



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 10 April 2019

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

**time:** 2:00pm

## **Development Assessment Panel**

### **CHARTER**

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#### **1.0 OBJECTIVES**

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

#### **2.0 KEY FUNCTIONS**

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

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

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

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

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

#### **3.0 MEMBERSHIP**

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

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

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

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

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

- Not applicable

### **3.3 Obligations of members**

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

### **3.4 Member Tenure**

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

### **3.5 Appointment of members**

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

## **4.0 TIMETABLE OF MEETINGS**

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

## **5.0 MEETING PRACTICES**

### **5.1 Meeting Format**

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

### **5.2 Decision Making**

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

### **5.3 Quorum**

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

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

- Independent Chair (alternate, second independent member)

### **5.5 Secretariat**

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

### **5.6 Recording of decisions**

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

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

Not applicable.

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

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

## **8.0 LOBBYING**

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

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	23/01/19	13/02/19	27/02/19	13/03/19	27/03/19
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	✓	✓	✓		✓
David Crofts (alternate member)				✓	
Dan Croft (Acting Director Development & Environment) Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓

**Key:** ✓ = Present

**A** = Absent With Apology

**X** = Absent Without Apology

# Development Assessment Panel Meeting

Wednesday 10 April 2019

## Items of Business

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

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

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**PRESENT**

***Members:***

Paul Drake  
Robert Hussey  
Dan Croft

***Other Attendees:***

Chris Gardiner  
Caroline Horan

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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CONSENSUS:

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

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2016 - 1000.1 WASTE MANAGEMENT FACILITY AND CARETAKER'S RESIDENCE AT LOT 315 DP 1075670, NO. 6 ENTERPRISE PLACE, WAUCHOPE**

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Speaker:  
Jillian Bush (o)  
David Pensini (applicant)

THE PANEL WAS UNABLE TO REACH CONSENSUS.

The dissenting recommendation was:

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 with the following additional condition in Section A of the consent:

- That the consent be limited to a 12 month period from the date of determination. During this 12 month period the proponent is to make available a complaints telephone number to the public and keep a complaints register detailing the nature of any complaints and the management response to these complaints. An application to modify the consent could be lodged before the 12 month period lapses to seek deletion of the condition.

*FOR: Paul Drake and Dan Croft*  
*AGAINST: Robert Hussey*

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

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Speakers:  
Jennifer Reilly (o)  
Michelle Love (applicant)

CONSENSUS:

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.

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**07 GENERAL BUSINESS**

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Nil.

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The meeting closed at 2:53pm.

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

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

Councillor's Name: .....

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

**Important Information**

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

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

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

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**Item: 05****Subject: DA2018 - 1063.1 MULTI DWELLING HOUSING AND TORRENS TITLE  
SUBDIVISION AT LOT 6 DP 22220, NO. 31 CHALMERS STREET,  
PORT MACQUARIE****Report Author: Chris Gardiner**

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**Applicant: N Killmurray  
Owner: P & G Khalil  
Estimated Cost: \$480,000  
Parcel no: 4067**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA2018 – 1063.1 for Multi Dwelling Housing and Torrens Title Subdivision at Lot 6, DP 22220, No. 31 Chalmers Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

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

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

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

The site has an area of 782.6m<sup>2</sup>.

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



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of two additional dwellings with frontage to Oden Street;
- 3 lot Torrens title subdivision;

Refer to attachments at the end of this report.

**Application Chronology**

- 11 December 2018 – Application lodged.
- 18 December 2018 to 14 January 2019 – Neighbour notification.
- 15 February 2019 – Additional information requested from Applicant.
- 4 March 2019 – Additional information submitted.

**3. STATUTORY ASSESSMENT****Section 4.15(1) Matters for Consideration**

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

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

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

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

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

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

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

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

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

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

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

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

multi dwelling housing is a permissible landuse with consent. Following the proposed subdivision the development would comprise a dwelling house and 2 semi-detached dwellings, which are also permissible in the zone.

The objectives of the R1 zone are as follows:

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

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

- The proposal is a permissible landuse;
  - The proposal would provide variety in housing type and density to meet the housing needs of the community.
- Clause 4.1A – The proposal involves subdivision into more than 2 lots and a dwelling or semi-detached dwelling on each lot. The minimum lot size of 450m<sup>2</sup> is therefore not applicable.
  - Clause 4.3 - the maximum overall height of the building above ground level (existing) is 7.59m which complies with the standard height limit of 11.5m applying to the site.
  - Clause 4.4 - the floor space ratio of the proposal is 0.58:1 which complies with the maximum 1:1 floor space ratio applying to the site.
  - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
  - Clause 7.13 - satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

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

**Port Macquarie-Hastings Development Control Plan 2013**

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	No ancillary development located forward of the building line.	Yes
3.2.2.2	Articulation zone:	The development	N/A

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	contains a porch on each dwelling within the articulation zone at 3m front setback.	
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door requirements are complied with.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	The minimum side setback requirements are complied with. The wall articulation is compliant and satisfies the objectives of the development provision.	Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m <sup>2</sup> open space in one area including a useable 4m x 4m area.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> </ul>	No front fences proposed.	N/A

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>		
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No front fences proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	The development will not compromise privacy in the area due to a combination of having high sill windows that face side boundaries, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing.	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification	Yes
	Combination of retaining wall and	The retaining wall	No, but

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	between the two driveways will project 1m above the Dwelling 2 driveway level and will essentially form a front fence in this location. The combined height of the retaining wall and fence would be 1.95m at its highest, reducing to 1.7m at the southern end of the fence. The fence is setback 1m from the front boundary and is limited to the location between the driveways, where it acts as a safety barrier. The proposal would not significantly impact on the streetscape and is considered to be consistent with the objectives of the control.	acceptable
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal in width including maximising street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u>	The proposal would result in 3 dwellings on Torrens title lots, and each dwelling requires a single parking space. The	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	existing dwelling and both proposed dwellings include a single garage, with additional stacked parking available in the driveways.	
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

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

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied.

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

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

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

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

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:**

**Context and setting**

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal would not adversely overshadow adjoining private open space or primary living areas for more than 3 hours between 9am and 3pm on 21 June.

**Roads**

The site has road frontage to Chalmers Street and Oden Street.

Adjacent to the site, both streets are sealed public roads under the care and control of Council.

**Traffic and Transport**

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

**Site Frontage & Access**

Vehicle access to the site is proposed through individual driveways with direct frontage to Oden Street. An additional two driveways are proposed to the new dwellings and the existing access is to be retained to the existing dwelling. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, additional works are required to include:

- Concrete footpath paving along the full frontage;
- Construction of a concrete footpath crossing to the existing dwelling on proposed Lot 3 in accordance with ASD201 and ASD207.

**Parking and Manoeuvring**

A total of 3 parking spaces have been provided on-site within garages with additional parking available within each of the driveways. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

**Water Supply Connection**

Council records indicate that the development site an existing 20mm sealed water service. Each proposed lot requires an individual metered water service. Engineering plans are to be submitted to the Water and Sewer Section for approval.

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

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

Refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that the development site currently has one existing connections to sewer. Each proposed lot requires an individual connection to sewer.

Engineering plans are to be submitted to the Water and Sewer Section for approval. Detailed plans will be required to be submitted for assessment with the S.68 application.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards the western side of the site and is capable of drainage to either the street or the interallotment drainage easement in the north-west corner of the site.

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

- a) The legal point of discharge for the proposed development is defined as either:
  - i. Interallotment drainage which will require CCTV evidence of the integrity of the existing piped system, or
  - ii. Council's piped drainage system, which will require an extension by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) All allotments must be provided with a direct point of connection to the piped drainage system. Kerb outlets are not permitted.
- c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
- d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

Refer to relevant conditions of consent.

**Other Utilities**

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

**Heritage**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is not identified as being bushfire prone.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
Loss of solar access to private open space of neighbouring property at 2 Kanangra Cove.	Having regard to the orientation of the land on the proposed dwellings, the development would not significantly overshadow the adjoining private open space area of the residence at 2 Kanangra Cove for more than 3 hours on 21 June. The proposal is consistent with the DCP provisions relating to side setbacks and solar access.
Loss of natural light and ventilation to neighbouring property at 2 Kanangra Cove.	The proposal is consistent with the applicable building height and setback controls, which are aimed at maintaining adequate light and ventilation between properties. The impact is therefore considered acceptable in an urban context.

Submission Issue/Summary	Planning Comment/Response
Overbearing feel of western wall of proposed Dwelling #1 on sunken private open space of neighbouring property at 2 Kanangra Cove.	The proposal is consistent with the applicable building height and setback controls and the length of the wall does not require further articulation in accordance with the DCP requirements. The impact is therefore considered acceptable in an urban context.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION AND STATEMENT OF REASON**

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

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

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

**Attachments**

- 1 [View](#). DA2018 - 1063.1 Recommended Conditions
- 2 [View](#). DA2018 - 1063.1 Contributions Estimate
- 3 [View](#). DA2018 - 1063.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/1063****DATE: 25/03/2019****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	Sheet 1 - 7	Narelle Kilmurray	5 March 2019
BASIX Certificate	976676M	Narelle Kilmurray	4 December 2018
Statement of Environmental Effects	-	Narelle Kilmurray	13 December 2018

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A030) The provision of a concrete footpath crossing to the existing dwelling on proposed Lot 3 in accordance with ASD201 and ASD207. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Oden Street and Chalmers Street 1.5 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (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.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving
  - Footway and gutter crossing
  - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Sewerage reticulation.
  2. Water supply plans 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.
  3. Stormwater systems.
  4. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and Drawings ASD201 & ASD207, Port Macquarie-Hastings Council current version.
  5. Provision of a 1.5m concrete footpath across the full road frontage of the property, along Oden Street and Chalmers Street.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan

- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, whichever occurs first, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
  - i. earthworks that are more than 600mm above or below ground level (existing) and are located within 1m of the property boundaries; or
  - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;

are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

- (12) (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 either:
    - i. Interallotment drainage which will require CCTV evidence of the integrity of the existing piped system, or
    - ii. Council's piped drainage system, which will require an extension by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
  - b) All allotments must be provided with a direct point of connection to the piped drainage system. Kerb outlets are not permitted.
  - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

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

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

#### D – DURING WORK

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D025) Any disused sewer junction shall be capped off with an approved fitting and Council notified to carry out an inspection prior to backfilling of this work.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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) (E051) Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (4) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (6) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (7) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

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

- (8) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (9) (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.
- (10) (E061) All fencing and landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (11) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (12) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the proposed Lots (including street lighting and fibre optic cabling where required).
- (13) (E080) The applicant is required to make provision in the application for a Subdivision Certificate:
  - a. Dedication as public road of a 3x3m splay corner.
- (14) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

#### F – OCCUPATION OF THE SITE

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

## Developer Charges - Estimate

Applicants Name: N Kimurray  
 Property Address: 31 Chalmers Street, Port Macquarie  
 Lot & Dp: Lot(s):6, DP(s):22220  
 Development: Multi Dwelling Housing and Torrens Title Subdivision



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	1.4	\$10,129.00 Per ET	\$14,180.60
2 Sewerage Scheme Port Macquarie	2	\$3,843.00 Per ET	\$7,686.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1.7	\$7,592.00 Per ET	\$12,906.40
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1.7	\$5,594.00 Per ET	\$9,509.80
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1.7	\$4,593.00 Per ET	\$7,808.10
6 Com 1.3.07 - Administration Building - All areas	1.7	\$904.00 Per ET	\$1,536.80
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		\$698.70
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$54,326.40

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:

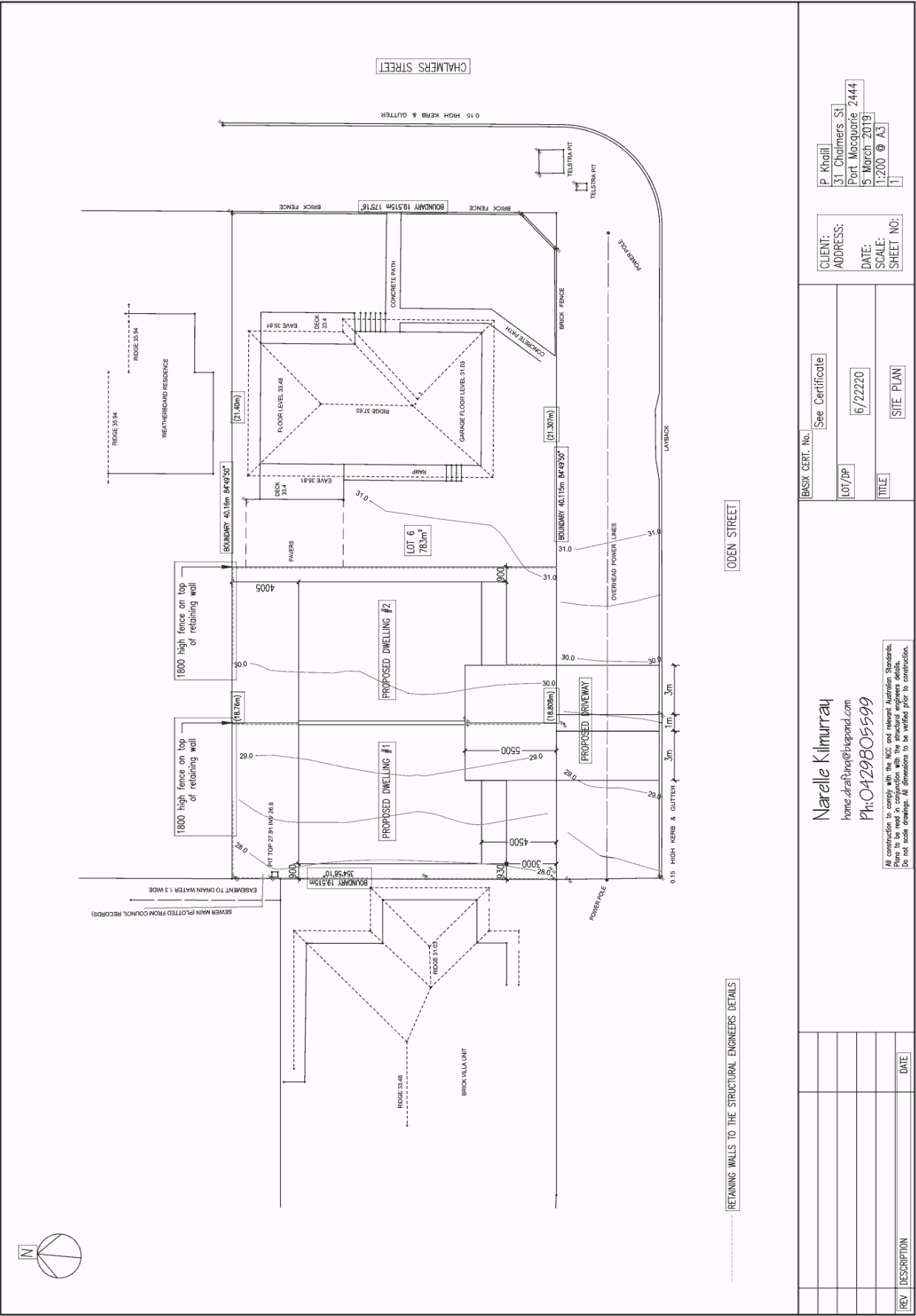
26-Mar-2019

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

Kimurray, 31 Chalmers Street, Port Macquarie, 26-Mar-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

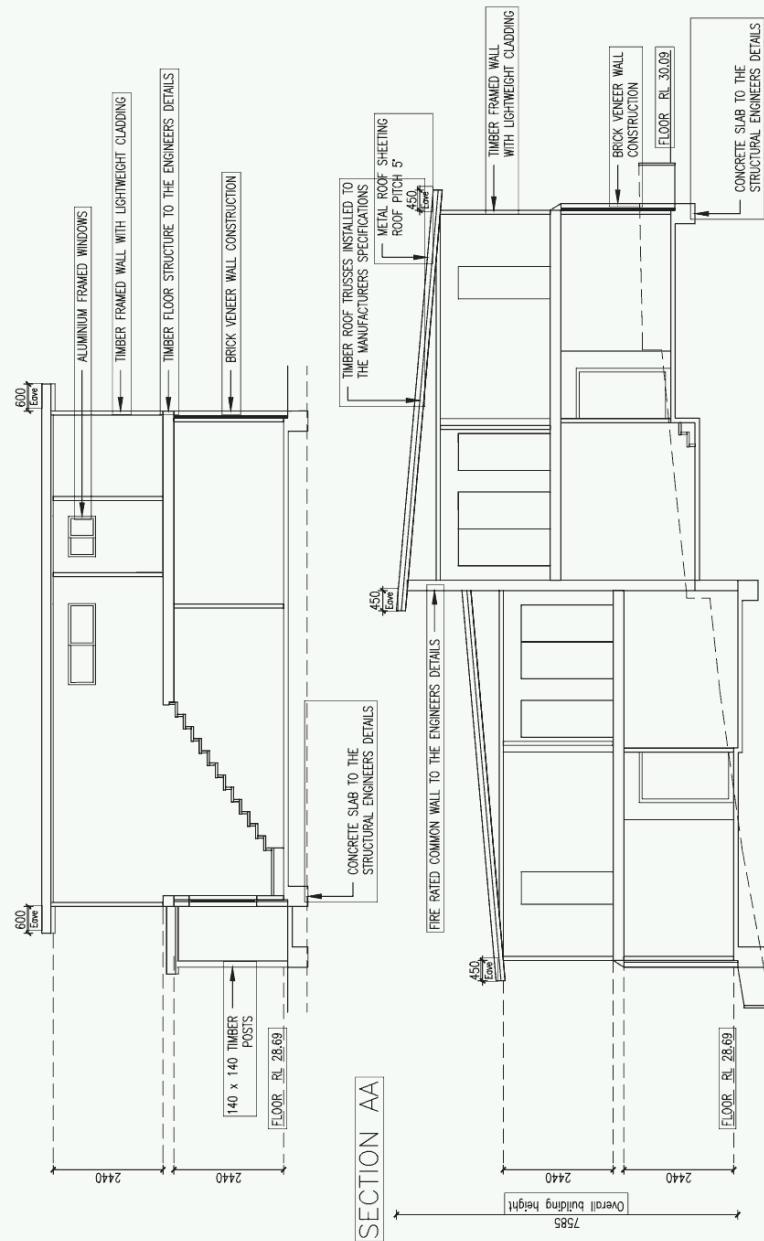






NOTES:  
PLANS TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DETAILS.  
PLANS TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DETAILS.  
ALL DIMENSIONS TO BE VERIFIED PRIOR TO CONSTRUCTION OF FABRICATION.  
ALL CONSTRUCTION TO COMPLY WITH THE NCC AND RELEVANT AUSTRALIAN STANDARDS.  
AS1170 Structural design actions  
AS1273 PVC downpipe & fittings for rainwater  
AS1288 Glass in buildings  
AS1562 Design & installation of sheet roof  
AS1684 Residential timber framed construction  
AS2047 Windows in buildings  
AS2050 Installation of roof tiles  
AS2870 Residential slabs & footings  
AS3018 Electrical installations  
AS3600 Concrete structures  
AS3660 Termite management  
AS3700 Masonry structures  
AS3740 Waterproofing of wet areas  
AS3959 Smoke alarms  
AS3959 Construction of bushfire prone areas  
AS4440 Installation of timber roof trusses  
AS4678 Earth retaining structures

BASIC NOTES	Dwelling 1	Dwelling 2
No. of Bedrooms	3	3
Site Area	183.31m <sup>2</sup>	183.14m <sup>2</sup>
Roof Area	208.77m <sup>2</sup> (combined)	208.77m <sup>2</sup> (combined)
Unconditioned Floor Area	125m <sup>2</sup>	125m <sup>2</sup>
Landscaped Area	74.4m <sup>2</sup>	74.4m <sup>2</sup>
Shower Head Rating	3 Star	3 Star
Toilets Rating	4 Star	4 Star
Kitchen Tap Rating	4 Star	4 Star
Bathroom Tap Rating	4 Star	4 Star
Water Tank Size	1500L	1500L
Roof Area To Water Tank	89m <sup>2</sup>	110m <sup>2</sup>
Water Tank Connected To	RM 1.5	RM 1.5
Wall Insulation	250mm	250mm
Ceiling Insulation	250mm	250mm
Hot Water System	Gas Instant	Gas Instant
HWS Rating	5.5 Star	5.5 Star
Cooling - Living	Ceiling Fans	Ceiling Fans
Cooling - Bedrooms	Ceiling Fans	Ceiling Fans
Heating - Living	NI	NI
Heating - Bedrooms	NI	NI
Ventilation - Bathroom	Individual Fan (not ducted)	Individual Fan (not ducted)
Ventilation - Kitchen	Individual Fan (ducted)	Individual Fan (ducted)
Ventilation - Laundry	Natural Ventilation	Natural Ventilation
Cooktop	Gas	Gas
Lighting	Electric	Electric
Outdoor Clothes Line	Yes	Yes
Well Ventilated Ref. Space	Yes	Yes



BASIC CERT. No.

See Certificate

LOT/DP

DATE

TITLE

SECTIONS

Narelle Kimurray  
home.drafting@bigpond.com  
Ph: 0429805599

All construction to comply with the NCC and relevant Australian Standards.  
Plans to be read in conjunction with the structural engineers details.  
Do not build drawings. All dimensions to be verified prior to construction.

CLIENT:

ADDRESS:

DATE:

SCALE:

SHEET NO:



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**Item: 06**

**Subject: DA2017 - 1059.1 STAGED RESIDENTIAL SUBDIVISION (138 LOTS)  
AT LOT 2 DP 504042, LOT 2 DP 594388, AND LOT 5 DP 24500, NO.  
131, 139, & 167 OCEAN DRIVE, KEW**

**Report Author: Chris Gardiner**

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**Applicant: King & Campbell Pty Ltd**  
**Owner: R D & M L Tate, C M Curtis & D P Middlemiss & S L  
Rowbottom & K J Middlemiss, T M & A & J M & L M Moses &  
J Abade**  
**Estimated Cost: \$3,450,000**  
**Parcel no: 15028, 15025, 15026**

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

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

#### **RECOMMENDATION**

**That DA2017 – 1059.1 for a Staged Residential Subdivision (138 Lots) at Lot 2 DP 504042, Lot 2 DP 594388, and Lot 5 DP 24500, No. 131, 139, & 167 Ocean Drive, Kew, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a staged residential subdivision (138 lots) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

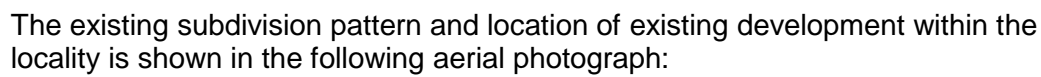
Following exhibition of the application, one submission has been received.

### **1. BACKGROUND**

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

The site has an area of 31.373 hectares.

The site is zoned R1 General Residential, E3 Environmental Management, and E2 Environmental Conservation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



Key aspects of the proposal include the following:

- Subdivision of Lot 2 DP 594388 into 138 residential lots and one environmental lot (to be dedicated to Council) over 11 stages;
- Demolition of existing buildings and structures;
- Construction of a link road over Lot 2 DP 504042 and Lot 5 DP 24500 connecting the northern part of the development to Lake Ridge Drive;

Refer to attachments at the end of this report.

### **Application Chronology**

- 24 November 2017 – Application lodged.
- 11 December 2017 to 12 January 2018 – Neighbour notification.
- 7 December 2017 – Amended Vegetation Management Plan submitted.
- 13 December 2017 – Additional information requested.
- 19 December 2017 – Amended Ecological Assessment submitted.
- 27 February 2018 – Bushfire Safety Authority issued by NSW Rural Fire Service.
- 9 March 2018 – Further additional information requested.
- 28 March 2018 – Comments received from NSW Roads and Maritime Services.
- 17 April 2018 – Contamination assessment submitted.
- 18 May 2018 – Traffic assessment submitted.
- 25 May 2018 – Satisfactory arrangements for State Infrastructure Contributions confirmed.
- 20 June 2018 – Amended Bushfire Safety Authority issued by NSW Rural Fire Service.
- 5 July 2018 – Advice received from NSW Crown Lands.
- 22 August 2018 – Application put on hold pending the outcome of the vegetation clearing application (DA2017 – 394.1) on adjoining land.

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(1) Matters for Consideration**

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

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

#### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land has is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The Applicant has submitted an ecological assessment prepared by FloraFauna Consulting and dated 15 December 2017. The report includes consideration of SEPP 44.

FloraFauna Consulting determined that Tallowwood and Swamp Mahogany were present on the site and constituted more than 15% of the remnant vegetation. The land is therefore potential koala habitat.

A Koala survey found no evidence of Koala activity within the study area, therefore it is not considered to be Core Koala Habitat for the purposes of SEPP 44. The findings of the report are consistent with earlier studies carried out at the time of the rezoning.

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

The Applicant has submitted a Stage 1 Site Contamination Assessment prepared by Regional Geotechnical Solutions. The assessment identified five areas of environmental concern which required further investigation and sampling, as detailed below:

- Soils in vicinity of sheds/pump shed/dwelling – potential spillage of chemicals and fuels, and potential asbestos containing building products;
- Gravel hardstands – Leakage of fuels/oils from parked vehicles;
- Plant rows - Potential spillage of herbicide/pesticide;
- Dams – Embankment fill of unknown origin;
- Waste piles - Runoff from miscellaneous waste including timber and fibre cement sheeting.

Based on the results of the sampling, the report makes the following recommendations:

- Considering the age of some of the buildings present on site there is the potential for asbestos type building materials to have been used in their construction. Prior to site demolition works a hazardous material inspection of the buildings should therefore be undertaken to determine if hazardous materials including asbestos are present;
- Containers of various chemicals present on site should be disposed of in accordance with Council and EPA requirements prior to demolition works;
- Two piles of mixed waste are present and should be disposed of in accordance with Council and EPA requirements. Fibre cement sheeting was observed in the northern pile, however, testing revealed it did not contain asbestos;
- Should any fill material require removal off-site, it will require assessment for a Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014 ;and
- Hydrocarbon concentrations which exceed the adopted residential landuse health screening guideline criteria were present in the clay soils near the pump shed (TP6) and localised remediation will be required. A brief Remedial Action Plan (RAP) will therefore need to be developed for the site. The RAP will outline the methodology required for necessary remedial works comprising the localised removal of soils effected by hydrocarbon contaminants. The NSW OEH (2011) *Guidelines for Consultants Reporting on Contaminated Sites* provides requirements that are to be considered in the preparation of RAPs.

The report concludes that based on the results obtained in this investigation the site is considered suitable for the proposed residential land use with regard to the presence of soil contamination provided the recommendations and advice of this report are adopted, and demolition and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

Appropriate conditions are recommended to ensure that appropriate remediation and validation of the site is completed in accordance with the report.

**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 (Infrastructure) 2007**

Clause 101 – The site has frontage to a classified road (Ocean Drive). The subdivision provides a single road access to Ocean Drive, with individual lots having access to the subdivision road network. The traffic impacts and design of the intersection of Road 1 with Ocean Drive are discussed in detail later in this report.

The development is of a type that is sensitive to road traffic noise, and the proposal includes a landscaped mound and acoustic barrier along the Ocean Drive frontage. Potential noise impacts are discussed in more detail under Noise and Vibration later in this report.

Clause 104 – The proposal is traffic generating development, being a subdivision that would create 50 or more allotments with access to a classified road. The application has been referred to the RMS for comment, and a response letter was received on 28 March 2018. The RMS comments are addressed in detail later in this report.

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

In accordance with Clause 21(1) the former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.

Under the former planning provisions, none of the subject site was mapped as coastal wetland, Littoral rainforest, coastal zone, or sensitive coastal location.

**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, E3 Environmental Management, and E2 Environmental Conservation.

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.

The objectives of the E3 zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

The objectives of the E2 zone are as follows:

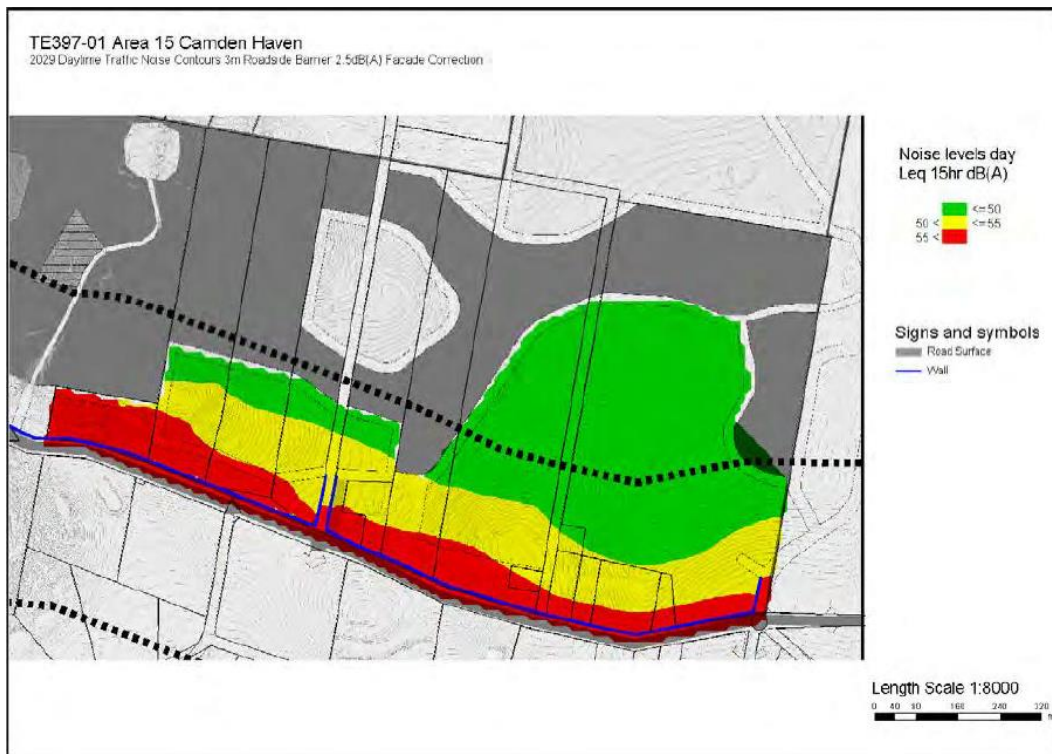
- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect coastal wetlands and littoral rainforests.
- To protect land affected by coastal processes and environmentally sensitive land.
- To prevent development that adversely affects, or would be adversely affected by, coastal processes.
- To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.

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

- The proposal would provide lots suitable for a range of dwelling types and densities.
  - The development would contribute to meeting the housing needs of the community.
  - The environmental lands will be established, dedicated, and managed for a period of 20 years consistent with the Area 15 Planning Agreement.
  - The application does not propose any works in the E2/E3 zoned land, which would ensure that its ecological values are preserved.
- Clause 2.7 - the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
  - Clause 4.1 - the lot sizes within the proposed subdivision range from 450m<sup>2</sup> to 990.4m<sup>2</sup>. All proposed lots comply with the minimum lot sizes identified in the Lot Size Map relating to the site.
  - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
  - Clause 6.1- A Satisfactory Arrangements Certificate for designated State public infrastructure for urban release areas has been issued by the NSW Department of Planning and Environment.
  - Clause 6.2 - satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and on-site sewage management/sewer infrastructure to service the development within an urban release area.
  - Clause 6.3 – The Area 15 Camden Haven provisions in DCP 2011 apply to development in the urban release area. See comments under DCP section.
  - Clause 7.1 - the site is mapped as potentially containing class 5 acid sulphate soils within the environmental land. The proposed development does not include any works in this part of the site and therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.
  - Clause 7.2 - in relation to the earthworks proposed:
    - the works will not lead to any adverse impact upon existing drainage patterns, soil stability of the site or adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality;
    - the works will be unlikely to adversely affect potential additional future land uses on the site;

- the existing soil quality and structure will not present a constraint to the construction of the proposal on the site;
  - no fill is identified to be imported to the site to construct the development;
  - the likely change in levels associated with the proposed development will not have an adverse effect on the amenity of adjoining/adjacent properties to the site;
  - the site does not contain any known items of aboriginal or other cultural significance;
  - appropriate conditions of consent are proposed to manage the impact of the works.
- Clause 7.3 - the site is land within a mapped “flood planning area” (land subject to flood discharge of 1:100 annual recurrence interval flood event, plus the applicable climate change allowance and relevant freeboard). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
    - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
    - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
    - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
    - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
    - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
    - The proposal includes filling of part of the site consistent with the Worley Parsons Floodplain Encroachment Assessment.
    - Conditions have been recommended to ensure appropriate minimum finished levels are achieved for lots and roads in the subdivision.
  - Clause 7.9 – A Traffic Noise Study (2009) was prepared by Renzo Tonin & Associates as part of the rezoning for the area. The assessment provided a number of options that could achieve acceptable noise levels for future residential development in the area. The assessment determined that a noise barrier/mound 5m high would be necessary to eliminate road noise impacts. It was acknowledged that a barrier of this height would be unlikely to be supported and a 1m high mound with 2m high barrier (combined height 3m) was the highest barrier likely to be suitable for the area.

The assessment modelled the 2029 traffic noise with a 3m high acoustic barrier and determined that the areas shown red in the below figure would still be non-compliant with the applicable noise criteria.



The assessment determined that there would likely be further noise reduction in the future with reduction of the speed limit to 60km/h and reconstruction of Ocean Drive with a low noise pavement. With these additional mitigation measures, compliant noise levels would be achieved at the site without any construction requirements.

However, the current speed limit remains 70km/h in the site frontage and Ocean Drive is not expected to be upgraded to a low noise pavement prior to the construction of dwellings in the proposed subdivision. A condition is therefore recommended requiring the Section 88B to include a restriction for future dwellings on all lots fronting Ocean Drive (Lots 1 and 19 – 27) to have Category 2 construction.

While the traffic noise assessment was prepared in 2009, recent traffic counts in Ocean Drive west of the site in 2016 (8000vpd) indicate that there has not been a significant increase in traffic volumes in Ocean Drive since 2009. The modelled increase in traffic in the 2009 report is therefore likely to still be appropriate.

- Clause 7.13 - satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

**(iii) any Development Control Plan in force:**

## Port Macquarie-Hastings Development Control Plan 2013

<b>DCP 2013: Chapter 3.6 - Subdivision</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> <li>• microclimate;</li> <li>• lot dimensions;</li> <li>• north point;</li> <li>• existing contours and levels to AHD;</li> <li>• flood affected areas;</li> <li>• overland flow patterns, drainage and services;</li> <li>• any contaminated soils or filled areas, or areas of unstable land;</li> <li>• easements and/or connections for drainage and utility services;</li> <li>• identification of any existing trees and other significant vegetation;</li> <li>• any existing buildings and other structures, including their setback distances;</li> <li>• heritage and archaeological features;</li> <li>• fences;</li> <li>• existing and proposed road network, including connectivity and access for all adjoining land parcels;</li> <li>• pedestrian and vehicle access;</li> <li>• views to and from the site;</li> <li>• overshadowing by neighbouring structures; and</li> <li>• any other notable features or characteristics of the site.</li> </ul>	Satisfactory site analysis provided.	Yes

3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	<p>All lots except Lot 19, 27, and 61 comply with this requirement.</p> <p>Lots 19 and 27 are battleaxe lots and are addressed under 3.6.3.3 below.</p> <p>Lot 61 has a width of 14.98m and the minor variation would not affect the potential for a future dwelling to be constructed on the lot.</p>	No, but acceptable
	Minimum width of 7m when boundaries are extended to kerb line.	All lots comply with this requirement, except the frontage of Lot 52 to Road 03. Lot 52 has an alternative access to Road 07, and a condition is recommended restricting access to Road 03. This would achieve the objective of the control.	No, but acceptable
	Minimum depth of 25m.	All lots have sufficient depth.	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	The site does not include any lots with an average slope exceeding 16%.	n/a

3.6.3.3	<p>Battleaxe lots discouraged in greenfield development.</p> <p>Council may consider permitting Torrens Title battleaxe allotments for —infill development where it is demonstrated that;</p> <ul style="list-style-type: none"> <li>• a Torrens Title lot, that is <i>not</i> a battleaxe lot, <i>cannot</i> be achieved; and</li> <li>• the number of crossovers do not reduce the amenity of the street or on street parking; and</li> <li>• the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and</li> <li>• addresses privacy between the rear lot and the rear open space of the front lot by the provision of</li> <li>• adequate screening, larger lot size and setbacks; and</li> <li>• extends utilities to the end of the axe handle; and</li> <li>• there is sufficient space for garbage collection on the frontage.</li> </ul>	<p>Lots 19 and 27 are battleaxe lots. The lots comprise a small proportion of the overall number of lots in the development and are a response to the constraint of existing Lot 1 DP 594388 and the road layout. Both lots have a road frontage in excess of 9m and the length of the access handle is relatively short. The lots have sufficient frontage to provide for future driveways and garbage collection.</p> <p>Proposed Lots 26 and 27 could potentially be reconfigured to compliant wedge-shaped lots, but this would not result in any better outcome in terms of site frontage and future building envelopes.</p>	No, but acceptable
3.6.3.4	<p>Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.</p>	<p>Lots would allow construction of future dwellings with less than 1m of cut or fill.</p>	Yes
	<p>Lot sizes increased for sloping sites in accordance with Table 3.6.1.</p>	<p>No lots proposed with slope exceeding 10%. Lot sizes appropriate.</p>	Yes
	<p>Additional information provided for slope categories in accordance with Table 3.6.2.</p>	<p>Details of proposed filling provided with the application.</p>	Yes

3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.	Street lot layout acceptable.	Yes
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Lot layout would provide opportunity for construction of future energy efficient dwelling construction.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Conditions recommended requiring construction of roads, footpath and drainage in accordance with AUSPEC requirements.	Yes
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	n/a	n/a
3.6.3.20	Water supply to meet Council's design specifications.	See comments under water supply connection.	Yes
3.6.3.21	All lots connected to reclaimed water if available.		
3.6.3.24	Separate sewer junction provided for each lot.	See comments under sewer connection.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Condition recommended requiring erosion and sediment control plan prior to the issue of a Construction Certificate	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Condition recommended requiring certification of satisfactory arrangements from electricity and telecommunications authorities.	Yes
	All service infrastructure should be installed in a common trench.		
	Conduits for the main technology network system should be provided in all streets.		
	Conduits are to be installed in		

	accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.		
	Access pits are to be installed at appropriate intervals along all streets.		
3.6.3.51	Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.	Street tree planting shown on submitted plans. Conditions recommended confirming that street trees are to meet Council requirements.	Yes
	Street trees should not affect solar access.		
3.6.3.52	Street trees from Council's list.		

**DCP 2013: General Provisions**

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> <li>Casual surveillance and sightlines</li> <li>Land use mix and activity generators</li> <li>Definition of use and ownership</li> <li>Lighting</li> <li>Way finding</li> <li>Predictable routes and entrapment locations</li> </ul>	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 subdivision layout would provide for casual surveillance of new streets. Street lighting would be provided throughout the subdivision.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The proposal includes up to approximately 2m of fill adjacent to the environmental lands. The filling is necessary to achieve minimum flood levels and is consistent with the extent of permissible filling identified in the Worley Parsons Floodplain Encroachment Assessment.	No, but acceptable
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	n/a
	Any retaining wall >1.0 in height to be certified by structural engineer	None proposed.	n/a
2.3.3.8	Removal of hollow bearing	29 hollow bearing trees	No, but

onwards	trees	<p>(HBT) were identified within the study area, the majority of which are located within the Crown road reserve along the eastern and northern boundaries of the site. Six (6) HBTs are proposed to be removed for the development and have been scored using Council's HBT assessment protocol. Five of these trees scored less than 12 and can be removed subject to appropriate mitigation measures including identification of 9 recruitment trees and implementation of a nest box strategy.</p> <p>The other tree scored 13 on the HBT assessment protocol and the DCP requires retention within the landscape. The author of the ecological assessment has recommended that removal of the tree could be supported on the following basis:</p> <p><i>"However, this tree contained just a single hollow within a termitarium and scored highly due to its size, proximity and longevity criteria. There is some uncertainty around termitarium persisting in the long term once they become inactive and subsequently hollow through the actions of fauna. Given that the HBT assessment score of 13 is only marginally above the minimum score for mandatory retention, it is considered reasonable to permit the removal of this</i></p>	acceptable
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		<p><i>tree subject to appropriate mitigation measures, including identifying two (2) recruitment trees and provision of a suitable nest box within the site."</i></p> <p>Council's Environmental Services staff have reviewed the proposal and agreed that removal and offsetting of this tree is acceptable. The commitments regarding recruitment trees and nest box strategy are confirmed through the approved Vegetation Management Plan and the recommended conditions.</p>	
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	<p>The proposal includes removal of all existing trees within the R1 zoned land and includes removal of 64 primary koala food trees. It is recommended in the ecological assessment that compensatory plantings at a ratio of 2:1 be provided within the E2/E3 zoned land.</p> <p>The offsetting commitments are confirmed through the approved Vegetation Management Plan and the recommended conditions.</p>	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	<p>None of the proposed lots within the subdivision would have access to Ocean Drive, and a condition is recommended confirming this requirement.</p> <p>The existing Crown road intersection with Ocean</p>	Yes

		Drive is proposed to be rationalised and upgraded to a standard that is suitable for traffic generated by the development.	
2.5.3.11	Section 94 contributions	Refer to main body of report.	

**DCP 2011: Area 15 Camden Haven**

DCP Objective	Development Provisions	Proposed	Complies
OB1	<p>DP1.1 The required VMP to be submitted with the DA at the subdivision stage (or land development stage if subdivision is not proposed) is to be consistent with the measures shown in Figure 77 and Table 1. The VMP is to be specify:</p> <ul style="list-style-type: none"> <li>• Full revegetation of E3 zone buffers to EEC areas,</li> <li>• progressive dedication of environmental land and linked to proportionate stages of the development,</li> <li>• the maintenance regime prior to and following dedication; and</li> <li>• the process for certifying completion of works at critical stages of the process.</li> </ul> <p>Development applications for the first stage of development on any land is to include a specific site survey to identify and accurately locate all (proposed to be retained and proposed to be removed) hollow bearing trees on the land. The number and size of hollows is to be recorded for each tree. Where development in Zone R1 or IN2 requires the removal of hollow bearing</p>	<p>A Vegetation Management Plan (VMP) has been submitted with the application addressing these matters. The VMP has been approved by Council's Environmental Services staff.</p> <p>The submitted ecological assessment includes a survey of all hollow bearing trees within the R1 zoned land that would be impacted by the proposal. An assessment of the trees in accordance with Council's HBT assessment protocol has been carried out and is discussed earlier under 2.3.3.8 of DCP 2013.</p>	Yes

	<p>trees, an assessment of the impact is to be submitted with the development application, including the identification of ameliorative measures and guidelines for the management of the process of removal during the construction phase. Ameliorative measures are to include the provision of appropriate size and number of artificial nesting boxes within the E2 zone. Nest boxes are to be erected prior to release of the first subdivision construction certificate to maximise the potential of uptake prior to removal of hollow bearing trees.</p>		
OB2	<p>DP2.1 The Stormwater Management Strategy must demonstrate achievement of the water quality targets for discharge to Queens Lake identified in the Area 15 Stormwater Management Plan (Worley Parsons, May 2010) and be designed in accordance with that plan, as generally shown in Figure 78. The strategy shall incorporate water sensitive urban design (WSUD) features in the treatment train including:</p> <ul style="list-style-type: none"> <li>• Source control via rain gardens and permeable pavements,</li> <li>• Conveyance treatment via vegetated swales and bioretention trenches, and</li> <li>• End of line treatment via gross pollutant traps and bioretention systems.</li> <li>• Stormwater treatment devices shall not be located within the revegetated E3 buffer to</li> </ul>	See comments later in this report under Stormwater.	

	EEC areas.		
OB3	<p>DP3.1 Perimeter roads are to be provided in accordance with Figure 79. Perimeter roads are to be located outside of Zones E2 and E3. Road layout is to provide evacuation routes in major bushfire events.</p> <p>Subdivision proposals that rely on access through Lakeridge Drive is to be assessed for safe evacuation routes. Figure 79 provides an indication of vegetated areas to be managed for this purpose. The first application for subdivision or major residential development is to include an Emergency Evacuation Report prepared in consultation with the Emergency Planning Committee.</p>	<p>Perimeter roads provided in accordance with Figure 79.</p> <p>The application included a bushfire assessment that has been considered by the NSW Rural Fire Service and a Bushfire Safety Authority issued. No specific emergency evacuation requirements were identified in the assessment.</p>	Yes
OB4	<p>DP4.1 Development areas are to be filled to post development flood levels (including climate change scenario) identified in the Floodplain Encroachment Assessment (Worley Parsons, June 2009 and Supplementary Report May 2011). The Flood Planning Level is set at the PMF level north of the main flood corridor through the site, to avoid the need for flood evacuation in rare events.</p> <p>Development design is to cater for overland flow paths shown in Figure 80. Prior to the first development for subdivision or major residential development proceeding a Flood Evacuation Report is to be adopted by the Emergency Planning Committee.</p>	<p>Proposed filling is consistent with the Floodplain Encroachment Assessment (Worley Parsons, June 2009 and Supplementary Report May 2011). Conditions are recommended confirming minimum site levels for new lots. Lots north of the main flood corridor will need to be filled to the PMF level.</p>	Yes
OB5	DP5.1 Acid sulphate soil	See comments under	Yes

	<p>assessment is to be undertaken in accordance with the provisions of the LEP.</p> <p>Proposed excavations in Terrain Unit C and adjoining areas are to be assessed for potential impacts on groundwater and ensure reactive and sodic soils are managed during, and post, development phases.</p>	<p>Clause 7.1 of the LEP regarding acid sulphate soils.</p> <p>No excavation is expected to be required in Terrain Unit C as it is largely within the environmental land. The small areas on the fringe of the R1 land would be filled in accordance with the Floodplain Encroachment Assessment (Worley Parsons, June 2009 and Supplementary Report May 2011).</p>	
OB6	<p>DP6.1 A site contamination assessment report is to be prepared and submitted with the first application for development of Lot 2 DP 594388.</p> <p>Soil testing is to target potential contaminants and locations identified in the report Preliminary Site Investigation for Lots 1 &amp; 2 DP 594388 by King and Campbell October 2009.</p> <p>Any required remediation is to be undertaken in accordance with DECCW requirements prior to development of the land.</p>	<p>A Stage 1 Site Contamination Assessment prepared by Regional Geotechnical Solutions has been submitted with the application. See comments earlier under SEPP 55.</p>	Yes
OB7	<p>DP7.1 Development applications for subdivision or major development on Lot 11 DP 585667, Lot 1 DP 1090424 and Lot 5 DP 602511 are to be accompanied by a site specific Aboriginal archaeological assessment.</p>	n/a	n/a
OB8	<p>DP8.1 The subdivision design is to reflect the road hierarchy shown in Figure 84.</p>	<p>Collector roads provided generally in accordance with Figure 84.</p>	Yes
	<p>DP8.2 Timing of the upgrade of the Lake Ridge</p>	<p>Not applicable. The proposal would not create</p>	n/a

	Drive and the Mountainview Road Intersections is to be in accordance with the Area 15 Planning Agreement.	the 380 <sup>th</sup> lot in the Lake Ridge Drive or Mountainview Road upgrade area.	
	DP8.3 The Crown road access from Ocean Drive may be retained as a left in/left out intersection serving the corner allotment until the site redevelops for residential purposes.	<p>Proposal seeks to provide road access at the intersection of Ocean Drive and the Crown road. This is inconsistent with Figure 84, which identifies that the existing intersection is to be closed.</p> <p>The objective of the control is to ensure adequate access and connectivity is provided to the future community of Area 15.</p> <p>The Applicant has provided appropriate traffic assessment to allow consideration of the likely impact of allowing the intersection to remain open as an additional access point to Area 15. The assessment demonstrates that the intersection can be made suitable for the anticipated traffic volumes, as discussed in more detail under Traffic and Transport later in this report.</p>	No, but acceptable
OB9	DP9.1 Local parks are to be provided in the locations shown in Figure 85 and linked to the cycleway and pedestrian network.	No local parks required on subject site.	Yes
	DP9.2 The south western park is to have a minimum area of 4,000m <sup>2</sup> and the north eastern park a minimum area of 1,500m <sup>2</sup> .	n/a	n/a
	DP9.3 Pedestrian and cycleways are to be linked to a signalised intersection on the Ocean Drive/	The pedestrian/cycle shareway along Road 07 would ultimately connect (via Lake Ridge Drive) to	Yes

	Lakeridge and to Camden Haven High School, and identified regional cycling routes.	the signalised intersection and high school.  Additionally a pedestrian footpath will be required for the full site frontage to Ocean Drive, with an appropriate crossing at the intersection to connect with the shareway on the southern side of Ocean Drive.	
	DP9.4 Roads to be designed to cater for the bus routes shown in Figure 85.	Capable of complying. Condition recommended confirming the construction standards for the north and south collector roads.	Yes
OB10	DP10.1 Development applications for subdivision or major residential proposals are to: <ul style="list-style-type: none"> <li>• provide mounding, acoustic barriers and landscaping of Ocean Drive frontage generally as indicated in Figure 86,</li> <li>• provide internal access arrangements for properties with frontage to Ocean Drive.</li> </ul>	Mounding and acoustic barriers consistent with Figure 86 proposed. All lots with frontage to Ocean Drive have access from the internal road network.	Yes
	DP10.2 Subdivision of land adjoining the existing nursery and landscape supply businesses shall incorporate adequate separation and screening of the nursery from future dwellings.	The subject site is the current nursery. The existing nursery use would cease with the commencement of the subdivision, and a condition is recommended confirming this requirement.  The landscape supplies business on the eastern side of the Crown road has existing fencing and landscaping across the road frontage. The access driveway is located opposite the existing dwelling on Lot 1 DP 594388. Proposed Lots 2, 3, and 4 would be buffered from impacts by the	Yes

		landscaping, fencing, and separation distance.  There is no history of significant complaints about the operation of the landscape supplies business from existing nearby residents.	
OB11	DP11.1 All new residential areas are to make provision for fibre optic cable to be installed, to promote the establishment of home based businesses.	Condition recommended confirming telecommunications services are to be provided to the satisfaction of the relevant authority.	Yes
	DP11.2 Development in the neighbourhood business zone is to incorporate opportunities for a range of small business, office and commercial premises.	n/a	n/a
OB12	DP12.1 Development applications for subdivision or major residential development are to consider the timing and staging of infrastructure provision including: <ul style="list-style-type: none"> <li>• Demonstration that water and sewerage reticulation is able to be provided having regard to the existing water mains and the Area 15 Sewer Servicing Strategy,</li> <li>• Forward funding of any infrastructure headworks ahead of Council's program of works.</li> </ul>	See comments later in this report under Water and Sewer sections.	
OB13	DP13.1 Development shall be designed to ensure the dual reticulation of water supply.	Water supply strategy includes dual reticulation.	Yes

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied.

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

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

The Area 15 Planning Agreement (Tate) applies to the subject site. The agreement relates to the provision of land and construction of the Link Road, Environmental Management Land, Bushfire Management Land, water supply and sewerage services and development contributions.

The proposal is consistent with the Planning Agreement and a condition is recommended requiring the developer to comply with the agreement.

A further specific condition is recommended requiring the establishment and dedication of the Bushfire Management Land in accordance with the agreement prior to the issue of a Subdivision Certificate for Stage 10 of the development, being the first stage that requires access via Lake Ridge Drive.

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

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

Demolition of the existing buildings on the site is capable of compliance with this Australian Standard and is recommended to be conditioned. Buildings will need to be demolished prior to the issue of the Subdivision Certificate for the relevant stages of the development and conditions have been recommended confirming the applicable timing.

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

The site has a general southerly street frontage orientation to Ocean Drive. Adjoining the site to the north, east and west is undeveloped residential and environmental land within the Area 15 urban release area. A landscape supplies business is located to the east of the site at the intersection of the Crown road and Ocean Drive.

Adjoining the site to the south is a school and rural residential development.

The proposal is considered to be compatible with other development in the locality and is consistent with the strategic planning for the area.

**Roads**

The site has road frontage to Ocean Drive and an un-named Crown Road.

Adjacent to the site, Ocean Drive is a sealed public road under the care and control of Council. Ocean Dr is an RMS classified road with an 11m road formation within a 40m road reserve. It is an arterial road located on the southern boundary of this growth area and is the primary link between Camden Haven and the Pacific Highway.

The Crown road running along the eastern and northern boundaries of the site is sealed for approximately 150m from the intersection with Ocean Drive before reducing to a narrow unsealed lane for approximately 1500m further north. The development proposes to upgrade approximately the first 500m, and conditions have

been implemented to ensure the road is upgraded to a sufficient standard to accommodate proposed growth within the development site.

Permission has been sought from The Department of Industry – Crown Lands & Water in regards to the upgrade. Concurrence has been given on the basis that the following conditions are implemented:

*“The Department of Industry – Crown Lands & Water requires that the section of Crown Public Road providing access to the proposed subdivision (as shown within the development footprint by red outline) be transferred to the control of Council in accordance with Section 151 – Roads Act 1993.*

*Please also ensure that the development does not encroach on the balance of the Crown road adjoining Lot 2 DP 594388. The proponent may not:*

- *remove any vegetation from the adjoining Crown road,*
- *stockpile materials, equipment or machinery on the adjoining Crown road,*
- *direct stormwater discharges onto the adjoining Crown road,*
- *use the adjoining Crown road as an asset protection zone, or*
- *restrict public use and access of the adjoining Crown road.*

*The balance of the Crown Public road on the eastern boundary of Lot 2 has been upgraded for local access purposes. In the circumstances the department would encourage Council to accept control of the full length of the road along the eastern boundary of Lot 2.”*

The internal roads have been proposed with the following formats:

Road No.	Width (m)	Type
1 North to South up to and including Intersection of Road 2	20 (9)	Collector
1 East to West	15/16 (7)	Local
2	15/16 (7)	Local
3	15/16 (7)	Local
4	15/16 (7)	Local
5	15/16 (7)	Local
6	15/16 (7)	Local
7	19 (9)	Collector
8	19 (9)	Collector
9	15 (7)	Local
10	16 (8)	Local

The frontage to Ocean Drive includes a 10m wide E3 zoned setback. In accordance with Figure 86 of the Area Based Provisions for Area 15 under the DCP, an acoustic mound with fencing and landscaping will be provided within this setback area. A condition is recommended requiring the E3 land to be dedicated to Council as road widening.

**Traffic and Transport**

Intersection design and control is a major factor in improving road safety and traffic efficiency. In general, an intersection should be obvious and unambiguous and allow good visibility of traffic control devices and other road users. Good design will harmonise the geometric layout with traffic control requirements and will minimise both the number of traffic conflict points and the magnitudes of conflict areas.

The proposed subdivision is for 138 residential lots. Of these lots 121 would be accessed directly from Ocean Drive at the location of an existing formed Crown road, with the remainder via a new road from Lake Ridge Drive.

Ocean Drive is a classified regional road (MR 600). The road carries in the order of 8,600 vehicles per day on a typical weekday and this is expected to grow significantly in the future as Area 15 develops. The posted speed limit is 70 km/h although the 85th percentile speed is in the order of 75 km/h.

The types of right-turn and left-turn treatments provided in a design usually define the type of intersection. There are essentially three types of turn treatments available for both right-turn and left-turn movements, namely:

- BA - a basic turn treatment where turning vehicles may share the lane with through traffic movements
- AU - an auxiliary lane turn treatment where a separate lane is provided to enable the turn to be performed in an additional lane
- CH - a channelised turn treatment which provides a traffic island to enhance the safety of right turning or left-turning vehicles.

The below table is a guide to the most appropriate right-turn and left-turn treatments for different types and scale of development. It is only a general guide and traffic impacts should still be assessed against AUSTRROADS guidelines;

Intersection Layouts for Developments

Development Type	Right-turning traffic				Left-turning traffic			
	BAR	Modified BAR	CHR	Seagull	AUS-SPEC Minimum Access Standards	BAL	AUL Deceleration Lane	AUL Acceleration Lane
Private Driveway – Low Volume Road	X				X			
Private Driveway – Arterial/Collector/Classified Road	X	X			X			
Subdivision < 5 lots	X	X			X	X		
Subdivision 5 – 9 lots	X	X				X		
Subdivision 10-19 lots		X				X	X	
Subdivision 20-200 lots			X			X (consider separate left & right-turn lanes)	X	X
Subdivision > 200 lots				X		X (separate left & right-turn lanes)	X	X
Bed & Breakfast		X			X			
Rural Tourist		X	X		X	X	X	
Extractive		X	X	X	X	X	X	X
Industrial			X	X (consider grade separation)		X	X	X

NB: This is only a general guide and traffic impacts should still be assessed against AUSTRROADS guidelines.

According to the table a channelised turn treatment is required for the size of the development on Ocean Drive (a major, high-speed road). Further investigation of the left-turn arrangement is required to determine if deceleration and acceleration lanes are required.

The nearby Ocean Drive and Lake Ridge Drive intersection currently services approximately 80 rural residential lots. It has a CH treatment for right-turns and BA for left-turns. The arrangement is the minimum that would be acceptable for the main Ocean Drive/Road 01 access.

The new intersection should also incorporate:

- a pedestrian refuge to access the Schools to Schools shared path on the southern side of Ocean Drive,
- a 1.5m footpath along the Ocean Drive frontage,
- an indented bus bay for westbound bus services.

Access to proposed Stages 10 and 11 will be via the new intersection where Link Road Part A meets Lake Ridge Drive.

Refer to relevant conditions of consent.

### **Roads and Maritime Services (RMS)**

In accordance with Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the proposal was referred to the RMS on 27 February 2018 for comment. A response letter dated 28 March 2018 was received, which provided the following comments.

*“The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.*

*In accordance with Clause 104 of the State Environmental Planning Policy Infrastructure 2007 (ISEPP), Roads and Maritime is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.*

*Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;*

- *The Consent Authority should be satisfied that the impact of through and turning traffic has been adequately addressed.*
- *Service vehicles should enter and leave the site in a forward manner. Any intersection design should cater for the turning paths of the largest vehicle requiring access to the site.*
- *Regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council approval.*
- *Consideration should be given to connectivity for public transport facilities and active transport modes such as walking and cycling.”*

The matters raised by the RMS have been considered in the assessment, with intersection design and traffic impacts addressed under Traffic and Transport above, and pedestrians and public transport discussed below.

### **Buses**

The collector roads are to be suitable for internal bus services, with bus stops to be spaced consistent with Council standards (i.e. 400m walking distance to each stop). Provision for an indented bus bay for westbound bus services along Ocean Drive has

been conditioned. Details of bus stops and bays can be addressed with each Construction Certificate for subdivision works.

**Pedestrians**

Pedestrian facilities are to be provided for all subdivision stages in accordance with current DCP requirements.

Conditions have been applied to ensure there is pedestrian connectivity to Camden Haven School via a footpath for the full site frontage along Ocean Drive and provision for a pedestrian crossing incorporated into the intersection on Ocean Drive.

**Manoeuvring**

All roads shall be design in accordance with Council standards and current AUSPEC Design and Construction Specifications. Each development stage shall have adequate sealed turning facilities to enable public garbage collection through the public street network in a forward manner as required. Sealed temporary turning facilities in accordance with AUSPEC and Planning for Bush Fire Protection are to be provided, as appropriate, for each development stage. Minor changes to the staging boundaries may be required to minimise the need for temporary turning circles.

**Water Supply Connection**

Preliminary modelling of the potable water supply reticulation indicates that the development site can be serviced from an extension off the 375mm trunk main on the opposite side of Ocean Drive & an extension off the 200mm reticulation main in Lake Ridge Drive. Water main size requirements shall be confirmed by Council's Water and Sewer Section with the application for the Construction Certificate.

Refer to relevant conditions of consent.

**Sewer Connection**

Council's existing sewer system shall be extended and sized to facilitate adjoining developments at no cost to Council. Where applicable, sewer lines are to be extended to lot boundaries to allow further extension by adjoining developments.

The sewer strategy relies upon extension of sewer reticulation through adjoining land to the east and owner's consent will be required for this work prior to the issue of the Stage 2 Construction Certificate (unless the adjoining land is developed first and the service becomes available at the lot boundary).

Detailed sewer engineering plans are to be submitted to Council's Water and Sewer Section with an application for an Infrastructure Construction Certificate.

In accordance with the *Area 15 Sewerage Servicing Strategy (August 2015)*, the Kew Kendal Sewer Treatment Plant shall be upgraded prior to the release of the Subdivision Certificates within Stages 2-11. Consultation is required with Council's Water and Sewer Section regarding the estimated completion of works which is subject to the Capital Works Program Schedule.

The existing on-site wastewater system/s are required to be decommissioned and appropriately remediated as part of the demolition of the existing buildings on the site.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards the north and is currently un-serviced.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater system via a water quality system and internal interallotment stormwater lines.

A stormwater management plan has been submitted for the proposal that is generally consistent with the above requirements and the Stormwater Management Plan prepared by Worley Parsons in 2010 as part of the master planning for the Area 15 urban release area.

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

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

- Water quality controls.
- Provision of interallotment drainage throughout the development to allow all lots to drain to a proposed public stormwater system

Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

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

**Heritage**

The Area 15 Local Environmental Study, which informed the rezoning of the area did not identify any known or potential items of Aboriginal or European heritage significance on the property. No adverse impacts anticipated.

**Other land resources**

The site is within a planned urban release area and will not sterilise any significant mineral or agricultural resource.

**Water cycle**

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

**Soils**

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

**Air and microclimate**

The construction and operation of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution, subject to appropriate dust controls being implemented during the subdivision works. Standard precautionary site management condition recommended.

**Flora and fauna**

The Applicant has submitted an ecological assessment prepared by FloraFauna Consulting and dated 15 December 2017.

The report identifies the following impacts that the development is likely to have:

- Removal of approximately 65 trees from the development footprint, including 6 hollow bearing trees;
- Interruption to ecosystem processes;
- Weed invasion;
- Impacts on Koala habitat;
- Changes in animal behaviour due to the presence of humans.

The report has considered an Assessment of Significance (Seven-Part Test) in accordance with former Section 5A of the Environmental Planning and Assessment Act 1979 (as provided for in the transitional provisions of the Biodiversity Conservation Act 2016).

The FloraFauna Consulting report concludes that the proposal is unlikely to have any significant adverse impacts on flora and fauna subject to the following conditions, which are recommended to form part of the consent.

- Implementation of a Vegetation Management Plan (VMP);
- Dedication of environmental land in accordance with the Area 15 Planning Agreement;
- Retention of existing vegetation in the Crown road reserve along the eastern and northern sides of the site.

A VMP has been submitted with the application consistent with the above recommendations, which is considered acceptable to Council's Environmental Services staff.

The service corridor for sewer through adjoining land to the east relies upon clearing recently approved under DA2017 – 394.1, which was subject to a separate ecological assessment. A condition is recommended requiring all clearing within the service corridor for sewer to be carried out in accordance with the requirements of that consent.

**Waste**

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

**Energy**

The proposal includes a range of lot sizes and shapes capable of accommodating future energy efficient dwellings. No adverse impacts anticipated.

**Noise and vibration**

See comments earlier in this report under Clause 7.9 of the LEP regarding the potential impacts of road traffic noise on the subdivision. With the mitigation provided by the proposed landscaped mound and acoustic fence along the Ocean Drive frontage, future dwellings would achieve satisfactory internal noise levels. Category 2 construction will be required for the lots adjoining Ocean Drive, and a condition has

been recommended requiring appropriate title restrictions to ensure that this is achieved.

Condition also recommended to restrict construction to standard construction hours.

**Bushfire**

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes.

The applicant has submitted a bushfire report prepared by David Pensini Building Certification and Environmental Services.

The Commissioner has assessed the development and has issued a Bushfire Safety Authority dated 27 February 2018. A further Bushfire Safety Authority dated 20 June 2018 was issued following amendment of the plans during the assessment process. A condition is recommended incorporating the RFS conditions dated 20 June 2018 into the consent.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The subdivision road layout would provide for passive surveillance of public spaces and appropriate street lighting will be provided.

**Social impacts in the locality**

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts. The Local Environmental Study that informed the rezoning of the urban release area considered the likely demand for services for future residents of the area, and appropriate land has been planned/zoned for business and recreational uses.

**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**

With appropriate construction management the subdivision works are not expected to significantly impact neighbouring residents. Some disruption to local traffic is expected to occur during the construction of Road 01 in the current Crown Road, construction of the Road 01/Ocean Drive intersection, and construction of the Road 08/Lake Ridge Drive intersection.

**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. The proposed subdivision is consistent with the strategic planning for the area.

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
<p>There is insufficient detail provided to show the effects of installing a culvert at the road crossing and adjacent to the south-west boundary of No. 4 Lake Ridge Drive, and the associated raising of the road level in Lake Ridge Drive.</p>	<p>As part of the strategic planning work for the Area 15 urban release area, Council commissioned Worley Parsons to carry out detailed investigations of flooding and stormwater management for the precinct.</p> <p>The 2011 Worley Parsons report recommended an engineering solution to address predicted off-site impacts on No. 4 Lake Ridge Drive and other properties, including raising the level of Lake Ridge Drive above the 1:100 flood level and construction of sufficiently large drainage culverts to convey upstream flood waters. A preliminary engineering design was prepared including the likely extent of works, and indicative culvert locations and sizing.</p> <p>The modelling carried out in the report predicted that there would be no increase in flood levels at No. 4 Lake Ridge Drive in a 1:100 ARI flood scenario, and a minor increase in flood levels of 10 – 60mm in the Probable Maximum Flood.</p> <p>Having regard to the location of the existing dwelling and access on No. 4 Lake Ridge Drive, the minor increase in levels in the PMF event are not considered likely to result in any adverse impacts to residents.</p>
<p>Impacts on No. 4 Lake Ridge Drive from construction, activities and traffic access. Rectification work should be the responsibility of the developer.</p>	<p>The Applicant has indicated that it is not expected that any works associated with the road and drainage would require access to, or works on the adjoining land. In the event that detailed design determines this to be necessary, the developer would need to obtain consent from the landowner, and any such agreement could include appropriate rectification work.</p>

Submission Issue/Summary	Planning Comment/Response
	Standard construction management conditions have been recommended, including construction hours, dust control, and erosion and sediment control.
Control of dust at all development phases.	A standard site management condition has been recommended to ensure appropriate dust control measures are implemented.
The calibration of stormwater flows should be reviewed given that more accurate computer software and more accurate data may be available than that used in the 2011 analyses.	<p>The developer will be required to carry out a detailed design for the road works and culverts as part of the Construction Certificate application. The design will need to be prepared in accordance with Council's engineering standards at the time of lodgement of the Construction Certificate (which could be some time as the works are part of Stage 10 of the development).</p> <p>Any required changes to the culvert sizing compared with the 2011 Worley Parsons report and expected to be capable of being accommodated without any significant change to the proposed road layout.</p>
Is there any conflict between the proposal and the vegetation clearing on the adjoining land under DA2017 – 394.1?	There is not considered to be any conflict between the proposal and the approved clearing of the adjoining land to the east. The proposal relies upon this consent for the vegetation clearing in the service corridor for sewer infrastructure.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

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

**5. CONCLUSION AND STATEMENT OF REASON**

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

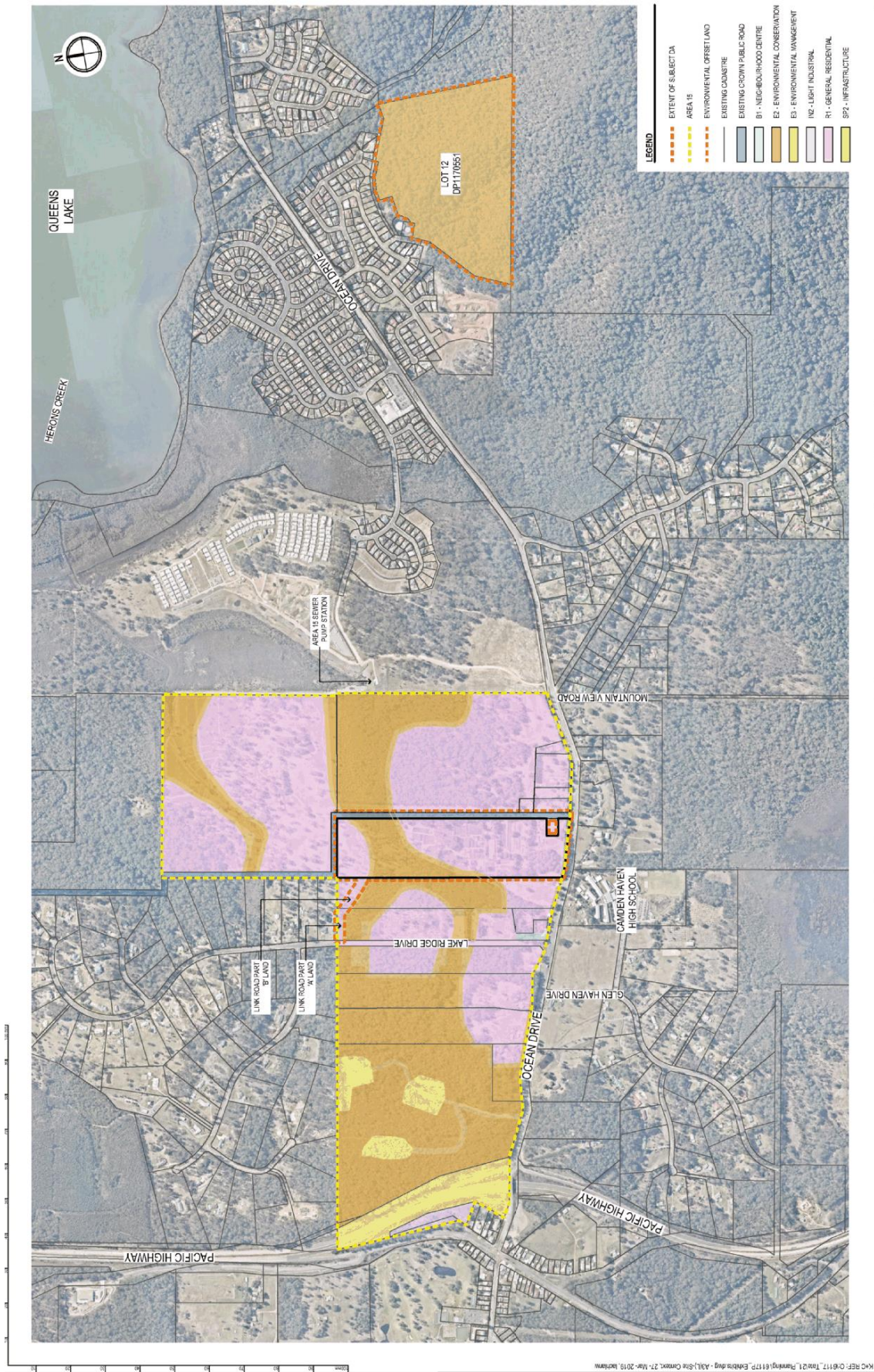
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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

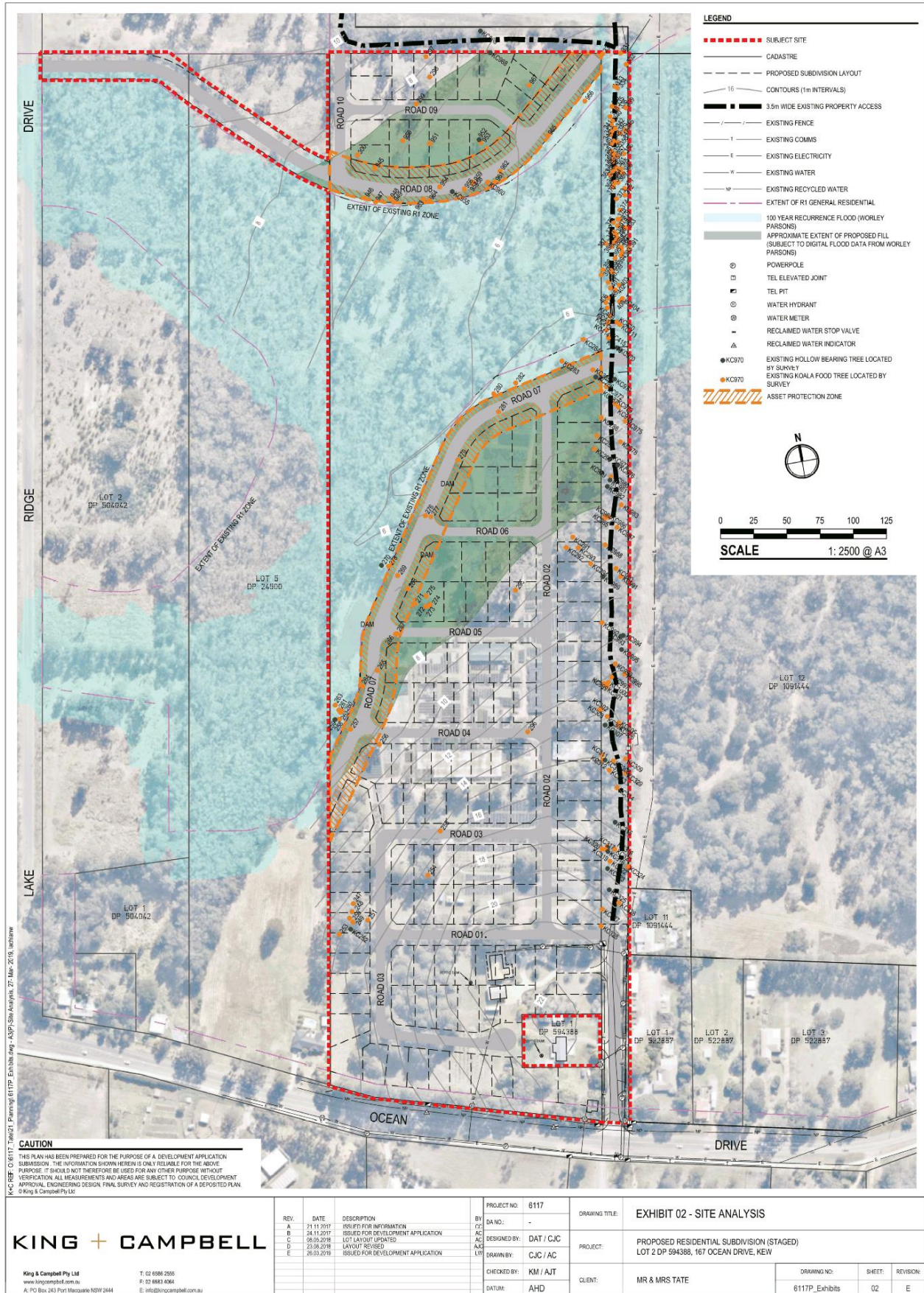
**Attachments**

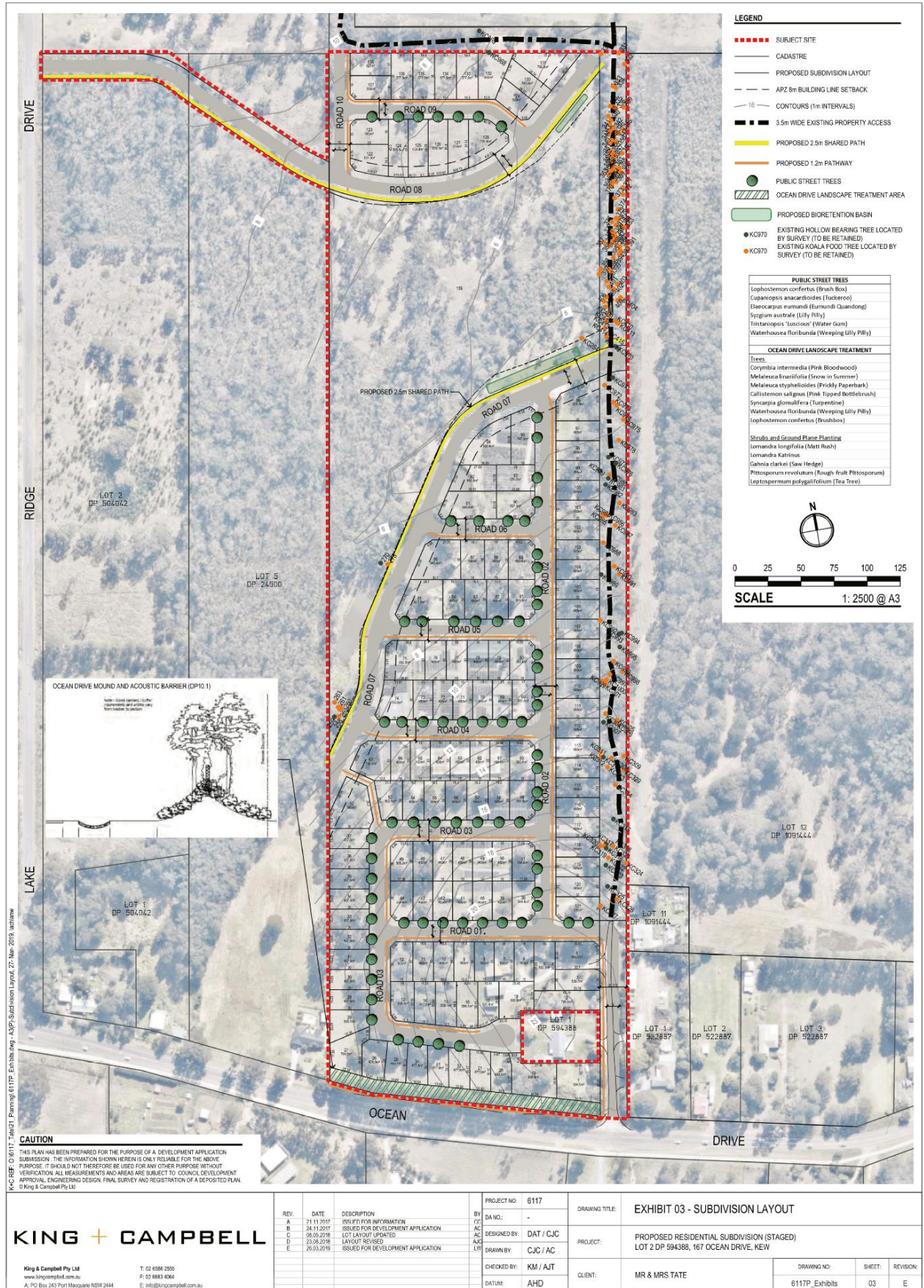
1 [View](#). DA2017 - 1059.1 Plan

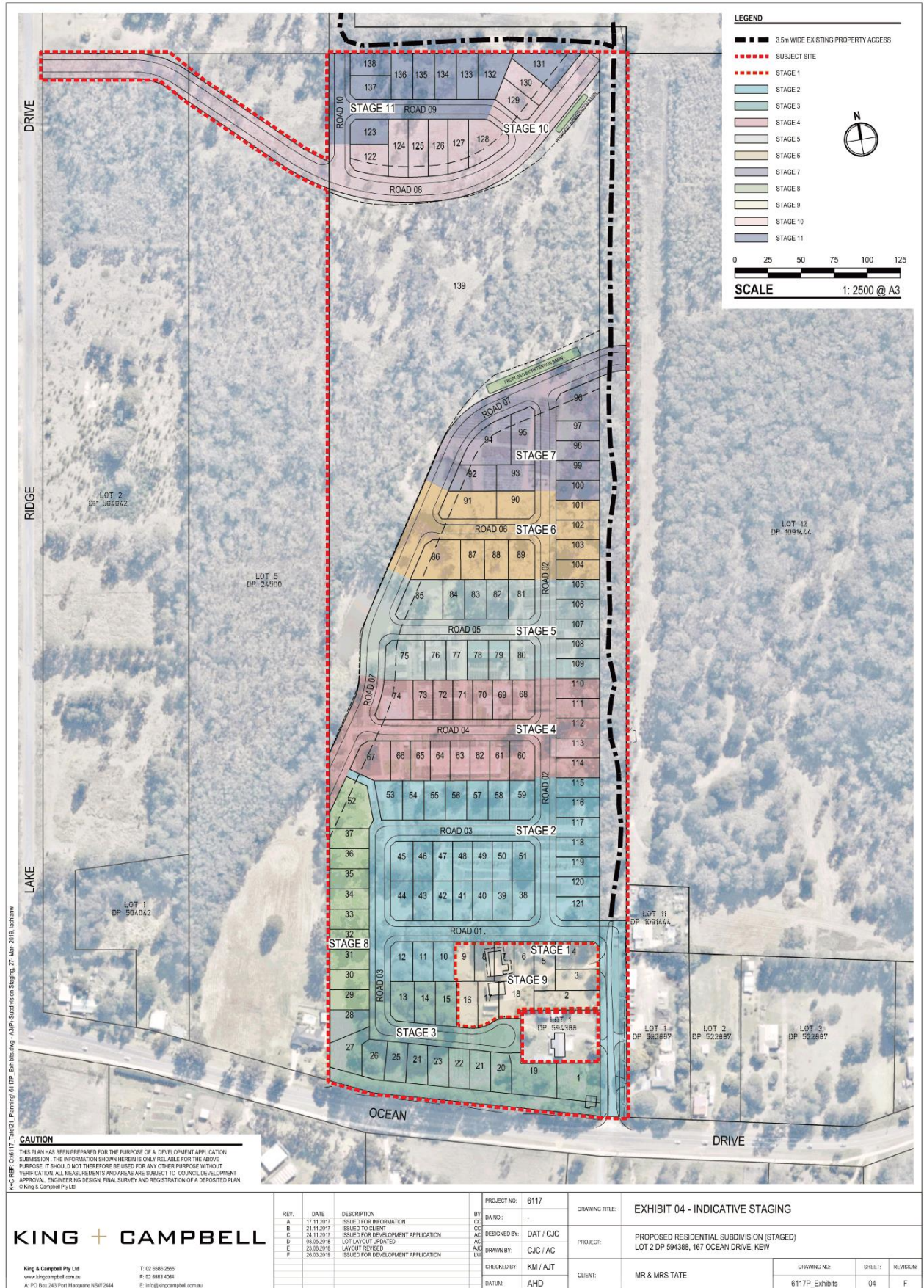
2 [View](#). DA2017 - 1059.1 Recommended Conditions.

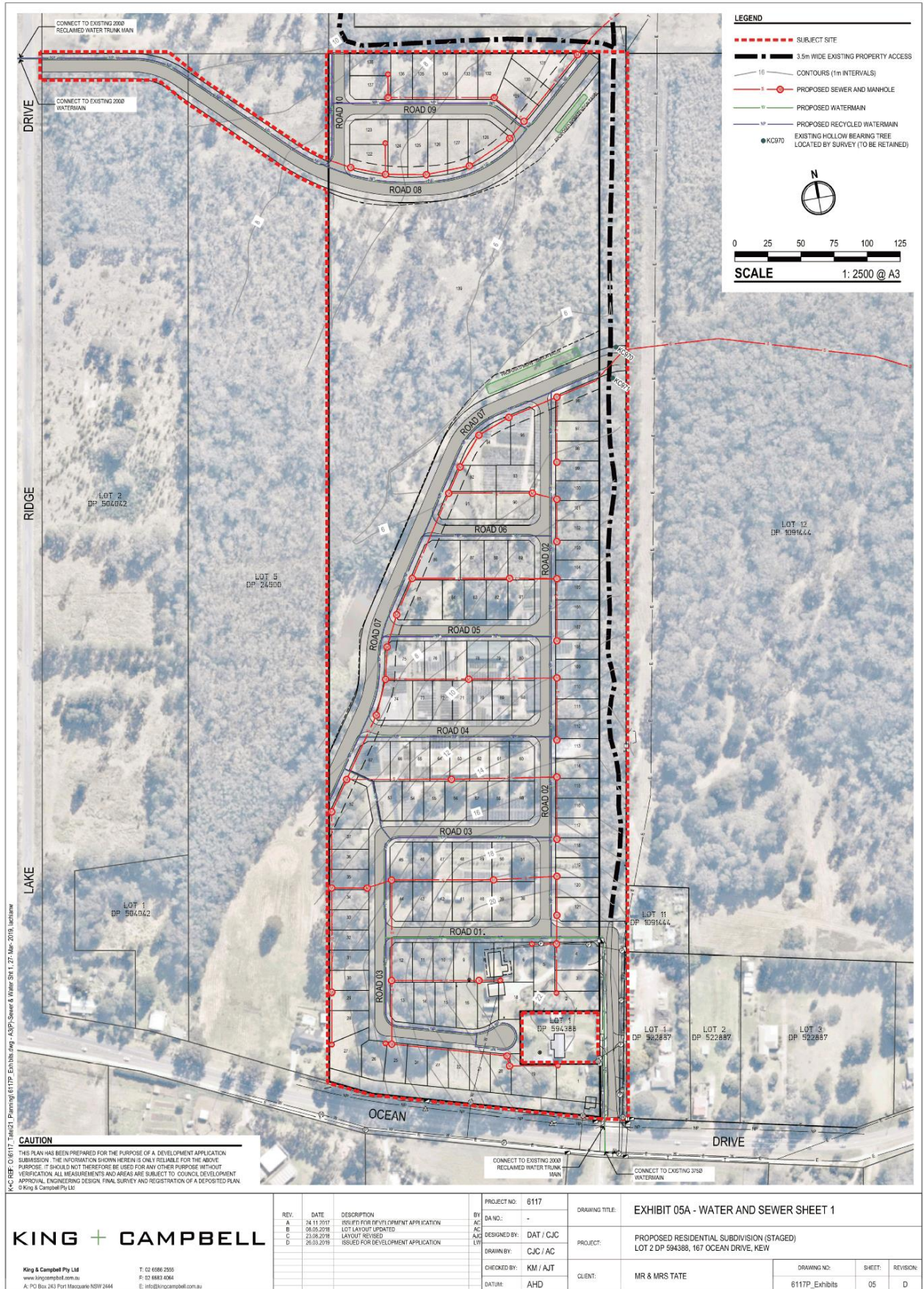


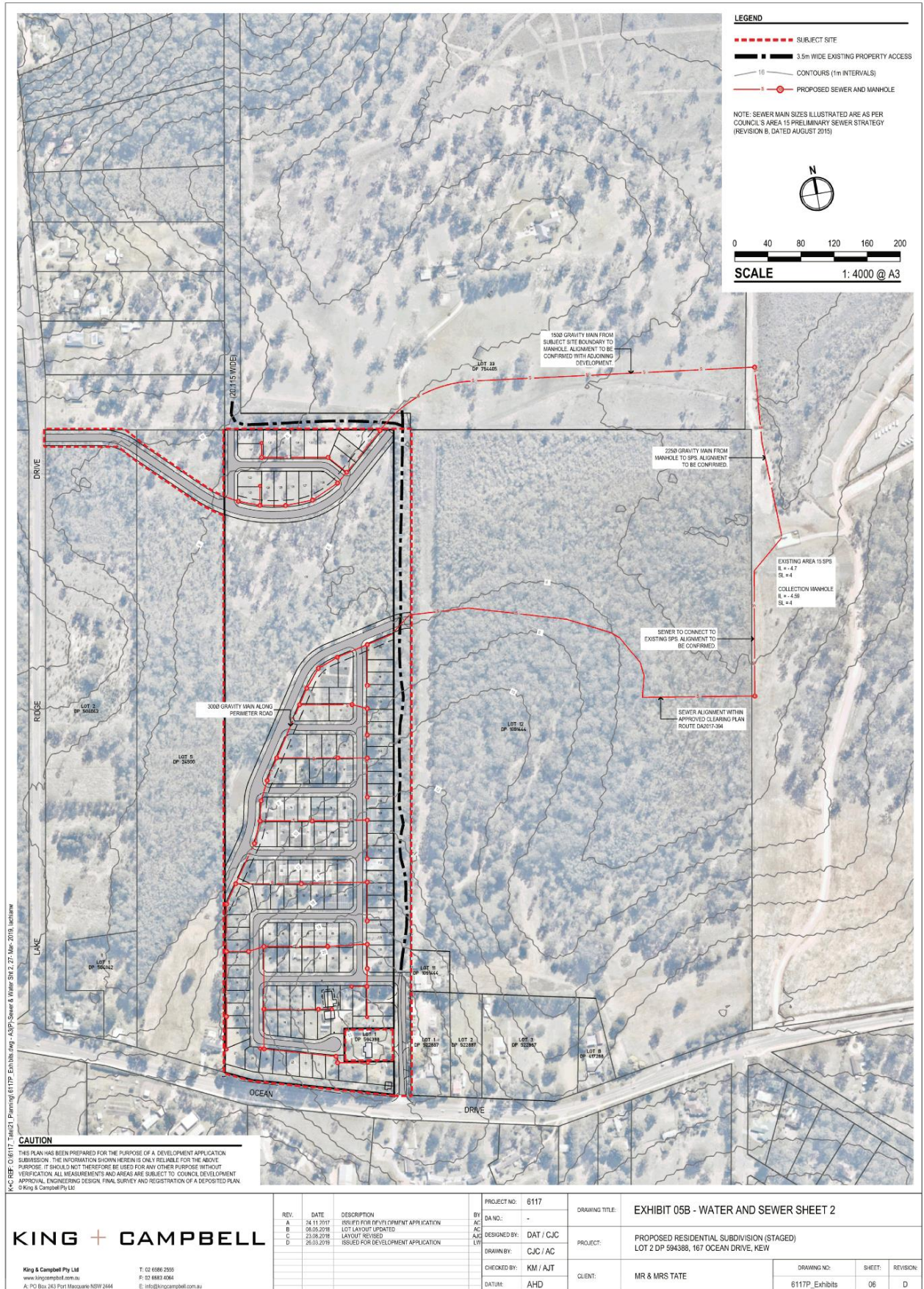
<b>KING + CAMPBELL</b>		<b>EXHIBIT 01 - SITE CONTEXT</b>		<b>A3</b>	
<p>King &amp; Campbell Pty Ltd            A: PO Box 243 Port Macquarie NSW 2444            T: 02 6583 2055            F: 02 6583 4054            E: info@kingandcampbell.com.au</p>		<p>DATE: 24.11.2017            BY: CC            DESCRIPTION: SUBMIT FOR DEVELOPMENT APPLICATION            2017/05/20</p>		<p>PROJECT NO: 6117            DRAWING TITLE: PROPOSED RESIDENTIAL SUBDIVISION (STAGED)            LOT 2 DP 954388, 187 OCEAN DRIVE, KEW</p>	
<p>REV: A            DATE: 24.11.2017            BY: CC            DESCRIPTION: SUBMIT FOR DEVELOPMENT APPLICATION            2017/05/20</p>		<p>DESIGNED BY: DAT / CJC            DRAWN BY: CJC / AC            CHECKED BY: KM / AUT            DATE CREATED: NOV 2017</p>		<p>DRAWING NO: 6117P_Enbids            SHEET: 01            REVISION: B</p>	

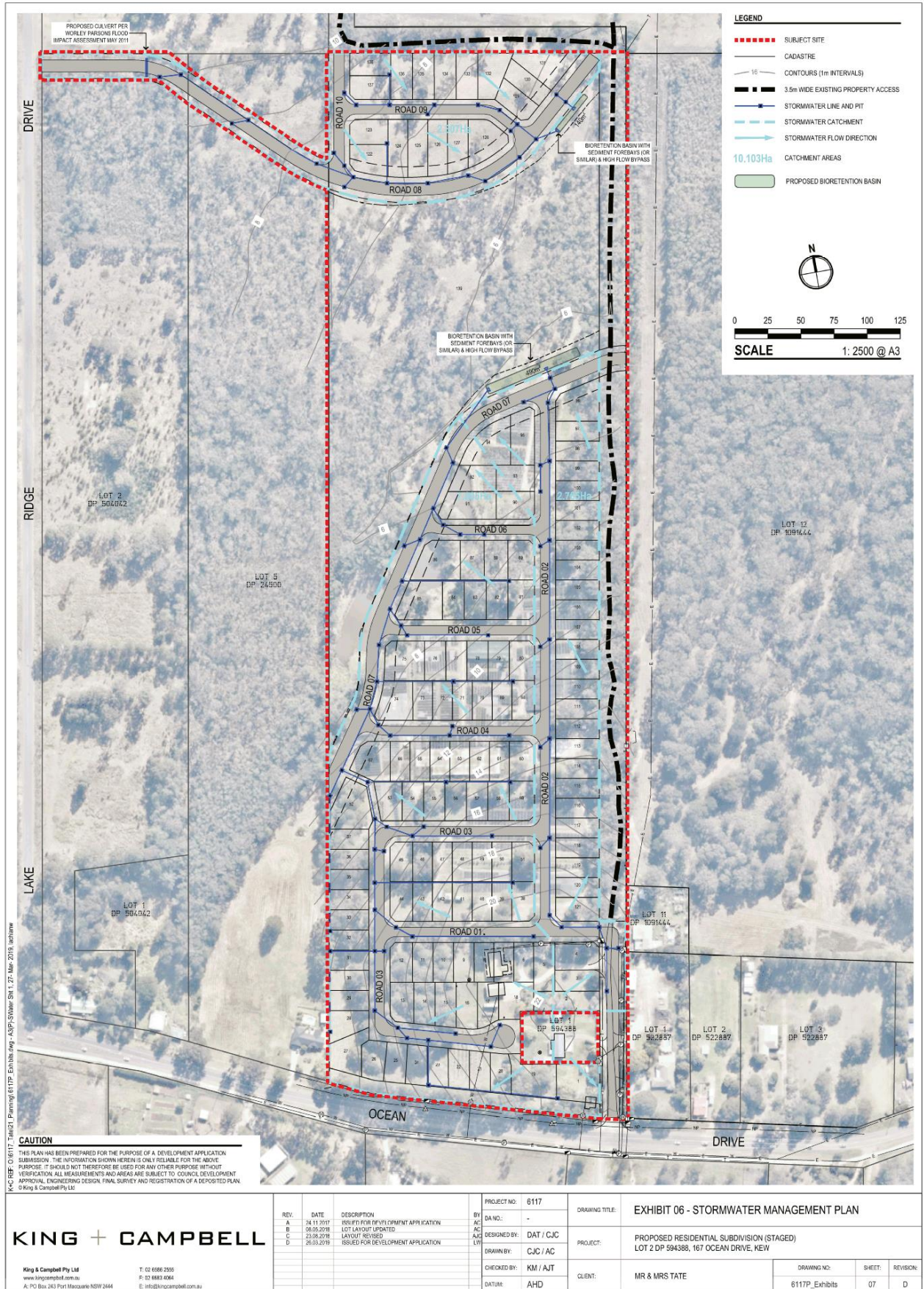












## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2017/1059**

**DATE: 16/08/2018**

### **PRESCRIBED CONDITIONS**

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

### **A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Plans	6117 Sheet 01 Rev B, Sheet 02 & 03 Rev E, Sheet 04 Rev F, & Sheet 07 Rev D	King & Campbell Pty Ltd	26 March 2017
Statement of Environmental Effects		King & Campbell Pty Ltd	
Stage 1 Site Contamination Assessment	RGS20661.1-AB	Regional Geotechnical Solutions	16 April 2018
Ecological Assessment	EA-2017-1603 – Final (Revision B)	FloraFauna Consulting	15 December 2017
Vegetation Management Plan	-	King & Campbell Pty Ltd	November 2017
Traffic Impact and Access Management Assessment	-	King & Campbell Pty Ltd	May 2018
Bushfire Hazard Assessment	-	David Pensini Building Certification and Environmental Services	November 2017

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

- (2) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1 – A single lot over proposed Lots 2 to 9 and 16 to 18 and a residual development lot;
  - Stage 2 – Lots 10 to 12, 38 to 51, 53 to 59, and 115 to 121;
  - Stage 3 – Lots 1, 13 to 15, and 19 to 28;
  - Stage 4 – Lots 60 to 74, and 110 to 114;
  - Stage 5 – Lots 75 to 85, and 105 to 109;
  - Stage 6 – Lots 86 to 91, and 101 to 104;
  - Stage 7 – Lots 92 to 100;
  - Stage 8 – Lots 29 to 37, and 52;
  - Stage 9 – Lots 2 to 9, and 16 to 18;
  - Stage 10 – Construction of Link Road (Road 08) and Lots 122, and 124 to 130;
  - Stage 11 – Lots 123, and 131 to 138.

Unless specified, the conditions of this consent will apply to all stages (excluding Stage 1), with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidays

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

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
  - **NSW Rural Fire Service** - The General Terms of Approval, Reference D17/4589 DA17121110818 WS and dated 20 June 2018, are attached and form part of this consent.
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development is required with design details in accordance with AUSPEC, Council Standard drawing ASD 103, and Council's Development Control Plan. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (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.
- (11) (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.

- (12) (A195) The Developer is to comply with the Area 15 Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 between Port Macquarie-Hastings Council and R D Tate and M L Tate. The planning agreement, as varied or substituted from time to time, is to be performed in connection with the carrying out of the development the subject of this consent.
- (13) (A196) The development is to be undertaken in accordance with the approved Vegetation Management Plan.
- (14) (A197) With exception of the section of Crown Road proposed to be used for the construction of Road 01 and Road 07 as shown on the approved plans, the development is not to encroach on the balance of the Crown Road adjoining Lot 2 DP 594388. The proponent may not:
- Remove any vegetation from the adjoining Crown road,
  - Stockpile materials, equipment or machinery on the adjoining Crown road,
  - Direct stormwater discharges onto the adjoining Crown road,
  - Use the adjoining Crown Road as an asset protection zone, or
  - Restrict public use and access of the adjoining Crown road.
- (15) (A198) The intersection of proposed Road 01 and Ocean Drive shall be upgraded to include at a minimum provision of a channelized turn (CH) treatment for right-turns and basic turn (BA) treatment for left-turns. These works require application for approval by Council pursuant to Section 138 of the Roads Act prior to the issue of a Construction Certificate for Stage 2.
- The new intersection shall also incorporate:
- A pedestrian refuge to access the Schools to Schools shared path on the southern side of Ocean Drive;
  - A concrete footpath along the Ocean Drive frontage; and
  - An indented bus bay on Ocean Drive for eastbound bus services.
- Further investigation of the left-turn arrangement is required to determine if deceleration and acceleration lanes are required.
- (16) (A199) Any vegetation clearing on adjoining Lot 12 DP 1091444 and Lot 33 DP 754405 for the purpose of extending sewer infrastructure shall be carried out in accordance with DA2017 – 394.

#### **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 the Stage 1 Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be

constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Water supply reticulation.
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stages 2-11 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:
2. Road works along the frontage of the development.
  3. New roads within the subdivision.
  4. Earthworks, including filling of the land for flood protection.
  5. Sewerage reticulation.
  6. Water supply reticulation.
  7. Stormwater systems.
  8. Erosion & Sedimentation controls.
  9. 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
  10. Landscaping.
  11. Traffic management control plan.
  12. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings located at the northern side of Ocean Drive, and the northern and southern sides of proposed Road 07 in accordance with DCP and AUSPEC requirements.
  13. Provision of concrete footpath along all internal roads and the northern side of Ocean Drive.
  14. Detailed intersection layout at the junction of Ocean Drive and proposed Road 01, the junction of proposed Road 01, proposed Road 02 and the existing Crown Road, the junction of proposed Road 08 and Lake Ridge Drive, and each internal intersection in accordance with the current version of the AUSTROADS guidelines for Intersection design, giving particular attention to sight distance.
- (4) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of the Construction Certificate such details are to be illustrated on the submitted plans.

Road No.	Road Reserve/Pavement Width (m)	Road Type
01 North-South up to and including Intersection of Road 02	20 (9)	Collector
01 East-West	15/16 (7)	Local

02	15/16 (7)	Local
03	15/16 (7)	Local
04	15/16 (7)	Local
05	15/16 (7)	Local
06	15/16 (7)	Local
07	19 (9)	Collector
08	19 (9)	Collector
09	15 (7)	Local
10	16 (8)	Local

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

Such works include, but not be limited to:

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

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (6) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.

- (7) (B015) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Construction Certificate.

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

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Construction Certificate.

- (9) (B019) The local water supply reticulation mains are to loop within the subdivision to minimise dead ends and connect to the existing reticulation wherever possible.

- (10) (B022) Prior to issue of a Construction Certificate for the proposed total development, the proponent is to provide a water supply strategy detailing subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.

- (11) (B030) Prior to issue of Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
  - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
  - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (12) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures (if required) is to be submitted to Port Macquarie-Hastings Council prior to the release of the Construction Certificate.
- (13) (B050) A Remedial Action Plan for the site in accordance with the NSW OEH (2011) *Guidelines for Consultants Reporting on Contaminated Sites* shall be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Stage 1 Construction Certificate.
- (14) (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) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6117 Sheet 07 Rev D prepared by King & Campbell Pty Ltd and dated 26 March 2019.
  - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
  - d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
  - g) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- (15) (B052) The provision of 3m x 3m splay corners or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.

- (16) (B056) The stormwater network proposed with the application for Construction Certificate is to include provision to each subdivided lot of a direct point of connection to Council's future piped drainage system.
- (17) (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.
- (18) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (19) (B195) Development areas (all roads and land) are to be filled to post development flood levels (including climate change scenario) identified in the Floodplain Encroachment Assessment (Worley Parsons, June 2009 and Supplementary Report May 2011). The Flood Planning Level is set at:
- a) the PMF level north of the main flood corridor through the site, to avoid the need for flood evacuation in rare events.
  - b) the 1 in 100 year flood level including the applicable climate change allowance (FPL2) south of the main flood corridor through the site.
- Prior to release of the Construction Certificate, levels satisfying this requirement shall be clearly illustrated on the plans.
- (20) (B196) Preliminary modelling of the potable water supply reticulation indicates that the development site can be serviced from an extension off the 375mm trunk main on the opposite side of Ocean Drive & an extension off the 200mm reticulation main in Lake Ridge Drive. Water main size requirements shall be confirmed by Council's Water and Sewer Section with application for the Construction Certificate.
- (21) (B197) Council's existing sewer system shall be extended and sized to facilitate adjoining developments at no cost to Council. Where applicable, sewer lines are to be extended to lot boundaries to allow further extension by adjoining developments. Detailed sewer engineering plans are to be submitted to Council's Water and Sewer Section with an application for an Infrastructure Construction Certificate.
- (22) (B198) At the terminal end to any public road associated with the given development stage, "dead-end" roads are to be extended to AUSPEC standard (AUSPEC D1.5) joining smoothly with the existing section of road ending in a temporary sealed cul-de-sac with reflectorised posts. Details are to be submitted with the Construction Certificate application.
- Prior to Subdivision Certificate, a special terms right of carriageway shall be formed over temporary turning circles to enable the use of the turning area by Council and the public with formal release of the easement in full with future road dedication of the turning area.
- (23) (B199) Proposed Road 01 is to be upgraded to collector road standard from the intersection of Ocean Drive for the extent that the Crown road is to be dedicated to Council, including footpath on one sides of the road. Details are to be submitted for approval prior to the issue of the Stage 2 Construction Certificate.
- (24) (B200) A landscaped mound and acoustic fencing shall be provided for the Ocean Drive frontage generally in accordance with the approved plan. Details are to be submitted for approval prior to the issue of the Stage 3 Construction Certificate.
- (25) (B201) Prior to the issue of the Stage 2 Construction Certificate the Principal Certifying Authority shall be provided with evidence of consent from the

owners of the following land for the purpose of carrying out extension of sewer infrastructure to serve the development:

- a) Lot 12 DP 1091444 (No. 201 Ocean Drive, Kew); and
- b) Lot 33 DP 754405 (No. 169B Ocean Drive, Kew); and
- c) Lot 4 DP 1205335 (No. 11 Resort Road, Kew).

Alternatively, evidence may be provided that sewer infrastructure has been extended to the property boundary by a neighbouring developer.

- (26) (B202) Prior to the issue of the Stage 10 Construction Certificate the Principal Certifying Authority shall be provided with evidence of consent from the owners of the following land for the purpose of construction of Road 08:

- a) Lot 2 DP 504042 (No. 131 Ocean Drive, Kew); and
- b) Lot 5 DP 24500 (No. 139 Ocean Drive, Kew).

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

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (3) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (4) (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.
- (5) (C195) A hazardous materials inspection shall be carried out prior to the demolition of any existing buildings.
- (6) (C196) Containers of chemicals and fuels to be disposed of in accordance with Council and EPA requirements prior to demolition 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. at the commencement of earthworks;
- d. when the sub-grade is exposed and prior to placing of pavement materials;
- e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- f. at the completion of each pavement (sub base/base) layer;
- g. before pouring of kerb and gutter;
- h. prior to the pouring of concrete for sewerage works and/or works on public property;
- i. on completion of road gravelling or pavement;
- j. during construction of sewer infrastructure;
- k. during construction of water infrastructure;
- l. prior to sealing and laying of pavement surface course.

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

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

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](#)

- (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.
- (8) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (9) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
  - a. CBR test results, and
  - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

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

- (1) (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.
- (2) (E006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Council, in accordance with the approved Construction Certificate.
- (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) (E008) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 7.11 contributions, and the contributions specified in the Area 15 Planning Agreement, 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 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) (E009) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (E034) Prior to the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards. Details shall be provided:
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E044) The applicant will be required to submit prior to the issue of the Subdivision Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (10) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (11) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (12) (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.

- (13) (E061) Landscaped areas being completed prior to occupation or issue of the Subdivision Certificate. Public landscaping may be bonded as agreed to by Council.
- (14) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
  - Include instruction for completion of 'Lighting Requirements';
  - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
  - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.
- (15) (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
- (16) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (18) (E073) Prior to issue of any Subdivision Certificate, proof that the State Infrastructure Levy (if applicable) has been paid is to be submitted to the certifying authority.
- (19) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- a. Prohibiting direct vehicular access to and from the Crown Road for Lots 96 to 121, 131 to 136, and 138.
  - b. Prohibiting direct vehicular access to and from Road 03 for Lot 52.
  - c. Prohibiting direct vehicular access to and from Ocean Drive for Lots 1 and 19 to 27 inclusive.

- d. Restriction for future dwellings on all lots fronting Ocean Drive (Lots 1 and 19 – 27) to have Category 2 construction in accordance with the NSW Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)*.

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

- (20) (E078) The land identified as proposed drainage land, and environmental land under Council's control is to be dedicated to Council for such purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (21) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (22) (E080) The applicant is required to make provision in the application for the Stage 3 Subdivision Certificate:
  - a. dedication as public road of the area required for road widening adjacent to Ocean Drive,
  - b. dedication as public road of a 3m x 3m splay corner.
- (23) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report certifying construction of all earthworks as controlled fill in accordance with Council AUS-SPEC Standard and AS 37898. Such report to provide details of:
  - a. The surface levels of the allotments created, filled or reshaped as part of the development.
  - b. Compaction testing carried out to Controlled Fill Standard as per AS 3798.
  - c. Standard penetration tests and calculated N values.
  - d. Bore logs.
  - e. Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (24) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (25) (E195) Prior to the issue of the first Subdivision Certificate use of the wholesale nursery is to cease. Buildings and structures associated with this use on the development lot are to be demolished prior to the issue of the Subdivision Certificate for the relevant Stage that contains the building/structure. The existing dwelling may be retained until Stage 9 of the development.
- (26) (E196) A report outlining the validation of all soil excavations (resulting from the removal of contaminated soils) and fill materials, carried out in accordance with the NSW OEH (2011) *Guidelines for Consultants Reporting on Contaminated Sites*, shall be submitted to and approved by Port Macquarie-Hastings Council prior to issue of the Stage 1 Subdivision Certificate.

- (27) (E197) Prior to the issue of a Subdivision Certificate for Stage 10, the Bushfire Management Land shall be established and dedicated to Council in accordance with the Area 15 Planning Agreement.
- (28) (E198) The existing dwelling is to be connected to sewer and the on-site wastewater management system decommissioned in accordance with NSW Health Advisory Note 3 prior to the issue of the Stage 2 Subdivision Certificate.
- (29) (E199) In accordance with the *Area 15 Sewerage Servicing Strategy (August 2015)*, the Kew Kendal Sewer Treatment Plant shall be upgraded prior to the release of the Subdivision Certificates for Stages 2 to 11 inclusive. Consultation is required with Council's Water and Sewer Section regarding the estimated completion of works which is subject to the Capital Works Program Schedule.

**F – OCCUPATION OF THE SITE**

nil

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**Item: 07**

**Subject: DA2018 - 1110.1 ALTERATIONS AND ADDITIONS TO EXISTING BUILDING AND CHANGE OF USE TO SPECIALISED RETAIL PREMISES AT LOT 2 DP 598025, NO. 215 LAKE ROAD, PORT MACQUARIE**

**Report Author: Patrick Galbraith-Robertson**

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**Applicant: Artazan Property Group Pty Ltd**  
**Owner: BWP Trust**  
**Estimated Cost: \$4.18M**  
**Parcel no: 11802**

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

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

#### **RECOMMENDATION**

**That DA2018 - 1110 for Alterations and Additions to Existing Building and Change of Use to Specialised Retail Premises at Lot 2, DP 598025, No. 215 Lake Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a Development Application for alterations and additions to existing building and change of use to specialised retail premises at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

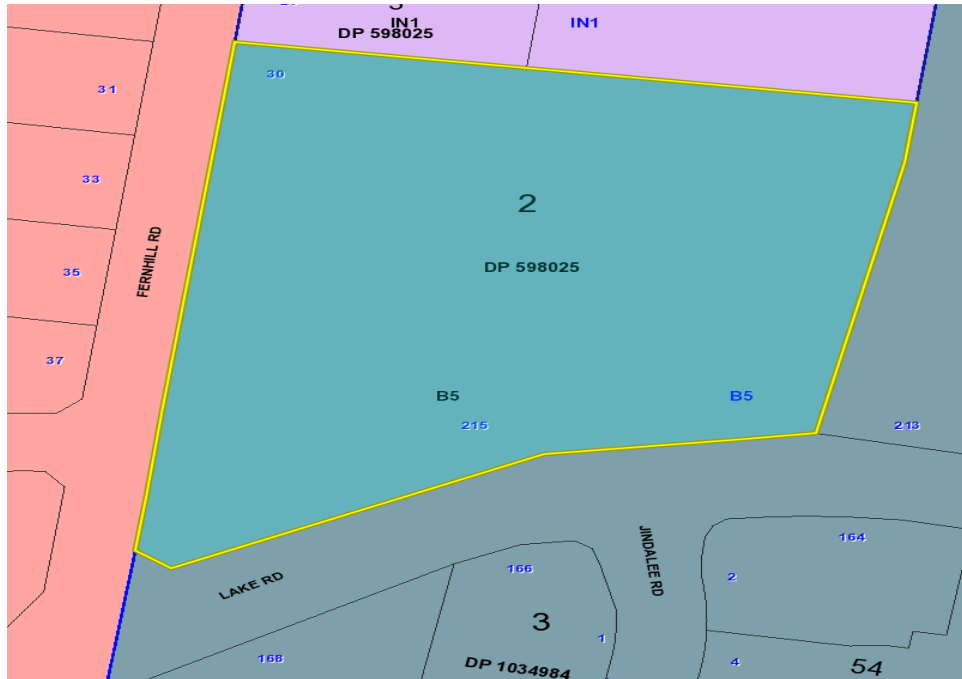
Following exhibition of the application, one (1) submission has been received.

#### **1. BACKGROUND**

##### **Existing sites features and Surrounding development**

The site has an area of 2.021 hectares.

The site is zoned B5 Business Development 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:

Alterations, additions and change of use to specialised retail premises including:

- Internal tenancy subdivision to create five(5) tenancies;
- Internal alterations;
- Demolition of existing nursery canopy, columns and gates;
- Demolition of existing walls, gates and roof of enclosed playground
- External façade works;
- Reconfiguration of carparking (205 parking spaces up from current 137 spaces) and driveways;
- Tree removal. Existing site landscaping would be predominantly retained, excepting some of the trees located throughout the car parking area. The removal of these trees is required to facilitate the proposed car park;
- No additional gross floor area (GFA) is proposed; and
- Proposed hours of operation 7am to 9pm, 7 days.

Refer to attachments at the end of this report.

### **Application Chronology**

- 8 January 2019 – DA lodged with Council.
- 11 to 24 January 2019 – Neighbour notification of proposal.
- 30 January 2019 – Copy of submission forwarded to Applicant for consideration.
- 19 February 2019 – Additional information requested – relationship to future road upgrades planned by Council, stormwater management and clarification of vegetation removal.
- 28 February 2019 – Additional information received.
- 28 February 2019 – Applicant response to submission issues forwarded to Submitter for consideration.
- 26 March 2019 – Draft consent conditions forwarded to Applicant of consideration
- 2 April 2019 - feedback on draft consent conditions

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(1) Matters for Consideration**

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

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

#### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

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

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

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

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

Given the nature of the proposed development 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**

No signage is proposed under this application. It is recommended that a standard condition be imposed to require approval for signage other than signage which is exempt development.

**State Environmental Planning Policy (Infrastructure) 2007**

The proposal includes a rooftop solar energy system which is permissible in accordance with clause 34. The roof top solar system proposed is suitably located and no adverse environmental impacts can be identified.

**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 B5 Business Development. In accordance with clause 2.3(1) and the B5 zone landuse table, the proposed development for specialised retail premises is a permissible landuse with consent.

The objectives of the B5 zone are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To minimise conflict between land uses within the zone and with adjoining zones.*
- *To ensure that new developments make a positive contribution to the public domain and streetscape.*

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

- the proposal is a permissible landuse;
- the proposal will provide for opportunity for specialised retail premises with large floor areas.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 10.96m which complies with the standard height limit of 14.5m 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 including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(a)

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

No draft instruments apply to the site.

**(a)(iii) Any DCP in force**

**Port Macquarie-Hastings Development Control Plan 2013:**

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The proposed development relates to the existing built form and facilities on the site and does not entail any significant earthworks.	Yes
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Tree removal proposed however no significant trees proposed to be removed to warrant specific offset planting.	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	No new access proposed to arterial or distributor road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	No change to existing driveway crossings	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. Bulky goods premises < 500 m <sup>2</sup> GFA - 1 per 70 m <sup>2</sup> Gross Floor Area (GFA) >500 m <sup>2</sup> GFA - 1 per 100 m <sup>2</sup> GFA for display + 1 per 2 employees (warehouse area)	Proposal involves: Tenancy 1 + 15 employees = 3500m <sup>2</sup> display + 1500m <sup>2</sup> warehouse with 15 employees Tenancy 2 = 536m <sup>2</sup> Tenancy 3 = 560m <sup>2</sup> Tenancy 4 = 560m <sup>2</sup> Tenancy 5 = 560m <sup>2</sup>	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		Calculations = Tenancy 1 = 35 + 8 spaces Tenancy 2 = 8 spaces Tenancy 3 = 8 spaces Tenancy 4 = 8 spaces Tenancy 5 = 8 spaces  Total required = 75 spaces  The development proposes 205 parking spaces on-site which is also an increase from the current 137 spaces on-site.	
2.5.3.11	Section 94A contributions	Contributions apply - refer to ET calc attached to report and NOP to be issued with consent.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

The proposal does not contravene any of the applicable commercial development control provisions noting that the proposal is for alterations and additions to an existing building with no increase in gross floor area. Satisfactory loading bay requirements are also provided.

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

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

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

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

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

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

**Context and Setting**

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

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

The proposal does not have any identifiable adverse impacts on existing significant view sharing.

The proposal does not have significant adverse lighting impacts subject to standard conditions recommended to address potential for light spill and obtrusive lighting.

There are no significant adverse privacy or overshadowing impacts.

**Roads**

The site has road frontage to Lake Road and Fernhill Roads, both under the care and control of Council. Lake Road is a Sub-Arterial and Fernhill Road is a Collector. Both roads have upright kerb and gutter.

**Traffic and Transport**

The application includes a Traffic Impact Assessment from Ason Group who have concluded:

- The proposal generally relates to alteration of the existing Bunnings warehouse development to 5 smaller tenancies (The Proposal).
- The Site is located within Port Macquarie-Hastings Council Local Government Area. It generally has good access to the broader road network with respect to its location on key roads. Connectivity to public transport is somewhat restricted due to the limited high-frequency public transport services provided within the area. Notwithstanding, the nature of the proposed uses – including bulky goods premises – is not likely to substantially rely on the use of public transport services.
- In response, 205 car parking spaces are proposed and will ensure that all parking demands generated by the Proposal would be accommodated on-site and would not have any adverse impacts to the availability of on-street parking in the area.

A summary of the traffic generation potential of the site under existing and proposed scenarios is provided below.

<b>Period</b>	<b>Existing</b>	<b>Proposed</b>	<b>Net Increase</b>
Weekday	273	179	-94
Weekend	364	279	-85

In this regard, the Proposal will result in less traffic generation and therefore is considered to have no material impact on the surrounding road network.

The site access, car park, customer click and collect parking spaces and loading areas design has generally been designed having regard for relevant Australian Standards (AS2890 series). A standard condition of consent requiring compliance with AS2890 would be considered sufficient to ensure that any minor changes to the plans required, if any, could be undertaken as part of detailed Construction Certificate documentation.

In summary, the proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

**Site Frontage & Access**

Vehicle access to the site is proposed through existing driveways on Lake Road and Fernhill Road.

There is an existing footpath along part of the Fernhill Road and Lake Road frontage.

**Parking and Manoeuvring**

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

**Water Supply Connection**

Council records indicate that the development site will be serviced through a 150mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

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

Refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that the development site will be connected to Sewer via junction to the existing sewer line that runs along the eastern property boundary. A sewer reticulation strategy shall be submitted to Sewer Section which complies with Council's adopted design specifications.

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

Refer to relevant conditions of consent.

**Stormwater**

Following the review of the updated Concept stormwater management plan dated 20 February 2019, Council's previous request for more information regarding site discharge has been addressed, and no further objections to the development are identified.

This development is located adjacent to an area known to have overland stormwater issues during heavy storm events, which includes Lake Road and Jindalee Road. The development site has had previous reported stormwater issues relating to overland flows leaving the site, exacerbating the downstream issues on Lake Road and Jindalee Road.

Council has reviewed the Concept Stormwater Management Plan by Northrop Engineering and are satisfied with the proposed stormwater system. The stormwater management plan has identified by hydraulic modelling that the existing stormwater system within the development site is under-capacity, with large ponding depths within on-site car parking areas, and site discharges not complying with AUSEPC D5

requirements. In response to the inadequate capacity of the existing system within the site, the applicant has proposed to increase the capacity of the detention system by 50 cubic metres, and a small decrease in total site impervious area through landscaped areas. The result from increasing on-site detention volume indicates that site discharge will be less than pre-development discharge meeting Councils AUSPEC D5 requirements. The proposed site discharge results provided in the Stormwater Management Plan would improve the existing issues experienced both on-site and the downstream catchment.

The stormwater management plan also addresses water quality targets as per AUSPEC D7 requirements, with proposed gross pollutant treatment devices to be included in the stormwater design. The applicant has demonstrated that D7 targets are met by modelling the change of use of an area, currently a nursery to an increase in car parking spaces. Existing water quality treatment devices are proposed to remain in place to treat existing areas that are to be un-changed, with the additional water quality devices to treat the proposed car park extension.

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

Refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being partly bushfire prone.

Satisfactory defensible space and water supply is available to satisfy the objectives of NSW Rural Fire Service's Planning for Bushfire 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. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

One (1) written submission has been received from No. 27 Fernhill Road, Port Macquarie following public exhibition of the application.

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

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Request that all lighting be reviewed by a competent independent lighting professional in accordance with Australian Standards in relation to light spill. The current lighting has caused unnecessary light spill and glare to 27 Fernhill Road.	The Applicant has advised that the existing external lighting for the site is proposed to be upgraded in conjunction with the proposed development. Lighting will be designed and orientated to avoid light spill or glare for adjoining properties. More detailed lighting particulars will however form part of the detailed design phase, to occur post-approval of the DA. An appropriate condition of consent is recommended to address potential for obtrusive lighting.
The vehicle swept path analysis for trucks has not been provided including addressing trucks leaving the northern loading bay becoming compromised by cars parked on the eastern side of Fernhill Road.	Swept path analysis and design commentary has been included at Appendix A within the Traffic Impact Assessment. Review of on-street parking being restricted through the creation of a 'No Parking / No Standing' zone in proximity to the truck exit can be addressed separately to this DA approval. It is noted that this restriction would apply to the public roadway and is located outside of the site boundary.
Council requested to review its no parking/no standing near the truck exit driveway.	
The customer carpark exit onto Fernhill Road should have an emphasised giveaway sign.	In relation to the southern Fernhill Drive access point, it is acknowledged that all traffic from the site should give way to all public road traffic (vehicular and pedestrian traffic). A requirement for the installation of a new 'Give Way' sign at the exit point of the site is therefore to be recommended as a condition of consent.
The speed and number of vehicles using Fernhill Road does not interface well with the single lane choke that happens on turning into Siren Road.	With respect to the existing traffic situation in Siren Road, it is noted that this is not a matter of relevance to the subject DA. It is however noted that the proposal included additional parking to that previously provided which should reduce any overflow parking requirements.
There is currently no safe way for pedestrians to walk between the major shops on the north and south sides of Lake Road.	The existing traffic and pedestrian situation in Lake Road is not a matter included in the subject DA. Council is considering further improvements to Lake Road, however plans have not been finalised or funded and therefore cannot be included in the DA assessment.
Commend solar system installation however there is also a commitment to upgrade the electrical substation and perform civil works in the carpark and consider the inclusion of electric vehicle	The provision of electric vehicle charging outlets is not a Development Control Plan requirement and the Applicant has advised that it is not proposed at this time.

Submission Issue/Summary	Planning Comment/Response
charging outlets.	

**(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**

- No 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 7.12 of the Act.

**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 - 1110.1 Recommended Conditions
- 2 [View](#). DA2018 - 1110.1 Traffic Impact Assessment
- 3 [View](#). DA2018 - 1110.1 Survey Plans
- 4 [View](#). DA2018 - 1110.1 Architectural Drawings
- 5 [View](#). DA2018 - 1110.1 Civil Engineering Plans
- 6 [View](#). DA2018 - 1110.1 Concept Stormwater Management Plan
- 7 [View](#). DA2018 - 1110.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/1110****DATE: 2/04/2019****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
Survey plans	4 sheets	Geosurv	28 May 2018
Development plans	Sheets 0000 to 3001	Buchan	20 December 2018
Concept Stormwater Management Plan	Sheets 1 and 2	Northrop	14 December 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:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

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

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) A separate development consent must be obtained for any proposed advertising signs (other than signs which are exempt development) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A195) A separate development consent is to be obtained for the first use of the tenancies other than the occupation of the approved tenancies for the purposes of 'specialised retail premises' (as defined under Port Macquarie-Hastings Local Environmental Plan 2011) with no new building works to that approved under this consent.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate

invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Sewerage reticulation.
  2. Water supply plans 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.
  3. Stormwater systems.
  4. Erosion & Sedimentation controls.
- (3) (B010) Payment to Council, prior to the issue of the Construction Certificate (whichever occurs first) of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

- (5) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (6) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as the existing stormwater system.
  - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No C04-DA prepared by Northrop and dated 14 December 2018.
  - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
  - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
  - e) The design shall include water quality controls for any areas where a change of use results in increased pollutant loads, designed to achieve the targets specified within AUSPEC D7.
  - f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (7) (B073) A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a Construction Certificate.
- The dilapidation report is to be prepared by a practising Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.
- The applicant shall be responsible for public infrastructure. Any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.
- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (9) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B195) Council records indicate that the development site will be serviced through a 150mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

- (12) (B196) Council records indicate that the development site will be connected to Sewer via junction to the existing sewer line that runs along the eastern property boundary. A sewer reticulation strategy shall be submitted to Sewer Section which complies with Council's adopted design specifications.

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

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### D – DURING WORK

- (1) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
- notify Council immediately when the breakage occurs, and
  - repair the damage at no cost to Council
- (2) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
- Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
  - Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
  - Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

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

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

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

- (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) (E010) Driveways, access aisles and parking areas shall be provided with a concrete or asphalt 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).
- (4) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Final Occupation Certificate.
- (5) (E034) Prior to 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.
- (6) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that any new or amended areas of 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 issue of the Final Occupation Certificate.
- (7) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:  
  
"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".  
  
This plate is to be fixed into position prior to the issue of the Final Occupation Certificate.
- (8) (E046) Prior to the issue of the Final Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.  
  
The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
  - a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
  - b. The Proprietor shall have the OSD inspected annually by a competent person.
  - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
  - d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

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

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

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

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (10) (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.
- (11) (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.
- (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) (E068) Prior to the issue of the Final Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications

providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).

- (14) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (15) (E195) A maintenance plan shall be prepared for OSD and water quality devices on-site, to be submitted to certifier prior to Occupation Certificate. The plan shall provide scheduled maintenance requirements as per the manufacturer specification, and must be carried out in accordance with this plan.
- (16) Prior to issue of an Occupation Certificate a new 'Give Way' sign shall be installed at the exit point of the site to Fernhill Road.

#### **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.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (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.
- (4) (F025) Hours of operation of the development are restricted to the following hours:
  - 7am to 9pm – 7 days
- (5) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.



## Traffic Impact Assessment

Proposed Bulky Goods & Retail Development  
215 Lake Road, Port Macquarie

Ref: 0829r01v2  
17/12/2018

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## Document Control

**Project No:** 0829r01

**Project:** 215 Lake Road, Port Macquarie

**Client:** BWP Management Limited

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## Revision History

Revision	Date	Details	Author	Approved by
-	04/12/2018	Draft	S. Hu	T. Lewis
-	17/12/2018	Issue I	T. Lewis	T. Lewis
-	17/12/2018	Issue II	T. Lewis	T. Lewis

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## Appendices

Appendix A: Swept Path Analysis & Design Commentary



# 1 Introduction

## 1.1 Overview

Ason Group has been engaged by BWP Management Limited to prepare a Traffic Impact Assessment (TIA) report to support a Development Application (DA) for the proposed redevelopment of 215 Lake Road, Port Macquarie (the Site). The proposal generally relates to alterations to the existing Bunnings Warehouse to create 5 smaller tenancies (The Proposal). It is located within the Port Macquarie-Hastings Council and is therefore subject to that's Council's controls.

This TIA report provides an assessment of the relevant traffic, transport and parking implications of the Proposal. In preparing this TIA, Ason Group has referenced key planning documents, these include:

- Port Macquarie-Hastings Centres Development Control Plan 2013 (DCP)
- Port Macquarie-Hastings Local Environmental Plan 2011 (LEP)

This TIA also references general access, traffic and parking guidelines, including:

- Roads and Maritime Services, *Guide to Traffic Generating Developments* (RMS Guide)
- Roads and Maritime Services, *Guide to Traffic Generating Developments – Updated Traffic Survey* (RMS Guide Update)
- Australian Standard 2890.1: Parking Facilities – Off Street Car Parking (AS 2890.1)
- Australian Standard 2890.2: Parking Facilities – Off Street Commercial Vehicle Facilities (AS 2890.2)

## 1.2 Study Purpose

As outlined above, the primary purpose of this assessment is to provide a TIA in support of the DA. This includes:

- An outline of existing transport networks including road, public transport and active transport connections.
- Car parking provision compliance assessment in relation to relevant DCP requirements
- Assess the traffic generation of the Proposal and, where required, comment on the impacts to the surrounding road network.
- Review the proposed design of car parking and loading areas.



In relation to traffic impacts, this assessment relates to existing and committed upgrades. It is acknowledged that Council may be investigating other changes to the road network. Notwithstanding, plans for those changes are – as yet – not finalised or funded and therefore any implication thereof is considered outside the scope of this assessment.

### 1.3 Report Structure

The report is structured as follows:

- Section 2 provides a summary of the proposed development
- Section 3 describes the existing site conditions and land use
- Section 4 describes relevant public transport, pedestrian and cycling links.
- Section 5 outlines the parking requirements applicable to the proposed development.
- Section 6 assesses the traffic impacts of the development
- Section 7 discusses the site access and internal design of the development
- Section 8 provides a summary of the key conclusions.

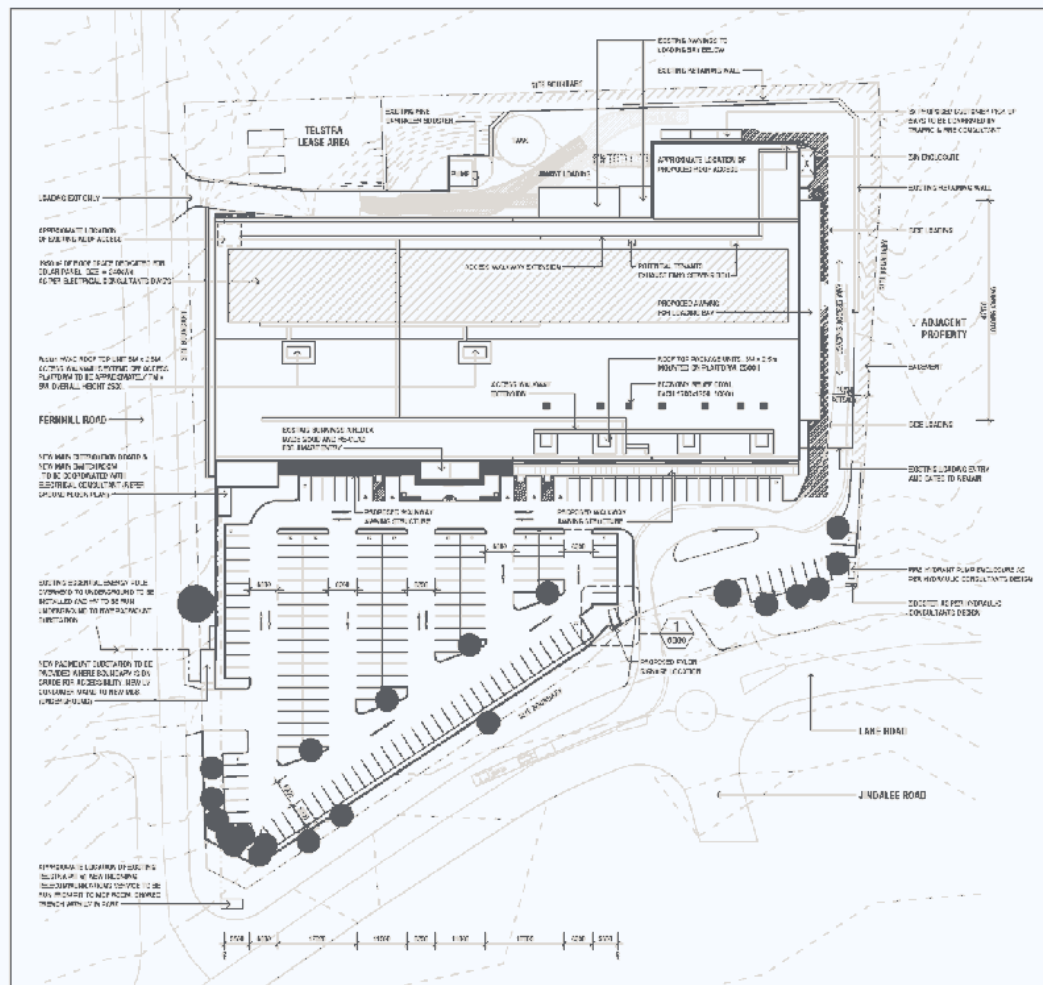


## 2 Overview of Proposal

A detailed description of the proposed development is included in the Statement of Environmental Effects, prepared separately. In summary, the application proposes alterations to the existing Bunnings warehouse, car park and loading bays. The following summarises key aspects of the Proposal:

- A total of 7,202m<sup>2</sup> GFA of retail floor area, comprising:
  - 5,000m<sup>2</sup> bulky goods retail (Amart Furniture Store). This includes 1,500m<sup>2</sup> of back-of-house warehouse area
  - 2,202m<sup>2</sup> of other retail shops
- Provision of ancillary parking and loading facilities:
  - 186 car parking spaces, including 5 accessible spaces
  - 4 loading bays
  - Customer “click and collect” parking spaces on the northern side of the building.

Reference should be made to the plans prepared by Buchan Group, which are submitted separately. A reduced copy of the relevant plans is reproduced at a reduced scale for context below.



**Figure 1: Proposed Site Plan**

### 3 Existing Conditions

#### 3.1 Site Details

##### 3.1.1 Location

The Site is located within Port Macquarie-Hastings Council LGA and lies approximately 2.5 kilometres southeast of Port Macquarie Airport. It has street frontages to Fernhill Road to the west and Lake Road to the south. A site location plan is presented in **Figure 2**.



**Figure 2: Site Location**

##### 3.1.2 Existing Land Use

The Site is currently zoned B5 Business Development under Port Macquarie-Hastings LEP 2011. It is currently occupied by Bunnings Warehouse.

A total of some 137 car parking spaces – including 3 car and trailer bays – are currently provided on-site.



### 3.1.3 Existing Site Access

The Site is currently serviced (and will continue to be serviced) via three access driveways:

- A combined driveway on Lake Road for light vehicle entry / exit and truck entry,
- A combined driveway on south Fernhill Road for light vehicle entry / exit, and
- An exit driveway on north Fernhill Road for truck use.

### 3.2 Existing On-street Parking

Lake Road is generally subject to No Stopping restrictions on both sides; however some off-peak parking spaces is available.

Fernhill Road generally permits on-street parking along both sides. A Bus Zone is also provided near the truck exit driveway from the Site.

### 3.3 Existing Site Generation

The existing Site is currently occupied by Bunnings Warehouse development. The RMS Guide Update provides the following traffic generation rate for major hardware and building supplies stores:

- Weekday peak hour vehicle trips: 4.2 vehicles per 100m<sup>2</sup> of gross floor area
- Weekend day peak hour vehicle trips: 5.6 vehicles per 100m<sup>2</sup> of gross floor area

Application of these rates to the current Bunnings Warehouse (with approximately 6,500m<sup>2</sup> GFA) results in an existing traffic generation of about:

- Weekday peak 273 veh/hr
- Weekend peak 364 veh/hr

### 3.4 Road Hierarchy

The key roads in the vicinity of the Site are summarised below:

- Lake Road – a local road that generally runs in the east-west direction to the south of the Site. It provides a connection from Oxley Highway to Ocean Drive and continues on to Gordon Street. Adjacent to the Site, Lake Road carries two lanes of traffic in both directions. A speed limit of 50 km/h applies to Lake Road in the vicinity of the Site.

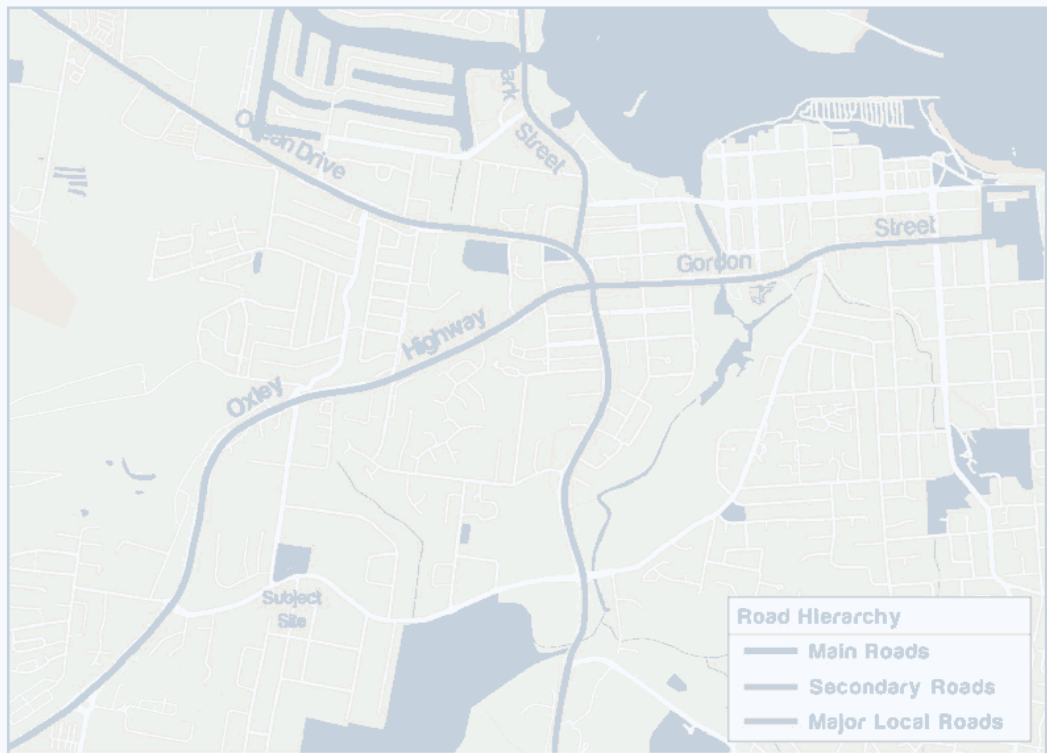
Primary access to the Site is provided by way of a roundabout controlled intersection with Jindalee Road on the southern site frontage. This intersection has recently (in 2017) been upgraded to include additional westbound lanes through the intersection. However, it is understood that Council are considering further improvements to Lake Road, including potential signalisation of this intersection. Notwithstanding, those plans are yet to be finalised or funded and therefore not included as part of this assessment.

- Fernhill Road – a local road that generally runs in the north-south direction and forms the western site frontage. It provides a connection to Hastings River Drive via Clifton Drive. It generally carries a single lane of traffic in either direction in addition to kerbside parking permitted on both sides of the road. A speed limit of 50km/h applies to the Fernhill Road.

Similar to the above, it is understood that Council are considering the provision of a median within Lake Road – as part of broader Lake Road works – which may restrict movements permitted at this intersection in the future.

**Figure 3** provides an appreciation of the site in the context of the existing road systems. An localised appreciation of existing intersection treatments and on-site parking arrangement is provided by .

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**Figure 3: Road Hierarchy**

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Figure 4: Aerial Image - Site & Surrounds



## 4 Public Transport, Cycling and Pedestrian Access

### 4.1 Rail Services

The *Integrated Public Transport Service Planning Guidelines, Sydney Metropolitan Area* (Transport for NSW, December 2013) state that rail services influence the travel mode choices of areas within 800 metres walk (approximately 10 minutes) of a railway station.

It is noted that there is no railway service provided within the Port Macquarie local area. The nearest train station is Wauchope Station, located approximately 16 kilometres to the west of the Site. Wauchope Station is serviced by North Coast NSW Line and North West NSW Line.

### 4.2 Bus Services

Having regard to the standard bus travel, the TfNSW guidelines state that bus services influence the travel mode choices of sites within 400 metres (approximately 5 minutes) of a bus stop.

It is noted that the nearest bus stop located approximately 550 metre from to the Site, as shown in Error! Reference source not found.. This bus stop is serviced by Bus Route 335, 335W and 328.

- Bus service 335 provides connections to Port Central with approximately 2 hours frequencies during weekday morning peak periods and 60 mins frequencies during weekend days.
- Bus Service 556 provides connection to Wauchope, with a frequency of approximately every 2 hours during morning peak periods and every 60 minutes during evening peak periods.
- Bus Route 328 provides connections to the Base Hospital with frequency of approximately every 2 hours during weekday peak periods.



**Figure 5: Public Transport Network**

(Source: Bus Route Network Maps: Port Macquarie Township, Busways)

### 4.3 Pedestrian Accessibility

Some limited pedestrian connectivity is provided by footpaths along Lake Road along the site frontage. However, these paths are discontinuous in the broader locality.

No dedicated footpaths are provided along Fernhill Road.

### 4.4 Cycle Routes

There are currently limited cycling facilities and routes provided within the proximity of the Site. With reference to **Figure 6**, road shoulder for cycling is provided along Fernhill Road to the west of the Site, and will be provided along the Lake Road to the south of the Site.

asongroup



**Figure 6: Port Macquarie Bicycle Network**

(Source: Port Macquarie-Hastings Bike Plan, Port Macquarie Hastings Council, May 2015)

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215 Lake Road, Port Macquarie | DA Submission - Traffic Impact Assessment  
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## 5 Parking & Servicing Requirements

### 5.1 Car Parking

Parking for the development has been proposed in accordance with Section 2.5 Transport, Traffic Management, Access and Car Parking of the Port Macquarie-Hastings DCP.

It is expected that the main tenancy will be occupied by an Amart furniture store; considered a bulky good premise. The 4 smaller retail tenancies are expected to be categorised as “slow trade” retail uses. In this regard, Council's DCP specifies the following car parking rates for above land uses:

- Bulky goods premises:
  - < 500 m<sup>2</sup> GFA - 1 per 70 m<sup>2</sup> Gross Floor Area (GFA)
  - >500 m<sup>2</sup> GFA - 1 per 100 m<sup>2</sup> GFA for display + 1 per 2 employees (warehouse area)
- Retail Premises: 1 per 30 m<sup>2</sup> GLFA

Accordingly, the corresponding car parking requirements are summarised in **Table 1**.

**Table 1: Car Parking Requirements**

Land Use	Yield	Parking Rates	Parking Requirements <sup>1</sup>	Parking Proposed
Amart (Bulky goods premise)	3,500 m <sup>2</sup> display	1 per 100 m <sup>2</sup>	35	186
	1,500 m <sup>2</sup> warehouse	-	-	
	15 employees	1 per 2 employees	8	
Retail Premises	2,202 m <sup>2</sup>	1 per 30 m <sup>2</sup>	73	
<b>Total</b>	<b>7,202</b>	<b>84</b>	<b>116</b>	<b>186</b>

Note: 1) Rounding to nearest whole number

Application of Council's rates to the proposed development yield results in a minimum requirement of 116 car parking spaces.

In response, the application includes the provision of 186 car parking spaces which complies with Council requirements.



Accordingly, all parking requirements generated by the development are accommodated on-site and the Proposal will not have any unacceptable impacts on the availability of on-street parking in the area.

## 5.2 Accessible Parking

Port Macquarie-Hastings DCP does not include specific requirements of accessible car parking provision; however, the *Disability (Access to Premises – Buildings) Standard 2010* requires accessible parking to be provided at the following rates for Class 6 (retail) uses:

- 1 space / 50 parking spaces, or part thereof

Application of this rate to the proposed 186 car parking spaces results in a minimum requirement of 4 accessible car parking spaces.

In response, the Proposal includes provision of 5 accessible car parking spaces; thus readily satisfying this requirement.

## 5.3 Servicing and Waste Collection

Section 2.5.3.19 of Council's DCP requires loading bays for "Other Commercial Development" (exceeding 500m<sup>2</sup>) to provide loading bays at the following rates:

- 1 bay for the first 1,000m<sup>2</sup>; PLUS
- 1 additional bay per 2,000m<sup>2</sup> thereafter.

The Proposal includes 4 loading bays in compliance with this requirement (rounding to nearest whole number). These include:

- 2 bays at the rear on the northern face of the building similar to the existing loading area. The southern bay is intended for use by use for up to 19 metre articulated trucks, with the northern bay being restricted to use by rigid vehicles only.
- 2 parallel bays along the eastern side of the building. These bays are intended for use by rigid vehicles, up to 12.5 metre in length

With regard to waste collection, a garbage bin area is provided near the north-east corner of the building.

The design of all loading bays is discussed further in Section 7.

## 6 Traffic Assessment

### 6.1 Traffic Generation

The traffic generation of the proposed development has been assessed having regard for the RMS Guide and RMS Guide Update. Accordingly, the following generation rates were adopted for proposed land-uses:

- Bulky goods retail stores:
  - Weekday peak hour vehicle trips: 2.7 vehicles per 100m<sup>2</sup> of gross floor area
  - Weekend day peak hour vehicle trips: 3.9 vehicles per 100m<sup>2</sup> of gross floor area
- Slow trade retail stores:
  - Weekday peak: 20 vehicle trips per 1,000m<sup>2</sup> of Gross Leasable Floor Area (GLFA)
  - Weekend peak: 38 vehicle trips per 1,000m<sup>2</sup> of GLFA

Application of these rates to the proposal is summarised in **Table 2**.

**Table 2: Trip Generation – Proposed Development**

Land Use	Yield	Traffic Generation Rates (trips per 100m <sup>2</sup> )		Traffic Generation <sup>1</sup> (veh/hr)	
		Weekday	Weekend day	Weekday	Weekend day
Amart (Bulky goods retail)	5,000	2.7	3.9	135	195
Other Retail (Slow trade retail)	2,202	2.0	3.8	44	84
<b>Total</b>	<b>7,202</b>	-	-	<b>179</b>	<b>279</b>

Note: 1) Rounding to nearest whole number

The impacts of these additional trips are assessed further below.



## 6.2 Traffic Impacts

In determining the relative traffic impact of the proposal, consideration of the existing traffic generation of the Site - discussed in Section 3.3 - is required.

Accordingly, a comparison of existing and proposed traffic generation is provided in **Table 3**.

**Table 3: Trip Generation – Comparison (veh/hr)**

Period	Existing	Proposed	Net Increase
Weekday	273	179	-94
Weekend	364	279	-85

Table 3 indicates that the Proposal will result in less traffic generation when compared to the existing Bunnings Warehouse.

Therefore, it is concluded that the Proposal will have no material impact on the surrounding road network. All roads and intersections in the vicinity of the Site would operate as currently occurs (or better). In this regard, further traffic modelling analysis regarding the impact of the Proposal is not considered required.



## 7 Design Commentary

### 7.1 Relevant Design Standards

The site access, car park and loading areas have been generally designed to comply with the following relevant Australian Standards:

- AS2890.1 for car parking areas;
- AS2890.2 for commercial vehicle loading areas;
- AS2890.6 for accessible (disabled) parking.

It is expected that any detailed construction drawings in relation to any modified areas of the car park or site access would comply with these Standards. Furthermore, compliance with the above Standards would be expected to form a standard condition of consent to any development approval. Notwithstanding, the design and performance of any existing areas of the car park retained are largely considered to be accepted and therefore not expected to be revisited.

### 7.2 Car Park Design

Car parking spaces are to be designed in accordance with a User Class 3 specification; being a minimum of 2.6 metres in width as currently provided.

As such, the design of the car park is considered to provide a suitable amenity for users.

Due to the angle of car parking aisles, it is proposed that the southern parking aisle shall be restricted to one-way movements in an eastbound direction.

Click and collect pick-up parking is provided at the rear of the building. These spaces are afforded with additional width – in accordance with Clause 4.1 of AS2890.1: 2004 – to serve as special loading bays. Bay length shall be subject to further review as part of Construction Certificate stage design coordination upon finalisation of the proposed door opening locations.



### 7.3 Service Vehicle Access

The commercial (heavy) vehicle facilities have generally been designed having regard for the operational requirements of the future tenant and the requirements of AS2890.2. In this regard the following is considered noteworthy:

- A 19 metre articulated vehicle (semi-trailer) is considered the relevant 'design vehicle' for access to this development. Vehicles of this size are expected to use the rear loading bay, closest to the northern side of the building.
- The design vehicle for other bays is intended to be a 12.5 metre rigid vehicle.
- A minimum bay width of 3.5m shall be provided, in accordance with AS2890.2: 2002
- Sufficient circulation and manoeuvring space have been provided to ensure vehicles can access the loading bay when the other loading bays are occupied. This is an improvement on the existing arrangement.
- Reference should be made to the swept path analysis included in **Appendix A** demonstrating access and circulation by these vehicles.

In summary, the proposed loading access and circulation is largely consistent with the existing arrangements and will operate satisfactorily.

## 8 Conclusions

The key findings of this Traffic Impact Assessment are:

- Ason Group has been engaged by BW Management Limited to prepare a Traffic Impact Assessment (TIA) report to support a Development Application (DA) for the proposed redevelopment of 215 Lake Road, Port Macquarie (the Site). The proposal generally relates to alteration to the existing Bunnings warehouse development for 5 smaller tenancies (The Proposal).
- The Site is located within Port Macquarie-Hastings Council LGA. It generally has good access to the broader road network with respect to its location on key roads. Connectivity to public transport is somewhat restricted due to the limited high-frequency public transport services provided within the area. Notwithstanding, the nature of the proposed uses – including bulky goods premises – is not likely to substantially rely on the use of public transport services.
- Having regard for the Port Macquarie-Hastings Centres DCP car parking rates, the proposed development would result in a DCP requirement of 116 car parking spaces.
- In response, 186 car parking spaces are proposed and will ensure that all parking demands generated by the Proposal would be accommodated on-site and would not have any adverse impacts to the availability of on-street parking in the area.
- A summary of the traffic generation potential of the Site under existing and proposed scenarios is provided below.

Period	Existing	Proposed	Net Increase
Weekday	273	179	-94
Weekend	364	279	-85

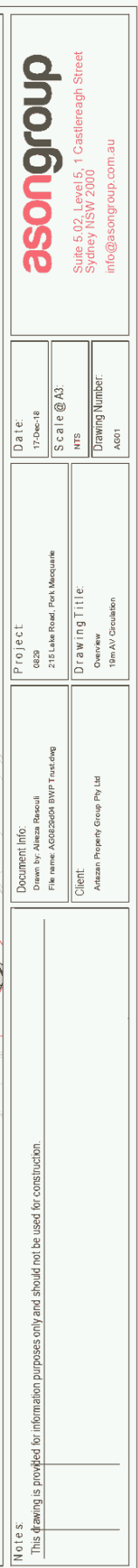
- In this regard, the Proposal will result in less traffic generation and therefore is considered to have no material impact on the surrounding road network.
- The site access, car park, customer click and collect parking spaces and loading areas design has generally been designed having regard for relevant Australian Standards (AS2890 series). A standard condition of consent requiring compliance with AS2890 would be considered sufficient to ensure that any minor changes to the plans required, if any, could be undertaken as part of detailed Construction Certificate documentation.

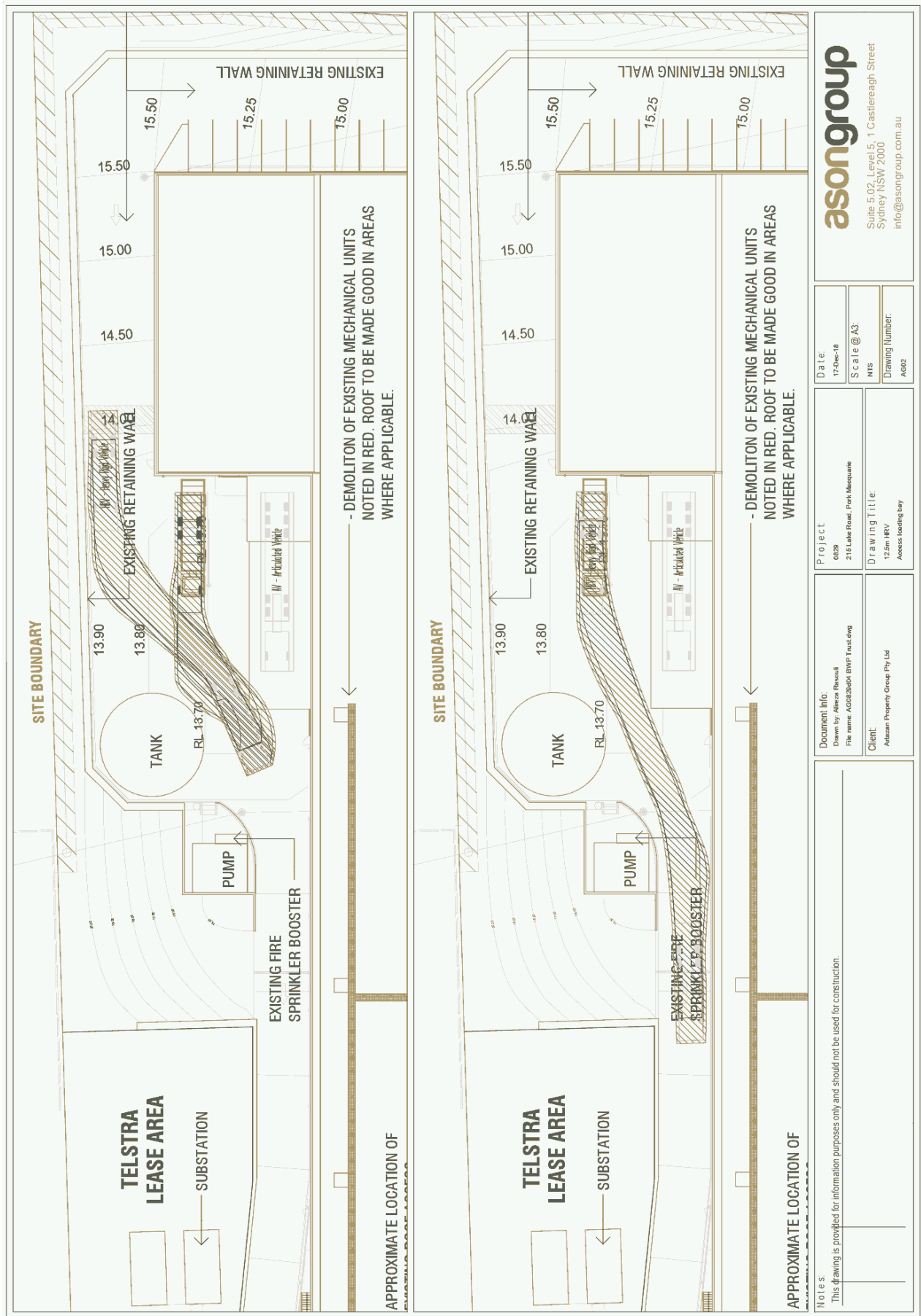
In summary, the Proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

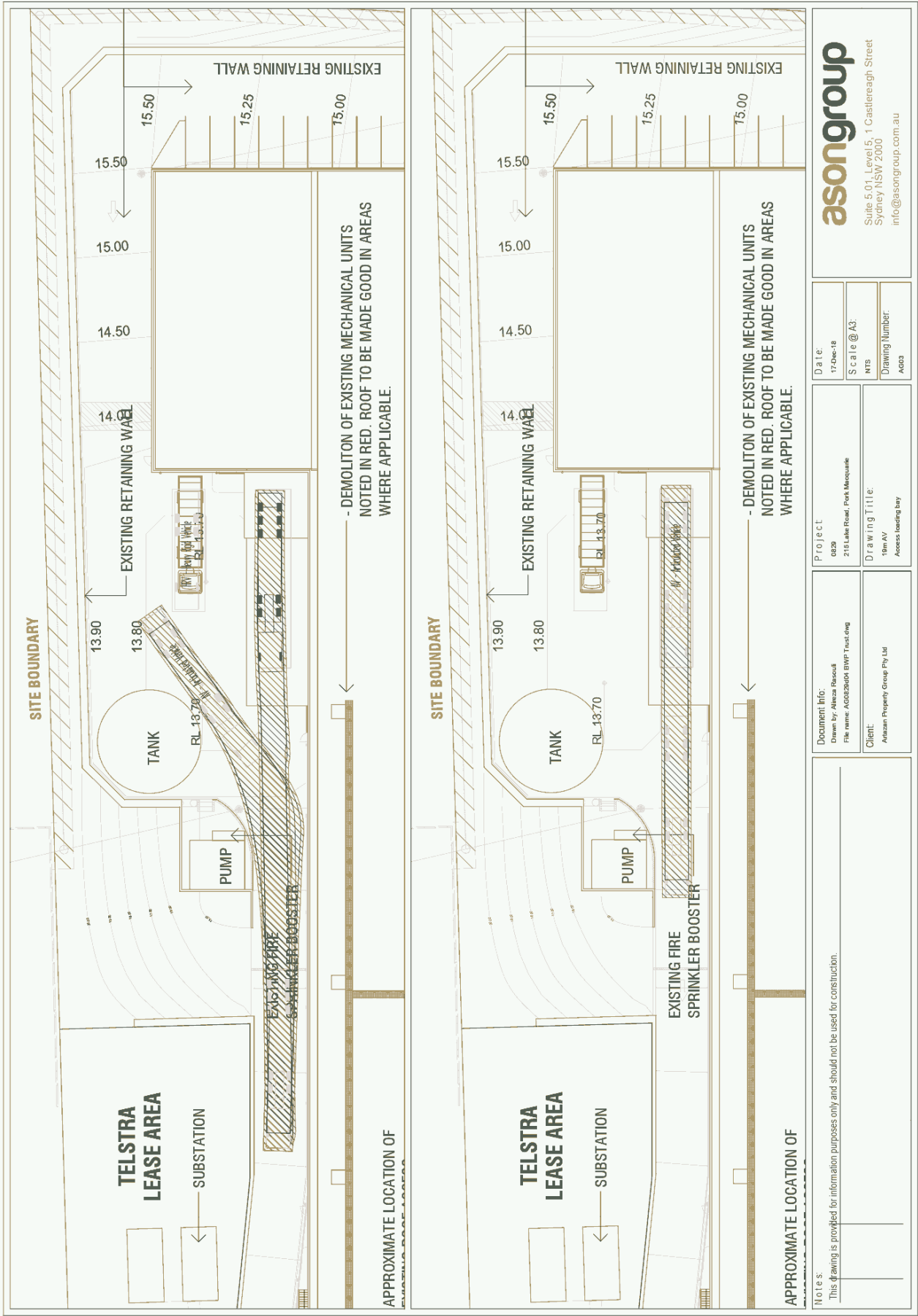


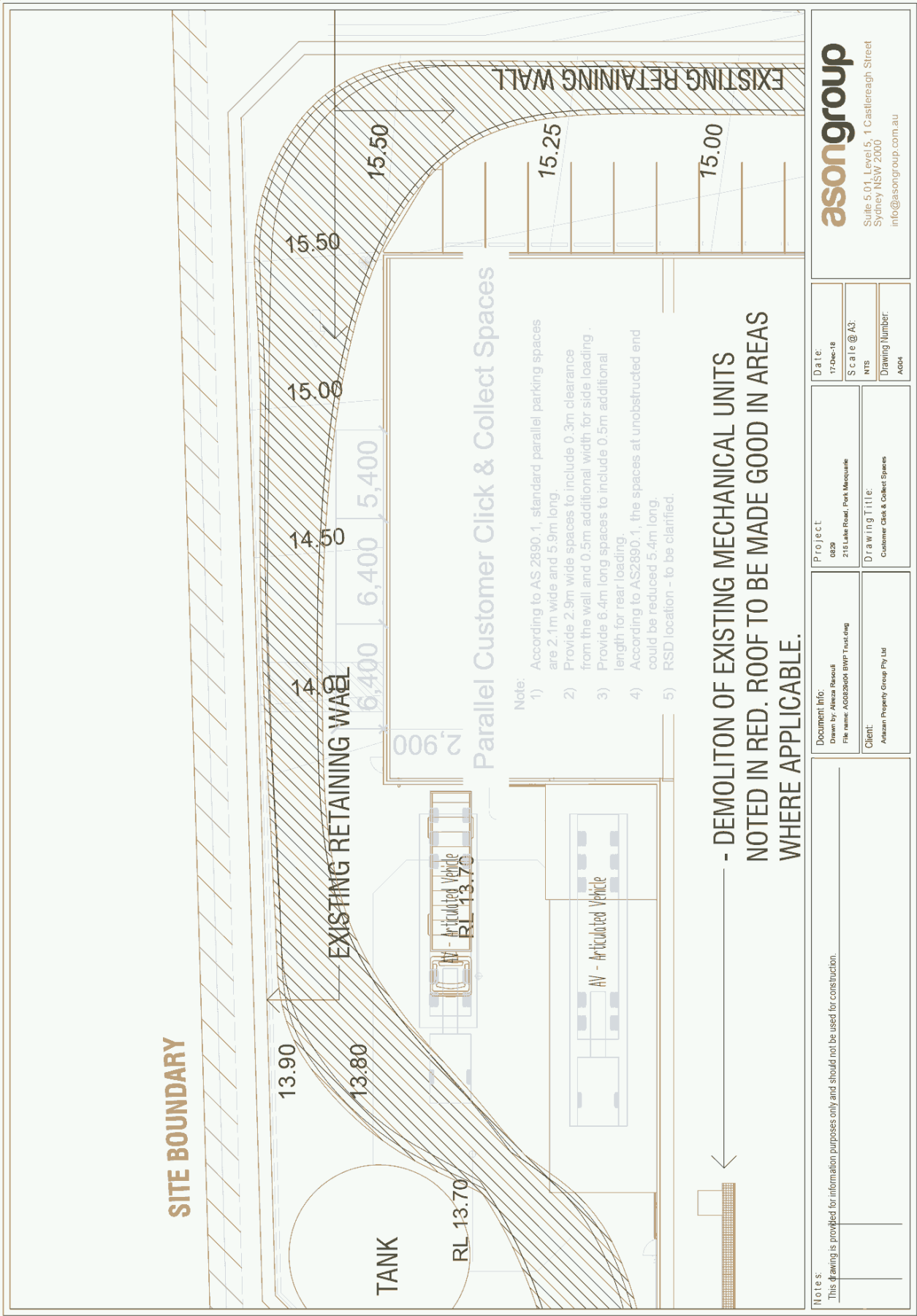
## Appendix A

### Swept Path Analysis







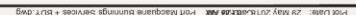


**Statement of Environmental Effects**

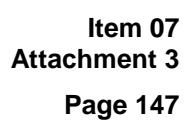
Alterations, Additions and Change of Use for Specialised Retail Premises  
215 Lake Road, Port Macquarie (Lot 2 DP 598025)

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## Appendix 2 Survey Plans







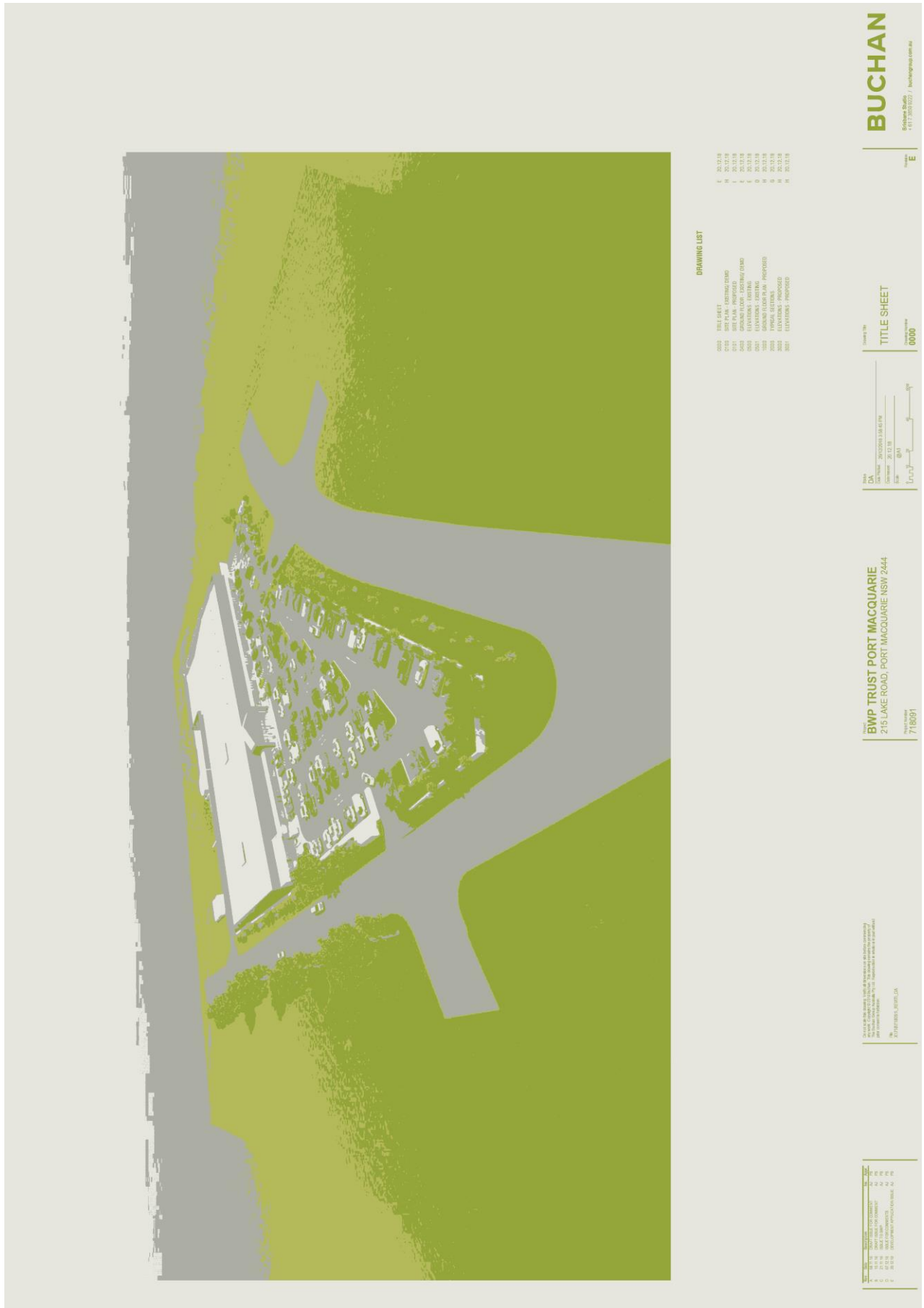


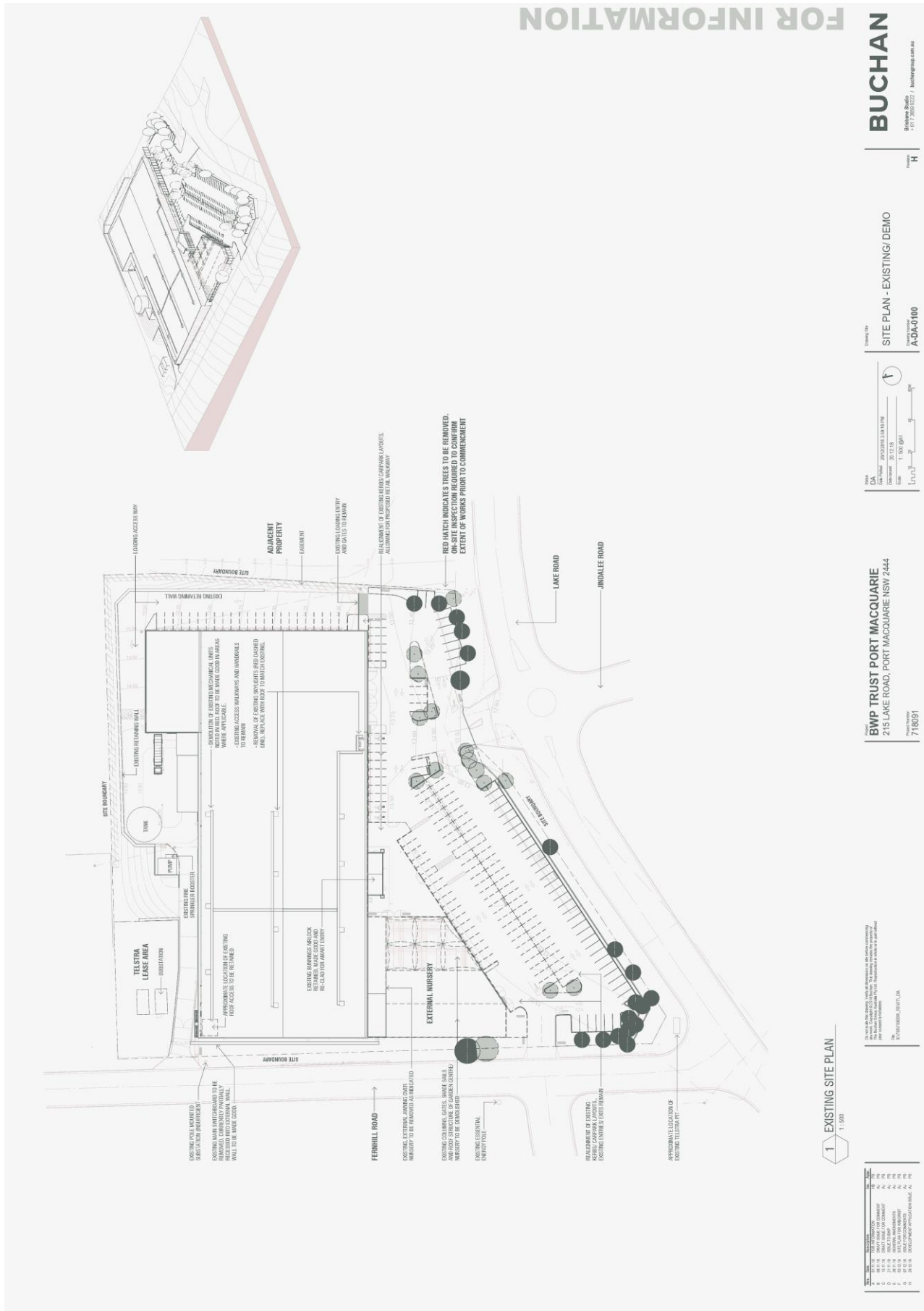
**Statement of Environmental Effects**

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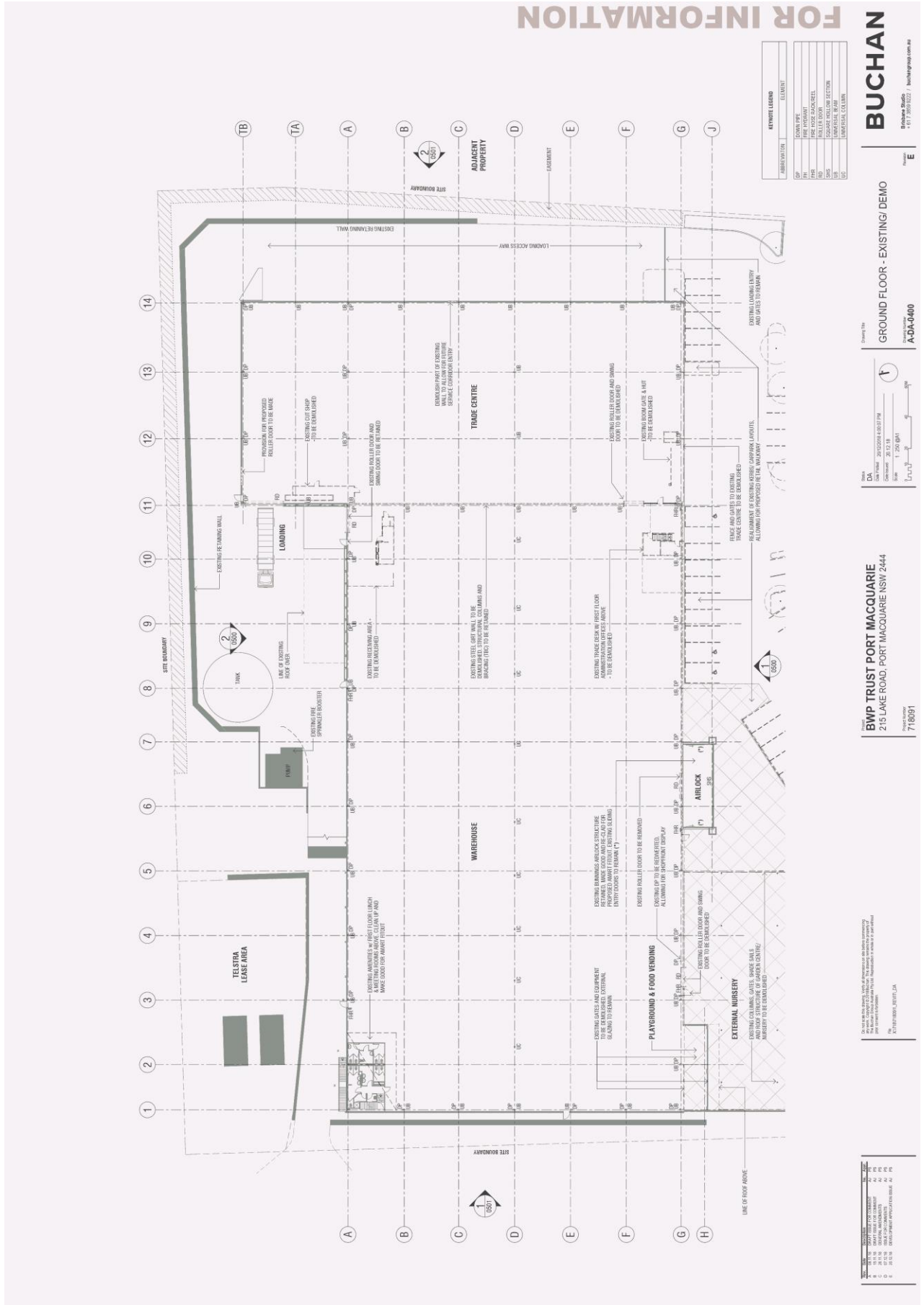
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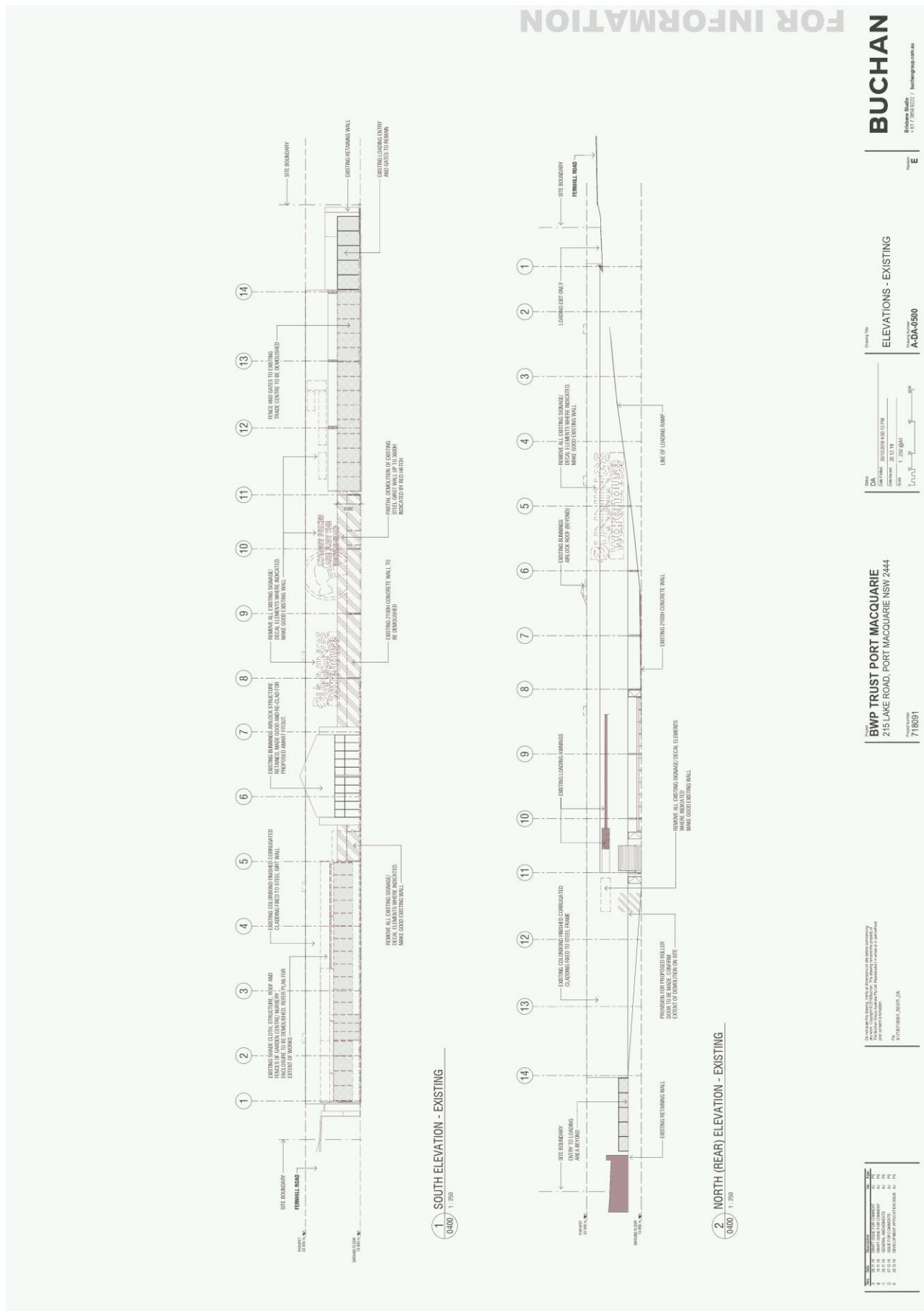
## Appendix 3 Architectural Drawings



















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**ELEVATIONS - PROPOSED**  
 Drawing Number  
**A-DA-3000**

**Project**  
**BWP TRUST PORT MACQUARIE**  
215 LAKE ROAD, PORT MACQUARIE NSW 2444

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A	02-11-98	FOI INFORMATION	AJ	PS
B	06-11-98	DRAFT ISSUE FOR COMMENT	AJ	PS
C	11-11-98	DRAFT ISSUE FOR COMMENT	AJ	PS
D	20-11-98	GENERAL AMENDMENTS	AJ	PS
E	02-12-98	ISSUE FOR COMMENT	AJ	PS
F	13-12-98	ISSUED FOR COMMENT	AJ	PS
H	20-12-98	DEVELOPMENT APPLICATION ISSUE	AJ	PS



**Statement of Environmental Effects**

Alterations, Additions and Change of Use for Specialised Retail Premises  
215 Lake Road, Port Macquarie (Lot 2 DP 598025)

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## Appendix 5 Civil Engineering Plans

**BUNNINGS PORT MACQUARIE**  
**215 LAKE ROAD, N.S.W 2444**

**- CONCEPT DRAWINGS -**



**DRAWING SCHEDULE**

- DRG No. DRAWING TITLE**  
C01-DA COVER SHEET AND DRAWING SCHEDULE  
C02-DA EROSION AND SEDIMENT CONTROL PLAN  
C03-DA STORMWATER MANAGEMENT AND LEVELS PLAN - SHEET 1  
C04-DA STORMWATER MANAGEMENT AND LEVELS PLAN - SHEET 2

NOT FOR CONSTRUCTION			
PROJECT		DRAWING TITLE	
B.W.P.T. PORT MACQUARIE 215 LAKE ROAD N.S.W 2444		COVER SHEET AND DRAWING SCHEDULE	
JOB NUMBER NL182860		DRAWING SET 1 OF 4	
DRAWING NUMBER C01-DA		DRAWING SET 2 OF 4	



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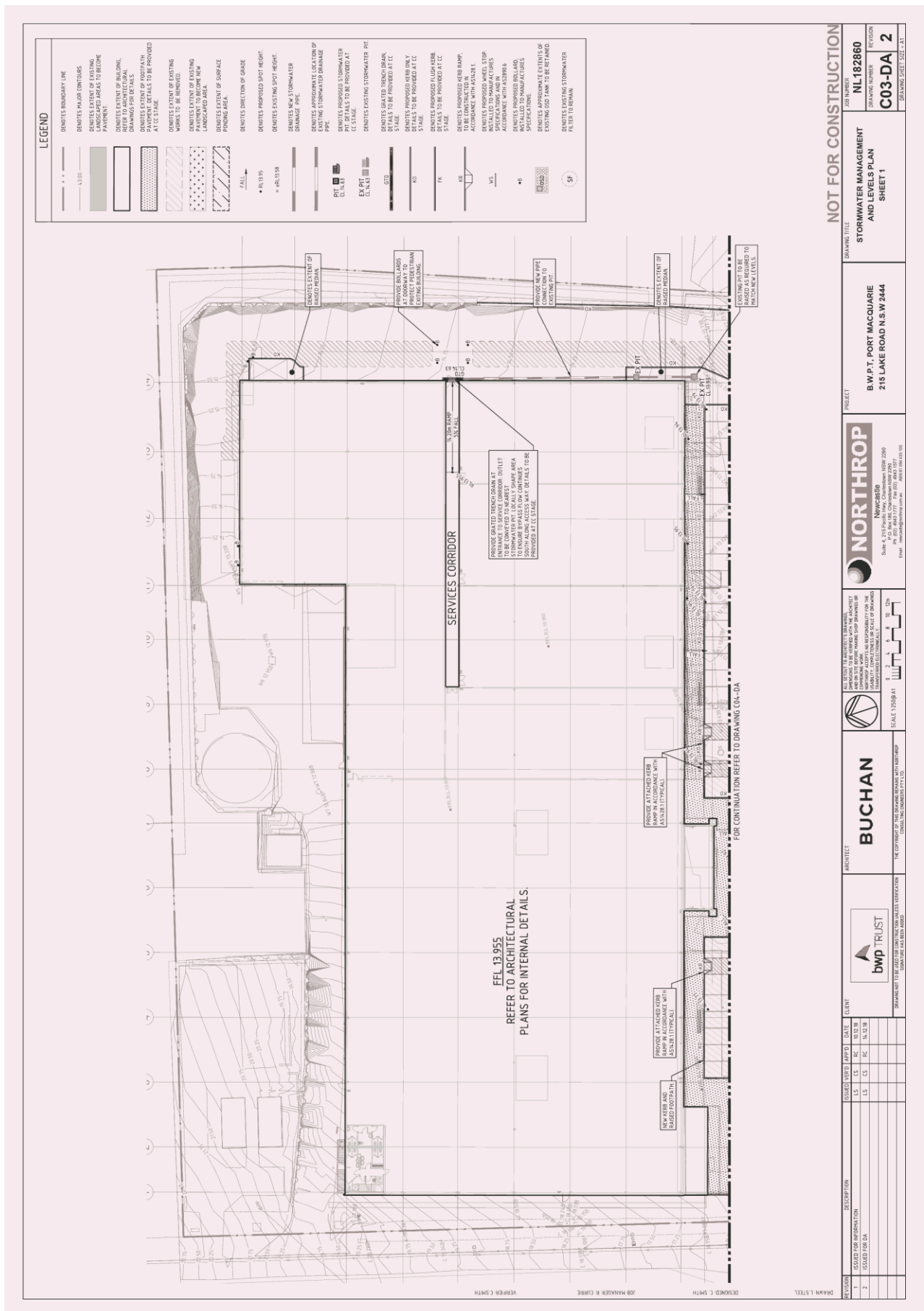


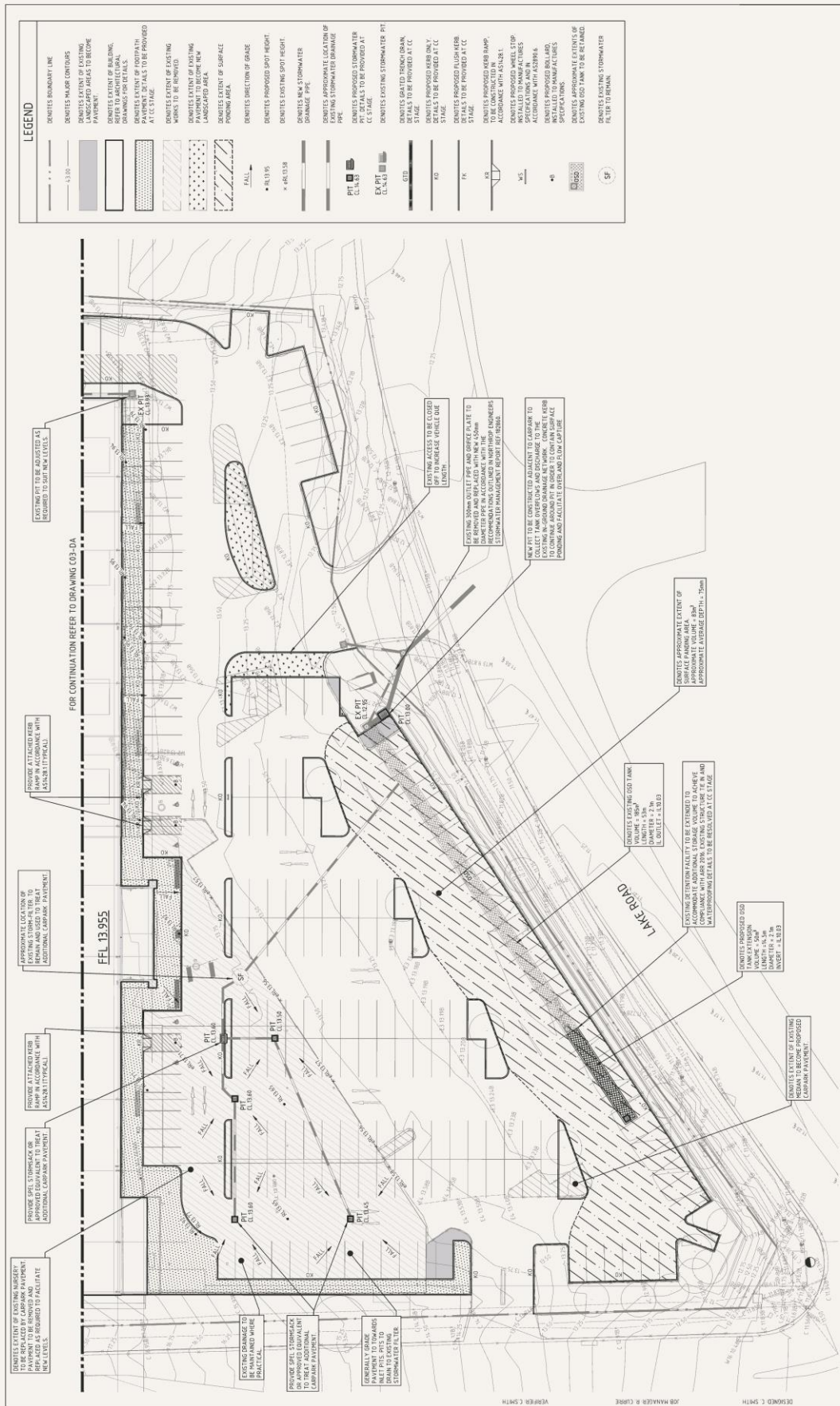
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NL182860	Bunnings Port Macquarie	2

<b>From:</b>	Chris Smith
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215, Lake Road, N.S.W, 2444	D	10	14							
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# CONCEPT STORMWATER MANAGEMENT PLAN

*for*

**215 Lake Road, Lot 2 DP 598025, Port Macquarie**

*for*

## Bunnings Warehouse Property Trust



Job No: NL182860  
Revision: B  
Date: 20/02/2018

Date:	20/02/2019	
	BY	DATE
Prepared	CS	20/02/2019
Reviewed	AB	20/02/2019
Admin	HB	20/02/2019
Revision	B	



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# 1. Introduction

## 1.1 General

Northrop Consulting Engineers have been engaged by Bunnings Warehouse Property Trust to undertake a Concept Stormwater Management Plan for the proposed re-development of the existing Bunnings Warehouse store located at 215 Lake Road, Port Macquarie (Lot 2 DP 598025).

This report has been prepared with consideration to and generally in accordance with the Port Macquarie-Hastings Development Control Plan (DCP) 2013. The purpose of this report is to address the civil engineering and stormwater items associated with the proposed development of the site, in particular:

- Assessment of existing stormwater system;
- Management of stormwater quality in response to proposed development; and
- Development and expansion of existing carpark pavement.

This report intends to discuss items relating to the site at a level appropriate for a Development Application submission and should be read in conjunction with drawings DA-C01– DA-C04 (refer Appendix A). It does not attempt to provide detailed design solutions to all issues; rather it will investigate the feasibility of solutions based on information that we have gathered to date from various sources and provide outcomes which will be developed further at Construction Certificate and Construction phases of the project.

## 1.2 Site Description

The site, which covers approximately 1.9 Ha, is located on the northern side of Lake Road and bounded along the western boundary by Fernhill Road. The site is developed with an existing single commercial warehouse facility (Bunnings Warehouse) with attached outdoor nursery and associated carpark.

The existing site already has an established stormwater drainage network, including pits and pipes, an underground Onsite Detention Tank (OSD), and surface ponding area within an extent of the southwestern carpark. The site generally slopes towards the south at grades varying between 1% and 2%.

As a part of the development the following items are proposed:

- Conversion of the existing single commercial facility into 5 sub-tenancies, including provision of an internal services corridor and back of house area;
- Removal of the existing nursely to facilitate the expansion of existing carpark, including removal of existing concrete floor slab and replacement with new carpark pavement as necessary to facilitate drainage;
- Provision of kerb and gutter and/or concrete footpaving along frontage of the building; and
- Layout change of the existing carpark, including removal of selected existing median strips and construction of new landscaped median strips.

### Figure 1 Proposed Site Plan

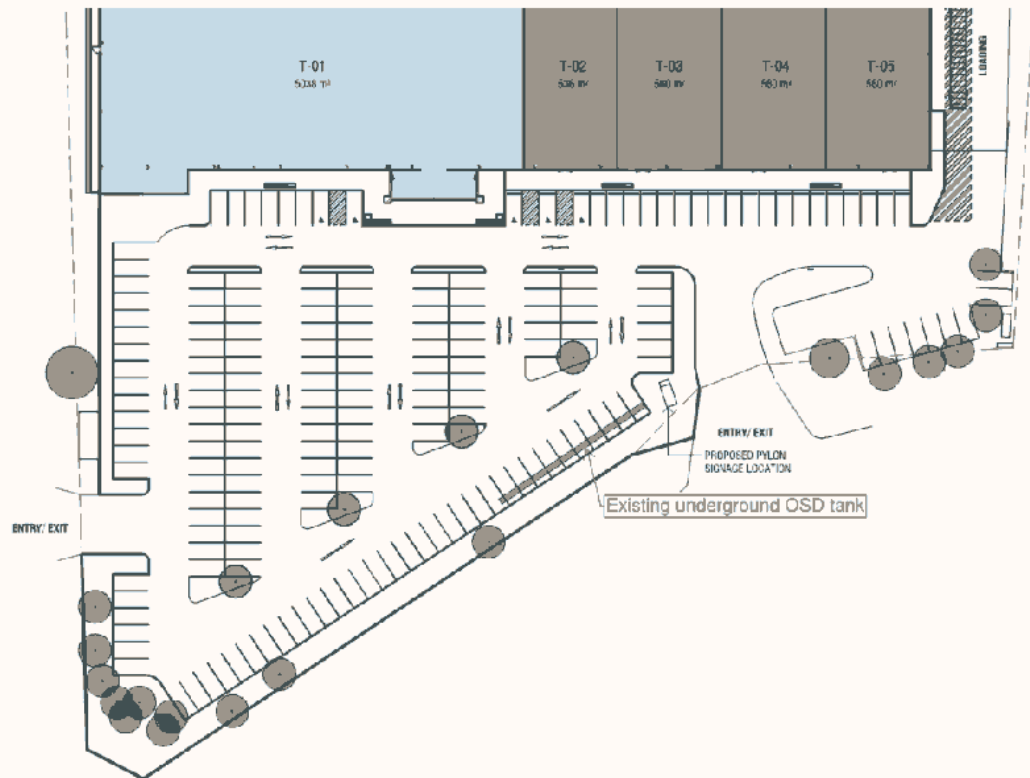
## 2.1 Investigation of Existing Stormwater Quantity Management System

Notwithstanding the above, Council have advised Northrop that the site was observed to discharge considerable overland flow from the development, with stormwater runoff entering Lake Road and existing properties to the south. In response to this, Northrop have undertaken an investigation of the existing OSD facility in order to determine the likely cause of overflow, the effectiveness of the current stormwater quantity management system and potential remedial options to rectify any deficiencies.

To facilitate our review, construction documentation for the inground drainage system was obtained from the original design consultant Richmond and Ross. Review of the documentation indicated that on-site detention is provided in the form of an underground OSD tank with a storage volume of 183m<sup>3</sup>, located below the southwestern carpark and adjacent to the south boundary. In addition to this, approximately 83m<sup>3</sup> of above ground storage is utilized within the existing surface ponding area. This design methodology was confirmed via a visual inspection of the site on 27<sup>th</sup> November 2018, copies of the previous design documentation have been attached to this letter.

Based on our site observations and for the purposes of runoff modelling, all hardstand areas were assumed to discharge to the existing OSD tank. The catchment area was modelled as 91% impervious, with storage modelling including the 83m<sup>3</sup> surface ponding area above the OSD and the 183m<sup>3</sup> OSD tank with a 123mm outlet orifice (existing). It was found that ponding depths in the carpark exceeded safe levels, with observed ponding depths more than 200mm for the 1% AEP event. The approximate location of the existing OSD tank is shown in Figure 2.

Our review found that the existing OSD system allowed for a peak discharge higher than what is permissible for the undeveloped site based on ARR 2016 data. In order to reduce the post developed flow to that of the pre-developed scenario, it is proposed to increase the below ground storage volume by 50m<sup>3</sup> and increase the low-level outlet diameter. This provides a compliant detention design outcome in accordance with Council's DCP while also limiting overland flow discharge from the site to the 1% AEP (100 year ARI) design storm event only.



After review of the existing infrastructure, we note the following:

- Only 1 low-level orifice has been provided within the existing OSD tank, with a diameter considered insufficient to cater for ARR 2016 design flows, and
- There is no high-level flow control or overflow relief point within the system.

- Continuation of carpark pavement around the overflow point (access grate) of the OSD system to contain surface ponding should upwelling occur;
- Construction of a new pit downstream of the OSD tank orifice (CL13.00m) to capture any tank overflows and discharge them to the below ground network should upwelling occur; and
- Increase OSD tank storage volume by 50m<sup>3</sup> and increase the low-level outlet diameter to 450mm.

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Copies of the DRAINS files used within our assessment can be provided upon request. Pre and post development discharge for a variety of rainfall events up to and including the 1% AEP event are provided in Table 1 below:

Table 1 – Pre and Post Development Discharge

ARI	Pre-developed Peak Discharge (m <sup>3</sup> /s)	Post-Developed Peak Discharge (m <sup>3</sup> /s)
5	0.535	0.529
10	0.631	0.594
20	0.767	0.673
50	0.887	0.681
100	1.02	0.972



### 3. Stormwater Quality Management Strategy

#### 3.1 Stormwater Quality Philosophy and Targets

The proposed development will involve the removal of the existing nursery, converting it into additional carparking. In accordance with ARQ Guidelines (2006) and Port Macquarie-Hastings Council Development Design Specification D7 (2004), the proposed development will include controls to minimise the impact of stormwater runoff on receiving waters.

Given the carpark is proposed to remain largely as per the current scenario, the water quality assessment contained herein is limited to the existing nursery area and adjacent footway only. We acknowledge that the change of use in these areas will likely increase its associated pollutant load and as such control measures should be provided in accordance with current standards. The proposed development will not increase the pollutant load from the existing residual carpark, and as such additional control measures for these areas have not been considered.

The following controls are proposed to reduce the pollutant load in line with the selected treatment targets:

- Existing Storm filter with precast pit and lid, currently treating runoff from the existing nursery is to be retained and utilized to treat pollutant runoff from the nursery area; and
- Existing litter screen within OSD tank (Lysaght Maximesh RH3030 or equivalent) is to be retained to capture gross pollutants.

We have adopted the targets nominated in Port Macquarie-Hastings Council Development Design Specification D7 Table D7.7 as reproduced in Table 1 below:

Table 2 – Stormwater Treatment Pollutant Load

Pollutant	Stormwater Treatment Objective
<b>Total Suspended Solids (TSS)</b>	80% retention of average annual load
<b>Total Phosphorous (TP)</b>	45% retention of average annual load
<b>Total Nitrogen (TN)</b>	45% retention of average annual load
<b>Gross Pollutants</b>	Retention of litter greater than 50mm for flows up to the 3-month ARI peak flow
<b>Coarse Sediment</b>	Retention of sediment coarser than 0.125mm for flows up to the 3-month ARI peak flow
<b>Oil and grease</b>	No visible oils for flows up to the 3-month ARI peak flow



### 3.2 Treatment Train Assessment

To substantiate the effectiveness of the existing water quality control measures, stormwater quality modelling was undertaken using the Model for Urban Stormwater Improvement and Conceptualisation (MUSIC) V6.3.0. The meteorological template (which includes rainfall and potential evapotranspiration (PET) data) was obtained from the Port Macquarie-Hastings Council website. The model used Upper Inland 1981-2003 meteorological template, as this was data set collected over the longest time period.

Modelling was completed in accordance with the "NSW MUSIC Modelling Guidelines" (BMT WBM, 2015). The catchment area was limited to the proposed carpark addition, which was defined as a single vehicle pavement catchment to effectively simulate the proposed treatment measures along the treatment train. Figure 3 below illustrates the catchment and a schematic of the model is shown in Figure 3.

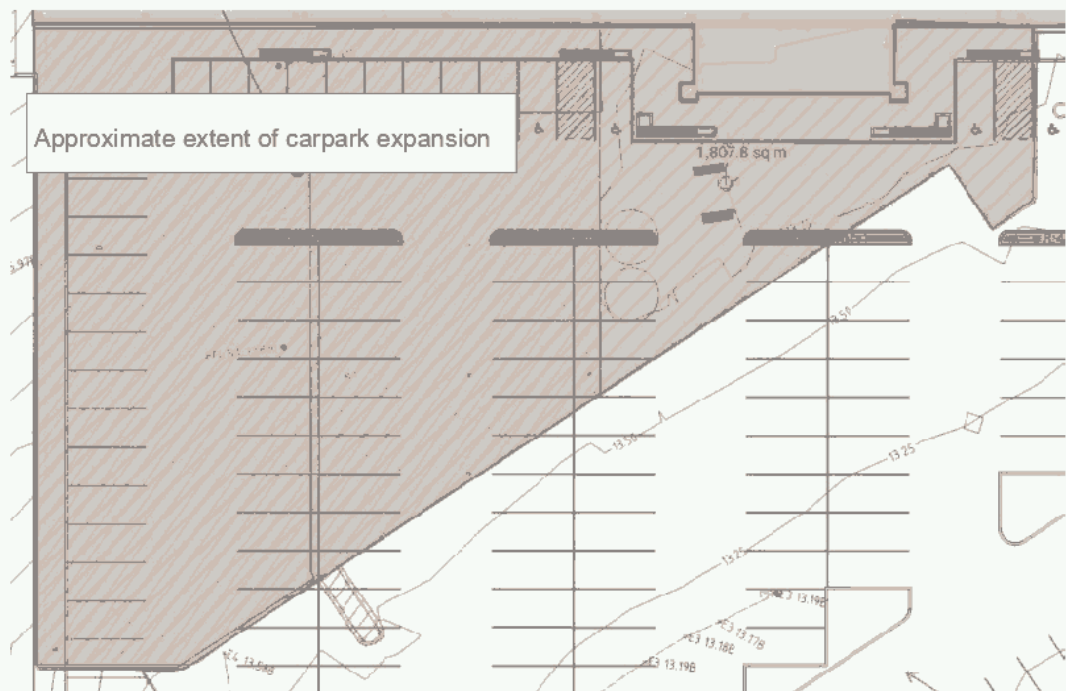


Figure 2 - Modelled Catchment



Figure 3 - MUSIC Model Layout Schematic

The treatment train incorporates:

- Treatment nodes were created within the MUSIC model to represent the water quality treatment devices. A description of each of these measures is included below.

Runoff from of the entire new vehicle pavement will be collected and diverted to a pit and pipe network for treatment beneath the proposed pavement area, with generalised grading of the pavement to be undertaken to ensure pit cover levels are at low points to facilitate drainage.

To attain the stormwater quality targets, at source GPTs are to be provided upstream of the Storm filter to assist in polishing the vehicle pavement. This will be provided in the form of new Storm sacks installed in each of the pits located within the nursery conversion area.

The MUSIC modeling results for the receiving node are shown in Table 2 below.

Pollutant	Source Load (kg/yr)	Residual Loads (kg/yr)	Percentage Reduction (%)	Target Objectives
Total Suspended Solids (TSS)	355	40.2	88.7	80
Total Phosphorous (TP)	0.628	0.14	77.7	45
Total Nitrogen (TN)	4.17	1.22	70.9	45
Gross Pollutants	718	0	100	100

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## 4. Conclusion

Given the results of the above investigations, it is reasoned that the development meets Port Macquarie-Hastings Council's requirements.

To comply with Port Macquarie-Hastings Council Development Design Specification D7, the proposed development will control and minimise disturbance and impacts of stormwater runoff on adjoining properties and receiving waters, as follows:

- As per the required council targets, the pollutant load reduction targets have been established to comply with those nominated in Port Macquarie-Hastings Council Development Design Specification D7 Table D7.7; and
- The treatment of stormwater discharged from the additional carpark for waterborne pollutants to achieve the selected treatment targets is achieved through the proposed treatment train. This includes the use of a proprietary GPT and 2 at source GPTs.

Based on the assessment outlined above, it is our opinion that the proposed stormwater drainage measures outlined within this report and associated design drawings will provide stormwater quality and quantity provisions that are commensurate with the intent of Port Macquarie-Hastings Council Development Design Specification D7 and typical industry practice.

Northrop Consulting Engineers Pty Ltd (Northrop) has been retained to prepare this report based on specific instructions, scope of work and purpose pursuant to a contract with its client. It has been prepared in accordance with the usual care and thoroughness of the consulting profession for use by Anglican Care. The report is based on generally accepted practices and standards applicable to the scope of work at the time it was prepared. No other warranty, express or implied, is made as to the professional advice included in this report.

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## APPENDIX A

### Concept Civil Design Drawings

## Developer Charges - Estimate

Applicants Name: Artazan Property Group Pty Ltd  
 Property Address: 215 Lake Road, Port Macquarie  
 Lot & Dp: Lot(s):2,DP(s):598025  
 Development: Change of use to specialised retail premises with alterations and additions



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 N/A			
2 N/A			
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 4,198,997	\$41,989.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$41,989.00</b>

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:

3-Apr-2019

Estimate Prepared By Pat Galbraith-Robertson

This is an ESTIMATE ONLY - NOT for Payment Purposes

roperity Group Pty Ltd, 215 Lake Road, Port Macquarie, 3-Apr-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

