connection).

The property is predominately cleared except for some timbered areas in the north east corner surrounding the proposed log processing site and also a small section along Bobs Creek on the southern portion of the overall lot.

The property contains an existing dwelling on the southern portion of the property (ie south of Bobs Creek Road) and a shed on the northern portion.

Surrounding the development is a mixture of rural residential sized lots, smaller hobby farm sized lots and some larger rural properties. There is also Forest Corporation land to the north and within the overall locality.

Subject to the imposition of noise control measures, screening and a twelve (12) month trial; the proposal will be unlikely to have any significant impact on adjoining properties. The site is considered to be compatible with the area and adequately addresses planning controls.

Access, Traffic and Transport

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The volume of vehicles proposed is not excessive with trucks to be re-directed away from adjoining dwellings via the use of the forestry road. The existing road network will satisfactorily cater for the small increase in traffic generation as a result of the development.

Utilities

Utilities are not specifically required for the development but can be made available at the applicant's expense.

Water

Onsite water storage will be utilised.

Sewer

Cleaning and toilet facilities are available within the existing shed and dwelling onsite.

Stormwater

Capable of being managed onsite via conditions of consent. There is also substantial grassed areas between the site and nearby watercourses to act as a natural filter.

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 during operation.

Air & Micro-climate

Potential exists for sawdust to be generated onsite however given the separation distance to the neighbouring properties, it is unlikely that there will be any impact on adjoining residents.

Potential exists for wood smoke to adversely impact on adjoining residents and local air quality if wastes are burnt on the premises. It is recommended that the consent prohibit the burning of any waste products and/or off cuts etc.

Flora & Fauna

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

Waste

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

Energy

No adverse impacts anticipated.

Noise & Vibration

A Noise Impact Assessment was undertaken by Matrix Thornton for the proposed development. Background noise levels were taken at the nearest residential receiver (located 244m south of the active development site) while no activities were occurring at the site. Results were as follows:

- 36LA90 (background); 41LAeq (Calculated Intrusive Noise Level); 48LAeq (Calculated Project Amenity Noise Level)

Background noise levels were then taken at the nearest residential receiver (located 244m south of the active development site) while the hardwood mill was operating. Results were as follows:

- 60LAeq (including 5dB(A) tonal penalty (52LA90; and 57L10)).

The measured operational level of 60dB(A) is in excess of the 41dB(A) Project noise trigger level by 19dB(A). The intrusiveness of an industrial noise source may generally be considered acceptable if the equivalent continuous noise level (Laeq) of the source (measured over a 15 minute period) does not exceed the background noise level by more than 5dB.

Matrix Thornton suggested a two (2) stage mitigation strategy to reduce noise impacts to the nearest residential receiver. 'Stage 1' of the mitigation strategy would require the installation of a secondary exhaust silencer or muffler on the diesel engines involved in the proposed development. 'Stage 1' of the mitigation strategy would also involve the installation of an acoustic barrier surrounding operational machinery. Matrix Thornton predicts that such measures will reduce noise impacts by approximately 10 dB(a), including reduced tonality of the noise, which will remove the 5dB(A) tonal penalty.

'Stage 2' of the mitigation strategy involves the installation of a second acoustic barrier between the first acoustic barrier and the property boundary. The second barrier is noted as being required to be located as close as possible to the boundary of the nearest residency. The barrier should also be constructed 4.8 m high, with four 1.2 m wide x 2.4 m long timber panels (form ply is one possible product) stacked on top of each other. The barrier is to run the entire length of the exposed northern residential boundary. Matrix Thornton indicated that the secondary barrier could further reduce the noise impacts from the proposed development by at least 7 dB(A).

In terms of the two (2) stages, Matrix Thornton also suggested that Stage 1 could be implemented first and then further testing done to see whether Stage 2 was required. However, the applicant has indicated that they are prepared to implement both Stage 1 and 2 upfront.

Overall, Matrix Thornton concluded that the combination of the 'Stage 1' and 'Stage 2' mitigation measures would reduce the operational noise level to below the 41dB(A) project noise trigger and that 'the continued operation of the mill following the required implementation of noise mitigation would not be considered a source of offensive noise'.

Having considered the noise report, a concern with the recommendations is the visual impact of the second barrier next to the neighbouring dwelling. As a result, an alternate barrier is proposed to be located closer to the mill. In particular, it is suggested that a wood stack comprising either log storage, offcut storage, waste timber storage etc be located south of the mill to form a visual and acoustic barrier. The stack would need to be maintained at all times and be a minimum of 3m in height. A similar measure was applied by Council to another log processing facility and proved to be effective in reducing visual and noise impacts.

Furthermore, as an occupation certificate is not required for the use and the business has been operating already; a suitable approach would be to condition the implementation of Stage 1 and 2 within six (6) weeks of the date of determination. This should allow suitable time for the measures to be put in place. In addition to the above, Council will condition the consent be limited to twelve (12) months to act as a trial for the consent. This will allow noise impacts to be further monitored.

The above noise report and proposed measures (including alternate wood stack barrier) were considered by Council's Environmental Health Officer and considered an acceptable approach in managing noise impacts to a compliant level.

Natural Hazards

The site is mapped as bushfire prone land. No buildings are proposed and it is considered that the bushfire legislation does not apply to the use.

Similar sawmill type developments have been referred to the local NSW Rural Fire Service for comment in the past. However, based on the nature of the operation and lack of residential structures, the NSW Rural Fire Service provided a response raising no concerns or issues in relation to bushfire.

In terms of the wood piles creating a hazard, the site contains a dam that can be used as a water source to help put out any fires that may occur.

Adjoining dwellings are also well separated from the woodpile by over 100m. This would also allow further protection/buffering in the event of a fire.

Based on the above, bushfire or adverse fire hazards are unlikely to occur as a result of the development.

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the operation of the development through the maintenance of employment in the timber/logging industry and associated flow on effects such as expenditure in the area.

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and the imposition of various conditions will ensure the development fits into the locality.

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 site attributes are conducive to the proposed development. The site is located within a semi-rural setting, is zoned for primary production activities and it can be reasonably expected that primary production activities will be conducted in the area.

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

Following exhibition of the application and prior to finalising this report, ten (10) submissions were received. The submissions comprise two (2) against the proposal and eight (8) in support of the proposal.

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

Submission Issue/Summary	Planning Comment/Response
The proposal operates 24/7. Staff arrive from 6:30am, heavy machines 7:00am, trucks all day and night. The proposal operates in summer out of firewood season.	Conditions will be imposed to control hours of operation (including vehicles picking up and dropping off product) to 7:30am to 4:00pm Monday to Friday and 8:00am to 1:00pm Saturday.
Area not used for agriculture but more rural residential. Not an industrial area. Recent approval for dwelling was on the basis that the area is not used for agriculture.	While there are lots in the area more conducive to rural residential, there are still hobby farms and rural activities occurring in the area. Furthermore, the rural zone allows rural industries, the site is considered acceptable for the use and conditions of consent will mitigate impacts.
Proposal does not comply with RU1 zone objectives in minimising conflict.	The aspects of the site and proposed conditions of consent are considered to result in the proposal not creating any adverse conflict.
The shed onsite is being used as a dwelling.	The use of the shed is not the subject of this application. Council's Compliance Team has and will continue to monitor this as a separate issue.
Forest access not suitable for large vehicles.	The forest access is considered of suitable construction and capable of allowing a range of vehicle types. The applicant will need to continue to monitor this with the Forest Corporation, especially given no heavy vehicle access will be allowed from the existing southern light vehicle access. Being a forestry road, it would need to cater for

Submission Issue/Summary	Planning Comment/Response
	Forestry Corporation logging trucks regardless of this application.
Applicant has failed to comply with the agreed practices.	The imposition of a consent and associated conditions will allow a more certain point of monitoring and compliance. A twelve (12) month trial is also proposed.
Bobs Creek Road pavement is failing and not suitable. Mud and dust problems.	Bobs Creek Road and the associated pavement is suitable for the scale of development. In addition, the heavy vehicles will be required to use the forestry road, which will further minimise impacts on Bobs Creek Road. Standard site management conditions will be imposed to control dust etc.
Loss of property values.	Loss of property values is not a matter of consideration under Section 4.15.
Previous logging applications have not proceeded.	Noted.
Safety of forest users.	Forestry roads are designed and expected to cater for logging trucks - the proposal does not change this. Furthermore, the forest road will not allow high speeds, which will provide suitable warning to users.
The statement of environment effects contains incorrect information.	Noted. Matters in the statement of environmental effects have been clarified and conditions of consent imposed to provide further certainty on the use.
Utes and cars with trailers use the site for private sales.	Moving forward, no private sales will be allowed from the site and conditions of consent will reflect this.
Air pollution/smoke and noise/vibration impacts.	Fumes from the mill are consistent with other farming equipment that can occur on a rural property. There is also approximately 200m separation to the nearest dwelling, which will further dissipate any fumes. No burning of timber will be conditioned – removes smoke impact. Noise impacts are addressed under the Noise and Vibration heading within this report.
Was there community consultation?	There is no requirement for an applicant to consult with neighbours, prior to lodging a development application. Council carried out standard notification as part of the development application process.
The tonnage doesn't stack up with vehicle numbers.	This has been clarified and conditions imposed to control numbers.
Is the dam permitted?	The dam does not form part of this application. Nonetheless, a preliminary look indicates that it is capable of complying with

Submission Issue/Summary	Planning Comment/Response
	exempt dam provisions.
Heavy vehicles use the light vehicle access.	Noted. Moving forward, conditions of consent will be imposed to stop this practice.
Machinery compliant with industry standards.	This is a matter for the applicant to ensure from an OHS perspective, RMS road safety perspective etc. Council will impose conditions to manage noise output.
Applicant disregards rules.	Noted. Conditions of consent will be imposed and compliance action can be taken if this is the case.
No screening of the facility.	Site inspection revealed that there is existing strands of vegetation that suitably screen the development from surrounding viewpoints.
<p>Letters of support and positive comments for the proposal have also been received outlining the following:</p> <ul style="list-style-type: none"> Noise from the facility is acceptable. There are other noise sources in the area that create an impact (ie highway). Use doesn't impact on surrounding properties. The operator is friendly, helpful, community minded and hard working. Positive contribution to the community. Facility provides local employment opportunities. Facility provides easy access to the highway. The forestry road access will negate a lot of the issues. There are other uses that could have a worse visual impact. For example, large exempt shed. 	Noted.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Not applicable to this application, which does not have any residential or construction component. There is also no reticulated water or sewer available to the site.

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 - 528.1 Recommended conditions
- 2 [View](#). DA2018 - 528.1 Plans and documents
- 3 [View](#). DA2018 - 528.1 Noise impact assessment
- 4 [View](#). DA2018 - 528.1 Hardwood site plan
- 5 [View](#). DA2018 - 528.1 Forestry Corporation owners consent.pdf
- 6 [View](#). DA2018 - 528.1 Forestry map owners consent

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/528****DATE: 26/11/2018****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.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects as amended		Unknown	Not dated
Plans	No. 1 & 2	Unknown	Not dated
Noise Impact Assessment	M18860.01	Matrix Thornton	17/9/2018

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) (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.
- (3) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (4) (E061) Within six (6) weeks of the date of determination of this consent, a landscaped screening plan is to be submitted, approved by Council and completed onsite. The landscape screening should provide a mixture of species to enable visual screening to adjoining properties.
- The applicant shall also implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape screening work becomes well established by regular maintenance.
- (5) (A195) Within six (6) weeks of the date of determination of this consent, structural certification of any retained wall, loading area etc in excess of 1m in height is to be provided by a suitably qualified Engineer.

- (6) (A196) A solid wood pile screen with a minimum height of 3m and maximum height of 5m, is to be created south of the proposed log processing facility (but not beyond the existing strand of trees) for the purposes of creating a visual and noise barrier to the neighbouring dwelling to the south. The wood pile is to be provided in lieu of the Stage 2 noise wall within the Noise Impact Assessment by Matrix Thornton, Report No. M18860.01, dated 17/9/2018. Once in place, timber will not be allowed to be removed from the wood pile noise barrier until the log processing use of the site ceases and is being cleaned up (ie completely removed of stock). It should be noted that excess timber placed into the barrier can be removed.

Certification is required to be submitted to Council within six (6) weeks of the date of determination of this consent, showing that the recommendations made in Section 10 (as amended above) of the approved Noise Impact Assessment by Matrix Thornton, Report No. M18860.01, dated 17/9/2018, have been installed onsite. The certification must be provided by a suitably qualified person.

In addition to the above, noise levels from the operation of the hardwood timber mill shall be re-tested upon completion of the above works and confirm that the development does not exceed 41LAeq (15min) at the boundary of the nearest residential receiver, located at 69 Bobs Creek.

- (7) (A197) This consent is limited to a twelve (12) month trial period from the date of determination of this consent. To continue the development beyond the twelve (12) month trial period, a modification of consent will be required and compliance with conditions reviewed. To ensure suitable time to determine the modification before the consent expires, it is suggested that the modification be lodged at least three (3) months before the expiry date.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

nil

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

nil

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

nil

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking is to be provided at all times during the operations of development for use by both staff and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F016) Offensive odours shall not be generated by the development.
- (5) (F017) Materials stockpiles and handling areas shall be maintained in a condition that prevents erosion, windblown or traffic generated dust.

- (6) (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.
- (7) (F025) Hours of operation of the development (including the delivery and picking up of product) are restricted to the following hours:
 - 7:30am to 4.00pm – Mondays to Fridays
 - 8:00am to 1:00pm – SaturdaysNo work is to be carried out on Sundays and Public Holidays
- (8) (F196) Development is only to be used for the wholesale of timber. Retail sales direct to the public are prohibited from the site.
- (9) (F197) Fuels are to be contained within an enclosed and bunded area.
- (10) (F198) A water cart is to be maintained onsite at all times to eliminate any dust and act as a water source for managing any bushfire threats that may occur onsite.
- (11) (F199) Wastes from the timber mill operation including any timber offcuts, logs, firewood or sawdust shall be disposed of properly and shall not be disposed of by burning. This condition does not apply to the burning of timber by the owner for private purposes (ie small campfire at the house for a party).
- (12) (F200) The wood pile screen must provide suitable noise protection to surrounding residents and may need to be adjusted from time to time to ensure noise levels stay within acceptable levels.
- (13) (F201) The development is not to process more than 4000 tonnes or 4600m³ of timber per year. In addition, no more than 1000 tonnes of timber can be stored onsite at any one time. A log book is to be kept onsite and made available to Council staff upon request.
- (14) (F202) Vehicles picking up and delivering timber product must only use the forest road access.
- (15) (F203) The number of vehicles picking up and delivering timber product is limited to five (5) per week. Any variation to this will need to be approved by Council staff.
- (16) (F204) No work is to occur within 40m of the eastern drainage line.
- (17) (F205) This consent does not authorise any clearing onsite.
- (18) (F206) Access to amenities is to be provided onsite at all times.
- (19) (F207) The development is only to operate whilst Forestry Corporation consent is in place for the use of the forestry road access.



STATEMENT OF ENVIRONMENTAL EFFECTS

This form is to be submitted for minor development applications only, such as new dwellings, alterations and additions and ancillary structures, change of use/first use of commercial and industrial premises. Other applications will require a comprehensive SOEE. Refer to SOEE Fact Sheet or Council's Duty Planner for assistance.

If you answer "yes" to any item in sections 4 to 8 you will need to detail the likely impact(s) and the proposed means of mitigating or reducing such impact(s). If insufficient space has been provided, attach additional sheet(s).

1. PROPERTY DETAILS

Lot No 2 Section No. DP/SP No 505234 Street No 75
 Street Name BOBS CREEK ROAD
 Suburb/Town BOBS CREEK Postcode 2439

2. PROPOSAL DESCRIPTION

Provide a description of the proposed development. HARWOOD TIMBER LOG PROCESSING
OPERATION. LOG PROCESSING OPERATION TO PROVIDE FIREWOOD AND
RURAL FENCING SUPPLIES VIA A WHOLESALE MARKET

The following questions are to be completed for applications relating to home business/industry, shops, commercial and industrial premises.

Hours of operation? 7:30AM TO 4:00PM (MON TO FRI) 8:00AM TO 1:00PM (SAT)

Client and staff numbers? MAXIMUM OF 4 STAFF. APPROXIMATELY 20 TO 30 CLIENTS PER W

Type, size and quantity of goods to be made, stored or transported? LOGS, FIREWOOD, RURAL FENCING
SUPPLIES. 3000 TO 4000 TONNES PER YEAR. LESS THAN 1000 TONNES TO BE STORE
AT ANY ONE TIME

Details of any deliveries (i.e. hours, frequency, type of vehicles)? 2 TO 3 TRUCKLOADS (APPROX 20 TONNE
PER TRUCK) DELIVERED DURING OPERATING HOURS

Details of any retailing? ALL TIMBER TO BE SOLD VIA WHOLESALE MARKETS

Comments: CLIENT NUMBERS ARE BASED UPON DELIVERIES UNDERTAKEN BY BUSINESS
DURING PEAK TIMES. CLIENT NUMBERS, DELIVERIES AND RETAILING WILL DECREASE
DURING OFF PEAK MONTHS.

3. PLANNING INFORMATION

What is the zoning of the subject land? RU1

What is the current use of the land/building? AGRICULTURAL LAND

Is your proposal:

- permissible in the zone? Yes ☒ No ☐
- consistent with the zone objectives? Yes ☒ No ☐

Does your proposal comply with the relevant:

- development standards (i.e. FSR, heights) in the Local Environmental Plan? Yes ☒ No ☐
- development control plan (e.g. setbacks, car parking)? Yes ☒ No ☐

If you answered "no" to any of the above questions, a detailed justification is required. Additionally, you should discuss your proposal with the Duty Planner before lodging your development application.

4. SITE SUITABILITY

Will the development:

- affect any neighbouring residences by overshadowing or loss of privacy? Yes ☐ No ☒
- result in the loss or reduction of views? Yes ☐ No ☒
- impact on any item of heritage or cultural significance? Yes ☐ No ☒
- result in land use conflict or incompatibility with neighbouring premises? Yes ☐ No ☒
- be out of character with the surrounding area? Yes ☐ No ☒
- be visually prominent within the existing landscape/streetscape? Yes ☐ No ☒
- require excavation or filling in excess of 1 metre? Yes ☐ No ☒
- require the erection or display of any advertising signage? Yes ☐ No ☒

Comments: THE SITE BEING ZONED RU1 COMPLIES WITH THE OBJECTIVES
OF THE LOCAL ENVIRONMENT PLAN. PLEASE SEE ATTACHED DEVELOPMENT
APPLICATION SUBMISSION

5. ENVIRONMENTAL IMPACTS

Is the site affected by any of the following natural hazards?

Yes ☒ No ☐

If yes, please indicate which hazard.

Flooding ☐ Bushfire ☒ Acid sulfate soils ☐

(Note: Information on natural hazards available from Council.)

Will the proposal:

- result in any form of air pollution (smoke, dust, odour, etc)? Yes ☐ No ☒
- have the potential to cause any form of water pollution? Yes ☐ No ☒
- emit noise levels that could affect neighbouring properties? Yes ☐ No ☒
- be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? Yes ☐ No ☒
- affect native or aquatic habitat? Yes ☐ No ☒
- have an impact on a threatened species or habitat? Yes ☐ No ☒
- involve the removal of any trees? (If yes, detail type and number below.) Yes ☐ No ☒

Comments: BUSHFIRE SELF ASSESSMENT HAS BEEN COMPLETED AND IS ATTACHED
TO DEVELOPMENT APPLICATION

6. ACCESS, TRAFFIC & UTILITIES

Are electricity and telecommunications services available to the site?

Yes ☒ No ☐

Does the site have access to town water?

Yes ☐ No ☒

Does the site have access to town sewerage?

Yes ☐ No ☒

If you answered no to the above, is a waste water report attached?

Yes ☐ No ☒

Provide details of on-site parking, including number of spaces. BEING A RURAL PROPERTY THE SITE
CONTAINS SUFFICIENT AREA FOR INFORMAL PARKING. PLEASE SEE ATTACHED
DEVELOPMENT APPLICATION SUBMISSION

Is lawful and practical access available to the site?

Yes ☒ No ☐

Will the development increase local traffic movements and volumes?

Yes ☒ No ☐

Are appropriate manoeuvring, unloading and loading facilities available on site?

Yes ☒ No ☐

(Note: Turning templates may be required for medium density, commercial and industrial.)

Provide details of proposed method of stormwater disposal (e.g. street, rubble drain, rainwater tank)

MANAGED VIA EXISTING FLOW PATHS. PLEASE SEE ATTACHED DEVELOPMENT
APPLICATION SUBMISSION.

Comments:

.....

.....

7. SOCIAL & ECONOMIC IMPACTS (Not applicable to new dwellings, additions or like.)

Will the proposal have any social or economic impacts in the area? Yes ☐ No ☒

Have you conducted any community consultation (e.g. neighbours, Police)? Yes ☒ No ☐

Have you considered Council's Social Impact Assessment Policy? Yes ☒ No ☐

Comments: SIX NEIGHBOURS HAVE BEEN CONSULTED DURING THE SUBMISSION OF THIS APPLICATION ALL WITH NO OBJECTIONS. THE PROPOSED DEVELOPMENT DOES NOT TRIGGER THE NEED FOR A SOCIAL IMPACT ASSESSMENT.

8. WASTE DISPOSAL

Provide details of waste management, including reuse and recycling SAL DUST IS TO BE COLLECTED AS A RESOURCE AND EXPORTED FROM SITE. ANY WASTE PRODUCED WILL BE COLLECTED USING APPROPRIATE METHODS AND DISPOSED AT AN APPROVED WASTE MANAGEMENT SITE.

How and where will the wastes be stored? WASTE WILL BE STORED IN APPROPRIATE BINS AND TRANSPORTED TO APPROVED WASTE MANAGEMENT SITE

Does the proposed use generate any special wastes (e.g. medical, contaminated)? Yes ☐ No ☒

Will the use generate trade wastes (e.g. greasy or medical wastes)? Yes ☐ No ☒

Comments: PLEASE SEE ATTACHED DEVELOPMENT APPLICATION SUBMISSION

.....

.....



APPLICANT'S SIGNATURE

DATE

DEVELOPMENT APPLCATION

75 Bobs Creek Road

Bobs Creek NSW 2443

**Proposed Hardwood Timber processing by Camden
Haven Wood Timbers**

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INTRODUCTION

The information provided in this document provides background and supporting information for a proposed hardwood timber processing enterprise located at 75 Bobs Creek Road, Lot 2 DP 505234 Bobs Creek 2443

EXISTING SITE

No. 75 Bobs Creek Road has an area of 19.91 Ha.

The Site is zoned RU1 Primary Production: (pub.2011-02-23) in accordance with the Port Macquarie-Hastings Local Environment Plan 2011.

The site has frontage to Bobs Creek Road to the south and Forest Corporation NSW land to the West and North. The site is predominately cleared except for an area abutting an existing 1st Order, class 3 drainage waterway located to the east of the proposed development, some isolated groups of trees exist to the south of the site. The site generally slopes from Bobs Creek down to the site, with a minor cross slope to the east at the site.

The surrounding area is a mixture of rural residential allotments to the east and south zoned RU1 and forestry land zoned RU2 located to the north and west of the site.

THE DEVELOPMENT

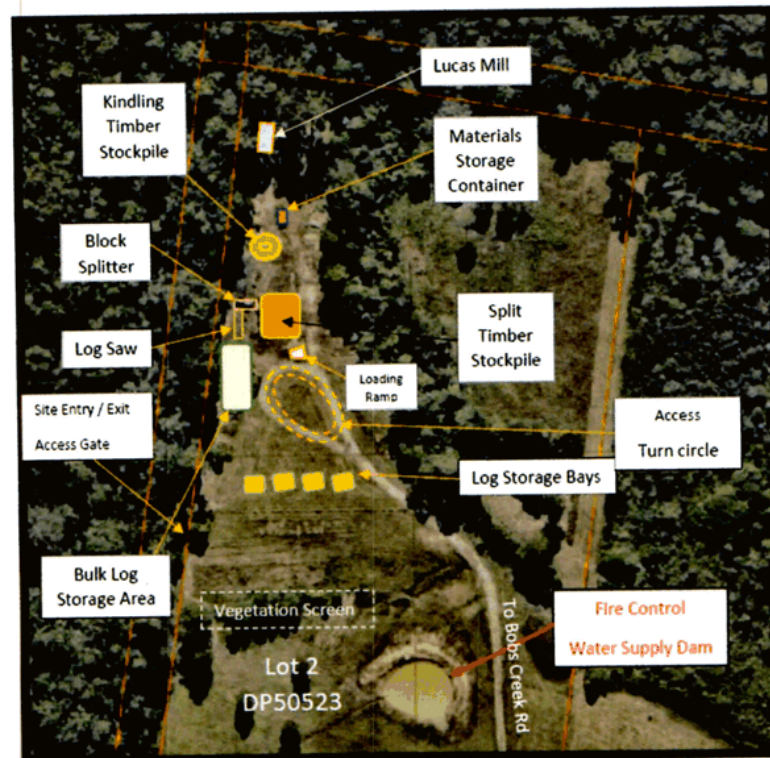
The site is to be developed to provide the following operations:

- A log processing mill to produce firewood in block form
- Log processing activities to produce timber sections of various sizes suitable for rural fencing and ancillary applications
- Mill operation hours are proposed at 7:30 am to 4 pm Monday to Friday

- Loading and distribution of wholesale materials is proposed to extend from week day activities to Saturdays from 8:00 am to 1:00 pm during peak periods
- A maximum of four (4) staff operating the mill and associated activities.
- From 3000 to 4000 tonne to be processed per year with less than 1000 tonne to be stored on site at any one time.
- Approximately two (2) to three (3) truckloads (28 tonnes per load) of timber will be delivered during normal hours of operation. This is dependent upon the demand for firewood with a reduction in truck movements expected during the off season (typically the summer months).
- Timber products are to be sold via wholesale markets
- Access to and from the property for log delivery and processed products is gained via an existing forest access road located at the west of the site. Forest Corporation NSW have provided input on the proposal.
- Access to the site for light vehicles is via an existing at Bobs Creek Road to the south of the site.

The site locality plans provided below shows the location and infrastructure of the development.





Site Locality Plan No.2

ZONING

The site is zoned RU1 Primary Production in accordance with the Port Macquarie-Hastings Local Environment Plan 2011.

The objectives of zone RU1 Primary production are:

- *To encourage sustainable primary production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

- *To minimize the fragmentation and alienation of resource lands*
- *To minimize conflict between land uses within this zone and land uses within adjoining zones*

Specific to this development proposal it is noted that "Rural Industries" are permitted with consent. The definition of a Rural Industry as indicated under Port Macquarie Hastings LEP 2011 means *"the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes including – sawmill or log processing works"*

Noting the above, the proposed development activities are commensurate with the objectives and specified permitted activities of the zoning of No. 75 Bobs Creek Road under Port Macquarie-Hastings LEP 2011.

ACCESS, TRANSPORT & TRAFFIC

Roads

The property fronts Bobs Creek Road which is a sealed rural road connecting rural properties to the Pacific Highway via the Bago Road interchange located 1.7km to the north of the property entrance.

Traffic

The development is expected to generate minor additional traffic on Bobs Creek Road with an average maximum of 4 staff vehicles per day, 2 log truck deliveries per day, 2 light trucks /day (wholesale local firewood & rural products) and 1 bulk export truck (wholesale firewood) per week.

Access

Access to the site is proposed from Bobs Creek Road.

Bobs Creek Road is a sealed road with a current signposted speed zone of 60 km/hr, the Safe Stopping Sight Distance (SSD) for this speed zone is 65m for Cars and 75m for trucks.

Access to the site is proposed at two locations, light vehicles and small trucks are proposed to access the site via an existing entrance located at No. 75 Bobs Creek Road. This existing access is typical of driveways located in rural zoned areas, sight distance in excess of the minimum requirements is available at this intersection with Fig. 1 below showing the minimum truck SSD of 75m



Fig. 1 Proposed light vehicle access

Heavy Vehicles (e.g. log Trucks) are proposed to access the site via an existing Forest Corporation road (Cpt 27/2 Trail) which connects the site at Bobs Creek Road approximately 1.0 Km south of the Pacific Highway / Bago Road interchange, this access has been selected after consultation with and approval of the Forest Corporation and in consideration of the amenity of the local area (i.e. noise generation) and the expected additional vehicle traffic loading expected by log delivery and bulk firewood export operations on Bobs Creek Road.

Sight distance in excess of the minimum requirements is available at this intersection with approximately 125m available south of the intersection and approximately 365m available north of the intersection Fig. 2 below shows the available truck sight distances to this intersection.



Fig. 2 Heavy vehicle access sight distances

Manoeuvring & Parking

The site has adequate area to manoeuvre and provide informal parking for both light and heavy vehicles without conflict or risk of safety to the operators or visitors to the site.

UTILITIES

Utilities such as electricity supply are not required at the site as all machinery used in the operation of the site is motor driven. Lighting is not required as the hours of operation are during daylight hours.

Water supply – non-potable water will be provided from two dams situated on the property. A 1000 litre fire fighting tank and pump will be used to transport water around the site as required.

Water Supply – Potable water will be provided at the existing Machinery Shed/ Workers Amenities which has two connected water tanks, the existing dwelling also has three 25000 litre water tanks available for use.

Amenities – Facilities such as kitchen, hand washing, first aid are available at either the Machinery shed, or the dwelling located on the property. The Machinery Shed provides access to potable water and mains electricity with a port-a-loo available, if needed a septic system can be added to the machinery shed if required.

STORMWATER

Stormwater runoff is managed on site via existing drainage flow paths, the footprint of the site operation is expected to be minimal with no additional runoff to generated from the site. Stormwater runoff will drain across existing grassed areas to the class 3 waterway passing through the eastern boundary of the site.

SOILS

Disturbance of the existing soil at the site is to be controlled by the installation and application of sediment controls to prevent sediment runoff from the site.

AIR & MICRO-CLIMATE & WASTE

There is expected to be minimal effect on the air and micro climate expected due to the proposed operation of the development, material such as saw-dust is to be collected as a resource and exported from the site, no waste material is to be disposed of on site (e.g. by burning), waste generated at the site is to be collected and disposed of at approved waste management sites. All Machinery is to be compliant with industry standards for air pollution.

FLORA & FAUNA

The proposed development will not require any removal/clearing of any significant vegetation at the site and therefore will be unlikely to

have any adverse impacts on biodiversity or threatened species of flora or fauna.

LANDSCAPING

To maintain the rural aspect of the site a number of trees, typically Conifers are to be planted in the area of an existing stand of trees (This species of tree are fast growing and capable of reaching in excess of 8 metres in height) in addition hedging is proposed around the property to improve the visual amenity from Bobs Creek Road and the residences adjacent to the proposed site.

NOISE & VIBRATION

The effect of noise and vibration expected from the site is expected to be commensurate with that expected from a rural industry operating in a rural zoned area.

The following has been considered in assessing the location of the site for this development.

The site of operations is to be located some 350m from the closest residence.

The hours of operation are to be from 7:30 am to 4 pm Monday to Friday with Loading and distribution of wholesale materials proposed to extend from week day activities to Saturdays from 8:00 am to 1:00 pm during peak periods.

NATURAL HAZARDS

The site is located within a designated bush fire prone area a bushfire assessment has been completed and is included with this development application.



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Structural » Civil » Mechanical » Acoustic

NOISE IMPACT ASSESSMENT OF BOBS CREEK HARDWOOD MILL FOR OSBORNE HARVESTING PTY LTD

Report No. M18860.01

Site: 75 Bobs Creek Road,
Bobs Creek NSW 2443

Prepared by: Philip Thornton BE(UNSW) MIEAust CPEng NER
Acoustic Consultant

Date: September 17, 2018

SUMMARY

Activities associated with the proposed development application for the Hardwood Mill at 75 Bobs Creek Road Bobs Creek NSW 2443 have been assessed for their noise impact. The noise levels for the operation of the mill were found to be above the acceptable EPA guidelines for the intrusive noise criterion. A recommendation for a two staged approach to reduce the noise level is presented, with the second stage only being required should the first fail to reduce the residual noise impact to an acceptable level. Following the implementation of the necessary noise mitigation the continued operation of the mill would not be considered a source of offensive noise.



M18860.01 Bobs Creek Hardwood Mill

Structural ► Civil ► Mechanical ► Acoustic

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M18860.01 Bobs Creek Hardwood Mill

Structural ► Civil ► Mechanical ► Acoustic

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1. INTRODUCTION

This report will form part of a development consent for the proposed hardwood timber mill for Jade and Rebecca Osborne at 75 Bobs Creek Rd, Bobs Creek NSW 2439. Port Macquarie-Hastings Council (PMHC) is the certifying authority and has requested that an acoustic report be submitted with the application that details all likely noise impacts and any recommendation for noise attenuation. The proponent, Osbornes Harvesting Pty Ltd, have engaged Matrix Thornton Consulting Engineers to prepare a noise impact assessment to satisfy council requirements.

2. PURPOSE OF THE REPORT

- Measure the existing background noise levels.
- Determine acceptable noise criteria within the limits of the NSW Noise Policy for Industry (NPfI) and the NSW Environment Protection Authority (EPA).
- Obtain noise data of the log processing activities.
- Analyse noise level data and assess levels of noise impacts at the nearest affected residence.
- Compare these figures against assessment criteria to determine if they are within acceptable noise levels.
- Suggested method of noise mitigation required, if any, to achieve desired noise levels.
- Prepare a report on these findings acceptable to PMHC.

3. DESCRIPTION OF THE DEVELOPMENT

3.1 CONTEXT

The proponents, Jade and Rebecca Osborne of Osbornes Harvesting Pty Ltd, have lodged a Development Application with Port Macquarie Hastings Council for a hardwood mill at 75 Bobs Creek Rd, Bobs Creek NSW 2439. The development involves the operation of a log processing mill to produce firewood in block form and timber sections of various sizes suitable for rural fencing and ancillary applications.

The mill is proposed to operate from 7:30 am to 4:00 pm, Monday to Friday. During peak periods, loading and distribution of wholesale materials is proposed to extend activities to Saturdays from 8:00 am to 1:00 pm. It is proposed that the maximum weekly delivery of timber to the site will be 2-3 truckloads. Access to and from the facility will be gained via an existing forest road located at the west of the site. Light vehicle access can be gained via an existing entrance at Bobs Creek Rd, to the south of the site.

Council has identified that the operations of the facility could be a source of noise for nearby residences. It is the usual procedure that council requests an acoustic report that addresses the acoustic "impacts of the development on adjoining properties and identifying measures necessary to comply with noise criteria to ensure that the development will have no adverse effect on the adjoining properties". This report will satisfy these requirements.

3.2 LOCATION

The hardwood mill is located at 75 Bobs Creek, Bobs Creek. The nearest residential boundary is 244 m south of the noise generating machinery, and is located at 69 Bobs Creek Rd, Bobs Creek, indicated in Figure 3.1. Bobs Creek is located 24 km South of Port Macquarie CBD and 45 km North of Taree CBD. The hardwood mill is also positioned nearby to the Pacific Highway and the Boral Herons Creek Timber Mill, shown in Figure 3.2.



Figure 3.1 Location of the proposed hardwood mill and to distance to nearby residences.

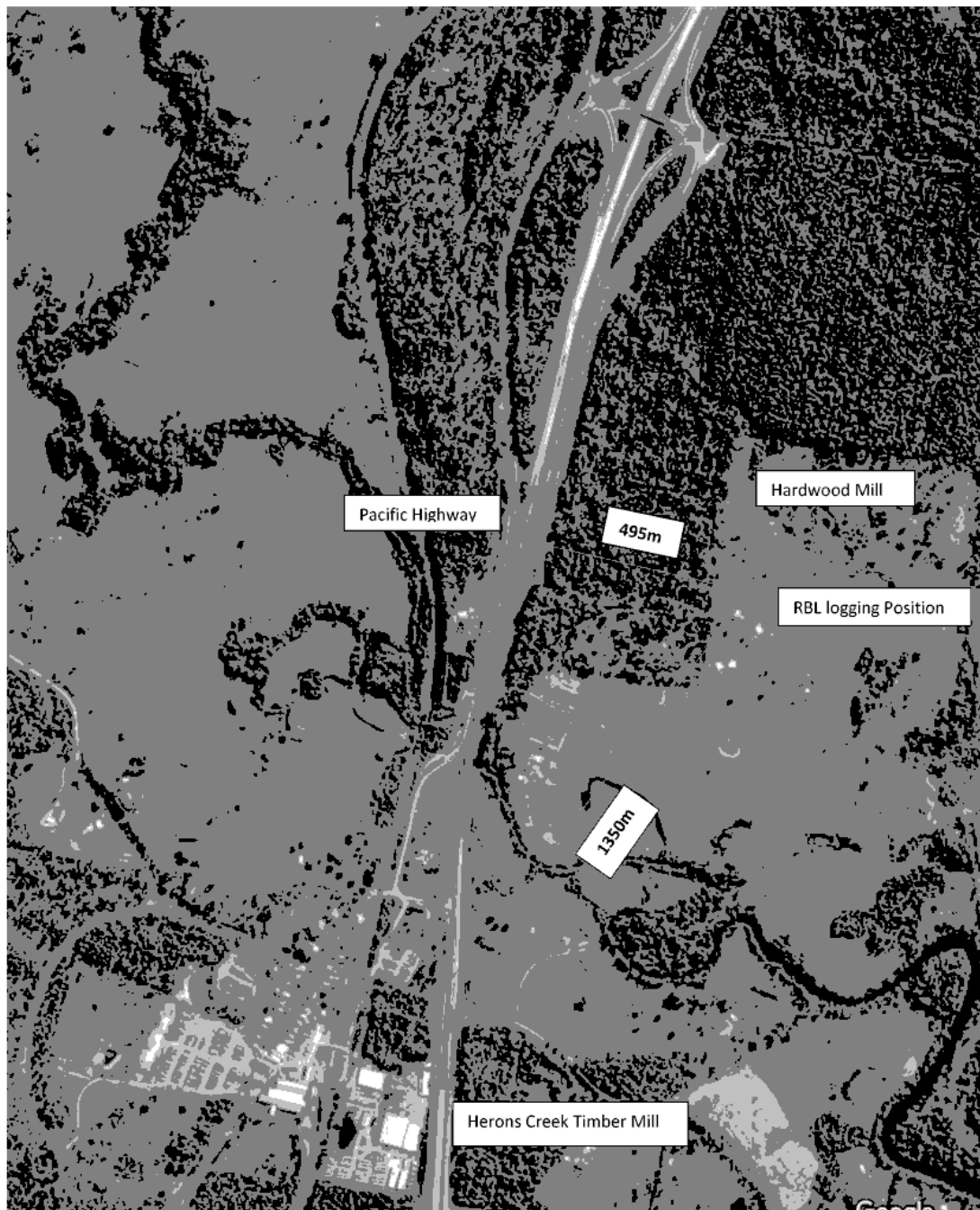


Figure 3.2 Location of the nearby Pacific Highway and Boral Herons Creek Timber Mill

4. THE OPERATIONS

The proposed hardwood mill is a semi-automated facility for the bulk production of commercial quality split firewood and various timber pieces. The equipment is modern, well maintained and considering the environment in which it operates, technically advanced. The equipment forms a production line where residue forest logs are stacked on a loading bed by an excavator, cut to length by the log saw, then conveyed to an accumulator, where the firewood processor individually splits the logs before the finished product is stockpiled via an elevator. The operations can be broken up into individual segments.

- **Log Storage Area**

Logs from the local forests that do not meet the grading system for commercial timber are delivered to the mill by a prime mover with a timber jinker. An 8-tonne excavator is required to unload the logs and stack them on the stockpile. On average, there are three supply deliveries per week and it takes up to one hour to unload the jinker.

- **Scandinavian Forestry and Engineering Firewood Docking Machine (Log Saw)**

The log saw is a whole unit that feeds logs one at a time from the loading bed onto a chain conveyor where they are cut into blocks. The cutting is performed remotely by a hydraulically powered chainsaw blade. The cut blocks are held in a hopper before being split. Around six logs are loaded onto the holding bed at a time using the 8-tonne excavator. A Deutz 6-cylinder diesel engine powers the conveyor belt and hydraulic system.

- **REX 900 Firewood Processor**

The firewood processor conveys the cut to length blocks from the hopper to the splitting head. The split firewood is transferred to an adjoining stockpile via a belt conveyor. The main hydraulic powered pack is a 50 hp 4-cylinder Deutz B/FL2011 diesel engine.

4.1 NOISE SOURCES

The proposed facility will generate noise from the following activities;

- Prime mover & timber jinker (28 tonne load) delivering logs to the mill, operating 15 minutes per day, up to 3 times per week.
- Unloading the logs and placing on the stockpile using an 20T excavator, operating 1 hour per day.
- Loading logs on to the bed of the log saw using an 20T excavator, operating 1 hour per day.
- Cutting the logs into blocks using the Log Saw, operating more than 2.5 hours per day.
- Splitting the blocks using the Rex 600X Firewood Processor, operating more than 2.5 hours per day.
- Loading the split firewood onto the 12 T tipper using the Loader, operating 1 hour per day.
- Delivery truck (12 tonne load using either the 5.5T or 20 T excavator) exiting the site, operating 15 minutes per day.
- On-site pick-ups using a firewood delivery truck, operating 1 hour per day, up to 4 times per week.

All activities will be undertaken during the daytime, 7:30am to 4pm, Monday to Saturday.

The mechanical equipment used in these activities include:

- Prime Mover and Timber Jinker
- Firewood Delivery Truck, 12T Tipper
- CAT 320L 20T excavator
- CAT 226B Skid Steer Loader
- Kawasaki KSS80 Loader
- Stihl MS 661C Chainsaw



- Rex 900 Firewood Processor
- Scandinavian Forestry and Engineering Firewood Docking Machine 10630

5. PLANNING NOISE LEVELS

Assessment criteria are discussed in the New South Wales Noise Policy for Industry (NPfI). The Npfi gives a procedure for setting “trigger” noise levels. If noise is above a trigger level, mitigation or management needs to be considered.

The policy discusses “intrusiveness” and “amenity” levels which are a set based on the existing noise environment, and the type of residential area. The project specific trigger levels become the most stringent of the two.

5.1 INTRUSIVENESS NOISE LEVEL

For assessing intrusiveness, the background noise level (L_{A90}) is measured and the Rating Background Level (RBL) determined. The intrusiveness of an industrial noise source may generally be considered acceptable if the equivalent continuous noise level (L_{Aeq}) of the source (measured over a 15-minute period) does not exceed the background noise level (RBL) by more than 5 dB.

5.2 AMENITY NOISE LEVEL

The amenity assessment is based on noise criteria specific to land use and associated activities. The criteria relate only to industrial-type noise and do not include transportation noise.

The amenity noise level aims to limit continuing increases in noise levels which may occur if the intrusiveness level alone is applied to successive development within an area.

The recommended amenity noise level represents the objective for total industrial noise at a receiver location. The project amenity noise level represents the objective for noise from a single industrial development at a receiver location.

To prevent increases in industrial noise due to the cumulative effect of several developments, the project amenity noise level for each new source of industrial noise is set at 5 dB below the recommended amenity noise level. While amenity is assessed over the entire 13-hour daytime period, under the Npfi it can be compared directly to the 15-minute assessment of intrusiveness by adding 3 dB to the period level.

Amenity noise levels are not used directly as regulatory limits. They are used in combination with the project intrusiveness noise level to assess the potential impact of noise, assess mitigation options and determine achievable noise requirements.

An extract from the NSW Npfi that relates to the amenity noise levels for surrounding receivers is given in Table 5.1.



M18860.01 Bobs Creek Hardwood Mill

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Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended L_{Aeq} Noise Level dB
Residence	Rural	Day	50
		Evening	45
		Night	40

Note: Daytime is defined as 7.00am to 6.00pm, Monday to Saturday; 8.00am to 6.00pm Sunday and Public Holidays.
Evening is defined as 6.00pm to 10.00pm, Monday to Saturday and Public Holidays.
Night is defined as 10.00pm to 7.00am, Monday to Saturday; 10.00pm to 8.00am Sunday and Public Holidays.

Table 5.1 Recommended amenity criteria from the NSW Noise Policy for Industry.

6. INSTRUMENTATION

Background noise measurements were recorded using a Type I integrating sound level meter (SLM), model EL-316X, manufactured by Acoustic Research Labs. A Lutron sound level calibrator, model SC-941, was used as a reference sound source immediately before and after measurements were taken. Both instruments are in current calibration from a NATA registered laboratory. An integrating sound level meter can process a continuous, variable, intermittent or impulsive signal to give a single integrated level or L_{Aeq} for the sampling period. This equipment complies with AS 1259 'Acoustics-Sound level meters', Part 2 "Integrating-Averaging" and the testing procedure with AS 2659 "Guide to the use of sound measuring equipment".

All measurements for mechanical equipment were recorded using a Type I integrating sound level meter (SLM), model SVAN958, manufactured by Svantech.

Additional background noise measurement, for the purpose of comparison, using a Type 2 sound level meter data logger, Noise Sentry RT, manufactured by Convergence Instruments.

7. BACKGROUND LEVELS

7.1 BACKGROUND NOISE MEASUREMENTS

Background noise levels were recorded with the firewood mill not operating, from the 30th July to 4th August 2018. The recordings were taken at the boundary of the nearest residential receiver, shown as Position A in Figure 7.1, the reasonably most-affected location for noise impact. A second measurement was taken from the location of the Hardwood Mill, Position B, as a method for comparison.

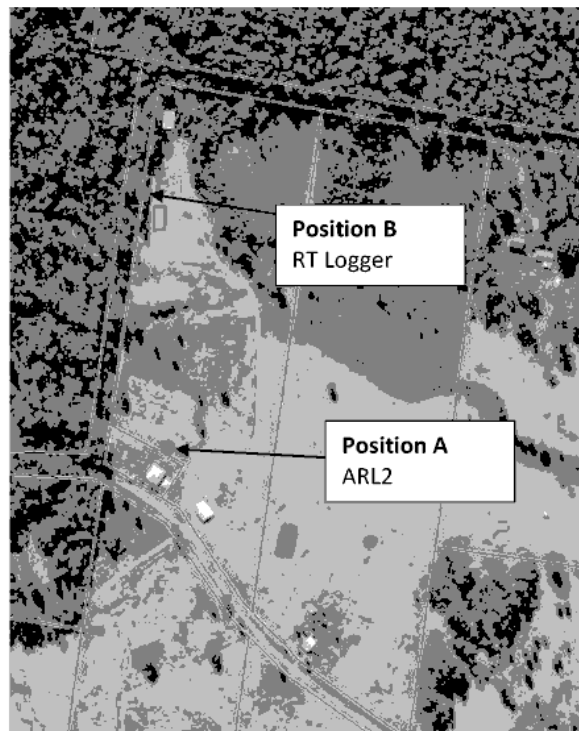


Figure 7.1 Positions of the Sound Level Meters used for background noise measurements

The background noise measurement results are displayed below in, Table 7.1. A photo of the sound level metre is shown in Appendix C: Photos . Results of the daily noise logger measurements are in Appendix B: Noise Logger Daily Results.

Noise Descriptor	Days	Period	L _{A90,15min}	L _{Aeq,15min}
Existing Background Level	Mon - Sat	Daytime	36	48
		Evening	41	49
		Night-time	38	50
	Sun	Daytime	41	45
		Evening	41	46
		Night-time	37	56

Note: Daytime is defined as 7.00am to 6.00pm, Monday to Saturday; 8.00am to 6.00pm Sunday and Public Holidays.
Evening is defined as 6.00pm to 10.00pm, Monday to Saturday and Public Holidays.
Night is defined as 10.00pm to 7.00am, Monday to Saturday; 10.00pm to 8.00am Sunday and Public Holidays.

Table 7.1 Measured background A-weighted sound pressure levels

The Rating Background Noise Level, as defined by the NPfI, is the L_{A90,15min} result for the measurement period. As the operation of the Hardwood Mill is from 7:30 am To 4:00 pm, the day time result for the L_{A90,15min} will be used as the Rating Background Noise Level.

Daytime Rating Background Noise Level (RBL) = 36dB(A)



7.2 PROJECT NOISE TRIGGER LEVELS

The background noise levels were characterised by vehicle noise travelling along the Pacific Highway and the operation of the Herons Creek Timber Mill, the location of these noise sources is shown in Figure 3.2. Other noise characteristics include dogs barking and occasional bird calls.

The amenity and intrusiveness noise levels and resulting project trigger levels applicable to sources of continuous operational noise associated with the project (i.e. mechanical plant and equipment) are shown below in Table 7.2.

Days	Period	Rating Background Level $L_{A90,15min}$ (dB)	Intrusiveness Noise Level ¹ $L_{Aeq,15min}$ (dB)	Project Amenity Noise Level ² $L_{Aeq,15min}$ (dB)
Monday – Saturday	Daytime	36	41	48

Note 1: Intrusiveness noise level is $L_{Aeq,15min} \leq RBL + 5$ dB

Note 2: Project amenity noise level (PANL) is suburban ANL minus 5dBA plus 3dBA to convert from a period level to a 15-minute level.

Table 7.2 Project trigger levels

The project noise trigger level is taken to be the lowest $L_{Aeq,15min}$ value, when comparing the Intrusiveness Noise Level and the Project Amenity Noise Level.

Daytime Project Noise Trigger Level = 41 dB(A)

8. OPERATIONAL NOISE LEVELS

8.1 MEASURED NOISE LEVELS AT NEAREST RESIDENCY

The operational noise levels of the hardwood mill were recorded from 1st August to 7th August. The measurements were taken by the EL-316X Sound Level Meter from the same location as the background noise measurements, Position A shown in Figure 7.1 Positions of the Sound Level Meters used for background noise measurements. The results are given below in Table 9.1, and are taken from the loudest 15-minute period during recording, 12:30 to 12:45 on Monday 6 August. Operational noise levels at the location of the hardwood mill (Position 2) were recorded as a reference and are also shown in the table.

Under the NPfl, machinery that is deemed to have a tonal quality receive a 5dB penalty to the L_{Aeq} measurement. After undertaking a 1/3 octave band analysis of the chainsaw used as part of the log saw machine, it was determined that tonal noise is present, and the penalty should be issued.

Logger Position	$L_{Aeq,15min}$	$L_{A90,15min}$	$L_{10,15min}$
<i>Nearest residential boundary, Position 1</i>	55+5	52	57
<i>Hardwood Mill, Position 2</i>	80+5	74	86

Table 8.1 Measured operational noise levels of the hardwood mill



Measured operational noise level at the nearest residential boundary: 60 dB(A)

This value is in excess of the 41 dB(A) Project Noise Trigger Level by 19 dB(A).

The Operation of the Hardwood Mill does not comply with NPfl guidelines.

9. NOISE MODELLING

Noise modelling was performed to supplement the noise measurements. By modelling the noise transmission from the sawmill to the house, it can be determined whether the results of the measurement are reliable, as well as designing any noise mitigation that might be appropriate.

9.1 NOISE SOURCE LEVELS

The sound power levels, L_{WA} , for the operations of the firewood mill were recorded during a typical working day on August 8th, 2018. The results are shown below in Table 9.1. The readings are consistent with previous recordings of similar equipment that are available from databases listed in:

- AS2436-2010: Guide to noise and vibration control on construction, demolition and maintenance sites.
- The Department of Energy and Infrastructure in South Australia published "Infrastructure Works at Night – Operational Instruction 2.7", the "Handbook of Noise and Vibration Control" (2007).

Activity	Equipment	Sound Power Level, SWL (dB)	Combined SWL (dB)
Log Delivery and unloading	Prime Mover	107	112
	Excavator	110	
Loading, Splitting & Docking Logs	Excavator	110	114
	Log Saw	111	
	REX 600X	105	
Loading Deliveries	KSS80	96	98
	Firewood Delivery Truck	94	
Yard Duties	Skid Steer Loader	100	111
	Chainsaw	111	

Table 9.1 Sound Power Levels for the individual activities of the firewood mill

The noise levels at the nearest residential boundary as well as estimates for outside and inside the residence, for each activity are given in ¹ Under the NPfl, machinery that is deemed to have a tonal quality receive a 5dB penalty to the L_{Aeq} measurement

² The values given for the noise level outside and inside the residence are for reference only. The criterion must be compared to the noise level on the boundary to determine acceptability.

Table 9.2. These calculations are based on the measured SWL figures in **Table 9.1** and take into account the following standard assumption:

- Soft ground distance attenuation of 61 dB(A) will apply between the noise sources and the boundary of the nearest residence, as given in AS 2436 – 2010, Section B3.

Activity	Predicted level at boundary (dBA)	Day Period	
		Trigger Level (dBA)	Residual Noise Impact (dBA)
Log delivery & unloading	51	41	+10
Loading, Splitting & docking	53+5 ¹	41	+17
Loading deliveries	37	41	Nil
Yard Duties	50+5 ¹	41	+14

¹ Under the NPfl, machinery that is deemed to have a tonal quality receive a 5dB penalty to the L_{Aeq} measurement

² The values given for the noise level outside and inside the residence are for reference only. The criterion must be compared to the noise level on the boundary to determine acceptability.

Table 9.2 Noise of individual activities assessed at the nearest residential boundary.

9.2 RESIDUAL NOISE IMPACTS

Table 9.1 shows that predicted noise levels are above the project noise trigger level. (The theoretical calculation for the noisiest activity, loading, splitting and docking logs, is 53 dB(A). This figure is consistent with the measured level of 55 dB(A) as the difference between the two values is below the level perceivable by the human ear).

Where the predicted levels at the nearest residential boundary are above the trigger level, the NPfl states that there could be a “residual noise impact” at the receiver location. Because the predicted level is more than 5dBA above the trigger level, and occasionally more than the amenity level for rural areas, the residual impact is considered “moderate” to “significant” depending on the noise source. Section 10 discusses potential noise mitigation to reduce these impacts.

If the predicted noise level minus the project noise trigger level is:	And the total cumulative industrial noise level is:	Then the significance of residual noise level is:
≤ 2 dB(A)	Not applicable	Negligible
≥ 3 but ≤ 5 dB(A)	< recommended amenity noise level or > recommended amenity noise level, but the increase in total cumulative industrial noise level resulting from the development is less than or equal to 1dB	Marginal
≥ 3 but ≤ 5 dB(A)	> recommended amenity noise level and the increase in total cumulative industrial noise level resulting from the development is more than 1 dB	Moderate
> 5 dB(A)	\leq recommended amenity noise level	Moderate
> 5 dB(A)	> recommended amenity noise level	Significant

Table 9.3 Significance of residual noise impacts from the NPfl

10. RECOMMENDATIONS

To reduce the impact of residual noise the following recommendations should be considered. As the residual noise impact is significant and the operations complex, a staged approach should be considered. This approach follows that the most efficient and reasonable mitigation solutions be implemented first. The noise level at the receiver can then be re-measured to determine if further mitigation is required.

The recommendations, described in Section 10.1, should be implemented under the first stage of mitigation. It is expected they will reduce the residual noise level to less than 4 dBA, corresponding to a marginal impact for the receiver under the NPfl. It is expected the tonality of the noise when measured at the receiver will be negated by these recommendations.

10.1 STAGE 1 RECOMMENDATIONS

10.1.1 ENGINE MUFFLERS

There are two major power units that drive machinery in the firewood mill:

- Deutz 4-cylinder air cooled diesel engine. This is the standard engine on the REX 600X and powers the hydraulic equipment.
- Deutz 6-cylinder diesel engine used to power the hydraulic equipment on the log saw system, designed by Scandinavian Forestry and Engineering

The exhaust noise of both these engines dominates the operating area. It is relatively simple to lower the noise level by the addition of a second exhaust silencer or muffler, see Figure 10.1. The first mufflers will lower the exhaust noise by 10-15 dBA. In this case, the second muffler is expected to achieve a more realistic 3 dBA as other noise sources such as the chainsaw hydraulic motor will become more dominant. The recommendation is to fit an additional muffler (any size or type but at least 300 mm long) to each of the engines. It may be convenient, and better acoustically, to install a round muffler parallel to the existing muffler by first fitting a 90 or 180-degree bend to the exhaust pipe.

In addition to this, the positioning of the exhaust on the Deutz 6-cylinder engine should be lowered. When connecting the additional muffler, a section of pipe with a U-bend can be attached between the two mufflers. The pipe should be of sufficient length so that the exhaust be no more than 1.0 m from the ground. This will ensure that noise flanking over Acoustic Barrier 1, is minimised.

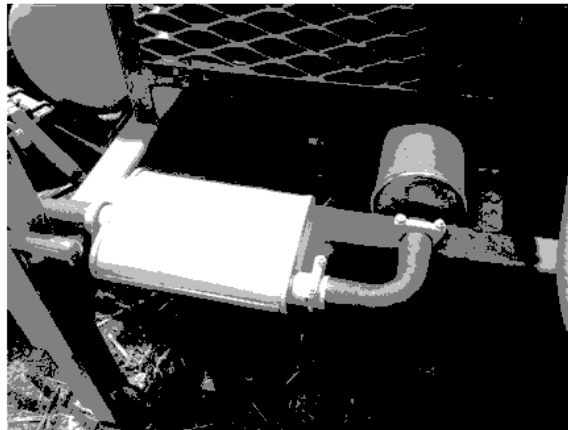


Figure 10.1 Example of additional muffler connection that was specified on a previous project

10.1.2 ACOUSTIC BARRIER 1

Due to the positioning of the Deutz log saw engine it would be an easy task to build either a fixed or portable barrier to screen the engines. The barrier need only be three sided and at its simplest be constructed from rubber sheeting such as old conveyor belting. The height of the barrier should be at least 3.0 m so to block noise from the chainsaw component of the log saw and should be placed as close as possible to the end of the log saw closest to the nearest residency. Under the AS 2436 – 2010, enclosures of such design can be expected to reduce the noise level of the equipment by minimum of 7 dBA. An example is given below, Figure 10.2.

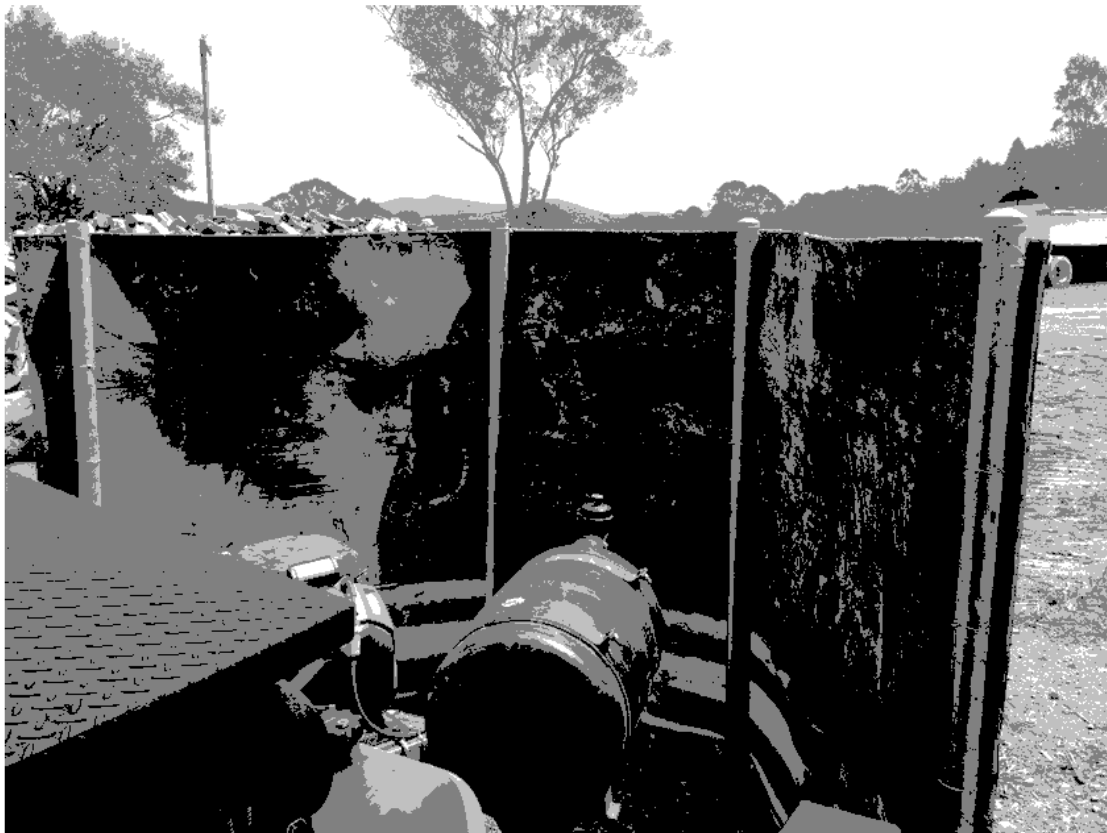


Figure 10.2 Example of an acoustic barrier that was specified on a previous project.

10.2 STAGE 2 RECOMMENDATIONS

The recommendation described in Section 10.1 Stage 1 Recommendations are predicted to reduce noise by approximately 10 dBA, depending on the activity being undertaken. Further, the measures will reduce the tonality of the noise and are expected to eliminate the application of the 5 dBA penalty when measured at the receiver. It is recommended that further noise measurement be undertaken to determine whether the second stage of noise mitigation is necessary. If, following these measurements, the residual noise impact is not deemed to be sufficient the following recommendation should be implemented.

10.2.1 ACOUSTIC BARRIER 2

The second acoustic barrier is to be located as close as possible to the boundary of the nearest residency, see Figure 10.4. The barrier should be constructed 4.8 m high, with four 1.2 m wide x 2.4 m long timber panels (form ply is one possible product) stacked on top of each other. The barrier is to run the entire length of the exposed northern residential boundary. As per the first acoustic barrier, it is expected that the reduction of noise level will be a minimum of 7 dBA. An example of a similar acoustic barrier used at the nearby Herons Creek Timber Mill is shown below in Figure 10.3.

It is important to note that the cost to implement the second acoustic barrier is likely to be significant, further noise measurement following the completion of stage one would allow the height and location of the barrier

to be better tailored to the situation, minimising the associated cost. Depending on the noise mitigation provided by Stage 1 an alternative location may be suitable. A barrier located close to the hardwood mill noise sources could be designed in conjunction with the operator. This barrier would be required to be of similar height, approximately 4.0 m, but the length would be shortened reducing the amount of material needed for construction.



Figure 10.3 Example of a timber acoustic barrier used at the nearby I Herons Creek Timber Mill

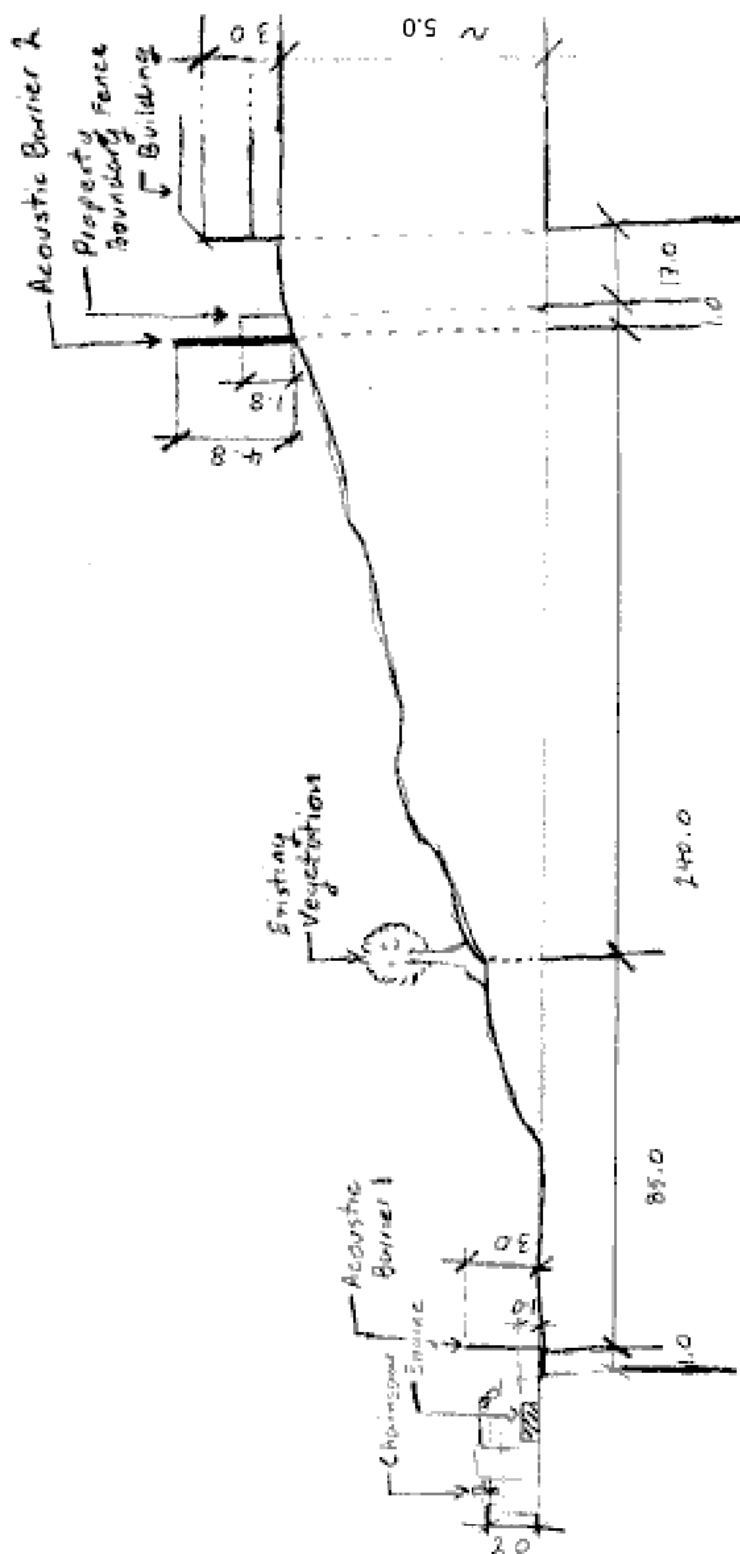


Figure 10.4 Positioning of both Stage 1 and 2 acoustic barriers – not to scale



11. CERTIFICATION FOR NOISE IMPACT STATEMENT

Acoustic Certification: Once the required recommendations that are documented in this report are implemented, the residual noise impact associated with the regular weekday activities of the hardwood mill operated by Osbornes Harvesting PTY LTD, at 75 Bobs Creek Road Bobs Creek NSW 2443, will be to an acceptable level specified in the NSW Noise Policy for Industry and the Port Macquarie – Hastings Council policy at the boundary of the nearest adjoining neighbour at 69 Bobs Creek Road Bobs Creek. Based on the information obtained by on-site noise measurements of the existing operations, the development, subject to this report, will not cause “offensive noise” as defined by the protection of the Environment Operations Act 1997.

12. CONCLUSION

Activities associated with the proposed development application for the Hardwood Mill at 75 Bobs Creek Road Bobs Creek NSW 2443 have been assessed for their noise impact. Noise levels for the operation of the mill were found to be above the acceptable EPA guidelines for the intrusive noise criterion. A recommendation for a two staged approach to reduce the noise level has been presented. If the first stage is implemented correctly It is expected the mitigation solutions will reduce the residual noise to a marginal impact level under the NPfl. If, upon further measurement, the residual noise impact is not deemed to be acceptable, a second stage of noise mitigation can be implemented.

The continued operation of the mill following the required implementation of noise mitigation would not be considered a source of offensive noise.

Philip Thornton BE(UNSW) MIE(Aust)
Acoustic Consultant
Chartered Professional Engineer





APPENDIX A: GLOSSARY OF ACOUSTIC TERMS

Assessment Period	The period in a day over which assessments are made.
dB(A)	Unit of sound level in A-weighted decibels. The A-weighting approximates the sensitivity of the human ear by filtering these frequencies. The dB(A) measurement is considered representative of average human hearing.
L_{Aeq}	The A-weighted equivalent continuous sound pressure level, used to quantify the average noise level over a time period.
L_{A10}	The A-weighted sound pressure level exceeded for 10% of the measurement period. It is usually used as the descriptor for intrusive noise level.
L_{A90}	The A-weighted sound pressure level exceeded for 90% of the measurement period. It is usually used as the descriptor for background noise level.
$L_{Aeq15min}$	Refers to the A-weighted energy averaged equivalent noise level over a 15-minute time-period.
L_{Cpeak}	The highest instantaneous C-weighted sound pressure level over the measurement period. It is usually used for high impulsive noise.
L_{Amax}	The maximum A-weighted sound pressure level for the measurement period.
Loudness	A 3dB(A) change in sound pressure level is just noticeable or perceptible to the average human ear; a 5dB(A) increase is quite noticeable and a 10dB(A) increase is typically perceived as a doubling in loudness.
RBL	The overall single figure background level representing the assessment period over the whole monitoring period. For the short-term method of assessment, the RBL is the measured $L_{A90, 15min}$ value, or where a number of measurements have been made, the lowest $L_{A90, 15min}$ value.



M18860.01 Bobs Creek Hardwood Mill

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APPENDIX B: NOISE LOGGER DAILY RESULTS

Date		M18860 ARL2 Measured Noise Level (No Operation of Machinery)								
		L10			L90			Leq		
		Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Monday	30/07/2018	48.3	52.9	54.9	38.2	41.9	37.8	46.5	49.8	51.3
Tuesday	31/07/2018	51.2	51.8	55.2	33.5	41.1	40.3	48.8	48.9	51.9
Wednesday	1/08/2018	51.0	52.2	52.5	37.1	41.1	38.2	48.6	49.1	49.5
Saturday	4/08/2018	47.6	48.2	47.6	35.7	38.6	28.3	45.6	45.2	44.2
RBL					36	41	38			
Log Average		50	52	53						
Ambient L _{Aeq}								48	49	50

Table B.0.1 Position A Background sound levels Monday – Saturday

Date		M18860 ARL2 Measured Noise Level (Operation of Machinery)								
		L10			L90			Leq		
		Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Thursday	2/08/2018	53.6	52.9	53.9	41.4	42.2	37.7	50.9	49.8	50.3
Friday	3/08/2018	55.2	50.3	48.8	43.3	40.0	33.2	51.9	48.4	45.5
Monday	6/08/2018	54.8	51.9	53.6	40.4	40.4	36.1	51.6	48.7	50.2
Tuesday	7/08/2018	54.3	53.1	54.8	41.0	42.2	39.6	51.6	50.0	51.4
RBL					41	41	37			
Log Average		55	52	53						
Ambient L _{Aeq}								52	49	50

Table B.0.2 Position A Operational Sound Levels Monday – Friday

Date		M18860 ARL2 Measured Noise Level (Weekend)								
		L10			L90			Leq		
		Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Sunday	5/08/2018	47.5	48.3	48.7	38.4	37.5	30.0	45.4	46.2	45.5
RBL					41	41	37			
Log Average		48	48	49						
Ambient L _{Aeq}								45	46	46

Table B.0.3 Position A Background sound levels Sunday



M18860.01 Bobs Creek Hardwood Mill

Structural ► Civil ► Mechanical ► Acoustic

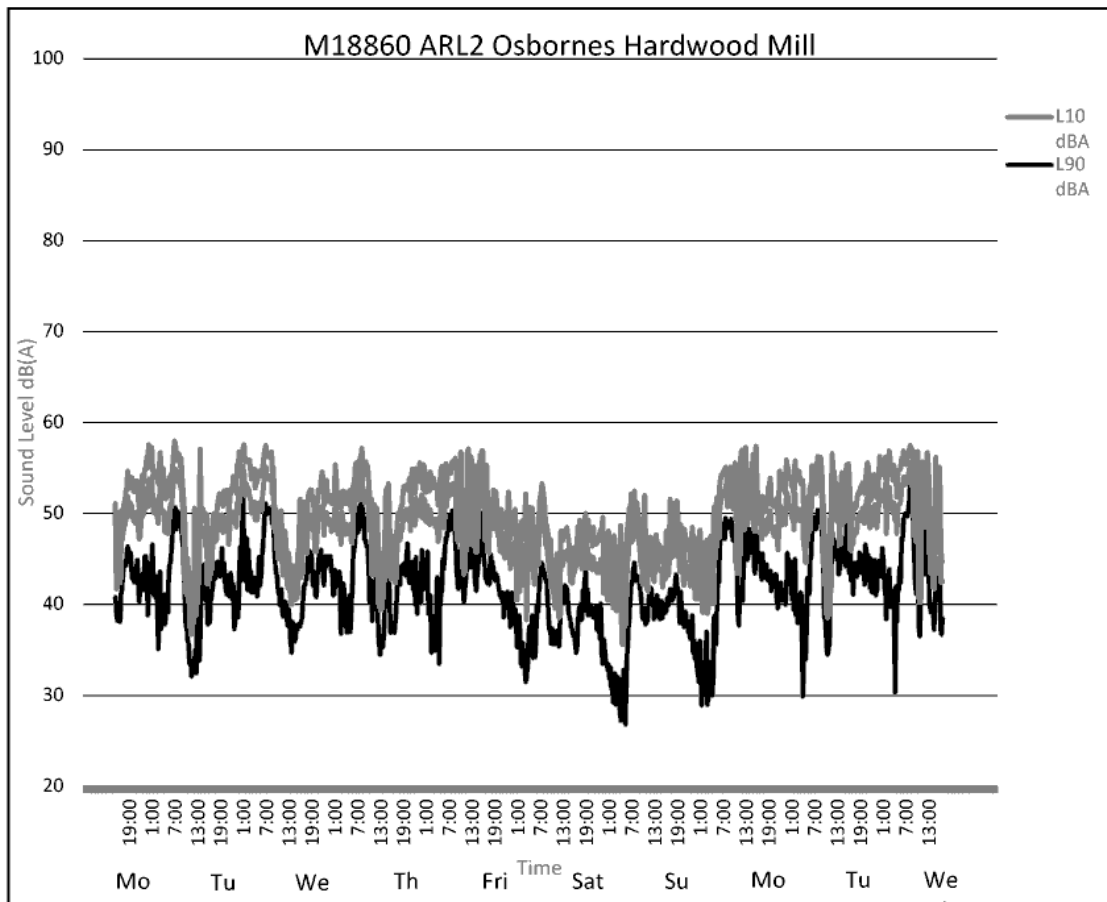


Figure B.1 Position A background sound levels graph

Date		M18860 RT Measured Noise Level (No Operation of Machinery)								
		L10			L90			Leq		
		Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Monday	30/07/2018	45.3	47.0	50.3	35.9	37.5	35.2	43.1	44.4	47.0
Tuesday	31/07/2018	56.1	46.3	52.1	32.7	36.9	36.7	52.9	43.9	49.0
Wednesday	1/08/2018	48.0	46.9	47.9	35.6	37.7	34.8	46.2	44.3	45.2
Saturday	4/08/2018	46.0	42.7	43.0	34.9	32.4	32.4	45.1	39.8	40.5
RBL					35	37	35			
Log Average		51	46	49						
Ambient L_{Aeq}								49	43	46

Table B.0.4 Position B background sound levels Monday – Saturday



M18860.01 Bobs Creek Hardwood Mill

Structural ► Civil ► Mechanical ► Acoustic

Date	M18860 RT Measured Noise Level (Operation of Machinery)								
	L10			L90			Leq		
	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Thursday 2/08/2018	85.1	48.9	50.0	50.1	38.6	34.6	81.5	46.2	47.0
Friday 3/08/2018	84.8	46.1	45.6	61.6	36.3	32.4	80.2	43.5	42.3
Monday 6/08/2018	83.4	49.7	48.9	56.7	37.9	32.4	51.6	46.6	45.7
Tuesday 7/08/2018	85.5	0.0	0.0	66.5	0.0	0.0	81.6	0.0	0.0
RBL				59	37	32			
Log Average	85	49	49						
Ambient L_{Aeq}							80	46	45

Table B.0.5 Position B operational sound levels, Monday – Friday

Date	M18860 RT Measured Noise Level (Sunday)								
	L10			L90			Leq		
	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Sunday 5/08/2018	44.1	45.1	44.2	36.0	32.4	32.4	42.2	42.2	41.4
RBL				36	32	32			
Log Average	44	45	44						
Ambient L_{Aeq}							42	42	41

Table B.0.6 Position B background sound level, Sunday

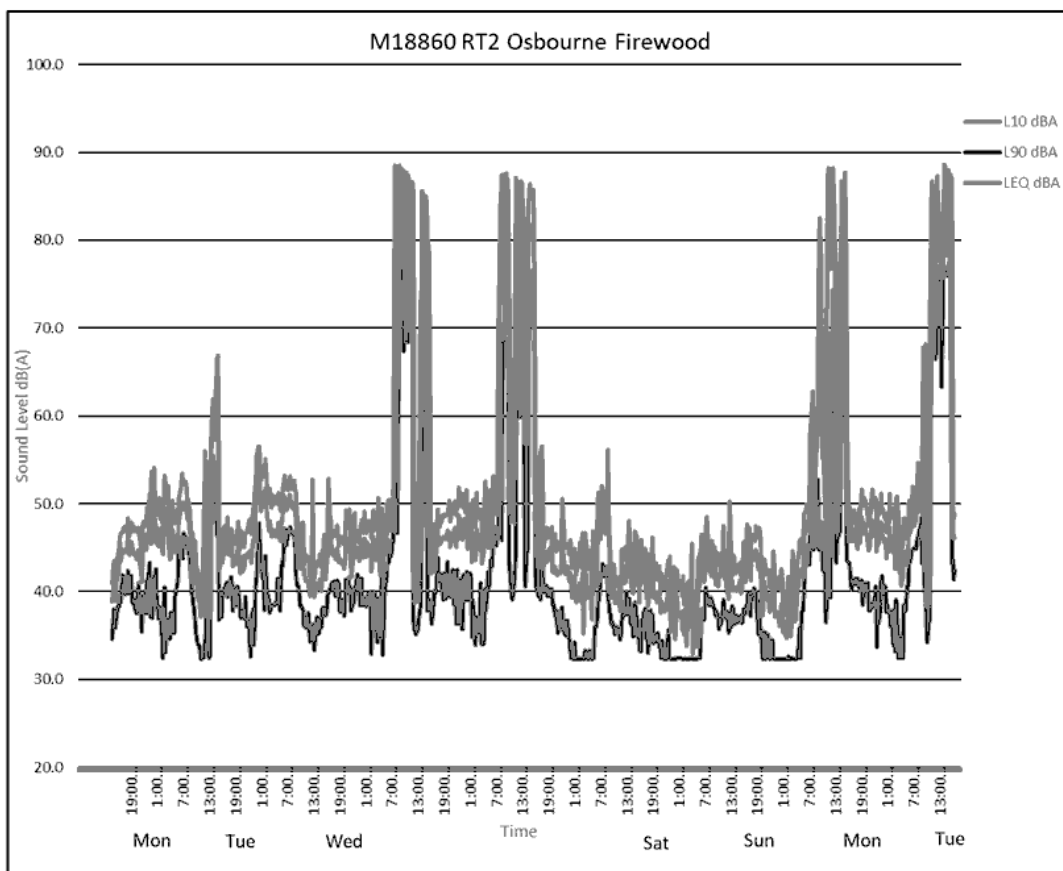


Figure B.2 Position B background sound levels graph

APPENDIX C: PHOTOS



Figure C.1 ARL position next to the property boundary of 69 Bobs Creek Rd, Bobs Creek

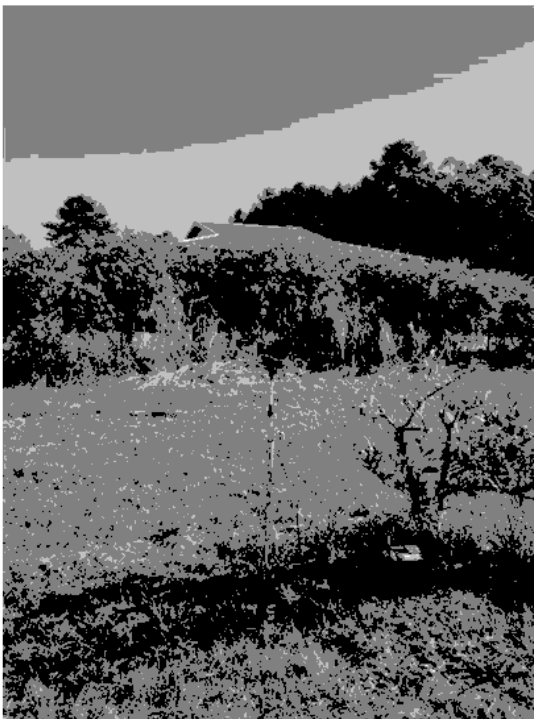


Figure C.2 ARL facing towards Hardwood mill.



Figure C.3 RT Logger, position adjacent to the log saw machine



Figure C.4 RT Logger, note forest behind fence acting as a sound barrier from highway traffic noise.



Figure C.5 Photo taken from the hardwood mill facing the nearest residency.



Figure C.6 The hardwood mill operating



M18860.01 Bobs Creek Hardwood Mill

Structural » Civil » Mechanical » Acoustic



Figure C.7 Firewood Delivery Truck



Figure C.8 CAT 320L



Figure C.9 CAT 226B



M18860.01 Bobs Creek Hardwood Mill

Structural » Civil » Mechanical » Acoustic



Figure C.10 Kawasaki KSS80



Figure C.11 Stihl MS 661C



Figure C.12 REX 900 Engine and Mount – area for acoustic treatment



Figure C.13 REX 900 Tray – area for acoustic treatment

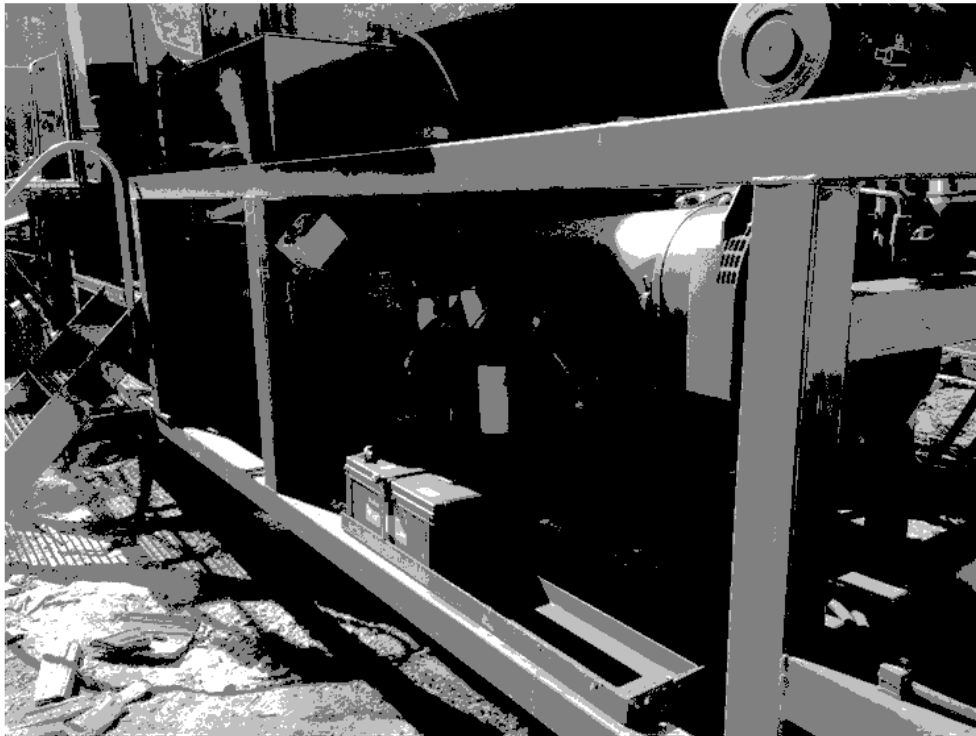
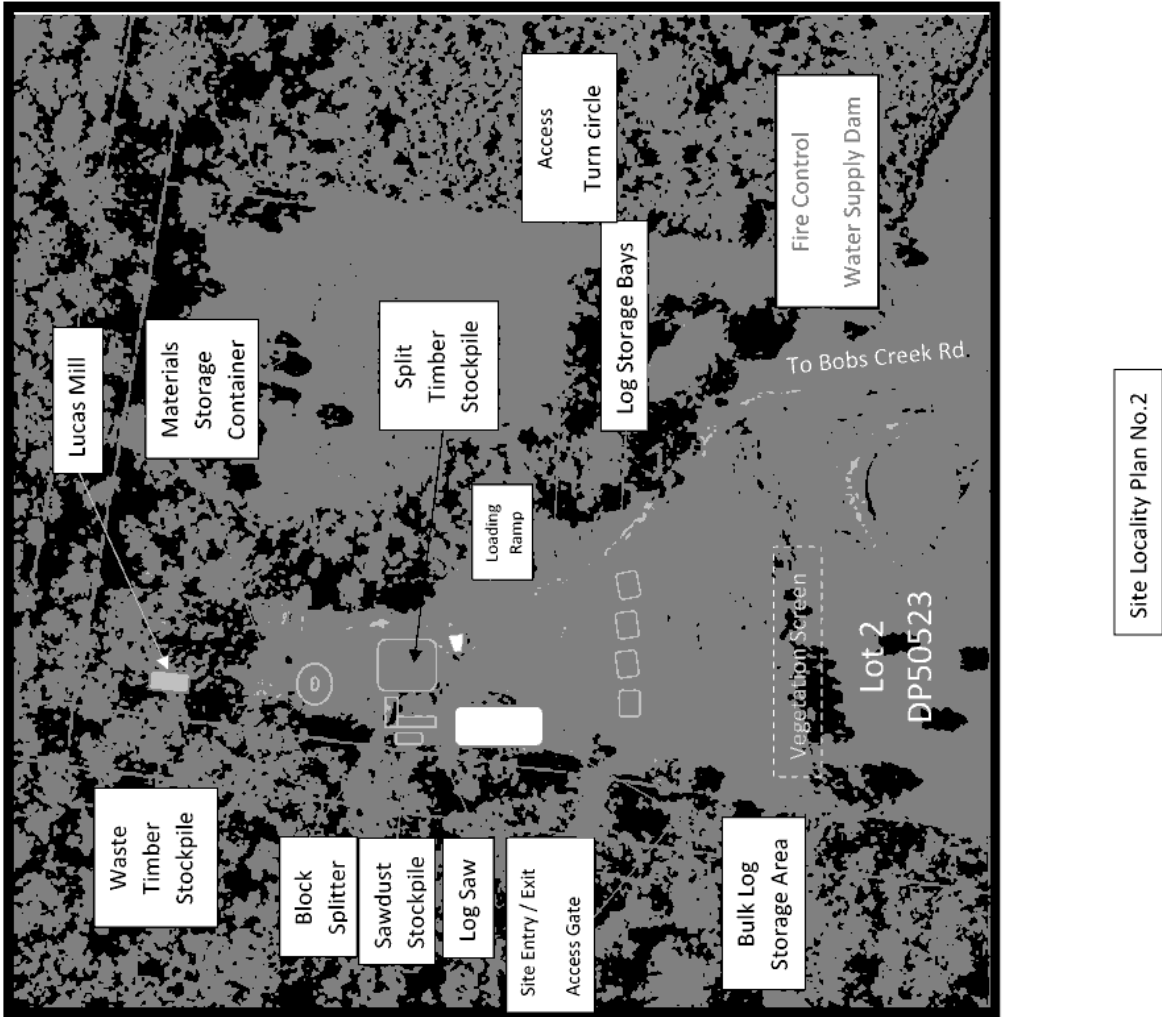


Figure C.14 Log Saw Engine and Mount – area for acoustic treatment

END OF REPORT







FORESTRY CORPORATION OF NSW

Forest Permit - MISC

Customer: _____
 To: CAMDEN HAVEN HARDWOOD PTY LTD (SAM ATKINS) No: HF55708
 Of: 75 BOBS CREEK ROAD Old Permit No: _____
 City: BOBS CREEK State: NSW PCode: 2443
 Phone: (04) 0160-5999 Fax: _____ Email: _____

THIS PERMIT authorises you to occupy the land described below for the purpose of:

COMMERCIAL ACCESS - ROADS

Subject to the Forestry Act 2012 and the Forestry Regulation 2012 and subject to the conditions and limitations of this permit.

This permit takes effect on 23-Oct-18 and, subject to the conditions hereof, expires on 22-Oct-19

Total Hectares: Description:

Use of Unnamed Road (see attached map) in Burrawan State Forest to haul firewood and harvested timber.

Forest: Burrawan STATE FOREST #181 Shire: PORT MACQUARIE HASTINGS
 Parish: QUEENS LAKE
 County: MACQUARIE
 RLPB: _____
 OP Category: MISC LPI: _____
 Local File No: F2016/00113 Ops Centre: FOREST STEWARDSHIP

Conditions of Permit: Refer to Attached Conditions

(NOTE: This fee does not include GST. FCNSW is liable to pay GST on services supplied from 1 July 2000.

Accordingly the amount shown payable below is \$550.00 which includes \$ 50.00 for GST.

See Condition(s) (GST Clause Number(s)).

Rental: \$500.00
 GST: \$50.00
 Sub Total: \$550.00
 Permit Fee: \$0.00
 Total Cost: \$550.00 Issue Date: 26-Oct-18

Signature: _____ Region: Forest Stewardship

Designation: SENIOR LAND ADMINISTRATOR ReceiptNo: A173044



JB & BE Osbourne - Proposed Commercial Access Perm Lot 2 DP 505234 - Unnamed Road - Burrawan State Fores

