



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 23 January 2019

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

**time:** 2:00pm

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

## **Development Assessment Panel**

### **CHARTER**

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#### **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	24/10/18	14/11/18	28/11/18	05/12/18	19/12/18
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	✓	✓	✓	✓	A
David Crofts (alternate member)					✓
Dan Croft (Acting Director Development & Environment) Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓  ✓	✓	✓	✓

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology

# Development Assessment Panel Meeting

Wednesday 23 January 2019

## Items of Business

Item	Subject	Page
01	Acknowledgement of Country .....	<u>8</u>
02	Apologies.....	<u>8</u>
03	Confirmation of Minutes .....	<u>8</u>
04	Disclosures of Interest.....	<u>12</u>
05	DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 - 21 Cameron Street and 3 Young Street, Wauchope .....	<u>16</u>
06	DA2018 - 900.1 Dual Occupancy And Strata Subdivision, Lot 342 DP 1237302, No.23 Gunsynd Chase, Port Macquarie .....	<u>73</u>
07	DA2017 - 410.2 Modification To Dwelling, Lot 29 DP 1045446, No 12 Loganvale Place, Logans Crossing .....	<u>97</u>
08	DA2017 - 667.1 Demolition Of Existing Building And Construction Of Boat Storage Facility And Public Amenities, Tree Removal And Road Works At Lot 2 DP 535212, No. 9 McInherney Park, Port Macquarie .....	<u>124</u>
09	DA2018 - 824.1 One Into Three Lot Torrens Title SUBdivision and Two(2) Semi-Detached Dwellings - Lot A DP 33885816, No. 16 Windmill Street Port Macquarie.....	<u>155</u>
10	DA2018 - 854.1 Two-Semi Detached Dwellings And Strata Title Subdivision - Lot 168 DP 1229414, No. 23 Allport Avenue Thrumster .....	<u>197</u>
11	DA2018 - 292.1 Dual Occupancy With Strata Subdivision, Lot 11 Sec D DP 25923, No 104 Chepana Street, Lake Cathie .....	<u>228</u>
12	DA2018 - 761.1 Additions to Existing Club at Lot 1 DP 854932, No. 1 Woodford Road, North Haven.....	<u>263</u>
13	General Business	

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 19 December 2018 be confirmed.

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**PRESENT**

***Members:***

Paul Drake  
David Crofts  
Dan Croft

***Other Attendees:***

Ben Roberts  
Caroline Horan  
Mark Edenborough  
David Troemel

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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CONSENSUS:

That the apology received from Robert Hussey be accepted.

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**03 CONFIRMATION OF MINUTES**

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CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 5 December 2018 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2017 - 1049.1 STAGED RESIDENTIAL COMMUNITY TITLE SUBDIVISION (35 LOTS) AT LOT 2 DP 1188545, LIVINGSTONE ROAD, PORT MACQUARIE**

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Speakers:

Prudence Van Coppenhagan (o)

Donna Clarke (applicant)

Michael Summers (applicant)

CONSENSUS:

That DA 2017 - 1049 for a Staged Residential Community Title Subdivision (35 lots) at Lot 2, DP 1188545, Livingstone Road, Port Macquarie, be determined by granting a deferred commencement consent subject to the recommended conditions and as amended below:

- Change the deferred commencement period from 3 months to 12 months.
- Amend the deferred commencement requirement D(i) to read '*Extension of the piped drainage system to directly connect to the existing upstream outlets servicing Orr Street, i.e. stormwater piped between Orr Street and Pacific Drive or a demonstrated alternate solution to the satisfaction of Council. Appropriate easement shall be created between Orr Street and Pacific Drive.*

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**06 DA2018 - 479.1 CHANGE OF USE - VEHICLE REPAIR STATION TO LIGHT INDUSTRY - LOT A DP 395406, NO 187 HIGH STREET, WAUCHOPE.**

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Speakers :

Brian Kirkwood (o)

Malcolm Mckenzie (applicant)

CONSENSUS:

That DA 2018 – 479.1 for a change of use from vehicle repair station to light industry at Lot A, DP 395406, No. 187 High Street, Wauchope, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition E(2) to read: '*Parking spaces being line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use. A minimum of 8 parking spaces are to be provided on site. Certification by a suitably qualified consultant is also to be submitted to the Principal Certifying Authority (PCA) confirming that the car park complies with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890.*

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- Amend condition F(12) to read:

*'Hours of operation of the development are restricted to the following hours, as amended by the recommendations of the Noise Impact Assessment by Matrix Thornton (October 2018):*

- *5am to 7pm – Mondays to Fridays*
- *7am to 4pm – Saturdays*
- *9am to 4pm – Sundays*
- *No work is permitted on Public Holidays*

*It should be noted that the Noise Impact Assessment requires the operation of mechanical equipment and truck loading/unloading to only occur between Monday to Friday 7am to 6pm and Saturday 7am to 4pm.*

*The above hours of operation also do not apply to office work, minor emergency repairs that create no noise or security checks.'*

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## **07 GENERAL BUSINESS**

Nil.

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The meeting closed at 3:05pm.



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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....

Meeting Date: .....

Item Number: .....

Subject: .....  
.....

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

☐**Pecuniary:**

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

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

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

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

May participate in consideration and voting.

For the reason that: .....

.....

Name: .....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*

**Further Explanation**

(Local Government Act and Code of Conduct)

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

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

**Pecuniary Interest**

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

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

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

**Non-Pecuniary**

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

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

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

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

***Non Pecuniary – Significant Interest***

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

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

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

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

***Non Pecuniary – Less than Significant Interest***

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Name: .....

Councillor's Signature: ..... Date: .....

**Important Information**

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

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

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

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Item: 05

Subject: DA2018 - 562.1 DEMOLITION OF EXISTING BUILDINGS, CONSOLIDATION AND BOUNDARY ADJUSTMENT, AND CONSTRUCTION OF SENIORS HOUSING AT LOTS 10 - 13 DP 861177, LOT 1 DP 782560, LOT 1 DP 393967, LOT 1 DP 390610, LOT 1 DP 1053812, LOT 1 DP 121189, LOT 1 DP 795534, LOT 1 DP 151300, LOT 3 AND 4 DP 347796, NO. 15 - 21 CAMERON STREET AND 3 YOUNG STREET, WAUCHOPE

Report Author: Chris Gardiner

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Applicant:	Wauchope RSL Club Ltd
Owner:	Wauchope RSL Club Ltd
Estimated Cost:	\$3,400,000
Parcel no:	48892, 29551, 29550, 29549, 41145, 25876, 29212, 41146, 29214, 3551, 29215, 29210

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That DA2018 – 562.1 for Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 – 21 Cameron Street and No. 3 Young Street, Wauchope, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for demolition of existing buildings, consolidation and boundary adjustment, and construction of seniors housing at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

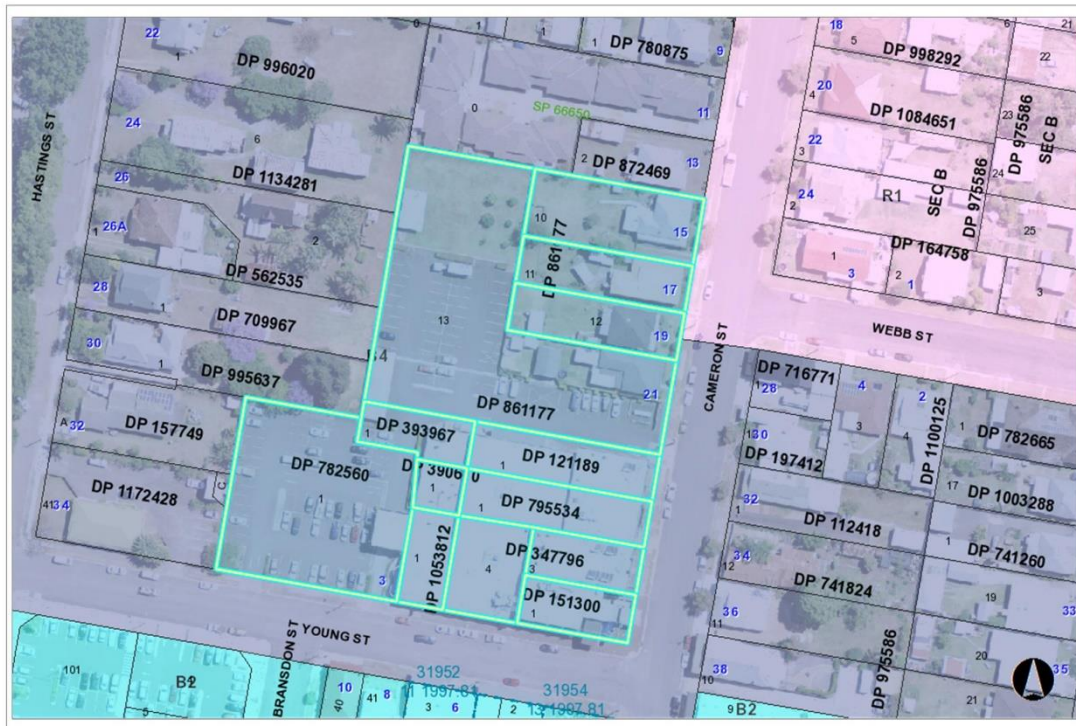
#### 1. BACKGROUND

##### Existing sites features and surrounding development

The site has an area of approximately 1.1 hectares.



The site is zoned B4 Mixed Use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Demolition of existing dwellings and outbuildings;
- Consolidation and boundary adjustment to create one lot containing the RSL Club, and one lot containing the seniors housing;
- Construction of seniors housing comprising 15 single storey self-care units.

Refer to attachments at the end of this report.

**Application Chronology**

- 27 July 2018 – Application lodged.
- 3 August 2018 to 16 August 2018 – Neighbour notification.
- 7 September 2018 – Site inspected by assessing officer.
- 17 September 2018 – Additional information requested from Applicant.
- 19 October 2018 – Additional information submitted.

**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**

In accordance with Clause 6, the land has an area greater than 1 hectare and the SEPP applies.

The land does not meet the definition of potential koala habitat in accordance with Clause 7. Therefore, no further consideration of the SEPP is required.

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

Lot 1 DP 782560, which comprises the existing car park to the west of the RSL Club building, is identified as being potentially contaminated. This lot is included in the development only to the extent that it is part of the proposed consolidation of the existing lots on which the RSL Club is located.

The proposed seniors housing development is located well clear of this lot and is considered to be suitable for the intended use.

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

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



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

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

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

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

<b>Applicable clauses for consideration</b>	<b>Comments</b>	<b>Satisfactory</b>
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Signage consistent with the objectives of the SEPP.	Yes
Schedule 1(1) Character of the area.	The site is in an area characterised by a mix of residential and commercial uses. The proposed signage wall adjacent to the Cameron Street access is compatible with the residential character of the development as well as nearby commercial uses.	Yes
Schedule 1(2) Special areas.	Proposal would not detract from the character of any special areas.	Yes
Schedule 1(3) Views and vistas.	The sign would not obscure any existing views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportions of the signage are appropriate for the existing, and likely future streetscape.	Yes
Schedule 1(5) Site and building.	The signage wall is consistent with the height and scale of the proposed buildings and would not dominate the streetscape.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	Signage not proposed to be illuminated.	Yes
Schedule 1(7) Safety.	The sign is not expected to adversely affect traffic, cyclist, or pedestrian safety.	Yes

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within a 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 of the SEPP 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;

**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.

**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Clause	Proposed	Complies
<b>4. Land to which Policy applies</b>		
Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: (a) development for the purpose of any of the following is permitted on the land: (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or (b) the land is being used for the purposes of an existing registered club.	The site is zoned B4 within the urban context of Wauchope. Residential flat buildings are permissible in the zone.  Part of the land subject the application currently contains a registered club, but the boundary adjustment and consolidation proposed in the application would ultimately result in the seniors housing being on a separate lot to the registered club.	Yes
<b>5. Relationship to other environmental planning instruments</b>		
If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the	Consistent with other planning instruments.	Yes

extent of the inconsistency.		
<b>8. Seniors</b>		
In this Policy, <i>seniors</i> are any of the following: (a) people aged 55 or more years, (b) people who are resident at a facility at which residential care (within the meaning of the <a href="#">Aged Care Act 1997</a> of the Commonwealth) is provided, (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP will be applied in the conditions of approval for the development.	Yes
<b>9. People with a disability</b>		
In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP has been included in the recommended conditions of approval for the development.	Yes
<b>10. Seniors housing</b>		
In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital. Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of	The proposal is defined as self-contained dwellings.	Yes

<p>services to housing provided under this Policy.</p> <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <p>(a) Class 3, 9a or 9c in relation to residential care facilities,</p> <p>(b) Class 1b or 3 in relation to hostels,</p> <p>(c) Class 1a or 2 in relation to self contained dwellings.</p>		
<b>13. Self-contained dwellings</b>		
<p>1) General term: "self-contained dwelling"</p> <p>In this Policy, a <i>self-contained dwelling</i> is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p> <p>(2) Example: "in-fill self-care housing"</p> <p>In this Policy, <i>in-fill self-care housing</i> is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(3) Example: "serviced self-care housing"</p> <p>In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>	Each unit is provided with its own kitchen, living areas, laundry, bathroom and bedrooms. Occupants will live independently.	Yes
<b>18. Restrictions on occupation of seniors housing allowed under this Chapter</b>		
<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same</p>	A restriction on the occupants in accordance with the SEPP will be applied as a condition of consent.	Yes

<p>household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <a href="#">Conveyancing Act 1919</a>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>		
<p><b>19. Use of seniors housing in commercial zones</b></p>		
<p>Development allowed by this chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.</p>	<p>The site is zoned B4 which permits residential flat buildings. Provision of residential units are permissible on the ground floor within the zone.</p>	<p>Yes</p>
<p><b>23. Development on land used for the purposes of an existing registered club</b></p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent</p>	<p>Not applicable. Part of the land subject the application currently contains a registered club, but the boundary adjustment and consolidation proposed in the application would ultimately result in the seniors housing being on a separate lot to the</p>	<p>Yes</p>



<p>authority is satisfied that:</p> <p>(a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and</p> <p>(b) an appropriate protocol for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.</p> <p>(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include ( but are not limited to) the following:</p> <p>(a) any separate pedestrian access points for the club and the residential areas of the proposed development,</p> <p>(b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.</p>	<p>registered club.</p> <p>Potential landuse conflicts between the RSL club and the proposed seniors housing are considered elsewhere in this report.</p>	
<p><b>26. Location and access to facilities</b></p>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable</p>	<p>The site is located centrally within the Wauchope township.</p> <p>Access to a variety of shops, services, community facilities and medical practitioners is available within short distances.</p> <p>Footpaths and access within the town centre have satisfactory grades. Public transport links are available within the town centre and to adjoining larger centres. Given the location and transport linkages available no transport service is required.</p>	<p>Yes</p>

<p>access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <ul style="list-style-type: none"> <li>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</li> <li>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development: <ul style="list-style-type: none"> <li>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</li> <li>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</li> <li>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</li> </ul> </li> </ul> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the</p>		
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<p>site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a <i>suitable access pathway</i> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><i>bank service provider</i> means any bank, credit union or building society or any post office that provides banking services.</p>		
<p><b>28. Water and sewer</b></p>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators</p>	<p>See comments under water and sewer sections later in this report.</p>	<p>Yes</p>

that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.		
<b>29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</b>		
<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p> <p>Note.</p> <p>Clause 24 (1) sets out the development applications to which that clause applies.</p> <p>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p>(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</p>	<p>The relevant considerations in clause 25 (5) are:</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p> <p>The subject site is not identified as having any known environmental values and the proposal is considered to be compatible with existing and approved development in the locality.</p> <p>The site has access to the infrastructure and services required for the proposal.</p> <p>The proposed development is single storey and consistent</p>	Yes

	with the bulk and scale of existing development to the existing development to the north, east, and west of the site. The existing RSL club to the south is of a greater bulk and scale than the proposal.	
<b>30. Site analysis</b>		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A satisfactory site analysis has been prepared and forms part of the architectural plans.	Yes
<b>31. Design of in-fill self-care housing</b>		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	The applicant has demonstrated consideration of the urban design guidelines. Satisfactory compliance demonstrated.	Yes
<b>32. Design of residential development</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Addressed – See comments under clauses 33-39 below.	Yes
<b>33. Neighbourhood amenity and streetscape</b>		
The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any	The area has been zoned B4 to encourage a higher density and mix of commercial and residential development within the Wauchope town centre. The area is the transition point between the existing commercial and business development and the older smaller scale residential development.	Yes

<p>heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone.</p>	<p>The zoning permits a higher density and it is anticipated that future development will further define the character of the area.</p> <p>The development provides a front setback comparable to the existing dwellings proposed to be demolished and other existing development to the north of the site. The proposal would sit appropriately within the existing and likely future streetscape. A lesser front setback would be expected for street front commercial uses.</p> <p>Landscaping will be provided in the streetscape along Cameron Street and also along the shared internal access on the southern side of the development. The design is complimentary to the character of the area.</p> <p>No listed heritage items are located adjacent to the site however a heritage character exists within the precinct.</p>	
<p><b>34. Visual and acoustic privacy</b></p>		
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, <i>Acoustics—Recommended design sound levels and reverberation times for building interiors</i> and the Australian Standard entitled AS 3671—1989, <i>Acoustics—Road traffic noise intrusion—Building</i></p>	<p>An acoustic report has been submitted as part of the application and further comments are provided under Noise and Vibration later in this report.</p>	<p>Yes</p>

<i>siting and construction</i> , published by Standards Australia, should be referred to in establishing acceptable noise levels.		
<b>35. Solar access and design for climate</b>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	It is considered that adequate solar access is available to adjoining residential sites as the development is single storey. Main private open space areas are located on the eastern and northern sides of the buildings and would receive adequate sunlight.	Yes
<b>36. Stormwater</b>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	A stormwater management plan has been submitted with this application. On- site detention is proposed. The application has been assessed by Council's stormwater engineers and appropriate conditions of consent applied.	Yes
<b>37. Crime prevention</b>		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p>	The proposed development provides passive surveillance of Cameron Street from the living and outdoor areas of Units 1-6. The perimeter of the site is fenced and the vehicular/pedestrian access points from the internal road and car park are proposed to be gated. Individual access points are proposed for Units 1-6 from Cameron Street, which would increase pedestrian use of the public areas.	Yes



(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.		
<b>38. Accessibility</b>		
The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The perimeter of the site is fenced and the pedestrian access points from the internal road and car park are well defined. Individual access points are proposed for Units 1-6 from Cameron Street.	Yes
<b>39. Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Common bin storage areas have been nominated adjacent to each of the vehicular access points.	Yes
<b>40. Development standards—minimum sizes and building height</b>		
(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line. (4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application	Proposed seniors housing site is approximately 4089m <sup>2</sup>  Site frontage- 68.17m  Residential flat buildings are permitted in the zone. The height of the buildings does not exceed 8m.	Yes

made by any of the following: (a) the Department of Housing, (b) any other social housing provider.		
<b>41. Standards for hostels and self-contained dwellings</b>		
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. (2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.	See comments below on relevant Schedule 3 requirements.	
<b>50. Standards that cannot be used to refuse development consent for self-contained dwellings</b>		
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds: (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, (c) landscaped area: if: (i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	These controls cannot be used for reasons of refusal if satisfied.  (a) Building height is less than 8m.  (b) Density and scale - proposal has FSR of 0.37:1.  (c) Formal landscaped area provided within the site only 19% of the site area. Landscaping considered adequate to integrate the development with the existing streetscape and soften visual impact. Landscaping provides for small canopy trees, which will improve streetscape.  (d) Adequate deep soil zone proposed.  (e) Solar access – 11 of the 15 units (73%) would receive	No-however considered satisfactory in context of development - refer to LEP comments in relation to building height.



<p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <i>deep soil zone</i>). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p> <p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(f) private open space for in-fill self-care housing: if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area, Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p>	<p>3 hours of direct sunlight between 9am and 3pm midwinter. Units 1, 3, 5, and 15 would receive less than 3 hours direct sunlight to living areas and private open space during this period.</p> <p>(f) Private open space provided – minimum 15m<sup>2</sup> per dwelling including 3m x 3m area off living space.</p> <p>(h) 15 x 2 bedroom dwellings. 30 x 0.5 spaces = minimum 15 spaces required. Proposed provides 15 parking spaces in garages and an additional 2 visitor parking spaces in the RSL car park adjacent to the site.</p>	
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<p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider. Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>		
<p><b>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</b></p>		
<p><u>Part 1 – Standards applying to hostels and self-contained dwellings</u>  <u>1 Application of standards in this Part</u>  The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.  <u>2 Siting standards</u>  (1) Wheelchair access  If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.  (2) If the whole of the site does not have a gradient of less than 1:10:  (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and  (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.  Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.  (3) Common areas  Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use</p>	<p>The submitted plans demonstrate that the proposal is capable of complying with these standards. Conditions recommended requiring the Construction Certificate plans to demonstrate compliance.</p>	<p>Yes</p>

<p>common areas and common facilities associated with the development.</p> <p>3 Security</p> <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p> <p>4 Letterboxes</p> <p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p> <p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p> <p>6 Accessible entry</p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p> <p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p>		
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<p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p> <p><b>8 Bedroom</b></p> <p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p> <p><b>9 Bathroom</b></p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p>		
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<p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p> <p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p> <p>11 Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces. Note. Advice regarding finishes may be obtained from AS 1428.1.</p> <p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p> <p>13 Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p> <p><u>Part 2 – Additional standards for self-contained dwellings</u></p> <p>14 Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.</p> <p>15 Living room and dining room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p> <p>16 Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one</p>		
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<p>work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p> <p>17 Access to kitchen, main bedroom, bathroom and toilet In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p> <p>18 Lifts in multi-storey buildings In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p> <p>19 Laundry A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p> <p>20 Storage for linen A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS</p>		
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4299. 21 Garbage A garbage storage area must be provided in an accessible location.		
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### 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 B4 Mixed Use. In accordance with clause 2.3(1) and the B4 zone landuse table, the proposed development for seniors housing is a permissible landuse with consent.

The objectives of the B4 zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

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

- The proposal is a permissible landuse;
- The development is associated with the existing RSL club.
- The development will provide additional variety of housing types in Wauchope that will be well situated and maximise walking opportunities to surrounding services.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.1 - No minimum lot size for subdivision applies to the land.
- Clause 4.3, the maximum overall height of the buildings above ground level (existing) is 4.7m which complies with the standard height limit of 8.5m and 11.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.37:1 which complies with the maximum 1.5:1 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.
  - However, it is noted that given the older style dwellings proposed to be demolished, a previous application (DA2015 – 230) involving demolition of the same buildings was referred to Council's Heritage advisor who provided the following comments:
    - *"The proposal necessitates the demolition of 5 residential properties numbered 15 to 21 Cameron Street. The properties are owned by the RSL Club. Three of the said properties have cultural heritage value in their streetscape contribution as a record of early 20th century timber dwellings in the Wauchope town area. They are #21, #17, #15 Cameron Street appear to have been constructed pre World War 1. #19 is a later 1950-60s building, #13 is a 1940 – 50s building and is clad with asbestos. Both buildings are considered of lesser streetscape contribution value, while collectively they provide a contiguous form on the street edge.*

- *There is continuity of streetscape and building character, form and scale in this area of Cameron Street. Site consolidation will destroy the historical pattern of subdivision, which is an important element in defining the character of Wauchope residential areas on the commercial perimeter. The fact that three residences that have potential Environmental Heritage Value are proposed to be demolished as a result of this development again highlights that the Heritage Study is in desperate need for revision and expansion.*
- 
- *The heritage value of these buildings should be recognized. Wauchope representatives have been asking for more attention to be given to Wauchope and its character and its better promotion and articulation. Time and funds for the heritage advisor to follow this through have not been available. There is an urgent need for a heritage DCP for Wauchope and the controls over the town centre, either in the form of establishment of a heritage conservation area or character precinct or even individual review and listing of buildings to avail protection and to articulate the reasons for listing and preservation. The heritage list in schedule 5 of the LEP should not be static schedule.*
- 
- *The proponent could be asked to reconsider the redevelopment in the light of the potential heritage value of the buildings and redesign with a view to incorporate them, or seek appropriate sites for reuse and relocation as opposed to demolition.”*
- 
- In the assessment of DA2015 – 230 it was considered that in the absence of a statutory listing of the property under the LEP, there were insufficient grounds to request a redesign of the proposal to incorporate the dwellings. It was additionally considered that it would not be possible to sustain a refusal on heritage grounds given the lack of statutory weight. Conditions of consent were imposed to require photographic evidence to be collected prior to demolition and recommending that the dwellings be relocated if possible.
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- The dwellings on No's 19 and 21 Cameron Street have subsequently been removed in accordance with that consent, and only the dwellings on No's 15 and 17 remain. The dwelling on No. 15 appeared to have been prepared for relocation at the time of the site inspection.
- 
- As the demolition/removal of the buildings has previously been granted consent, the current application could not be refused on the basis of heritage impact. However, conditions similar to those imposed on DA2015 – 230 are recommended.
- 
- 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

Requirements	Proposed	Complies
Chapter 2.3 Environmental Management		
2.3.3.1 Cut and fill max 1.0m	Cut and fill <1m change.	Yes
2.3.3.2 - Max height retaining wall along road 1m. - Retaining wall and fence combination not to exceed 1.8m	No front fence and retaining wall combination proposed.	N/A
Chapter 2.4 Hazards Management	The site is not affected by any hazards.	N/A
Chapter 2.5 Traffic, Access, Parking		Yes, subject to parking contribution
2.5.3.2 Minimal driveway numbers and width	The proposal would involve removal of the existing crossovers in Cameron Street, with all vehicular access to the development via the RSL car park. The development would improve the available street parking.	
2.5.3.3 Off-street parking <u>Residential</u> 1 space per 1 & 2 bed plus 1 visitor space per 4 units 45 x 2 bed units proposed = 45 spaces for units and 12 visitor spaces, which equates 67 spaces total.	See comments regarding parking later in this report.	
<u>RSL Club</u>  1 per 6m2 of serviced floor area plus 1 per 2 employees.		
Chapter 2.6 Tree management	The proposal does not involve removal of any Koala food trees or hollow bearing trees.	Yes
Chapter 2.7 Social Impact and Crime Prevention	See comments later in this report regarding social impact and crime prevention.	Yes

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

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

**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:**

The site has a general easterly street frontage orientation to Cameron Street. Adjoining the site to the north, west and east are residential allotments generally containing single storey dwellings and some small scale commercial businesses.

Adjoining the site to the south is the existing RSL Club and other commercial development.

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 the mix of land uses 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. Privacy within the development and for existing residential properties adjoining the site would be adequately protected by building design and fencing.

There is no adverse overshadowing impacts.

**Roads**

The site is on the corner of Young Street and Cameron Street with frontage and vehicle / pedestrian access to both roads. Vehicle access will be to the existing driveways on Young Street and Cameron Street to the RSL Club.

Adjacent to the site, Cameron Street is a sealed public road under the care and control of Council. Cameron Street is a local commercial road with a 14.4 metre carriageway within a 21 metre road reserve.

Adjacent to the site, Young Street is a sealed public road under the care and control of Council. Young Street is a local commercial road with a 12.9 metre carriageway within a 20 metre road reserve.

**Traffic and Transport**

The Statement of Environmental Effects states:

*"The proposed seniors living housing is not anticipated to be a high traffic generator. The proposed car parking arrangements and manoeuvring within the site is acceptable. The residents of the site are well located to walk to existing shops and services and bus stops which provide service to Port Macquarie."*

The application also includes a Traffic Impact Assessment from SECA Solution on 30 March 2015 in support of a similar development on the same site. Findings of the study determined:

*“The proposed seniors living housing is not anticipated to be a high traffic generator. The proposed car parking arrangements and manoeuvring within the site is acceptable. The residents of the site are well located to walk to existing shops and services and bus stops which provide service to Port Macquarie.*

*The site is ideally situated for this form of development being flat and within easy walking distance to Wauchope Town Centre. Public transport services which provide access further afield, including Port Macquarie and the nearby train station which connects to Sydney and Brisbane. The existing operations of the Wauchope RSL Club will continue unchanged and remaining parking has been shown to be sufficient for the club attendances. Wauchope RSL intend to own and manage the seniors housing with the intent of making it available to RSL club members.”*

Council’s engineers agree with the traffic assessment in this regard and it is considered that the existing road network is capable of accommodating the additional traffic generated by the development.

**Site Frontage & Access**

Vehicle access to the site is proposed via the existing access driveways in Cameron Street and Young Street.

**Parking and Manoeuvring**Existing parking (RSL Club):

The site currently contains 125 off-street parking spaces associated with the RSL Club use. A further 3 spaces are line marked adjacent to the Cameron Street access, which are currently not useable due to the presence of barriers associated with a former LPG tank in this location.

Previous approvals:

DA2004 – 599 assessed the existing parking demand for the club in accordance with (former) DCP 18 to be 349 spaces. 128 spaces were available on the site at the time, and the conditions of consent required 128 spaces to be retained on the site for the RSL Club.

DA2015 – 230 – A Traffic Impact Assessment (TIA) prepared by SECA Solution and dated 30 March 2015 was submitted in support of this proposal. The TIA provided an existing count of 113 onsite spaces in use by the RSL. As the proposed reconfiguration of parking resulted in 108 spaces for the RSL and 4 commercial spaces which can be used by the RSL during the evenings, the TIA implied that the resulting site shortfall would be only 1 space.

However, the count of existing spaces by Council staff based on aerial photography at the time was 121 spaces. This discrepancy appears to have arisen due to 6 spaces under a carport on the western boundary, and 2 spaces with faded line marking nearby. The proposal therefore resulted in a reduction by 13 spaces within the RSL car park compared to the existing scenario. A credit for the 4 commercial spaces which were assumed to be available during the evening, there was a resulting shortfall of 9 spaces, which would occur at least weekly. The actual number



of cars parking within the public road was considered to be even higher than suggested in the TIA.

Current application:

Parking for the seniors housing component of the development satisfies the requirements in the SEPP (minimum 15 spaces required). The proposal provides 15 parking spaces in garages and an additional 2 visitor parking spaces in the RSL Club car park adjacent to the site.

Available parking for the RSL Club would be reduced with the loss of parking on the northern side of the internal access road and the northern end of the current car park. The plans show a total of 40 spaces retained in the northern parking area (including the 2 visitor spaces for the seniors housing), with an additional 61 spaces available in the western car park (total 101 spaces).

The parking provisions for the RSL Club is therefore 24 spaces short of the existing parking that is available on the site, 20 spaces less than the 121 spaces that were accepted to be existing at the time of DA2015 – 230, and 27 spaces short of the number of spaces required by the conditions of DA2004 – 599. Given that the most recent consent accepted that 121 spaces was appropriate for the RSL Club, it is considered reasonable to base the parking shortfall on this figure. The 101 spaces proposed to be provided in the current application is therefore 20 spaces short of the previously accepted parking demand.

Parking credits can be applied for the additional street parking that would be created in Cameron Street by the removal of existing driveway crossovers (equivalent to 2 spaces).

The overall shortfall in parking is therefore considered to be 18 spaces. The land is located within the area of the Wauchope Town Centre parking contributions in the Port Macquarie-Hastings Contributions Plan 1993 – Part C – Car Parking. A condition is recommended requiring Section 7.11 contributions for the shortfall in parking.

The Applicant has also provided a copy of a 20 February 1967 resolution of Hastings Council, as follows:

47. That the letter from the Wauchope R.S.L. Sub-Branch Club offering to repay a loan of \$4,000 plus interest charges, if the Council will raise such a loan for the purpose of purchasing land in Bransdon Street for the purpose of a car park and requesting that a motion be placed on Council's books for future reference, that if at any time Council wishes to dispose of the land, the R.S.L. Club be offered the opportunity to purchase the land at the present figure, i.e., \$4,000, be received and the R.S.L. Club be given an assurance that in the event of subsequent disposal of the land that the Club would be given the opportunity to purchase the land at \$4,000.

The Applicant has submitted that the above payment for purchase of land by Council for the purpose of town centre car parking in Wauchope should be considered as an appropriate contribution for the parking shortfall in the current application. However, there is insufficient information on Council's records as to the background of the land purchase and whether it was associated with the parking demands of an earlier development. It is therefore not possible to quantify what credits (if any) should be applied for the historic purchase of this land. There is also a substantial historic shortfall in parking for the site (more than 200 spaces at the rates in the DCP) that would need to be taken into account. The Applicant could request the parking



contributions be reviewed through a Section 4.55 application, if further evidence could be provided in this regard.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements. Refer to relevant conditions of consent.

**Water Supply Connection**

Council records indicate that the development site has existing 20mm metered water services.

Each dwelling shall be individually metered for water supply with a master meter installed at the Cameron Street road frontage. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

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

Refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that the development site has multiple connections to Council's sewer system. A sewer reticulation plan shall be submitted to Sewer Section for approval. Any redundant sewer junctions shall be capped at the main.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards the street frontage and is currently serviced via a direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit. Extension of Council's piped drainage in Cameron Street is required to service the frontage of proposed Lot 2 (containing the seniors housing development).

The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system. The Stormwater Drainage Strategy prepared by Hopkins Consultants makes provision for an ultimate interallotment drainage system serving adjoining properties to the west of the site (No. 22 to 30 Hastings Street). The strategy relies upon construction of parts of the system by the relevant property owners. There is no nexus to require the developer to carry out construction of the full interallotment drainage system for the benefit of these properties. However, the system will need to have the necessary capacity, and include creation of the required easements to allow for future connection by upstream properties.

Flows from the surcharge pit across the northern end of the RSL car park are considered safe in nature (depth/velocity) and the proposed easement (B) provides the legal right to drain. The substantial easement serves a dual purpose, also acting

as an incentive to construct the ultimate drainage arrangement prior to proceeding with any further development within the easement's footprint.

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

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

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

Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Refer to LEP comments relating to heritage.

**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**

The proposal includes common waste storage facilities adjacent to each of the vehicular access points. A condition is recommended requiring a private waste collection service for the development. The Construction Certificate plans will need to demonstrate that the swept path of a waste collection vehicle can be accommodated in accordance with AS 2890. The western access may need to be altered in this regard.

Standard precautionary site management condition recommended for construction and demolition waste.

### Energy

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

### Noise and vibration

The application relies on previous acoustic assessment carried out as part of DA2015 – 230 by Reverb Acoustics, which assessed the impacts on residential development of noise from the RSL activities and plant, as well as road traffic noise. The noise criteria required to be satisfied are detailed below.

#### Living Areas:

Road Traffic (Day)	40dB(A),Leq (internal) windows closed 45dB(A),Leq (internal) windows open
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Noise Sources	31dB(A),Leq (internal)
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#### Bedrooms:

Road Traffic (Night)	35dB(A),Leq (internal) windows closed 40dB(A),Leq (internal) windows open
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Noise Sources	25dB(A),Leq (internal) 35dB(A),L1 (internal)
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The report provides detailed construction recommendations that would achieve the above internal noise criteria. However, the recommendations were specific to the building proposed under the previous DA2015 – 230 and are not able to be directly applied to this proposal.

A condition is recommended requiring certification from an appropriately qualified acoustic consultant that the plans submitted with the application for a Construction Certificate will achieve the relevant noise criteria.

Condition also recommended to restrict construction to standard construction hours.

### Bushfire

The site is not identified as being bushfire prone.

### Safety, security and crime prevention

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

### Social impacts in the locality

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts. The site is located in proximity to the types of goods and services that are likely to be needed by future residents of the seniors housing. A public transport route is available in proximity to the site, which provides access to higher order services in Port Macquarie.

The provision of additional housing for seniors in an accessible location is considered to be of social benefit.

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative Impacts**

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
The development will further block existing surface water runoff from No. 22 Hastings Street, causing stormwater impacts on adjoining properties.	See comments earlier under Stormwater.  The design is required to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system. The Stormwater Drainage Strategy prepared by Hopkins Consultants makes provision for an ultimate interallotment drainage system serving adjoining properties to the west of the site (including No. 22 Hastings Street). The strategy relies upon construction of parts of the system by the relevant property owners. There is no nexus to require the developer to carry out construction of the full interallotment drainage system for the benefit of these properties. However, the system will need to have the necessary capacity, and include creation of the required easements to allow for future connection by upstream properties.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION 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- 562.1 Recommended Conditions
- 2 [View](#). DA2018 - 562.1 Plans



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/562****DATE: 11/12/2018****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Plans	1719 Drawing No: 01 – 09 Rev A	Craig Teasdell Architect	25 July 2018
Deep Soil Diagram	1719 Drawing No: 10 Rev B	Craig Teasdell Architect	8 October 2018
Stormwater and Subdivision Plans	7265-0002, 003 and 004 Rev A	Hopkins Consultants	18 July 2018
BASIX Certificate	946465M_02	Concept Designs Australia	27 July 2018
Statement of Environmental Effects	-	Gem Planning Projects	July 2018
Noise Impact Assessment	15-1889-R1	Reverb Acoustics	June 2015

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

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

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

- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of

the relevant authority including the provision of easements over existing and proposed public infrastructure.

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

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

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

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

- i. deposit with the Council, or

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

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

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

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Public parking areas including;
    - a. Driveways and access aisles;
    - b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
  2. Sewerage reticulation.
  3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Stormwater systems.
  5. Erosion & Sedimentation controls.
  6. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  7. Provision of a 1.5m (unless varied in writing by Council) concrete footpath across the full road frontage of the property.

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

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving

- (4) (B009) The applicant shall surrender the consent relating to DA No. DA2015 - 230 for Demolition of Dwellings, Lot Consolidation, Boundary Adjustment, Construction of Residential Flat Building for the Purpose of Seniors Housing and Construction of Commercial Premises at 15 - 27 Cameron Street, 28 - 30 Hastings Street, and Young Street, Wauchope by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.

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

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- Port Macquarie-Hastings Contributions Plan 1993 - Part C – Car Parking
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:



- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (9) (B048) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in designated garbage areas. If an external area is used for the storage of putrescible material then the area shall be:
- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
  - b. Provided with a hose tape connected to the water supply;
  - c. Paved with impervious material;
  - d. Graded and drained to the sewer system, and
  - e. Designed to prevent the entry rainwater.
- (10) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system Cameron Street must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
  - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 7265-0002 prepared by Hopkins Consultants and dated 18 July 2018.
  - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
  - d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - e) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre

development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

- f) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - g) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
  - h) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
  - i) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
  - j) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
  - (12) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
  - (13) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority.
  - (14) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
  - (15) (B195) Each dwelling shall be individually metered for water supply with a master meter installed at the Cameron Street road frontage. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Details are to be submitted with the application for a Construction Certificate.
  - (16) (B196) Council records indicate that the development site has multiple connections to Council's sewer system. A sewer reticulation plan shall be submitted to Sewer Section for approval prior to the issue of a Construction Certificate. Redundant sewer junctions shall be capped at the main.
  - (17) (B197) Prior to the issue of a Construction Certificate, certification is to be submitted to the Principal Certifying Authority from a suitably qualified acoustic consultant that the buildings will satisfy the noise criteria in Section 5 of the Noise Impact Assessment prepared by Reverb Acoustics and dated June 2015.
  - (18) (B198) Prior to the issue of a Construction Certificate, the Applicant shall demonstrate that the internal access roads are capable of accommodating the swept path of a garbage collection vehicle in accordance with AS 2890. The western access may be widened if necessary to meet this requirement.
  - (19) (B199) Prior to release of a construction certificate, an accessibility report and certification prepared by a suitably qualified access consultant is to be



submitted confirming that the design of building satisfies the design and construction criteria contained in SEPP (Housing for Seniors or People with a Disability) 2004.

- (20) (B200) Prior to the issue of the Construction Certificate, the developer shall submit to Council written acknowledgement that:
- a) Prior to the removal of the existing buildings occurring, all lead, asbestos or Asbestos Containing Materials (ACM) in the buildings shall be removed and disposed of properly by an appropriately licensed asbestos remover; and
  - b) All landfill receipts for the disposal of all asbestos and/or ACM will be required to be submitted to Council prior to the issuing of the Occupation Certificate; and
  - c) Certification of all asbestos/lead removal work and asbestos/lead disposal will be required to be submitted to Council prior to the issue of the Occupation Certificate; and
  - d) A Clearance Certificate for all premises where asbestos/ACM was removed will be required to be submitted to Council prior to the issuing of the Occupation Certificate.

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

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (3) (C195) Prior to works commencing a photographic heritage record of dwellings at numbers 15 & 21 Cameron Street is to be made and submitted to Council. In recognition of their potential heritage value it is recommended that these dwellings are preserved and relocated off site.

#### **D – DURING WORK**

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

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

- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (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](#)

- (5) (D040) Wastes shall not be disposed of by burning.
- (6) (D195) Prior to the removal of the existing buildings any lead, asbestos or Asbestos Containing Materials (ACM) in the buildings shall be removed and disposed in full accordance with all current legislation, standards, codes of practice and guidelines. Please note that certification of the satisfactory removal of all lead and/or asbestos will be required to be submitted to Council, prior to the buildings being removed.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Evidence of the registration of the proposed consolidation and boundary adjustment shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.

- (4) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (7) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (8) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (9) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (10) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (11) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.
- The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
  - b. The Proprietor shall have the OSD inspected annually by a competent person.
  - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which

convey stormwater from the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

- (12) (E047) Prior to the issue of any Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to ensure the ongoing maintenance of the existing overland flowpath through the site.

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

- a. The proprietor of the property shall be responsible for maintaining and keeping clear the overland flowpath traversing the site.
- b. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the overland flowpath; and recover the costs of any such works from the proprietor.
- c. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the overland flowpath, or failure to clean, maintain and repair the overland flowpath.

Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

- (13) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

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

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land



which comprise the SQID and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (14) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.

- (15) (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.

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

- (17) (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.

- (18) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.

- (19) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.

- (20) (E068) Prior to the issue of a Subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots and dwellings (including street lighting and fibre optic cabling where required).

- (21) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.

- a. Easement for access and parking over Lot 3, benefitting Lot 2.

Details are to be submitted to Council prior to issue of the Subdivision Certificate.

- (22) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all

services and domestic drainage lines are wholly contained within the respective lots and easements.

- (23) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring into account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (24) (E195) Prior to the issue of the Occupation Certificate, all receipts for the asbestos and/or ACM disposal at a licensed waste facility shall be submitted to Council.
- (25) (E196) Prior to release of an occupation certificate, an accessibility report and certification prepared by a suitably qualified access consultant is to be submitted confirming that the completed building satisfies the design and construction criteria contained in SEPP (Housing for Seniors or People with a Disability) 2004.
- (26) (E197) Residents are restricted to persons specified in Clause 18(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The application for a Subdivision Certificate shall include a restriction on proposed Lot 2 in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to above.
- (27) (E198) Prior to the issue of an Occupation Certificate, certification is to be submitted to the Principal Certifying Authority from a suitably qualified acoustic consultant that the completed buildings satisfy the noise criteria in Section 5 of the Noise Impact Assessment prepared by Reverb Acoustics and dated June 2015.

#### **F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons of the RSL Club and residents and visitors of the seniors housing. A minimum of 15 spaces are to be provided on Lot 2 for the seniors housing, and a minimum of 101 spaces are to be provided on Lot 3 for the RSL Club.
- (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) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (4) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.



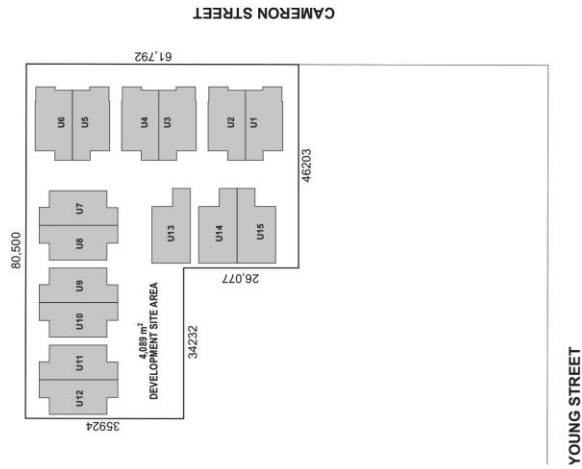


## DEVELOPMENT APPLICATION

01	CONTENT
02	LOCALITY PLAN
03	SITE PLAN
04	ROOF PLAN
05	NORTH + EAST ELEVATIONS
06	SOUTH + WEST ELEVATIONS
07	UNITS 1 - 6
08	UNITS 7 - 12
09	UNITS 13 - 15

**NOTE: TO BE READ IN CONJUNCTION WITH THE STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY GEM PLANNING PROJECTS PTY LTD**





## 2 DRAFT SUBDIVISION

**Certificate no.** 000303490  
**Associate Name** Stephen Collins  
**Association no.** 20374  
**Expiry date** 26 July 2018



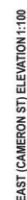
**Certificate type** Diving Address  
**Current Street** WALCHOPH, NSW  
**Postcode** 2446

**Member since** 2016

 <p>Suite 5/1, 23 Clarence Street Port Macquarie NSW 2444 m: 0468 662 246 NSW Architects Registration Board No. 6662</p>	<p><b>General Notes</b></p> <p>1. All dimensions are to face unless otherwise stated.</p> <p>2. All work to be done in accordance with the Australian Standard AS/NZS 4503:2018.</p> <p>3. The client is responsible for obtaining all necessary permits and approvals.</p> <p>4. The client is responsible for obtaining all necessary permits and approvals.</p> <p>5. The client is responsible for obtaining all necessary permits and approvals.</p>		<p><b>Revisions</b></p> <p>A 2017/18 SUBMITTED FOR DEVELOPMENT APPLICATION</p>	<p><b>LOCALITY PLAN</b></p> <p>PROJECT: CAMERON GRANGE</p> <p>SELF CONTAINED DWELLINGS</p> <p>15-17 CAMERON STREET WAIKHOPE</p> <p>CLIENT: WAIKHOPE RSL CLUB</p>	<p>Scale:</p> <p>Date: 2017/18</p> <p>Drawing No.: <b>02</b></p> <p>Project No.: <b>1719</b></p> <p>Rev: <b>A</b></p>
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<p><b>General Notes</b></p> <p>1. All dimensions are given in millimeters unless otherwise stated.</p> <p>2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.</p> <p>3. The contractor shall ensure that all work is carried out in accordance with the relevant building codes and standards.</p> <p>4. The contractor shall ensure that all materials used are of good quality and meet the required specifications.</p> <p>5. The contractor shall ensure that all work is completed within the agreed time frame.</p> <div style="text-align: right;">  <p>Member of the Institution of Structural Engineers</p> </div>	<p style="text-align: center;"><b>Revisions</b></p> <p>A. 23.07.2018 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p style="text-align: center;"><b>ROOF PLAN</b></p> <p><b>PROJECT CAMERON GRANGE</b></p> <p><b>SELF CONTAINED DWELLINGS</b></p> <p><b>15 - 21 CAMERON STREET WAUCHOPE</b></p>	<p>Project No:</p> <p style="font-size: 1.2em; font-weight: bold;">1719</p> <p>Scale: 1:200 @ A1</p> <p>Date: 23/7/18</p> <p>Drawing No:</p> <p style="font-size: 1.2em; font-weight: bold;">04</p> <p>Rev:</p> <p style="font-size: 1.2em; font-weight: bold;">A</p>
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<p><b>Client Name:</b> Mr. Alexander Brown</p> <p><b>Project Address:</b> 15-27 Cameron Street, Wainchope</p> <p><b>City/State/Postcode:</b> Wainchope, NSW 2518</p> <p><b>Project Date:</b> 20 July 2018</p> <p><b>Scale:</b> @ A1</p> <p><b>Project No:</b> 1719</p> <p><b>Date:</b> 20/7/18</p> <p><b>Rev:</b></p> <p><b>Drawing No.:</b> 05</p> <p><b>Client:</b> WAINCHOPE RES. CLUB</p>	<p><b>Revisions</b></p> <p>A 20/07/2018 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p><b>Project Name:</b> NORTH + EAST ELEVATIONS</p> <p><b>PROJECT LOCATION:</b> WAINCHOPE RES. CLUB</p> <p><b>SELF-CONTAINED DWELLING:</b> 15-27 CAMERON STREET WAINCHOPE</p>	<p><b>Client:</b> WAINCHOPE RES. CLUB</p>

**General Notes**

1. All dimensions are to face unless otherwise stated.

2. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

3. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

4. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

5. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.


6. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

7. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

8. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

9. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

10. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.



**Architect:** Craig Teasdale

**NSW Architects Registration Board No. 6962**

**Site Address:** 15-27 Cameron Street, Wainchope, NSW 2518

**Project No:** 1719

**Scale:** @ A1

**Date:** 20/7/18

**Rev:**

**Drawing No.:** 05

**Client:** WAINCHOPE RES. CLUB





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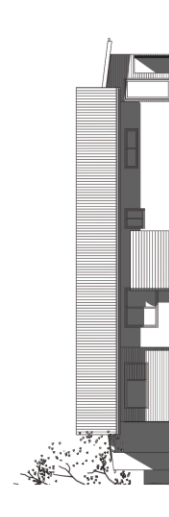
EAST VIEW



UNIT 5 EAST ELEVATION



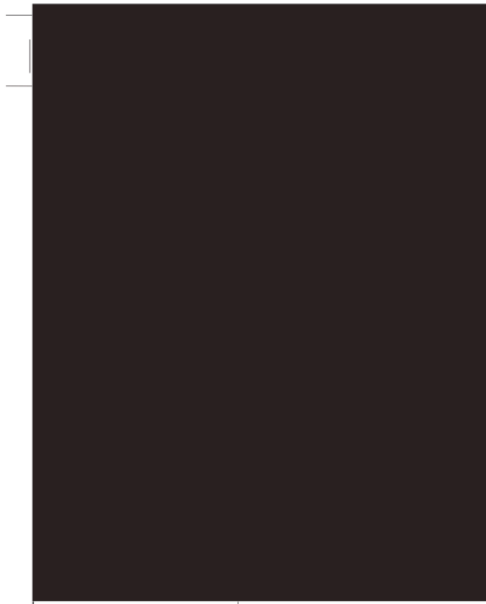
UNIT 5 WEST ELEVATION



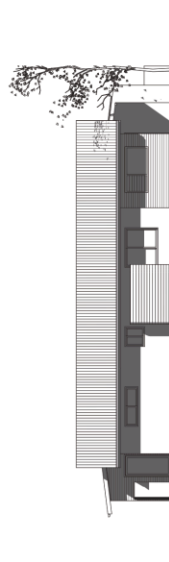
UNIT 5 NORTH ELEVATION

**UNIT AREA DATA**

	APPROX.
1-6 FLOOR AREA	103M <sup>2</sup> PER
1-6 GARAGE	24M <sup>2</sup> PER



CAMERON STREET UNITS



UNIT 5 SOUTH ELEVATION

**Craig Teasdale**  
ARCHITECT

Suite 10, 35 Cameron Street  
Port Macquarie NSW 2444  
Ph: 0488 882 240  
NSW Architects Registration Board No. 6952

**General Notes:**  
1. All dimensions are based on the approved application.  
2. The client is responsible for obtaining all necessary permits and approvals.  
3. The client is responsible for obtaining all necessary permits and approvals.  
4. The client is responsible for obtaining all necessary permits and approvals.

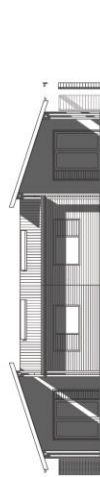
**Revisions**  
A 2017/2018 ISSUED FOR DEVELOPMENT APPLICATION

**UNITS 1 - 6**  
PROJECT CAMERON GRANGE  
SELF CONTAINED DWELLINGS  
15-21 CAMERON STREET WALCHOPPE  
CLIENT WALCHOPPE REEL CLUB

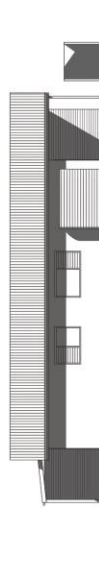
**Project No:** 1719  
**Date:** 27/07/18  
**Drawing No.:** 07  
**Rev:** A



**Architect:** Craig Teasdale  
**Architect No.:** 2017/18  
**Project Address:** 15-21 CAMERON STREET WALCHOPPE NSW 2444  
**Project Name:** CAMERON GRANGE



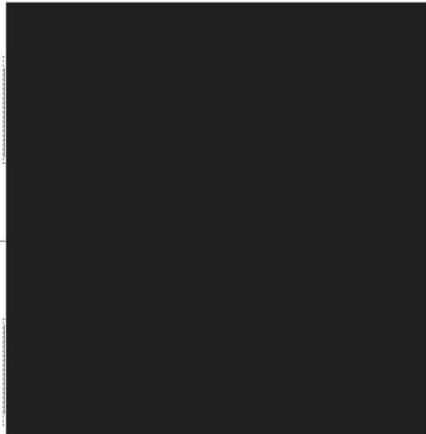
U10 NORTH ELEVATION



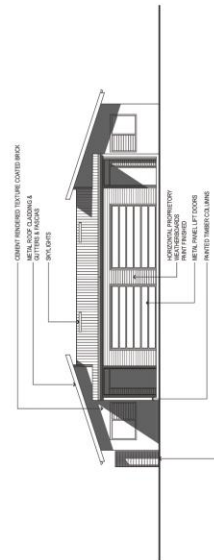
U9 EAST ELEVATION



U10 WEST ELEVATION



Unit Plans North



**SOUTH ELEVATION**

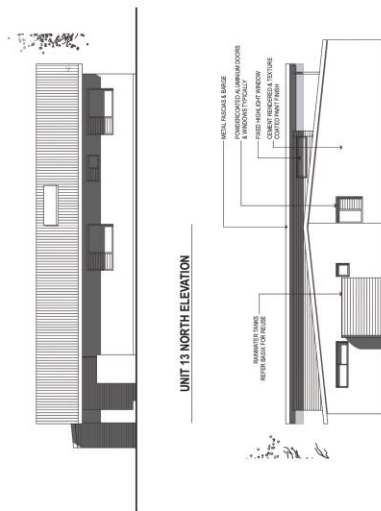


<p><b>General Notes</b></p> <p>1. All dimensions are based on architectural consultation.</p> <p>2. Verify existing conditions and confirm with owner.</p> <p>3. Do not disturb existing structures or utilities without written permission.</p> <p>4. Do not disturb existing structures or utilities without written permission.</p> <p>5. Do not disturb existing structures or utilities without written permission.</p>	<p><b>Revisions</b></p> <p>A. 2/27/2018 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p><b>UNITS 7 - 12</b></p> <p><b>PROJECT CAMERON CRANCE</b></p> <p><b>SELF-CONTAINED DWELINGS</b></p> <p><b>16-21 CAMERON STREET WAUCHOPE</b></p> <p><b>CLIENT WAUCHOPE RSL CLUB</b></p>	<p>Scale: 1/500 @ A1</p> <p>Date: 2017/18</p> <p>Drawing No.: <b>08</b></p> <p>Rev: <b>A</b></p>	<p>Project No:</p>
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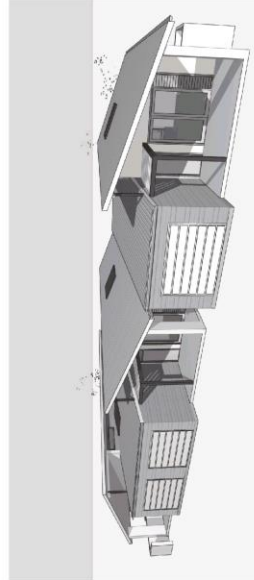
Suite 5A 23 Clarence Street  
Port Macquarie NSW 2444  
m: 0493 660 240  
NSW Architects Registration Board



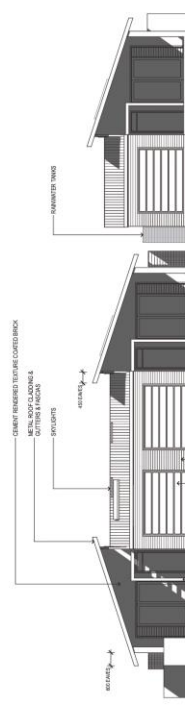
UNIT 13 NORTH ELEVATION



UNIT 13 SOUTH ELEVATION

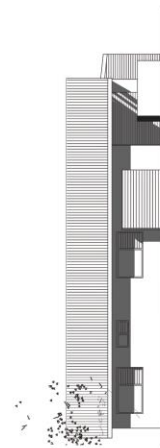


UNITS 13 14 15 VIEW



UNIT 15 EAST ELEVATION

UNIT FLOOR PLANS



UNIT 15 SOUTH ELEVATION

**UNIT AREA DATA**

	PER	PER
13- 15 FLOOR AREA	104M <sup>2</sup>	PER
13- 15 GARAGE	25M <sup>2</sup>	PER



Project No:	1719
Date:	27/7/18
Drawing No.:	09
Rev:	A

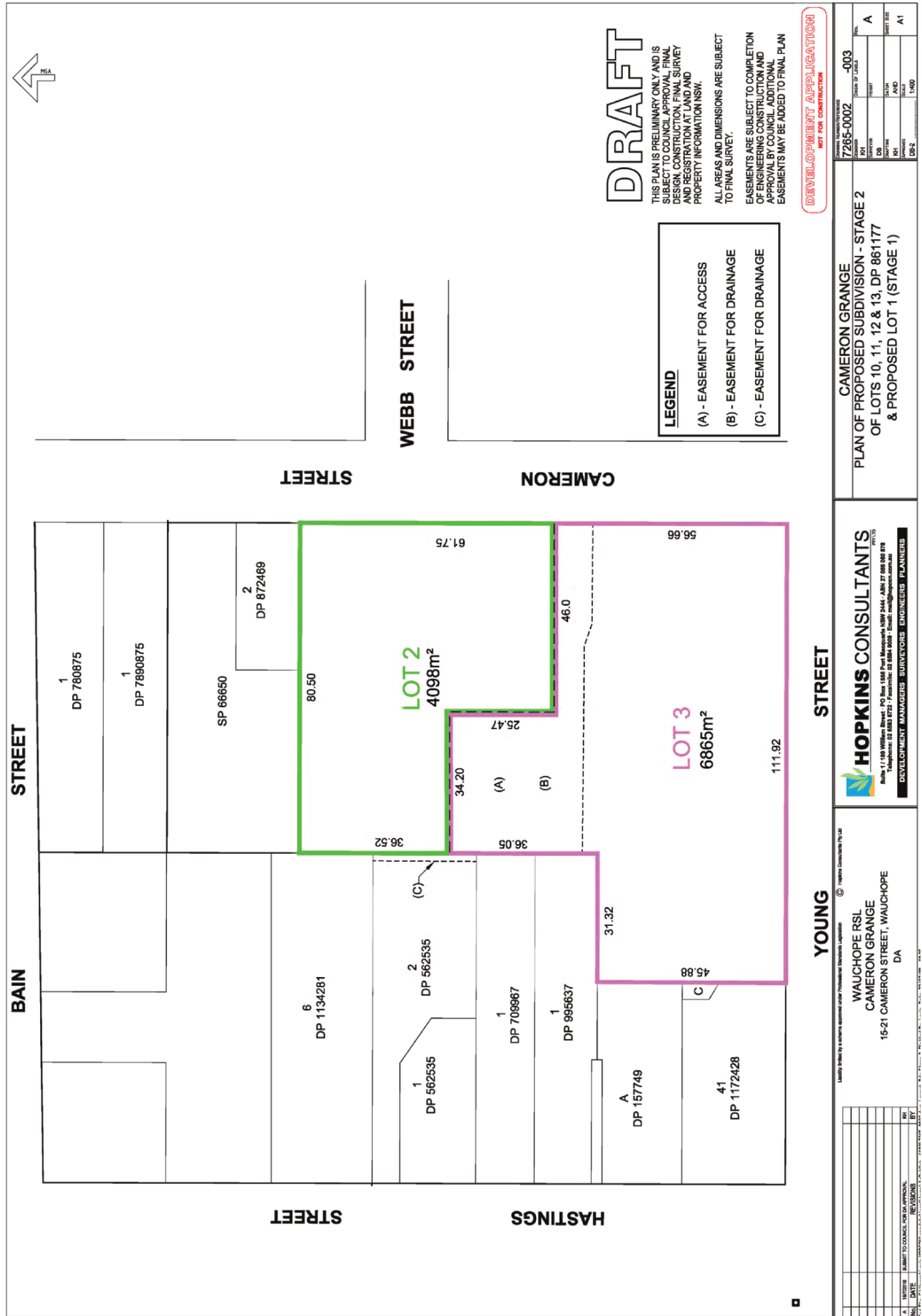
**UNITS 13-15**  
PROJECT CAMERON GRANGE  
SELF CONTAINED DWELLINGS  
15-21 CAMERON STREET WALCHOPE  
CLIENT WALCHOPE RRL CLUB

Revisions  
A 23/01/2019 ISSUED FOR DEVELOPMENT APPLICATION

**General Notes**  
1. All dimensions are in millimetres unless otherwise stated.  
2. The drawings are to be used in conjunction with the relevant specifications and standards.  
3. The drawings are to be used in conjunction with the relevant specifications and standards.  
4. The drawings are to be used in conjunction with the relevant specifications and standards.

Scale: 1:100 (at)  
15-21 Cameron Street  
Port Macquarie NSW 2444  
Tel: 0488 882 240  
NSW Architects Registration Board No. 6952







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**Item: 06****Subject: DA2018 - 900.1 DUAL OCCUPANCY AND STRATA SUBDIVISION,  
LOT 342 DP 1237302, NO.23 GUNSYND CHASE, PORT MACQUARIE****Report Author: Chris Gardiner**

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**Applicant: B A King & N J Genders****Owner: B A King & N J Genders****Estimated Cost: \$580,000****Parcel no: 67583**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA2018 – 900.1 for a Dual Occupancy and Strata Subdivision at Lot 342, DP 1237302, No. 23 Gunsynd Chase, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

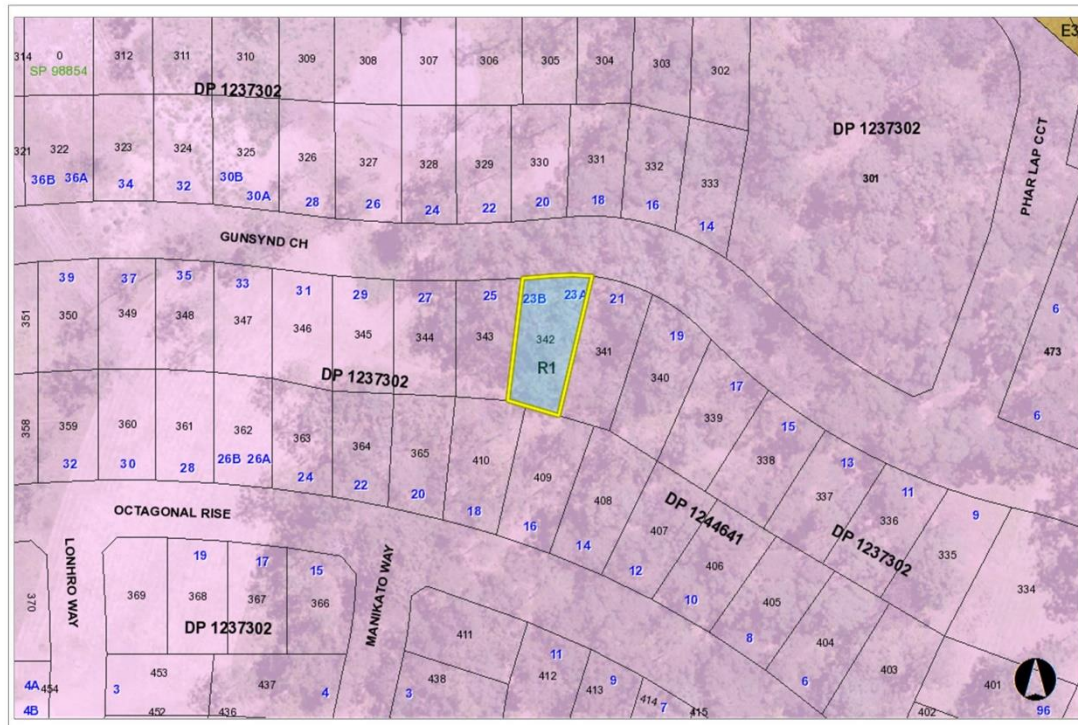
This report considers a development application for a dual occupancy and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

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

The site has an area of 570.1m<sup>2</sup>.

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



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







## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a two storey dual occupancy (attached);
- 2 lot strata subdivision.

Refer to attachments at the end of this report.

### Application Chronology

- 25 October 2018 – Application lodged.
- 9 November 2018 to 22 November 2018 – Neighbour notification.
- 6 December 2018 – Bushfire Safety Authority issued by NSW Rural Fire Service.

## 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

The site is subject to the adopted Maher's Headland Koala Plan of Management. No tree removal is proposed and the proposal is consistent with the adopted plan of management.

#### 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 (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 proposed development for a dual occupancy (attached) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- the proposal is a permissible landuse;
- The proposal provides a variety of housing types and densities and would contribute to meeting the housing needs of the community.
- Clause 4.1(4) – the minimum lot size does not apply as the proposal is for strata subdivision.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.0m which complies with the standard height limit of 8.5m applying to the site.
- 
- Clause 4.4, the floor space ratio of the proposal is 0.45:1 which complies with the maximum 0.65:1 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 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

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

## Port Macquarie-Hastings Development Control Plan 2013

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tanks appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door requirements are complied with.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	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:	The minimum side	Yes



<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	setback requirements are complied with. The wall articulation is compliant and satisfies the objectives of the development provision.	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m <sup>2</sup> open space in one area including a useable 4m x 4m area.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>3x3m min. splay for corner sites</li> <li>Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>0.9x0.9m splays adjoining driveway entrances</li> </ul>	No front fences proposed.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No front fences proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	The development will not compromise privacy in the area due to a combination of having high sill windows that face side boundaries and use of fencing.	Yes
3.2.2.11	Roof terraces	N/A	

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.13 onwards	Jetties and boat ramps	N/A	

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m.	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal in width including maximising street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies	Proposal involves 2 x 3 bedroom dwellings and requires a minimum of 1 parking space per dwelling. The development proposes a single garage for each	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	dwelling and complies with this requirement.	
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Note: Subdivision provisions of the DCP (except battleaxe handle width) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment. Servicing requirements are discussed later in this report.

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

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

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

No matters prescribed by the regulations are applicable to the proposal.

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

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

There are no adverse impacts on existing view sharing.

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

**Roads**

The site has road frontage to Gunsynd Chase. Adjacent to the site, Gunsynd Chase is a sealed public road under the care and control of Council.

**Traffic and Transport**

The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality. Gunsynd Chase is capable of accommodating the additional traffic generated by the development.

**Site Frontage & Access**

Vehicle access to the site is proposed through two individual driveways with direct frontage to Gunsynd Chase, being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

**Parking and Manoeuvring**

A total of 2 parking spaces have been provided on-site within garages with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

**Water Supply Connection**

Council records indicate that the development site has an existing 20mm sealed water service. Each proposed dwelling requires an individual metered water service. The hydraulic plans submitted with the Development Application are acceptable for Water and Sewer Section purposes.

Refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that the development site is connected to sewer via a junction to the sewer main that traverses inside the southern boundary. Both units can drain to the existing point of connection to Council's sewer system. The hydraulic plans submitted with the Development Application are acceptable for Water and Sewer Section purposes.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards the street frontage and is currently serviced via a direct connection to the public piped drainage system in Gunsynd Chase. The proposed development is capable of being drained to the existing point of connection.

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

Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

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

A Road Noise Assessment was carried out as part of the subdivision that created the lot (DA2005 – 547). The approved Noise Level Plan prepared by Land Dynamics identifies that Category 2 construction is required for the development. A condition is recommended confirming this requirement.

Condition also recommended to restrict construction to standard construction hours.

**Bushfire**

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a



Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative Impacts**

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
The contract for purchase of the land included a prohibition on dual occupancies for Stage 3 of Ascot Park.	In accordance with Clause 1.9A of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP), any agreement, covenant or other similar instrument that restricts the carrying out of development in accordance with the LEP does not apply. In this instance dual occupancy (attached) is permitted with consent in the R1 General Residential zone.
Adverse traffic and parking impacts in Gunsynd Chase.	The additional traffic likely to be generated by the development is considered to be minor (1 – 4 vehicle trips per day according to the RTA Guide to Traffic Generating Development). This traffic would be within the capacity of Gunsynd Chase.  The development satisfies the minimum off-street parking requirements in DCP 2013 (one space per dwelling) and the consent authority cannot impose a more onerous requirement.
Loss of solar access to living areas and private open space of No. 25 Gunsynd Chase.	The first floor of the proposed development is setback 4.196m from the side boundary, which exceeds the minimum setback requirements in DCP 2013. Having regard to the orientation of the lot, the proposed development would not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.
Loss of privacy to living areas and private open space of No. 25 Gunsynd Chase.	The upper floor windows on the western elevation of the proposed development include a bedroom window with high sill height and a window to the stairwell which are not expected to create adverse privacy impacts.  Views from ground floor windows would be adequately screened by the proposed 1.8m high side and rear boundary fencing.
Potential glare from metal sheet roofing.	There are no specific development controls relating to external finishes and there are numerous other dwellings in the locality with light coloured metal sheet roofing. The low pitch of the roof is expected to reduce the potential for glare to impact on neighbouring property.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.

- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

## **5. CONCLUSION 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 - 900.1 Recommended Conditions

2 [View](#). DA2018 - 900.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/900****DATE: 8/01/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	Sheet 4 – 9	DLS Design	7 January 2019
Draft Strata Plan	11143 GUNSYND	Beukers & Ritter Consulting	Undated
BASIX Certificate	957194M	Concept Designs Australia	12 September 2018
Bushfire Assessment	-	Krisann Johnson	18 September 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) (A005) This consent allows the strata subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;

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

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
  - **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/8084 DA18111616094 DC and dated 6 December 2018, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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



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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

  - Footway and gutter crossing
  - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Water supply plans.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan
  - Innes Peninsula Contributions Plan - Road Works
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (8) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (9) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 12.5 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.
- (10) (B195) Prior to the issue of a Construction Certificate plans shall demonstrate that the building design complies with Category 2 noise construction standards of the Development Near Rail Corridors and Busy Roads – Interim Guideline, December 2008 issued by NSW Department of Planning.

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

**D – DURING WORK**

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

- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- b. prior to the pouring of concrete for sewerage works and/or works on public property;

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

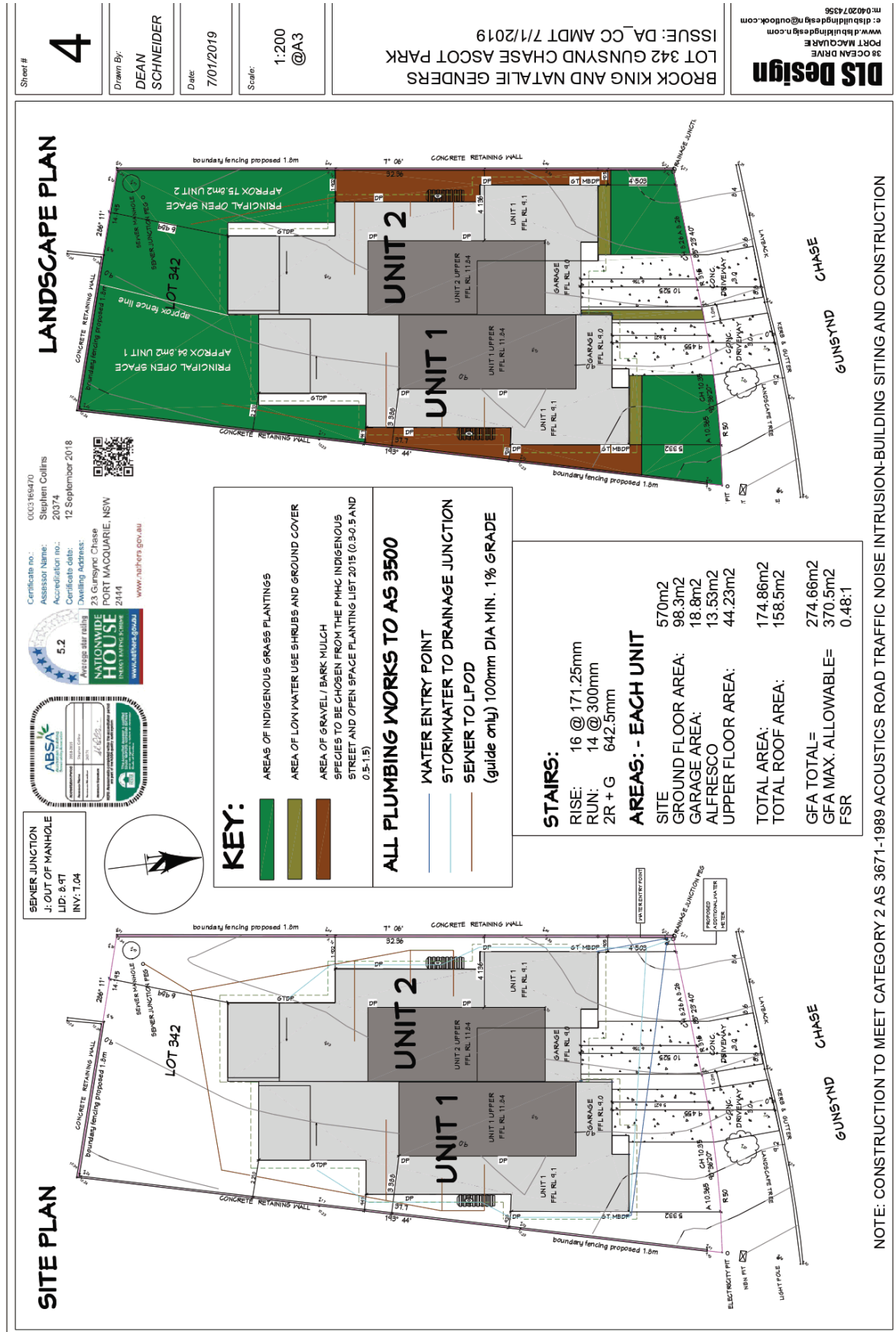
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (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.
- (5) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (6) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation or Subdivision Certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (7) (E195) The Subdivision Certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

#### **F – OCCUPATION OF THE SITE**

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.



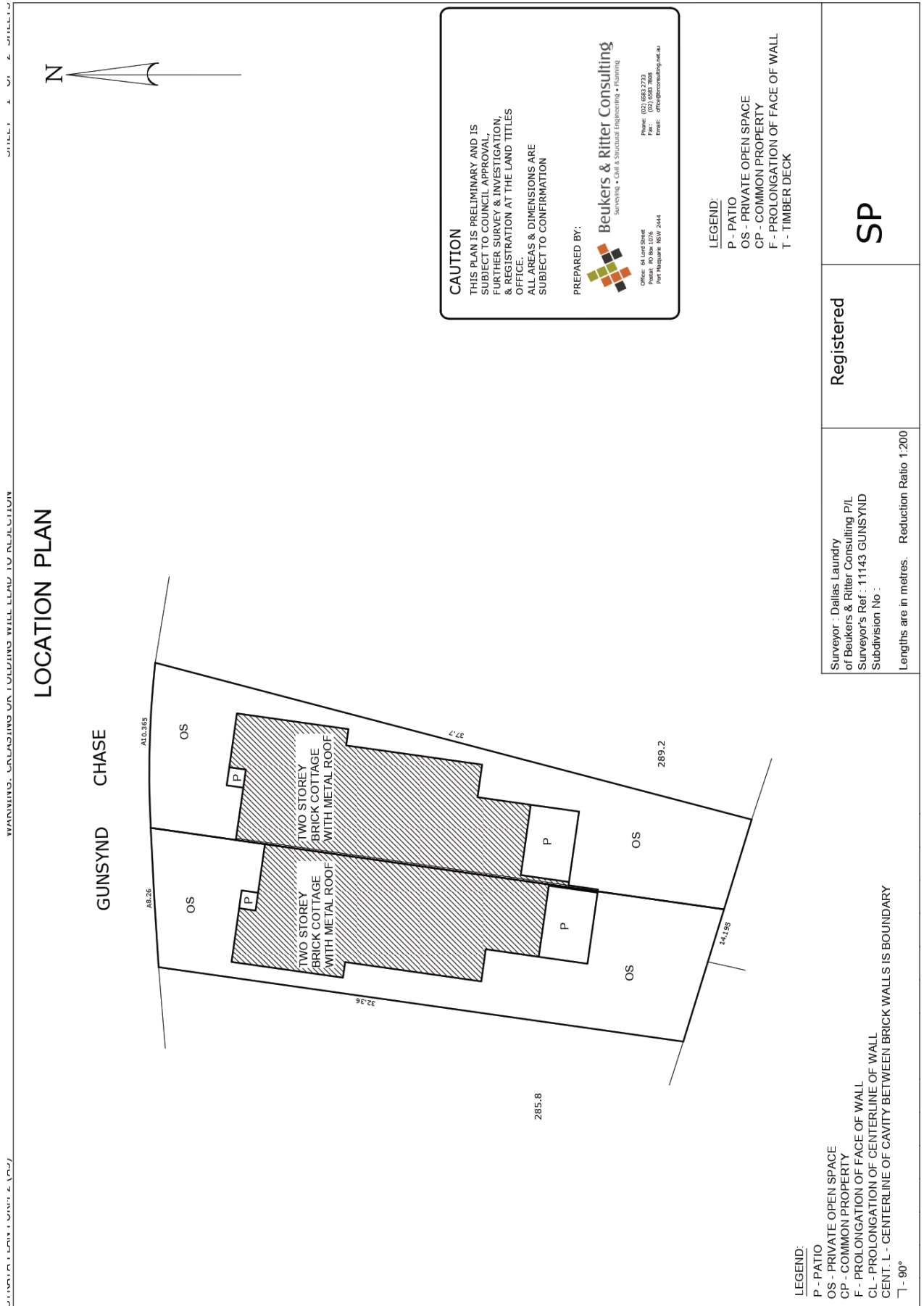


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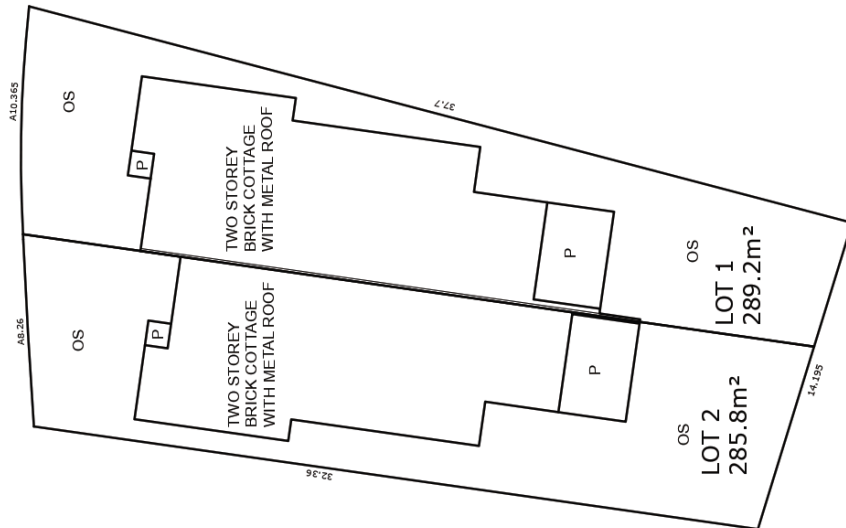




**NOTES**

1. ALL STRUCTURAL FEATURES INCLUDING WALLS, FLOORS, CEILINGS AND ROOFING FORM PART OF THE LOT, EXCLUDING COMMON SERVICE LINES WHICH FORM COMMON PROPERTY.

2. THE STRATUM OF LOTS 1 & 2 EXTENDS BETWEEN 10 BELOW AND 10 ABOVE THE UPPER SURFACE OF THE GARAGE FLOOR OF EACH RESPECTIVE UNIT
3. ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.



LOT	UNIT ENTITLEMENT
1	10
2	10
AGGREGATE	20

THIS PLAN IS PRELIMINARY AND IS  
SUBJECT TO COUNCIL APPROVAL,  
FURTHER SURVEY & INVESTIGATION,  
& REGISTRATION AT THE LAND TITLES  
OFFICE.

ALL AREAS & DIMENSIONS ARE  
SUBJECT TO CONFIRMATION



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

Office: 64 Lord Street  
Postal: PO Box 1076  
Port Macquarie NSW 2444  
Phone: (02) 6583 2733  
Fax: (02) 6583 7808  
Email: [office@giroconsulting.net.au](mailto:office@giroconsulting.net.au)

of Beukers & Ritter Consulting P/L  
Surveyor's Ref : 11143 GUNSYND  
Subdivision No :

Lengths are in metres. Reduction Ratio 1:200

PS

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Item: 07

Subject: DA2017 - 410.2 MODIFICATION TO DWELLING, LOT 29 DP 1045446,  
NO 12 LOGANVALE PLACE, LOGANS CROSSING

Report Author: Andrew Rock

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Applicant: C. Eames and J. Latham

Owner: C. Eames and J. Latham

Estimated Cost: \$289,000

Parcel no: 39187

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That modification to DA 2017 – 410 to amend the internal layout and the size and location of an external window for a dwelling at Lot 29, DP 1045443, No. 12 Loganvale Place, Logans Crossing, be determined by granting consent subject to the recommended conditions.**

### Executive Summary

This report considers a Section 4.55(1A) modification of development consent application at the subject site and provides an assessment in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission was received.

## 1. BACKGROUND

### History

The original development application was reported to Council's Development Assessment Panel (DAP) on 23 August 2017. The outcome of the meeting was as follows:

#### CONSENSUS:

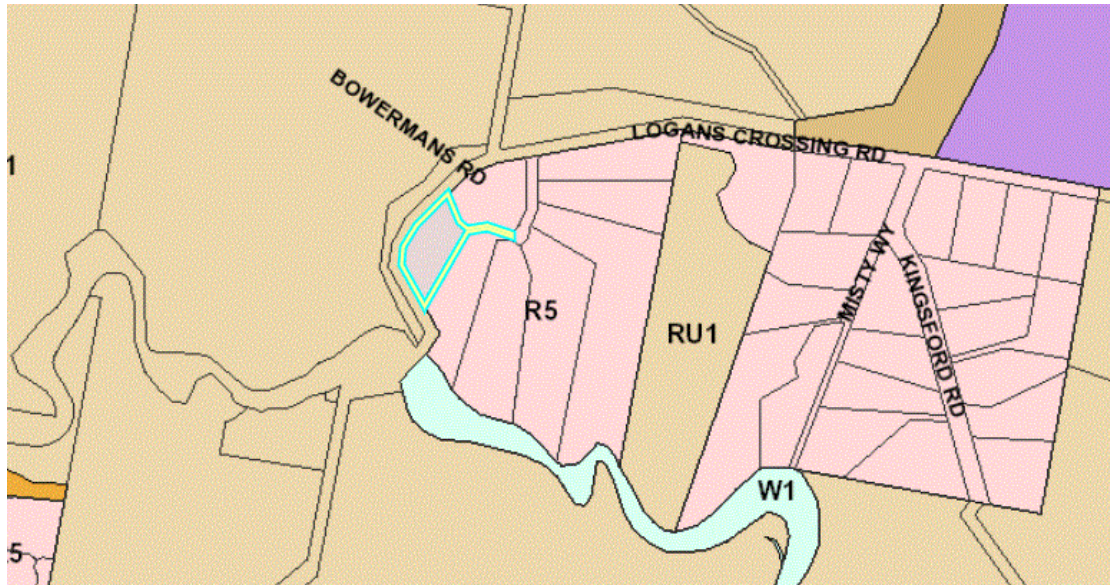
*That DA 2017 – 410.1 for a dwelling and shed at Lot 29, DP 1045446, Loganvale Place, Logans Crossing, be determined by granting consent subject to the recommended conditions.*

A Construction Certificate for the development was issued by Council on 29 August 2017 and the dwelling is currently under construction.

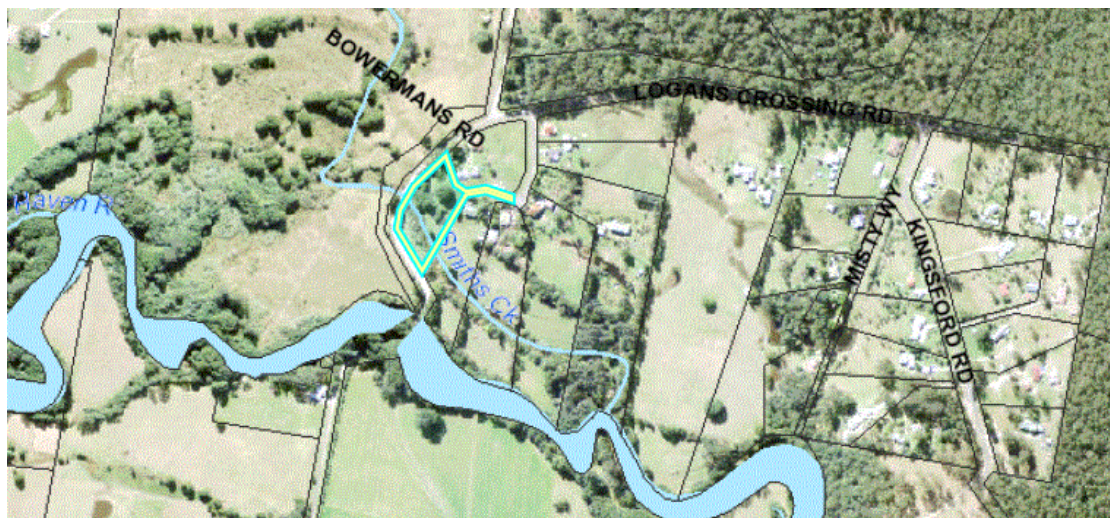


**Existing sites features and surrounding development**

The site is zoned R5 Large Lot 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 proposed modification include the following:

- Internal room configuration - fill in the end of approved garage to create a study.
- Provide a window to the proposed study (labelled window 5 on the floor plan – eastern side of dwelling) with a fixed external privacy screen covering the window.

Refer to attachments at the end of this report.

**Application Chronology**

- 23 November 2018 - Modification application lodged.
- 11 December 2018 – Application notified.
- 9 January 2019 – Submission received.

**2. STATUTORY ASSESSMENT**

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - 4.55(1) for modifications involving minor error, mis-description or miscalculation; 4.55(1A) for modifications involving minimal environmental impact; and 4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

***Is the proposal substantially the same?***

The subject application is being considered under the provisions of Section 4.55(1A). The proposal is considered to be substantially the same development to that which was originally consented to and will have minimal environmental impact. Having regard to the above principles, the proposed modification is not considered to alter the fundamental essence of the original development.

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

Neighbour notification has been undertaken.

***Any submissions made concerning the modification?***

One submission has been received following completion of the neighbour notification period. The submission is considered later in this report.

***Any matters referred to in section 4.15(1) relevant to the modification?*****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:****(a)(i) Any environmental planning instrument****State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A revised BASIX certificate (number 785574S\_03) has been submitted demonstrating that the modified proposal will comply with the requirements of the SEPP.

**(ii) Any Development Control Plan in force:****Port Macquarie-Hastings Development Control Plan 2013**

The relevant provisions of this plan are addressed as follows:

	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m	10m setback to the eastern side boundary remains unchanged.	Yes
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	No direct views from a living room to another dwelling.  Privacy screen proposed to the study window (subject of this modification application).	Yes

**(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.

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

No matter prescribed by the regulations apply.

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

No adverse impacts will result from development as modified.

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

Proposal consists of the creation of a study within an area previously approved as a part of the garage and the installation of a window to service the proposed study. The proposal is suitable for the site.

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

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



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

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
What does the proposed screen look like?	Horizontal slats as indicated on the east elevation plan.
What materials is it made of?	Applicant has verbally indicated that it is likely to be mixed hardwood but it is not proposed to specify a specific type of material, rather a privacy outcome.
What are the measurements?	The proposed window is 1.1m x 1.2m. The screen is proposed to cover the entire window.
What percentage block out does it give?	Proposed to include a condition that there be no opening more than 30mm wide and the total area of all openings be no more than 30% of the surface area of the privacy screen – in line with complying development privacy screen requirements.
How unsightly would it be?	It is not considered that the proposed privacy screen will be unsightly.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Not applicable.

**5. CONCLUSION AND STATEMENT OF REASON**

The application has been assessed in accordance with Section 4.55 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 as modified 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 as modified provided in the attachment section of this report.

**Attachments**

- 1 [View](#). DA2017 - 410.2 Recommended Modified Consent Conditions
- 2 [View](#). DA2017 - 410.2 SOEE Document
- 3 [View](#). DA2017 - 410.2 Plans.
- 4 [View](#). DA2017 - 410.1 Stamped Approved Plans

Port Macquarie Hastings Council  
PO Box 84  
Port Macquarie  
NSW Australia 2444  
DX 7415  
e council@pmhc.nsw.gov.au



ABN 11 236 901 601

23 January 2019

Parcel Number: 39187

C J Eames & J T Latham  
CARE Eames Constructions Pty Ltd  
36 Batar Creek  
KENDALL NSW 2439

Dear Sir/Madam

**DA 2017/410.2 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979**

I refer to your application dated 23 November 2018 to modify DA 2017/410 at LOT: 29 DP: 1045446 12 Loganvale Place LOGANS CROSSING.

Please be advised that pursuant to Section 4.55 (1A) of the Act, your application to modify the consent has been granted, subject to:

- A. Amend the following conditions as outlined in modified consent:  
A1
- B. Add the following conditions as outlined in modified consent:  
A4
- C. Reimposition of all other previously approved conditions of consent as originally determined 23 August 2017 and as modified with this approval dated 23 January 2019.

The applicant is advised that Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

Yours sincerely

Apply electronic signoff

**pmhc.nsw.gov.au**

PORT MACQUARIE OFFICE

WAUCHOPE OFFICE

LAURIETON OFFICE





### SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2017/410 are as follows:

<1>	Modification No. 1	23 January 2019
-----	--------------------	-----------------

### SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2017/410 are as follows:

#### PRESCRIBED CONDITIONS

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

#### A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site and elevation plans	16/1262 (S96 1(A) application) – pages 1, 2, 3, 5, 6 and 7.	Robert Smallwood Building Plans	October 2018
Floor plan	16/1262 (S96 1(A) application) – page 4.	Robert Smallwood Building Plans.	October 2018
Section 96 Modification Supporting Information	Lot 29 Loganvale Place, Logans Crossing.	Robert Smallwood Building Plans.	October 2018
BASIX Certificate	Certificate Number: 785574S_03	Robert Smallwood Building Plans.	29 October 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. <sup>1</sup>

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

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

- (4) The privacy screen to the study is to have no openings more than 30mm wide and the total area of all openings is to be no more than 30% of the surface area of the privacy screen. <sup>1</sup>

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

Such works include, but not be limited to:

- i. Functional vehicular access (concrete)

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

Nil

#### **D – DURING CONSTRUCTION**

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

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

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

**F – OCCUPATION OF THE SITE**

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

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

The reason for this decision is that 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 interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

**Rights of Appeal**

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely



Apply electronic signoff



DE1C

(A1014)

## SECTION 96 MODIFICATION SUPPORTING INFORMATION

This form is to be submitted with all modification applications submitted under Section 96 of the *Environmental Planning and Assessment Act 1979*. If this application is not submitted or completed fully, your application may not be accepted.

Please note Council cannot accept modification applications that relate to building works that have been finalised through the issue of a Final Occupation Certificate.

Contact Council's Duty Planner if you require assistance.

## 1. PROPERTY DETAILS

Lot No.....29.....Section No.....DP/SP No.....104556.....Street No.....  
 Street Name .....Loganvale Place.....  
 Suburb/Town .....LOgans Crossing.....Postcode .....2439.....

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

Provide a description of the approved development .....  
 .....DWELLING + SHED.....  
 .....

## 3. DESCRIPTION OF PROPOSED MODIFICATION(S)

Provide a description of the proposed modifications .....  
 .....Change part garage to be Study, move external window.....  
 .....  
 .....

Have the modifications been clearly indicated on the plans? E.g. highlighted, overlayed? Yes ☒ No ☐

Do the modifications relate to works that have been commenced or completed? Yes ☐ No ☒

If yes, then a Building Certificate application may also be required.



#### 4. WHAT CATEGORY IS THE PROPOSED MODIFICATION?

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, misdescription or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other modifications. If a government body condition (i.e. integrated condition) requires amendment the development cannot be considered a s96(1) or (1A).

What section are you applying to modify your consent?

- S.96(1) for modifications involving minor error , misdescription or miscalculation Yes ☐ No ☐
- S.96(1A) for modifications involving minimal environmental impact Yes ☒ No ☐
- S.96(2) for other modifications Yes ☐ No ☐

Please describe reasons for classification:.....

INCREASE IN DWELLING USE FLEXIBILITY

#### 5. 'SUBSTANTIALLY THE SAME' TEST

Section 96 of the *Environmental Planning and Assessment Act 1979* states that a consent authority must be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.

Will the modifications result in substantially the same development as approved? Yes ☒ No ☐

If yes, please describe: .....

No building footprint change , just small modification to end of garage.

If you answered "no", Council cannot accept your application as a modification and a new development application is required. If you are unsure, you should discuss your proposal with the Duty Planner before lodging your modification application.

**6. BASIX**

A new BASIX certificate must be submitted if the current BASIX certificate is no longer consistent with the proposed development to replace the current BASIX certificate.

Is a new BASIX certificate attached?

Yes ☒ No ☐

Comments: .....  
.....  
.....

**7. BUSHFIRE**

An amended Bushfire Risk Assessment must be submitted if the current Bushfire Risk Assessment is no longer consistent with the proposed development to replace the current report.

Is a new Bushfire Risk Assessment attached?

Yes ☐ No ☒

If a Bush Fire Safety Authority was issued by the NSW Rural Fire Service under the provisions of Section 100B of the Rural Fires Act, then your modification application may need to be re-assessed by the RFS.

Comments: .....  
.....  
.....

**8. RESIDENTIAL FLAT BUILDINGS**

If your modification application relates to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), your application must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies that:

- (a) he or she designed, or directed the design, of the modification of the residential flat development, and
- (b) the residential flat development, as modified, achieves the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*, and
- (c) the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

If your application is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:

- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
- (b) to improve the thermal performance of the building.

(1B) The consent authority may refer the proposed modification to the relevant design review panel.

Is your application accompanied by a design verification?

Yes ☐

No ☒

Comments: .....

.....

.....

.....

#### 9. OTHER INFORMATION REQUIREMENTS

- If a Construction Certificate has already been issued, you will be required to modify your construction certificate also.
- An amended Statement of Environmental Effects or other specialist reports, such as Flora and Fauna, Noise or Wastewater, may also be required.
- If you proposed any variations to development controls, other than those previously approved, you will be required to submit a written justification demonstrating that the proposal will meet the objectives of the DCP.

#### 10. OWNER'S CONSENT

If the applicant is not the owner of the land, the owner must sign this form below or provide a signed statement to the effect that the owner consents to the making of the application.

I, the owner of the subject property, provide owner's consent to this modification application.

REFER TO SIGNED OWNERS CONSENT FORM

OWNER'S NAME & SIGNATURE

DATE



APPLICANT'S NAME & SIGNATURE

OCTOBER 2018

DATE

# PROPOSED RESIDENCE + SHED

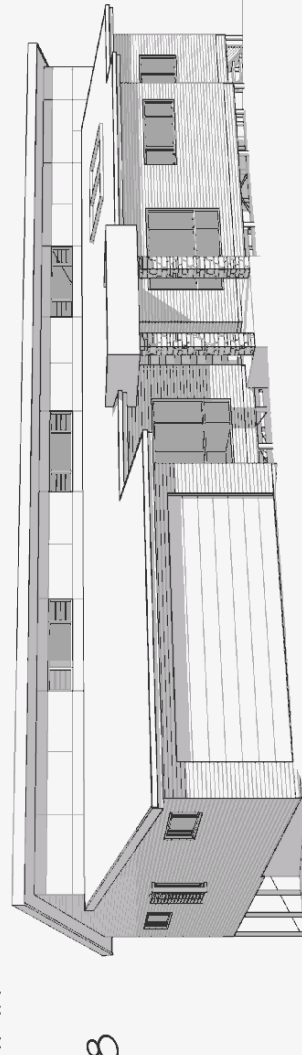
AT: LOT 29 LOGANVALE PLACE,  
LOGANS CROSSING

FOR: C. EAMES & J. LATHAM

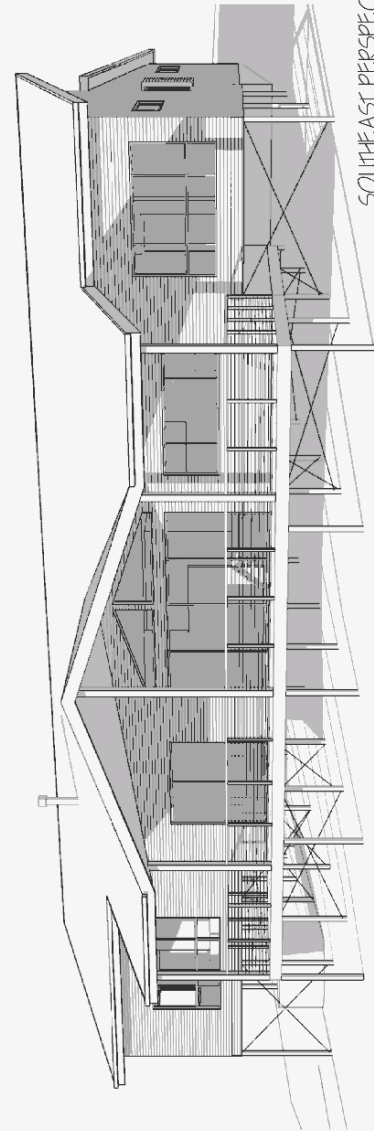
REF: 16-1262

DATE: OCTOBER 2018

**ROBERT SMALLWOOD  
BUILDING PLANS**  
*'BETTER BY DESIGN'*  
MEMBER OF BUILDING DESIGNERS AUSTRALIA - NSW  
EMAIL: [design@robertsmallwood.com.au](mailto:design@robertsmallwood.com.au)  
PH: (02) 6559 5222 FAX: (02) 6559 6438  
453 OCEAN DRIVE, LAURIE TON NSW 2443  
[www.robertsmallwood.com.au](http://www.robertsmallwood.com.au)

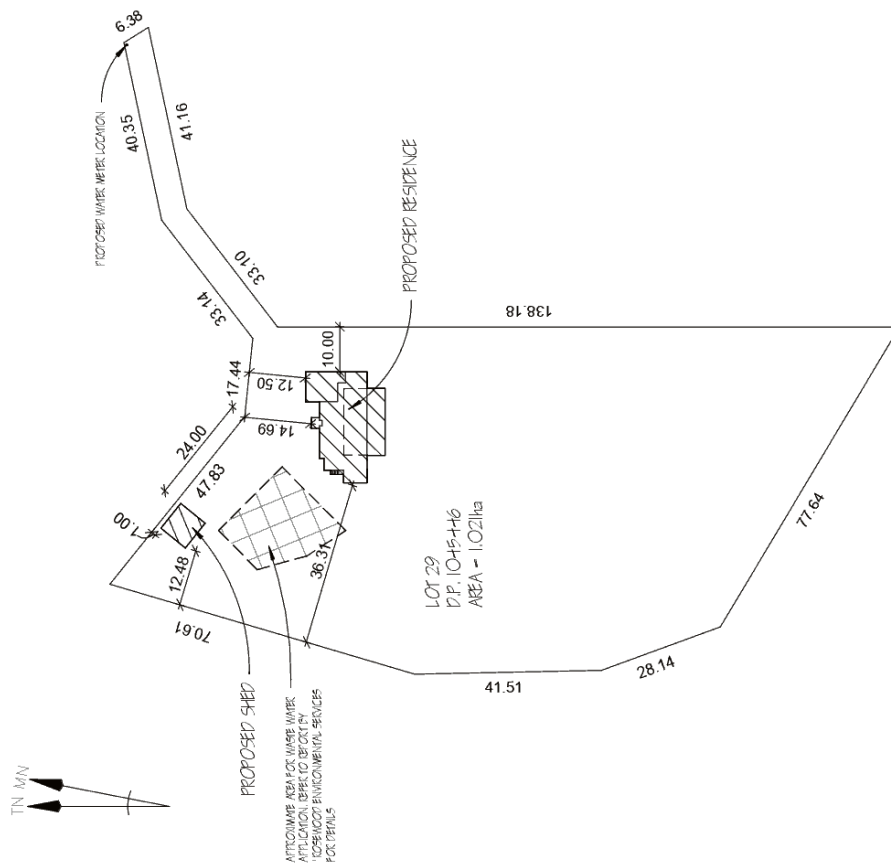


NORTHEAST PERSPECTIVE  
(SUN @ 12pm WINTER SOLSTICE)



SOUTHEAST PERSPECTIVE  
(SUN @ 6pm SUMMER SOLSTICE)

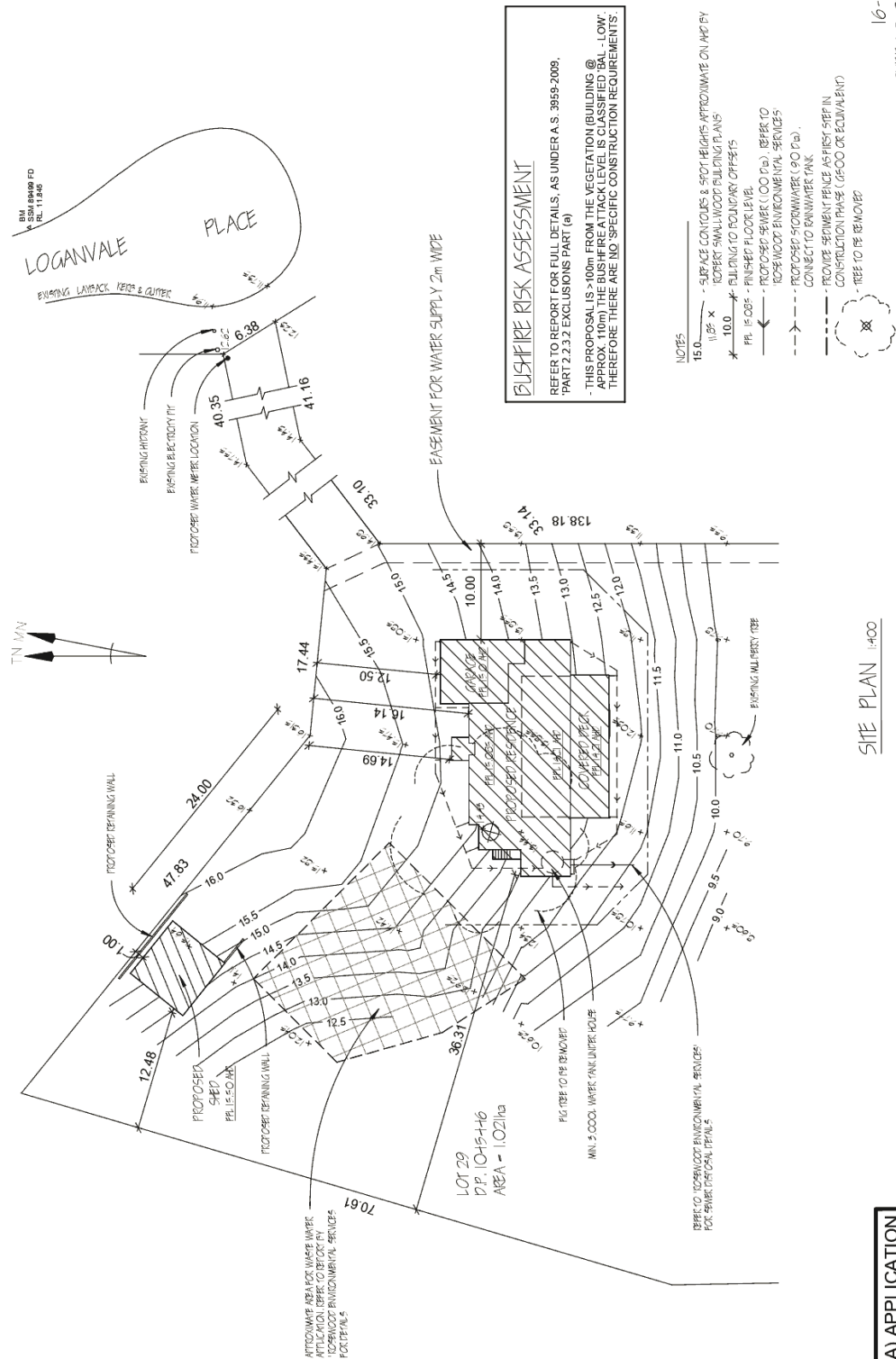
**SECTION 96 1(A)  
APPLICATION**

LOCALITY PLAN  
1:1000

## SECTION 96 1(A) APPLICATION

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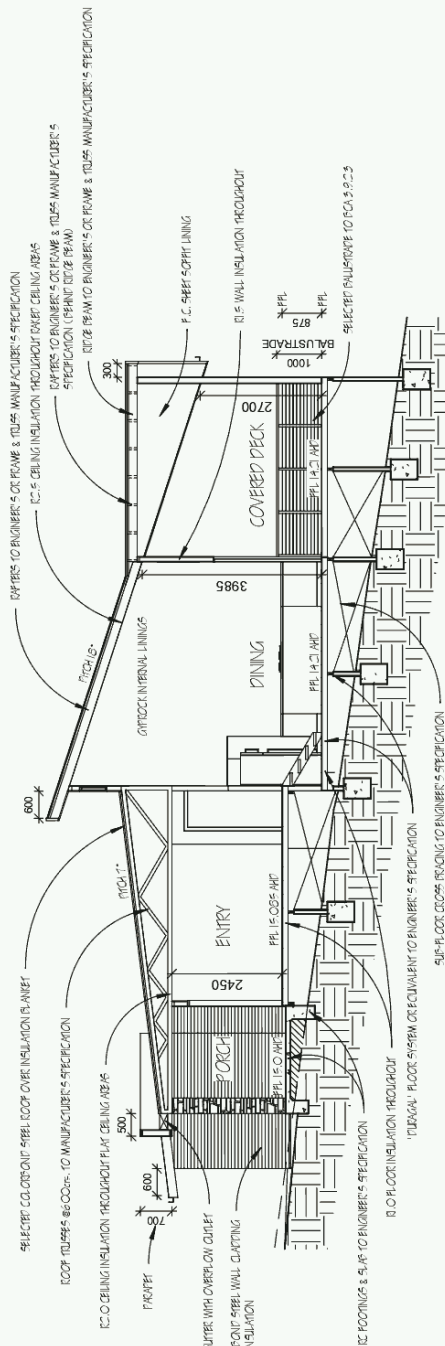




SECTION 96 1(A) APPLICATION

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SECTION A-A 1:100

## SUMMARY OF MINIMUM BASIC COMMITMENTS

THIS INFORMATION IS A SUMMARY OF THE BASIC COMMITMENTS FOR THIS PROJECT. C. EAMES & J. LATHAM, REFER TO THE CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

LANDSCAPING:		500
TOTAL AREA OF GREEN AND LAWN (sq.m)		0
AREA OF INTERLOCKED PAVING (MINIMUM -sq.m)		
REFER TO WATER EFFICIENT LANDSCAPING LIST OF LOCAL AGENCIES		
WATER		
RAINWATER TANK CAPACITY (LITRES)		5 000
AREA OF ROOF TO BE CONNECTED TO TANK (sq.m)		50.5
CONNECT TANK TO AT LEAST ONE GATEWAY AND ALL TOLLERS		YES
CONNECT TANK TO COLLECT WATER OUT OF WASHING MACHINE		YES
RATING OF SHOWERS/BATHS INSTALLER		5 STAR
RATING OF ALL TOLLER OPERING INSTALLER		5 STAR
FRESHWATER USE DURING		5 STAR
RICHEN TANK RAINING		5 STAR
THERMAL PERFORMANCE		
INSULATION-		
CONVECTION-		
ADDITIONAL INSULATION REQUIRED		
TOUS LOUIS IS INCLUDING CONVECTION (1 DOWN)		
DOWN LOUIS IS INCLUDING CONVECTION (1)		
CEILING R-0.5 (UP)		
CEILING R-0.25 (UP)		
TOUS FLOOR FLOOR (1.5sq.m)		
MEET (1.5sq.m FLOOR FLOOR 0.15 to 0.20)		
GLAZING		
GLAZING		

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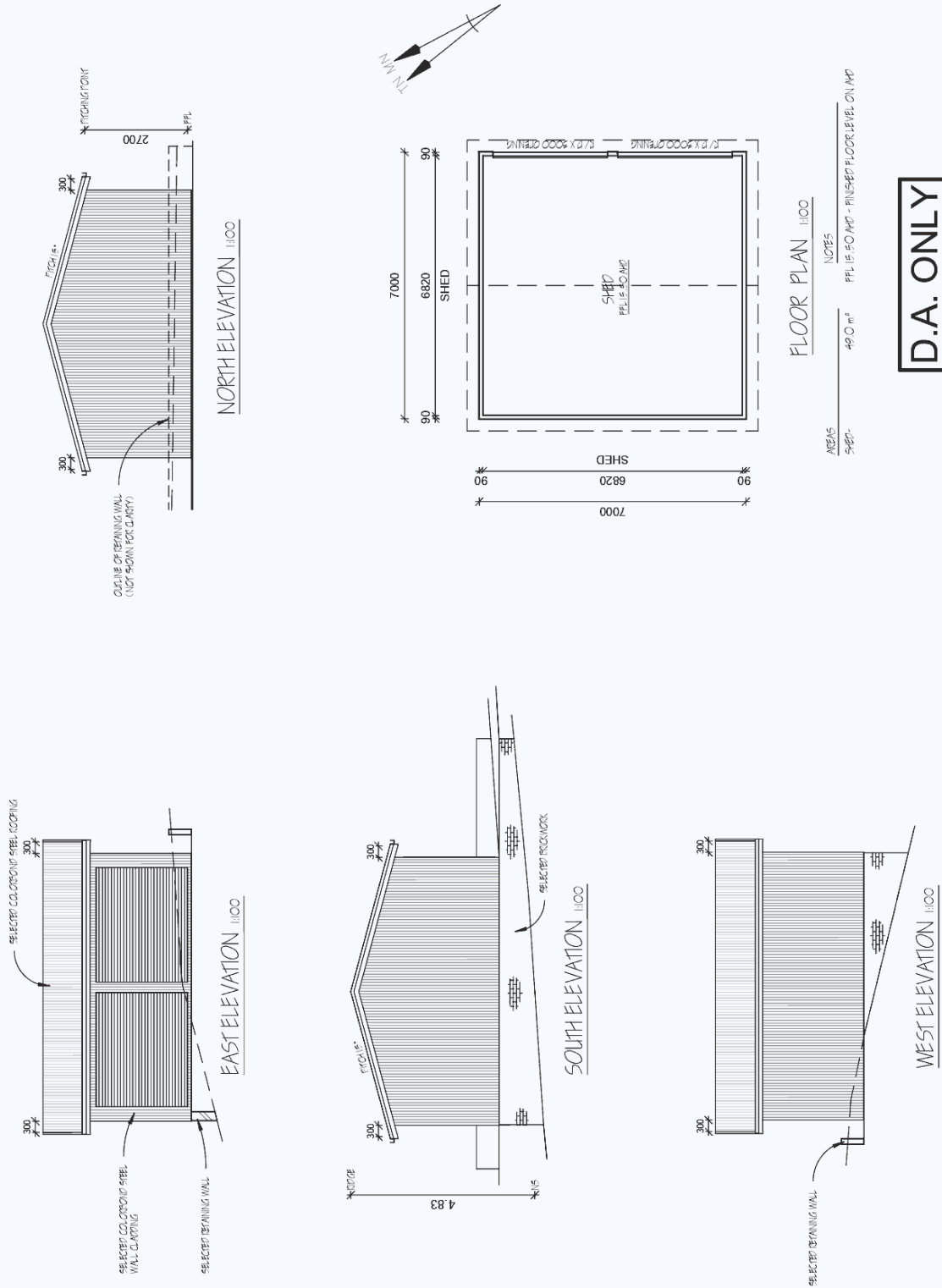
16-1262  
SHEET 5 OF 7

**ROBERT SMALLWOOD  
BUILDING PLANS**

PROPOSED SHED

DO NOT SCALE from this drawing. Use given dimensions.  
CONTRACTOR is to check all dimensions prior to tendering,  
construction and before commencement of shop drawings or  
fabrication. Any discrepancies are to be referred to the  
Consultant/Designer prior to commencement of work.

Item 07  
Attachment 3  
Page 116



# PROPOSED RESIDENCE + SHED

AT: LOT 29 LOGANVALE PLACE,  
LOGANS CROSSING

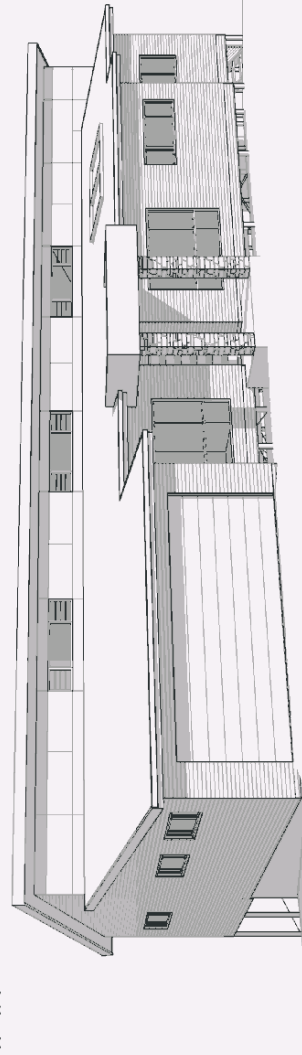
FOR: C. EAMES & J. LATHAM

REF: 16-1262

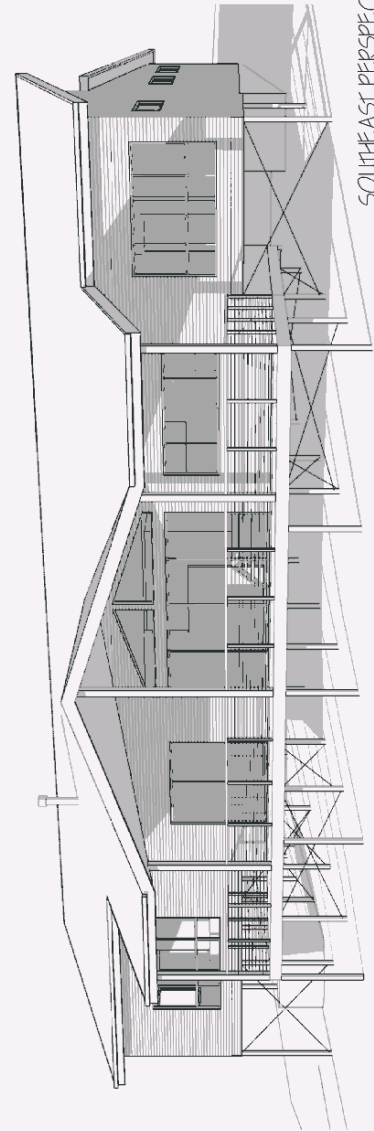
DATE: APRIL 2017

**ROBERT SMALLWOOD**  
**BUILDING PLANS**  
*'BETTER BY DESIGN'*  
MEMBER OF BUILDING DESIGNERS AUSTRALIA - NSW  
EMAIL: design@robertsmallwood.com.au  
PH: (02) 6559 5222 FAX: (02) 6559 6438  
453 OCEAN DRIVE, LAURIE TON NSW 2443  
www.rsmallwood.com.au

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Development Application No.:  
DA2017 - 410  
and determined as APPROVED on: 23 August  
2017  
PORT MACQUARIE-HASTINGS COUNCIL



NORTHEAST PERSPECTIVE  
(SUN @ 12pm WINTER SOL-51CE)

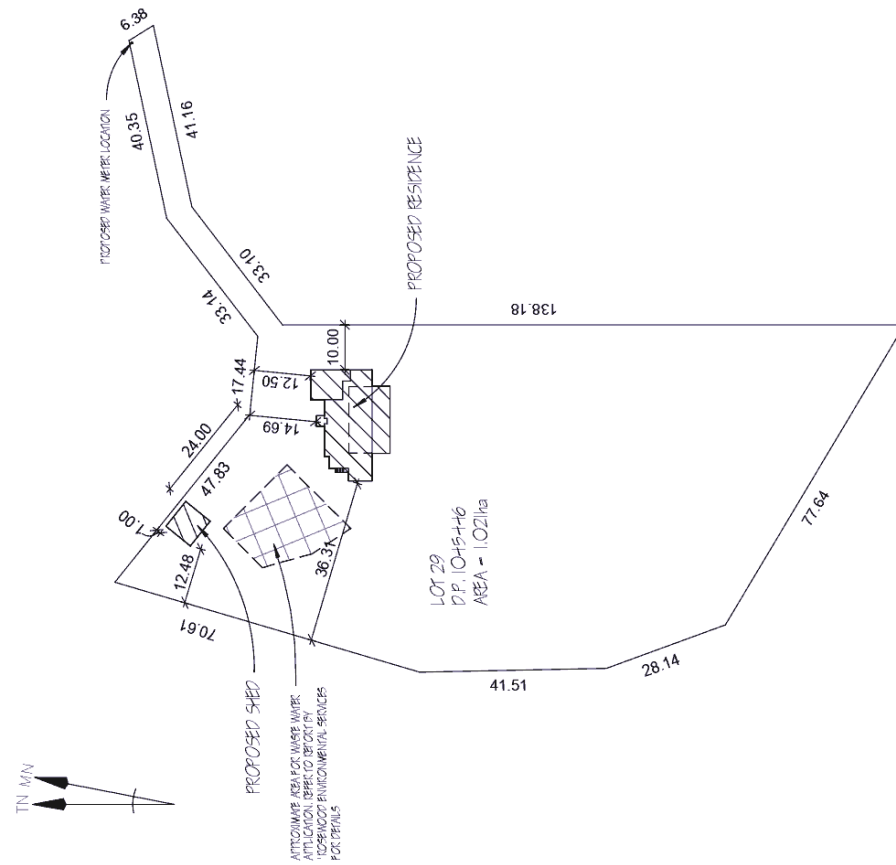


SOUTHEAST PERSPECTIVE  
(SUN @ 6pm SUMMER SOL-51CE)

DA/CC APPLICATION



16-1262  
SHEET 1 OF 7  
ROBERT SMALLWOOD  
BUILDING PLANS  
REGISTERED PROFESSIONAL ARCHITECT & ENGINEER

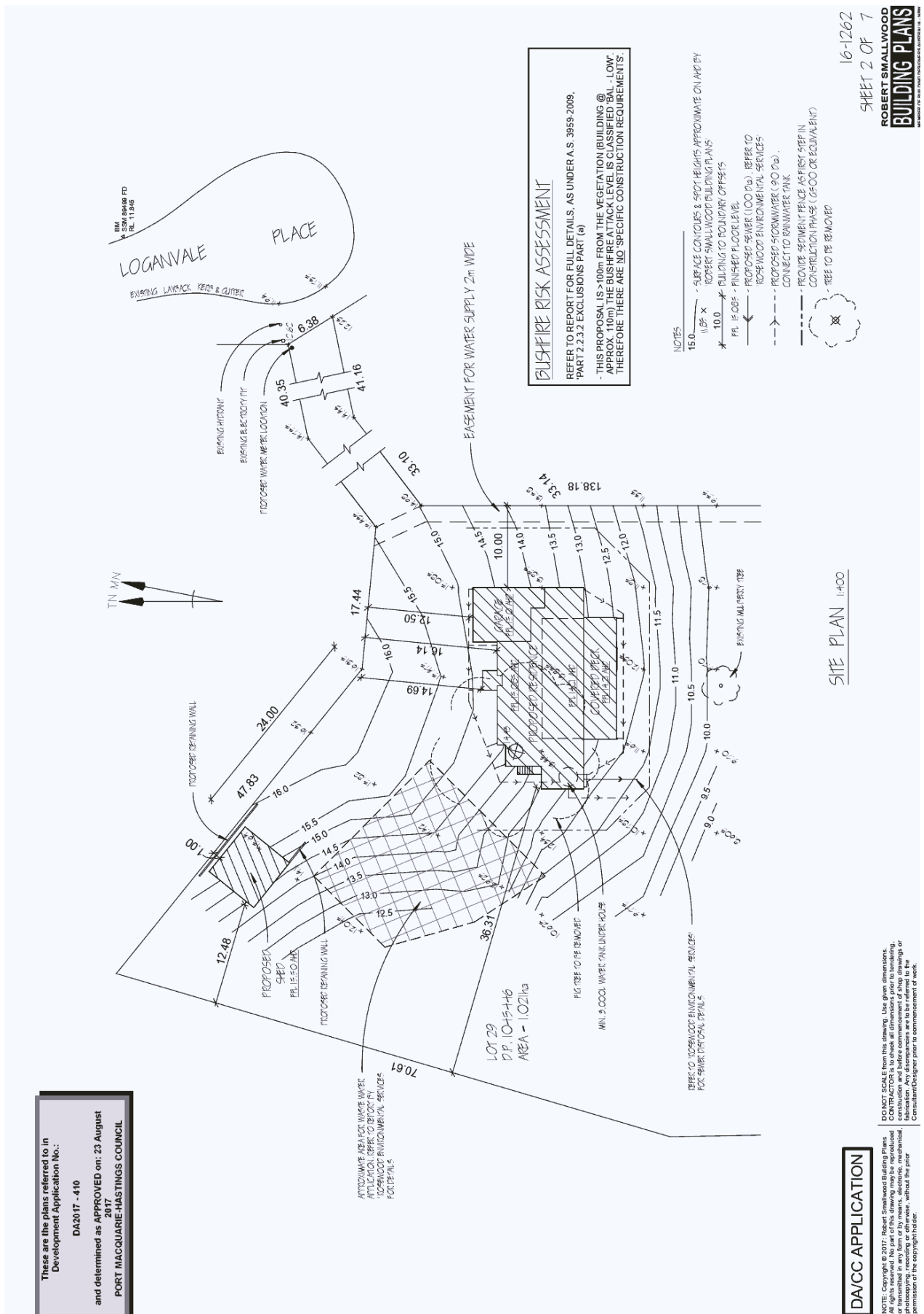


LOCALITY PLAN 1:1000

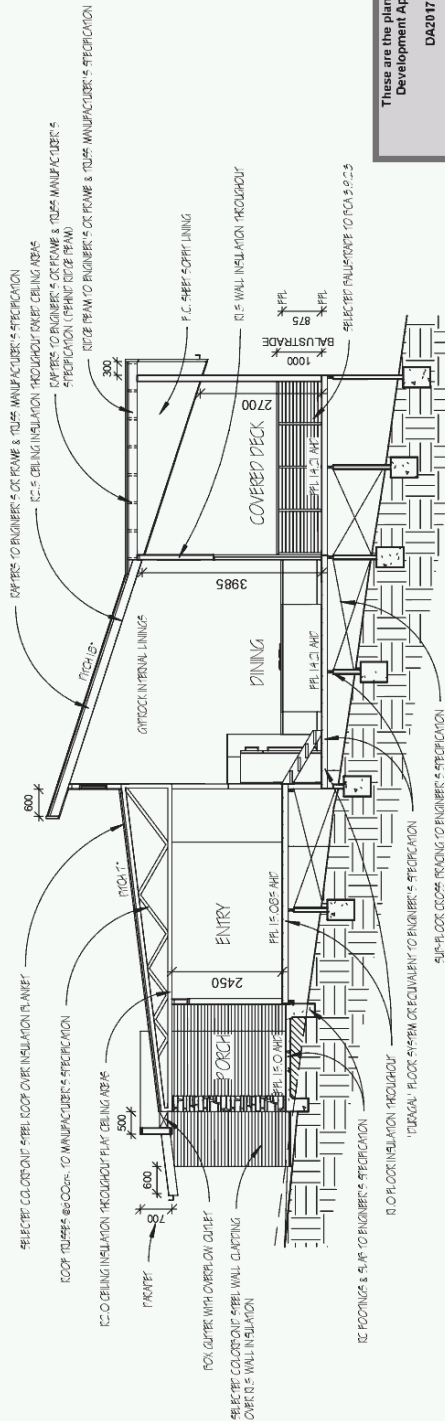
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DA2017 - 410  
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2017  
PORT MACQUARIE-HASTINGS COUNCIL

DA/CC APPLICATION

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Development Application No.:  
  
DA2017 - 410  
  
and determined as APPROVED on: 23 August  
2017  
PORT MACQUARIE-HASTINGS COUNCIL

SECTION A-A 11:00

## SUMMARY OF MINIMUM BASIC COMMITMENTS

THIS INFORMATION IS A SUMMARY OF THE TASK COMMITMENTS FOR THIS PROJECT. C. EAMES & J. LATHAM, REFER TO THE CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

LANDSCAPING:	TOTAL AREA OF GARDEN AND LAWN (sqm)	500
	AREA OF INTERESTS IN PLANTS (MINIMUM - 4sqm) REFER TO WATER EFFICIENT LANDSCAPING LIT OF LOCAL SPECIES	0
WATER	RAINWATER TANK CAPACITY (LITRES)	5 000
	AREA OF ROOF TO BE CONNECTED TO TANK (sqm)	200 ±
CONNECTIONS	CONNECT TANK TO AT LEAST ONE GARDEN TAP AND ALL TOLLES	YES
	CONNECT TANK TO COLLECT WASTE WATER OF WASHING MACHINE	YES
PAVING	PAVING OF SHOWERBASES INSTALLER	5 50K
	PAVING OF ALL TOLLES (GRASS OR INSTALLER)	5 50K
PAVEMENT	PAVEMENT OF DRIVEWAY	5 50K
	PAVEMENT OF RAVINE	5 50K
THERMAL PERFORMANCE		
INSULATION	INSULATION	
	CONVECTION:	
SUPERGLASS	SUPERGLASS - SUPERGLASS / OTHER SUPERGLASS (POWERED)	ADDITIONAL INSULATION REQUIRED
	EXTERNAL WALL - POWERED (LIGHTWEIGHT CLAY)	0.50 (CLAY IS INCLUDING CONVECTION) (1.00W)
CEILING	CEILING INSULATION - PLANK CEILING	CEILING INSULATION (1")
	CEILING INSULATION - POWER CEILING	CEILING INSULATION (1")
ROOF	ROOF INSULATION	ROOF INSULATION (1.50mm)
	ROOF COLOUR	MEDIUM COLOUR (ACCORDING TO 0.4 TO 0.70)
WINDOWS - REFER TO FASH CERTIFICATE FOR INDIVIDUAL WINDOW DETAILS		
GLAZING	GLAZING	5000 CLAY
	GLAZING	50000 ALUMINUM

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[illegible]

## FRAMING DETAILS

[illegible]

## TE-DOWN DETAILS

Geographic Region	Person Category	Totographic Classification	Shelling Classification	Person Query Wind Speed
A	TCC	TCC	N5	N5

16-1262  
SHEET 5 OF 7

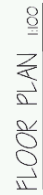
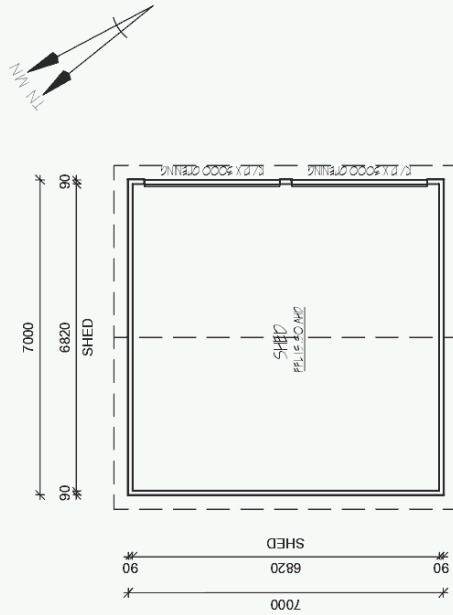
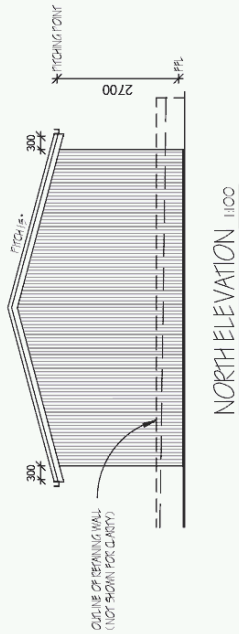
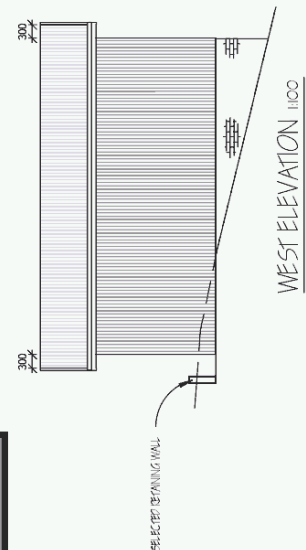
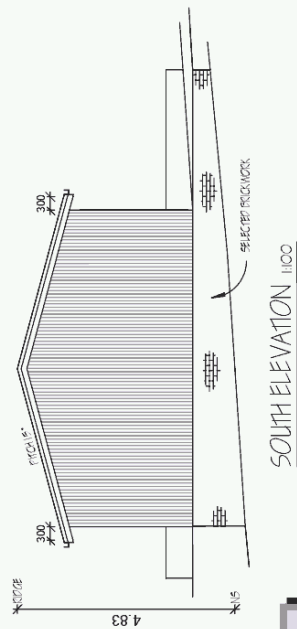
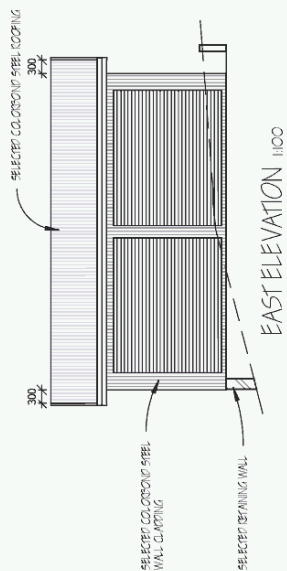
**ROBERT SMALLWOOD  
BUILDING PLANS**

**D.A. ONLY**

PROPOSED SHED

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**Item 07**  
**Attachment 4**  
**Page 122**



AREAS	NOTES
SHED-	49.0 m <sup>2</sup>
	PFL 15.50 AND - FINISHED FLOOR LEVEL ON AND

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DA2017 - 410  
determined as APPROVED on: 23 August  
2017  
PORT MACQUARIE-HASTINGS COUNCIL



## SAFETY DATA NOTES

## 1. FALLS, SLIPS, TRIPS

## a) WORKING AT HEIGHTS

## DURING CONSTRUCTION

Wherever possible, components for this building should be preassembled off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

## DURING OPERATION OR MAINTENANCE

For houses or other owner-occupied buildings where scaffolding is appropriate:

Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trellises should be used in accordance with relevant codes of practice, regulations or legislation.

For buildings where scaffold, ladders, trellises are not appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trellises should be used in accordance with relevant codes of practice, regulations or legislation.

## b) SLIPPERY OR UNEVEN SURFACES

## FLOOR FINISHES BY OWNER

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 157/1999 and AS/NZS 4586:2004.

## STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects and/or to the public. Steps should be clearly marked with bold yellow and black chevron markings and be kept free of debris, demolition and at all times when the building operates as a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Skids, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways.

Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

These are the plans referred to in  
Development Application No.:

DA2017 - 410

and determined as APPROVED on: 23 August  
PORT MACQUARIE-HASTINGS COUNCIL

DA/CC APPLICATION

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## 2. FALLING OBJECTS

## LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling into the area below:

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffold or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

## BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used that loads are properly secured and that access to areas below the load is prevented or restricted.

## 3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road: Planning of routes for loading/unloading of vehicles on the roadway and the location of traffic control personnel for the construction or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.

For building where on-site loading/unloading is restricted: Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

For all buildings: Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by (trained) traffic management personnel should be adopted for the work site.

## 4. SERVICES

## GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans on the exact location and extent of services may vary from that indicated. Services should be located and marked in accordance with relevant codes of practice, regulations or legislation. Appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power: Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning signs should be used and adequate signage or signage should be used as a protective barrier provided.

## 5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting devices. Where this is not practical, suppliers or fabricators should be required to limit the component mass.

All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.

Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or in the case of specifications not carrying a current electrical safety tag, equipment should be replaced. All safety Personal Protective Equipment should be used in accordance with manufacturer's specification.

## 6. HAZARDOUS SUBSTANCES

## ASBESTOS

For alterations to a building constructed prior to 1990: If this existing building was constructed prior to 1990, it therefore may contain asbestos.

1986 - If therefore is likely to contain asbestos either in ceiling areas or in the fabric of the building, appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

## POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should wear appropriate respiratory protection. Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

## TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

## VOLATILE ORGANIC COMPOUNDS

Many types of oils, solvents, spray paints, primers, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

## SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

## TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

## 7. CONFINED SPACES

## EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

## ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required: Enclosed spaces within this building may present a risk to persons entering or working within them. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

## SMALL SPACES

For buildings with small spaces where maintenance or other access may be required: Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

## 8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

## 9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it is a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

## 10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with the Code of Practice for Electrical Safety at the Workplace, AS/NZS 3012 and all licensing requirements. All work using plant should be carried out in accordance with the Code of Practice, Managing Risks of Plant at the Workplace. All work should be carried out in accordance with the Code of Practice, Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies

16-1262  
SHEET 7 OF 7

ROBERT SMALLWOOD  
BUILDING PLANS  
DESIGNER OF ARCHITECTURAL AND ENGINEERING PLANS

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**Item: 08****Subject: DA2017 - 667.1 DEMOLITION OF EXISTING BUILDING AND  
CONSTRUCTION OF BOAT STORAGE FACILITY AND PUBLIC  
AMENITIES, TREE REMOVAL AND ROAD WORKS AT LOT 2 DP  
535212, NO. 9 MCINHERNEY PARK, PORT MACQUARIE****Report Author: Benjamin Roberts**

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**Applicant: Sailability Pty Ltd  
Owner: Crown Land under Trust Management of Council  
Estimated Cost: \$420,000  
Parcel no: 22006**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That it be recommended to Council that DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Public notification of the application resulted in some community interest and several submissions from members of the public. The application was renotified after significant changes were made to the original design in response to the concerns raised in the initial public consultation phase.

In accordance with Council's conflict of interest - development applications policy the general manager determined that an external consultant be engaged to report on the application. Coffs Harbour City Council were engaged to undertake an independent assessment of the application and provide a recommendation. The assessment and recommendation is provided as an attachment to this report.

The conflict of interest policy also requires that all development applications on Council land, which includes Crown land under trust management of Council, where objections have been received be considered by the Development Assessment Panel and referred to Council for determination.

**Attachments**

- 1 [View](#). DA2017 - 667.1 Recommended Conditions
- 2 [View](#). DA2017 - 667.1 Amended GTAs NSW Office of Water
- 3 [View](#). DA2017 - 667.1 Final Assessment Report from Coffs Harbour Council
- 4 [View](#). DA2017 - 667.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2017/667****DATE: 10/12/2018****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Development Plans as stamped	Sailability	Jim Bignell	July 2018

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Government Natural Resources Access Regulator** - The General Terms of Approval, Reference GTA105323 and dated 27 July 2018, are attached and form part of this consent.
- (6) (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.

- (7) (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.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A195) All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is the 1 in 100 year flood level of 2.84m AHD. Details demonstrating compliance shall be clearly illustrated on plans accompanying the section 68 application.
- (10) (A196) All parts of the structure below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document Reducing Vulnerability of Buildings to Flood Damage (2007).

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Public parking areas including;
    - a. Parking bays;
  2. Sewerage reticulation.
  3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Retaining walls.
  5. Stormwater systems including works to provide a trafficable lid and re-enforcement to any stormwater pit within new parking bays.
  6. Erosion & Sedimentation controls.
  7. Landscaping.
- (3) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on



the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (4) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (5) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
  - a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
- (6) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to Port Macquarie-Hastings Council prior to release of the building Construction Certificate.
- (7) (B063) Prior to release of the building Construction Certificate submission to and approval by Council's Parks and Gardens Manager of a detailed landscape plan that provides for a minimum of thirteen (13) replacement trees in suitable locations at the site. The species and size of the replacement trees shall be determined by Council's Parks and Gardens staff. A copy of the approval by Council shall be provided to the Principal Certifying Authority.
- (8) (B064) The applicant's landscape consultant shall consult with service authorities regarding the selection and placement of replacement trees near services. The location of all proposed and existing overhead and underground service lines shall be indicated on the Detailed Landscape Plan to be submitted to Port Macquarie-Hastings Council.
- (9) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B195) The floor level of the amenities area must be at or above the 1 in 20 year flood level. For the purpose of this requirement, the 1 in 20 year flood level may be assumed to be RL2.35m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (12) (B196) The floor level of the boat shed area is to be at or above 2.056m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (13) (B197) The development must incorporate storage (shelves/racks) at or above 3.74m AHD being the 1:100 year flood level including climate change allowance plus freeboard. Prior to release of the Construction Certificate storage shelf details satisfying this requirement shall be clearly illustrated on the plans.

- (14) (B198) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.24m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood including climate change may be assumed to be 0.90m/s.
- (15) A building colours and materials schedule shall be submitted to and approved by Port Macquarie-Hastings Council prior to the issue of the building Construction Certificate.

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

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C008) No access through the reserve shall be allowed without first obtaining written approval from Council's Parks and Gardens Manager. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Council. Such approval would need to be undertaken in accordance with Council Policy.
- (3) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (4) The attached General Terms of Approval (GTAs) issued by NSW Government Natural Resources Access Regulator do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW Government Natural Resources Access Regulator for a Controlled Activity approval after development consent has been issued by Council and before the commencement of any work or activity.

#### **D – DURING WORK**

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

- b. at completion of installation of traffic management works
- c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- d. prior to the pouring of concrete for sewerage works and/or works on public property;

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

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

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

- (3) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

#### **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) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (4) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.

- (5) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (6) (E045) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL 3.24m AHD.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (9) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (10) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

#### **F – OCCUPATION OF THE SITE**

- (1) (F195) The development is only permitted to be used for the storage of small boats and directly associated equipment. No storage of unrelated items or use of the development for other purposes is permitted.





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** GTA105323  
**Issue date of GTA:** 27 July 2018  
**Type of Approval:** Controlled Activity  
**Description:** Boat Storage and Amenities Building  
**Location of work/activity:** 9 McInherney Close PORT MACQUARIE NSW 2444  
**DA Number:** DA2017/667/1  
**LGA:** Hastings Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
<b>Erosion and sediment controls</b>	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00001	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by DPI Water as part of a controlled activity approval. B. When the construction of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00026	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2017.667 provided by Council to DPI Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Grafton Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00007	The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; Works Schedule; structural

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124.  
[water.referrals@dpi.nsw.gov.au](mailto:water.referrals@dpi.nsw.gov.au) | [www.industry.nsw.gov.au/water](http://www.industry.nsw.gov.au/water)





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	GTA105323
<b>Issue date of GTA:</b>	27 July 2018
<b>Type of Approval:</b>	Controlled Activity
<b>Description:</b>	Boat Storage and Amenities Building
<b>Location of work/activity:</b>	9 McInherney Close PORT MACQUARIE NSW 2444
<b>DA Number:</b>	DA2017/667/1
<b>LGA:</b>	Hastings Council
design and specifications; Erosion and Sediment Control Plan.	

### Reporting requirements

GT0016-00001 The consent holder must inform DPI Water in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2017/667/1 as provided by Council:

- Statement of Environmental Effects
- Plans (Drawings 17-364 marked 'Revised Layout 2')

**Subject: DA2017 – 667 DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF BOAT STORAGE FACILITY AND PUBLIC AMENITIES, TREE REMOVAL AND ROAD WORKS**

**Report Author:** Ben Oliver - Development Assessment Coordinator (Coffs Harbour City Council)

<b>Applicant:</b>	<b>Sailability NSW</b>
<b>Owner:</b>	<b>Port Macquarie-Hastings Council</b>
<b>Estimated Cost:</b>	<b>\$420,000</b>
<b>Parcel no:</b>	<b>22006</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

That DA 2017 – 667 for Demolition of Existing Building and Construction of Boat Storage Facility and Public Amenities, Tree Removal and Road Works at Lot 2, DP535212, No. 9 McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.



.....  
Ben Oliver  
Development Assessment Coordinator (Coffs Harbour City Council)  
11 December 2018

## Executive Summary

The development application (DA) proposes the construction of a new building on public foreshore land, which will be used for the storage of boats and include public amenities.

Public notification of the DA resulted in some community interest and several submissions from members of the public. In the interests of probity, Coffs Harbour City Council were engaged by Port Macquarie Hastings Council, to undertake an independent assessment of the development application and provide a recommendation to the Development Assessment Panel.

The DA was renotified after significant changes were made to the original design in response to the concerns raised in the initial public consultation phase.

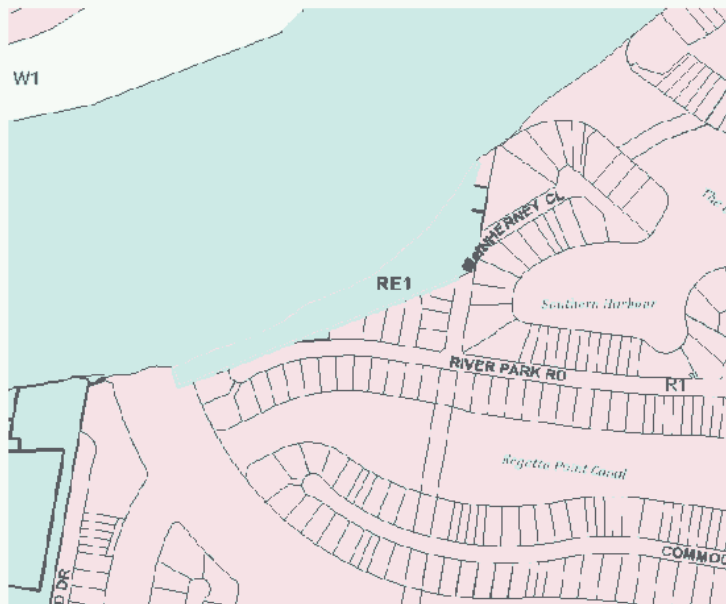
The amended design proposes a smaller building with a reduced footprint, which will be more complementary to the adjoining buildings and in keeping with the recreational status of the land. It is considered that the amended design addresses the substantive objections to the original DA and is now worthy of Council support.

## 1. BACKGROUND

### Existing sites features and surrounding development

The site consists of foreshore public land with public use facilities and amenities encouraging opportunities for both passive and active recreation activities. The land has undergone some capital works improvements, most notably the installation of a pontoon which facilitates recreational boating and sailing.

The site is zoned RE1 Public Recreation 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

The proposal involves:

- Demolition of the existing public amenities building;
- Construction of a new building which includes public amenities and a boat storage area;
- Removal of several trees located within the building footprint.
- Minor road works including new car parking spaces.

The building will be primarily used as a *community facility* providing boat storage facilities for use by Sailability and a small storage area for the Port Macquarie Triathlon Club. The building will be constructed of pre-cast concrete walls with a colourbond roof on a concrete slab. The dimensions of the building will be 10.9m x 22.4m with an approximate roof height of 4.0m.

The Proponent (Sailability NSW - Port Macquarie Club) is a not for profit organisation providing sailing opportunities for people with disabilities in specially designed sailing dinghies. Currently all of the equipment used by Sailability including sailing boats, IRB's and trailers is stored at the homes of volunteers.

The development will enable Sailability to provide a continued service to the local community in a new building that has easy access to the foreshore and will allow the consolidated storage of boats and equipment. It is expected that the building will be used in a limited capacity, noting that Sailability currently operate one day per week.

The development is *integrated development* for the purposes of section 4.46 of the EP&A Act 1979. General Terms of Approval have been issued by the Department of Primary Industries and included in the recommended conditions of consent.

Plans of the development are attached at the end of this report.



**Application Chronology**

- 2 August 2017 – Application lodged.
- 24 August 2017 – 22 September 2017 – DA notified.
- 30 May 2018 – Amended plans submitted by the Applicant.
- 4 June 2018 - 18 June 2018 – DA renotified.

**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**

A site specific SEPP44 assessment was undertaken by JB Enviro Consultants on behalf of the Proponent. The assessment noted the removal of several trees and concluded:

- *the natural environment was consistent with an artificially established parkland,*
- *the site did not qualify as potential koala habitat and there was no evidence of koala activity.*
- *assessment for Core Koala Habitat is not required, nor is a Koala Plan of Management required.*

It is considered that adequate assessment has been undertaken in relation to koala habitat protection and the proposed development can proceed.

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

The Policy requires the consent authority to consider whether the land is contaminated and suitable for its intended purpose and whether remediation is required prior to the land being used.

The site forms part of an established recreational precinct. Site investigations and a search of Council records, do not indicate that the subject land is contaminated or potentially contaminated. It is noted that the new building will replace an aged building in the same location. The site is considered suitable for its proposed use and no further detailed investigations are considered necessary.

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

The new development will include standard stormwater controls and is not expected to have any adverse impact on water quality and the viability of existing aquaculture industries.

**State Environmental Planning Policy 71 – Coastal Protection**

The Policy requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposed development has frontage to a highly modified foreshore reserve and the development will have no discernible impact on the dunes or coastal vegetation comprising the foreshore.
- The proposed development does not change, impede or diminish public access to or along the coastal foreshore.
- The development is considered suitable given its type, location and design and its relationship with the surrounding area.
- The proposed development will not result in a detrimental impact on the amenity or scenic qualities of the coastal foreshore, including significant overshadowing of the coastal foreshore and no significant loss of views from a public place to the coastal foreshore. There is no expected impact on existing wildlife corridors, animals, fish or plants and their inhabitants.
- The proposed development site is affected by coastal flooding which has been adequately addressed in the conditions and restrictions which apply to the development of the land. The proposed development will not result in potential for conflict between land-based and water-based coastal activities.
- The proposed development will not result in the discharge of untreated stormwater that would adversely affect the water quality of waterways.

In conclusion, it is considered that the proposed development meets the relevant provisions and is consistent with the aims of the policy.

#### **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 RE1 Public Recreation. In accordance with clause 2.3(1) and the RE1 zone landuse table, the construction of the building and its use as a *community facility* with public amenities is a permissible landuse with consent.

*community facility means a building or place:*

*(a) owned or controlled by a public authority or non-profit community organisation, and  
(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

*but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

The objectives of the RE1 zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives

- Clause 4.3 – Height of Buildings: The maximum overall height of the building above ground level (existing) is approximately 4.0m which complies with the height limit of 8.5m. The proposed building design is compatible with the established character of the area and will not cause significant amenity impacts in terms of overshadowing, obstruction of views and visual impact.
- Clause 5.10 – Heritage: The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 – Acid Sulphate Soils: The subject land is mapped as being class 3 potential acid sulfate soils. The proposed development does not involve significant excavation

and/or earthworks as it is considered that no further detailed consideration of acid sulfate soils is required.

- Clause 7.3 - Flood Planning: The site is identified as flood prone waterfront land. In addition to the requirement for engineering design which accommodates flooding impacts, a minimum floor level will be required and an operational condition will be applied to restrict the use of the building to storage purposes only.
- Clause 7.13 – Services: 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**

Chapter	Response
1.3 Community Participation	The DA was notified on two separate occasions and members of the public have been provided with an opportunity to make a submission. Any submission received have been acknowledged and the issues raised have been addressed in this report.
2.3 Environmental Management	The development will be designed, located and constructed in a manner which minimises the impact to the environment, consistent with the aims and objectives of the DCP.
2.4 Hazards Management	The development will be designed, located and constructed in a manner which minimises hazards, consistent with the aims and objectives of the DCP.
2.5 Transport Traffic Management Access and Car parking	The development has good access to transport services and public parking. Three (3) existing angled spaces will be removed to accommodate the building and four (4) new car parking spaces will be provided alongside existing car parking bays, resulting in a net increase of one (1) space.
2.6 Tree Management	The development will result in the removal of several trees that are located within the footprint of the new building. The loss of vegetation will be offset by replanting around the perimeter of the building and the reserve, which is consistent with Councils compensatory principles and the aims and objectives of the DCP.
2.7 Social Impact Assessment and Crime Prevention	The development proposes a functional and utilitarian building that will be located in an open and public area with good passive surveillance. The design of the building will minimise the opportunity for negative social impacts and antisocial behaviour consistent with the aims and objectives of the DCP.

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

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

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

**Demolition of buildings AS 2601:**

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

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

The subject site is located within in a highly modified urban environment surrounded by public buildings and recreational parkland. The construction of the new single storey building on the site to replace an aged public amenities building in the same location, is unlikely to have any adverse impact on the built environment or the amenity and aesthetics of the area.

The development will not involve any significant earthworks, disturbance of acid sulfate soils or impact on the water table. The environmental impacts of the development are limited to the removal of nine (9) trees, which will be compensated by replanting around the perimeter of the building and foreshore reserve. In summary, it is considered that the impacts of the development on the natural environment are minor and acceptable and can be addressed by standard conditions of consent.

The building will be a community asset and enable a community organisation to continue to provide an important and valued service to the community. It is considered that the positive social and civic impacts of the development, will outweigh any negative perceptions regarding the appearance or use of the building

**Access, Traffic and Transport**

The development has frontage to a public road and is in close proximity to public transport and multiple car parking spaces. An existing drop off bay will provide adequate access and egress to the building and adequate car parking spaces are located in close proximity to the building. The existing road network and parking will cater for any increase in traffic generation as a result of the development.

**Service Connection,**

The site and building will be adequately serviced by reticulated sewer and water and will be connected to Councils stormwater infrastructure.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

This site does not contain or adjoin any known European heritage item or conservation area. An electronic search of the Aboriginal Heritage Information System (AHIMS) register did not indicate any known sites, places of significance or relics on or in close proximity to the development site.

**Other land resources**

The site is within an established public recreation area and the development will not sterilise any significant mineral or agricultural resources.

**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 have no adverse impacts on soils, subject to standard conditions requiring erosion and sediment controls to be in place during the construction phase.

**Air and microclimate**

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

**Flora and fauna**

Construction of the building will require the removal of nine (9) trees located within the building footprint and immediate surrounds. The trees are isolated and within an established parkland environment and do not form part of an active habitat corridor. It is therefore unlikely that the loss of the trees will have any significant adverse impacts on biodiversity or threatened species of flora and fauna. The loss of the trees will be compensated by landscape plantings around the perimeter of the building and within the reserve.

**Waste**

Satisfactory arrangements will be in place during construction for the proposed storage and collection of waste and recyclables. No adverse impacts are anticipated and standard precautionary site management conditions are recommended.

**Energy**

The proposed building will incorporate measures to address energy efficiency and water conservation in accordance with Councils sustainability commitments.

**Noise and vibration**

Standard conditions will address any noise and vibration impacts during the construction phase. The building is expected to have a limited usage, noting Sailability currently operate one day per week.

**Bushfire**

The site is not identified as being bushfire prone land.

**Safety, security and crime prevention**

The proposed development is considered acceptable from a safety, security and crime prevention perspective and will not 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**

The development will have a positive social impact resulting from the availability of accessible public amenities and the continued operation of a community organisation, in a location that has easy access to the foreshore.

**Economic impact in the locality**

The development will have a positive economic impact resulting from construction works and ongoing usage.

**Site design and internal design**

The amended design of the development addresses the substantive concerns raised to the original design and responds positively to the site attributes and constraints.

**Construction**

The demolition and construction works will be temporary and managed by Council to ensure minimal adverse impacts to surrounding residents and property owners.

**Cumulative impacts**

The proposed development will have positive cumulative impacts associated with the efficient delivery of services to the community.

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

The site is ideally suited to the construction of the building providing modern and accessible public amenities for users of the reserve. The building will also enable the efficient operation of a community organisation, in a location that has easy access to the foreshore, including the newly constructed pontoon and boat launching facilities.

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

The DA was notified on two (2) separate occasions. The first public exhibition of the DA resulted in seven (7) submissions being received.

The submissions raised numerous objections including:

- The loss of trees
- The size and perceived "industrial" appearance of the building and amenity and aesthetic impacts
- Site constraints primarily flooding
- The removal of public amenities and potential for antisocial behaviour by users of the new public amenities building
- The use of public space
- The costs to Council associated with the building and future funding arrangements
- The public consultation process

An amended design was subsequently prepared and submitted to Council which supersedes the original design. The amended design proposes a smaller building with a reduced footprint.

The re notification of the DA resulted in further submissions which reiterated the previous concerns. The key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Loss of trees	The loss of mature trees is unfortunate in terms of their ability to provide shade and amenity, however the location of the trees conflicts with the new building footprint. It is noted that there will be replacement plantings undertaken around the perimeter of the building and within the reserve, which is considered appropriate and acceptable as a compensatory measure.
Amenity and aesthetic impacts	The amended design proposes a modern, functional and utilitarian building expected for its intended purpose in that location. Design details clarifying final material finishes and colour schemes will be submitted to Council for approval prior to the issue of the construction certificate. The amenity and aesthetic impacts of the building are considered reasonable and expected in the area.
Site constraints (flooding)	Councils flood engineers have identified flooding as a constraint and have recommended specific conditions to ensure the design of the building withstands flooding impacts and the ongoing use is limited to storage purposes only. The potential for flooding does not preclude the development proceeding.
Removal of public amenities and antisocial behaviour	The building will provide new and accessible public amenities which will be an improvement in the area. The risk of antisocial behaviour can be managed and does not preclude the development proceeding.
Use of public space	It is considered that the building and its function is ideally suited to the area and will provide a continued and valued service to the community in terms of public amenities and boat storage for a community organisation.
Costs and funding arrangements	The costs and funding arrangements associated with the building are not a relevant consideration in the assessment of the DA.
Public consultation process	The DA has undergone an open and transparent public consultation process in accordance with Councils expectations and requirements.

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and has undergone an open and transparent public consultation process on two separate occasions. The assessment of the application has considered the public interest matters and determined that the proposal will have a distinct positive impact. It is therefore recommended that the DA be supported.

#### **4. DEVELOPMENT CONTRIBUTIONS**

Sailability NSW is a not for profit organisation relying on volunteer service, grants and donations. Clause 2.3 of Councils Development Contributions Assessment Policy states that:

*"Development by non-profit organisations on Council owned or controlled land is exempt from payment of developer contributions, provided that the Council determines that the development is for an essential community service".*

In this instance, Councils Contributions Officer has confirmed that the development is exempt from payment of developer contributions.

## **5. CONCLUSION AND STATEMENT OF REASON**

The DA has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The issues raised in response to the public exhibition of the DA have been considered in the assessment of the application and where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is ideally suited for the proposed development, which will provide new public amenities and a storage space for a valuable community organisation. Approval of the DA is in the public interest and no significant adverse social, environmental or economic impacts are anticipated as a result of the development. It is recommended that the application be approved, subject to the recommended conditions of consent.

## **Attachments**

**COMBINED BOAT STORAGE FACILITIES**

LOT 2 D.P 535 212  
MC INHERNEY CLOSE  
PORT MACQUARIE.

FOR SAILABILITY N.S.W  
PORT MACQUARIE.

REVISED LAYOUT.

JIM BIGNELL A.S.T.C

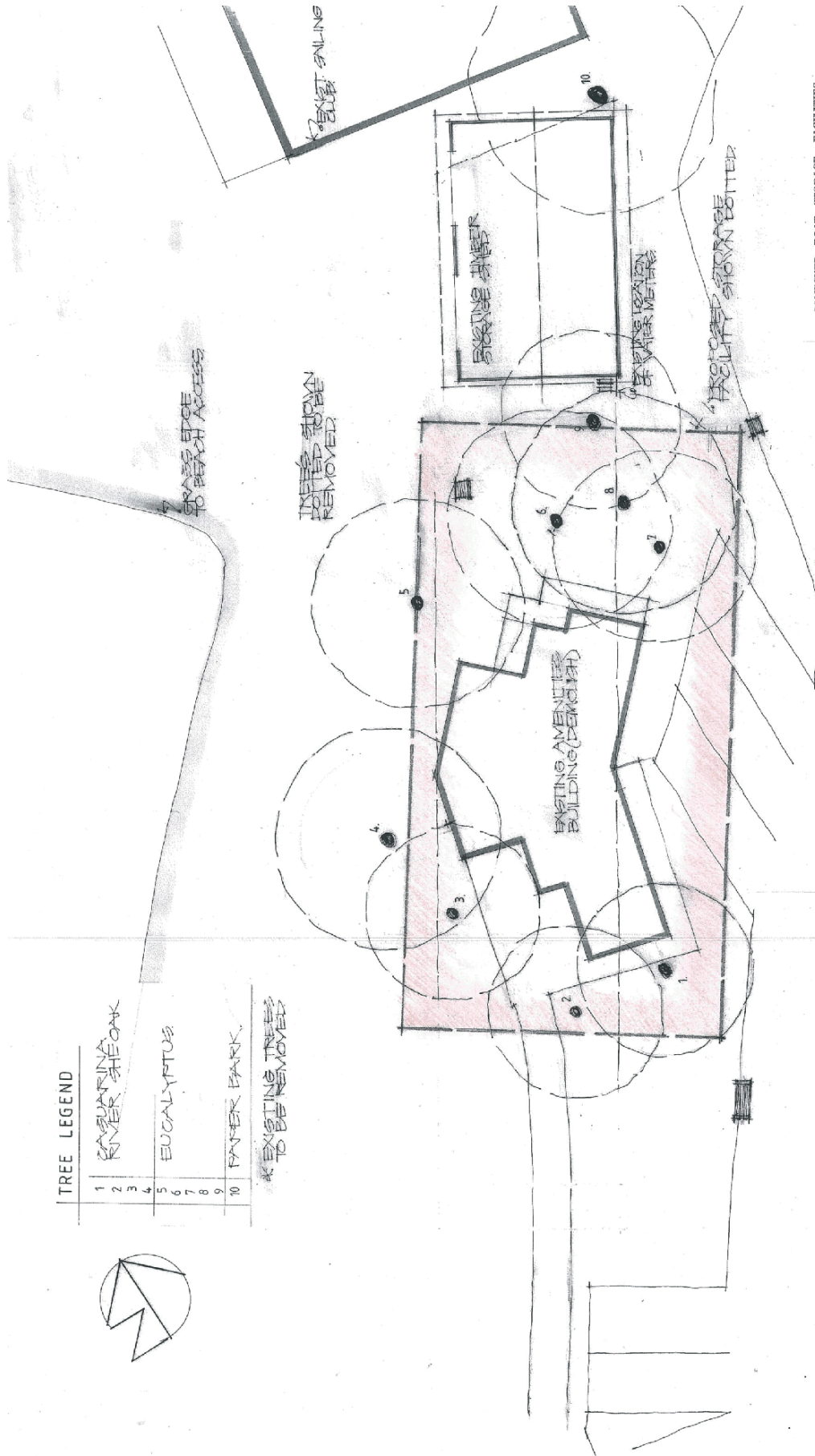
DESIGNS

21 SHORELINE DRIVE,  
PORT MACQUARIE.

PHONE / FAX 65 84 3711  
MOBILE 0407 457 797

EMAIL jim.b4628@gmail.com

SHEET NO. OF  
DRWG NO. 17-364



COMBINED BOAT STORAGE FACILITIES

LOT 2 DP 53272  
MC BRIDGES CLOSE  
PORT MACQUARIE

FOR SUSTAINABILITY NEW  
PORT MACQUARIE

JIM BIGNELL ARSIC

SCALE

DATE

PROJECT NO.

DATE

PROJECT NO.

DATE

PROJECT NO.

DATE

PROJECT NO.

DATE

PROJECT NO.

DATE

PROJECT NO.

DATE

EXISTING SITE LAYOUT

SCALE 1:100 - A2



REVISED LAYOUT 2









### COMBINED BOAT STORAGE FACILITIES

LOT 2 D.P. 535212  
MAC. INHERNEY CLOSE.,  
FORT MACQUARRE.

FOR SAILABILITY N.S.W  
PORT MACQUARIE.

JIM BIGNELL A.S.T.C.

1. ENDPOINT LINE CURVE,  
OF MACQUARTER.

SHEET NO. 6 OF 6  
DWG NO. 17-364



LOT 2 D.P. 535-212  
MC. INHERNEY CLOSE,  
PORT MACQUARIE

FOR SAILABILITY N.S.W.  
PORT MACQUARIE.

JIM BIGNELL A.S.T.C.

24. DRUGS AND DRUGS  
FROM NATURE.

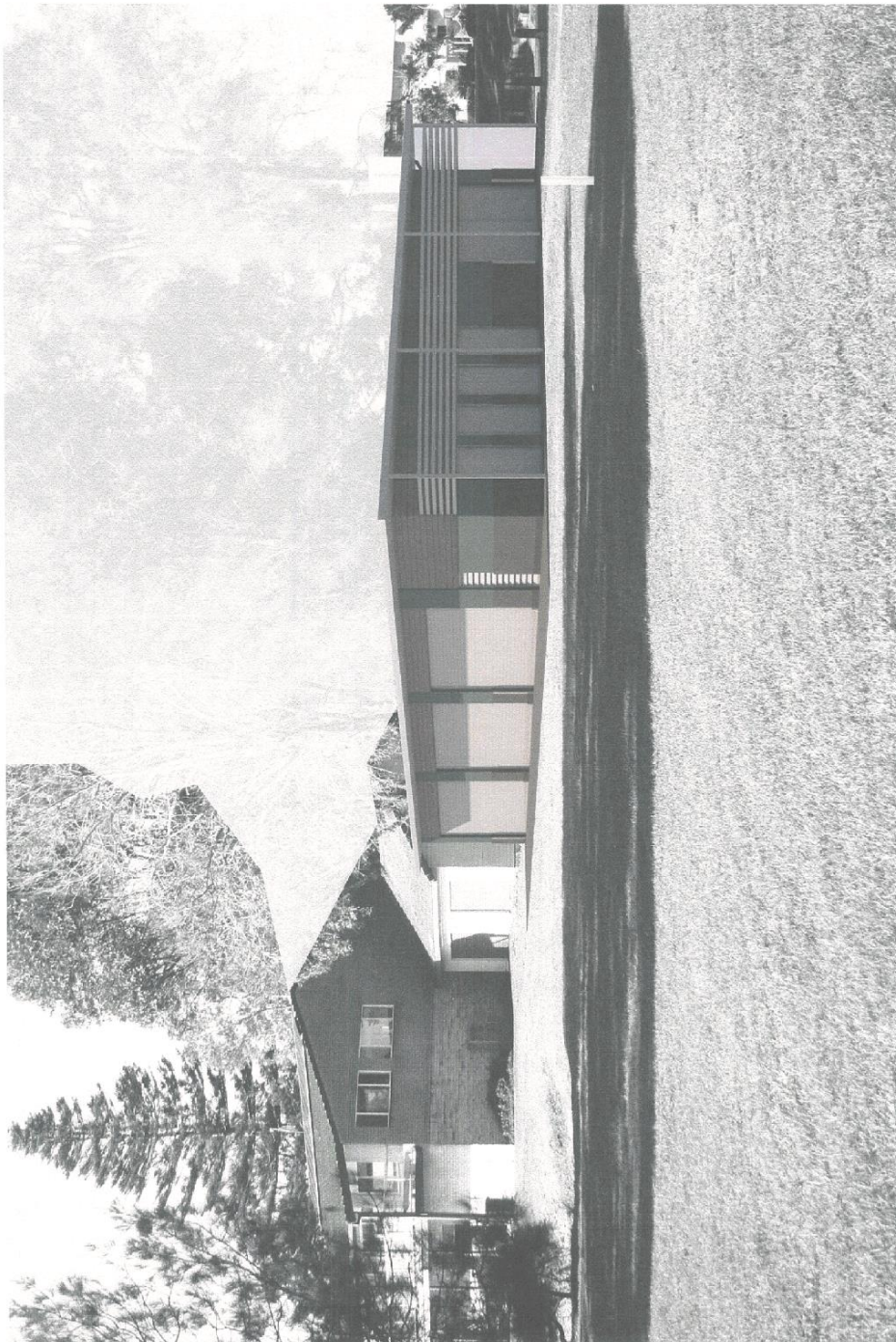
# PROPOSED LANDSCAPE PLAN

SCALE 1:100-A2









1 BOAT STORAGE FACILITIES - VIEW 1



1 BOAT STORAGE FACILITIES - VIEW 2



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**Item: 09**

**Subject: DA2018 - 824.1 ONE INTO THREE LOT TORRENS TITLE  
SUBDIVISION AND TWO(2) SEMI-DETACHED DWELLINGS - LOT A  
DP 33885816, NO. 16 WINDMILL STREET PORT MACQUARIE**

**Report Author: Steven Ford**

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**Applicant: R J & C J Shafer  
Owner: R J & C J Shafer, G B & S Kook  
Estimated Cost: \$461,565  
Parcel no: 36704**

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

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

#### **RECOMMENDATION**

**That DA 2018 - 824 for a 1 into 3 Lot Torrens Title Subdivision and Two Semi-Detached Dwellings at Lot A, DP 338858, No. 16 Windmill Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a 1 into 3 Lot Torrens Title Subdivision and Two Semi-Detached Dwellings at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

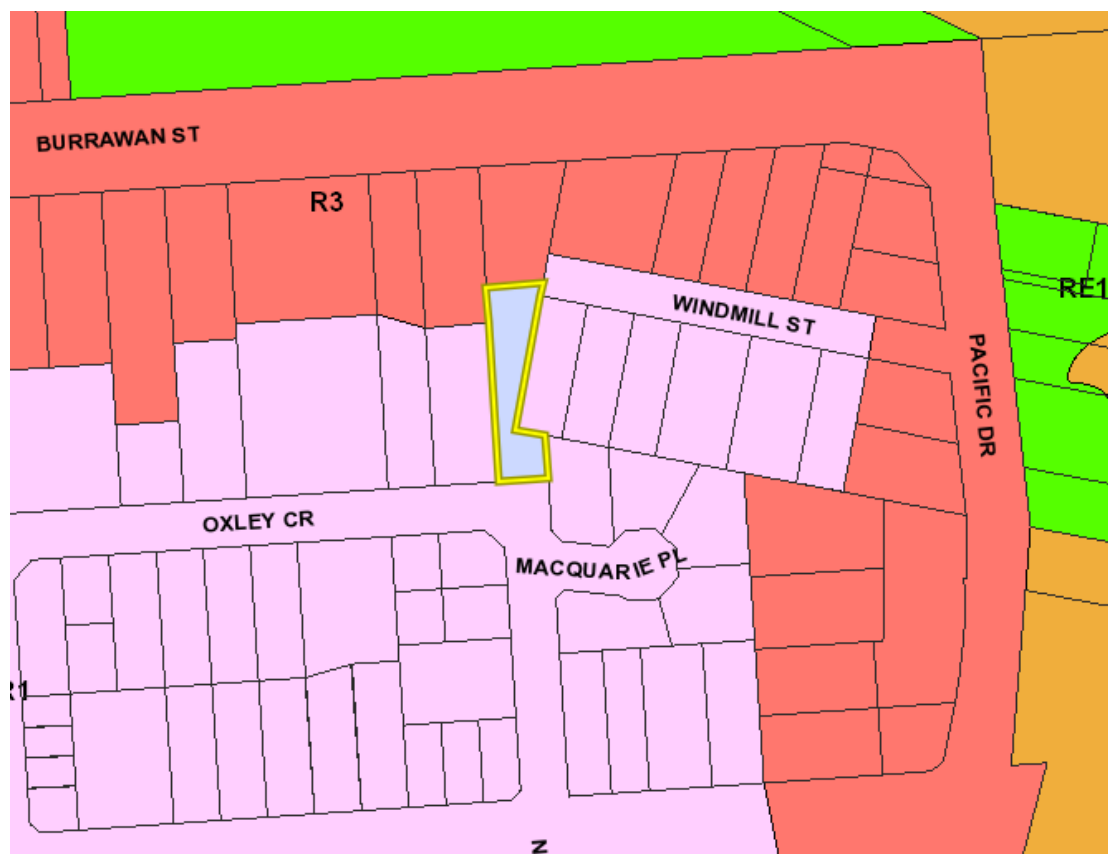
Following exhibition of the application, one (1) submission has been received.

#### **1. BACKGROUND**

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

The site has an area of 816.9m<sup>2</sup>.

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



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- 1 into 3 lot subdivision
- Construction of two semi-detached dwellings

Refer to attachments at the end of this report.

**Application Chronology**

- 29 November 2016 – Pre-lodgement Meeting
- 08 October 2018 – Application Lodged
- 16 October to 29 October 2018 – Neighbourhood Notification
- 8 November 2018 – Additional information and amended plans submitted
- 12 December 2018 – Revised Plans (relocation of Unit 1 Balcony)

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

BASIX certificates (number 961703S and 961811S) have been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**State Environmental Planning Policy (Coastal Management) 2018**



The site is located within a 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 of the SEPP 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;

#### **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.
  - 1. The objectives of the R1 zone are as follows:
    - To provide for the housing needs of the community.
    - To provide for a variety of housing types and densities.
    - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality.
- Clause 4.1(4A) , the minimum lot sizes do not apply to the proposal as it is characterised as semi-detached dwelling or multi dwelling housing development.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.8m which complies with the standard height limit of 11.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.50:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.5 - Development within the coastal zone (relevant objectives of this clause are addressed by SEPP (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 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force****Port Macquarie-Hastings Development Control Plan 2013:****Port Macquarie-Hastings DCP 2013 – Part 4 Greater Port Macquarie – area based provisions**

The Locality of the subject site falls within the Windmill Hill Precinct of East Port Neighbourhood as identified in 4.3.2 of the DCP. The Windmill Hill precinct has been identified to continue to evolve as a medium density residential precinct with a diverse range of housing types. The subject property is not identified with the northern and eastern edges of the precinct with higher landform in this area. However, it is directly adjoining the identified edges. The proposed development is consistent with desired character statements and objectives identified in the DCP for the Windmill Hill Precinct.

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tanks are appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	The development contains a balcony and front building line of Unit 1 is within the articulation zone. Both elements exceed 25% of the articulation zone and seek variation for being within the 3m front setback. See notes below for justification.	Acceptable
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Application seeks a variation to the front building line setback requirements by providing justification considering the wide road reserve, and site constraints. See justification below	Acceptable
3.2.2.3	Garage 5.5m min. and 1m behind	Garage door setback	Yes

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

	Requirements	Proposed	Complies
	front façade. Garage door recessed behind building line or eaves/overhangs provided	requirements are complied with.  Unit 1 – 7.9m Unit 2 – 10m	
	6m max. width of garage door/s and 50% max. width of building	Width of garage door requirements are complied with.  (2x Single garage adjacent to Oxley Crescent)	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Unit 1 & 2: Single crossover, driveway crossing width requirements are complied with.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Unit 1 – 1m Unit 2 – 1.2m Cottage – 1.8m  Variation justification noted below	Acceptable
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	The minimum side setback requirements are complied with.  Unit 2 West – 1.5m East – 1.06m  Unit 1 West 5.52m East – 0.95m  The wall articulation satisfies the objectives of the development provision.  See below for justification.	Acceptable
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Unit 1 = 30.3m <sup>2</sup> (excluding the first floor balcony = 9.57m <sup>2</sup> ) combined total of 39.87m <sup>2</sup> .	Acceptable

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

	Requirements	Proposed	Complies
		Unit 2 = 40.3m <sup>2</sup>  Plans submitted indicate that each private open space area is directly accessible from a living area and has achieved a useable 4m x 4m area.	
3.2.2.7	Front fences	No fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	The development will not compromise privacy in the area due to a combination of lack of windows on side/rear boundaries, having high sill windows that face side/rear boundaries, limiting living areas that face adjoining living areas/open space, compliant separation to adjoining development, use of screening and boundary fencing.	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	Maximum cut of 1.2m, see justification below	Acceptable
2.3.3.2	1m max. height retaining walls along road frontage	None proposed  Note: existing	N/A

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		retaining wall within the road reserve	
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification (B15)	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.  Note existing retaining wall in road reserve, no fence above proposed	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No significant trees proposed to be removed. One small unidentified species of tree will be removed due to the proximity to the proposed driveway crossover. See identified trees marked on site plan.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing(s) is/are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal involves 2 semi-detached dwellings and an existing dwelling. The development proposes 2 parking spaces for the proposed units and a existing hardstand space for the existing Cottage.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and	Yes



<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		NOP.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Note: Subdivision provisions of the DCP (except battleaxe handle width) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment. Servicing requirements are discussed later in this report.

The proposal relies on a variation to Development Provision relating to 3.2.2.2 – Front setback less than 4.5m.

The relevant objective is: Front setbacks should support an attractive streetscape.

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

- The front boundary on Oxley Crescent does not run parallel with the street and angles away from the street adjacent to a wide road reserve on the corner of Oxley Crescent.
- Visually, the subject verandah and wall appear to be setback appropriately from the kerb as the wide road reserve with existing retaining wall and vegetation will appear as private property.
- Visually, with the garages setback 7.8m and 10m with a single driveway crossing, softens the impact of the variation
- The subject verandah and is angled away from the street, due to the lots positioning.
- The proposed building does not impact on any privacy, views, overshadow adjoining primary living areas or line of sight of road traffic.

The proposal also requires a variation to the Development Provision relating to 3.2.2.4 – Rear setback less than 4m

The relevant objectives are:

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

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

- The site has two street frontages and has significant site constraints with its irregular shape, the proposed dwellings have been designed to limit any adverse effects of bulk and scale to both existing and proposed developments.
- The proposed rear building lines are well articulated and will allow for adequate solar access and ventilation between dwellings.
- The proposal provides a useable yard and private open space for both proposed units and existing cottage. The proposed private open space does not have adverse impacts to adjoining developments.

The proposal also includes a variation to the Development Provision relating to 3.2.2.5 – Side setback for Unit 1 upper floor is less than 3m and Unit 2 has an unarticulated wall length exceeding 12m.

The relevant objectives are:

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

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

- Unit 1 has eastern side setback of 957mm for the upper floor,
- The subject wall is 6.8m high and under the maximum building height limit of 11.5m. The subject wall does not overshadow any adjoining living areas or private open space or affect ventilation between adjoining neighbours.
- The subject wall is 9.2m in length and is well articulated with varying external finishes to reduce perceptions of overbearing and bulk.
- The subject wall of Unit 1 has minimal windows which will limit any privacy impacts to the adjoining property.
- Along the western boundary, Unit 2 has an unarticulated wall length of 15.85m, which is only single storey and setback 1.5m from the side boundary.
- The neighbouring property to Unit 2, has a common access footpath positioned adjacent to the subject property which provides an increased setback to the common boundary line. The building is also primarily orientated to the east, away from the proposed development. However, due to the height of the adjoining residential flat building, and the subject wall being single storey, it will not impact on any existing view or create perceptions of bulk or overbearing.
- The side setback of Unit 1 or the unarticulated wall of Unit 2 variations will not be visible from the street.

The proposal includes a variation to the Development Provision relating to 2.3.3.1 – development exceeds a maximum cut of 1m.

The relevant objectives are:

- Minimise the extent of site disturbance caused by excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.
- Minimise the extent of site disturbance caused by excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.

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

- The highest cut indicated on the plans is 1.2m
- Proposed cuts and retaining walls are not directly adjacent to adjoining dwellings/structures and will have minimal impacts with regards to instability, subject to engineering and final height not exceeding 1.2m.
- The proposal will incorporate adequate drainage measures at the areas of the proposed cut to ensure that overflow paths are provided and to minimise impacts to existing drainage.
- The proposed development has given due consideration to maintaining appropriate standards of residential privacy. The proposed site cut will not impact on adjoining residential privacy.
- Proposed cut has allowed the development to achieve useable private open space for both dwellings.

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 result in an adverse impact nor are they of a significance that would justify refusal of the application.

**(a)(iii)(a) Any planning agreement or draft planning agreement**

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

**(a)(iv) The regulations**

**NSW Coastal Policy 1997**

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

**(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**

**Context and setting**

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.

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

**Roads**

The site has road frontage to Windmill Street and Oxley Crescent.

Adjacent to the site Windmill Street is a sealed public road under the care and control of Council. Windmill Street is a local road with a road formation of 8.5m with a 5.7m radius turning head within a 13.716m road reserve.

Adjacent to the site Oxley Crescent is a sealed public road under the care and control of Council. Oxley Crescent is a local road with a road formation of 7.7m within a 15.253m road reserve.

**Traffic and Transport**

The site is currently approved for residential development and has a single dwelling located on it which is assumed to create 7 daily trips to Windmill Street. This development proposes to create two additional dwellings with access to Oxley Crescent which is assessed as an additional 14 daily trips to Oxley Crescent and maintain the existing single access to Windmill Street.

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

**Site Frontage & Access**

Vehicle access to the site is proposed through a shared driveway with direct access to Oxley Crescent, being a Council-owned public road.

In this regard no driveway long section has been submitted and engineering assessment has indicated that the garage floor levels will not be capable of achieving a driveway profile in accordance with Auspec requirements. This should be achievable without compromising any other aspect of the development and conditioned prior to Construction Certificate. It is anticipated that the garage floor levels will need to be lowered by approximately 210mm to achieve an acceptable profile.

The existing frontage to Windmill Street will require a formal driveway crossing to be provided. In this regard the crossing should take into consideration the required driveway on the adjoining property immediately to the east and align the crossing to not impede the access to 14 Windmill Street. Alternatively a combined crossing within the road reserve would be acceptable.

Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

**Parking and Manoeuvring**

A total of 2 parking spaces have been provided on-site within garages with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

**Sewer Connection**

Council records indicate that the development site is currently connected to sewer via a junction to the sewer line that runs across the middle of Lot A.

Each proposed lot requires an individual connection to Council's sewer system. A sewer reticulation plan shall be provided to Council's sewer Section for approval.

The existing Asbestos Cement Lined sewer main that currently traverses through the middle of the development site shall be replaced with PVC pipe. Details are to be provided to Council's Sewer Section for approval.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards Oxley Crescent and is currently unserviced.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pipeline within Oxley Crescent. This will require an extension of the public stormwater system.

Stormwater from the proposed development is planned to be disposed via a new pipe and junction pit within Oxley Crescent which is consistent with the above requirements.

Natural overland flow currently drains onto this site from the upstream property at 14 Windmill Street. No inter-allotment drainage easement exists through the site to capture this overland flow. While the preference is for an inter-allotment easement to be created one has not been proposed and it is considered that Council cannot impose such requirement as part of this proposed development. The capture and disposal of the existing overland flow will need to be incorporated into the private drainage undertaken as part of this development. Details will be required as part of the section 68 application.

Council currently has an undetermined development application for a dual occupancy on 14 Windmill Street, being the upstream property. Should the provision of inter-allotment drainage be required appropriate arrangements will need to be made between the respective land owners. If this development is approved Council's stormwater engineer is satisfied that a reduced inter-allotment easement width of 900mm could be provided down the side of proposed unit 1, as the building is setback 957mm from the side boundary. Again it would be the responsibility of the proponent of the development for 14 Windmill Street to negotiate and establish any easement necessary to accommodate the development.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a Construction Certificate. In accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities.
- Provision for capture of natural overland flow from uphill/upstream properties/lands.

A suitable condition has been recommended.

**Other Utilities**

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

**Heritage**



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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

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

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

Following exhibition of the application in accordance with DCP 2013, one (1) submission was received. Details of the submission and planning responses are provided below.

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Has there been consideration that if the proposal were to go ahead, there would be the following addresses all in a row: 2 (Macquarie Place), 2a, 2b, 2 (Oxley Cres?	The subject site has an existing secondary frontage to Oxley Crescent and Dual Occupancies are permissible with consent under the Port Macquarie-Hastings Local Environmental Plan (LEP) in R1 zones. This concern has been noted.
There is already enough traffic and parking problems in Oxley Crescent.	The development proposes 2 single garages for the proposed units and an existing hardstand space for the Cottage. This satisfies the objectives of Port Macquarie-Hastings Council Development Control Plan (DCP) 2.5.3.3 requirements for off street parking.  Additional Traffic and Manoeuvring has been address in the report above.
It's not suitable to have three separate buildings on the one site – the plans state there are requirements for minimal spaces, and there are already several non-	Under Clause 4.4 of the LEP, providing that the site has a total area of 816.9m2 and the total proposed living area (Including the Existing cottage) is 392.7m2, the floor space ratio of the proposal is 0.48:1.0 which

Submission Issue/Summary	Planning Comment/Response
compliances on the plan.	<p>complies with the maximum 0.65:1 floor space ratio applying to the site.</p> <p>Additionally, Clause 4.1(4A) of the LEP, allows the minimum lot sizes to not apply to a proposal that is characterised as multi dwelling housing development.</p>
<p>People bought existing properties with certain rules in place regarding future developments. The proposed plans of 16 Windmill Street creates various non-compliances which would have influenced the purchase of adjoining properties in the first place.</p>	<p>The adjoining developments are characterised by a mix of low and medium to high density developments, incorporating single dwellings and a proposed dual occupancy to the east and south, and Residential Flat buildings consisting 4 and 5 storeys to the North and West. Additionally, Oxley Crescent is characterised by multi dwelling developments.</p> <p>The proposed development adjoining Oxley Crescent is characterised by 1x single and 1x two storey units, designed to the site constraints of an irregular shaped lot. The proposed development is consistent with adjoining developments and character of the Windmill Hill Precinct.</p>
<p>Concerns regarding sewerage and stormwater – please update neighbouring properties with further details of the plans as there are existing draining issues at 2 Oxley Crescent.</p>	<p>Preliminary Stormwater Management Plan prepared by David Johnson, was submitted as part of the Development Application and attached to this report. Stormwater management has been designed in line with Council's Auspec requirements and drains to the legal point of discharge along Oxley Crescent.</p>
<p>Existing property – there are already noise problems. This property has been let out for holidays/weekends which has been disruptive to neighbours.</p>	<p>Concerns regarding noise controls have been noted. Note, the application does not seek approval for tourist and visitor accommodation. A condition restricting to use of the proposed development to permanent residential use has been included in the draft conditions.</p>
<p>Access via common driveway of Oxley Crescent – this is impractical and goes against the original street number allotment. There is already enough traffic in Oxley Crescent and cars have been damaged due to vehicles parking either side of the street and making it difficult for traffic to pass through especially on corners.</p>	<p>The proposed driveway location to Oxley Crescent is existing and used as a secondary access. A shared driveway crossover for a Dual Occupancy is preferable to maximise on street parking opportunity.</p> <p>Concern regarding street numbering and traffic have been noted.</p>
<p>Two storey unit – won't the west-facing areas of 16 Windmill Street look straight in to the bathrooms of some residents at 2 Oxley</p>	<p>Unit 2 is single storey, the west elevation only proposes highlight windows to a hallway, which is not a primary living area. Additionally, screening will be provided by proposed</p>

Submission Issue/Summary	Planning Comment/Response
Crescent? This is a major privacy concern. There are bedrooms and bathrooms along the east side of 2 Oxley Crescent and existing residents have a right to their privacy and natural light.	boundary fence between adjoining private open space areas.  Unit 1 has no windows along the western elevation and the proposed balcony is over 12m from the adjacent building at 2 Oxley Crescent.  Submitted shadow diagrams indicate no adverse overshadowing to adjoining living areas.
Concerns rear yard area of 16 Windmill Street will take away privacy of existing residents.	The proposed private open space areas will not compromise privacy in the area due to a combination of limiting proposed living areas that face adjoining living areas/open space, compliant separation to adjoining development, use of screening and boundary fencing.
Issues raised regarding the Statement of Environmental Effects	Concerns have been noted and are addressed throughout the report above.
Natural sunlight	On review of the submitted plans and consideration of adjacent primary living areas. Solar access to the principal living areas of adjacent properties will not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22. There are no adverse solar access impacts created by the proposed dwellings.

**(e) The public interest**

The proposed development will be in the wider public interest with provision of appropriate additional housing.

The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION 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 attached to this report.

**Attachments**

- 1 [View](#). DA2018 - 824.1 Recommended Conditions
- 2 [View](#). DA2018 - 824.1 Plans
- 3 [View](#). DA2018 - 824.1 Hydraulics



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/824****DATE: 14/01/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	J3510	Collins W Collins	12/12/18
Floor Plans	J3510	Collins W Collins	12/12/18
Statement of Environmental Effects	J3510	Collins W Collins	October 2018
BASIX Certificate	961703S & 961811S	Collins W Collins	26/09/18
Preliminary Subdivision Plan	6244	Coastal Survey Solutions Consulting Surveyors and Planners	15/09/18
Internal Stormwater Management Plan	2018-120	David R Johnson Consulting Engineer Pty Ltd	September 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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the

relevant authority including the provision of easements over existing and proposed public infrastructure.

- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

  - Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - The proposed driveway from Oxley Crescent. The garage floor levels will need to be adjusted to allow a driveway profile complying with ASD207.
  - The existing driveway crossing to Windmill Street shall be formalised and upgraded. The alignment of crossing is to consider adjoining property access, alternatively a combined crossing within the road reserve would be acceptable.
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Sewerage reticulation.
  2. Water supply plans.
  3. Stormwater systems.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan

- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Oxley Crescent.

In this regard, Council's piped drainage system within Oxley Crescent must be extended by an appropriately sized pipeline (minimum 375mm diameter) to



the frontage of the site, where a junction pit must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.

- b) The design is to be generally in accordance with the preliminary stormwater drainage concept plan prepared by David R Johnson Consulting Engineers and dated Sept 2018.
  - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
  - d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5.
  - e) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
  - f) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
  - g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
  - h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (12) Proposed lots 1 & 2 shall be provided with individual metered water services from the 100mm AC water main in Oxley Crescent. Details shall be provided on the engineering plans.
- (13) Each proposed lot requires an individual connection to Council's sewer system. A sewer reticulation plan shall be provided to Sewer Section for approval.
- (14) The existing Asbestos Cement Lined sewer main that currently traverses through the middle of the development site shall be replaced with PVC pipe. Details are to be provided to Sewer Section for approval.
- (15) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
  - ii. located within 1m of the property boundaries; or
  - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (16) Prior to the issue of any Construction Certificate reduced garage floor levels for units 1 and 2 shall be clearly indicated on the construction plans to ensure driveway grade compliance.

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.



- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

**D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
- when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - prior to the pouring of concrete for sewerage works and/or works on public property;
  - during construction of sewer infrastructure;
- All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

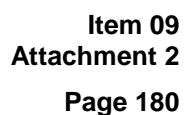
**E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or

- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
  - (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any 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.
  - (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
  - (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
  - (9) (E068) Prior to the issue of a Subdivision or Occupation Certificate, whichever occurs first, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings (including street lighting and fibre optic cabling where required).
  - (10) Prior to issue of a Subdivision Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over Lot 2 to enable the gravity drainage of Lot 1. The easement and interallotment system, must comply with the requirements of AUSPEC D5.
  - (11) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

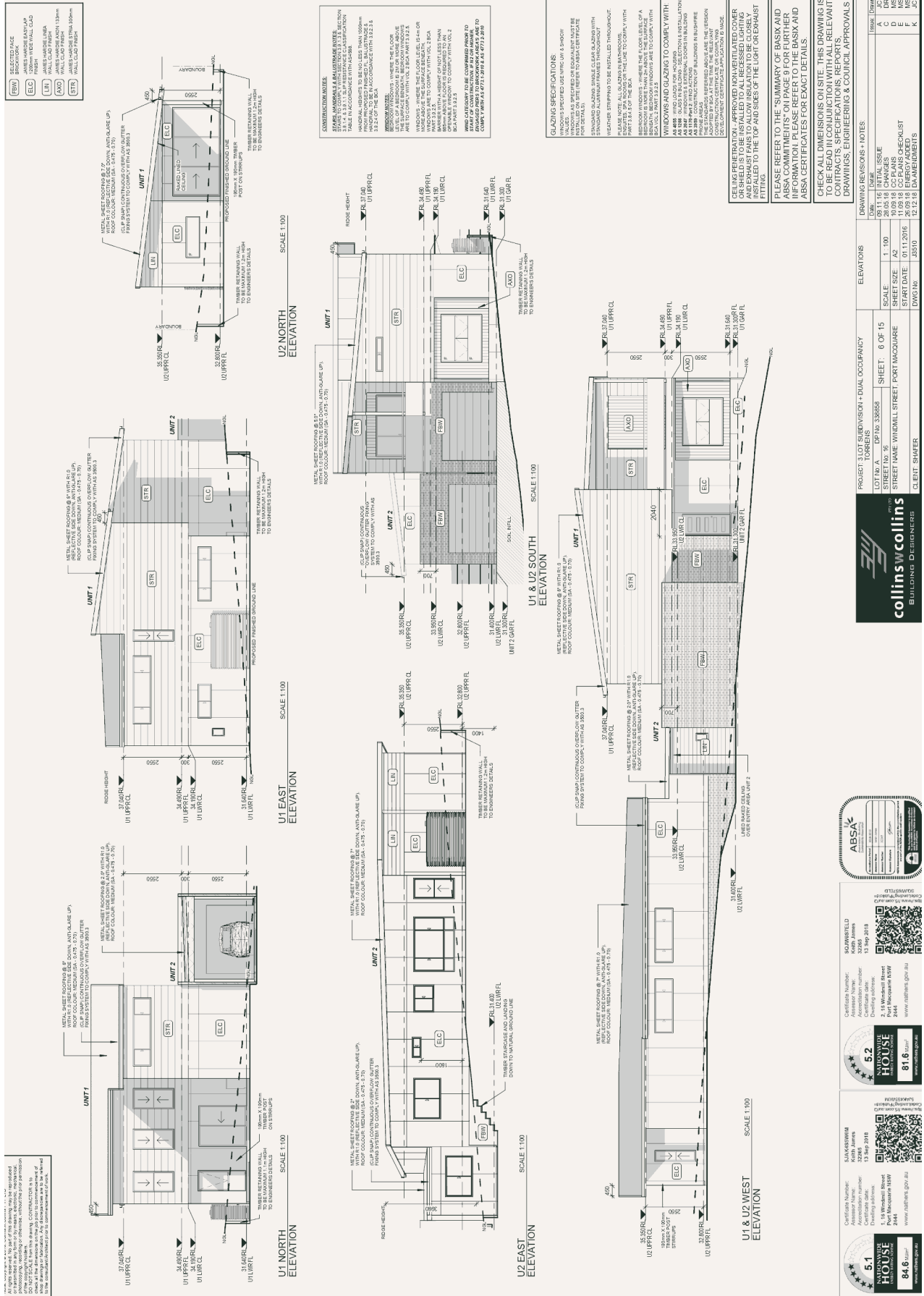
#### F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F035) The consent only permits that each of the three units within the development cannot be used or adapted for anything other than a single dwelling.

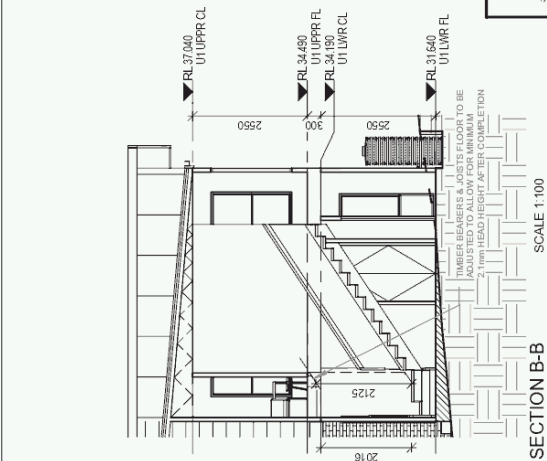
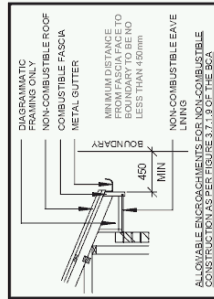




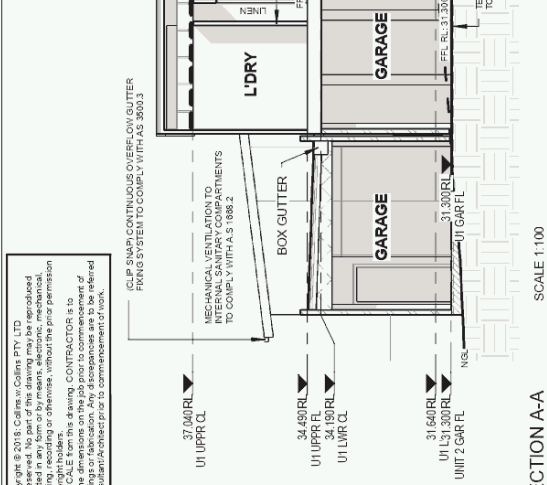
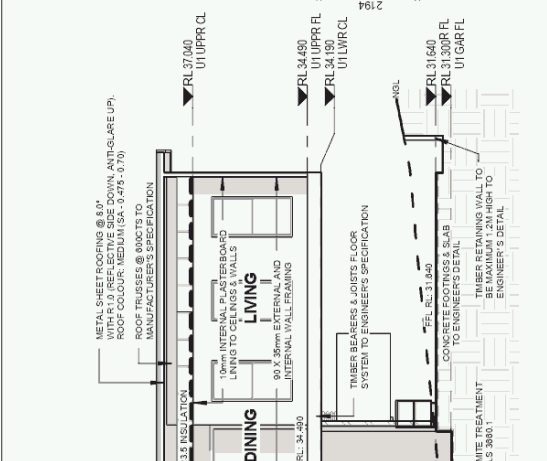






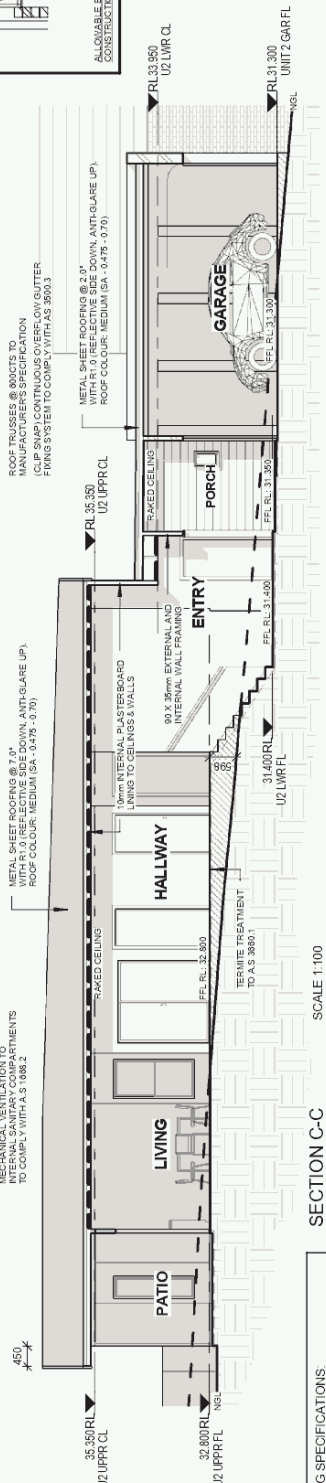


SECTION B-B  
STAIRCASE



SECTION A-A

SCALE 1:100



SECTION C-C

SCALE 1:100

#### LAZING 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 ALUMINUM FRAMES THROUGHOUT.  
LEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

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

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

4055 : WIND LOADS FOR HOUSING  
1288 : GLASS IN BUILDING - SELECTION & INSTALLATION  
2047 : WINDOWS & EXTERNAL DOORS IN BUILDING  
1170-Part 2 : WIND ACTIONS  
1954 : CONSTRUCTION OF BUILDINGS IN RURAL AREAS

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

PLEASE REFER TO THE "SUMMARY OF BASIS AND ABSA COMMITMENTS" ON PAGE 9 FOR FURTHER INFORMATION. PLEASE REFER TO THE BASIS 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

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

/N/ING REVISIONS • NOTES:			Issue:	Drawn:
16	INITIAL ISSUE		A	JC
18	CHANGES		C	DR
18	CC PLANS		D	MS
18	CC PLANS CHECKLIST		E	MS
18	ENERGY ADDED		F	MS
18	DA AMENDMENTS		K	JC

SECTION 5		SECTION 6		SECTION 7		SECTION 8		SECTION 9		SECTION 10		SECTION 11		SECTION 12		SECTION 13		SECTION 14		SECTION 15		SECTION 16		SECTION 17		SECTION 18		SECTION 19		SECTION 20		SECTION 21		SECTION 22		SECTION 23		SECTION 24		SECTION 25		SECTION 26		SECTION 27		SECTION 28		SECTION 29		SECTION 30		SECTION 31		SECTION 32		SECTION 33		SECTION 34		SECTION 35		SECTION 36		SECTION 37		SECTION 38		SECTION 39		SECTION 40		SECTION 41		SECTION 42		SECTION 43		SECTION 44		SECTION 45		SECTION 46		SECTION 47		SECTION 48		SECTION 49		SECTION 50		SECTION 51		SECTION 52		SECTION 53		SECTION 54		SECTION 55		SECTION 56		SECTION 57		SECTION 58		SECTION 59		SECTION 60		SECTION 61		SECTION 62		SECTION 63		SECTION 64		SECTION 65		SECTION 66		SECTION 67		SECTION 68		SECTION 69		SECTION 70		SECTION 71		SECTION 72		SECTION 73		SECTION 74		SECTION 75		SECTION 76		SECTION 77		SECTION 78		SECTION 79		SECTION 80		SECTION 81		SECTION 82		SECTION 83		SECTION 84		SECTION 85		SECTION 86		SECTION 87		SECTION 88		SECTION 89		SECTION 90		SECTION 91		SECTION 92		SECTION 93		SECTION 94		SECTION 95		SECTION 96		SECTION 97		SECTION 98		SECTION 99		SECTION 100									
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**collinswcollins**  
BUILDING DESIGNERS  
RVT LTD

PROJECT: 3 LOT SUBDIVISION TORRENS	LOT No. A	DP No.
	STREET No. 16	
	STREET NAME: WINDYBUSH	
	CLIENT: SHAFER	

39 LORD STREET (PO Box 5667), PORT MACQUARIE NSW

[illegible]

**WINDOWS AND GLAZING TO COMPLY WITH**  
**4055 : WIND LOADS FOR HOUSING**  
**1283 : GLASS IN BUILDING - SELECTION & INSTALLATION**  
**2047 : WINDOWS & EXTERNAL DOORS IN BUILDING**  
**3859 : CONSTRUCTION OF BUILDINGS IN BUSHIRE**  
**ONE STANDARDS REFERRED ABOVE ARE THE VERSION**  
**OPERATED BY BCAT AT THE TIME THE RELEVANT**  
**INSTRUMENT CERTIFICATE OR COMPLYING**  
**DEVELOPMENT CERTIFICATE APPLICATION IS MADE**

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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 holder.  
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.

## U1 DOOR GLAZING SCHEDULE

ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
RUMPUS	2100	1800	SLIDING DOOR	ALUMINIUM	STANDARD

## U1 WINDOW GLAZING SCHEDULE

ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
RUMPUS	2100	900	AWNING	ALUMINIUM	STANDARD
RUMPUS	600	2400	SLIDING	ALUMINIUM	STANDARD
BATH	600	1500	SLIDING	ALUMINIUM	STANDARD
BED 3	1800	2100	FIXED/AWNING/FIXED	ALUMINIUM	STANDARD
BED 3	1800	2100	FIXED/AWNING/FIXED	ALUMINIUM	STANDARD
BED 2	800	3000	SLIDING	ALUMINIUM	STANDARD
LIVING	1800	900	DOUBLE HUNG	ALUMINIUM	STANDARD
LIVING	1800	500	DOUBLE HUNG	ALUMINIUM	STANDARD
BED 1	800	3000	SLIDING	ALUMINIUM	STANDARD

## U2 DOOR GLAZING SCHEDULE

ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
LIVING	2100	3900	STACKING DOOR	ALUMINIUM	STANDARD
KITCHEN	2100	2700	Aluminum Stacking Patio Door		

## U2 WINDOW GLAZING SCHEDULE

ROOM	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
RUMPUS	2100	900	AWNING	ALUMINIUM	STANDARD
RUMPUS	600	2400	SLIDING	ALUMINIUM	STANDARD
BATH	600	1500	SLIDING	ALUMINIUM	STANDARD
BED 3	1800	2100	FIXED/AWNING/FIXED	ALUMINIUM	STANDARD
BED 3	1800	2100	FIXED/AWNING/FIXED	ALUMINIUM	STANDARD
BED 2	800	3000	SLIDING	ALUMINIUM	STANDARD
LIVING	1800	900	DOUBLE HUNG	ALUMINIUM	STANDARD
LIVING	1800	500	DOUBLE HUNG	ALUMINIUM	STANDARD
BED 1	800	3000	SLIDING	ALUMINIUM	STANDARD

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	
External Wall	Framed: F01 = R1.5
Internal Wall	Cavity Panel >70mm, Plasterboard Lining, no insulation
Floors	Concrete, On Ground, No Insulation Timber, Enclosed / Elevated (upper floor overhangs where shown on plans), No insulation Finish: Carpet & Tiles as per plans
Ceiling	Plasterboard, R2.5 (none to garages) Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans.
Roof	Metal Sheet, R1.3 (reflective side down, anti-glare up), 2", 5", 7"
Eaves	Varying soffits and offsets as shown plans
Glazing	Single clear with aluminum frames throughout Weather stripping throughout. Windows as specified or equivalent to be installed on site
Summary of BASIX Commitments (refer to Certificate for exact details)	
Water Commitments	
Showerheads:	3" >6 but <7.5 L/min Toilets: 3 Star
Basin Taps:	3 Star Kitchen Taps: 3 Star
Individual Water Tank:	U1: 1 000L Individual Roof U1: 50m <sup>2</sup>
Individual Rainwater:	All tanks in the development. U2: 100m <sup>2</sup>
Connection:	Cold water supply to the washing machine At least 1 external tap
Energy Commitments	
HWS:	Gas Instantaneous, 6 Star Rating
Cooling:	No active cooling system in the development Ceiling Fan in at least 1 bedroom and 1 living room 1-phase air-conditioning in at least 1 living room (4.5 Star New Rating)
Heating:	No active heating system in the bedrooms 1-phase air-conditioning in at least 1 living room and 1 bedroom (4.5 Star New Rating)
Ventilation:	Kitchen: not ducted, manual control Bedroom & Laundry: ducted, manual control
Appliances:	Electric Cooktop & Electric Oven to be installed
Artificial Lighting:	The following rooms are to be dedicated fluorescent or LED lamps: 3/3 Bedrooms/Study 3/2 Living/Dining Rooms   The Kitchen   All Hallways   The Laundry   All Bathrooms/Toilets
Refrigerator space:	U1 & U2: Fridge to be well ventilated as per BASIX requirements
Clothes Line:	U1: Fixed indoor & outdoor clothes drying line to be installed U2: Fixed outdoor clothes drying line to be installed



Certificate Number: 5JAK4S5W6M  
Assessor Name: Keith James  
Accreditation number: 32265  
Certificate date: 13 Sep 2018  
Dwelling address: 1, 16 Windmill Street Port Macquarie NSW 2444  
www.nathers.gov.au



Certificate Number: SQJW6S7ELD  
Assessor Name: Keith James  
Accreditation number: 32265  
Certificate date: 13 Sep 2018  
Dwelling address: 2, 16 Windmill Street Port Macquarie NSW 2444  
www.nathers.gov.au

## GLAZING SPECIFICATIONS:

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

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT.

WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.6.4.6 OF THE BCA.


BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS MORE THAN 2m ABOVE THE SURFACE BELOW, 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 3999 - 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.

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

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

 <b>collins &amp; collins</b> BUILDING DESIGNERS		PROJECT: 3 LOT SUBDIVISION + DUAL OCCUPANCY TORRENS		GLAZING SCHEDULE		DRAWING REVISIONS + NOTES:			
		LOT No: A    DP No: 338858	SHEET: 9 OF 15	SCALE:	1 : 100	Date:	Detail:	Issue:	Drawn:
STREET No: 16	SHEET SIZE:	A3		09.11.16	INITIAL ISSUE	A	JC		
STREET NAME: WINDMILL STREET, PORT MACQUARIE	START DATE:	01.11.2016		28.05.18	CHANGES	C	DR		
CLIENT: SHAFER	DWG No:	J3510		10.09.18	OC PLANS	C	MS		
				11.09.18	OC PLANS CHECKLIST	E	MS		
			26.09.18	ENERGY ADDED	F	MS			
			12.12.18	DA AMENDMENTS	K	JC			
89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444		T: 02 6583 44 11		F: 02 6583 9820		WWW.COLLINSWCOLLINS.COM.AU			

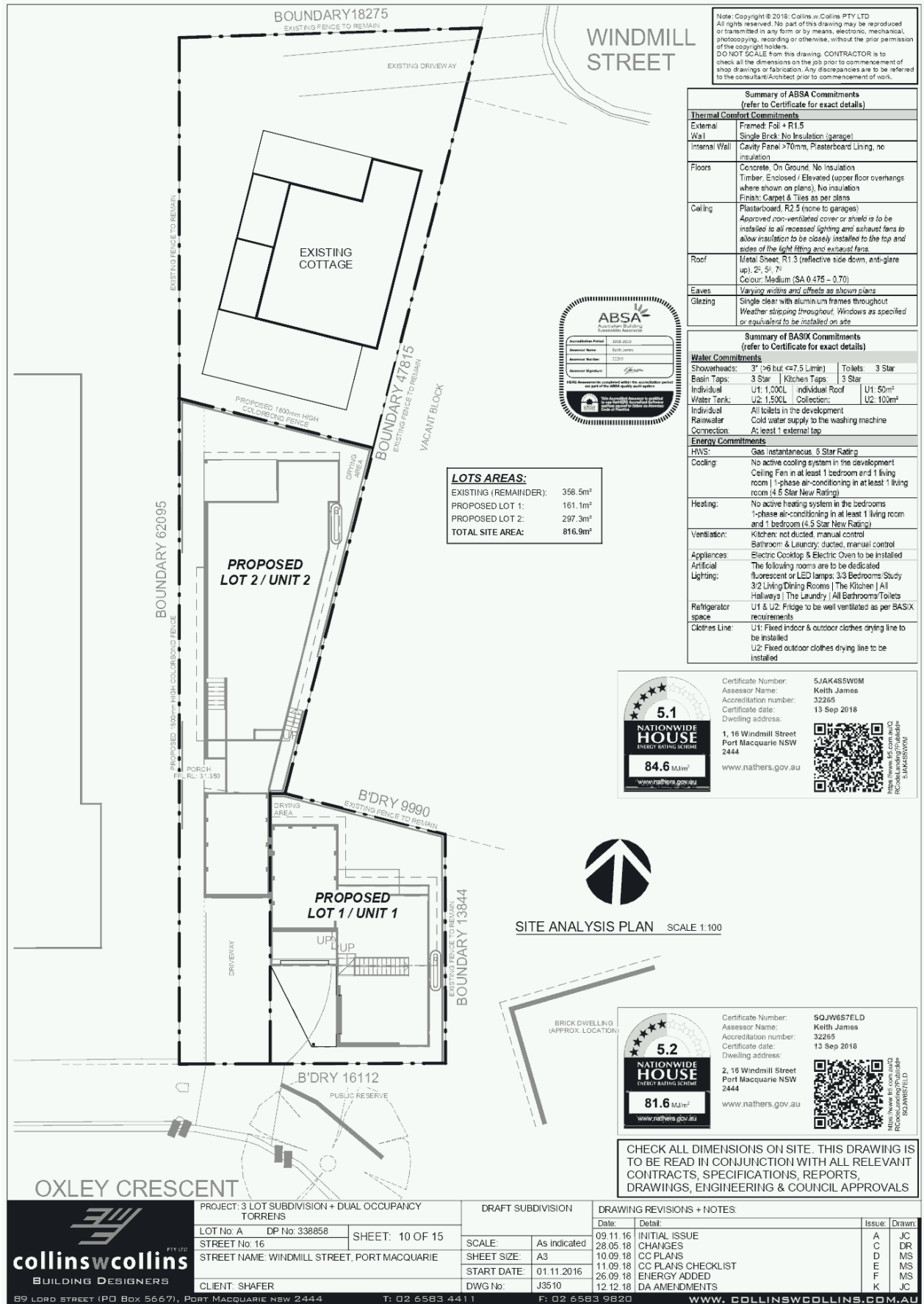
**collins w collins** PTY LTD  
BUILDING DESIGNERS

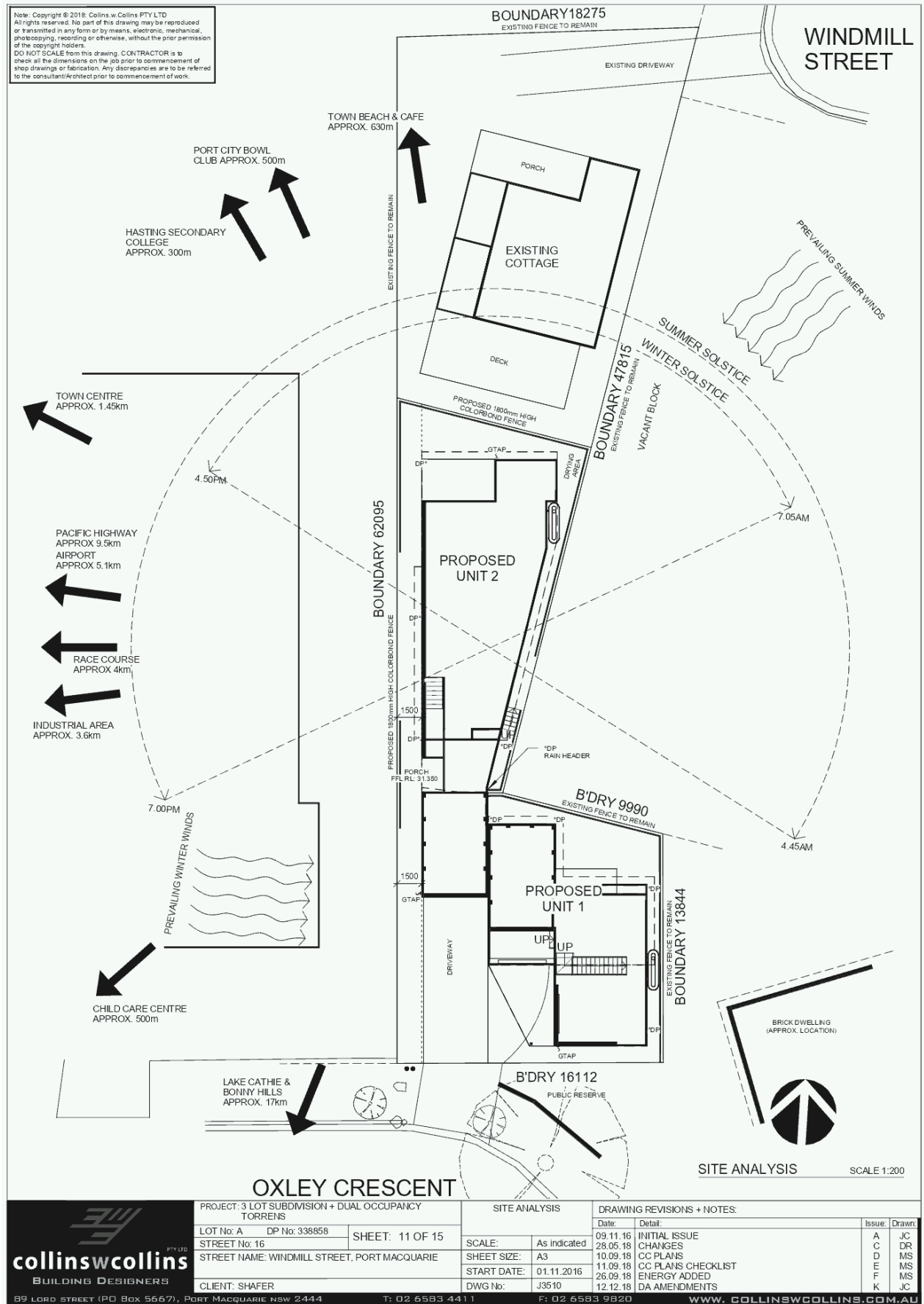
89 LORD STREET (PO Box 5667), PORT MACQUARIE NSW 2444

T: 02 6583 4411

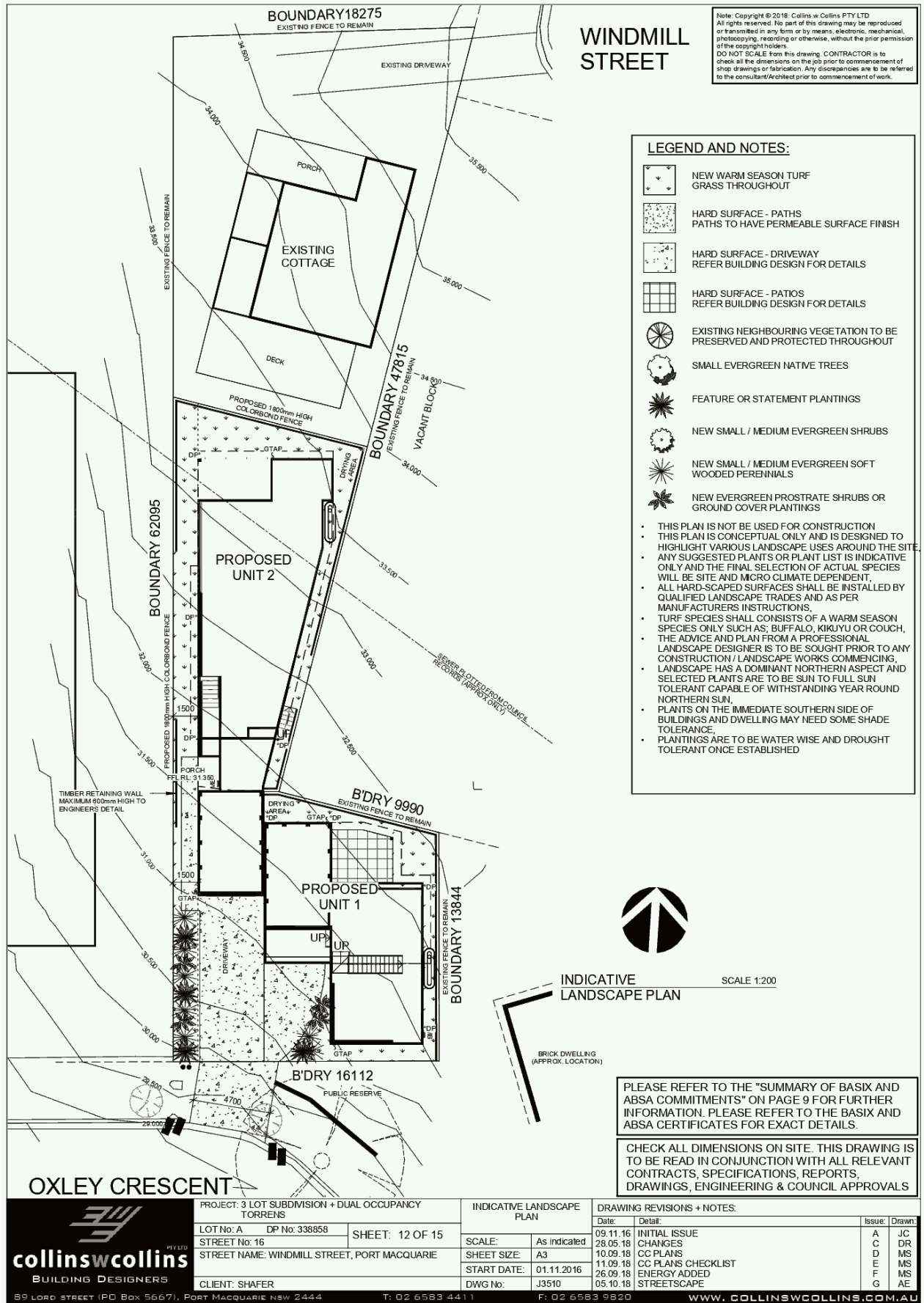
F: 02 6583 9820

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**THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.****THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.****BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS**

All works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of Australia (BCA), Volume 2 and the Plumbing Code of Australia (PCA), Volume 3 as applicable.

All Australian Standards listed are the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Certificate or Complying Development Certificate Application.

**SITE PREPARATION**

Earthworks – Earthworks are to be undertaken in accordance with Part 3.1.1 of the BCA.

Drainage – Stormwater drainage is to be undertaken in accordance with AS/NZS 3500.3, or, Section 5 of 3500.5, or, the Acceptable Construction Practice as detailed in Part 3.1.2 of the BCA.

Termite Risk Management – Where a primary building element is considered susceptible to termite attack the building shall be protected in accordance with the following:

a) AS 3600.1, and

b) A durable notice is permanently fixed to the building in a prominent location, such as in a meter box or the like, including the details listed in Part 3.1.3.2 of the BCA, or

c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.3 of the BCA.

**FOOTINGS AND SLABS**

The footing or slab is to be constructed in accordance with AS 2870, except that for the purposes of Clause 5.3.3.1 of AS 2870, a damp-proofing membrane is required to be provided, or, the Acceptable Construction Practice detailed in Part 3.2 of the BCA.

Piled footings are to be designed in accordance with AS 2159.

**MASONRY**

Unreinforced Masonry – to be designed and constructed in accordance with;

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2
- Reinforced Masonry – to be designed and constructed in accordance with;
- a) AS 3700; or
- b) AS 4773 parts 1 and 2

Masonry Accessories – to be constructed and installed in accordance with;

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2
- Weatherproofing of Masonry
- This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1 Building.
- This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class 1 building.
- The weatherproofing of masonry is to be carried out in accordance with;
- a) AS 3700; or
- b) AS 4773 Part 2.1 and 2

**FRAMING**

Structural Software – Must comply with the Australian Building Codes Board (ABCB) Protocol for Structural Software and Part 3.4.0.2 of the BCA.

Sub-Floor Ventilation – Is to comply with the Acceptable Construction Practice of Part 3.4.1 of the BCA.

Steel Framing – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.2 of the BCA, or, one of the following manuals:

- a) Steel structures: AS 4100.
- b) Cold-formed steel structures: AS/NZS 4600.
- c) Residential and low-rise steel framing NASH Standard.
- Timber Framing – is to be designed and constructed in accordance with the following, as appropriate:
- a) AS 1684.2.
- b) AS 1684.4.
- Structural Steel Members – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.4 of the BCA, or, one of the following manuals:
- a) Steel Structures: AS 4100.
- b) Cold-formed steel structures: AS/NZS 4600.

**ROOF AND WALL CLADDING**

Roof Cladding – is to comply with the Acceptable Construction Practice of Part 3.5.1 of the BCA, or, one of the following:

- a) Roofing tiles: AS 2049 and AS 2050.
- b) Metal roofing: AS 1562.1.
- c) Plastic sheet roofing: AS/NZS 4256 Parts 1, 2, 3 and 5; and AS/NZS 1562.3.
- d) Corrugated fibre-reinforced cement sheet roofing: AS/NZS 1562.2.
- e) Asphalt shingles: ASTM D3018-90.
- f) Pliable membrane and underlay: AS/NZS 4200 Parts 1 and 2.
- Gutters and Downpipes – are to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.2 of the BCA, or, AS/NZS 3500.3 – Stormwater drainage, or AS/NZS 3500.5 – Domestic installations, Section 5 – Stormwater drainage.
- Wall Cladding – to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.3.1 of the BCA, or, for metal wall cladding if it is designed and constructed in accordance with AS 1562.1.

**GLAZING**

Glazing – to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.6.1 of the BCA, or, one of the following manuals as applicable:

- a) AS 2047.
- b) AS 1298.

**FIRE SAFETY**

Fire Separation – to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.7.1 of the BCA.

Smoke Alarms – to be designed, connected and located in accordance with the Acceptable Construction Practice of Part 3.7.2 of the BCA.

Heating Appliances – are to be installed in accordance with the Acceptable Construction Practice of part 3.7.3 of the BCA, or, one of the following manuals:

- a) Domestic solid-fuel burning appliances are installed in accordance with AS/NZS 2918.
- b) Boilers and pressure vessels are installed in accordance with AS/NZS 1200.

**BUSHFIRE AREAS**

Bushfire Areas – This section relates to:

- a) A Class 1 building; or
- b) A Class 10a building or deck associated with a Class 1 building, if it is constructed in accordance with the following:
- c) AS 3959, except for Section 9 Construction for Bushfire Attack Level FZ (BAL-FZ). Buildings subject to BAL-FZ must comply with specific conditions of development consent for construction at this level; or
- d) The requirements of (c) above as modified by the development consent following consultation with the NSW Rural Fire Service under section 29BA of the Environmental Planning and Assessment Act 1979; or
- e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

Alpine Areas – to be constructed in accordance with the Acceptable Construction Practice of Part 3.7.5 of the BCA if located in an alpine area, as identified in Figure 3.7.5.2 of the BCA.

**HEALTH AND AMENITY**

Wet Areas and External Waterproofing – building elements in wet areas within a building must:

- a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA; and
- b) Comply with AS 3740.
- Room Heights – are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA.
- Facilities – are to be constructed in accordance with Acceptable Practice of Part 3.8.3 of the BCA.
- Light – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.4 of the BCA.
- Ventilation – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.5 of the BCA.
- Sound Insulation – (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

**SAFE MOVEMENT AND ACCESS**

Safe Movement and Access

Stair Construction – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.1 of the BCA.

Balustrades and Handrails – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.

Swimming Pool Access – to be designed and installed in accordance with the Swimming Pools Act 1992, Swimming Pool Regulation 2009 and AS 1926 Parts 1 and 2.

Swimming Pool Water recirculation Systems – is to be designed and constructed in accordance with AS1926.3.

**ADDITIONAL CONSTRUCTION REQUIREMENTS**

High Wind Areas – Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA). To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA.

Earthquake Areas – relates to areas subject to seismic activity. To be constructed in accordance with the Acceptable Construction Manuals listed in Part 3.11 of the BCA.

Flood Hazard Areas – applies to areas on a site (weather or not mapped) encompassing the land lower than the flood hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be constructed in accordance with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

**STRUCTURAL DESIGN MANUALS**

Structural Design Manuals – is satisfied by complying with:

- a) 3.11.2, 3.11.3 and 3.11.6 of the BCA, or
- b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements, or
- c) any combination thereof.

**ENERGY EFFICIENCY**

Energy Efficiency – to comply with the measures contained in the relevant BASIX certificate.



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PROJECT: 3 LOT SUBDIVISION + DUAL OCCUPANCY TORRENS

LOT No: A DP No: 338858 SHEET: 14 OF 15

STREET No: 16

STREET NAME: WINDMILL STREET, PORT MACQUARIE

CLIENT: SHAFER

BUILDING SPECIFICATIONS

SCALE: 1: 100

SHEET SIZE: A3

START DATE: 01.11.2016

DWG No: J3510

DRAWING REVISIONS + NOTES:

Date:	Detail:	Issue:	Drawn:
09.11.16	INITIAL ISSUE	A	JC
28.05.18	CHANGES	C	DR
10.09.18	CC PLANS	D	MS
11.09.18	CC PLANS CHECKLIST	E	MS
26.09.18	ENERGY ADDED	F	MS
05.10.18	STREETSCAPE	G	AE

## THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

### 1. FALLS, SLIPS, TRIPS

#### A) WORKING AT HEIGHTS

##### DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

##### DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation. For buildings where scaffold, ladders, trestles are not appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

#### B) SUPPERY OR UNEVEN SURFACES

##### FLOOR FINISHES Specified

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

##### FLOOR FINISHES Not by Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197-1999 and AS/NZ 4586:2004.

### STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose materials or objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

### 2. FALLING OBJECTS

#### LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around the building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide barriers to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

#### BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

### 3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road. Parking of vehicles or loading/unloading of vehicles on the roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. For building where on-site loading/unloading is restricted. Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas. For all buildings: Any construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

### 4. SERVICES

#### GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

### 5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

### 6. HAZARDOUS SUBSTANCES

#### ASBESTOS

For alterations to a building constructed prior to 1990. If this existing building was constructed prior to: asbestos 1990 - it therefore may contain asbestos 1986 - it therefore is likely to contain either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

#### POWDERED MATERIALS

Many materials used in the construction of this building can cause harm when inhaled or when they become airborne. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

#### TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

#### VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray paints, primers, varnishes and some cleaning materials and disinfectants have dangerous volatile organic compounds which can become airborne when used. While the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

#### SYNTHETIC MINERAL FIBRE

Where synthetic mineral fibre is used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

#### TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

### 7. CONFINED SPACES

#### EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using method which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

#### ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required. Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

#### SMALL SPACES

For buildings with small spaces where maintenance or other access may be required. Small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

### 8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

### 9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

### 10. OTHER HIGH RISK ACTIVITY

Code All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ and all licensing requirements. 2012. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks at the Workplace. Code of All work should be carried out in accordance with: Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

### EXCAVATIONS

#### 1. Excavations

The part of the site to be covered by the proposed building or buildings and an area at least 100mm wide around that part of the site or to boundaries of the site, whichever is the lesser, shall be cleared or graded as indicated on the site works plan. Top soil shall be cut to a depth sufficient to remove all vegetation. Excavations for all footings shall be in accordance with the Engineer's Recommendations or the BCA requirements.

### FOUNDATIONS AND FOOTINGS

#### 1. Underfloor Fill

Underfloor fill shall be in accordance with the BCA.

#### 2. Termite Risk Management

Termite treatment shall be carried out in accordance with the BCA.

#### 3. Vapour Barrier

The vapour barrier installed under slab-on-ground construction shall be 0.2mm nominal thickness, high impact resistance polyethylene film installed in accordance with the BCA.

#### 4. Reinforcement

Reinforcement shall conform and be placed in accordance with the Engineer's Recommendation and the BCA. Support to all reinforcement shall be used to correctly position and avoid any undue displacement of reinforcement during the concrete pour.

#### 5. Concrete

Concrete shall not be less than Grade H20 except otherwise approved by the engineer and in accordance with the BCA.

#### 6. Curing

All concrete slabs shall be cured in accordance with AS 3600.

#### 7. Footings and Slabs on Ground

Concrete slabs and footings shall not be poured until approval to pour concrete is given by the engineer or the BCA.

#### 8. Sub-Floor Ventilation

Where required, adequate cross ventilation will be provided to the space under suspended ground floor. Construction is to meet the requirements of the BCA. No section of the under floor area wall to be constructed in such manner that will hold pockets of still air.

#### 9. Sub-Floor Access

If required, access will be provided under suspended floors in position where indicated on plan.

### EFFLUENT DISPOSAL/DRAINAGE

#### 1. Storm Water Drainage

Stormwater drainage shall be carried out in accordance with the BCA. The Builder will allow for the supplying and laying of stormwater drains where shown on the site plan.

### TIMBER FRAMING

#### 1. Generally

Timber framing work sizes, spans, spacing, notching, checking and fixing to all floor, wall and roof structure shall comply with the BCA or AS 1684. Alternative structural framing shall be to structural engineer's details and certification. The work shall be carried out in a proper and trades personal like manner and shall be in accordance with recognised and accepted building practices.

Where roof truss construction is used, trusses shall be designed in accordance with AS 1720 and fabricated in a properly equipped factory and erected, fixed and braced in accordance with the fabricator's written instructions.

#### 2. Bracing

Bracing units shall be determined and installed in accordance with AS 1684 as appropriate for the design wind velocity for the site. Bracing shall be evenly distributed throughout the building.

#### 4. Flooring

Floor joists will be covered with strip or sheet flooring as shown on plan with particular regard to ground clearance and installation in wet areas as required by the BCA. Thickness of the flooring is to be appropriate for the floor joist spacing. Strip and sheet flooring shall be installed in accordance with AS 1684.

As listed in Schedule of Works, floors shall be sanded to provide an even surface and shall be left clean throughout.

#### 5. Timber Posts

Posts supporting the carports, verandas and porches shall be timber suitable for external use, or as otherwise specified. Posts supported on galvanneal or treated metal post shoes, unless otherwise specified, posts shall be bolted to all adjoining beams or other required AS 1684 for the wind speed classification assessed for the site.

#### 6. Corrosion Protection

All metal brackets, facing plates and other associated fixings used in structural timber joints and bracing must have appropriate corrosion protection.

### STEEL FRAMING

#### 1. Generally

Steel floor, wall or roof framing shall be installed in accordance with the manufacturer's recommendations and the BCA.

### ROOFING

All roof cladding is to comply with the relevant structural performance and weathering requirements of the BCA and be installed as per the manufacturer's recommendations.

#### 1. Tiled Roofing

The Builder will cover the roof of the dwelling with approved tiles as selected. The tiles are to be fixed (as required for appropriate design and wind speed) to battens of sizes appropriate to the spacing of rafters/trusses in accordance with the manufacturer's recommendations. The Builder will cover hips and ridges with capping and all necessary accessories including starters and apex caps. Capping and verge tiles are to be well bedded and neatly pointed. Roofing adjacent to valleys shall be fixed so as to minimise water penetration as far as practicable. As roof tiles are made of natural products slight variation in colour is acceptable.

#### 2. Metal Roofing

The Builder will provide and install a metal roof together with accessories all in accordance with the manufacturer's recommendations. Except where design prohibits, sheets shall be in single lengths from fascia to ridge. Fixing sheets shall be strictly in accordance with the manufacturer's recommendation as required for the appropriate design and wind speed. Incompatible materials shall not be used for flashings, fasteners or downpipes.

Gutters and downpipes shall be manufactured and installed in accordance with the BCA. Gutters and downpipes are to be compatible with other materials used.

#### 3. Sealing

Sarking under roof coverings must comply with and be fixed in accordance with manufacturer's recommendations.

#### 4. Sealants

Appropriate sealants shall be used where necessary and in accordance with manufacturer's recommendations.

Flashings shall comply with, and be installed in accordance with the BCA.

### MASONRY

#### 1. Damp Proof Courses

All damp proof courses shall comply with the BCA and Clause 1.0.10. The damp proof membrane shall be visible in the external face of the masonry member in which it is placed and shall not be bridged by any applied coatings, render or the like.

#### 2. Cavity Ventilation

Open vertical joints (weepholes) must be created in the course immediately above any DPC or flashing at centres not exceeding 1.2m and must be in accordance with the BCA.

#### 3. Mortar and Joining

Mortar shall comply with the BCA. Joint tolerances shall be in accordance with AS 3700.

#### 4. Lintels

Lintels used to support brickwork opening in walls must be suitable for the purpose as required by the BCA. The Builder will provide one lintel to each wall leaf. The Builder will provide corrosion protection in accordance with the BCA Part 3.4.4 as appropriate for the site environment and location of the lintels in the structure.

#### 5. Cleaning

The Builder will clean all exposed brickwork with an approved cleaning system. Care should be taken not to damage brickwork or joints and other fittings.

### GLAZING AND LININGS

#### 1. External Cladding

Sheet materials or other external cladding shall be fixed in accordance with the manufacturer's recommendations and any applicable special details. Where required in open verandas, porches and eave soffits, materials indicated on the plans shall be installed.

#### 2. Internal Wall and Ceilings Linings

The Builder will provide gypsum plasterboards or other selected materials to walls and ceilings. Plasterboard sheets are to have recessed edges and will be a minimum of 10mm thick. Internal angles in walls from floor to ceiling are to be set. Suitable cornice moulds shall be fixed at the junction of all walls and ceilings or the joint set as required. The lining of wet area and walls shall be constructed in accordance with the BCA. Wet area lining is to be fixed in accordance with the manufacturer's recommendations. The ceiling access hole shall be of similar material to the adjacent ceiling.

#### 3. Waterproofing

All internal wet area and balconies over internal habitable rooms are to be waterproof in accordance with the BCA.

### JOINERY

#### 1. General

All joinery work (metal and timber) shall be manufactured and installed according to accepted building practices.

#### 2. Door Frames

External door frames shall be a minimum of 32mm thick solid redwood 12mm deep to receive doors. Internal jamb linings shall be a minimum of 18mm thick fitted with 12mm thick door stops. Metal doorframes shall be installed where indicated on drawings in accordance with the manufacturer's recommendations.

#### 3. Doors and Doorsets

All internal and external timber door and door sets shall be installed in accordance with accepted building practices. Unless listed otherwise in the Schedule of Works, doors and door sets shall be manufactured in accordance with AS 2688 and AS 2689.

#### 4. Window and Sliding Doors

Sliding and other timber windows and doors shall be manufactured and installed in accordance with AS 2047.

Sliding and other aluminum windows and the doors shall be installed in accordance with manufacturer's recommendations and AS 2047.

All glazing shall comply with the BCA and any commitments outlined in the relevant BASIX Certificate.

#### 5. Stairs, Balustrades and other Barriers

The Builder will provide stairs or ramps to any change in levels, and balustrades or barriers to at least one side of ramps, landings and balconies as per the BCA.

### SERVICES

#### 1. Plumbing

All plumbing shall comply with the requirements of the relevant supply authority and AS 3500. The work is to be carried out by a licensed plumber. Fittings, as listed in the Schedule of Works, shall be supplied and installed to manufacturer's recommendations. Fittings, hot water system and rainwater disposal facilities shall be appropriate to satisfy any commitment outlined in the relevant BASIX Certificate.

#### 2. Electrical

The Builder will provide all labour and materials necessary for the proper installation of the electricity service by a licensed electrician in accordance with AS/NZS 3000 and the requirements of the relevant supply authority. Unless otherwise specified, the electrical service will be 240 volt, single phase supply.

#### 3. Gas

All installation (including LPG) shall be carried out in accordance with the rules and requirements of the relevant supply authority.

#### 4. Smoke Detectors

The Builder will provide and install smoke alarms manufactured in accordance with AS 3786 AS specified or as indicated on the plans and in accordance with the BCA.

#### 5. Thermal Insulation

Where thermal insulation is used in the building fabric or services, such as air conditioning ducting or hot water systems, it shall be installed in accordance with manufacturer's recommendations to achieve the R-Values required by the BCA or as outlined in the relevant BASIX Certificate.

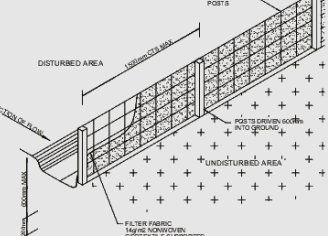
### TILING


#### 1. Materials

Cement mortar and other adhesives shall comply with AS 3958.1 or tile manufacturer's recommendation.

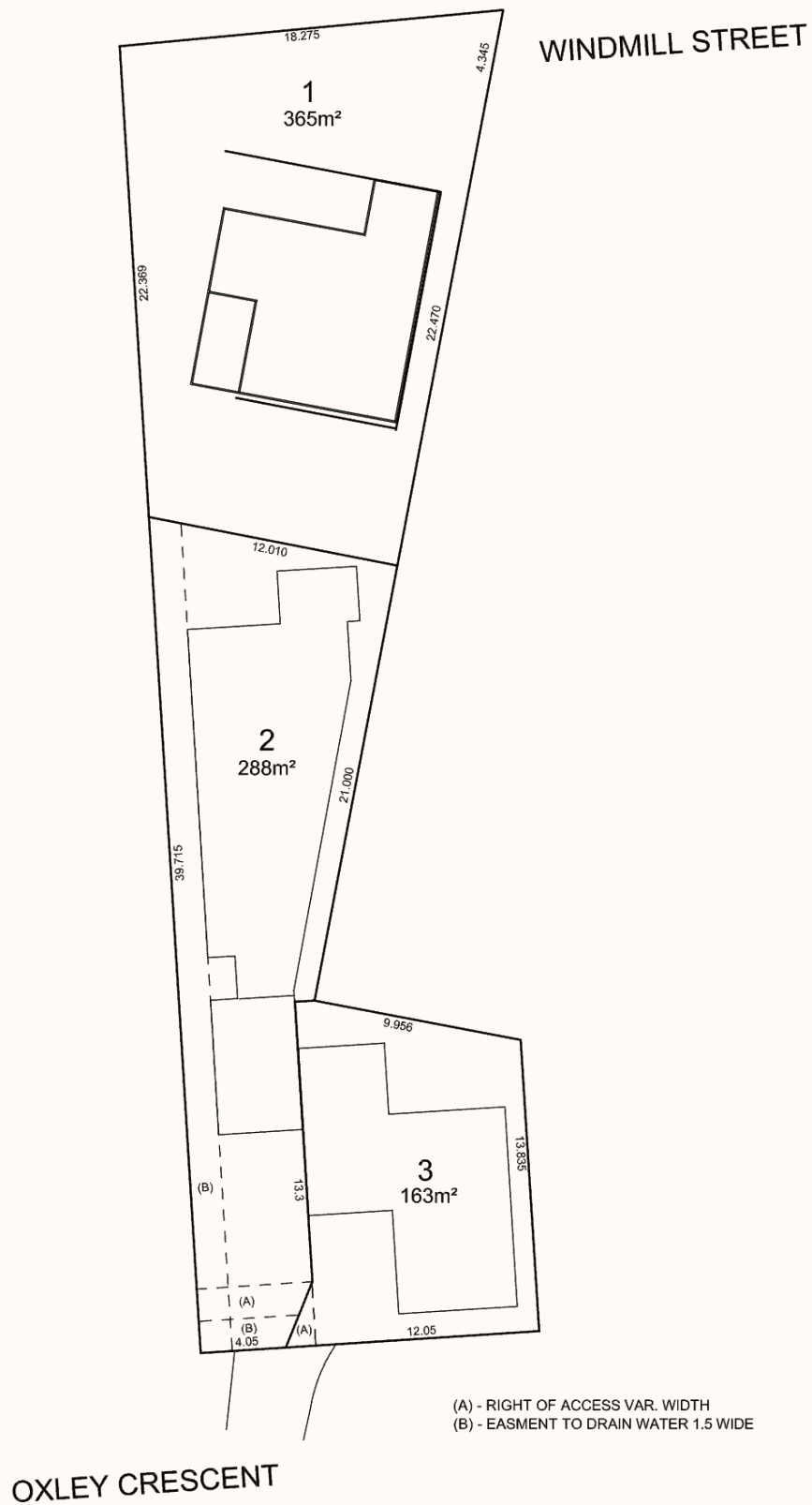
#### 2. Installation

Installation of tiles shall be in accordance with AS 3958.1 or manufacturer's recommendations or accepted building practices. Where practicable, spacing between tiles should be even and regular. The Builder will provide expansion joints where necessary. All vertical and horizontal joints between walls and fixtures e.g. bench top, bath, etc. and wall/floor junctions to be filled with flexible mould resistant sealant. All joints in the body of tiled surfaces shall be neatly filled with appropriate grout material as specified by the tile manufacturer or accepted building practice. As tiles are made of natural products a slight variation in colour is acceptable.



 <b>collins &amp; collins</b> BUILDING DESIGNERS	PROJECT: 3 LOT SUBDIVISION + DUAL OCCUPANCY TORRENS			WORK SAFETY NOTES		SEDIMENT CONTROL FENCING DETAIL DRAWING REVISIONS + NOTES				NOT TO SCALE	
	LOT No: A      DP No: 338858		SHEET: 15 OF 15	SCALE:      As indicated		Date:	Detail:	Issue:		Drawn:	
	STREET No: 16			SHEET SIZE:      A3		09.11.16	INITIAL ISSUE	A		JC	
	STREET NAME: WINDMILL STREET, PORT MACQUARIE			START DATE:      01.11.2016		28.05.18	CHANGES	C		DR	
	CLIENT: SHAFER			DWG No:      J3510		10.09.18	CC PLANS	D		MS	
						11.09.18	CC PLANS CHECKLIST	E		MS	
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89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444      T: 02 6583 4411      F: 02 6583 9820      WWW.COLLINSCOLLINS.COM.AU											

DRAFT: ALL DIMENSIONS SUBJECT TO FINAL SURVEY

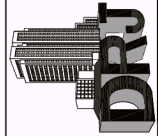


SCALE: 1:200	ORIGINAL SHEET SIZE: A3	<b>COASTAL SURVEY SOLUTIONS</b> CONSULTING SURVEYORS AND PLANNERS 7 WILLOW PLACE PORT MACQUARIE, NSW 2444 PO BOX 2223 PMQ Ph. 65 837574 Mobile 0488 464 844 mark@coastalsurveysolutions.com.au	DRAFT SUB. PLAN	ROAD NO: 8244	SHEET NO. 1	NO. OF SHEETS 1	COUNCIL PLAN NO.
DATUM: AHD ORIGIN: 55M10532 RL: 19.546	JOB NO: 8244 DATE: 15/09/2016 SURVEYED: MC		DESIGNED: NA DRAWN: MC CHECKED:	LOT A DP 338858 WINDMILL HILL	COAD NO: COAD#7	CLIENT: SHAFER	REF: 8244

Client

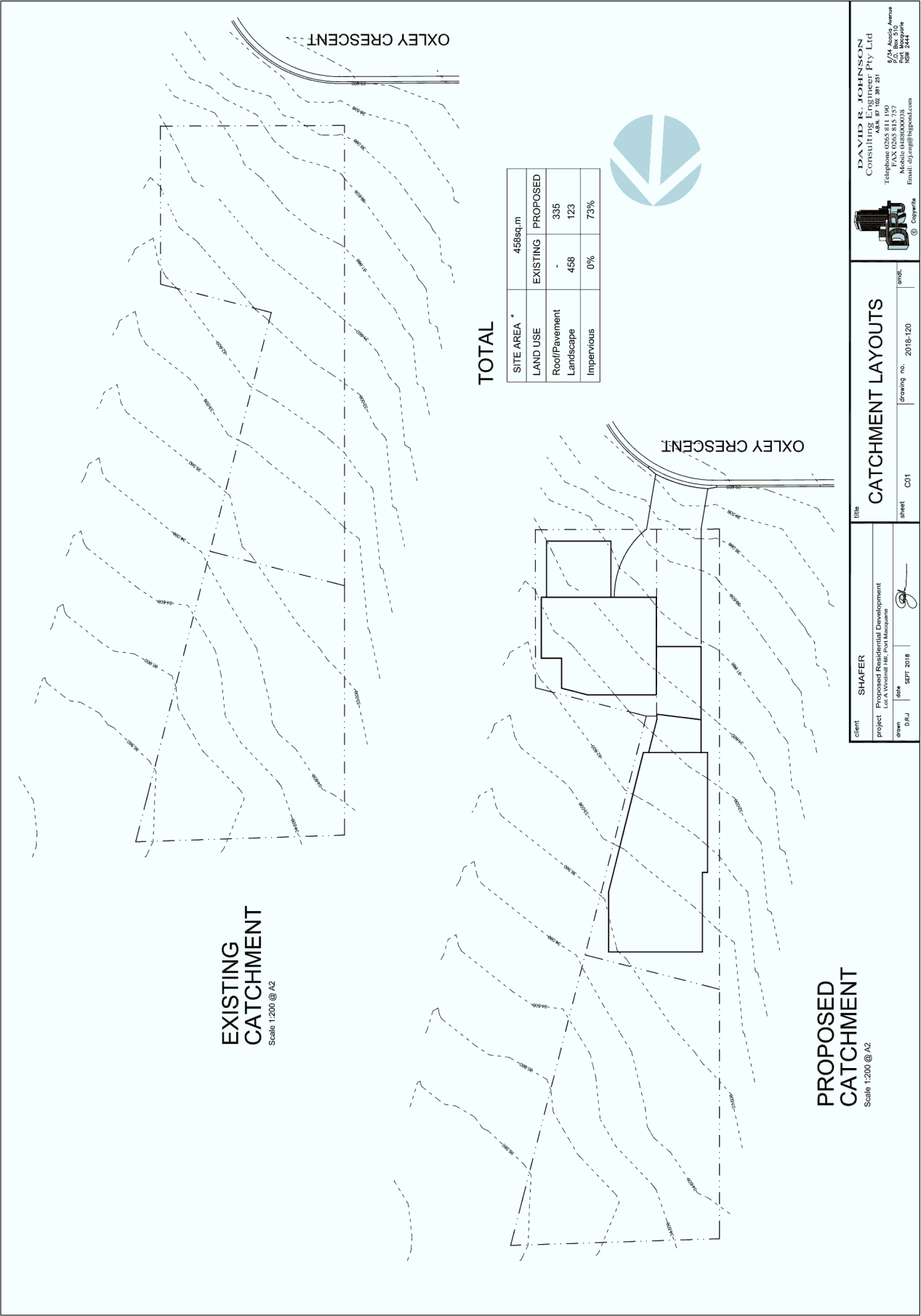
**Shafer****Proposed Stormwater Management****Lot A Windmill Hill, Port Macquarie NSW 2444**

- C01 - Catchment Layouts - Existing & Proposed
- C02 - Internal Stormwater Management Plan
- C03 - Street Drainage Layout
- C04 - Detention Layout 1.
- C05 - Detention Layout 2.

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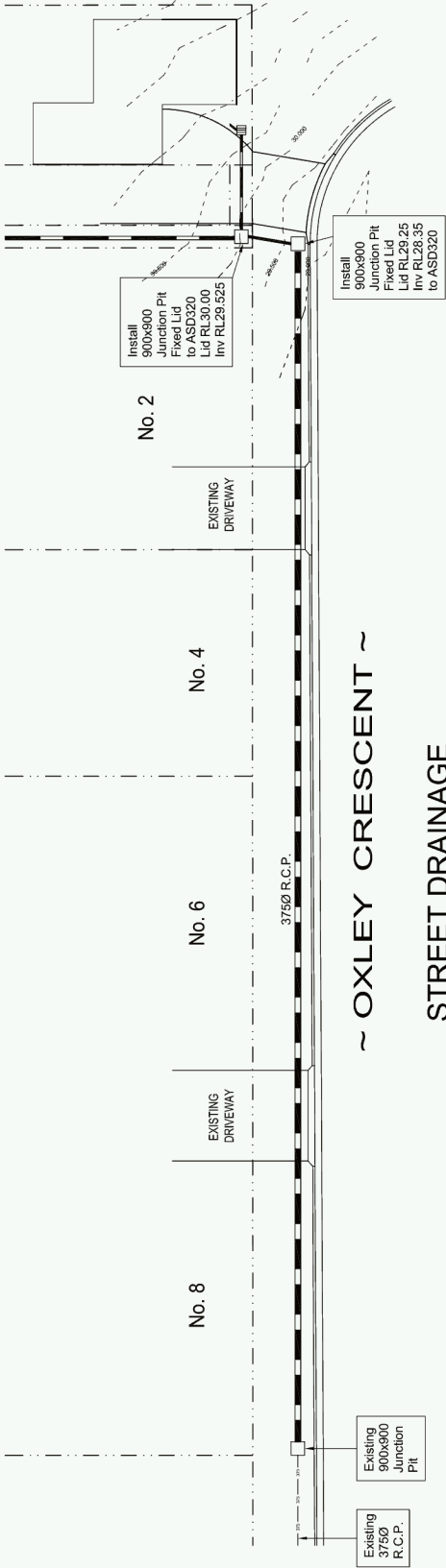
DETENTION OUTPUT - TOTAL

TOTAL

SITE AREA *	458sq.m
LAND USE	EXISTING
Roof/Pavement	335
Landscape	123
Impervious	0%
	73%

10 Year ARI Storm Durations						
Impervious	EXISTING		PROPOSED			
	0%	73%				
Storm Duration	Q l/s	Catchment Q l/s	Pipe l/s	Overflow Q l/s	Total Q l/s	
10min	11	16	11	-	11	
20min	18	21	14	-	14	
30min	18	22	14	-	14	
60min	17	22	14	-	14	
120min	19	21	14	-	14	
180min	12	12	11	-	11	

100 Year ARI Storm Durations						
Impervious	EXISTING		PROPOSED			
	0%	73%				
Storm Duration	Q l/s	Catchment Q l/s	Pipe l/s	Overflow Q l/s	Total Q l/s	
10min	21	26	17	-	17	
20min	31	31	21	-	21	
30min	30	33	21	-	21	
60min	26	33	22	-	22	
120min	29	31	21	-	21	
180min	18	18	16	-	16	



Client

Project

Drawn

DAJ

DATE

SEP 2018

SHAHER

Proposed Residential Development

Lot A Windmill Hill, Port Macquarie

Sheet

003

Drawing no.

2018-120

Scale

1:200

DAVID R. JOHNSON

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DR

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SITE AREA *	161sq.m
Land Use	PROPOSED
Roof/Driveway	130sq.m
Impervious	81%

## Detention Layout - UNIT 1


Scale N.T.S

## DETENTION OUTPUT - UNIT 1

10 Year ARI Storm Durations					
PROPOSED					
Impervious Storm Duration	81%				
	Catchment Q l/s	Pipe l/s	Overflow Q l/s	Total Q l/s	Water Level
10min	6	4	-	4	29.91
20min	8	5	-	5	29.96
30min	8	5	-	5	29.96
60min	8	5	-	5	29.96
120min	8	5	-	5	29.98
180min	4	4	-	4	29.89

100 Year ARI Storm Durations					
PROPOSED					
Impervious Storm Duration	8%				
	Catchment Q l/s	Pipe l/s	Overflow Q l/s	Total Q l/s	Water Level
10min	10	6	-	6	30.03
20min	11	8	-	8	30.12
30min	12	8	-	8	30.11
60min	12	8	-	8	30.13
120min	11	8	-	8	30.11
180min	6	6	-	6	29.99


client		SHAHER		title	
project		Proposed Residential Development Lot A Westmill Hill, Port Macquarie		DETENTION LAYOUT 1.	
drawn	date	SPT 2018		sheet	drawing no.
D.B.J.					2018-120
				creat.	



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SITE AREA *	297sq.m
Land Use	PROPOSED
Roof/Driveway	205sq.m
Impervious	69%

## Detention Layout - UNIT 2

Scale N.T.S

## DETENTION OUTPUT - UNIT 2

10 Year ARI Storm Durations					
PROPOSED					
81%					
Impervious	Catchment	Pipe	Overflow	Total	Water
Storm Duration	Q l/s	l/s	Q l/s	Q l/s	Level
10min	6	4	-	4	29.91
20min	8	5	-	5	29.96
30min	8	5	-	5	29.96
60min	8	5	-	5	29.96
120min	8	5	-	5	29.96
180min	4	4	-	4	29.89

100 Year ARI Storm Durations					
PROPOSED					
Impervious	81%				
	Catchment Q l/s	Pipe l/s	Overflow Q l/s	Total Q l/s	Water Level
10min	10	6	-	6	30.03
20min	11	8	-	8	30.12
30min	12	8	-	8	30.11
60min	12	8	-	8	30.13
120min	11	8	-	8	30.11
180min	6	6	-	6	29.99

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**Item: 10**

**Subject: DA2018 - 854.1 TWO-SEMI DETACHED DWELLINGS AND STRATA  
TITLE SUBDIVISION - LOT 168 DP 1229414, NO. 23 ALLPORT  
AVENUE THRUMSTER**

**Report Author: Steven Ford**

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**Applicant: Pycon Homes & Construction Pty Ltd**  
**Owner: Kingdom Sales & Development Pty Ltd**  
**Estimated Cost: \$430,000**  
**Parcel no: 66769**

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

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

#### **RECOMMENDATION**

**That DA 2018 – 824.1 for Two-Semi Detached Dwellings and Strata Subdivision at Lot 168, DP 1229414, No. 23 Allport Avenue, Thrumster, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for Two Semi-Detached Dwellings and Strata Title Subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

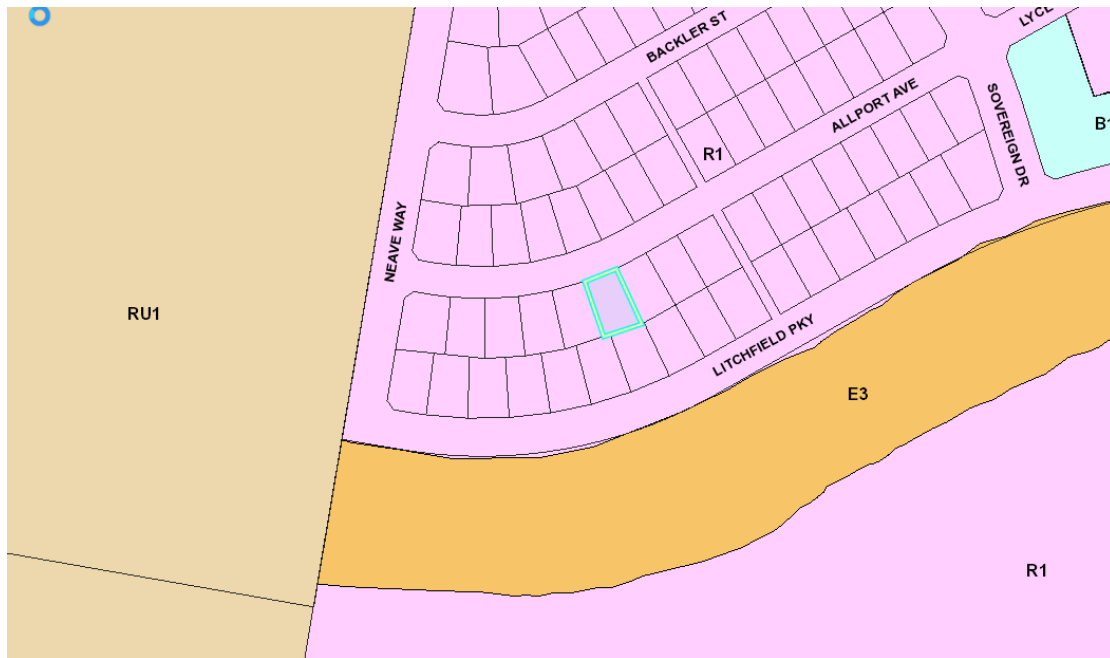
#### **1. BACKGROUND**

##### **Existing sites features and Surrounding development**

The site has an area of 548m<sup>2</sup>.

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





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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of two semi-detached dwellings
- 2 lot strata title subdivision

Refer to attachments at the end of this report.

### Application Chronology

- 16 October 2018 – Application lodged
- 23 October to 5 November 2018 – Neighbourhood Notification
- 28 November 2018 – Amended plans submitted

**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**

The site is subject to the adopted Area 13 Koala Plan of Management. No tree removal is proposed and the proposal is consistent with the adopted plan of management.

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

A BASIX certificate (number 969269M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

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

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

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

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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

- the proposal is a permissible landuse;
- Clause 4.1(4), the minimum lot sizes do not apply as the proposal is for strata subdivision.
- Clause 4.3, there is no maximum building height control applicable to the site. The proposal is however single storey in nature and below the standard 8.5m building height control that would typically apply.
- Clause 4.4, there is no floor space ratio control applicable to the site. The proposal is however below the standard 0.65:1 that would typically apply.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force**

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

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tank is appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on</li> </ul>	Front building line setback requirements are complied with.	Yes

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

	Requirements	Proposed	Complies
	corner lot <ul style="list-style-type: none"> <li>Min. 3.0m secondary road</li> <li>Min. 2.0m Laneway</li> </ul>		
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door requirements are complied with.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	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"> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	The minimum side setback requirements are complied with. The wall articulation satisfies the objectives of the development provision.	Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m <sup>2</sup> open space in one area including a useable 4m x 4m area. .	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>3x3m min. splay for corner sites</li> <li>Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>0.9x0.9m splays adjoining driveway entrances</li> </ul>	No fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened</li> </ul>	The development will not compromise privacy in the area	Yes



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

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

**DCP 2013: General Provisions**

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



<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		distributor road.	
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing(s) is/are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line).	Proposal involves 2 dwellings. Each dwelling contains a single garage behind the building line which meets the objectives of this clause	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

**(a)(iii)(a) Any planning agreement or draft planning agreement**

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

**(a)(iv) The regulations**

No matters prescribed by the regulations apply.

**(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****Context and setting**

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

- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Access, 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**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

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

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Loss of Privacy – impacts use of backyard, entertaining area and living spaces by having two additional dwellings.	The proposed development is single storey and proposes a minimum 4.8m rear setback, which is under the maximum height limit and greater than the minimum rear setback set out in the Port Macquarie Hastings DCP 2013 (DCP). In this instance, a combination of the above, minimal windows facing the rear boundary, compliant separation and a 1.8m high boundary fence, will provide adequate privacy screening. No additional is screening required.
Water run-off – plans show no retaining wall along the rear boundary or additional stormwater drainage. This is a concern due to the current run-off into adjoining properties.	<p>During the site inspection a 600mm high timber retaining wall is existing only the rear boundary, the proposed development does not propose a change to height of the existing retaining wall.</p> <p>The development has proposed approximately 33% of the site as soft landscaping.</p> <p>All stormwater is to be directed to the south eastern part of the site connecting to the existing stormwater junction within the existing 1.5m wide drainage easement.</p> <p>The combination of rain water tanks, stormwater connection, soft landscaping and minimal hard surfaces areas in the rear yard will not result in any adverse stormwater impacts to adjoining properties.</p>
Is the intention of the developer to fill all the way to the back boundary or to build a gentle slope, once again this is a concern due to the run-off into our backyard	The development only proposes minimal earthworks to level the footprint of the proposed development. Stormwater concerns addressed above.
Overshadowing impacts	The proposed development is single storey and complies with minimum side and rear setbacks objectives of the DCP. The shadow diagrams provided indicate the proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June. There are no adverse solar access impacts.
As we use our entertaining area most days, if the colourbond sheeting is a light colour this will cause glare.	The applicant has confirmed proposed roofing colour as (Colourbond) Basalt. This is consistent with surrounding roof colours and is considered a low glare colour choice. The roofing colour is to be clearly illustrated on the construction plans with any variation to be approved by Council. A suitable condition is recommended.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION 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 - 854.1 Recommended Conditions

2 [View](#). DA2018 - 854.1 Plans



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/854****DATE: 9/01/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	6867SM (Sheet 1 to 18)	I Want That Design	27/11/18
Statement of Environmental Effects	168 Allport Avenue	I Want That Design	Unknown
BASIX	969269M	I Want That Design	12/11/18

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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

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

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

- Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:  
Footway and gutter crossing  
Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Sewerage reticulation.
  2. Water supply plans.
  3. Stormwater systems.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
  - Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, whichever occurs first, of the Section 64 contributions, as set out in

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

- augmentation of the local area water supply
  - augmentation of the local area sewerage system
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (8) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (9) Council records indicate that the development site has an existing 20mm sealed potable & reclaimed water services. Each proposed dwelling requires an individual metered water service. The hydraulic plans submitted with the development application are acceptable for Water and Sewer Section purposes.
- (10) Council records indicate that the development site has a sideline junction connection to sewer. Both units can drain to the existing point of connection to Council's sewer system. The hydraulic plans submitted with the development application are acceptable for Water and Sewer Section purposes.
- (11) The construction certificate plans shall clearly notate the colourbond roofing material colour as being Basalt. Any variation to this colour will require approval of the Manager of Building and Development Assessment of Port Macquarie-Hastings Council prior to the release of the Construction Certificate.

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;



- b. prior to the pouring of concrete for sewerage works and/or works on public property;
- c. during construction of sewer infrastructure;

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (6) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (7) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (8) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

#### **F – OCCUPATION OF THE SITE**

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

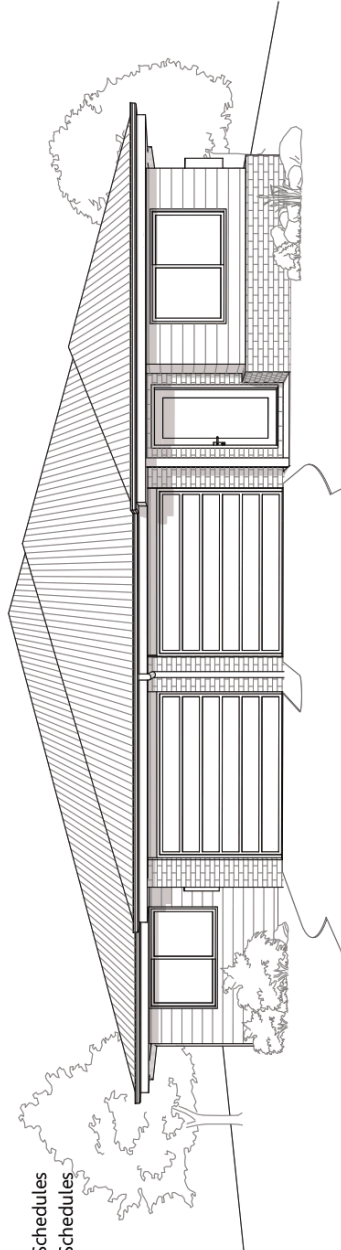


**Working Drawings - B****Sheet Index**

- 1 Cover Sheet
- 2 Workplace Health & Safety
- 3 Legends / Notes
- 4 Proposed Sub-Division Plan
- 5 Site Plan
- 6 Landscaping Plan
- 7 Floor Plan
- 8 Elevations 1 of 2
- 9 Elevations 2 of 2
- 10 Sections / Details
- 11 Party Wall Details
- 12 Slab Layout
- 13 Electrical Plan
- 14 Floor Covering Plan
- 15 Shadow Diagrams
- 16 Dwelling 1 Basix / Schedules
- 17 Dwelling 2 Basix / Schedules
- 18 3D Perspectives



Email: enquiries@pycon.com.au  
 Location: First Floor, 2 Horton Street  
 Port Macquarie, NSW 2444  
 Phone: 02 6583 3799  
 Web: www.pycon.com.au  
 Lic No: 55958C

**PROPOSED STRATA TITLE SUBDIVISION & RESIDENCES FOR:**

Kingdom Developments

**Lot 168 No. 23 Allport Avenue**

Stirling Green

Port Macquarie NSW 2444



Any errors in measurements or omission of information found in this plan is to be resolved before the onsite work is started. I Want That Design accepts no responsibility thereafter and will not accept any cost incurred for such errors or omissions.

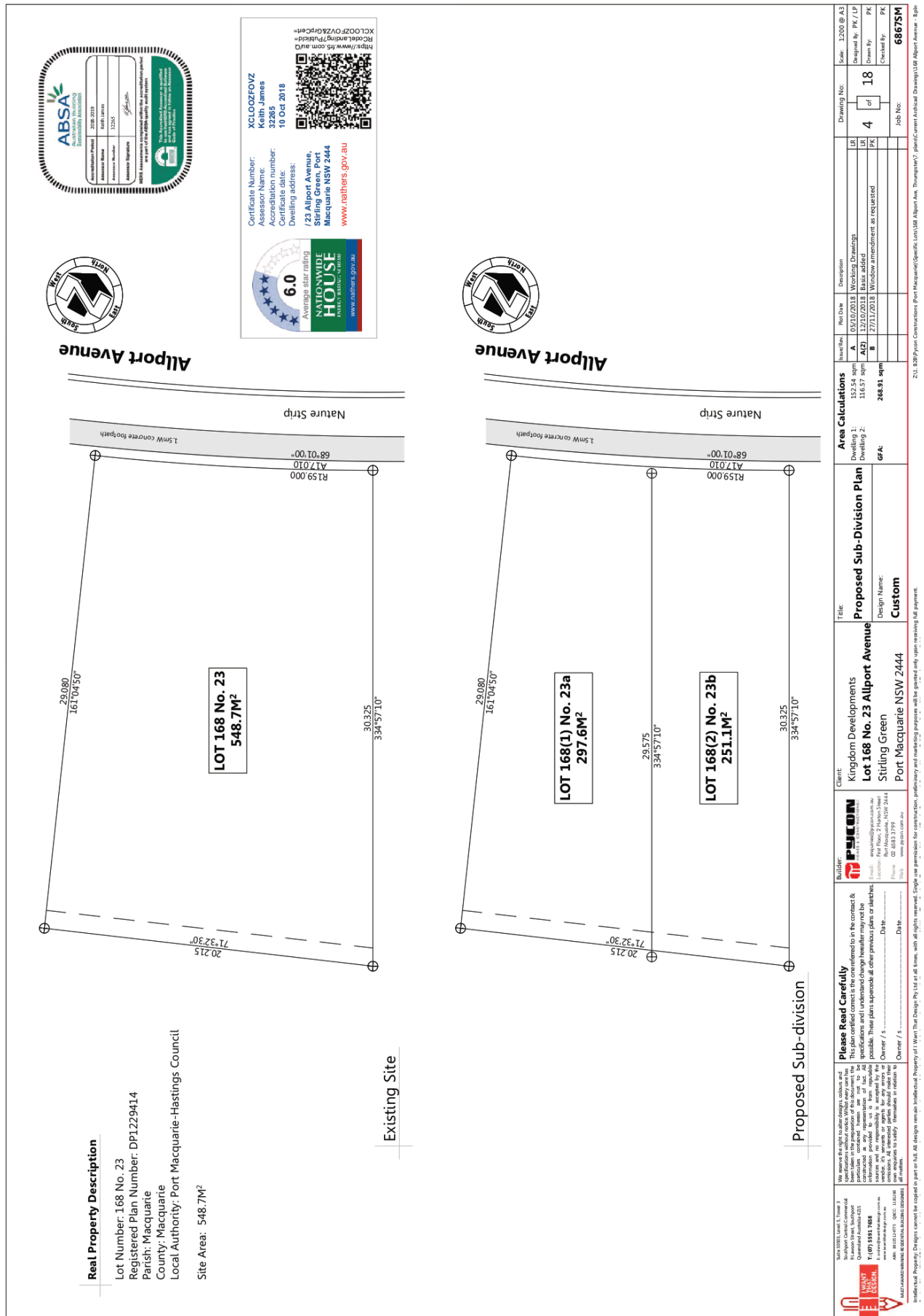
Images Are Diagrammatic Only Refer  
To Elevations For Details

MULTI-AWARD WINNING RESIDENTIAL BUILDING DESIGNERS

[illegible]

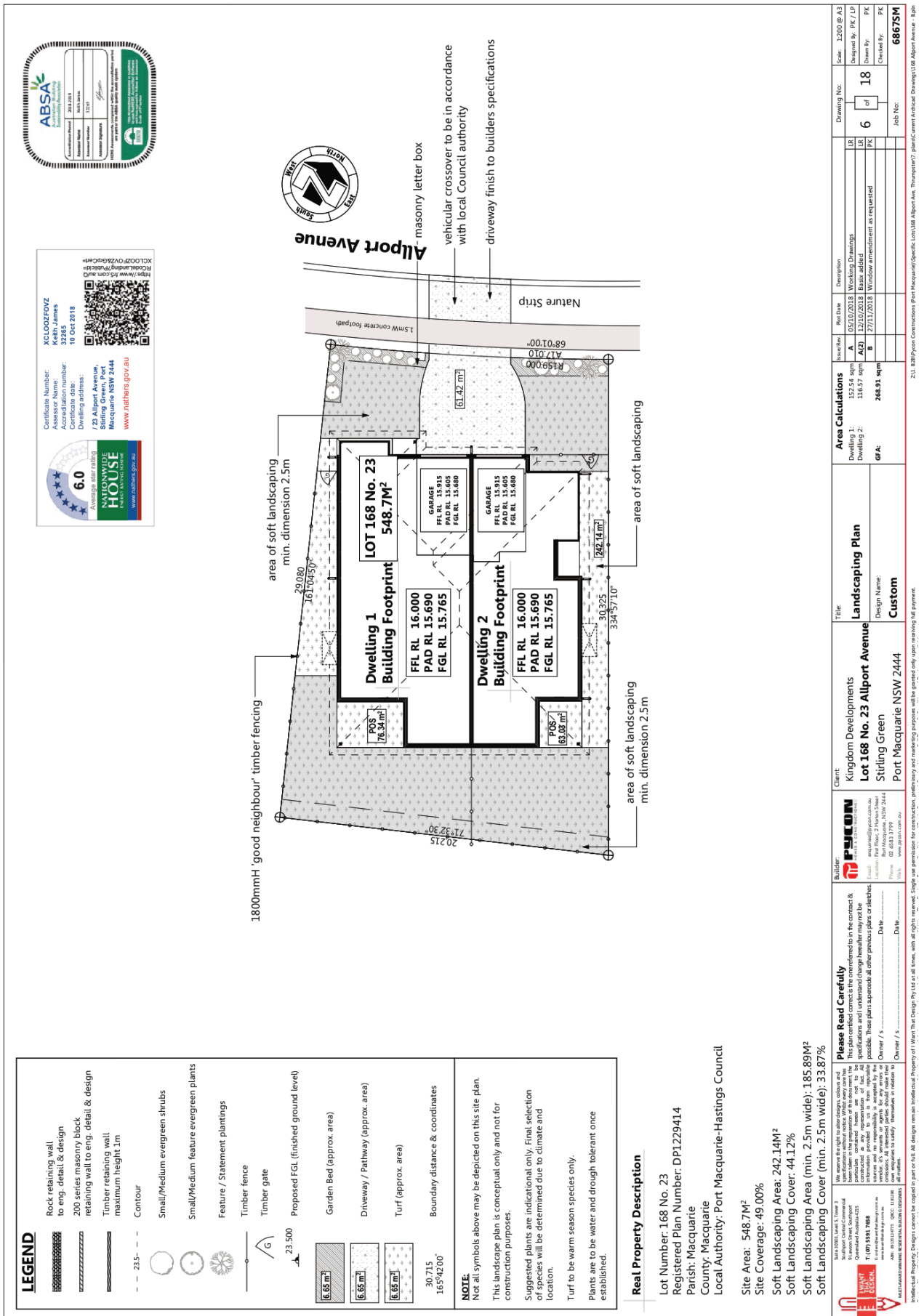
<p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>• Provide insect screens to all external windows &amp; sliding doors</li> <li>• Ventilation to internal wc to be an exhaust fan in accordance with BCA 3.8.5 &amp; AS - 1688.2</li> <li>• 900mm vanity units throughout unless otherwise stated</li> <li>• 900x900mm shower units unless otherwise stated</li> <li>• 1675 bath to bathroom unless otherwise stated</li> <li>• 0'head cupboards to 2100mm AFL</li> <li>• All openings to have 2100mm AFL</li> <li>• Top shelf &amp; hanging rail to all robes</li> <li>• Rainwater tank as documented</li> <li>• Lift off hinges to w/c</li> <li>• Dimensions are to be verified prior to commencement of work</li> <li>• Given dimensions are to have priority to scaled dimensions</li> <li>• All stairs are to have 150mm maximum risers and 240mm minimum goings</li> <li>• All wet areas to be in accordance with the current Building Code of Australia 3.8.1</li> <li>• ☛ Denotes Smoke Alarm</li> </ul> <p><b>SITE NOTES:</b></p> <ul style="list-style-type: none"> <li>• Builder to verify all boundary clearances &amp; site set-out dimensions prior to commencement of construction</li> <li>• Levels &amp; contours are based on assumed datum. Prior to construction the relevant authority should be contacted for possible minimum floor level requirements &amp; flood information</li> <li>• This site plan is based on a disclosure plan, therefore the floor level is subject to change</li> <li>• Additional site survey must be taken to confirm the required bench level</li> <li>• Retaining walls greater than 1m high (cut or fill) are required to be engineer designed &amp; certified prior to building approval</li> <li>• Retaining walls closer than 1.5m from boundary require a building relaxation (fill side only)</li> <li>• Batteries to comply appropriate soil classification described in table 31.1.1 BCA Vol.2</li> <li>• Vehicular cross-over to be constructed as per local council requirements and/or approval</li> <li>• Scarce away vegetation &amp; cut &amp; fill to provide a level building platform</li> <li>• Finish surface to be graded away from house at minimum of 1:20 for at least 1m</li> <li>• Surface water to be channelled to original stormwater drainage system</li> <li>• This site plan is a transcript of the original contour survey &amp; the builder is to verify all information contained hereon prior to site start</li> <li>• The driveway &amp; pathways indicated on plan are suggested layouts</li> <li>• All ground levels are approximate only</li> <li>• All works to be constructed in accordance with the current Building Code of Australia, the current Australian Standards and all relevant current trade &amp; technical manuals</li> </ul> <p><b>STORMWATER / DRAINAGE NOTES:</b></p> <ul style="list-style-type: none"> <li>• Drainage to be in accordance with part 3 of the BCA. Point to meet local authority requirements</li> <li>• All plumbing &amp; draining is to comply with the standard sewerage by-laws &amp; requirements of the local authority</li> <li>• All downpipes to be installed in accordance with the current Building Code of Australia 352.5, each downpipe must not serve more than 12m of gutter length</li> <li>• Stormwater system to local authority requirements (owner / applicant / builder to ensure no storm water runoff occurs onto adjoining properties, back onto any structures &amp; no ponding under sub floor areas</li> <li>• Stormwater approval for legal discharge to be obtained from local authority prior to work commencing. Discharge is proposed to: level &amp; channel, rubble pit to council requirements, enter allotment drainage, storm water service main, canal or river.</li> </ul>	<p><b>Construction Notes</b></p> <p>This building has been designed in accordance with the current building code of Australia, building act amendment &amp; Australian standards</p> <table border="1"> <tr><td>Roofing</td><td>Colorbond sheet or concrete tile as specified on drawings</td></tr> <tr><td>Ceiling Height</td><td>As specified on drawings</td></tr> <tr><td>Joinery Level</td><td>As specified on drawings</td></tr> <tr><td>Footings</td><td>To engineers design &amp; detail</td></tr> <tr><td>Slab Height</td><td>To engineers design &amp; detail</td></tr> <tr><td>Termite Management</td><td>In accordance with BCA volume 2, 3.1.3 termite risk management and AS 3660.1/1995</td></tr> </table> <p><b>Refer To Drawings For Applied Construction Method</b></p> <table border="1"> <tr><td>External Walls - Brick Veneer</td><td>240mm - Select Face Brick, 40mm Cavity, 90mm Timber Studs</td></tr> <tr><td>External Walls - Lightweight</td><td>70mm Timber Frame, Lightweight Cladding As Per Specifications</td></tr> <tr><td>Internal Linings</td><td>90mm Timber Frame, Lightweight Cladding As Per Specifications</td></tr> <tr><td></td><td>10mm Plasterboard</td></tr> <tr><td>Ceiling Linings</td><td>6mm Villoboard To Wet Areas Fixed To Top &amp; 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We warrant that the design is a true and accurate representation of the design. We warrant that the design is a true and accurate representation of the design. We warrant that the design is a true and accurate representation of the design.</p> <p><b>Owner / s:</b> _____ <b>Date:</b> _____</p>	<p><b>Scale:</b> N/A <b>Designed By:</b> PK / LP <b>Drawn By:</b> PK <b>Checked By:</b> PK <b>Job No:</b> 68675M</p>
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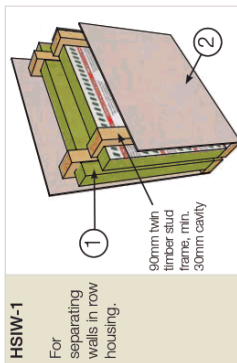






## System Specification

### System Configuration



HSIW-1

For separating walls in row housing.

### System Performance

<b>FRL (minutes)</b>	60/60/60
<b>Total R-value (m²·K/W)</b>	3.9
<b>Bracing (kN/m)</b>	4.0-10.0 (depends on baying method, refer to Design Considerations)
<b>Acoustic (Rw   R<sub>w</sub>+Ctr)</b>	60   51

### System Variations and Performance

HSIW-2	Acoustic (Rw   R <sub>w</sub> +Ctr)
	60
<b>Components</b>	
<b>Linings</b>	60mm Villaboard™ lining
<b>Insulation</b>	10mm plasterboard (min. 5.7kg/m²) 60mm HardieFire™ insulation

HSIW-3	Acoustic (Rw   R <sub>w</sub> +Ctr)
	60
<b>Components</b>	
<b>Linings</b>	9mm Villaboard™ lining
<b>Insulation</b>	10mm plasterboard (min. 5.7kg/m²) 60mm HardieFire™ insulation

See Design Considerations for framing, structural capacity, fire resistance and other limitations.

HardieSMART™ INTERTEKNACY WALL SYSTEM DESIGN GUIDE PAGE 2 OF 24

## Construction Details

### Base Details

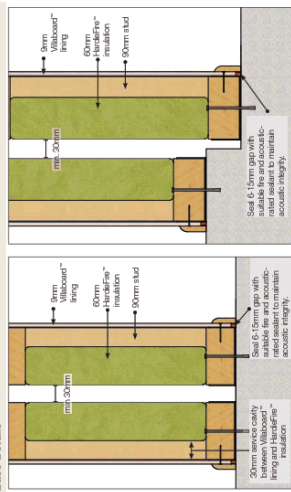


FIGURE 1: HARDIESMART™ INTERTEKNACY WALL SYSTEM BASE TO SLOPED SLAB DETAIL

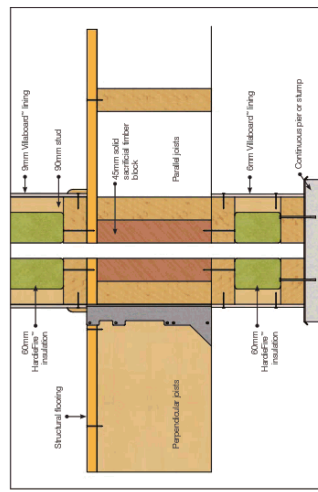


FIGURE 2: HARDIESMART™ INTERTEKNACY WALL SYSTEM BASE TO SLOPED SLAB DETAIL

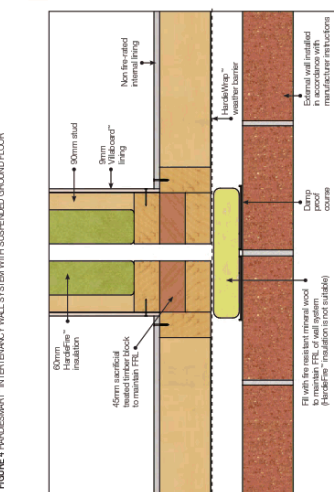


FIGURE 3: HARDIESMART™ INTERTEKNACY WALL SYSTEM BASE TO SLOPED SLAB DETAIL

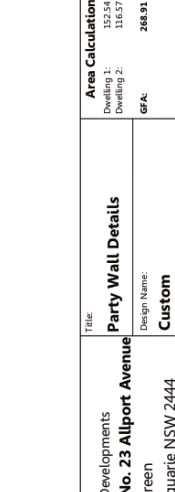


FIGURE 4: HARDIESMART™ INTERTEKNACY WALL SYSTEM BASE TO SLOPED SLAB DETAIL

<b>1 60mm HardieFire™ Insulation</b>	Mineral wool insulation specifically designed for use in fire applications with HardieSMART™ Systems. <b>Pack size = 7 batts</b>
<b>Size (mm)   Part No   Coverage (m²)</b>	1160X660   305903   5.1 1160X420   305902   3.8 1320X420   305909   4.3
<b>Thickness (mm)</b>	60
<b>Material R-value (m²·K/W)</b>	1.7
<b>Density (kg/m³)</b>	80

<b>2 9mm Villaboard™ lining</b>	Fibre cement internal lining sheet with a smooth recessed edge. Suitable for tiled and untiled internal wall applications in dry and wet areas. 1200 x (2400, 2700, 3000, 3600) 1350 x 3000
<b>Size (mm)</b>	1200 x (2400, 2700, 3000, 3600) 1350 x 3000
<b>Mass (kg/m²)</b>	13.9
<b>Part No.</b>	See Villaboard™ lining manual

### Other Components

<b>6mm Villaboard™ lining</b>	Used as a wall lining for roof cavities and for system variation HSIW-2.
<b>Size (mm)</b>	900 x (2400, 3000) 1200 x (1800, 2400, 2700, 3000, 3600, 4200) 1350 x (2400, 3000, 3600, 4200)
<b>Mass (kg/m²)</b>	8.3
<b>Part No.</b>	See Villaboard™ lining manual

### Fasteners (not supplied by James Hardie)

<b>Fibre Cement Nail for fixing Villaboard™ lining</b>	2.8 x 30mm min. Class 3 corrosion resistant fibre cement nail. 2.5x60mm gun nails are also suitable. Check with nail manufacturer for suitability.
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All dimensions and masses provided are approximate only and subject to manufacturing tolerances. Masses are based on equilibrium moisture content of product.

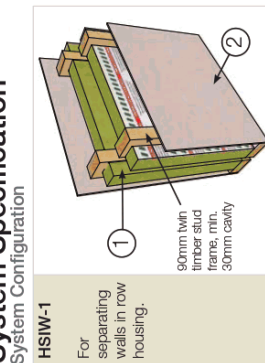


FIGURE 5: HARDIESMART™ INTERTEKNACY WALL SYSTEM

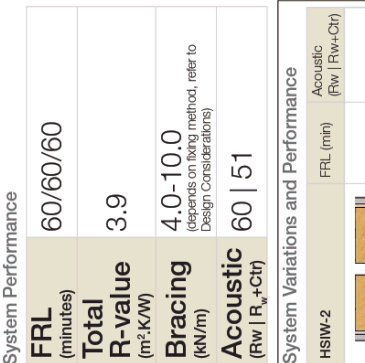


FIGURE 6: HARDIESMART™ INTERTEKNACY WALL SYSTEM

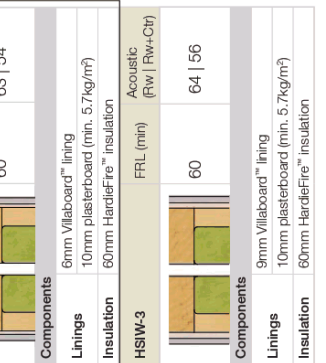


FIGURE 7: HARDIESMART™ INTERTEKNACY WALL SYSTEM

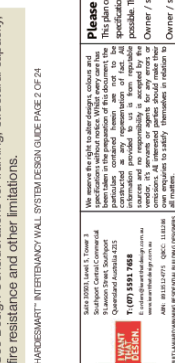


FIGURE 8: HARDIESMART™ INTERTEKNACY WALL SYSTEM

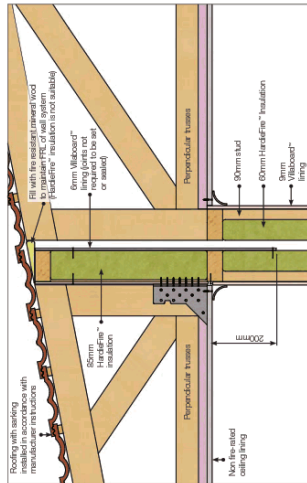


FIGURE 9: HARDIESMART™ INTERTEKNACY WALL SYSTEM

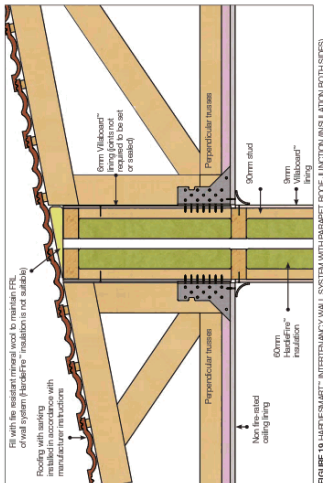


FIGURE 10: HARDIESMART™ INTERTEKNACY WALL SYSTEM

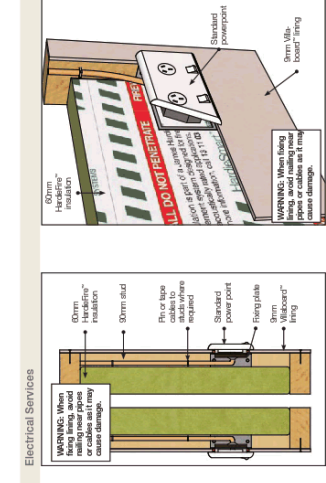


FIGURE 11: HARDIESMART™ INTERTEKNACY WALL SYSTEM

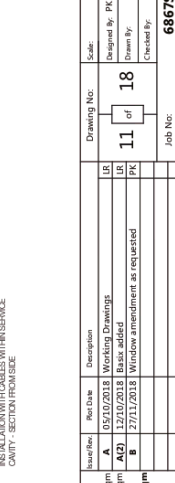


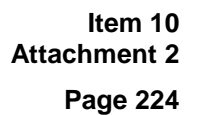
FIGURE 12: HARDIESMART™ INTERTEKNACY WALL SYSTEM

<b>Client</b>	Kingdom Developments Lot 168 No. 23 Allport Avenue Stirling Green Port Macquarie NSW 2444
<b>Builder</b>	Equus 100/100 equus.com.au Phone: 02 6833 3399 Web: www.equus.com.au
<b>Architect</b>	Equus 100/100 equus.com.au Phone: 02 6833 3399 Web: www.equus.com.au
<b>Engineer</b>	Equus 100/100 equus.com.au Phone: 02 6833 3399 Web: www.equus.com.au
<b>Designer</b>	Equus 100/100 equus.com.au Phone: 02 6833 3399 Web: www.equus.com.au
<b>Area Calculations</b>	Dwelling 1: 152.54 sqm Dwelling 2: 116.57 sqm Total: 269.11 sqm GFA: 268.91 sqm
<b>Party Wall Details</b>	Design Name: Custom
<b>Electrical Services</b>	Electrical Services: PERSPECTIVE
<b>Job No.</b>	68675M
<b>Scale</b>	N/A
<b>Designed By</b>	PK / LP
<b>Drawn By</b>	PK
<b>Checked By</b>	PK

23.1.2019 (Year Construction) Port Macquarie Specific Lot 168 Allport Ave, Stirling Green, Port Macquarie NSW 2444











**6**

**NATIONWIDE  
HOUSE**  
NATIONS HOUSE GROUP

**67** M<sup>2</sup>

[www.nations.gov.au](http://www.nations.gov.au)

**Certificate Number:**  
**Assessor Name:**  
**Accreditation number:**  
**Certificate date:**  
**Dwelling address:**

**TFPDLAT17**  
**Keith James**  
**32265**  
**10 Oct 2018**  
**1, 23 Alport Avenue,  
Stirling Green Port  
Macquarie NSW 2144**

**www.nations.gov.au**



<https://www.nations.gov.au/Modeland7Pm6d8-A77>

TFPDLAT17

**BASIX**<sup>®</sup> Certificate  
Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Multi Dwelling

Certificate number: 969269M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)




Secretary  
Date of Issue: Friday, 12 October 2018

**Date of issue:** Friday, 12 October 2018  
**To be valid, this certificate must be lodged within 3 months of the date of issue.**



NSW  
GOVERNMENT

Planning &  
Environment

Project summary	
Project name	168 Alport Avenue
Street address	Alport Avenue Port Macquarie 2444
Local Government Area	Port Macquarie-Hastings Council
Plan type and plan number	deposited: 1229414
Lot no.	168
Section no.	-
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	0
No. of single dwelling houses	2
Project score	
Water	 51 Target 40
Thermal Comfort	 Pass Target Pass
Energy	 52 Target 50

- Thruster (proposed) recirculated alternative water: 28.0
- Other water efficiency commitments: 23.0

Water score comprises:

Certificate Prepared by

ABN (if applicable): 89135124775



<b>PROJECT NAME</b>	168 Allport Avenue
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PROJECT ADDRESS	
DP No:	DP129414
Street No:	Springhill 1
Street Name:	Alport Avenue
Suburb:	Port Macquarie
Local Government Area:	Port Macquarie-Hastings Council
Post Code:	2444

PROJECT DETAILS	
No. of bedrooms:	3
No. of living rooms:	1
Site area:	548.7
Roof area	169.27
Conditioned floor area:	99.2
Unconditioned floor area:	11.7
Total glazed area	18.9
Total area of garden & lawn	100

WINDOW SCHEDULE						
Window	Direction	Location	Spec.	Dimensions		Area
				Height	Width	
M1	North	Bed 3	1218 SW	2.1	2.8	3.78
M2	South	Living	1234 SW	1.2	2.4	2.88
M3	South	Kitchen	1606 LVR	1.6	0.6	0.96
M4	West	Living	2134 SW	2.1	2.4	5.04
M5	West	Bed 1	1234 SW	1.2	2.4	2.88
M6	West	Ents	0912 SW	0.9	1.2	1.08
M7	West	Bed 2	1218 SW	1.2	1.8	2.16
TOTAL AREA						18.9

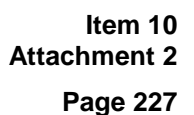
SCHEDULE OF "BASIS" COMMITMENTS		
Rating of showerheads	3A (> 4.5 but <= 6 L/min)	
Rating of toilet flushing system	3A	
Rating of kitchen taps	3A	
Rating of basin taps	3A	
Alternative water supply:	Recycled Water	
Alternative water to run to:	Thruwater	
Watermain tank to be connected to:	Garden & Lawn (at least one outdoor tap)	
	Cold water tap to clothes washer	
	All toilets	
Floor insulation required:	As per NATHERS Certificate	
External walls: brick veneer walls insulation required	As per NATHERS Certificate	
Internal walls shared with garage: insulation required	As per NATHERS Certificate	
Ceiling insulation required	As per NATHERS Certificate	
Roof insulation required	As per NATHERS Certificate	
Roof ventilation	As per NATHERS Certificate	
Solar absorptancy	As per NATHERS Certificate	
Glazing as per window schedule	As per NATHERS Certificate	
Type of how water system to be installed	Solar (electric boosted)	
STCs	36 to 40	
Type and rating of cooling system to at least 1 living area	Nil	
Type and rating of cooling system to at least 1 bedroom	Nil	
Type and rating of heating system to at least 1 living area	Nil	
Type and rating of heating system to at least 1 bedroom	Nil	
Type of exhaust system to bathroom at least 1	Individual fan, not ducted, On/Off switch	
Type of exhaust system to kitchen	Individual fan, ducted, On/Off switch	
Type of exhaust system to laundry	Natural ventilation	
<b>Artificial Lighting</b>		
Kitchen to be fitted with	Dedicated	
Bedrooms to be fitted with	Dedicated	
Living areas to be fitted with	Dedicated	
Bathrooms/toilets to be fitted with	Dedicated	
Laundry to be fitted with	Dedicated	
Hallways to be fitted with:	Dedicated	
<b>Natural lighting</b>		
Kitchen is to be fitted with a window	Yes	
Bathroom/toilets	Windows for natural lighting	
Refrigerator space	Well Ventilated	
Kitchen appliances	Electric cooktop and electric oven	
Install fixed outdoor clothes line	Yes	
Install fixed indoor clothes line	No	

[illegible]

...inary and marketing purposes will be granted only upon receiving full payment.

[illegible]







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**Item:** 11

**Subject:** DA2018 - 292.1 DUAL OCCUPANCY WITH STRATA SUBDIVISION,  
LOT 11 SEC D DP 25923, NO 104 CHEPANA STREET, LAKE CATHIE

**Report Author:** Fiona Tierney

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**Applicant:** Karen Burke Registered Architect

**Owner:** M Bretmaisser

**Estimated Cost:** \$703600

**Parcel no:** 4294

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That DA 2018 – 292.1 for a dual occupancy and strata subdivision at Lot 11, DP 25923, No. 104 Chepana Street, Lake Cathie, be determined by granting consent subject to the recommended conditions.**

### **Executive Summary**

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

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

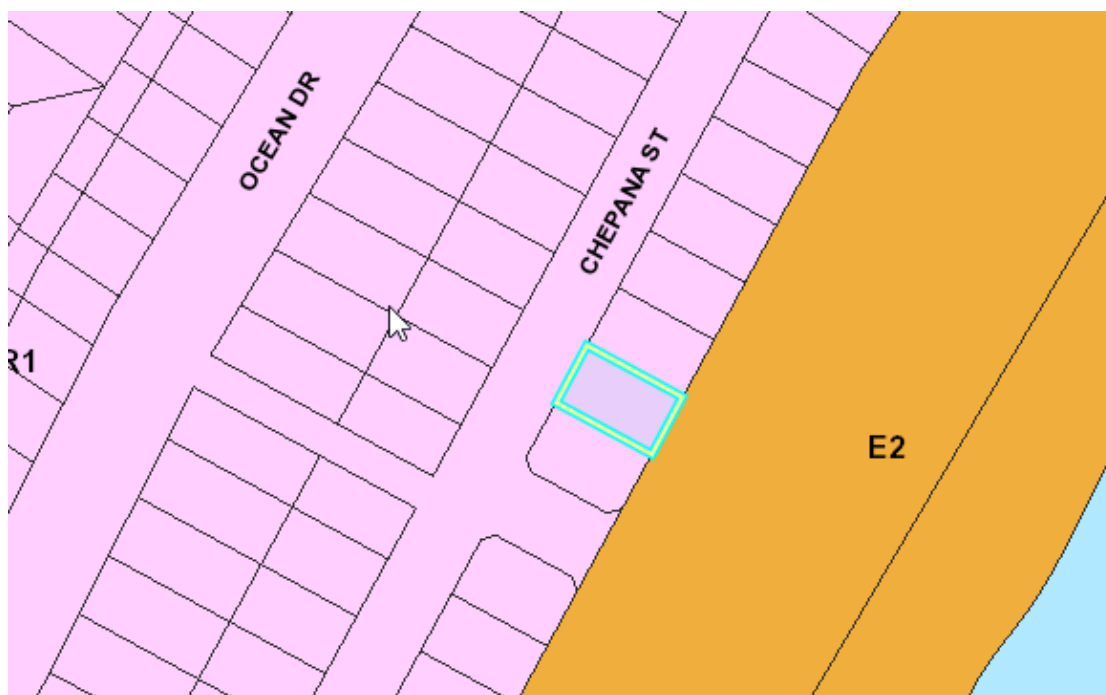
The application has been amended multiple times to attempt address concerns raised in submissions and Rural Fire Service concerns.

## **1. BACKGROUND**

### **Existing sites features and Surrounding development**

The site has an area of 546.3m<sup>2</sup>.

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



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of two semi-detached dwellings and
- Strata Subdivision

Refer to attachments at the end of this report.

**Application Chronology**

- 20 March 2018 – Application lodged.
- 9 April 2018 to 23 April 2018 – Neighbour notification.
- 15 June 2018 – Additional information requested from Applicant.
- 18 June 2018- View loss and overshadowing assessment submitted
- 20 June 2018 – Amended plans submitted by Applicant.
- 25 June to 9 July 2018- Neighbour notification amended plans
- 27 June 2018 – Comments provided to Applicant on amended plans.
- 12 July 2018 – Further amended plans submitted, including change from Torrens title to strata subdivision.
- 20 August -3 September- Neighbour notification amended plans
- 13 September 2018- Advice RFS unable to support BAL40 and Flame contact
- 27 November 2018 Amended plans received- deck attachment amended to address RFS and referred to RFS.
- 20 December 2018- Bushfire Authority issued RFS

**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 and requires no vegetation removal. 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 assessment table below considers the relevant provisions of the SEPP.

Clause	Provision	Proposed	Complies
<b>10 Development of coastal wetlands or littoral rainforest land</b> (Applies to land mapped as “coastal wetlands” or “littoral rainforest”)			
10(4)	Sufficient measures have been, or will be, made to protect the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.	The site contains sections of mapped littoral rainforest to the east of the existing dwelling. By removing the proposed eastern deck from the application, no works are proposed on the mapped littoral rainforest area. Therefore, Clause 10 does not apply.	Yes
<b>11 Development on land in proximity to coastal wetlands or littoral rainforest land</b> (Applies to land mapped as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both)			
11(1)(a)	The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest.	The alterations and additions will not impact on the biophysical, hydrological or ecology of the littoral rainforest due to the already developed nature of the dwelling/site, existing stormwater in place and the fact no vegetation clearing is required.	Yes
11(1)(b)	The quantity and quality of surface and ground water flows to the adjacent coastal wetland or littoral rainforest if the development is on land within the catchment of the coastal wetland or littoral rainforest.	No change to water quality or quantity. In particular, minimal new hard stand areas proposed and the development will continue to drain to an existing approved stormwater system at pre-development flows.	Yes
<b>12 Development on certain land within the coastal vulnerability area</b> (Applies to land mapped as “coastal vulnerability area”)			
12(a)	If the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works.	The site is not located within the coastal vulnerability area.	N/A
12(b)(i)	The proposed development is not likely to alter coastal processes to the	The site is not located within the coastal vulnerability area.	N/A



	detriment of the natural environment or other land.		
12(b)(ii)	The proposed development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.	The site is not located within the coastal vulnerability area.	N/A
12(b)(iii)	The proposed development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.	The site is not located within the coastal vulnerability area.	N/A
12(c)	Measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards	The site is not located within the coastal vulnerability area.	N/A
<b>13 Development on land within the coastal environment area</b> (Applies to land mapped as "coastal environment area")			
13(1)(a)	Whether the proposed development is likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only, well clear of any key coastal environment. Refer to comments on Clause 11 above, in relation to the littoral rainforest provisions.	Yes
13(1)(b)	Whether the proposed development is likely to cause an adverse impact on coastal environmental values and natural coastal processes.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on values or processes.	Yes
13(1)(d)	Whether the proposed development is likely to cause an adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only, clear of any key coastal environment/area.	Yes



13(1)(e)	Whether the proposed development is likely to cause an adverse impact on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on access to any key coastal area.	Yes
13(1)(f)	Whether the proposed development is likely to cause an adverse impact on Aboriginal cultural heritage, practices and places.	The site is not known to contain any heritage items or places. The site is also disturbed from past activities.	Yes
13(1)(g)	Whether the proposed development is likely to cause an adverse impact on the use of the surf zone.	The site is well clear of the surf zone. As a result, no adverse impact will occur.	Yes
13(2)	(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Refer to above comments, which confirm no adverse impact will occur.	Yes
<b>14 Development on land within the coastal use area</b> (Applies to land mapped as “coastal use area”)			
14(a)(i)	Whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on access to any key coastal area.	Yes

	disability.		
14(a)(ii)	Whether the proposed development is likely to cause an adverse impact on overshadowing, wind funnelling and the loss of views from public places to foreshores.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only. The proposed changes do not significantly change the bulk and scale of the dwelling and as a result will ensure no adverse overshadowing, wind funnelling, loss of views etc. The walls of the dwelling remain relatively unchanged with the minor change to height gradually occurring central to the building.	Yes
14(a)(iii)	Whether the proposed development is likely to cause an adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only within a semi developed residential area. The bulk, scale and positioning of works will ensure no adverse impacts on the visual or scenic qualities of the coast.	Yes
14(a)(iv)	Whether the proposed development is likely to cause an adverse impact on Aboriginal cultural heritage, practices and places.	The site is not known to contain any heritage items or places. The site is also disturbed from past activities.	Yes
14(a)(v)	Whether the proposed development is likely to cause an adverse impact on cultural and built environment heritage.	The site is not known to contain any cultural/heritage items or value. The site is also disturbed from past activities.	Yes
14(b)	(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Refer to above comments, which confirm no adverse impact will occur.	Yes

	(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
14(c)	The consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The coastal environment has been considered in the assessment and the development deemed acceptable.	Yes
<b>15 Development in coastal zone generally—development not to increase risk of coastal hazards</b> (Applies to all land in the coastal zone other than land mapped as “coastal vulnerability area”)			
15(1)	The proposed development is not likely to cause increased risk of coastal hazards on the land or other land.	The site is not within a coastal hazard area.	N/A
<b>16 Development in coastal zone generally—coastal management programs to be considered</b>			
16	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	No coastal zone management program applies to the land.	N/A
<b>20 Flexible zone provisions</b>			
20	Flexible zone provisions not applicable to land to which the SEPP applies.	The proposal does not rely upon flexible zone provisions.	Yes

Overall, the proposed development is not 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 to or from 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;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment.

**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 dual occupancy with subdivision is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- Clause 4.1(4), the minimum lot size for subdivision is not applicable as the proposal is for a strata plan of subdivision.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 7.3m which complies with the standard height limit of 8.5m applying to the site.
- 
- Clause 4.4, the floor space ratio of the proposal is 0.59:1 which complies with the maximum 0.65:1 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 7.13, satisfactory arrangements are in place for provision of essential services.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tanks are appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	The proposal includes 3.5m wide garage doors for both dwellings and a building width of 8.655m for each dwelling. The garage doors are therefore 40% of the building width.	Yes



<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	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"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	<p>The minimum side setback requirements are complied with.</p> <p>The proposal includes a first floor side setback of less than 3m and the submitted shadow diagrams demonstrate that the development would not overshadow adjoining private open space or living room windows for more than 3 hours between 9.00am and 3.00pm on 21 June.</p> <p>The wall articulation is compliant and satisfies the objectives of the development provision.</p>	Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m <sup>2</sup> open space in one area.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>	No front fences proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m</li> </ul>	The development will not compromise privacy in the area due to a combination of high sill windows that face	Yes

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

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

**DCP 2013: General Provisions**

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The development as proposed does not result in the creation of concealment or entrapment areas. Appropriate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Relative flat site- no significant cut and fill proposed	N/A
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front/ fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No Hollow bearing trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and	1x small Melaleuca to be removed from front of property	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	3m from external wall of existing dwelling)		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	*Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing is minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal complies with minimum parking requirements for dual occupancy/semi-detached dwellings.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping possible around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

(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:**

Consistent with the Policy.

**Demolition of buildings AS 2601:**

Demolition is capable of compliance with the 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:****Context and setting**

The existing dwelling is a small cottage and is typical of sites that are being redeveloped with modern residential development. It is an attractive location being close to the beach and close to shops and facilities. The proposal is unlikely to have any adverse impacts on 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.

Impacts on view sharing, privacy and overshadowing are addressed below.

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

**View Sharing**

The overall notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all the view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable

Having considered the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140* and following an inspection of the area, the following comments are provided in regards to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

**Step 1**

*Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Comments: An initial site inspection flagged the issue of potential view loss as it was unclear from the information originally submitted with the application. Concern was raised over potential view loss from dwellings opposite the proposed development in Chepana Street. The applicant met with the property owners of the dwellings

immediately opposite and did a view loss assessment clarifying that minor impact on views would occur. The dwellings were also lowered to minimise view loss. Only part of an ocean view (with no land/water interface, largely vegetation obscured view, from 101 and 103 Chepana Street would be affected.

See photos below:



Photo 1: View from 103 Chepana St with overlay of proposed development (Note the heights have been lowered by 500mm after this overlay)



Photo 2: View from 101 Chepana St  
As can be seen in the photos/mapping and in light of the principle of the case; no high value views exist or will be significantly affected.



Step 2

*Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comments: The limited water views from 101 and 103 Chepana Street are obtained from living/deck and bedroom areas across the front boundary.

Step 3

*Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comments: The extent of the impact upon views from 101 & 103 Chepana Street will be minor and acceptable. Views are largely obscured by vegetation already blocking the majority of the view. Refer to previous photo for context.

Step 4

*Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

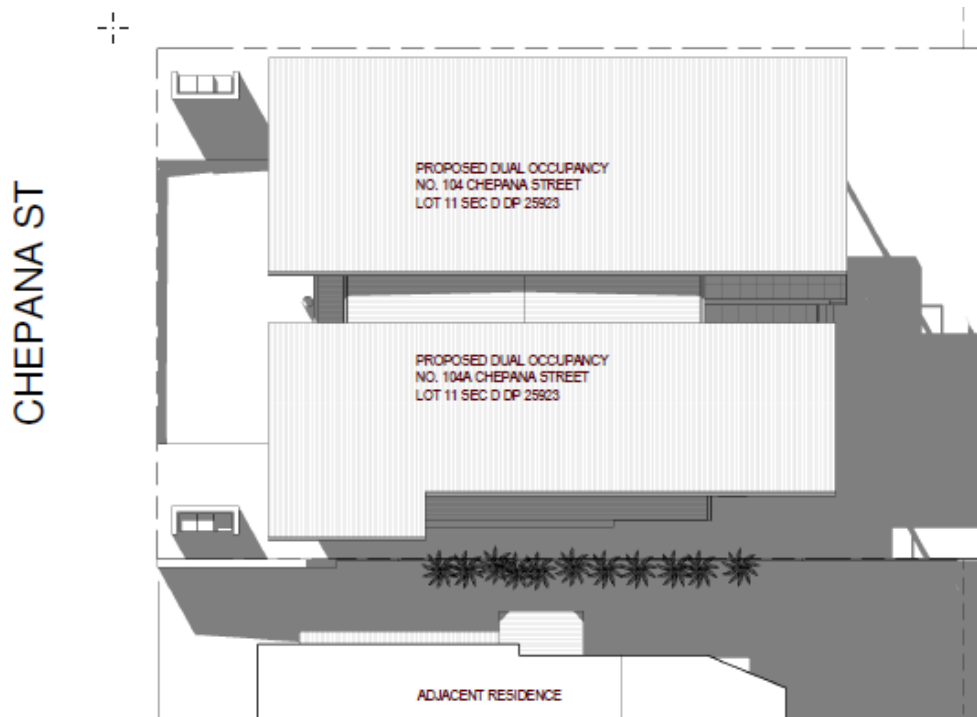
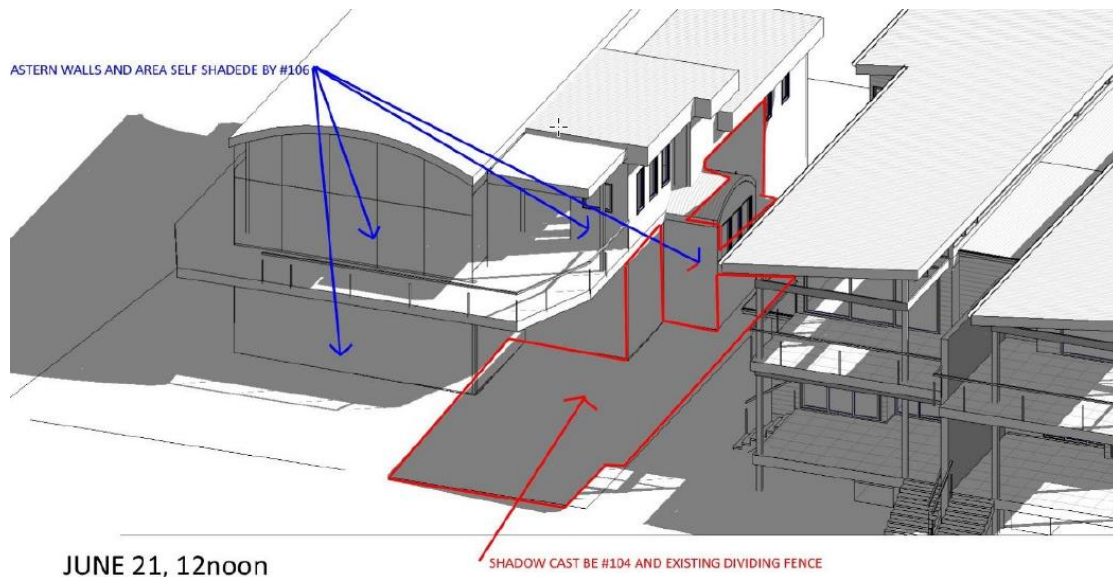
Comments: Considering the comments on Clause 4.3 and 4.6 in the LEP 2011 section of this report, the proposal is considered reasonable and will not significantly change existing views. The proposed development will still achieve a suitable level of view sharing in terms of the planning principles of the court case.

It should also be noted that no submissions were received from adjoining neighbours, which is normally a sign of the acceptance of the design and that the existing views will not be impacted.

**Overshadowing**

Based on the submitted shadow plans, the proposed development will not significantly overshadow key living areas/open space of any adjoining property to the point where an adverse impact is created. The applicant has reduced the height of the building 500mm and moved the dwellings 1.5m towards Chepana Street which will assist in reducing the overshadowing impacts.

The dwelling and vegetation at 106 Chepana Street does cast a significant amount of self- shadowing due to the lot orientation.



### Access, transport and traffic

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

### Water Supply

Council records indicate that the development site has an existing 20mm sealed water service from the 100 PVC water main on the same side of Chepana Street. Each proposed unit requires an individual metered water service. Details are to be shown on the engineering plans.

A Section 68 application will be required for the new plumbing work. Refer to relevant conditions.

**Sewer**

Council records indicate that the development site is connected to sewer via a junction to the existing sewer main located along the eastern property boundary. The proposed development shall discharge all sewage to the existing point of connection to Council's sewer system.

A Section 68 application will be required for the new plumbing work. Refer to relevant conditions.

**Stormwater**

A Section 68 application will be required for the new stormwater drainage work. Refer to relevant conditions.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

No unreasonable potential adverse impacts identified to neighbouring properties with the development as proposed outside of normal construction impacts.

**Cumulative Impacts**

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

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

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

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

Four (4) written submissions have been received following initial public exhibition of the application. A number of modifications have been made to address concerns raised by neighbours and the RFS. As such the application has been readvertised twice. One (1) submission was received in relation to these subsequent notifications. NOTE-all submissions have been addressed as formal acceptance has not been received.

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

Submission Issue/Summary	Planning Comment/Response
View loss	The applicant has lowered the development to maximise view retention for those dwellings located opposite. Some view loss is still opposed over side boundary. See view loss assessment within the report.
Traffic generation and parking	Minor increases in traffic are anticipated from the construction of the development. Road capacity will adequately cope with the likely increase in traffic. Appropriate parking spaces have been provided suitable to the dwelling size.
Over shadowing leading to loss of energy efficiency and mould growth and inaccurate plans	The modified plans lowered the height of the building and pulled the dwelling forward towards the street to improve overshadowing. Amended shadow diagrams were submitted to address concerns. The applicant has demonstrated that compliant solar access can be achieved to POS areas.
Loss of privacy- from decks and windows opposite	A 1.5m high privacy screen has been provided to the side of the deck and the window sill heights to the southern elevation have been increased to 1.5m. The deck and upper windows are setback 3m from the southern boundary providing approximately 7m separation between windows and vegetation is located on the boundary. It is considered privacy concerns have been adequately addressed.
Loss of North Easterly breezes	It is considered that the site can be reasonably developed and loss of breezes will not be significant given the location.
Asset protection zone	The application has been referred to the Rural Fire service multiple times to address concerns. The RFS are now satisfied the development can meet their requirements and conditions have been applied to the consent.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION 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 - 292.1 Recommended Conditions

2 [View](#). DA2018 - 292 1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/292****DATE: 11/01/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
SOEE		Karen Burke Architect	4/4/2018
Architectural Plans and Specifications	DA 1-10 Rev C	Karen Burke Registered Architect	21/11/2019
Draft Strata Plan		Dallas Laundry	26/4/2018
Bushfire Assessment Report	Ref 300118-10A	Orr Partners	23 November 2018
BASIX	104-895108S 104A-916298S	Karen Burke Architect	3/4/2018

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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

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

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
  - **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/5521 DA180815145DC and dated 20 December 2018, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond

amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

  - Footway and gutter crossing
  - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Sewerage reticulation.
  2. Water supply plans.
  3. Stormwater systems.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levy Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005
  - Hastings S94 Major Roads Contributions Plan
  - Hastings S94 Open Space Contributions Plan

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) Council records indicate that the development site has an existing 20mm metered water service from the 150 AC water main on the same side of Chepana Street. Each unit shall have an individual metered water service. The existing water service and meter shall be disconnected since it will be located within the proposed driveway location. Details are to be provided plans and submitted to Water Supply Section for approval.
- (12) Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs along the eastern property boundary. The proposed development shall discharge all sewage to the existing point of connection to Council's sewer system.
- (13) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.



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

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.

#### **D – DURING WORK**

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.

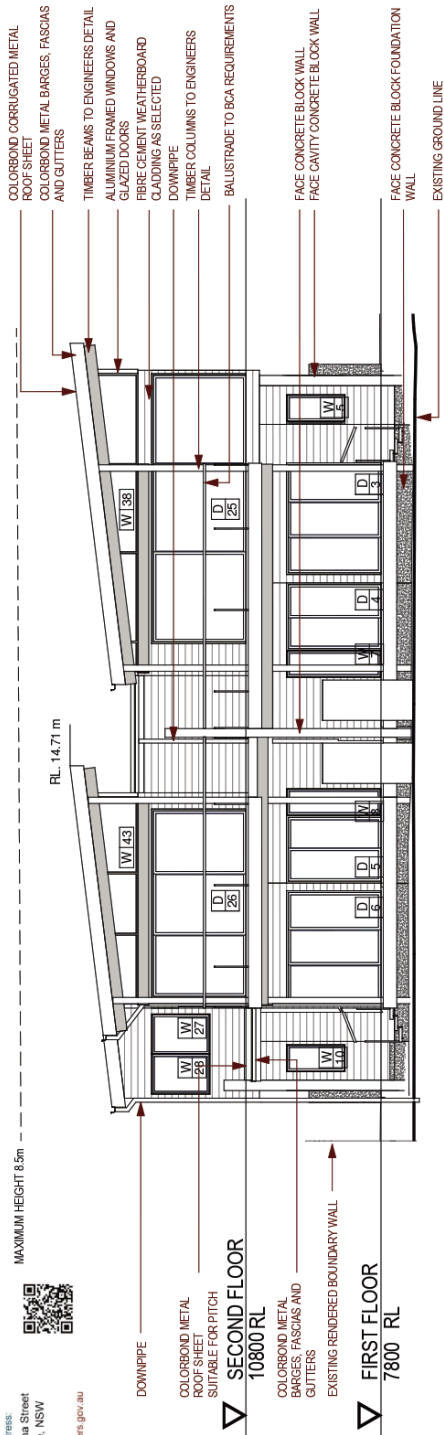
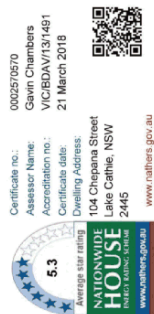
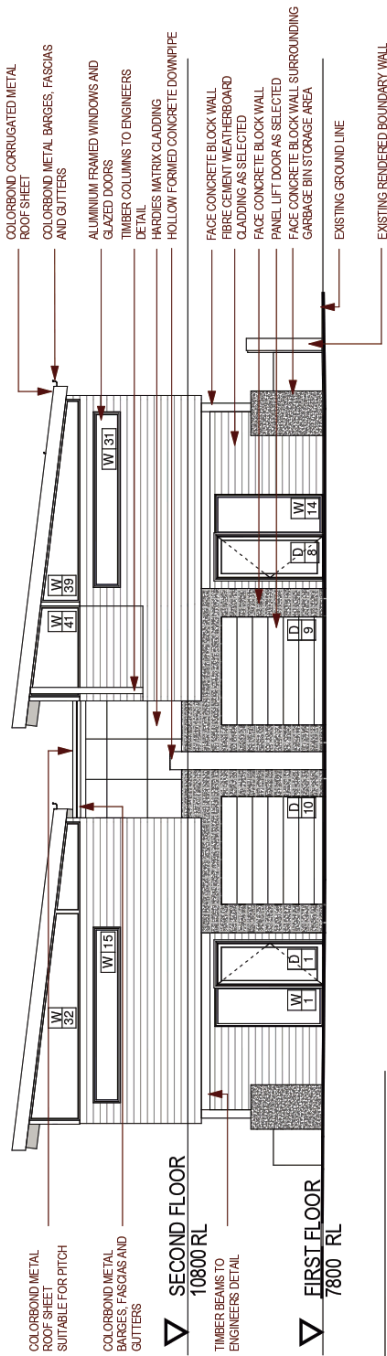
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
  - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any 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.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (9) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

**F – OCCUPATION OF THE SITE**

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.





1 East Elevation  
1 : 1002 West Elevation  
1 : 100

SCALE @ A3 1 : 100

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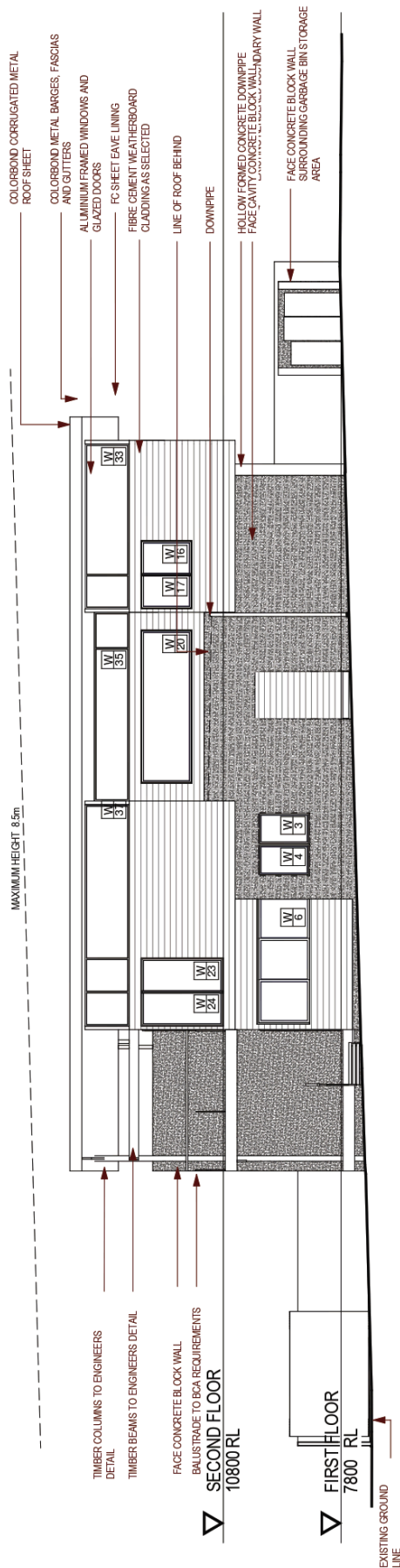
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 7/66 CLARENCE ST, PO BOX 877, PORT MACQUARIE, NSW, 2444  
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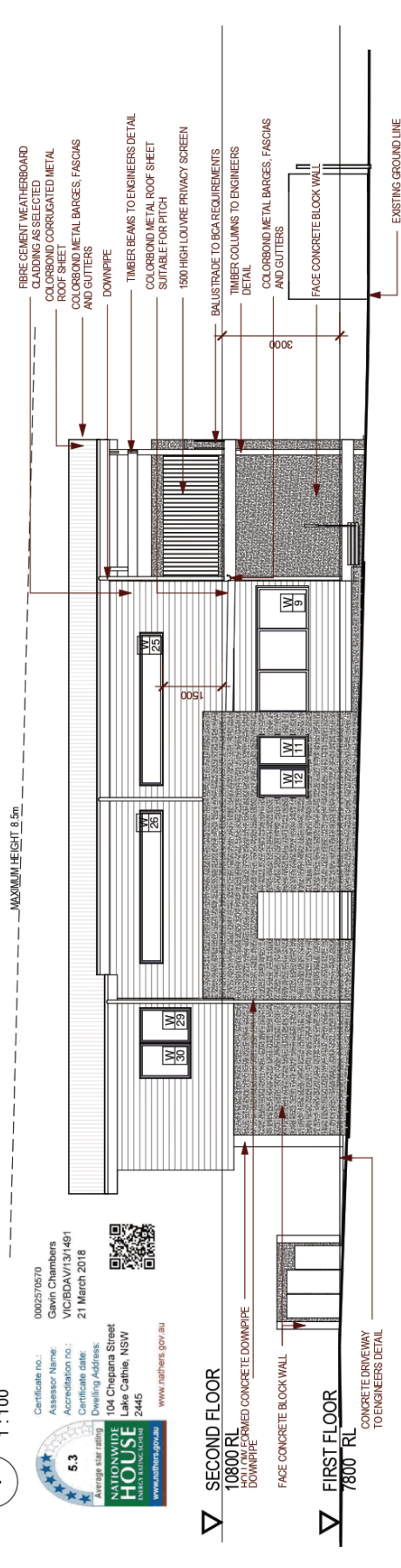
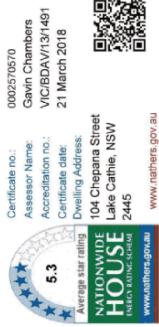
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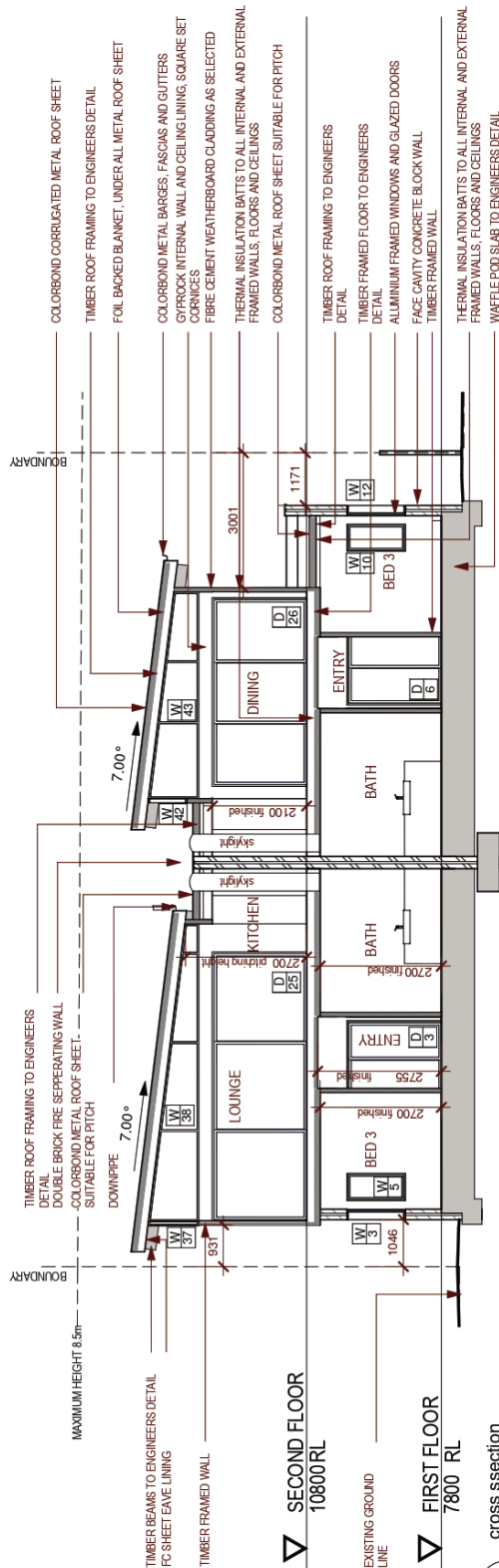


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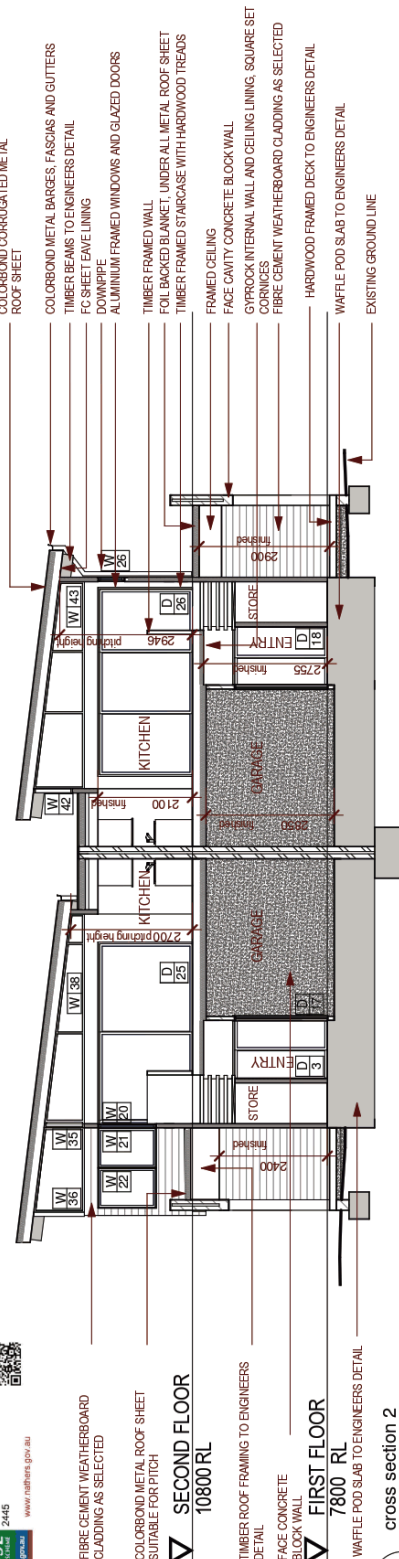


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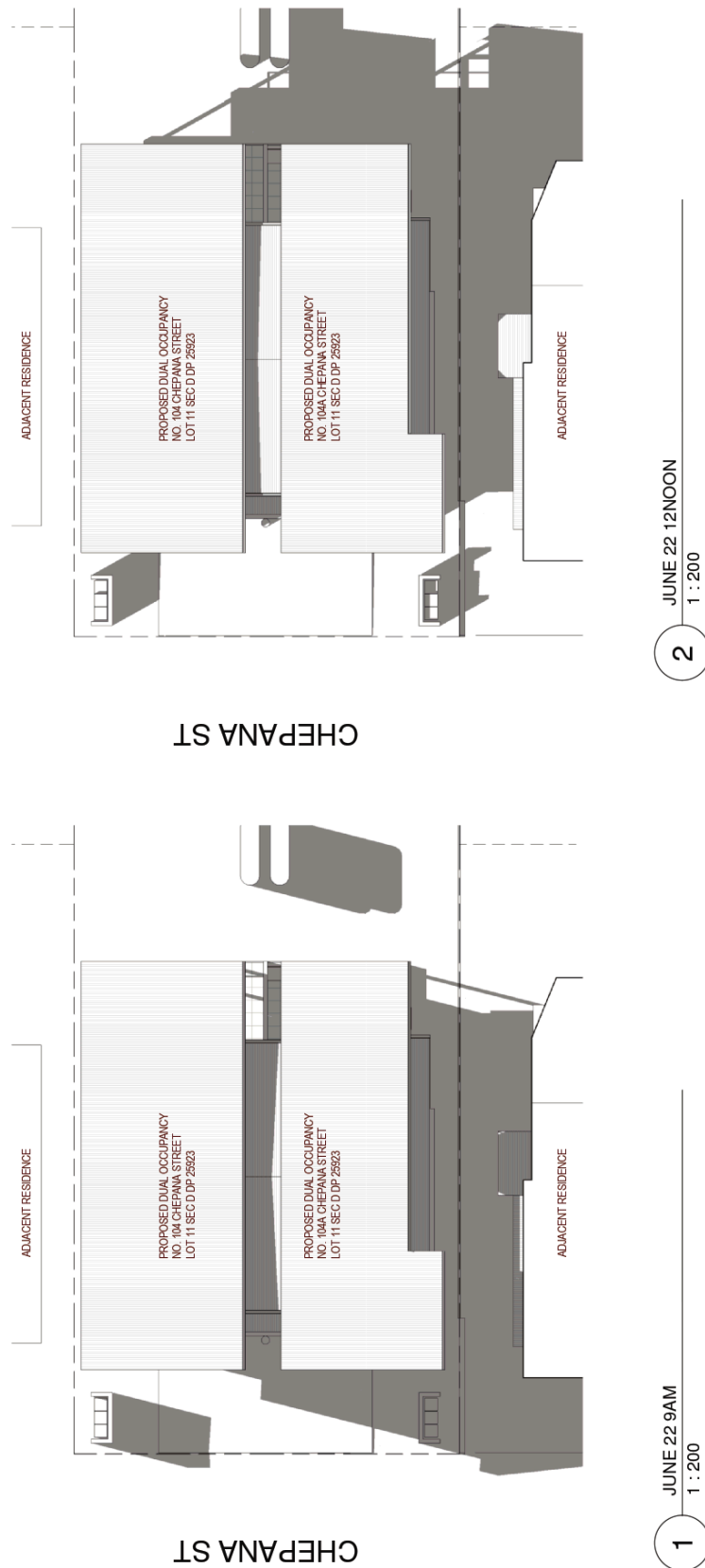
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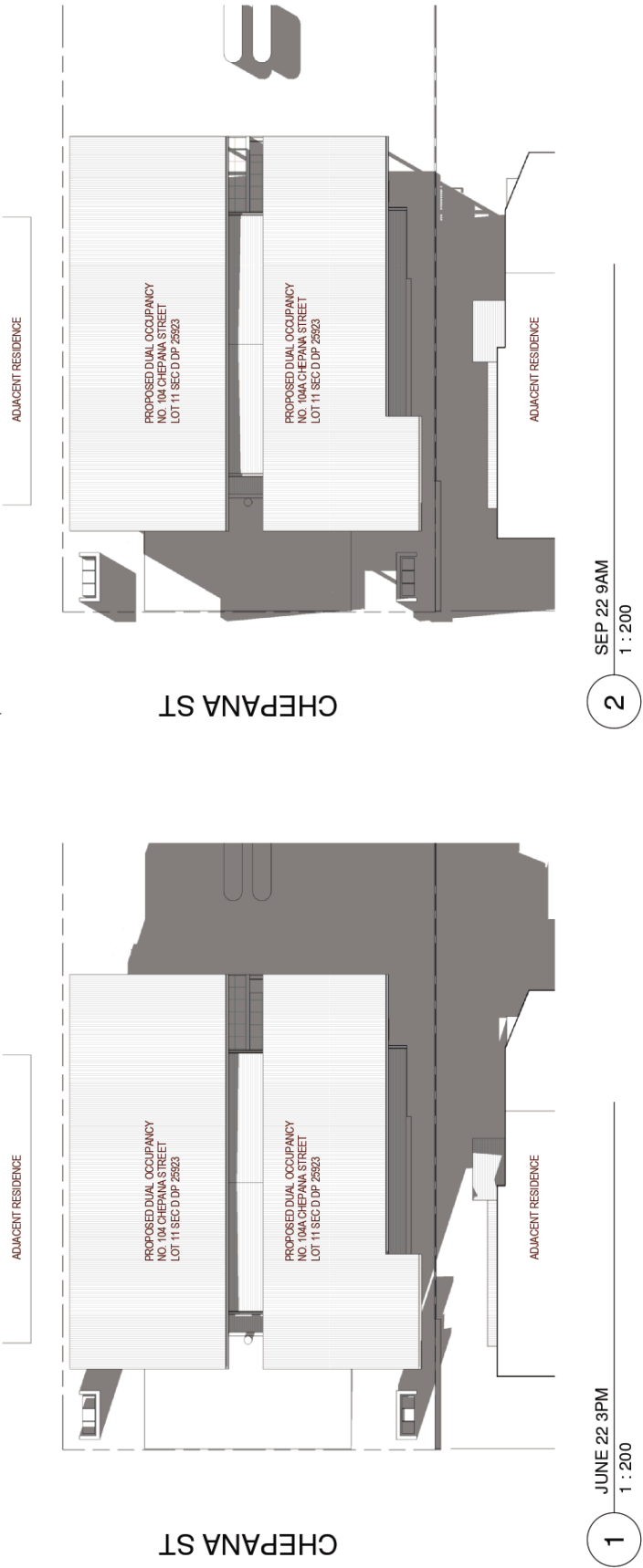
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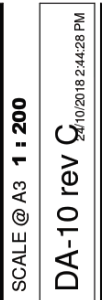
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**Item: 12**

**Subject: DA2018 - 761.1 ADDITIONS TO EXISTING CLUB AT LOT 1 DP 854932, NO. 1 WOODFORD ROAD, NORTH HAVEN**

**Report Author: Fiona Tierney**

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**Applicant: WEDGEWOOD CARPENTRY**  
**Owner: NORTH HAVEN BOWLING CLUB**  
**Estimated Cost: \$91,302**  
**Parcel no: 28595**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That DA 2018 - 761 for additions to existing club at Lot 1, DP 854932, No. 1 Woodford Road, North Haven, be determined by granting consent subject to the recommended conditions.**

### **Executive Summary**

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

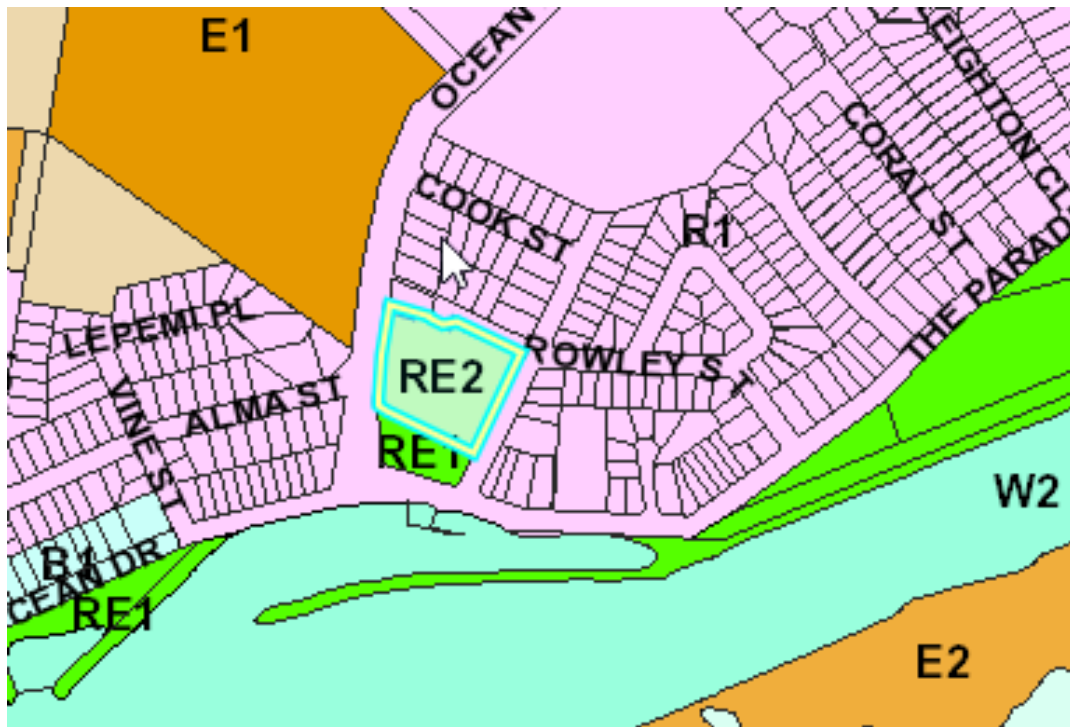
Following exhibition of the application, three (3) submissions have been received.

## **1. BACKGROUND**

### **Existing sites features and Surrounding development**

The site has an area of 12060m<sup>2</sup>.

The site is zoned RE2- Private Recreation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a viewing deck (stage 1)
- Construction of a shade/weather cover over existing bowling green (stage 2)

Refer to attachments at the end of this report.

### **Application Chronology**

- 19 September 2018 - Application lodged
- 12-26 November 2018 - Neighbour notification of the proposal
- 20 December 2018 - onsite meeting with objector and applicant

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(1) Matters for Consideration**

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

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

#### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

The site is in excess of 1Ha in area and so the provisions of SEPP 44 must be considered. No koala browse trees are proposed to be removed. The provisions of this SEPP therefore do not require any further consideration.

#### **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 likely 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 a 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; and
- 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 predominately cleared and located within proximity to an area zoned for the purposes of a private recreation, tourist and residential dwellings.

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

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the Roads and Maritime Services is not required.

Based on the above, the proposed development addresses relevant clauses in the SEPP and is unlikely to create any conflict in terms of traffic or noise.

**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 RE2- Private Recreation. In accordance with clause 2.3(1) and the RE2 zone landuse table, the additions to the existing club are a permissible landuse with consent.

The objectives of the RE2 zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

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 adjacent residential locality and no landuse conflicts can be identified.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.5 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.31:1 which complies with the maximum 1.0:1 floor space ratio applying to the site.



- Clause 5.5 - Development within the coastal zone (relevant objectives of this clause are addressed by SEPP (Coastal Management))
- 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 4 acid sulfate soils. The proposed development includes footings, however no excavation extending 2m below the natural surface level is proposed, therefore 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 7.13, 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**

Development is to be constructed over an existing bowling green. Site has three frontages and 1 that adjoins a Reserve. The DCP does not have specific setback requirements for RE2 and so are assessed on a merits basis. In this case the structure is proposed at a 1.437m setback to allow the structure supports to span over the existing bowling green. It is considered appropriate in this instance as the club is located on its own island block, wide road reserve and it is an open form structure.

**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	No fill proposed	N/A
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	No change to existing crossover proposed.	N/A
2.5.3.3	Parking in accordance with Table 2.5.1. Dwelling requirements + 1 space for visitors + 1 space per 2 employees.	Existing parking. Shade structure is over existing bowling green and is will not generate additional parking demand.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	N/A

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

No planning agreement has been offered or entered into.

(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.

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

The site has street frontages to Ocean Drive, Woodford Rd and Rowley St. A reserve is located to the south of the site.

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

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

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

The proposal does not have significant adverse lighting impacts.

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

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

**View Sharing**

The overall notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all the view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable

Having considered the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140* and following an inspection of the area, the following comments are provided in regards to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

*Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Comments: Concerns have been raised by residents opposite the proposed development that they will lose views to North Brother Mountain and down to the reserve and water. The topography around the area is relatively flat and dwellings face the bowling club so outlook is over the bowling club property and down the street. The applicant has submitted a photo montage to demonstrate the anticipated view loss. This appears to indicate a minor impact on views would occur. A small part of the view of North Brother Mountain and the reserve at the base of the street for the concerned properties would be affected.

See photos/mapping below:

Photo1: View down street and across to bowling club



Photo 2: Photo montage supplied by applicant- view from 2 Woodford Rd

Photo 3: Aerial Blue line indicating direction of view to North Brother





### Step 2

*Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comments: The North Brother views from 2 Woodford Road are obtained from living/deck areas across the front boundary. The views from 4 Woodford are obtained from a small shaded front window set well back from the street.

### Step 3

*Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comments: The extent of the impact upon views from properties in Woodford Rd will be minor and acceptable. This is on the basis that the views are largely conserved and fairly difficult to fully maintain given the relatively flat topography and orientation of houses.

### Step 4

*Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be*

*asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comments: The proposal is considered to comply with relevant height and setback requirements and is considered reasonable and will not significantly change existing views. The proposed development will still achieve a suitable level of view sharing in terms of the planning principles of the court case.

**Roads**

The site has road frontage to Woodford Road and Ocean Drive. Adjacent to the site, Woodford Road is a sealed public road under the care and control of Council. Woodford Road is a local road with a 10m road formation within a 20 m road reserve. Ocean Drive is a sealed public road under the care and control of Council with RMS funding. Ocean Drive is an arterial road with a 11m road formation within a 30 m road reserve.

**Site Frontage & Access**

Vehicle access to the site is proposed through one access driveway to Rowley ST. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

**Water Supply Connection**

Council records indicate that the development site has an existing 50mm metered water service from the 200 PVC water main on the same side of Ocean Drive.

No changes to existing arrangements are necessary.

**Sewer Connection**

Existing- no changes required.

**Stormwater**

To be connected to the street. Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition



requiring erosion and sediment controls to be in place prior to and during construction.

**Air and microclimate**

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

**Flora and fauna**

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

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone. The subject structures are not to be habitable and unlikely to subject to any significant bushfire risk subject to management of an appropriate Asset Protection Zone within the reserve to the North West. Access is available from around the entirety of the site in the event of a bushfire emergency.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
Visual Impact	<p>The structure is quite large and will have a reasonable visual impact given that the area has been an open area for a significant amount of time.</p> <p>It is however proposed to be a high quality structure that will enhance the visual appearance of the existing Club which has recently been renovated. It is considered that the structure is consistent with the desire for many clubs to provide a sun and weather safe area for their patrons.</p> <p>The structure is to be painted in a matching colour to the existing club, is located in excess of 20m from the nearest residential boundary and was lowered from 12m to below 8.5m to meet concerns raised at a pre-lodgement meeting. The applicant has agreed to paint the existing green low fence along the Woodford Road frontage in a colour to match the club to create a harmonious visual outcome</p>
View loss, river, green space, reserves, North Brother Mountain	See view loss assessment above. It is considered that the principles of view sharing have been satisfied and that the view loss will be acceptable.
No aesthetic appeal for residential area	The club is a designated public recreation area and the height is 8.5m from the existing ground level in keeping with the standard residential height limits for the precinct. It is considered the

Submission Issue/Summary	Planning Comment/Response
	curved roof structure provides a coastal aspect to the design and will be complementary to the club renovations and adds additional features to the simple lines of the existing club.
Construction materials will create glare and not age well	The applicant has advised that the roof will be a coated colourbond roofing material in a neutral colour. Given the relative viewing heights and curve (rather than a flat angle) it is not considered to be a significant issue.
Noise created though rain/hail on the roof	Noise from natural occurrences is not subject to specific assessment.
Noise created though use of the space- amplified music.	Applicant has advised that no amplified music is proposed. Other noise will be consistent with current use as an active bowling club.
Conversion of green space to hard surfaces.	The green will still be visible and bowling greens are not deep soil zones- being a relatively thin layer of growing medium that is well drained to prevent water accumulation on the surface.
Odour impact from smoking on the deck	Deck will be in excess of 25 metres to the nearest residential boundary
Request use of deck be restricted to daylight hours and smoking and alcohol consumption be prohibited on this structure.	The club license does permit night time use and the green areas are licenced under the Liquor Act. All activities would have to be conducted within noise guidelines. It is not practical to restrict alcohol consumption, however smoking is to be conducted within the designated smoking area and not on the deck.
Request deck be relocated to one of the other greens	This has been discussed on site with the club. They advise various options were considered, however the green is the most appropriately located in terms of the club layout and is the smallest green and is therefore the most economically viable option.
Why does roof need to be domed- could be a lower profile roof.	The applicant has advised that the profile provides a more aesthetic appearance and provides better airflow under the structure. The structure has been amended prior to lodgement to reduce the height by 4m.

**(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**

- As the cost of works exceeds \$100,000 development contributions will be required under Section 94A of the Environmental Planning and Assessment Act 1979. A suitable condition has been recommended.

**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](#). DA 2018 - 761.1 Recommended Conditions

2 [View](#). DA2018 - 761.1 Plans and Documents

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/761****DATE: 14/01/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
SOEE		Club North Haven, Peter Negus	22 October 2018
Architectural Plans and Specifications		Rigby Designs	Nov 18

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) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1- Deck
- Stage 2- Roof over existing bowling green

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

- (4) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (5) (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.



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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B010) Payment to Council, prior to the issue of the Construction Certificate (whichever occurs first) of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

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

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

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

nil

**D – DURING WORK**

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.

**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) (E195) Prior to issue of the Final Occupation Certificate, the existing low fence facing Woodford Rd is to be painted in a plain colour to match the existing club.

**F – OCCUPATION OF THE SITE**

- (1) (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.
- (2) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.



Find us on

ABN 20 001 045 969

Chairman: Gary McLoughlin  
Secretary Manager: Peter L Negus

22<sup>nd</sup> October 2018

Att: Clinton Tink  
Development Assessment Planner  
Port Macquarie Hastings Council  
Po Box 84  
Port Macquarie NSW 2444

Dear Clinton,

**Re: DA Application 2018/761 addition of Stage 2 to application**

C2Hills Consultancy is working with Club North Haven on their future business and strategic plans. As part of the expansion plans approved in 2016 (DA2016/293), it was proposed that a viewing platform would be installed off the new multipurpose room of the club.

Following discussions with Council staff, and considering we had two separate projects, advice was given to combine the two projects to existing DA Application 2018/761.

Currently DA 2018/761, considers of a deck and roof, we are seeking to add as Stage 2 a covered roof over the existing green. We wish for our DA to be considered as a Two Staged DA, with Stage 1 the Deck and Stage 2 the covered roof.

We have completed a combined Statement of Environmental Effects and two drawings of the proposed covered roof.

To reflect Council have received concerns from a resident at 2 Woodford Road based on the deck proposal, we seek to address their concerns raised and add information to reflect the inclusion of the covered roof (Stage 2).

DA application 2018/761 (Stage 1 Deck) has been lodged and we understand concerns have been raised by a resident of 2 Woodford Road, North Haven.

We understand the following concerns were raised:

1. Hours of Operation
2. Purpose
3. Visual Impact on view from balcony

Firstly, there are no changes to the purpose of our DA. Stage 1 is enhancing the existing platform area and Stage 2 is covering the existing green providing shade and comfort to bowlers.

We understand a complying DA required the height of the roof not to exceed 8.5 metres. We confirm we have complied with these planning requirements and Stage 2 is lodged as a complying DA.

#### **Responses to our Proposal of Deck and Covered Roof**

Our proposed deck is an enhancement of the current viewing platform, used by bowlers and members to watch bowling tournaments and games. It is a viewing area.

The installation of a covered roof over the existing greens is to provide shade and comfort to players but in summer and during tournaments when rain occurs part way through the day.

#### **Hours of Operation**

Hours of operations will remain as currently used and will continue to operate under our liquor licence requirements. In theory we can play tournaments up until 12pm.

There will be no change to our operating hours of the greens or the deck. The deck and the greens are deemed a licensed area and therefore as per our license can be used from Monday to Saturday until 12pm and Sunday until 10pm.

The area in question has been used as a viewing area of bowling competitions for a number of years. Prior to the expansion of our footprint per DA 2016/293, the viewing area and tables were on the eastern wall surrounding the greens. With overflow of spectators moving to the southern area (proposed deck) the area has been used for a number of years, to view bowling tournaments. There is no change in operation, however our proposal will enhance the comfort for existing spectators as part of the proposal.

Upon the completion of the renovations, we shorten the green east to west and therefore the viewing area formally moved in July 2018 to the proposed deck site. We have had a viewing area along this green for a number of years.

In relation to parking and traffic we draw you to DA 2016/293 and our traffic management plan completed by ML Traffic Engineers Dated February 2016. This report confirms we have sufficient car parking spaces and the proposed deck and covered roof is an enhancement of an existing facility and use.

**Purpose**

Purpose remains unchanged, it is linking and enhancing the spectators view point and linking the multipurpose room which is used by bowlers watching competitions on the bowling greens. As the deck is a licenced area, there will be only a fire exit and no formal access from the greens onto the deck. Spectators will need to come through the club to access the deck.

As part of our expansion plans in 2016 (DA 2016/293) we proposed in the future of a viewing platform being built out over the existing viewing area. This is confirmed per our original drawings (Annexure A) with Council approving the installation of bi-fold doors as part of the DA approval process.

The reason for the covered roof over the existing greens, is for players comfort, to provide shade and improve player facilities particularly during tournaments in the summer months. As the green is a licensed area within the club, the green is used for different purposes from time to time, the club will be replacing the lawn green to synthetic green as part Stage 2 (change of surface, as advised by Council on 16/02/18 reference CRM Parcel number 28595 does not require DA approval).

**Visual Impact on view from balcony**

The deck will consider of glass balustrades and removal of the current hedge. Views will not be impacted by structure. See photos (Photo 1, out the front of 2 Woodford Road, Photos 3 and 4 are from within the new multipurpose room looking out through the existing doors).

Photo 2 demonstrates that with a complying roof height of 8.5 metres, the possible impact from the balcony of 2 Woodford Road. As can be seen the orientation shows the majority of the view of North Brother is maintained.





Photo 1 – View from standing on brick fence at 2 Woodford Road, consider this height is first storey view from property currently



Photo 2 – Proposed View following installation of covered roof



Photo 3 Internal View from Multipurpose Room

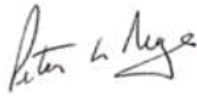


Photo 4 Current infrastructure installed in viewing area

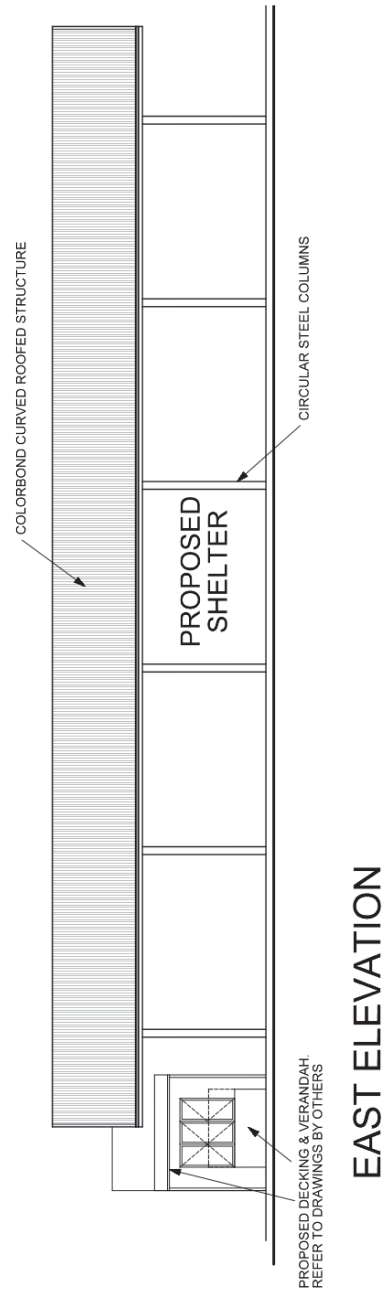
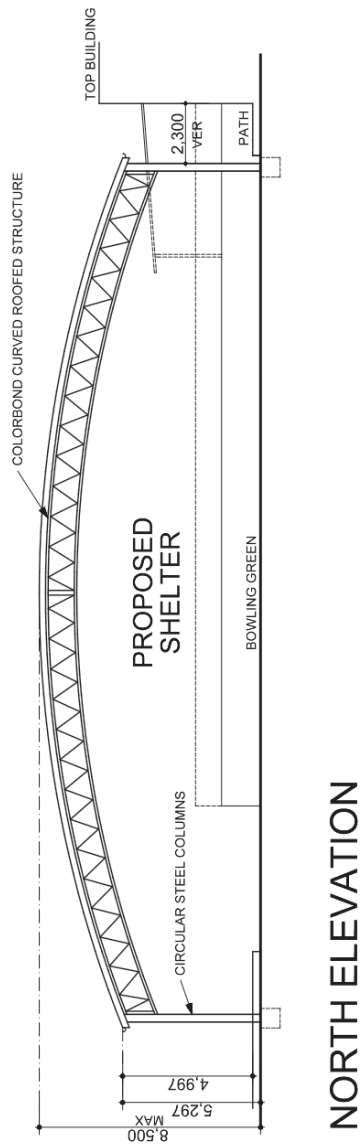
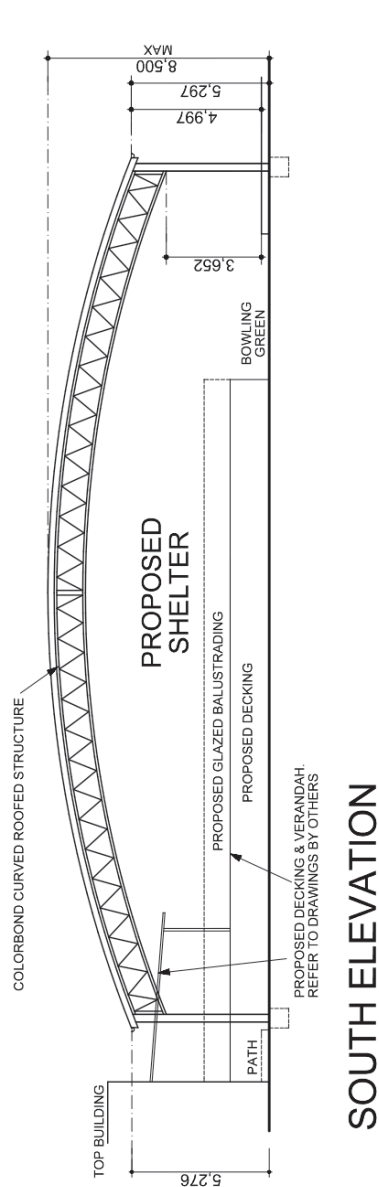
Club North Haven is a community driven club and are more than willing to meet with concerned residents to discuss in more depth the project and address their concerns.

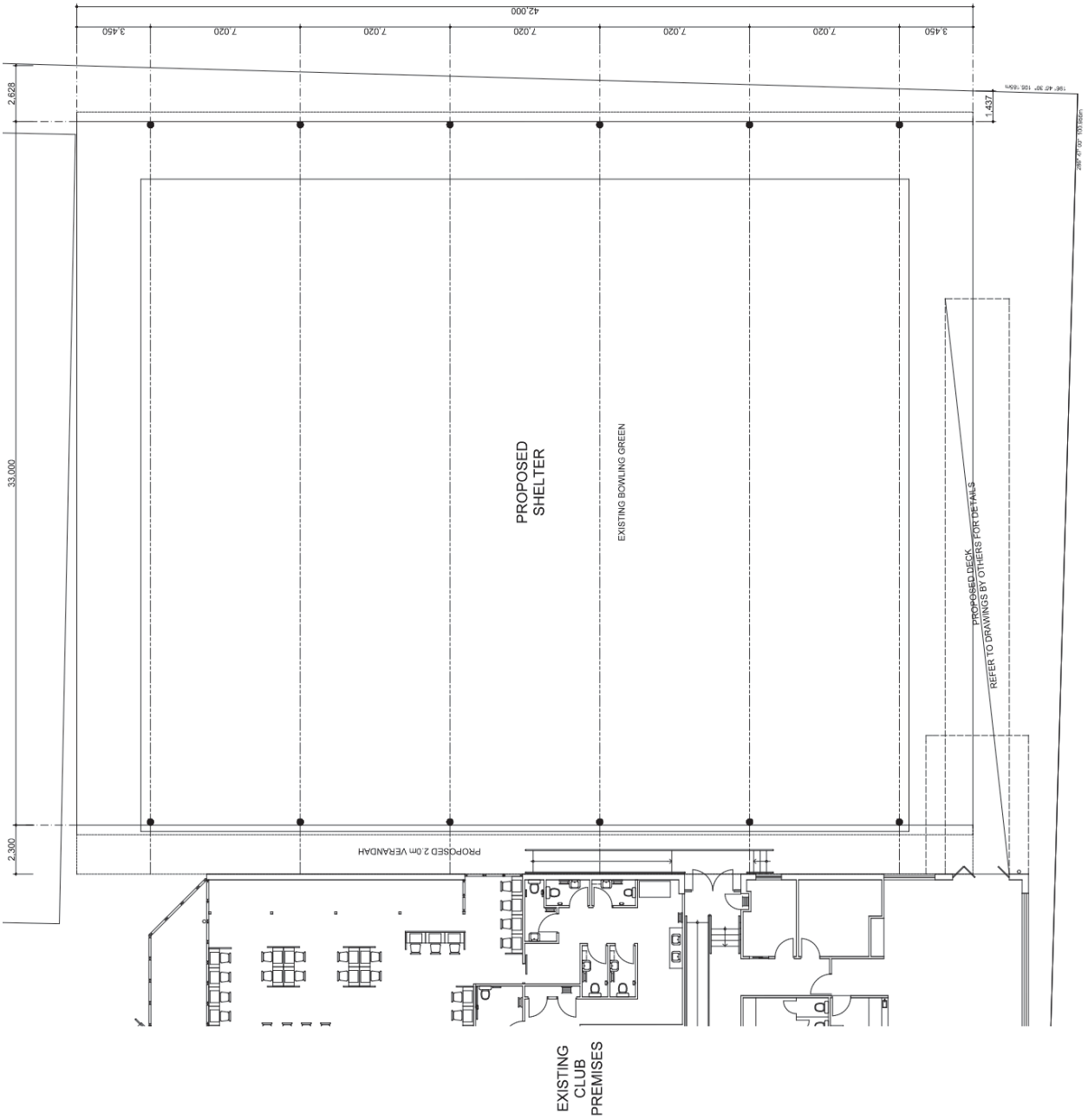
Thank you

Kind Regards,

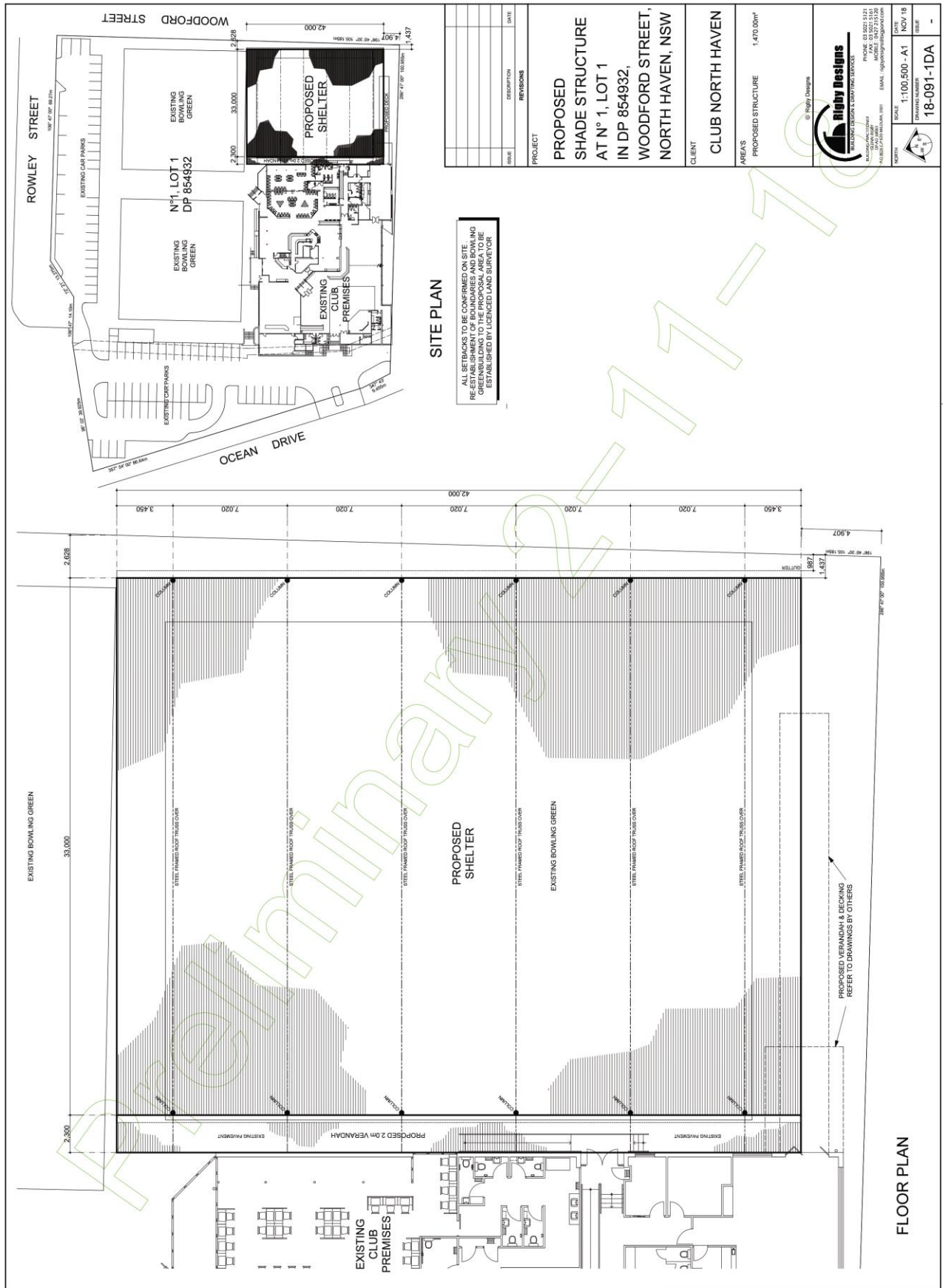
A handwritten signature in black ink, appearing to read 'Peter Negus'.

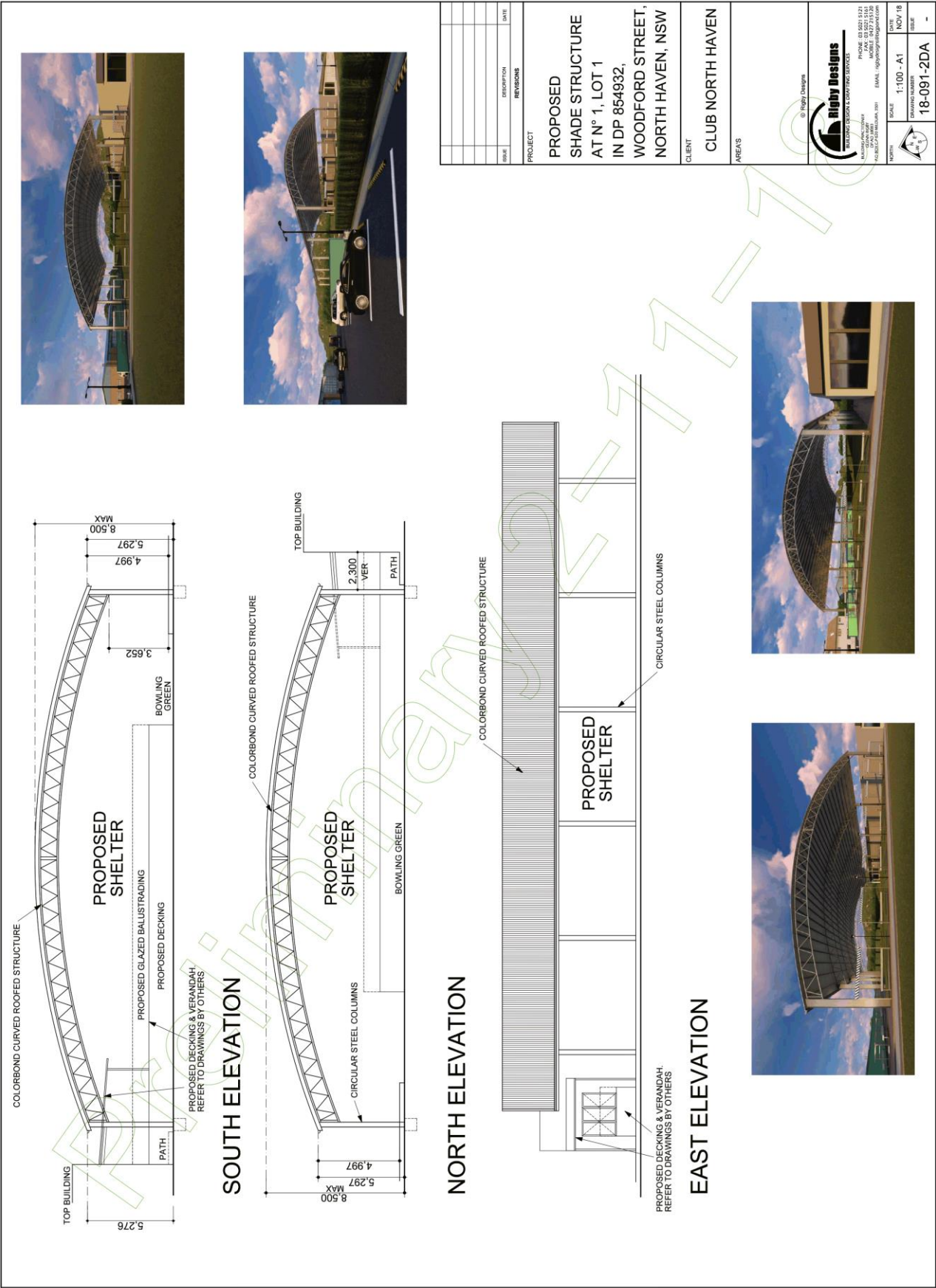
Peter Negus  
Secretary Manager


















NOTES:

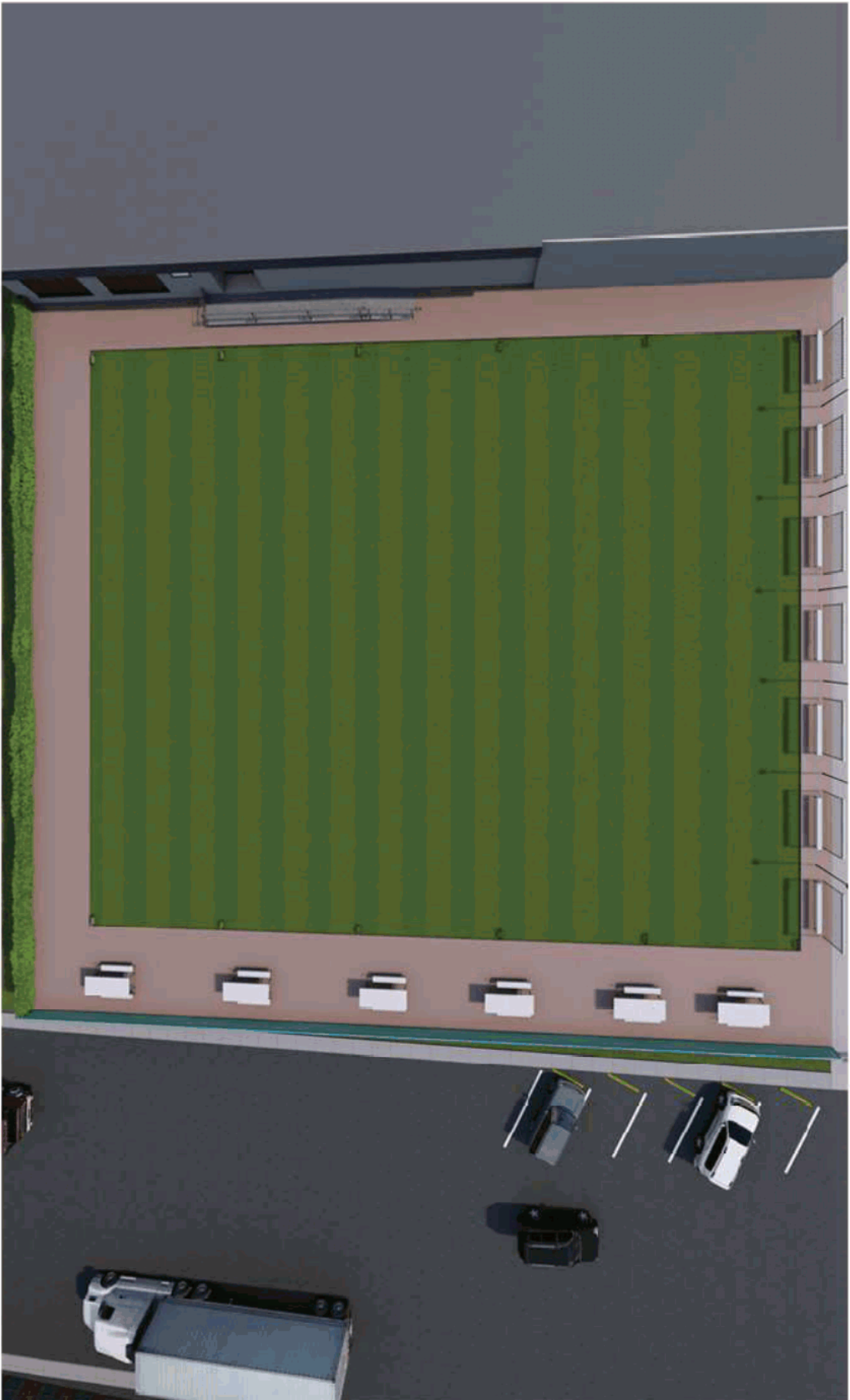
REV. NO.	DESCRIPTION	DATE	DRAWN:	CHECKED:	APPROVED:	DRAWING NAME:	PERSPECTIVE VIEW		
A									
B									
C									
D									

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.








Architectural rendering of a building with a large green lawn and a parking lot with several cars.

NOTES:

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B			APPROVED:		REV: A
C					SIZE: A3
D					



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