



Development Assessment Panel

Business Paper

date of meeting: Wednesday 27 March 2019

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

time: 2:00pm

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

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

Delegated Authority of Panel

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

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

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

3.0 MEMBERSHIP

3.1 Voting Members

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

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

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

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

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

3.4 Member Tenure

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

3.5 Appointment of members

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

4.0 TIMETABLE OF MEETINGS

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

5.0 MEETING PRACTICES

5.1 Meeting Format

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

5.2 Decision Making

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

5.3 Quorum

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

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

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

5.6 Recording of decisions

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

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

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

8.0 LOBBYING

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

Development Assessment Panel

ATTENDANCE REGISTER

Member	19/12/18	23/01/19	13/02/19	27/02/19	13/03/19
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 27 March 2019

Items of Business

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 13 March 2019 be confirmed.

PRESENT

Members:

Paul Drake
David Crofts
Dan Croft

Other Attendees:

Chris Gardiner
Grant Burge
Pat Galbraith-Robertson
Melissa Watkins

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 27 February 2019 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

Mr Crofts requested that it be recorded in the Minutes that in relation to Item 9, he has a cousin who owns a property on Burrawan Street which backs on to Windmill St. However, this is 5 properties removed from the subject proposal and he does not consider there to be any conflict of interest, whether real or perceived.

05 DA2017 - 249.2 MODIFICATION TO PART CHANGE OF USE TO EDUCATIONAL ESTABLISHMENT - LOT 2 DP 610860, NO. 8 TABLE STREET, PORT MACQUARIE

Speaker:
Justin Robinson (applicant)

CONSENSUS:

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

06 SECTION 4.55 MODIFICATION TO DA2017 - 336.2 - MODIFY CONDITIONS RELATING TO ROAD CONSTRUCTION AND TIMING & TIMING OF BOUNDARY ADJUSTMENT - SEASIDE DRIVE, LAKE CATHIE

CONSENSUS:

That the Section 4.55 modification application to modify DA2017 – 336.2 by modifying conditions relating to road construction and timing of boundary adjustment at Lot 167, DP 1229250 & Lot 229 1235792 (now Lot 331 DP1232490), Seaside Drive, Lake Cathie, be determined by granting consent subject to the recommended amended conditions included in the conclusion section of this report.

07 DA2017 - 394.1 - VEGETATION REMOVAL - LOTS 33 AND 12 DP754405 , 169B & 201 OCEAN DRIVE, KEW

Speakers:
Geraldine Haigh (applicant)

CONSENSUS:

That DA2017 - 394 for vegetation removal at Lots 33 & 12, DP 754405 & DP 191444, No. 169B & 201 Ocean Drive, Kew, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition C5 to read:
'Prior to clearing works commencing an amended clearing plan shall be submitted to Council for approval which removes the clearing proposed in the section of the site which is within the 1 in 100 year flood area being the area below 3m AHD (not flood planning area), excluding the nominated service corridor where clearing is permitted.'

08 DA2018 - 876 - DEMOLITION OF EXISTING DWELLING, DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - LOT 272 DP 236277, NO. 45 THE SUMMIT ROAD, PORT MACQUARIE

Speakers:
Rod Noble (o)
Terrance Stafford (o)
Glenn Schwarzel 9applicant)

CONSENSUS:

That DA2018 – 876 be deferred to enable:

1. Re-examination of the floor space ratio calculations, particularly noting the nominated alfresco areas.
2. Redesign of dwelling 2 so as to be more sensitive to the view impacts from the development on 47 The Summit Road. Height poles are to be erected at the northern and southern extremity of the eastern elevation of dwelling 2 as proposed on the site to enable a more informed assessment of view impacts.

**09 DA2018 - 911.1 DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT 25
DP 32244, NO. 14 WINDMILL STREET, PORT MACQUARIE**

Speaker:
John Lanfranchi (applicant)

CONSENSUS:

That DA2018 – 911.1 for a Dual Occupancy and Strata Subdivision at Lot 25, DP 32244, No. 14 Windmill Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition C1 to read: *‘Prior to works commencing an application being made to the electricity and telecommunications service providers.’*

**10 DA2018 - 322.1 BOUNDARY ADJUSTMENT AND VEGETATION REMOVAL AT
LOT 1 DP 224865 AND LOT 54 DP 233413, 18B AND 18A HIBISCUS
CRESCENT, PORT MACQUARIE**

Submission from Kevin Gallagher tabled at the meeting.

Speakers:
Kevin Gallagher (o)
Donna Clarke (applicant)
Claire Mathieson (applicant)

CONSENSUS:

That DA 2018 – 322.1 for a boundary adjustment and vegetation removal at Lot 1, DP 224865 and Lot 54, DP 233413 No. 18B and 18A Hibiscus Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

11 GENERAL BUSINESS

Nil.

The meeting closed at 3:30pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:
.....

Name:

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Name:

Councillor's Signature: Date:

Important Information

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

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

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

Item: 05**Subject: DA2016 - 1000.1 WASTE MANAGEMENT FACILITY AND
CARETAKER'S RESIDENCE AT LOT 315 DP 1075670, NO. 6
ENTERPRISE PLACE, WAUCHOPE****Report Author: Chris Gardiner**

Applicant: G Peckham
Owner: G J Peckham (owned by Council at time of lodgement)
Estimated Cost: \$350,000
Parcel no: 46335

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 DA2016 – 1000.1 for a Waste Management Facility and Caretaker's Residence at Lot 315, DP 1075670, No. 6 Enterprise Place, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a waste management facility and caretaker's residence at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

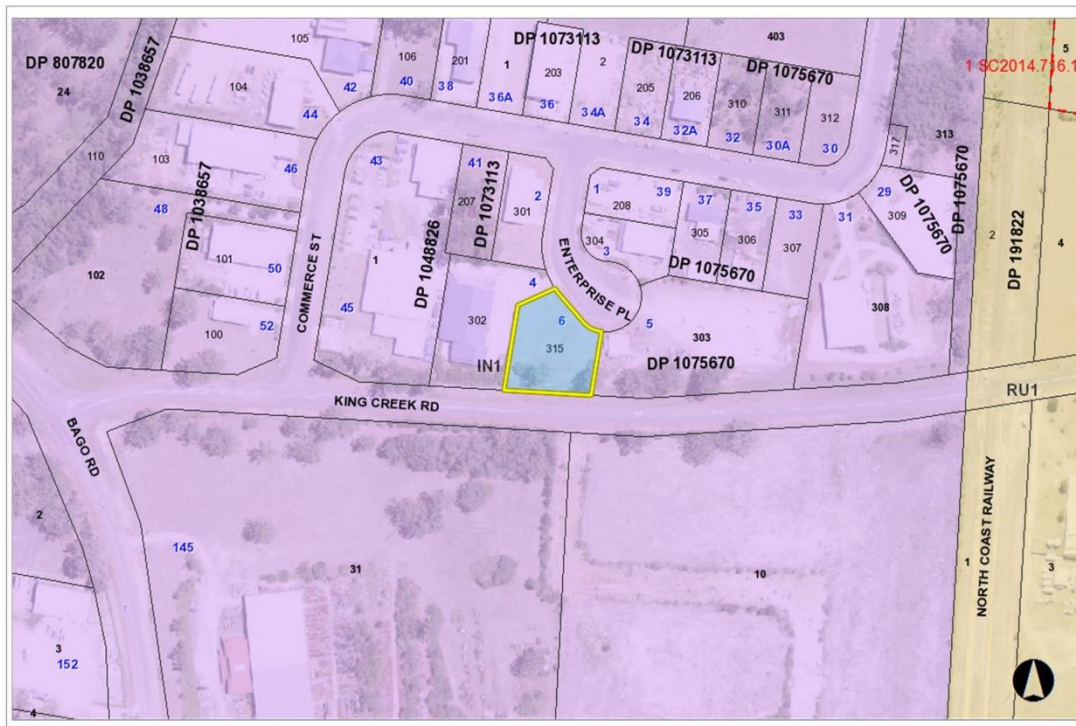
Following exhibition of the application, 2 submissions have been received.

At the time of lodgement of the development application, the land was owned by Council and under a contract for sale to the Applicant subject to determination of the application. However, the Applicant has proceeded with the purchase of the land and Council no longer has an interest in the property as a land owner. Whilst no longer strictly triggering the need to consider Council's Conflict of Interest Policy when finalising the assessment of the application, it is considered that it is still appropriate for the application to be determined by full Council given Council was a party to the application when lodged.

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

The site has an area of 2118m².

The site is zoned IN1 General Industrial 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 an industrial building for the purpose of processing grease trap waste.
- Construction of a caretaker's residence within the building.
- Associated car parking and landscaping.

Refer to attachments at the end of this report.

Application Chronology

- 22 December 2016 – Application lodged.
- 23 March 2017 to 21 April 2017 – Application notified to neighbours and advertised in local newspaper.
- 12 April 2017 – Additional information requested by NSW Environment Protection Authority (EPA).
- 22 June 2017 – Additional information submitted by the Applicant.
- 19 September 2017 – General terms of approval for integrated development refused by EPA.
- 15 March 2018 – Additional information submitted by Applicant in response to EPA concerns.
- 1 August 2018 – Further additional information requested by EPA.
- 31 August 2018 - Additional information submitted by Applicant in response to EPA request.
- 6 December 2018 – Further additional information requested by EPA.
- 6 February 2019 - General terms of approval for integrated development issued by EPA.

- 8 February 2019 – Amended noise and odour assessments provided to objectors for further comment.

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. 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. In this case, the development has the potential to be offensive given the potential odour impacts of the storage and processing of grease trap wastewater and the provisions of the SEPP apply. Having considered the SEPP and the Department of Planning and Environment's *Hazardous and Offensive Development Application Guidelines* and with the imposition of conditions, the proposed development is not considered to be a hazardous or offensive industry.

Particularly, the Applicant has demonstrated that odour impacts from the development will be within acceptable levels and appropriate management practices have been recommended to reduce the likelihood of offensive odour emissions.

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 within the Hastings River.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development does not include any signage in the form of business/building identification and/or general advertising. A condition is recommended requiring separate approval for any signage that is not Exempt Development.

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

A BASIX certificate has been submitted for the caretaker's residence 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 IN1 General Industrial. In accordance with clause 2.3(1) and the IN1 zone landuse table, the proposed development for a waste management facility is a permissible landuse with consent.

The objectives of the IN1 zone are as follows:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

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 for an industrial use on industrial land;
 - The development would encourage employment opportunities;
 - The proposal has demonstrated that impacts on other land uses can be satisfactorily managed.
- 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

DCP 2013: Chapter 3.5 - Industrial Development			
DCP Objective	Development Provisions	Proposed	Complies
3.5.3.1	Minimum setbacks are provided as follows: <ul style="list-style-type: none"> • 10m from a classified road; • 7.6m from any other road boundary; • 3m from any secondary road frontage. 	Minimum setback of 10.5m to Enterprise Place and 10m to King Creek Road.	Yes
3.5.3.2	Elevations of building	Pre-coloured metal	Yes

	which are visible from a public road, reserve or adjacent or adjoining residential areas are to be constructed using: <ul style="list-style-type: none"> • brick, masonry, pre-coloured metal cladding, or • appropriately finished 'tilt-slab' concrete; or • a combination of a number of these materials. 	cladding.	
	Large unrelieved expanses of wall or building mass are not favoured, and as such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.	Front elevation broken up with door openings and provided with some articulation with upper floor balcony of caretaker's flat.	Yes
3.5.3.3	Material storage/work areas and volumes to be provided with application.	Details of storage capacity for wastewater treatment provided in the application.	Yes
	Open work and storage areas to be located at rear of premises and screen from view by landscaping and/or fencing minimum 2m high.	None proposed.	n/a
3.5.3.4	Detailed landscaping plan submitted.	Concept landscaping plan submitted.	Yes
	Landscaped strip 3m wide for 2/3 of each road frontage.	3m wide landscaping to 48% of Enterprise Place frontage, and 1.5m wide landscaping for a further 21% of the frontage. No landscaping proposed for King Creek Road frontage. Condition recommended requiring an amended landscape plan to be submitted prior to the issue of a Construction Certificate, including an additional landscaped strip minimum 3m wide for 2/3 of the King Creek Road frontage.	No, but acceptable.
	No fencing in front setback unless for display items. High quality fencing and landscaping.	No front fencing to Enterprise Place identified on the plans. Existing security fencing to King	Yes

		Creek Road, which is essentially the rear boundary of the site.	
3.5.3.5	An onsite recreation area is provided for staff that: <ul style="list-style-type: none"> Includes seating, tables and rubbish bin. If outside, is adequately protected from the weather Is safely accessible to all staff. Is separate private from public areas. Is located away from noisy or odorous activities. 	The Applicant has indicated that the business would only employ the resident manager and these facilities are not considered necessary.	No, but acceptable.
3.5.3.6	Provide onsite facilities for changing, showering and secure bike storage.	The caretaker's residence includes such facilities for the resident manager.	Yes
3.5.3.7	Development complies with NSW Industrial Noise Policy.	Capable of complying. Condition recommended regarding offensive noise.	Yes
	Building openings located to minimise noise impacts if within 400m of residential zone.	Building openings oriented towards adjoining industrial activities.	Yes
	External plant such as generators, air conditioning plant and the like, should be enclosed to minimise noise nuisance and located away from residences.	None identified on plans.	n/a
	External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.	No residential areas nearby.	n/a
	Driveways should be arranged or screened to avoid headlight glare on residential windows.	Properties opposite the driveway are industrial uses and would not be impacted by headlight glare.	Yes
3.5.3.8	Office space ancillary to the industrial use is permissible with consent, subject to satisfaction of the following matters: <ul style="list-style-type: none"> That the office component of a proposed development is ancillary to the functions carried out in 	Office space is ancillary to the industrial use and is not proposed to be separately leased. Parking calculations for the development have accounted for the office component.	Yes

	the factory, warehouse or other industrial use. • That the office area is not leased to a separate company or entity. • That parking facilities are adequate to cater for the size of the office development.		
3.5.3.9	The site should be serviced by reticulated water (and dual reticulation where this is available), sewer and telecommunications.	Yes	Yes
3.5.3.10	Garbage storage areas are not visible from a public place.	Garbage capable of being stored out of public view. Condition recommended confirming this requirement.	Yes
3.5.3.11	Stormwater management strategy prepared.	Condition recommended requiring stormwater management plan prior to the issue of a Construction Certificate.	
	Rainwater tank and dual reticulation for non-potable uses on the site.	Rainwater tank proposed. Dual reticulation not available to the site.	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations	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 caretaker's residence would provide supervision and casual surveillance of the site.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut of up to 1.4m proposed more than 1m outside the external wall. Considered acceptable having regard to the scale of the building. Conditions recommended requiring	No, but acceptable

		engineering certification of the proposed retaining wall and detailed design of stormwater drainage.	
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	Yes
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended confirming this requirement.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	One Koala food tree located centrally on the site would be impacted by the development and is proposed to be removed. Two further trees adjacent to the eastern boundary are proposed to be retained, and adequate Tree Protection Zones have been provided to ensure their long term survival. Adequate area is available in the landscaped area along the King Creek Road frontage to provide 2 replacement trees. However, the location of the site in an established industrial area is not considered suitable for offset plantings, due to the risk of mortality. A condition is recommended requiring satisfactory arrangements with Council for 2 koala food trees to be provided at a suitable location off-site.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access to Enterprise Place.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking.	Single crossing of acceptable width.	Yes

2.5.3.3	Off-street parking in accordance with Table 2.5.1. Reduction possible if supported by parking demand study.	<p>Proposal includes:</p> <ul style="list-style-type: none"> • 517m² of industrial use at 1 space per 70m² GFA; • 21m² of office at 1 space per 30m² GLFA. • Caretaker's residence - 1 space required. <p>The overall parking demand of the development is therefore 9.1 spaces (rounded to 10 spaces).</p> <p>The submitted plan identifies 11 parking spaces and complies with the minimum requirement.</p>	Yes
2.5.3.7	Customer parking to be easily accessible.	Parking at front of the site and easily accessible.	Yes
	Parking in accordance with AS 2890.1.	Capable of complying. Certification of compliance required prior to Construction Certificate and Occupation Certificate.	Yes
2.5.3.8	Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access and parking in accordance with AS 2890.1 and AS 2890.2.	One accessible parking space proposed.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Appropriate perimeter landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended confirming requirement for sealed surface.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Capable of complying. Details to be submitted with CC/S138 applications.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying. Details to be submitted with CC/S138 applications.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater management plan to be submitted prior to the issue of a Construction Certificate.	Yes

	No direct discharge to K&G or swale drain	Development required to be connected to the piped drainage in Enterprise Place. Stormwater management plan to be submitted prior to the issue of a Construction Certificate.	Yes
2.5.3.19	Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2	Capable of complying.	Yes
	<p>Loading bays will be provided in accordance with the following requirements;</p> <ul style="list-style-type: none"> • Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). • Vertical clearance shall be a minimum of 5m. • Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area. • A limited number of 'employee only' car parking spaces may be combined with loading facilities. • Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. • Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic. • Vehicles are to stand wholly within the site during such operations. 	<p>Loading bay 11m x 5.2m with 3.9m vertical clearance at roller door. Condition recommended requiring amended plans with the Construction Certificate application demonstrating that a minimum 5m vertical clearance can be achieved.</p> <p>The submitted plans demonstrate that delivery vehicles are able to manoeuvre within the site and exit driving forwards.</p>	Yes
	Other commercial development shall provide	One loading bay proposed.	Yes

	one loading bay for the first 1,000m ² floor space and one additional bay for each additional 2,000m ² .		
2.5.3.20	The location and design of loading bays should integrate into the overall design of the building and car parking areas.	Satisfactory integration.	Yes
	Where visible from the public domain, loading bays are located behind the building.	Loading bay will be visible from the public road, but is enclosed with a roller door. Landscaping in the site frontage would also screen the loading area to some extent. Considered acceptable.	Yes
2.5.3.21	Plans to confirm vehicular access, circulation and manoeuvring in accordance with AUSTROADS and AS 2890.	Submitted plans demonstrate that satisfactory circulation and manoeuvring areas are available.	Yes
	Adequate area provided for loading/unloading and manoeuvring of B-Doubles where access is available from approved B-Double routes.	B-Double access not proposed.	n/a
	Ingress and egress in a forward direction.	Submitted plans demonstrate that ingress and egress is possible in a forward direction	Yes
	Driveways >6m from tangent point of kerb radius and >1.5m from common side boundary with another lot.	Driveway location satisfactory.	Yes
	Driveways not locate within intersection or restricted areas, and adequate sight distance available.	Driveway location satisfactory.	Yes

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

	Requirements	Proposed	Complies
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot 	Minimum 24m front setback to caretaker's residence.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Min. 3.0m secondary road Min. 2.0m Laneway 		
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	First floor setback minimum 3m.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	<p>Proposed caretaker's residence is located at first floor level and has a balcony with dimensions of 2.5m x 7.18m.</p> <p>As there is no ground level access to the flat it is considered reasonable for private open space to be provided to the standards applicable to apartments (3.3.2.21 of the DCP). The proposal exceeds the minimum requirements for a 1 bedroom apartment (8m², minimum 2m wide).</p> <p>It is also noted that SEPP (Exempt and Complying Development Codes) 2008 allows caretaker's flats with up to 100m² floor area without any private open space as Complying Development.</p> <p>Private open space is therefore considered acceptable for the proposed use.</p>	No, but acceptable
3.2.2.10	Privacy: <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and 	Privacy adequately addressed through building design and separation.	Yes

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

	Requirements	Proposed	Complies
	<p>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"> • 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 		

(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 site has a general north-easterly street frontage orientation to Enterprise Place and a southerly orientation to King Creek Road.

The site is located within an established industrial precinct with a range of uses. Adjoining the site to the west is a water reservoir maintenance business. Adjoining the site to the east is a depot. Adjoining the site to the north is a vehicle repair station. Vacant industrial land is located on the southern side of King Creek Road, and rural land is located approximately 250m to the east on the eastern side of the North Coast Railway.

The nearest dwelling (other than caretaker's residences associated with industrial uses) is located approximately 350m east of the site.

Roads

The site has road frontage to Enterprise Place and King Creek Road. Adjacent to the site, both roads are sealed public roads under the care and control of Council.

Traffic and Transport

The traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality. The submitted Statement of Environmental Effects indicates that the maximum number of weekly deliveries would be 3, and the traffic generated by the resident caretaker would also be minimal.

Site Frontage & Access

Vehicle access to the site is proposed through one access driveway to Enterprise Place. No vehicular access is permitted or proposed to King Creek 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 11 parking spaces (including 1 disabled space) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

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.

Water Supply Connection

Council records indicate that the development has an existing sealed water service to the development lot.

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.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction located on the northern property boundary. The proposed development is to drain to the existing sewer junction.

The amount of sewage discharged into Council's sewer system shall not exceed 520kL over a 12 month period. The proponent is required to install and maintain a flow-meter on the discharge outlet to Council's sewer system.

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

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/pipeline within Enterprise Place via the existing junction.

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

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

- The original industrial subdivision included a detention basin assuming all lots would comprise a certain percentage of impervious area. If the proposal exceeds this assumed quantity of impervious area, additional on-site stormwater detention facilities (or similar) may be required, to ensure that the post development site stormwater discharge rate does not exceed the pre development discharge rate for all storm events up to 100 year ARI.

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

Minimal adverse impacts expected as the treatment facility is within an indoor bunded area and all unloading will take place inside the building. The facility must be operated and maintained properly. The bunding provided must comply with the EPA guideline "Storing and Handling Liquids: Environmental Protection Participant's Manual" and it is recommended that spill kits be provided in locations inside the building that are outside of the proposed bunded area.

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

An Odour Impact Assessment prepared by The Odour Unit Pty Ltd and dated July 2016 was submitted with the application. The report has been amended during the assessment process, with the latest version being dated March 2018.

The odour impact assessment for the project is noted to have been carried out in accordance with the methods outlined by the NSW EPA documents:

- "*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*" (2005), and
- "*Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW*" (2006).

The assessment has adopted an Odour Performance Criterion of 5 Odour Units, based on a population of the affected area of 30 persons. The consultant has carried out modelling using AUSPLUME software for the following scenarios:

- Scenario 1 – Deliveries once per week (10,000L per week);
- Scenario 2 – Deliveries once per week (20,000L per week);
- Scenario 3 – Deliveries once per day (70,000L per week).

The modelling indicates that odour emissions would comply with EPA odour criteria for all three scenarios. Some key assumptions that were made in the modelling include:

- All transfer of waste will occur via sealed systems;
- The delivery and processing areas would be enclosed and mechanically ventilated;
- Sludge removal will be carried out via a sealed system;
- A self-sealing flap or carbon filter will be installed on the vents at the top of the sludge holding tanks.
- Deliveries will be carried out during daylight hours, generally around 10.30am.

The NSW Environment Protection Authority (EPA) has reviewed the odour assessment and issued General Terms of Approval for the proposal dated 6 February 2019. The General Terms of Approval include conditions to implement the above recommendations, and additional controls restricting deliveries to a maximum of 10,000L (once per week) between the hours of 10.00am and 3.00pm, requiring the construction of a stack as part of the mechanical ventilation system, and requiring an appropriate management plan. A condition has been recommended incorporating the EPA requirements.

In addition to the EPA requirements, conditions are recommended in relation to the following practices to assist in the management of odour emissions from the premises.

- Roller doors of the delivery dock and processing area are to be fitted with appropriate seals and are to remain closed during waste transfer and processing activities.
- The external door to the delivery dock is to be fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- The internal door between the processing area and the bioreactor area is to be self-closing and fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- Delivery vehicles are to remain within the delivery dock for a sufficient period to allow all odorous air to be mechanically extracted prior to the roller door being opened and the delivery vehicle exiting the building.

With the above controls in place it is considered that the proposal can satisfy the EPA odour criteria.

Flora and fauna

Construction of the proposed development will require removal of one koala food tree as discussed earlier under the DCP section. Offset plantings will be required for the tree, and the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements are in place for proposed storage and collection of the office and domestic waste and recyclables.

Liquid wastes will be treated and disposed to sewer in accordance with a Trade Waste Agreement. Sludge from the storage tanks is proposed to be collected via a sealed system on disposed of at an appropriate waste management facility.

Standard precautionary site management condition also recommended during construction.

Energy

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

Noise and vibration

The Applicant has submitted a Noise Impact Assessment prepared by Matrix Thornton and dated 20 December 2018. The assessment identifies the main noise sources for the development to be:

- Bio Reactor Treatment System running continuously, 7 days a week. The system requires an electric motor to operate a mechanical trommel and two electric air pumps.
- Delivery of wastewater to the facility, during daylight hours, 2-3 times per week. A rigid, 16-tonne truck will be required for this purpose.
- Split system, household air conditioning unit, running continuously, 7 days a week.
- Exhaust fan system for the living area and work space. The system requires two electric roof fans, rated at 2,150m³/h each, for air extraction from the processing area, plus a small electric exhaust fan. The fans will be run continuously, 7 days a week.

The Matrix Thornton assessment has modelled the noise levels from the proposed development to be below the relevant criteria in the NSW Noise Policy for Industry.

A Construction Noise Assessment prepared by Matrix Thornton and dated 20 December 2018 has also been submitted. The assessment indicates that the construction activities would exceed noise goals for detail excavation and car park construction at the residence at 483 King Creek Road, and in all categories at 4 Enterprise Place. However, neither location would be 'highly noise affected' as defined in the Interim Construction Noise Guideline (>75dBA).

Section 12 of the report includes a list of measures that should be implemented during construction to minimise noise impacts.

The NSW Environment Protection Authority (EPA) has reviewed the noise impact assessment and construction noise assessment and issued General Terms of Approval for the proposal dated 6 February 2019. The General Terms of Approval include conditions relating to the management of noise and a condition has been recommended incorporating the EPA requirements.

Bushfire

The site is identified as being bushfire prone.

The main part of the proposal is for a building of Class 5 – 8 under the Building Code of Australia (BCA). Compliance with the deemed to satisfy provisions of the BCA is taken to be an acceptable solution in terms of construction standards.

The proposal is considered to be consistent with the aims and objectives of Planning for Bushfire Protection 2006 in terms of access, water and services, emergency planning and landscaping/vegetation management.

The building also includes a caretaker's residence. BAL 12.5 construction will be required for the dwelling and a condition is recommended confirming this requirement.

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 caretaker's residence would provide supervision and casual surveillance of the site.

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

See comments under Noise and Vibration regarding construction noise 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:

Five (5) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The submitted Statement of Environmental Effects has omitted details of existing development in proximity to the site.	Noted. The assessment of the application has considered the context of the site and surrounding land uses.
The adjoining business at 4 Enterprise Place relies on clean air for recharging of dive cylinders and the provision of surface supplied	The NSW Environment Protection Authority (EPA) have reviewed the proposal and are satisfied that with the recommended conditions the development can operate

Submission Issue/Summary	Planning Comment/Response
breathing apparatus. A diver training tank and air compressor are located within close proximity to the proposed development. Reduced air quality would affect the health and safety of employees at this property.	within the EPA odour criteria. It is noted that the highest risk of odour impacts occurs during the delivery of liquid waste to the treatment system. Deliveries will be limited to once per week between the hours of 10.00am and 3.00pm.
The Applicant's SEPP 33 assessment fails to identify sensitive receivers of a diving operations centre and food manufacturing industry.	Noted. The assessment of the application has considered the context of the site and surrounding land uses.
The proposal is inconsistent with the IN1 zone objectives as it will result in adverse odour impacts to nearby properties.	See comments under Air and Microclimate earlier in this report.
The evaluation of whether the proposal is designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 does not identify the caretaker's residence at 4 Enterprise Place, which is located within 250m of the development.	The relevant provisions of the Regulation have been considered as noted in Part 5 of this report below.
Systems that rely upon biological processes and best practice are prone to failure, and can take a long time to recover.	The EPA is satisfied that practical and effective systems and practices are able to be put in place to manage the risk of failure. The development would be subject to an ongoing Environment Protection Licence and would need to continuously demonstrate that the management regime is effective.
The Odour Impact Assessment relies upon model weather and odour data that is not from the site and does not account for local weather conditions such as inversion layers that could prevent odours from dispersing into the atmosphere.	The EPA guidelines allow for the development of a weather model where detailed meteorological information is not available for the subject site. The EPA General Terms of Approval restrict delivery times to between 10.00am and 3.00pm to avoid the times that temperature inversions typically occur. The Applicant will be required monitor meteorological conditions continuously.
The building is unlikely to contain offensive odours unless combined with substantial engineering controls and filtered extractors	The EPA General Terms of Approval require the delivery and processing areas to be enclosed and provided with continuous mechanical ventilation to a stack. Ventilation openings of the sludge storage tanks are also required to be fitted with carbon filters.
Sludge removal is expected to be odorous as it requires storage prior to	Sludge removal will be required to be carried out using a sealed system

Submission Issue/Summary	Planning Comment/Response
collection and can be subject to delays in transportation.	
Night time emergency deliveries are not considered appropriate due to meteorological conditions.	Agreed. The EPA General Terms of Approval specify that all receipt, transfer and removal of wastewater from the premises is to be carried out between 10am and 3pm Monday to Friday. Delivery outside these hours is only permitted in the event that delivery is required by the police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is to be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of an emergency.
Evidence from similar facilities suggests that greater separation front surrounding land uses is beneficial in the event of a pollution incident.	Greater separation is beneficial in the management of both noise and odour. Facilities with less separation will require a greater degree of construction, technological, and management solutions to achieve the same level of impact. The impacts of the proposal have been considered in the context of the separation distances available on the site.
It does not seem economically viable for the facility to process only 10,000 litres per week. It is likely that there will be future applications to expand the business.	The consent authority must assess the proposal as submitted. Any future expansion would be subject to a separate application.
How can Council be independent when they are both the vendor of the land and the adjudicator on the development application?	The sale of the land has settled and Council no longer has an interest in the application as a property owner. However, to manage any perception of a conflict of interest and ensure the most transparent process possible, the application will be reviewed by the Development Assessment Panel, and determined by full Council.
The submitted reports have many errors of fact that should be taken into account.	The noise and odour assessments have been reviewed by Council's Environmental Health Officer and the EPA's air pollution experts and considered acceptable subject to the recommended conditions.
Council should give others the opportunity to purchase the property and maintain it as open space.	The sale of the land has settled and it is not possible for other parties to be given the opportunity to purchase the land.
The reports are inconsistent in relation to the amount of waste to be processed.	The EPA have amended their General Terms of Approval to clarify that the facility must not receive more than 10,000 litres of waste per week. The recommended conditions clarify this restriction. A flow meter will also be required to be fitted to monitor the amount of treated water that

Submission Issue/Summary	Planning Comment/Response
	will be discharged to sewer. This will provide an additional means of regulating the capacity of the facility.

(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 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. DESIGNATED DEVELOPMENT

The proposal does not meet the threshold for designated development in Part 1 (32) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The development is within 500m of a residential zone and within 250m of a dwelling not associated with the development. However, Council has previously provided the Applicant with correspondence confirming that in the opinion of the consent authority, the proposed development is not considered likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

6. INTEGRATED DEVELOPMENT

The proposal is integrated development, requiring an Environment Protection Licence in accordance with Sections 43(b), 48, and 55 of the Protection of the Environment Operations Act 1997. The NSW Environment Protection Authority has reviewed the proposal and issued General Terms of Approval dated 6 February 2019.

A condition is recommended incorporating the EPA's conditions into the consent.

7. 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 in a significant adverse social, environmental or economic impact. It is recommended that the application be

approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [View](#). DA2016 - 1000.1 Recommended Conditions
- 2 [View](#). DA2016 - 1000.1 Contribution Estimate
- 3 [View](#). DA2016 - 1000.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2016/1000****DATE: 19/03/2019****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	D3514 Sheet 1, 3 and 4 Issue E	Collins W Collins Pty Ltd	20 June 2017
Ground Floor Plan	D3514 Sheet 2 Issue G	Collins W Collins Pty Ltd	9 March 2018
Statement of Environmental Effects	-	David Pensini Building Certification and Environmental Services	December 2016
BASIX Certificate	790256S	Collins W Collins Pty Ltd	24 January 2017
Noise Impact Assessment	M18859.01	Matrix Thornton	20 December 2018
Construction Noise Assessment	M18859.02	Matrix Thornton	20 December 2018
Odour Impact Assessment	Q2148-01 Version 2.2	The Odour Unit (QLD) Pty Ltd	March 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) (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.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 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 Environment Protection Authority** - The General Terms of Approval, Reference 1575672 and dated 6 February 2019, as modified by Notice No. 1577388 and dated 15 March 2019 are attached and form part of this consent.
- (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) (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) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre-treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (11) (A070) The existing tree marked on the approved plan shall be removed.

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. 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
 6. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202 and ASD207, Port Macquarie-Hastings Council current version.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Footway and gutter crossing
 - Functional vehicular access
- (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:
- 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 Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (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) (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.
- (8) (B045) A schedule of proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (9) (B046) The caretaker's residence 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) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
 - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - c) The design 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.

- d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - f) Note that the parent subdivision included a downstream stormwater detention and quality treatment train and the applicant may (by numeric analysis of this proposal compared with the subdivision design) be able to demonstrate that no or reduced detention and/or quality treatment controls are required, to the satisfaction of Council's stormwater engineer.
- (11) (B053) The design of the car park 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) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
 - (13) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority. The plan shall be amended to include a minimum 3m wide landscaped area for at least 2/3 of the site's frontage to King Creek Road.
 - (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) Prior to the issue of the Construction Certificate the Principal Certifying Authority shall be provided with certification from a suitably qualified and practising consultant shall determine that the effective volume of the bunded area inside the building is a minimum 110% of the largest container proposed to be installed inside the building, allowing for the reduction in the effective volume due to the cumulative volume of all stored containers including future proposed containers. Refer to the EPA Guideline "Storing and Handling Liquids: Environmental Protection Participant's Manual" May 2007.
 - (16) (B196) 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. Details are to be submitted with the engineering plans prior to the issue of a Construction Certificate.
 - (17) (B197) The proponent is required to install and maintain a flow-meter on the discharge outlet to Council's sewer system. Details are to be submitted with the engineering plans prior to the issue of a Construction Certificate.
 - (18) (B198) Prior to the issue of a Construction Certificate, amended plans are to be submitted to the Principal Certifying Authority, demonstrating that a minimum 5m vertical clearance has been provided for the loading dock roller door.
 - (19) (B199) Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be provided with evidence that the developer has made satisfactory arrangements with Council for the provision of two (2) Koala food trees in a suitable off site location.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' 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) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.

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) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (5) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (6) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing

habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.

- (7) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (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) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to 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.
- (8) (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.
- (9) (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.
- (10) (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.
- (11) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (12) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of

Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (13) (E195) Prior to the issue of an Occupation Certificate, the external door to the delivery dock is to be fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- (14) (E196) Prior to the issue of an Occupation Certificate, the internal door between the processing area and the bioreactor area is to be self-closing and fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- (15) (E197) Prior to the issue of an Occupation Certificate, the developer is to obtain an Environment Protection Licence from the NSW Environment Protection Authority.
- (16) (E198) Prior to the issue of an Occupation Certificate, a forced ventilation system shall be designed by a suitably qualified and practising consultant and installed in the facility in accordance with relevant NSW EPA requirements and/or Guidelines, any relevant Australian Standards and the "Odour Impact Assessment" prepared by The Odour Unit (Qld) Pty Ltd dated March 2018:
- a) The suitably qualified and practising consultant shall certify that the system is fit for purpose and has been installed properly; and
 - b) The suitably qualified and practising consultant shall make suitable recommendations regarding maintenance and testing of the system; and
 - c) The suitably qualified and practising consultant shall submit the documents required by points a) and b) above to council within forty (40) days of the system being installed in the facility.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 11 spaces are to be provided onsite.
- (2) (F004) The caretaker's residence is approved for permanent residential use and not for short term tourist and visitor accommodation. The residential use must remain ancillary to the approved use at all times.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (5) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (6) (F015) All work, maintenance and testing of transport vehicles, liquid wastewater treatment plant and equipment shall be carried out within the building.
- (7) (F016) Offensive odours shall not be generated by the development, including the process of liquid wastewater treatment.
- (8) (F020) Liquid materials, including liquid wastewater are to be stored in roofed and imperviously bund area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (9) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (10) (F023) Spills and contaminated runoff from the delivery dock and processing area where necessary should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (11) (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.
- (12) (F195) The liquid wastewater treatment facility shall be properly operated and maintained in accordance with industry best practice; any relevant legislation and/or Australian Standards, and Environment Protection Licence (EPL).
- (13) (F196) All wastewater loading and unloading activities shall be undertaken within the designated delivery dock with the access roller door and other doors closed at all times during loading and unloading activities. Delivery vehicles are to remain within the delivery dock for a sufficient period to allow all odorous air to be mechanically extracted prior to the roller door being opened and the delivery vehicle exiting the building.
- (14) (F197) Sludge and/or solid waste from the liquid wastewater treatment process shall be reused and/or disposed of properly in accordance with any relevant legislation or standards.
- (15) (F198) The delivery of wastewater to the facility shall be carried out between 10.00am and 3.00pm Monday to Friday.
- (16) (F199) The facility must not receive more than 10,000 litres of liquid waste per week.
- (17) (F200) The amount of sewage discharged into Council's sewer system shall not exceed 520 kilolitres per year. Discharge rates are to be monitored via a flow-meter on the discharge outlet to Council's sewer system.

Developer Charges - Estimate

Applicants Name: G Peckham
 Property Address: 6 Enterprise Place, Wauchope
 Lot & Dp: Lot(s):315,DP(s):1075670
 Development: Waste Management Facility and Caretaker's Residence



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	1.071	\$10,129.00 Per ET	\$10,848.10
2 Sewerage Scheme Wauchope	4.2	\$3,843.00 Per ET	\$16,140.60
3 Since 1.7.04 - Major Roads - Wauchope - Per ET	0.5	\$7,095.00 Per ET	\$3,547.50
4 Since 31.7.18 - Open Space - Wauchope - Per ET	0.5	\$5,204.00 Per ET	\$2,602.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Wauchope	0.5	\$4,705.00 Per ET	\$2,352.50
6 Com 1.3.07 - Administration Building - All areas	0.5	\$904.00 Per ET	\$452.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$196.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$36,139.60

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

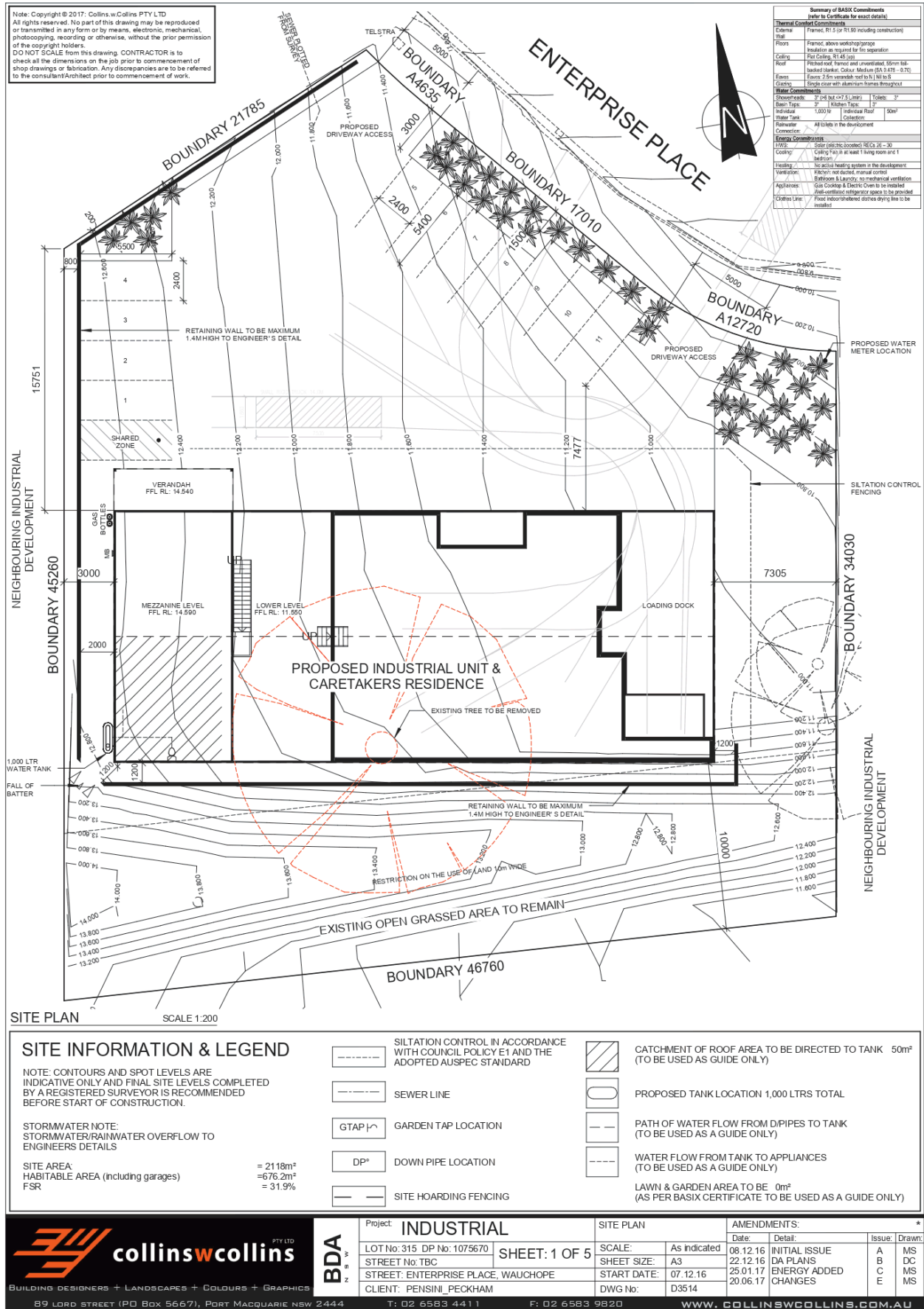
19-Mar-2019

Estimate Prepared By Chris Gardiner

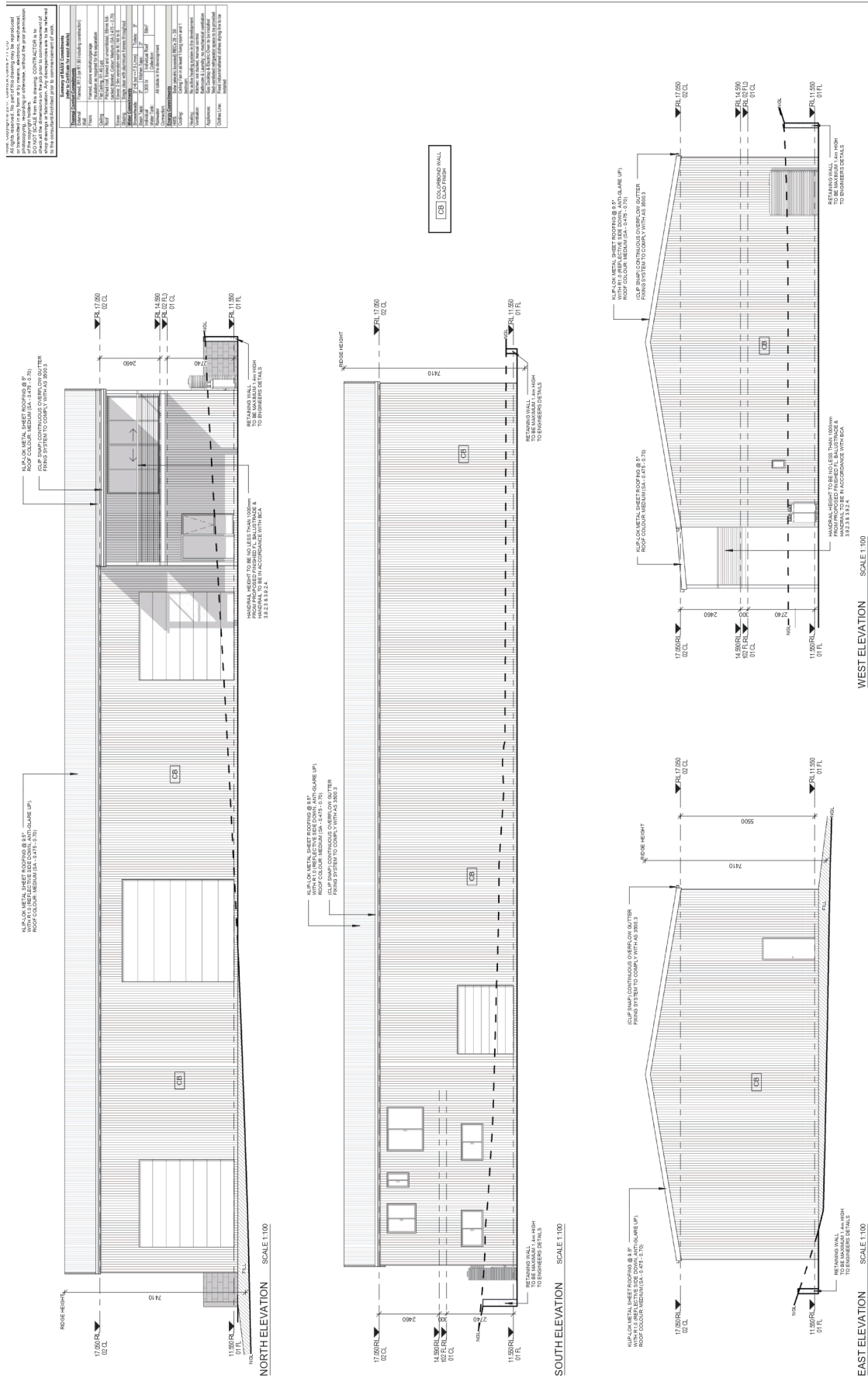
This is an ESTIMATE ONLY - NOT for Payment Purposes

3 Peckham, 6 Enterprise Place, Wauchope, 19-Mar-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL









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BDA

Project	INDUSTRIAL	ELEVATIONS	AMENDMENTS	Issue	Drawn
LOT NO 316 DP No. 1075670	SHEET: 4 OF 5	SCALE: 1:100	DATE: 08.12.16	INITIAL	ISSUE
SHEET NO. TBC		SHEET SIZE: A2	DATE: 22.01.17	22.01.17	22.01.17
SHEET ENTERPRISE PLACE		START DATE: 20.06.17	20.06.17	20.06.17	20.06.17
CLIENT: PERSHORE FARM		DWG NO: 000434			

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

**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 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 1288.

FIRE SAFETY

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

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

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

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

BUSHFIRE AREAS

Bushfire Areas - This section relates to:

- a) A Class 1 building; or
- b) A Class 10a building or deck associated with a Class 1 building. 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 79BA of the Environmental Planning and Assessment Act 1979; or
- e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

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

HEALTH AND AMENITY

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

- a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA; and
- b) Comply with AS 3740.

Room Heights - are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA.

Facilities - are to be constructed in accordance with Acceptable Practice of Part 3.8.3 of the BCA.

Ventilation - is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.4 of the BCA.

Light - is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.5 of the BCA.

Sound Insulation - (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

SAFE MOVEMENT AND ACCESS

Safe Movement and Access

Stair Construction - to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.1 of the BCA.

Balustrades and Handrails - to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.

Swimming Pool Access - to be designed and installed in accordance with the Swimming Pools Act 1992, Swimming Pool Regulation 2008 and AS 1926 Parts 1 and 2.

Swimming Pool Water recirculation Systems - is to be designed and constructed in accordance with AS1926.3.

ADDITIONAL CONSTRUCTION REQUIREMENTS

High Wind Areas - Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA). To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA.

Earthquake Areas - relates to areas subject to seismic activity. To be constructed in accordance with the Acceptable Construction Manuals listed in Part 3.11 of the BCA.

Flood Hazard Areas - applies to areas on a site (weather or not mapped) encompassing the land lower than the flood hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be constructed in accordance with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

Structural Design Manuals - 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 - to comply with the measures contained in the relevant BASIX certificate.


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.

 <p>collinswcollins PTY LTD</p> <p>BUILDING DESIGNERS + LANDSCAPES + COLOURS + GRAPHICS</p> <p>89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444</p>	<p>BDA _{BY} _{US} _Z</p>	Project: INDUSTRIAL	BUILDING SPECIFICATIONS	AMENDMENTS: *				
		LOT No: 315 DP No: 1075670	SHEET: 5 OF 5	SCALE: 1 : 100	Date: 08.12.16	Detail: INITIAL ISSUE	Issue: A	Drawn: MS
		STREET No: TBC		SHEET SIZE: A3	22.12.16	DA PLANS	B	DC
		STREET: ENTERPRISE PLACE, WAUCHOPE		START DATE: 07.12.16	25.01.17	ENERGY ADDED	C	MS
		CLIENT: PENSIN, PECKHAM		DWG No: D3514	20.06.17	CHANGES	E	MS
T: 02 6563 4411		F: 02 6563 9820		WWW.COLLINSWCOLLINS.COM.AU				

Item: 06

Subject: DA2018 - 582.1 SIGNAGE AT LOT 1 DP 831145, NO. 140 PACIFIC DRIVE, PORT MACQUARIE

Report Author: Chris Gardiner

Applicant: Collins W Collins Pty Ltd
Owner: Wei Chen Superannuation Pty Ltd
Estimated Cost: \$10,000
Parcel no: 19758

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 – 582.1 for Signage at Lot 1, DP 831145, No. 140 Pacific Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for signage 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.

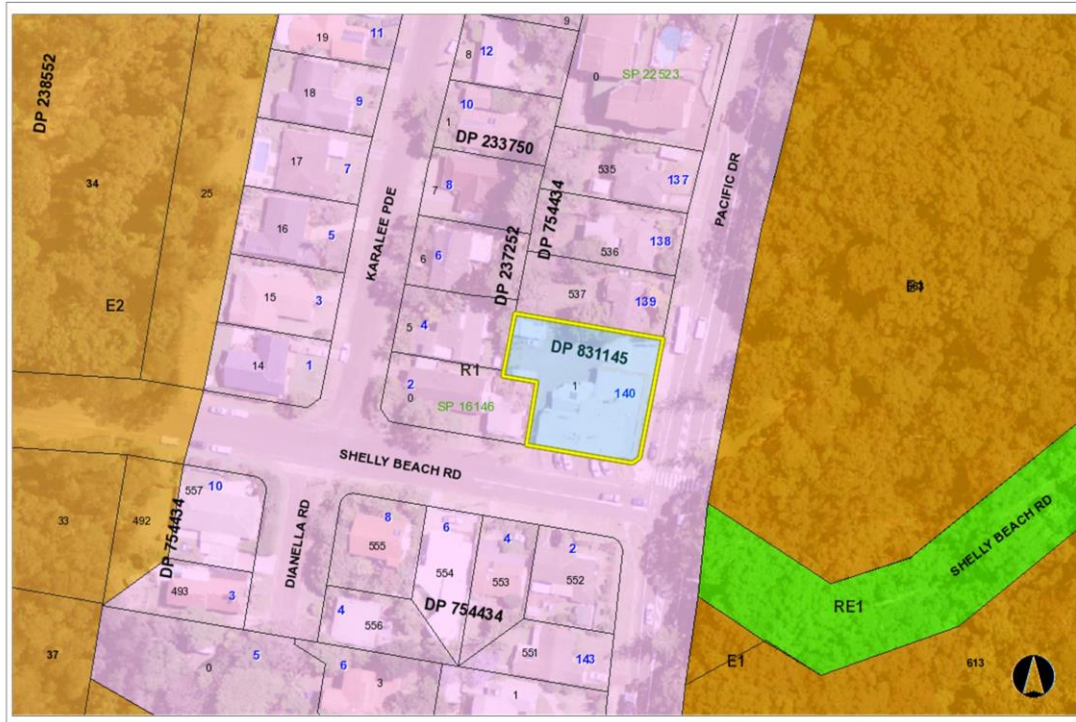
This report recommends that the development application be approved subject to conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1189m².

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:



History of compliance investigations

The existing digital fuel pricing sign located adjacent to the northern boundary has been erected without consent and Council's Compliance staff commenced

investigations in mid-2018. A decision on the appropriate action to take in this regard has been deferred pending the outcome of this application.

If this application is granted consent, it is recommended that a condition be imposed requiring removal of the existing sign within 3 months of the date of determination.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition/removal of an existing (unlawful) digital fuel pricing sign;
- Erection of the sign in an alternative location.

Refer to attachments at the end of this report.

Application Chronology

- 6 August 2018 – Application lodged.
- 14 August 2018 to 27 August 2018 – Neighbour notification.
- 24 September 2018 – Site inspected by assessing officer.
- 24 September 2018 – Additional information requested.
- 12 October 2018 – Additional information submitted by Applicant.
- 17 October 2018 – Further additional information requested.
- 15 February 2019 – Amended plans submitted by Applicant, and provided to objectors for further comment.

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 relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy No. 55 – Remediation of Land

The site is identified as being potentially contaminated due to underground fuel storage and use as a service station. However, the site is considered suitable for the proposed development in its current state as it relates to the continued use of an existing structure and does not include any change of use or excavation work.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification and/or general advertising.

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 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposal is considered to be consistent with the objectives of the policy.	Yes
Clause 14(1) Duration of consents	Consent will expire after 15 years and a condition is recommended confirming this requirement.	Yes
Clause 23 Freestanding advertisements	The sign would not protrude above the dominant skyline when viewed within a 1km visual catchment. While the top of the sign is slightly above the ridge of the roof of the building, the site is at a low point in the local topography along Pacific Drive and there are many taller buildings in the visual catchment. The tree canopy (particularly along the eastern side of Pacific Drive) is substantially higher than the top of the sign.	
Schedule 1(1) Character of the area.	While the site is located in a residential area with limited signage, the proposal is considered to be compatible with the existing character of the site. A pylon sign was approved in the same location under DA1990/315, and signage of different forms has been retained since that time.	Yes
Schedule 1(2) Special areas.	With appropriate controls the signage is considered likely to have any greater amenity or visual impacts on the residential locality than the existing approved signage.	Yes
Schedule 1(3) Views and vistas.	The sign would not adversely affect views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The top of the sign is approximately 200mm lower than the highest part of the existing building, and is well below the maximum permissible building height of 8.5m applying to the area. Two other pole signs of similar height and scale (relating to tourist accommodation) exist on Pacific Drive within the visual catchment.	Yes
Schedule 1(5) Site and	The proposal does not affect any	Yes

building.	important features of the site or building and is compatible with the scale of the building.	
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	Liberty logo integrated into sign design.	Yes
Schedule 1(7) Illumination.	<p>The illumination of the existing unauthorised sign (particularly the digital fuel pricing information) has been subject to complaint due to glare and amenity impacts on neighbouring properties.</p> <p>Applicant has indicated that the sign is only illuminated during business hours of the neighbourhood shop (7.00am to 8.00pm) and is capable of being adjusted to reduce the intensity.</p> <p>Conditions are recommended restricting the illumination to between 7.00am and 8.00pm, and also requiring certification that the intensity of the illumination has been set at a level consistent with AS4282 – <i>Control of the obtrusive effects of outdoor lighting</i>.</p>	Yes
Schedule 1(7) Safety.	<p>The proposed sign overhangs the Pacific Drive road reserve by 500mm. The vertical clearance above the footpath is proposed to be sufficient to allow for safe passage of pedestrians and cyclists. Approval under Section 138 of the Roads Act 1993 will be required for the structure.</p> <p>As the proposed sign overhangs public land, a condition is also recommended requiring structural certification to ensure public safety.</p>	Yes

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area and proximity area for littoral rainforest.

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

In accordance with clause 11 of the SEPP, the proposal is not expected to adversely impact the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, or affect water flows to or from the littoral rainforest. The sign has been installed on an existing pole over a concrete hardstand area.

Having regard to clause 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any 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 disability,
- b) any adverse impact on Aboriginal cultural heritage, practices and places;
- c) any adverse impacts on the cultural and built environment heritage;
- d) any adverse impacts the use of the surf zone;
- e) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- f) overshadowing, wind funnelling and the loss of views from public places to foreshores;

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 signage is a prohibited landuse.

However, Council granted consent for advertising signs (including a pole sign in the same location as the proposal) under DA1990/315. The signage has been retained since that time, although the content appears to have been changed without consent. The signage is therefore considered to be an existing use as defined in Section 4.65 of the Environmental Planning and Assessment Act 1979. The existing use is not considered to have been abandoned for the purpose of Section 4.66 of the Act, and the regulations make provision for the existing use to be altered, extended, and intensified.

In accordance with Part 5 of the Environmental Planning and Assessment Regulation 2000, consent is required for the alteration, extension, or intensification of an existing use. The proposal relates to the same land on which the existing use is located, and is for the purpose of the existing use (signage) and no other use. The proposal is therefore permissible on this basis.

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 proposed signage relates to services provided at the site for the day to day needs of residents.
- Clause 4.3 - The maximum overall height of the structure above ground level (existing) is 4.85m which complies with the standard height limit of 8.5m 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 to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	The proposed sign displays information about fuel products and pricing and does not meet this provision. However, it is a legal requirement for all fuel retailers in NSW to display fuel pricing information that is visible to motorists. The content of the sign is limited to this information and does not extend to general advertising of other products or services.	No, but acceptable
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .	The proposed sign overhangs the Pacific Drive road reserve by 500mm. The vertical clearance above the footpath is proposed to be 2.6m to allow for safe passage of pedestrians and cyclists. Approval under Section 138 of the <i>Roads Act 1993</i> will be required for the structure. As the proposed sign overhangs public land, a condition is also recommended requiring structural certification to ensure public safety.	Yes
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and	Not proposed.	N/A

	should contain a sign written heading indicating the premises to which it refers.		
	On-premise signs should not project above or to the side of building facades	N/A	N/A
2.2.2.2	Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	<p>The illumination of the existing unauthorised sign (particularly the digital fuel pricing information) has been subject to complaint due to glare and amenity impacts on neighbouring properties.</p> <p>Applicant has indicated that the sign is only illuminated during business hours of the neighbourhood shop (7.00am to 8.00pm) and is capable of being adjusted to reduce the intensity.</p> <p>Conditions are recommended restricting the illumination to between 7.00am and 8.00pm, and also requiring certification that the intensity of the illumination has been set at a level consistent with AS4282 – <i>Control of the obtrusive effects of outdoor lighting</i>.</p>	Yes
2.7.2.2	<p>Design addresses generic principles of Crime Prevention Through Environmental Design guideline:</p> <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	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.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	None proposed.	Yes
2.3.3.2	1m max. height retaining	None proposed.	N/A

	walls along road frontages		
	Any retaining wall >1.0 in height to be certified by structural engineer	None proposed.	N/A
	Combination of retaining wall and front fence height	None proposed.	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	None 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.	

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

(iiia) Any planning agreement that has been entered into under section 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 site has a general easterly street frontage orientation to Pacific Drive and a southerly frontage to Shelly Beach Road. The proposed signage is located on the Pacific Drive frontage.

Adjoining the site to the north, west and south are residential land uses. Adjoining the site to the east is the Sea Acres Nature Reserve.

Traffic and Transport

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

Water Supply Connection

The proposed sign does not require water supply.

Sewer Connection

The proposed sign does not require sewer connection.

Stormwater

The proposal would not alter existing stormwater management for the site.

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.

Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

No adverse impacts anticipated.

Energy

No adverse impacts anticipated.

Noise and vibration

No adverse impacts anticipated.

Bushfire

The site is identified as being bushfire prone.

The proposal is a replacement of a previously approved sign that is detached from an existing commercial building. The proposal is not expected to increase the bushfire hazard to the site having regard to the aims and objectives of Planning for Bush Fire Protection 2006.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

No adverse impacts anticipated.

Site design and internal design

The proposed sign location has been changed from adjacent to the northern boundary to a central location of the Pacific Drive frontage. The location is considered to better respond to the site constraints and sensitive residential uses adjoining the site.

Construction

The proposal will require a S138 approval, which will address safety issues associated with works on/over the public road.

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 site has a long history of use as a general store and signage associated with the sale of fuel from the premises has existed since the early 1990's. The proposed new signage is considered to be compatible with the locality, and the location would be lower impact than the previously approved sign.

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 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
Illumination is too bright and causing loss of amenity adjoining residents. The intensity of the illumination is much greater than the 80 watt mercury vapour lamp allowed for the sign originally approved in 1990.	The proposed sign is approximately 15m further from the adjoining residential property than the sign approved in 1990 under DA1990/315. A condition has also been recommended requiring certification that the intensity of the illumination has been set at a level consistent with AS4282 – <i>Control of the obtrusive effects of outdoor lighting</i> .
Sign has been erected without Council approval.	Noted. Compliance action has been commenced in relation to the unauthorised sign, but was suspended pending the outcome of the development application.
The sign is incompatible with	The illumination of the proposed sign would be

Submission Issue/Summary	Planning Comment/Response
the environmentally sensitive Sea Acres Nature Reserve and the character of the area.	<p>restricted to between 7.00am and 8.00pm and is not expected to impact fauna in the adjacent nature reserve to any greater extent than the existing street lighting or vehicle headlights on Pacific Drive.</p> <p>There are two other examples of illuminated pole signs of a similar scale in the visual catchment on Pacific Drive (Shelly Beach Resort and Seychelles Holiday Apartments). The site itself has a history of commercial uses and associated signage. The proposal is considered to be compatible with the character of the area.</p>
The sign will reduce the effective width of the internal driveway and make it more difficult for fuel tankers to safely access the site for deliveries. Tankers currently reverse into the site from Pacific Drive and obstruct both lanes of traffic.	The proposal has been modified and the sign is no longer proposed to be located on the northern side of the driveway. The new location would not obstruct tanker deliveries.
The application provides a number of different sign sizes and types and it is not clear which one is being applied for.	The type and size of the proposed sign has been clarified in the amended plans.
The sign should be located at ground level in a location that has less impact on neighbouring residents.	<p>It is agreed that a ground mounted sign would likely have less impact on neighbouring residents, and this suggestion has been provided to the Applicant.</p> <p>The consent authority must consider the merits of the proposal submitted.</p>
Fuel prices could be displayed without illumination, as they have been in the past.	Noted. The trading hours include a period after dark, particularly in winter, and it is necessary for the fuel pricing to be visible to motorists.
The sign is substantially higher and has a larger display area than the sign originally approved in the same location in 1990.	<p>The previous sign approved in 1990 under DA1990/315, and as modified in 1992 was located adjacent to the northern boundary and had the following key controls in the conditions of consent:</p> <ul style="list-style-type: none"> • Maximum height: 3.6m; • Maximum display area: 1.1m x 2.5m (2.75m²); • Maximum boundary overhang: 350mm. <p>While it is not necessary for the current proposal to be the same as originally approved in 1990, it has the following characteristics for comparison:</p> <ul style="list-style-type: none"> • Height: 4.85m (4.45m as modified by the recommended conditions); • Display area: 1.2m x 2.2m (2.64m²); • Boundary overhang: 500mm. <p>It is noted that the current proposal is located</p>

Submission Issue/Summary	Planning Comment/Response
	approximately 15m further from the adjoining residential property than the sign approved under DA1990/315.
The sign will increase business at the premises and result in more vehicles queuing into Pacific Drive, causing a traffic safety hazard.	The site has previously had signage displaying the fuel company branding and fuel pricing information. It is not considered that an updated digital sign displaying the same information would increase traffic to the business.
The fuel company should be asked to provide Council with the dimensions of the smallest possible sign, or otherwise have a smaller sign custom made.	<p>The submitted proposal is the smallest of the standard sized signs used by the fuel company, and the display area is less than the maximum previously permitted under DA1990/315. The height of the pole is able to be varied for this type of sign, but in this instance the minimum clearance to the underside of the sign where it overhangs the public road, restricts the extent that it is possible to reduce the height.</p> <p>In accordance with AUS-SPEC, the minimum permitted clearance between the footpath and the underside of the sign is 2.2m. The submitted proposal provided a 2.6m clearance and could be reduced by 0.4m.</p> <p>With the above change the overall height could be reduced to 4.45m, which is considered more compatible with the residential context.</p> <p>A condition is recommended requiring amended plans including these changes to be submitted prior to the issue of a Construction Certificate.</p>

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will not be required under Section 7.11 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 - 582.1 Recommended Conditions

2 [View](#). DA2018 - 582.1 Plans.pdf

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/582****DATE: 13/03/2019****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	D4172 Sheet 1 & 2 Issue B	Collins W Collins Pty Ltd	11 February 2019

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - 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;
 - Building waste is to be managed via an appropriate receptacle;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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.

- (5) (A195) This is a time limited consent and will expire 15 years from the date of determination. The sign shall be removed at that time, unless further consent has been obtained.
- (6) (A196) the existing unlawful sign adjacent to the northern boundary shall be removed within 3 months of the date of determination.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (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:

- Traffic management
- Work zone areas
- Hoardings

- (2) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed sign is to be submitted to Port Macquarie-Hastings Council prior to the release of the Construction Certificate.

- (3) (B195) Amended plans are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate incorporating the following changes:

- Height of the underside of the sign above footpath level of 2.2m;
- Maximum overall height of 4.45m;
- No increase in the display area of the sign.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D029) The demolition of the existing sign shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible

for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

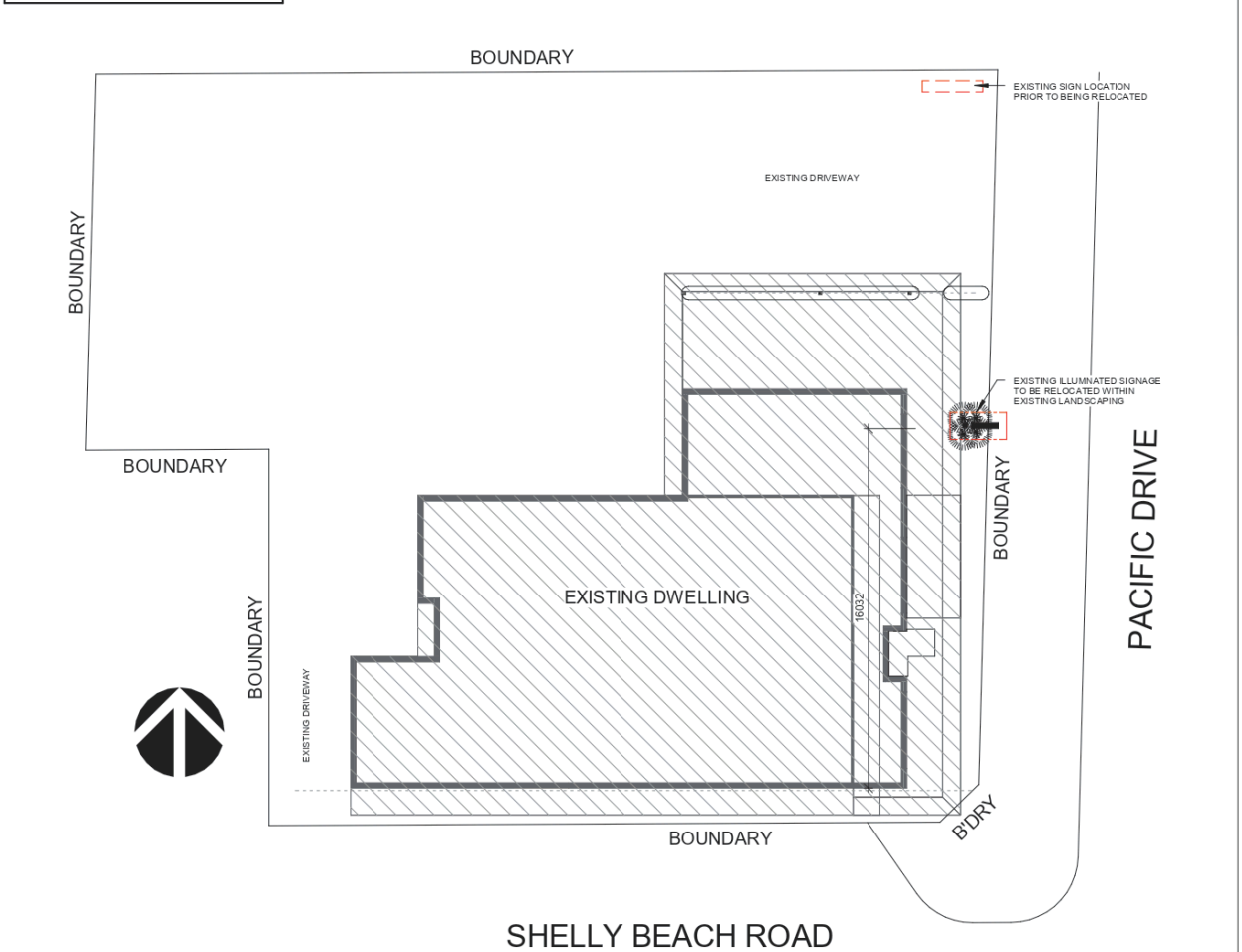
E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The use of the sign shall not commence until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E034) Prior to occupation or the issuing of the Final 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.
- (3) (E195) Prior to the issue of an Occupation Certificate or the sign illumination being switched on, certification shall be submitted to the Principal Certifying Authority from a suitably qualified person that the intensity of the illumination and digital display complies with AS4282 - 1997 *Control of the obtrusive effects of outdoor lighting*.

F – OCCUPATION OF THE SITE

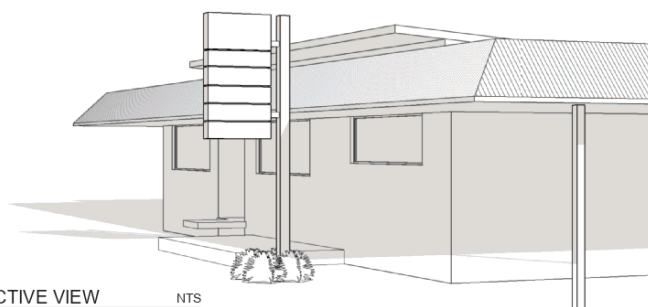
- (1) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or impact the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 - 1997 *Control of the obtrusive effects of outdoor lighting*. To this extent the signage must not flash and shall be fitted with a timer to turn off the illumination and digital display between the hours of 8.00pm and 7.00am each night.

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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.



SITE PLAN

SCALE 1:200



PERSPECTIVE VIEW

NTS

SITE INFORMATION & LEGEND

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

SITE AREA: = 1209m²
BUSHFIRE AFFECTED = YES

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

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PROJECT: NEW ILLUMINATED SIGNAGE

LOT No: 1 DP No: 831145 SHEET: 1 OF 5

STREET No: 140

STREET NAME: PACIFIC DRIVE, PORT MACQUARIE

CLIENT: WEI

SITE PLAN

SCALE: As indicated

SHEET SIZE: A3

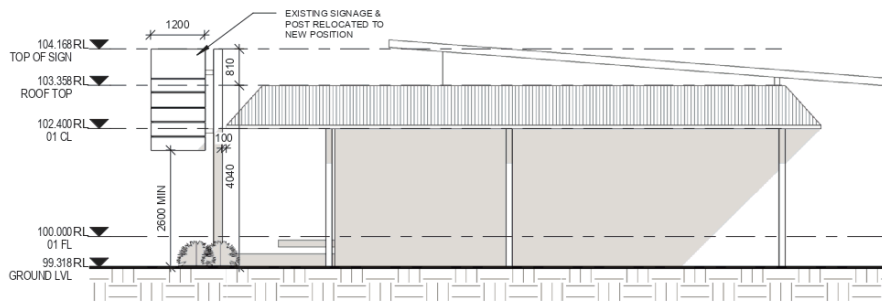
START DATE: 05.12.2018

DWG No: D4172

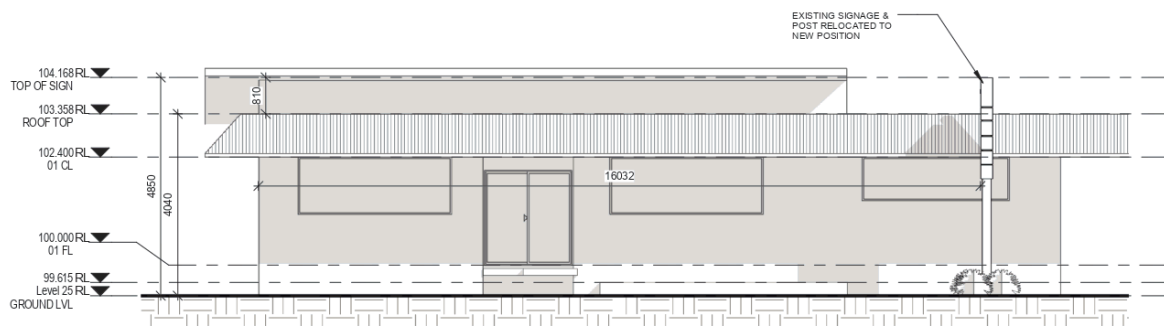
DRAWING REVISIONS + NOTES:

Date:	Detail:	Issue:	Drawn:
13.12.18	INITIAL ISSUE	A	DC
11.02.19	SIGNAGE RELOCATION	B	MS

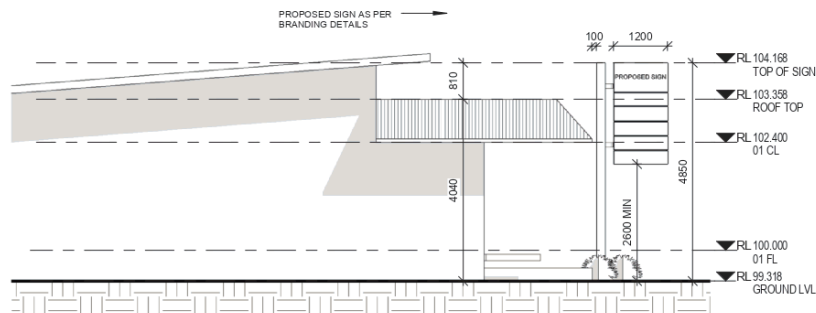
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NORTH ELEVATION SCALE 1:100




EAST ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100

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

	PROJECT: NEW ILLUMINATED SIGNAGE		ELEVATIONS		DRAWING REVISIONS + NOTES:				
	LOT No: 1	DP No: 831145	SHEET: 2 OF 5	SCALE:	1 : 100	Date:	Detail:	Issue:	Drawn:
	STREET No: 140			SHEET SIZE:	A3	13.12.18	INITIAL ISSUE	A	DC
	STREET NAME: PACIFIC DRIVE, PORT MACQUARIE			START DATE:	05.12.2018	11.02.19	SIGNAGE RELOCATION	B	MS
	CLIENT: WEI			DWG No:	D4172				

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