



Development Assessment Panel

Business Paper

date of meeting: Wednesday 24 April 2019

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

time: 2:00pm

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

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

Delegated Authority of Panel

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

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

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

3.0 MEMBERSHIP

3.1 Voting Members

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

be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

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

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

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

3.4 Member Tenure

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

3.5 Appointment of members

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

4.0 TIMETABLE OF MEETINGS

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

5.0 MEETING PRACTICES

5.1 Meeting Format

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

5.2 Decision Making

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

5.3 Quorum

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

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

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

5.6 Recording of decisions

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

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

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

8.0 LOBBYING

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

Development Assessment Panel

ATTENDANCE REGISTER

Member	13/02/19	27/02/19	13/03/19	27/03/19	10/04/19
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	✓	✓		✓	A
David Crofts (alternate member)			✓		✓
Dan Croft (Acting Director Development & Environment) Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 24 April 2019

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 10 April 2019 be confirmed.

PRESENT

Members:

Paul Drake
David Crofts
Dan Croft

Other Attendees:

Chris Gardiner
Caroline Horan

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Robert Hussey be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

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

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA2018 - 1063.1 MULTI DWELLING HOUSING AND TORRENS TITLE
SUBDIVISION AT LOT 6 DP 22220, NO. 31 CHALMERS STREET, PORT
MACQUARIE**

Speaker:
Rob Little (o)
Peter Khalil (applicant)

CONSENSUS:

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.

**06 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**

Speaker:
Tony Thorne (applicant)

CONSENSUS:

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 and as amended below:

- Amend condition B(25) to read:

‘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 10 DP 1250178 (No. 11 Resort Road, Kew).*

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

- New condition in Section B of the consent to read:

‘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 carrying out extension of sewer infrastructure to serve the development:

-
- a) Lot 33 DP 754405 (No. 169B Ocean Drive, Kew); and
 - b) Lot 10 DP 1250178 (No. 11 Resort Road, Kew).

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

- New condition in Section B of the consent to read:
'The intersection between Road 8 and Lake Ridge Drive, shall include the raising of Lake Ridge Drive, north of the intersection to above the peak 100 year recurrence flood level, in accordance with the requirements of the WorleyParsons reports (2009 & 2011). In addition, the detailed design shall also include the design and construction of the culverts under Lake Ridge Drive. Lake Ridge Drive shall be constructed in accordance with the DCP and current Aus-Spec standards noting that the DCP defines the road as a collector standard south of this intersection, and local standard north of this intersection. Detailed plans shall be provided as part of the infrastructure works associated with stage 10 of the development.'

07 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

Speaker:
Graeme Bell (o)

CONSENSUS:

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 and as amended below:

- New condition Section E of the consent to read:
'Prior to issue of an occupation certificate certification is to be provided by a suitably qualified consultant that all outdoor lighting complies with AS 4282 - 2019 control of the obtrusive effects of outdoor lighting.'
- Amend condition F(5) to read:
'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 - 2019 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.'

08 GENERAL BUSINESS

Nil.

The meeting closed at 2:38pm.

Item: 04

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:

.....

Name:

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Name:

Councillor's Signature: Date:

Important Information

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

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

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

Item: 05

Subject: SECTION 4.55 MODIFICATION DA2004 - 687.6 TO MODIFY THE HOURS OF OPERATION OF EXISTING SAWMILL AT LOT 1 DP 1065577, OLD KEMPSEY ROAD, GUM SCRUB

Report Author: Fiona Tierney

83Applicant: Hopkins Consultants Pty Ltd
Owner: D J & O V Hayden
Estimated Cost: Nil
Parcel no: 43591

Alignment with Delivery Program

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

RECOMMENDATION

That the section 4.55 modification to DA 2004 – 687.6 to modify hours of operation of an existing sawmill at Lot 1, DP 1065577, No. 269 Old Kempsey Rd, Gum Scrub, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Section 4.55 modification application to modify the hours of operation of an existing sawmill at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Being a Section 4.55 modification, the modified proposal has only been assessed against the legislation and related planning guidelines in place at the time of the original assessment.

Development consent was granted by Council on 16 October 2004 for a sawmill upgrade and office. A modification to the sawmill to modify hours of operation and change the approved Saturday operation to Sunday was granted on 24 April 2018. This consent was issued for a trial period of 12 months and this application seeks to obtain consent for these changes to be approved on a permanent basis.

As a condition of the 12-month trial period the applicant was advised that:

“The above amended times are approved for a trial period of twelve (12) months from the date of determination of modification five (5). Upon expiration of the twelve (12) month trial period, the hours of operation are to revert back to the previous approved hours of operation, unless a further modification is submitted and approved. A

complaints register is also to be kept and detail any associated actions taken to rectify issues raised. The complaints register is to be provided to Council at the end of the twelve (12) month trial period. It should be noted that the date of determination of modification five (5) is to be 16 April 2018 and the twelve (12) month trial period for the amended hours of operation will cease on 26 April 2019."

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

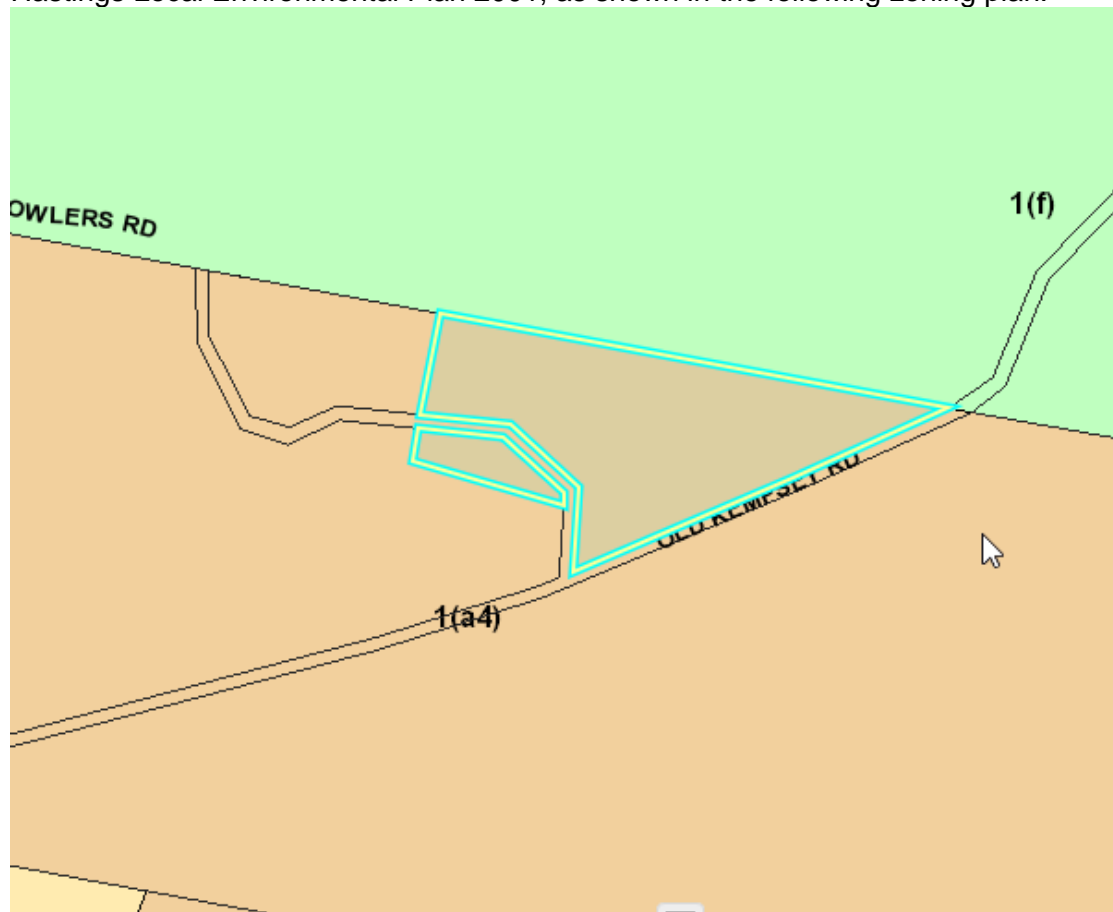
This report recommends that the section 4.55 modification application for DA 2004 – 687.6 be approved.

1. BACKGROUND

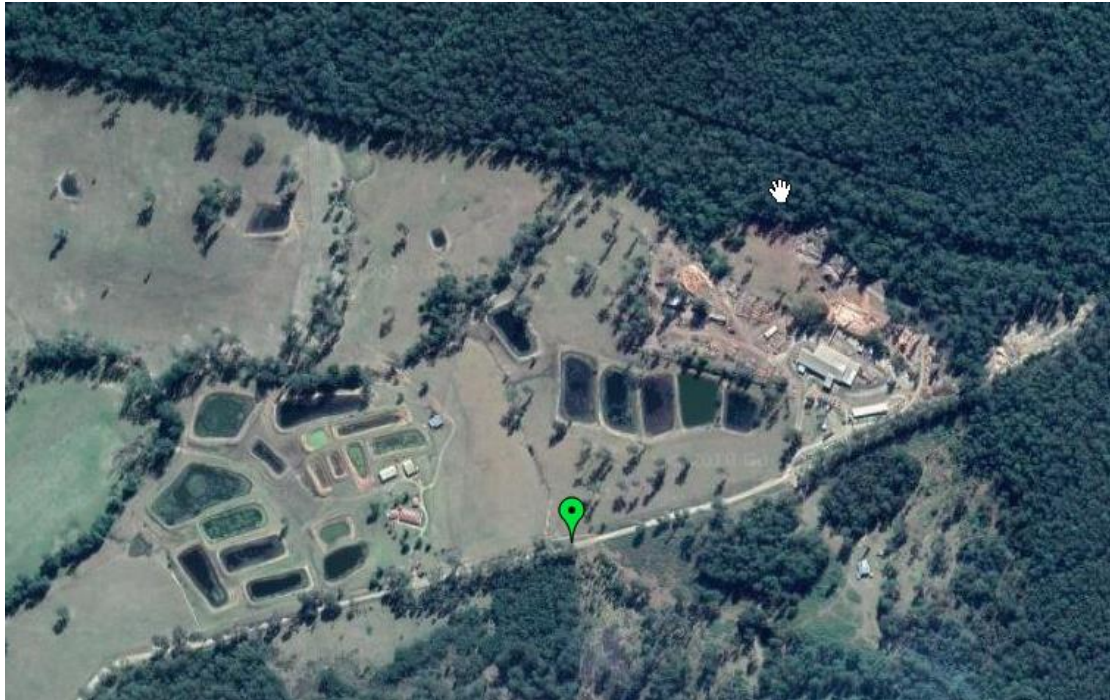
Existing sites features and Surrounding development

The site has an area of 14.65ha.

The site was zoned 1(a4) Rural Agricultural in accordance with the Port Macquarie-Hastings Local Environmental Plan 2001, 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:

- Modification to the hours of operation for Monday to Friday from the current approved hours 7am-6pm to the proposed 7am-9pm and restrict extended hours (6pm-9pm) for general maintenance only.
- Swap the current approved hours from Saturday to Sunday and restrict time to 8am-6pm for general maintenance only.

Refer to attachments at the end of this report.

Application Chronology

- 22 January 2018 - Application received.
- 29 January 2018 – 12 February 2018- Neighbour notification of proposal.
- 12 April 2018 – Site inspection.
- 26 April 2018 - 12-month consent issued by Council's Development Assessment Panel.
- 19 March 2019- Application received.
- 26 March 2019 - 8 April 2019- neighbour notification.
- 14 April 2019 - Inspection of site (Sunday) to assess activity/noise/traffic.

3. STATUTORY ASSESSMENT

Is the proposal substantially the same?

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modifications into three categories - S.4.55(1) for modifications involving minor error, mis-description or miscalculation; S.4.55(1A) for modifications involving minimal environmental impact; and S.4.55(2) for other modifications or modifications that require a condition imposed by a Minister, public authority or approval body to be amended. Each type of modification

must be considered as being substantially the same to that which was originally consented to.

The proposal is considered to be a S.4.55(1A) and remains substantially the same development to that which was originally lodged and consented to and will have minimal environmental impact. In particular, the only change relates to a change in operating hours and a swap from Saturday to Sunday for operation. No further change to the Mill operations is proposed. Having regard to the above, the proposed modification is not considered to alter the fundamental essence of the original development.

Much of the matters raised in submissions relate to ongoing issues with the operation of the Mill in general terms and not necessarily in relation to the subject changes applied for under this application. It was noted at the site inspection that dust generation of the trucks is significant and that care must be taken on bends with risk that trucks moving at speed may be present. It is recommended that a review be conducted to ensure compliance with overall conditions.

Are there any condition(s) of consent imposed by a Minister, government or public authority that require modification?

No.

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

Neighbour notification has been undertaken in accordance with the Port Macquarie-Hastings Development Control Plan 2013.

Any submissions made concerning the modification?

During the original modification thirteen (13) submissions were received.

During exhibition of the new/continued modification three (3) submissions were received.

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

Submission Issue/Summary	Planning Comment/Response
Road Safety.	The proposal does not intend to alter the volumes of traffic to the site and is not the subject of this application. The applicant has liaised with staff and drivers in relation to incidents and advised of the keeping of a register to note and respond to complaints.
Dust generation. Health Concerns. Road should be sealed	The proposal does not intend to alter the volumes of traffic to the site and are not the subject of this application. In specific relation to this modification, the site was inspected on a Sunday. Whilst some movement of employee vehicles was observed, no deliveries or truck movements was observed. The road was required to be upgraded in width and with a gravel top as part of the 2004/2005 consent. Council has previously considered upgrade f the

Submission Issue/Summary	Planning Comment/Response
	surface but this is not currently recognised as a part of the works program.
Roads deteriorating.	The proposal does not intend to alter the volumes of traffic to the site and are not the subject of this application. As part of the existing consent the section of road between Gum Scrub Rd and the Mill was upgraded to Council requirements (width increase and gravel base 200mm thick) in recognition of increased traffic movements.
Health and enjoyment of residents diminished from traffic.	The proposal does not intend to alter the volumes of traffic to the site and are not the subject of this application.
Noise - object to change/expansion of hours.	<p>Conditions are to be applied relating to noise. Maintenance activities only are permitted during these expanded hours and no additional logging truck movements to and from the site are permitted at these times. In specific relation to this modification, the site was inspected on a Sunday. Whilst some movement of employee vehicles was observed, no deliveries or truck movements was observed.</p> <p>In effect, impacts are reduced by an additional day due to the removal of logging trucks on both Saturday and Sunday. Trucks are permitted on Saturdays under the current consent. Refer to noise comments below.</p>
Religious precedent - will this set standard for hours of operation.	Regardless of religious beliefs, applications are assessed on merit. On balance, the variation is considered acceptable. The varied proposal has operated for 12 months without any noise complaints. One complaint was noted for a single incident of a truck arriving earlier than 7am. The proposal is for an increase in hours to enable maintenance. No Timber Mill operations are permitted. Conditions relating to noise and permissible activities is to be applied to the consent.

Any matters referred to in section 79C (1)/4.15 relevant to the modification?

Overall, the proposed development remains consistent with the original s79C/4.15 assessment. Refer to comments provided in the original DAP assessment attached to this report. Comments on notable changes are included below.

Noise

It's proposed to modify the existing development consent condition (which restricts operation of the sawmill to 7am-6pm Mondays to Saturdays) to allow for maintenance work to be carried out in the evenings until 9pm, Mondays to Fridays. The proposal is also seeking to swap the Saturday operating hours to Sundays, with no work on Saturdays.

If approved the new operating hours will be 7am to 9pm Mondays to Fridays and 8am to 6pm on Sundays. General sawmill operations will remain at the pre-approved

hours of 7am to 6pm Monday to Friday and general maintenance work only from 6pm to 9pm Monday to Friday and 8am to 6pm on Sundays.

The EMM noise report dated 13 November 2017 indicates that noise levels from the general maintenance work proposed to be carried out from 6pm to 9pm Monday to Friday after the mill has closed and from 8am to 6pm on Sundays will be at an acceptable level (<35dB(A)) for the rural location at the closest residence not associated with the sawmill.

The newly introduced "Noise Policy for Industry" NSW EPA October 2017 sets the amenity level for a rural area during the day at 50 decibels and during the evening at 45dB(A) so the predicted <35dB(A) is deemed to be satisfactory.

No complaints have been received to Council or the sawmill in relation to noise issue at the site during the 12-month trial period.

Proposed changes to conditions

Refer to attached draft recommended consent with conditions subject to change being highlighted in red.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

As per original application it has been considered that the change to hours and exchange of days will not result in any adverse impact to the local road network. Accordingly, development contributions are not applicable in this case.

5. CONCLUSION

The application has been assessed in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

The site is suitable for the proposed development, is not contrary to the public's interest and will not have 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](#). DA2004 - 687.6 Modification of consent

2 [View](#). DA2004 - 687.6 Public plans and documents

The conditions of consent referred to in the Notice of Determination for DA No 2004/687 are as follows:

No. 6	Modification No.6	
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A – GENERAL MATTERS

- (1) (DDA0000101) Except as provided by these conditions of consent, the development shall be carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent and as modified on 2 March 2005, 5 September 2005, 7 September 2005 and 26 April 2018. ⁵
- (2) (DDA0000102) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) 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) (DDA0000103) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DDA0000127) Dust nuisance shall not be generated as a result of the undertaking of the development.
- (5) (DDA0000147) Roof and surface waters are to be disposed of 3 metres clear of any building and below any septic or sullage disposal areas.
- (6) (DDA0000149) The floor surface of the wet areas and WC compartment/s are to be graded and drained in accordance with AS 3500.2.
- (7) (DDA0000150) A yard gully is to be provided the top of which is at least 150mm below finished floor level and 75mm above finished ground level.
- (8) (DDA0000151) All sanitary plumbing and drainage work is to be carried out by a licenced plumber in accordance with the requirements of the Local Government Approvals Regulation 1999 and AS3500 *The National Plumbing and Drainage Code*. Persons carrying out stormwater and sewerage works must be the holder of a permit issued in accordance with the Plumbing and Drainage Code of Practice. No alterations or additions are permitted without the express approval of Council.
- (9) (DDA0000175) The list of measures contained in the schedule attached to the construction certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (10) (DDA0000176) Once the new mill is operational, wastes including wood off cuts shall not be disposed of by burning.
- (11) (DDA0000197) Noise control measures shall be applied to the waste wood chipper in accordance with the recommendations contained in the Noise Impact Assessment by Bridges Acoustics, Report J0053-07-R1, and dated 9 December 2004.

- (12) (DDA0000198) Noise control measures and practices for plant and equipment shall comply with the recommendations contained in the Noise Impact Assessment by Bridges Acoustics, Report J0053-07-R1, and dated 9 December 2004.
- (13) (DDA0000199) Any fill used onsite is to be obtained from an approved site.
- (14) The closure of the Crown Road reserve that traverses the site is to be negotiated with the Department of Infrastructure, Planning & Natural Resources.
- (15) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the development consent on or within Council's road reserve is to be obtained from Port Macquarie-Hastings Council. A copy of the 138 approval and certification of the completed works is to be submitted with the application for the final Occupation Certificate.
- (16) Chemical wood preservation operations shall not be carried out on the site.
- ~~(17) Within three (3) months of the date of determination of modification five (5), a maintenance operating plan detailing the types of maintenance activities to occur onsite, is to be submitted to Council for approval (Note: the date of determination of modification five (5) is to be 26 April 2018 and the three (3) month due date will be 26 July 2018).~~ Deleted 6

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DDPCC00226) Full design plans of the proposed engineering works shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. Where required to be lodged with Council a checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.
 - a. Engineering plans for roadworks and associated civil works.
 - b. Draining, stormwater management, water quality control and associated works.
 - c. Traffic management control plan.
 - d. Sediment and erosion control measures.
- (2) (DDPCC00230) Submission an approval of engineering plans for the stormwater drainage design prepared by a professional engineer or surveyor, including details of the hydraulic and hydrological calculations for the discharge of any roof, surface or other stormwater to an approved point of discharge; such to conform with the requirements of Code No. CO7/4 and Councils adopted AUS-SPEC Specifications D5 and D7.
- (3) (DDPCC00238) The stormwater drainage system at the development site, including log storage areas, trafficable areas, yard areas and other exposed areas, shall be provided with pollution control measures to prevent stormwater pollutants discharging from the site. Details of these facilities shall be submitted with the construction certificate application.
- (4) (DDPCC00245) A schedule of existing and proposed fire safety measures is to be submitted with the application for the construction certificate.
- (5) (DDPCC00246) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual

"Soil and Water Management for Urban Development", Hastings Council sediment control policies and Councils adopted AUS-SPEC Design and Construction Guidelines shall be submitted to and approved by the Principle Certifying Authority.

The plan shall include measures to:

- a) Prevent site vehicles tracking sediment and other pollutants from the development site.
 - b) Dust control measures.
 - c) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - d) Contingencies in the event of flooding.
- (6) (DDPCC00248) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Councils adopted AUS-SPEC Design and Construction Guidelines are to be submitted to the Principal Certifying Authority for approval. Plans are to include the following:
- * Piped crossing in the table drain of minimum 375 mm diameter.
 - * Precast concrete or stone pitched headwalls.
 - * Gravelled access between the existing gravel road formation and the property boundary.
- (7) (DDPCC00253) Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any water supply, stormwater and sewerage works commencing on site.
- (8) Prior to the release of the construction certificate, a parking plan is to be submitted and approved by Council. The plan is to comply with Development Control Plan NO 18 – Off Street Carparking and show a total of twenty five (25) new spaces onsite.
- (9) Sawdust and wood chip shall be stored in enclosures that prevent the generation of dust and the pollution of storm water. Details to be provided with the construction certificate application.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DDPW000302) 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.
- Each toilet provided must:
- a. Be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
 - b. An approved temporary chemical closet serviced by an approved Council Contractor.
- The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
- (2) (DDPW000314) Erosion and sediment controls in accordance with the

approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.

- (3) (DDPW000315) All measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained during site works and construction. Trees and other vegetation to be retained are to be protected by the erection of suitably sturdy protective fencing. Fencing is to be in place prior to the commencement of any works on the site and must remain in place until the works are complete. No building materials or other items are to be placed or stored within the fenced off areas.
- (4) (DDPW000324) No work shall commence on site until a construction certificate has been issued by Council or an accredited private certifier.

D – DURING WORK

- (1) (DDDW000400) Work on the project 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.

- (2) (DDDW000401) An inspection must be undertaken by the Consent Authority or an Accredited Certifier prior to the covering of any of the works specified below:

- a) Footing trenches, pier holes and footing reinforcement
- b) All reinforcement of floors, beams, columns and the like
- c) All framework, with wetroom flashing & shower trays in place, first floor joists.
- d) Stormwater drainage lines
- e) Completion of building before final occupation.

Please note that where Council is nominated as the Principal Certifying Authority or has been requested to undertake an inspection a minimum of 24 hours notice is required to perform the inspection. You will need to quote your Development Application number and property description to ensure your inspection is confirmed.

- (3) (DDDW000403) An inspection must be undertaken by Council prior to the covering of the works specified below:

- a) sanitary plumbing and drainage
- b) water supply plumbing
- c) completion of all plumbing and drainage works

Please note that Council requires a minimum of 24 hours notice to undertake the inspection. You will need to quote your Development Application number and property description to ensure your inspection is confirmed.

- (4) (DDDW000405) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- (5) (DDDW000424) Where Aboriginal relics are uncovered during development

works, all works in the vicinity are to cease immediately and the National Parks and Wildlife Service is to be contacted to arrange inspection by a suitable qualified person.

- (6) (DDDW000442) The proponent shall construct the following road works with associated stormwater drainage structures that have been designed in accordance with Council's adopted AUS-SPEC Design and Construction Guidelines. The proponent shall be responsible for all costs, including maintenance, for a period of three months from the date of approval of completion of the work. Required road works include:

RURAL UNSEALED - OLD KEMPSEY ROAD

- a) Construction of a 6.0 m gravel pavement on a 8.0m wide formation with a minimum gravel depth of 200mm from Gum Scrub Road to the entrance of the mill.
- (7) (DDDW000455) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (8) (DDDW000456) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (9) (DDDW000460) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (10) (DDDW000470) The property access shall be constructed to a minimum level equal to the centreline level of the public road serving the property.
- (11) (DDDW000481) Noise from construction activities (measure as the L_{eq} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10dB (A), and for periods of construction exceeding 26 weeks by 5dB (A), in any Octave Band Centre Frequency, when measured at any affected residence.

E – PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (DDPO000501) The building shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DDPO000503) Lodgement of a security deposit with Council upon practical completion of the works, equivalent to 10% of all engineering works required on public property as assessed by the Director Development and Environment, to be held for a minimum maintenance period of three (3) months prior to the final acceptance of the work by Council.

- (3) (DDPO000507) A certificate from the licensed builder, owner/builder or person waterproofing the wall and floor junction and joints of wet areas must be produced to the Principal Certifying Authority prior to the occupation certificate, certifying that the manufacturer's recommendations have been followed and that the application/installation has been carried out in accordance with Australian Standard AS3740-1994: *Waterproofing of Wet Areas in Residential Areas*.
- (4) (DDPO000525) An accredited certifier or practicing qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the final occupation certificate, a "works-as-executed" set of plans in both hard and electronic copy and compliance certification in accordance with the details set out in Councils adopted AUS-SPEC Design and Construction Guidelines. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate. The copyright for all information contained in the plan shall be assigned to Council. In addition the proponent is to submit a record of infrastructure coming into Council ownership upon final plan release. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Development Engineering Section.
- (5) (DDPO000537) 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.
- (6) Prior to the release of the occupation certificate, the proposed car parking spaces (25 spaces) are to be provided onsite and maintained at all times.

F – OCCUPATION OF THE SITE

- (1) (DDOCC00605) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an Annual Fire Safety Statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (2) (DDOCC00610) All driveways, visitor parking spaces and turning areas shall be kept clear of obstructions at all times.
- (3) (DDOCC00618) Materials stockpiles and handling areas shall be maintained in a condition which prevents wind blown or traffic generated dust.
- (4) (DDOCC00619) All site run off from exposed areas and stockpiles shall be directed to a sediment pond. Details of the location and construction of the sediment pond are to be approved by Council prior to the release of the construction certificate.
- (5) (DDOCC00621) Noise from the development (measured as the L_{Aeq} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source) by more than 5dB (A) in any Octave Band Centre Frequency, at the boundary of any residence.
- (6) (DDOCC00624) Liquid materials, including fuels are to be stored in roofed and

imperviously bunded area. The minimum volume of the bund should be equal to the total volume of the largest storage container, or 25% of the total storage volume, whichever is greatest.

- (7) (DDOCC00625) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Councils Waste Management facilities.
- (8) (DDOCC00628) Spills and contaminated runoff should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (9) (DDOCC00630) Hours of operation of the development are restricted the following times:
 - a) Sawmill: 7am-6pm Monday to Friday
 - b) General Maintenance: 6pm-9pm Monday to Friday and 8am-6pm Sundays.

No logging truck movements are permitted during general maintenance hours and there is to be no work on Saturdays or Public Holidays.

~~The above amended times are approved for a trial period of twelve (12) months from the date of determination of modification five (5). Upon expiration of the twelve (12) month trial period, the hours of operation are to revert back to the previous approved hours of operation, unless a further modification is submitted and approved. A complaints register is also to be kept and detail any associated actions taken to rectify issues raised. The complaints register is to be provided to Council at the end of the twelve (12) month trial period. It should be noted that the date of determination of modification five (5) is to be 26 April 2018 and the twelve (12) month trial period for the amended hours of operation will cease on 26 April 2019.^{5, 6}~~

- (10) All loading and unloading in connection with the use must be carried out wholly within the property.
- (11) Garbage areas are to be screened from the road.
- (12) Sawdust and wood chip shall be stored in enclosures that prevent the generation of dust and the pollution of storm water.
- (13) (F195) Noise from general maintenance work during the approved hours shall be less than 35dB(A) when measured at the most affected point within 30m of the closest, potentially most affected residence.⁵

G – ADVICE

- (1) (DDADV00732) Pursuant to Section 80A(2) of the Environmental Planning and Assessment Act, 1979, the following works shall not be assessed for the purpose of compliance, or otherwise deemed acceptable, by any person other than Hastings Council:
 - Stormwater disposal plan/s and works
 - Plans and works associated with approvals under Section 138 of the Roads Act.
- (2) Separate development consent will be required to erect any advertising sign

onsite or change the use of the building, unless considered exempt development by Council.

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

Rights of Appeal

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely



F Tierney
Development Assessment Planner



18 March 2019

Your Ref: DA 2004.687.5
Our Ref: 5882

General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attention: Fiona Tierney

Dear Fiona

Re: Application for S.4.55(1A) Modification to DA2004/687.5
Lot 1 DP 1065577 Old Kempsey Road, Gum Scrub

I refer to the above Development Approval – DA2004.687.5 for the Sawmill Upgrade and Office at Old Kempsey Road, Gum Scrub.

Specifically, we refer to our recent modification to that consent which enabled the Sawmill to undertake general maintenance activities after hours, and on Sundays. That modification approval limited those extended hours to a 12-month trial period, with a further modification to be lodged to extend the hours beyond the 26th April of this year.

Accordingly, this application seeks a modification to the approved development subject to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. This modification is sought to amend Condition F(9) of the consent relating to operating hours of the sawmill.

The current consent condition F(9) reads:

“(9) (DDOCC00630) Hours of operation of the development are restricted the following times:

- a) Sawmill: 7am-6pm Monday to Friday*
- b) General Maintenance: 6pm-9pm Monday to Friday and 8am-6pm Sundays*

No logging truck movements are permitted during general maintenance hours and there is to be no work on Saturdays or Public Holidays.

**Directors**

MICHAEL S MOWLE
B E Civ (Hons)
Chartered Engineer

GEOFFREY E HILL
B Surv
Registered Land Surveyor

DANIEL J BAKER
B Surv
Registered Land Surveyor

DARREN J BOOTH
B Surv
Registered Land Surveyor

The above amended times are approved for a trial period of twelve (12) months from the date of determination of modification five (5). Upon expiration of the twelve (12) month trial period, the hours of operation are to revert back to the previous approved hours of operation, unless a further modification is submitted and approved. A complaints register is also to be kept and detail any associated actions taken to rectify issues raised. The complaints register is to be provided to Council at the end of the twelve (12) month trial period. It should be noted that the date of determination of modification five (5) is to be 26 April 2018 and the twelve (12) month trial period for the amended hours of operation will cease on 26 April 2019."

In accordance with the requirements of this condition, the operators have maintained a complaints register during this trial period.

In addition, the operators revised their "Preventative Maintenance Program & Plans/Policies For Environmental Management" for the Mill, and kept a maintenance register which recorded all general maintenance activities that were undertaken during the extended hours permitted by Condition F(9) of the consent.

A copy of the complaints register, the preventative maintenance program, and maintenance register is attached.

As noted in the attached registers, there were considerable items of general maintenance undertaken during the extended hours from 6pm and on Sundays since June 2018. However, no complaints were raised by neighbouring residents in relation to those general maintenance activities during this 12-month trial period.

The register does record a single complaint received during February but which related to truck movements, not the modified operating hours. Moreover, the truck noise complaint was subsequently found to not relate to a staff member of the Haydens Mill. In that instance, a newly employed truck driver arrived at the Mill prior to 7.00am and was allowed onto the site. No unloading, or other Mill-related activity was permitted by the site foreman until after 7.00am.

The complaint was reported and actioned by Council staff accordingly.

The attached maintenance schedule and preventative maintenance program provides Council with an assurance of the operators' understanding of the obligations to meet Council's expectations for maintaining the rural amenity of the locality. The complaints register and maintenance register will also be retained on site at all times, and will form part of the operators' regular duties while operating the Mill.

The revised maintenance times have significantly improved the on-site efficiency of the Mill's operations with much less down-time for the Mill staff. One of the additional benefits of the extended maintenance is that it assists in improving safety standards through a higher standard of preventative maintenance now being achieved. The operators' aim therefore is to have these revised hours made permanent.

Accordingly, this modification application seeks to amend condition F(9) so as to read:

"(9) (DDOCC00630) Hours of operation of the development are restricted the following times:

- a) Sawmill: 7am-6pm Monday to Friday*
- b) General Maintenance: 6pm-9pm Monday to Friday and 8am-6pm Sundays*

No logging truck movements are permitted during general maintenance hours and there is to be no work on Saturdays or Public Holidays.

~~The above amended times are approved for a trial period of twelve (12) months from the date of determination of modification five (5). Upon expiration of the twelve (12) month trial period, the hours of operation are to revert back to the previous approved hours of operation, unless a further modification is submitted and approved. A complaints register is also to be kept and detail any associated actions taken to rectify issues raised. The complaints register is to be kept on site at all times and provided to Council at the end of the twelve (12) month trial period upon request. It should be noted that the date of determination of modification five (5) is to be 26 April 2018 and the twelve (12) month trial period for the amended hours of operation will cease on 26 April 2019.~~

No other conditions of the consent are anticipated to require amendment by this proposed modification request.

Conclusion

In support of our application made under S.4.55(1A), we would stress that:

- The development as modified will remain substantially the same as the development assessed and approved by Council previously;
- The 12-month trial period was designed to evaluate what potential impact the modified maintenance hours may have on neighbouring residents to the Mill. The absence of complaints during this period

relating to general maintenance works confirms the original DA submission which presented the merits of the preferred hours;

- The revised maintenance time has significantly improved the on-site efficiency of the site's operations with much less down-time;
- There will be no change to the approved development footprint, truck movements, or on-site machinery being used in the Mill's operations;
- There is no change to the nature of the approved use or the agreed environmental management obligations for the development as per the original consent.

If you have any queries, or require any further information, please do not hesitate to contact the undersigned.

Yours faithfully,



Andrew Lister
Town Planner

encl *Complaints register*
Preventative Maintenance Program & Plans/Policies for Environmental Management
Maintenance register from June 2018 – March 2019



DE1C

1010540

SECTION 96 MODIFICATION SUPPORTING INFORMATION

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

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

Contact Council's Duty Planner if you require assistance.

1. PROPERTY DETAILS

Lot No. 1 Section No. DP/SP No 106 5577 Street No. 269
 Street Name Old Kempsey Road
 Suburb/Town Grum Scrub Postcode 2441

2. DESCRIPTION OF PROPOSED DEVELOPMENT

Provide a description of the approved development Sawmill

3. DESCRIPTION OF PROPOSED MODIFICATION(S)

Provide a description of the proposed modifications Change to hours and days of operation (see attached letter)

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

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

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

4. WHAT CATEGORY IS THE PROPOSED MODIFICATION?

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

What section are you applying to modify your consent?

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

Please describe reasons for classification: the modification will have little or no environmental impact.

5. 'SUBSTANTIALLY THE SAME' TEST

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

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

If yes, please describe: The development will remain as approved - the operation of a saw mill.

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

6. BASIX

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

Is a new BASIX certificate attached?

Yes ☐ No ☒

Comments: N/A

7. BUSHFIRE

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

Is a new Bushfire Risk Assessment attached?

Yes ☐ No ☒

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

Comments: NA

8. RESIDENTIAL FLAT BUILDINGS

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

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

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

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

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

Is your application accompanied by a design verification?

Yes ☐ No ☒

Comments: NA
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.....
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.....

9. OTHER INFORMATION REQUIREMENTS

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

10. OWNER'S CONSENT

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

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

see Owners consent attached
OWNER'S NAME & SIGNATURE

DATE

APPLICANT'S NAME & SIGNATURE

DATE

HAYDEN TIMBERS PTY LIMITED									
RECURRENT MAINTENANCE SCHEDULE									
Maintenance 4-9 pm Mon - Thurs, Friday 2pm, & Sunday									
Date	Day	Task	Time Start	Time Finish	Tools used				
14-Jun	Thurs	Electrical Sizing No 2 Bench - Electrical	4.30	9.00	Hand tools				
17-Jun	Sunday	Chipper rebuild	8.00	4.00	grinders Weldersm handtools Generator , chipper test				
27-Jun	Wed	Smith Edger Kickers	4.30	7.50	welder, grinder , chain block, generator				
2-Jul	Monday	Repair return Belt No 5 Bench	4.30	8.30	Hand tools				
2 July	Thurs	Outfeed belts No 5 bench	4.30	9.00	low speed grinder, hot press				
17-Jul	Tuesday	No 5 Bench, saw motor and belt drive	4.30	9.00	hand tools , oxy, we4lder.				
15-Jul	Sunday	Chipper disk adjust	9.00	4.00	hand tools welder, test run				
8-Aug	Tuesday	No 3 Docker Waste belt	4.30	9.00	Hot press, low speed Gidner, Hand tools Generator and test.				
9-Aug	Wed	Smith Edger outfeed	4.30	7.00	Welder, grinder				

HAYDEN TIMBERS PTY LIMITED									
RECURRENT MAINTENANCE SCHEDULE									
Maintenance 4.30 - 9 pm Mon-Thurs, Friday 2pm & Sunday									
Date	Day	Task	Time Start	Time Finish	Tools used				
Aug-14	Tuesday	Main Waste Conveyor	4.3	7.5	Grinder, Welder, Hand tools				
Aug-17	Friday	Chipper Infeed Belt	2	5.3	Hand Tools Loader				
Aug-20	Mon	Main Waste Drive system	4.3	7.1	Hand tools , loader, oxy.				
Aug-21	Tues	Waste Conveyor No 5 Bench	4.30	6.50	Hand tools , grinder, oxy,welder, loader.				
Aug-23	Thurs	Chip Screen rebuild	4.30	8.00	loader, hand tools hammers				
Aug-24	Friday	Chip Screen Rebuild	2.00	5.35	Oxy Grinders,loader				
Aug-26	Sunday	Chip Screen Rebuild	8.00	6.00	Loader, Grinder , welder , hand tools				
Aug-27	Monday	Chip Screen Shute	4.00	6.45	welder, Forklift.				
Sep-04	Tuesday	Main Waste conveyor	4.30	7.15	hand tools grinder , geneartor , test run				
Sep-12	Wed	Kickers Smith Edger	4.30	7.00	Welder , Grinder				
Sep-14	Frid	Contract loader mtce JNL	1.00	7.30	own tools.				
Sep-21	Friday	Chipper infield belt no 5 bench Hydraulics	1.15	5.45	Grinder , Welder, Test Run				
Sep-21	Frid	Contract mtce loaders, forklift JNL	1.00	7.10	own tools				
Sep	Mon - Thurs	Cleaning Mill plant area	4.30	7.00	Loader use, generator , blowers				
Sep-28	Friday	Contract mtce Loader & Forklift mtce JNL	1.00	7.30	own tools				

HAYDEN TIMBERS PTY LIMITED
RECURRENT MAINTENANCE SCHEDULE
Maintenance 4.30 -9 pm Mon-Thurs, Friday 2pm & Sunday

2018

Date	Day	Task	Time Start	Time Finish	Tools used
Oct-03	Wed	Kickers Smith Edger	4.30	6.30	grinder, hammer, welder, test run
Oct-05	Friday	Contract loader & Forklift mtce JNL	12.00	7.30	own tools
Oct-12	Friday	Chipper service	1.15	5.50	Rattle Gun,air compressor,hand tools
Oct-14	Sunday	Chipper service m Screen Starter	8.00	1.30	Test Run,hand tools, test run, rattle gun.
		Replacement , smith Edger, Electric			
		Console			
Oct-17	Wed	No 5 Bench Electrical Switch Replace	4.30	6.00	Hand Tools
Oct-25	Thursday	Saw Packs Smith Edger	4.30	6.00	Hand Tools
Oct-26	Friday	Rotate Chipper Anvil	1.15	5.00	Hand tools
Nov-02	Friday	No 5 bench Rollers	7.30	3.00	Hand tools
Nov-02	Friday	Loader Mtce	8.30	4.00	Hand Tools, air Compressor, test run
Nov-07	Wed	Smith Edger	4.30	6.00	Hand Tools Test Run
Nov-13	Tuesday	Chipper accelerator Belt replace	5.30	7.30	Hand Tools & Test run
Nov-16	Friday	Loader Mtce	1.15	5.30	Hand Tools & air compressor
Nov-19	Mon	Smith Edger Sizing	4.30	6.15	hand tools test run
Nov-23	Friday	Smith Edger reroute wiring	2.00	6.45	hand tools
Nov-30	Friday	log drivepulley, chipper in feed belt,			
		Chipper knife,setting & clamping,holder			
		main,Replacedroiver pulley taper lock	7.00	6.45	normal RDO,- hand tools,grinder,air compressor, rattle gun,test run.

HAYDEN TIMBERS PTY LIMITED						
RECURRENT MAINTENANCE SCHEDULE						
2018	Maintenance 4.30 -9 pm Mon-Thurs, Friday 2pm & Sunday					
Date	Day	Task	Start Time	Finish Time	Tools used	
Dec-02	Sunday	Chipper Assembly, Infeed Assembly, Balance wheel	8	1.45	Rattle Gun, Air Comp, Handtools, Grinder Test Run.	
Dec-05	Wed	Smith Edger sizing valve replace	5.15	7.30	handtools, electrical test equip, test run.	
Dec-17	Mon	Repair Waste belt No 5 Bench	5.30	6.45	Hand tools	
Dec-23	Sunday	Gibson Edger disassembly	8.00	5.00	hand tools, rattle gun, loader, forklift, Oxy, grinders, welder.	
Dec-24	Mon	Parts delivered, laid out, cleaned, preassembly No 1 Bench	9.00	5.30	Forklift, hammers, hand tools.	
Dec-27	Thursday	No 1 Bench outfeed roller reassembly	7.00	7.15	hand tools, grinder, forklift.	
Dec-28	Friday	No 1 Bench outfeed	7.00	6.05	hand tools.	
Dec-31	Monday	Gibson Edger Assembly	7.00	6.45	handtools, welder, grinder, oxy, loader.	
Jan-02	Wed	Gibson Edger refit	7.00	6.45	handtools, welder, grinder	
Jan-03	Thursday	No 1 Bench Refit rollcase	7.00	5.50	handtools, grinder	
Jan-04	Friday	Gibson Edger refit cont	7.00	6.10	handtools, forklift	
Jan-06	Sunday	No 1 Bench refit cont	7.00	6.00	loader, handtools	
Jan-07	Mon	Gibson Edger Cont	8.00	6.00	handtools	
Jan-08	Tues	Gibson Edger cont	7.00	4.20	hand tools	
Jan-10	Thursday	No 1 Bench outfeed cont	7.00	6.30	grinder, welder, handtools	
Jan-11	Friday	Gibson Edger Cont	7.00	6.30	handtools	
Jan-12	Saturday	No 1 bench completed, testrun	7.00	6.10	handtools	
Jan-13	Sunday	Gibson Edger alignment, complete instal	7.00	6.10	forklift, handtools, generator, air comp	
Jan-14	Monday	No 5 Bench gate cylinder replace, dual belt	7.00	6.20	handtools, generator, testrun	
Jan-15	Tuesday	5" drive pully replaced.	7.00	6.20	testrun, generator, handtools.	
Jan-16	Wednesday	Chipper mulch rebuild	7.00	6.1	welder, grinder, handtools,	
Jan-17	Thursday	No 5 Bench completed. Return belt: test run	7.00	6.1	handtools	
Jan-18	Friday	Gibson edger outfeed roll replaced.	7.00	6.1	handtools	
Jan-19	Saturday	test run entire mill	7.00	6.1	Generator. & entire mill test run	

Jan-16	Wed		Waste belt No 5 Bench replace chute		4.3	6.45	Hand tools , welder, grinder		
Jan-22	Tuesday		Smith Edger sizing, replace valve, calibrate		4.3	7.05	hand tools , generator test run		
Jan-24	Thurs		Smith Edgersizing, calibrate		4.3	6.1	Hand tools, generator, test run		

HAYDEN TIMBERS PTY LIMITED
RECURRENT MAINTENANCE SCHEDULE
Maintenance 4.30 -9 pm Mon-Thurs, Friday 2pm & Sunday

2019	Day	Task	Start Time	Finish Time	Tools used
Feb-01	Friday	Re configure conveyor,system chipper	7.00	7.45	Hand tools, welder, grinders, forklift.
Feb-03	Sunday	Chipper conveyors PLC re program	8.00	5.00	Welders, Grinders,handtools, forklift , test run
Feb-04	Mon	Chipper return, conv,& infeed chute	4.30	7.10	Oxy, grinders, handtools,
Feb-05	Tuesday	Chipper, conveyors cont	4.30	6.45	Handtools, welder , test run
Feb-12	Tuesday	Smith Edger sizing calabration	4.30	6.35	hand tools , generator running total time.
Feb-25	Monday	No 5 Docker Drive belt replacement	4.30	6.15	hand tools only
Feb-27	Thursday	No 4 Bench Drive belt replace	4.30	6.30	hand tools , test run
Mar-01	Friday	RDO . Lower No 1 Dockerwaste belt-prep for new tippie install. Replace screen lead plate	7.00	4.15	Oxy, hand tools, welder, grinders, rattle gun, hammer drill.
Mar-05	Tuesday	Gibson Edger Hydraulic winch hose replace	6.00	7.15	Hand tools only

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)**ABN 22 089 171 166****PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT**

Date Amended:.....June 18.....

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HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

ABN 22 089 171 166

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

Date Amended: June 18.....

P1

PURPOSE.

To establish a policy and program for preventative maintenance and monitoring that provides for:

- a) Safety of all employees
- b) Environmental management of the work site covering issues such as noise, dust, potential pollutants, air and soil quality.
- c) Regular maintenance of all plant and equipment to an acceptable operational level.
- d) Processes for responding to major breakdowns.
- e) A program that meets the requirements determined by council in the amendment to the consent of hours of operation and maintenance approved on 26 April 2018.

EXECUTIVE BACKGROUND.

Hayden Timbers is an established hardwood sawmilling operation located at 269 Old Kempsey Road Gum Scrub 2441 (Lot 1 DP 1065577 Old Kempsey Road) which operates under an approved consent granted in 2004 and with extensions in 2008. The site is a licensed sawmill site that has been operating since approx. 1980.

The mill is located in a relatively isolated area which adjoins State Forest along the northern boundary, and is in the vicinity of a number of broad-scale farms and rural residences.

On 26 April 2018, Hastings Council approved a requested modification to the original consent granted in 2004, in relation to approved hours of operation, specifically to accommodate the mill requirement to carry out maintenance programs and provide adequate times for major maintenance.

Condition F (9) of the original consent was amended to read:

“Hours of operation of the development are restricted to the following times:

- a) Sawmill: 7am -6pm Monday to Friday.
- b) General maintenance: 6pm-9pm Monday to Friday and 8am – 6pm Sundays.

No logging truck movements are permitted during general maintenance hours and there is to be no work on Saturdays or Public Holidays. “

The original consent was based on 7am to 6pm Mondays to Saturdays, with no work on Sundays or Public Holidays. /2

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers))

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

MAINTENANCE PROGRAMS

P2

All maintenance is scheduled by the Maintenance Manager, supervised and monitored by that person in conjunction with the Mill Manager. The Maintenance Manager is responsible to ensure all documentation surrounding maintenance is maintained.

1. Regular Maintenance programs are designed around key mill operations covering:

a) Mill Maintenance

Saw sharpening

Workshop

Chipper

Mill Machinery

Movable Machinery – loaders forklifts, trucks, vehicles

Generators

b) Environmental maintenance :

Sawdust

Dust control

Cleaning

Chemical /Oil/Waste removal

Within these categories each item for maintenance is detailed and work /task scheduled as to frequency and actual scheduled times.

Checklists and worksheets are maintained for all larger items of maintenance.

Maintenance that can be scheduled during normal operational hours of Monday to Friday 7am to 6pm that does not interfere with mill operations is organised this way... Other regular maintenance that is required when the mill is not operational is scheduled between 6-9 pm weekdays, and if necessary on Sundays if it cannot be completed at these times. /3

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers))

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

P3

2. Special maintenance work that requires shut down is scheduled in advance where possible outside normal mill operational times being

- a) 6-9pm On weekdays where it can be completed to allow full operation the next day
- B) Friday afternoon and Sunday times to allow full operation on Monday mornings.

3. Unscheduled Maintenance and Breakdowns

Where a breakdown occurs that requires mill stoppage in a section of the mill plant, this area is isolated from operation to allow continuation of production in other areas of the mill for safety reasons. Similarly where a maintenance issue is recognised and reported to the Maintenance Manager, that section can be stopped at his discretion to address the issue.

Alternatively, the decision may be made to address the breakdown in a remedial manner to ensure safety and continuity of operations until mill stoppage at normal times, and then carry out full repairs in the allowable times to 9pm on weekdays and allowable times on Sunday. This ensures safety standards are met and the mill can return to full production at the earliest opportunity.

Environmental Management

It is recognised that environmental management is required in management of the mill operations. The following key areas and the processes to achieve desired outcomes are detailed in the key plans below for:

- 1. Noise Management**
- 2. Air quality**
- 3. Cleaning**
- 4. Chemical /Oil/Waste removal.**

/4

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

P4

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

ENVIRONMENTAL MANAGEMENT PLANS

1. NOISE MANAGEMENT PLAN

a) Environmental Objectives

To minimise the impact on adjacent land uses from noise generated by maintenance activities required to be undertaken during the approved hours of 6pm – 9pm Mondays to Fridays and during 8am -6pm on Sundays.

b) Environmental values

Noise generated from the site should be within levels, which are conducive to the protection of the health and biodiversity of the ecosystem; and

Noise generated from the site should be within levels, which protect the amenity of the local community.

c) Management Intent

Effectively manage the operational activities of the site to reduce the potential for noise.

d) Tasks/Actions

Ensure the noise intensity of machinery is a consideration when purchasing ancillary equipment (e.g. generators and associated power tools)

Maintenance activities will be scheduled to occur during daylight hours where practically possible.

All equipment to be well maintained.

Investigate Complaints and implement appropriate mitigation strategies – complaints register in operation.

Ensure only Machinery identified as suitable for use in the designated time period is used ,that comply with noise levels as previously determined in noise assessment tests carried out .

e) Performance Indicator

Ideal performance is no noise complaints received – where received implement remedial action immediately and record outcome. /5

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

P5

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

ENVIRONMENTAL MANAGEMENT PLANS

NOISE MANAGEMENT PLAN (CONT)

f) Monitoring

Monitoring of noise should be conducted when required by an administering Authority (e.g. local council/ State Govt Dept) to investigate a reasonable complaint; and

Monitoring results should be compared with the most relevant noise criteria applicable within the site's jurisdiction.

g) Frequency /Deadlines

Noise Management Plan must be adhered to at all times of facility operation.

h) Responsibilities

Maintenance Manager is primarily responsible for ensuring correct use of machinery and equipment that is allowed during maintenance times as detailed in this plan, and for recording the use thereof and type of maintenance carried out as detailed in other sections of this policy...

In the absence of the Maintenance Manager this responsibility becomes the responsibility of the Mill Manager.

Contact can be made to the Administration office during any office hours.

i) Reporting and Review

Complaints received by the Maintenance Manager, Mill Manager, or direct by the Administration office are to be recorded in the administration office in a complaints register and record the appropriate action and outcome...

Where there is an ongoing complaint or nuisance identified the Noise Management Plan is to be reviewed and amended as required to address the issue.

j) Corrective Actions

Should a noise nuisance be verified, review the noise management practices above and implement appropriate control measures; and

If appropriate, noise management practices may be reviewed and updated accordingly if inadequate in minimising environmental nuisance / harm. /6

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

P6

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

NOISE MANAGEMENT PLAN (CONT)

- k) List of allowable equipment to be used in extended maintenance times of 6-9pm Mon to Friday and Sundays 8am -6pm.

Workshop Equipment
Portable drills, grinders, welders and hand tools
Loader
Generator
Pressure cleaner
Compressor
Saw sharpener

- l) Noise in the context of Employees
All employees are issued with ear plugs and /or ear muffs to use as appropriate on the mill site. Where practicable machinery is enclosed to reduce the noise impact.

AIR QUALITY CONTROL

a) Environmental Objectives

To minimise the impact on the site and on adjacent land uses from dust and sawdust particle generated by the mill operation.

b) Environmental values

Dust and sawdust generated from the site should be within levels, which are conducive to the protection of the health and biodiversity of the ecosystem; and

Dust and sawdust generated from the site should be within levels, which protect the amenity of the local community as well as staff health...

c) Management Intent

Effectively manage the operational activities of the site to reduce the potential for excessive dust and airborne sawdust particles. /7

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR
ENVIRONMENTAL MANAGEMENT

AIR QUALITY CONTROL (CONT)

P7

d) Tasks/Actions

For Sawdust Control:

Ensure that the sawdust extraction system is working to acceptable standards.
i.e. All sawmilling machinery where practical is connected to an associated enclosed dust extraction blower system that conveys sawdust to the enclosed sawdust storage area sited a suitable distance away from the mill.

Ensure the cleaning schedule to remove excess sawdust around the mill and machinery is being carried out.

Ensure that drains and drainage ponds for run off on the site are regularly inspected and maintained.

For Dust Control

- Ensure that mill surface areas (internal roads, timber and log storage areas) that generate dust are dampened to reduce rising dust with vehicular or plant travel (i.e. trucks, loaders, forklifts). The mill maintains a water truck for this purpose and for fire safety.

-Ensure signage is in place at the entrance of the mill indicating speed limits for Vehicular movement.

All equipment to be well maintained.

Investigate Complaints and implement appropriate mitigation strategies – complaints register in operation.

e) Performance Indicator

Ideal performance is no complaints received – where received implement remedial action immediately and record outcome.

f) Monitoring

Monitoring of dust and air pollutant levels should be carried out by observation as required and when required by an administering Authority (e.g. local council/ State Govt Dept) to investigate a reasonable complaint; and /8

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

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PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT

AIR QUALITY CONTROL (CONT)

Monitoring results should be compared with the most relevant criteria applicable within the site's jurisdiction.

g) Frequency /Deadlines

Dust and sawdust Management Plan must be adhered to at all times of facility operation.

h) Responsibilities

Maintenance Manager is primarily responsible for ensuring machinery is operating correctly to mitigate the impact of dust and sawdust...

In the absence of the Maintenance Manager this responsibility becomes the responsibility of the Mill Manager.

Contact can be made to the Administration office during any office hours.

i) Reporting and Review

Complaints received by the Maintenance Manager, Mill Manager, or direct by the Administration office are to be recorded in the administration office in a complaints register and record the appropriate action and outcome...

Where there is an ongoing complaint or nuisance identified the dust and sawdust Management Plan is to be reviewed and amended as required to address the issue?

j) Corrective Actions

Should a dust or sawdust nuisance be verified, review the management practices above and implement appropriate control measures; and

If appropriate, management practices maybe reviewed and updated accordingly if inadequate in minimising environmental nuisance / harm.

3. CLEANING**Regular Scheduling**

A scheduled mill cleaning program is in operation to remove sawdust not removed by the extraction system, and other waste material as follows:

- a) Daily: Cleaning is carried out where necessary during the course of the mill operation and also scheduled at the end of each day.
- b) Weekly: Cleaning is done each Friday after mill operation ceases at 1pm.
- c) Fortnightly: Cleaning is done each fortnight on the Friday of the rostered day off.

/9

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

P9

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT**Disposal of waste from Cleaning:**

Cleaning waste is transferred to the general waste disposal unit for later disposal at council waste site.

k) Performance Indicator

Ideal performance is no complaints received – where received implement remedial action immediately and record outcome.

l) Monitoring

Monitoring of cleaning waste disposal should be carried out by observation as required to ensure the schedule is adhered to, and when required by an administering Authority (e.g. local council/ State Govt Dept) to investigate a reasonable complaint; and

Monitoring results should be compared with the most relevant criteria applicable within the site's jurisdiction.

m) Frequency /Deadlines

Cleaning processes and plan must be adhered to at all times of facility operation.

n) Responsibilities

Mill Manager is primarily responsible for ensuring programs for waste removal are monitored and adhered to.

In the absence of the Mill Manager this responsibility becomes the responsibility of the Maintenance Manager.

Contact can be made to the Administration office during any office hours.

o) Reporting and Review

Complaints received by the Mill Manager, Maintenance Manager, or direct by the Administration office are to be recorded in the administration office in a complaints register and record the appropriate action and outcome...

Where there is an ongoing complaint or nuisance identified the cleaning schedule is to be reviewed and amended as required to address the issue.

p) Corrective Actions

Should a cleaning issue be verified, review the management practices above and implement appropriate control measures; and

If appropriate, management practices maybe reviewed and updated accordingly if inadequate in minimising environmental nuisance / harm. /10

HAYDEN TIMBERS PTY LIMITED (Hayden Timbers)

P10

PREVENTATIVE MAINTENANCE PROGRAM & PLANS/POLICIES FOR ENVIRONMENTAL
MANAGEMENT**4. Chemical /Oil/Waste removal.**

Removal of waste from the mill site is scheduled as follows:

Used Batteries: Stored separately and returned to supplier for disposal

Oil Waste: Stored separately in oil containers and removed periodically by external contractor.

Tyres: Stored separately and returned to Tyre supplier for disposal

Office paper: shredded and removed for recycling.

General waste; Placed in Skip Bins and removed to council waste site.

q) Performance Indicator

Ideal performance is no complaints received – where received implement remedial action immediately and record outcome.

r) Monitoring

Monitoring of waste storage and build up should be carried out in accordance with the schedule, and by observation as required and when required by an administering Authority (e.g. State or Local Govt)

Monitoring results should be compared with the most relevant criteria applicable within the site's jurisdiction.

s) Frequency /Deadlines

Waste removal schedules must be adhered to at all times of facility operation.

t) Responsibilities

The Mill Manager is primarily responsible for ensuring processes are carried in accordance with schedules to mitigate any environmental, safety or health impacts...

In the absence of the Maintenance Manager this responsibility becomes the responsibility of the Mill Manager.

Contact can be made to the Administration office during any office hours.

u) Reporting and Review

Complaints received by the Maintenance Manager, Mill Manager, or direct by the Administration office are to be recorded in the administration office in a complaints register and record the appropriate action and outcome...

Where there is an ongoing complaint or nuisance identified the waste management plan is to be reviewed and amended as required to address the issue.

v) Corrective Actions

Should a waste nuisance be verified, review the management practices above and implement appropriate control measures; and

If appropriate, management practices maybe reviewed and updated accordingly if inadequate in minimising environmental nuisance / harm.

HAYDEN TIMBERS PTY LIMITED.

SAMPLE 1

P11

RECURRENT MAINTENANCE SCHEDULE

Summary Sheet

Task	Frequency			
	Daily	Weekly	Monthly	Other
Saw sharpening	x			
Workshop	x			
Chipper	x	x	x	
Mill machinery	x	x	x	
Movable machinery - loaders etc	x	x		
Generators	x			Bimonthly
Sawdust	x			
Dust Control	x			
Cleaning	x	x		
Chemical /Oil/Waste removal			x	As required

HAYDEN TIMBERS PTY LIMITED
SAMPLE 2
RECURRENT MAINTENANCE SCHEDULE

P12

Daily Times

Task

M

T

W

T

F

Sur

Saw sharpening

Workshop

HAYDEN TIMBERS PTY LIMITED

SAMPLE 3

P13

RECURRENT MAINTENANCE SCHEDULE

Task	Daily Times		W	T	F	Sun	Wed
	M	T					

Chipper

Mill machinery

HAYDEN TIMBERS PTY LIMITED

SAMPLE 4

P14

RECURRENT MAINTENANCE SCHEDULE

Daily Times

Task

M

T

W

T

F

Sun

W

Movable Machinery (loaders , Trucks etc

Generators

HAYDEN TIMBERS PTY LIMITED

SAMPLE 5

RECURRENT MAINTENANCE SCHEDULE

Daily Times

P1

Task

M

T

W

T

F

Sun

Wi

Sawdust Control

Dust Control

Run off

P16

DEN TIMBERS PTY LIMITED
IPLE 6
JRRRENT MAINTENANCE SCHEDULE

P17

ik	M	T	W	T	F	Sun
ning Schedule						

nical/Oil /Waste removal

HAYDEN TIMBERS PTY LTD

P18

MAINTENANCE CHECK LIST

TABLE 7

FOR OK

FOR ATTENTION

SITE LOCATION NO 1 SWEEP BENCH NAME.....

G INFEED TRANSFER

OUTFEED SWEEP SYSTEM

DRIVE MOTOR.....

DRIVE UNIT.....

CHAINS.....

CHAINS.....

SPROCKETS.....

BEARINGS.....

SLIDERS.....

SPROCKETS.....

WHEELS.....

SLIDE BEARINGS.....

RINGS.....

CYLINDERS.....

OTHER.....

OTHER.....

RT INFEED TRANSFER

RETURN BELT

DRIVE BOX.....

PULLEYS.....

FOR.....

BEARINGS.....

WHEELS.....

BELT.....

Gears.....

GEAR MOTOR.....

CHAINS.....

SPROCKETS.....

RINGS.....

CHAINS.....

CYLINDER.....

CYLINDER.....

OTHER.....

DEEP BENCH & WASTE

OUTFEED TRANSFER

P19

FORSS.....
LEYS.....
FS.....
RINGS.....
RBOX
.....
CE.....
NDERS.....
ES.....
VES.....
SSURE ROLLER.....
RD.....
ER.....

GEAR MOTOR.....
SPROCKETS.....
CHAIN.....
BEARINGS.....
CYLINDERS.....
OTHER.....

IMENTS.....
.....

HAYDEN TIMBERS PTY LTD

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SAMPLE 8

MAINTENANCE CHECK LIST

TICK FOR OK

X FOR ATTENTION

DATE	LOCATION TWIN EDGER	NAME
------	---------------------	------

HYDRAULIC POWER PACK

OUTFEED ROLLCASE NO 1

MOTOR.....

GEAR MOTOR.....

PUMP.....

SPROCKETS.....

OIL LEVEL.....

BEARINGS.....

FILTER.....

CYLINDER.....

OTHER.....

HOSES.....

VALVES.....

OTHER.....

.....

INFEED DECK

OUTFEED ROLLCASE NO 2

GEAR MOTOR.....

GEAR MOTOR.....

CHAINS.....

CHAINS.....

SPROCKETS.....

SPROCKETS.....

BEARINGS.....

BEARINGS.....

CYLINDERS.....

VALVES.....

HOSES.....

AIR BAGS.....

VALVES.....

OTHER.....

OTHER.....

.....

BLOWER & LIFT CHAIN	OUTFEED ROLLCASE NO 3	P21
MOTOR.....	GEARBOX.....	
BEARINGS.....	BELTS.....	
BELTS.....	SPROCKETS.....	
PULLEYS.....	PULLEYS.....	
CHAIN.....	BEARINGS.....	
GEAR MOTOR.....	VALVES.....	
OTHER.....	CYLINDERS.....	
	OTHER.....	

.....

TWIN SAWS	OVERHEAD CARRIAGES
MOTOR.....	HYD MOTORS.....
PULLEYS.....	CYLINDERS.....
BELTS.....	VALVES.....
CHAINS.....	BEARINGS.....
HYD MOTORS.....	WHEELS.....
CYLINDERS.....	ROPE.....
WATER SYSTEM.....	PULLEYS.....
OTHER.....	OTHER.....

COMMENTS.....

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HAYDEN TIMBERS PTY LTD

MAINTENANCE CHECK LIST

P22

SAMPLE 9

TICK FOR OK

X FOR ATTENTION

DATE

LOCATION No 3 DOCKER

NAME

INFEEED TRANSFER & ROLL CASE

DOCKING SAW & OUTFEED

GEARMOTOR.....

MOTOR.....

SPROCKETS.....

PULLEYS... ..

CHAINS.....

BELTS.....

BEARINGS.....

VALVES.....

ROLLERS.....

CYLINDERS.....

OTHER.....

ROLLERS.....

BEARINGS.....

OTHER.....

.....

HAYDEN TIMBERS PTY LIMITED**SAMPLE EXTERNAL COMPLAINTS
REGISTER****P23****Commenced : 27 April 2018**

Date	Name & Address	Detail of Complaint & machinery	Remedial Action Taken/Monitoring process
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Email & Telephone

Item: 06**Subject: DA2018 - 472.1 CHANGE OF USE - DWELLING TO CENTRE BASED
CHILDCARE CENTRE - LOT 6 DP 262151, NO.120 HINDMAN
STREET, PORT MACQUARIE****Report Author: Benjamin Roberts**

**Applicant: Robert Smallwood
Owner: D Edgar
Estimated Cost: \$245,000
Parcel no: 9385**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 - 663.1 for a change of use from a dwelling to a centre based childcare centre at Lot 6, DP 262151, No. 120 Hindman Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a change of use from a dwelling to a centre based childcare centre at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

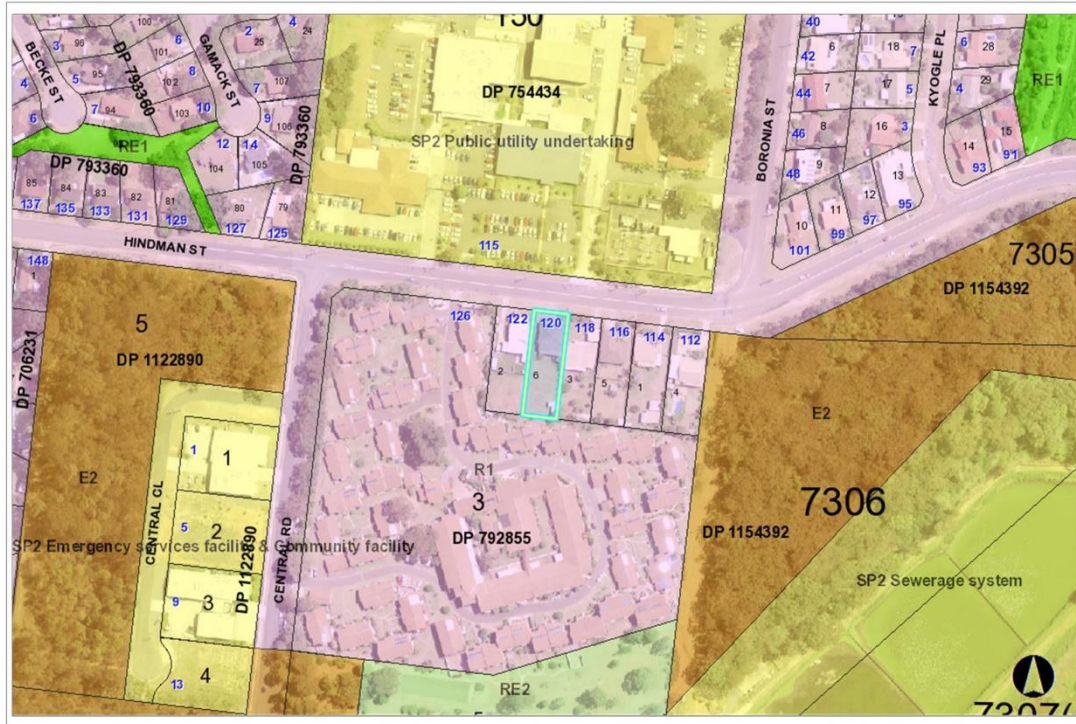
Following exhibition of the application, one (1) submission has been received.

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

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

The site has an area of 1014m².

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:

- Change of use from dwelling to medical centre with associated fit out, car parking and signage.
- Facility to cater for a maximum of 24 children.
- Hours of operation 7am to 6pm Mondays to Fridays.

Refer to attachments at the end of this report.

Application Chronology

- 29 June 2018 - Application lodged.
- 9 July 2018 - Additional information request (RFS cheque).
- 12 to 25 July 2018 - Public exhibition via neighbour notification.
- 6 August 2018 - Additional information request (BCA report, access and stormwater issues).
- 7 August 2018 - Stormwater response provided from applicant.
- 15 August 2018 - Access response provided from applicant.
- 16 August 2018 - Additional information request (stormwater management issue).
- 23 August 2018 - Bushfire Safety Authority conditions received from NSW RFS.
- 5 September 2018 - Additional information request (preliminary stormwater management plan required demonstrating onsite detention capable).
- 19 October 2018 - Preliminary stormwater management plan provided.
- 24 October 2018 - Additional details required for stormwater management.
- 8 November 2018 - Additional stormwater details provided.
- 14 December 2018 - Advice to applicant that single lane access still of concern.
- 27 February 2019 - Traffic assessment and fire safety upgrade report lodged.

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 44 - Koala Habitat Protection

The site has an area of less than 1 hectare therefore the requirements for this SEPP do not require consideration.

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, 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 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 64 - Advertising and Signage

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

The signage comprises a business identification sign on the front courtyard fence of the Hindman Street frontage. The sign is proposed to be illuminated until 9pm each day.

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The signage is compatible with the desired amenity and visual character for the immediate locality. The signage will provide effective communication in a suitable location on the site having regard to the existing context.	Yes
Schedule 1(1) Character of the area.		
Schedule 1(2) Special areas.	The signage is limited in scale and is compatible with the existing context.	Yes
Schedule 1(3) Views and vistas.	The signage will not have any identifiable adverse impacts on important views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportion of the signage is appropriate to existing streetscapes and setting. The signage does not protrude above the proposed front wall.	Yes
Schedule 1(5) Site and building.	The size of the signage is compatible with the building design features and desired functioning of the site.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No logos are proposed as part of the business identification signage.	Yes
Schedule 1(7) Illumination.	The illumination should be restricted to 9pm consistent with DCP provisions.	Yes
Schedule 1(7) Safety.	The signage will not result in any identifiable public road safety concerns in the locality.	Yes

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area.

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

Having regard to clause 13 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- b) any adverse impact on Aboriginal cultural heritage, practices and places;
- c) any adverse impacts on the cultural and built environment heritage;
- d) any adverse impacts the use of the surf zone;
- e) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- f) overshadowing, wind funnelling and the loss of views from public places to foreshores;

State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

In accordance with clause 22 concurrence of the Regulatory Authority is not required. The application has demonstrated that the indoor and outdoor unencumbered space requirements comply with the relevant regulations.

In accordance with clause 23 the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guideline*.

Consideration has been given to the relevant matters for consideration and objectives outlined in the guideline. The proposal is considered to be consistent with the guidelines.

State Environmental Planning Policy (State and Regional Development) 2011

The capital investment value is less than \$5 million and the proposed development is not recognised as regionally significant development.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 general residential.
- In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a childcare centre is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;

- The proposal will provide for an additional service to meet the day to day needs of residents;
- Clause 2.7 - The partial demolition of the existing dwelling 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 complies with the building height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal complies with the maximum floor space ratio of 0.65:1 applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any listed archaeological heritage items.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

No specific building controls apply to a development of this nature. The following applicable general provisions are addressed in the table below:

Requirement	Proposed	Complies
2.2 Advertising and signage	The signage is intended to identify the business. The signage does not project above or the side of building facades.	Yes
2.5 Transport, Traffic Management, Access and Carparking	The proposed development will have a maximum of 24 children and therefore require 6 spaces.	Yes
Childcare Centres: 1 space per 4 children and set down and pick up area.	7 off-street parking spaces are proposed. There is no formal set down and pick up area. Given all children are required to be signed in by parents, a set down and pickup area is not practical. Satisfactory landscaping is proposed to soften the impact of the at grade car parking area and building on the site. Refer to further comments later in report addressing traffic and access.	
2.7 Social Impact Assessment and Crime Prevention	No adverse crime risk potential identified with design layout of the centre. Adequate boundary fencing is provided to the centre has been designed to provide surveillance of outdoor areas.	Yes

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

No planning agreement has been offered or entered into.

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

Fire safety and other considerations - Clause 93

The application involves a building change of use. In accordance with this clause the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.

The application was supported by a fire safety upgrading report prepared by David Pensini of Building Certification and Environmental services dated 22 October 2018.

The report identified a number of upgrading measures. Subject to the implementation of these upgrade measures the building will be appropriate for the proposed use as a childcare facility.

Demolition of buildings AS 2601:

Part demolition of the existing building is capable of compliance with this Australian Standard and is recommended to be conditioned.

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

The proposal is unlikely to have any adverse impacts on existing adjoining properties and satisfactorily addresses the public domain. The building form is well articulated with a clear entrance defined from the proposed at grade carpark.

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation is proposed/existing.

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

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

Roads, Traffic and Transport

The site has road frontage to Hindman Street. Hindman Street is a sealed public road under the care and control of Council. Hindman Street is a collector road with a 11.5m road formation within a 20m road reserve.

The proposed access to the site is directly from Hindman Street via a new 5.5m wide driveway alongside the western boundary. The driveway will provide access between the building and western boundary fence to 6 off-street car parking behind the building. One disabled parking space is located out front of the building.

The part of the driveway between the building and driveway for a length of 19m will be a minimum 4.5m wide and limit vehicle movements to one-way.

The application is supported by a Traffic Impact Assessment prepared by Street Wise Road Safety and Traffic Services dated 27 February 2019. The key findings of the study and recommendations are provided as follows:

- *Hindman Street and the local road network has the capacity to cater for the future traffic volumes generated by the proposed Childcare Centre, with safety, efficiency and with minimal impacts. The following recommendations should be considered to further improve road safety in the vicinity of the future childcare centre:*
- *Minimise kerbside parking on the southern side of Hindman Street (across the frontage of the future childcare centre) through education of the childcare centre users.*
- *Consideration should be given to the future landscaping of the childcare centre, and also the height and location of any future boundary fence/wall, to ensure sight distance for vehicles entering and exiting the site aren't compromised.*
- *Preparation of a Traffic Management Plan for pedestrian movements, staff & parent parking and vehicle movements in & around the proposed childcare centre to ensure maximum safety for all users. The TMP should be regularly updated and publicised to all users*
- *Review traffic volumes, patterns and onsite traffic safety when the site is fully operational. Revise onsite Traffic Management Plan, if required.*
- *It is proposed that incoming vehicles will have priority over exiting vehicles, and a queuing space suitable for 1 vehicle will be provided at the front of the site. Also, to ensure the short section of one-way movements are undertaken as safely as possible, it is proposed to provide the following measures:*
 - *Provide painted centreline in all sections of 2-way movement to ensure vehicles are correctly positioned on driveway*
 - *Provide signage to ensure drivers are aware of one-way movements, priorities, and location to wait*
 - *Provide education and regular updates (i.e. newsletters, emails etc) to ensure all users of the site are aware of the carparking and access requirements*
 - *Provision of suitable signage within the carpark to make drivers aware of the one-way driveway, and the requirement to check for oncoming vehicles.*
- *The safety and efficiency of the carpark and access should be reviewed once the proposed childcare centre is completed and fully operational (say 12 months after opening).*
- *Provide signage to warn exiting vehicles about the potential for pedestrians in the vicinity of the childcare centre.*

Council's development engineering section have reviewed the proposal and traffic impact assessment and agree that the increase in traffic from this development will not have a detrimental effect on the surrounding road network. It is also considered that having regard to the anticipated traffic volumes for a 24 place facility and the referenced provision of AS2890 that the one-way movement for the 19m length is acceptable subject to the educational and signage measures recommended within the traffic impact assessment.

Site Frontage & Access

Vehicle access to the site is proposed through one access driveway to Hindman Street. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring

A total of 7 parking spaces (including 1 disabled spaces) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

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

Pedestrians

Foot paving is required across the full frontage. Suitable conditions have been recommended.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally grades towards the rear and is currently unserviced. The site is benefitted by an easement for drainage located within the adjoining lot to the rear, however this easement is not piped. The construction of a pipeline in this easement would necessitate the placement of some 80m+ of stormwater pipeline, construction of numerous pits and outlet protection. The applicant has indicated that the scale of works associated with activating this existing easement for drainage is not feasible and has proposed an alternate drainage solution involving the disposal of stormwater runoff on-site.

In this regard, a stormwater drainage plan has been submitted which incorporates a combination of stormwater treatment measures including:

- Rainwater storage,
- On-site detention,
- On-site absorption/dispersion trenches, and
- An above ground rainwater storage area,

All of which have been conceptually designed to limit the volume and rate of stormwater discharge to pre-development rates. Doing so ensures that the development results in no change in runoff directed to adjoining downstream property.

Conditions have been recommended requiring that detailed hydraulic modelling be undertaken and submitted with the subsequent Construction Certificate application to demonstrate that the proposed drainage system achieves the abovementioned aims. The modelling must be undertaken in accordance with Australian Rainfall and Runoff 016 and shall demonstrate compliance for all storm events up to and including the 1% AEP event and for a range of durations.

Refer to relevant recommended conditions of consent.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service from the 100 AC water main on the same side of Hindman Street.

Final water service sizings will need to be determined by a hydraulic consultant, as well as fire service coverage to AS 2419 and backflow protection requirements in accordance with AS3500. Minimum water service sizing for commercial developments is 25mm.

Refer to relevant recommended conditions of consent.

Sewer Connection

Council records indicate that the development site is currently connected to sewer via a junction to a manhole located on the northern boundary.

Council records indicate that there is an existing manhole in very close proximity to the proposed driveway. The engineering plans need to provide adequate levels on the driveway, surrounding ground and the manhole lid to determine if any further works are required on the manhole, i.e. raising/lowering the lid.

Detailed plans will be required to be submitted for assessment with the S.68 application. Refer to relevant recommended conditions of consent.

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 & Micro-climate

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 & Fauna

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

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 & Vibration

The proposed hours of operation are 7am to 6pm weekdays only. A condition confirming these operational hours has been recommended. A condition restricting construction work to standard hours is also recommended.

Childcare centres have the potential to result in noise impacts for adjoining residential occupants. Outdoor play areas experience a high level of activity and are subsequently the central noise source emanating from a childcare centre.

The outdoor play area is located behind the building and illustrated on the plans. 1.8m high colourbond fencing exists along western, eastern and southern boundaries. Having regard to the proposed hours of operation, existing fencing and building separation distances it is anticipated that no significant adverse noise impacts would result that could warrant refusal of the application.

Natural Hazards

The site is identified as being bushfire prone. In accordance with Section 100B - Rural Fires Act 1997 - the application proposes development of bushfire prone land for a Special Fire Protection Purpose.

The applicant has submitted a bushfire report. The report has carried out an assessment under Section 100B requirements. The Commissioner has assessed the development and has issued a Bushfire Safety Authority consisting of a series of conditions. These conditions comprise part of the recommended conditions attached to this report.

Safety, Security & 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 Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction and operation of the development.

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

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

Submission Issue/Summary	Planning Comment/Response
A childcare centre is incompatible with the existing retirement village adjoining the property to the rear of the site. The decision to reside in this retirement village was based on the peace and quiet it provides. The dividing fence is only 2 to 3 metres from my balcony where I spend a lot of time. I would be adversely impacted by noise from children at the facility.	Childcare centres are a permissible land use within the residential zone. The proposal adequately addresses relevant planning controls and is considered suitable and not incompatible with the existing and adjoining land uses. The balcony of the adjoining retirement village unit in question is setback 5m from the boundary and separated by an existing minimum 1.8m high colour bond fence. The primary outdoor play area is located in the south eastern portion of the site and does not immediately adjoining the balcony. Having regard to the proposed hours of operation, building separation and fencing the proposal will not result in any significant amenity impact that would warrant refusal of the application.

(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 under Section 7.12 of the Environmental Planning and Assessment Act 1979.
- In accordance with clause 2.9(2) of Development Contribution Assessment Policy charges for development involving a change of use where the combined total of the water supply and sewerage head works charges do not exceed \$2,000 will be exempted. The proposal qualifies for this exemption.

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 - 472.1 Recommended conditions

AGENDA

DEVELOPMENT ASSESSMENT PANEL 24/04/2019

- 2 [View](#). DA2018 - 472.1 Traffic assessment report
- 3 [View](#). DA2018 - 472.1 Plans
- 4 [View](#). DA2018 - 472.1 Contributions estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/472****DATE: 11/04/2019****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
Statement of Environmental Effects	120 Hindman Street, Port Macquarie	Robert Smallwood Building Plans	Undated
Development Plans as stamped	17-1304	Robert Smallwood Building Plans	26 February 2019
Traffic Impact Assessment	120 Hindman Street, Port Macquarie	Streetwise Road Safety and Traffic Services	27 February 2018
Fire Safety Upgrading Report	120 Hindman Street, Port Macquarie	David Pensini - Building Certification and Environmental Services	22 October 2018
Preliminary Stormwater Management Plan	Dwg No: 10611 Sheet 1 of 1	Beukers and Ritter Consulting	10 October 2018

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of

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

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via 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 holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 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 D18/6688 DA18080314387 PC and dated 23 August 2018, are attached and form part of this consent.
- (7) (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.
- (8) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of the development. A 1.2 metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawing Hindman Street. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (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.

- (11) (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.
- (12) (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.

- (13) The recommendations of the Traffic Impact Assessment prepared by Streetwise Road Safety and Traffic Services, dated 27 February 2018 form part of this consent and shall be undertaken by the proponent as part of the development.
- (14) The fire safety upgrading recommendations identified in the Fire Safety Upgrading Report prepared by David Pensini - Building Certification and Environmental Services dated 22 October 2018 form part of this consent and shall be undertaken by the proponent as part of the development.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the building 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 an Infrastructure 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. Road works along the frontage of the development.
 2. Sewerage reticulation. There is an existing man hole in close proximity to the proposed driveway. The engineering plans need to provide adequate levels on the driveway, surrounding ground and the man hole lid to determine if the man hole needs to be raised or lowered.
 3. Water supply. Final water service sizing will need to be determined by a hydraulic consultant, as well as fire service coverage to AS 2419 and backflow protection requirements in accordance with AS3500.
 4. Stormwater systems.
 5. Provision of a 1.2m (unless varied in writing by Council) concrete footpath across the full road frontage of the property.
- (3) (B010) Payment to Council, prior to the issue of the building Construction Certificate 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 building Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (5) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the building Construction Certificate.
- (6) (B048) Prior to the issue of a building Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:
- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.

- b. Provided with a hose tape connected to the water supply;
 - c. Paved with impervious material;
 - d. Graded and drained to the sewer system, and
 - e. Roofed to prevent the entry rainwater.
- (7) (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 building Construction Certificate.
- (8) (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 building Construction Certificate.
- (9) (B071) Prior to the issue of any building 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.
- (10) (B197) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a building Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of relevant Australian Standards. The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 10611 Sheet 1 prepared by Beukers and Ritter Consulting and dated 30/10/2018, subject to amendment to address the following:
- a) Detailed hydraulic modelling shall be submitted to demonstrate that the volume and rate of stormwater discharged from the development site is no greater than the pre-development scenario for all storm events up to and including the 1% AEP event and for a range of storm durations. Modelling shall be undertaken utilising a runoff-routing model and in accordance with the design procedures outlined within the current version of Australian Rainfall and Runoff.
 - b) Where rainwater storage and reuse is proposed to limit the volume of stormwater discharge, details of the proposed rainwater reuse system and connections shall be provided to demonstrate consistent tank drawdown.
 - c) Where on-site absorption/dispersion is proposed, justification for infiltration rates utilised in the system modelling shall provide by way of a geotechnical report or alternate on-site testing nominated by the designer.
 - d) The design shall detail the manner in which overland flows from the internal drainage system are discharged across the property boundaries to the southwest. Long and cross sections of any weir/level spreader/dissipater etc. shall be submitted. Modelling shall demonstrate that those overland flows across the boundary match existing conditions in accordance with part a) above.
 - e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.

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) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers.

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. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. at completion of installation of traffic management works
 - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - e. at the completion of each pavement (sub base/base) layer;
 - f. 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) (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) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire

safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (4) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (5) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (6) (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.
- (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 occupation or the issue of the Occupation or Subdivision Certificate.
- (8) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

- (9) (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.
- (10) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (11) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (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.
- (6) (F025) Hours of operation of the development are restricted to the following hours:
 - 7am to 6pm – Mondays to Fridays
 - No work is to be carried out on Saturdays, Sundays and Public Holidays.
- (7) (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 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or impact on to the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 control of the obtrusive effects of outdoor lighting. To this extent the signage must not flash and illumination shall cease at 9pm each night.
- (9) (F195) A maximum of 24 students is permitted at the centre at any one time.

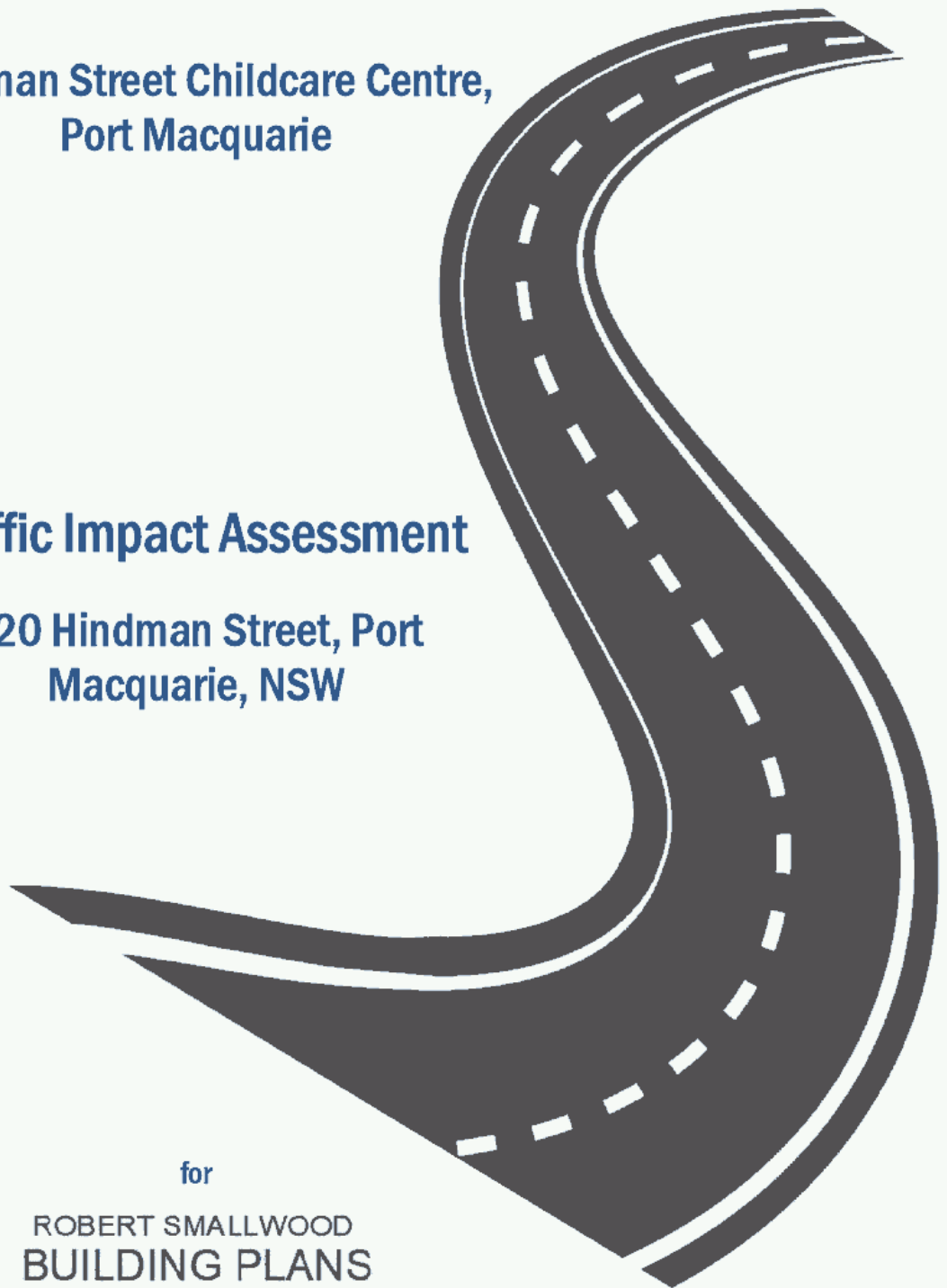
Hindman Street Childcare Centre,
Port Macquarie

Traffic Impact Assessment







120 Hindman Street, Port
Macquarie, NSW

for
ROBERT SMALLWOOD
BUILDING PLANS
'Better by Design'

Feb 2019



Traffic Impact Assessment Details

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Disclaimer:

This report has been prepared following an assessment of the development site, as per the directions of the client, relevant Australian Standards and the guidelines of Port Macquarie Hastings Council and RMS.

The purpose of this report is to support the development application for the proposed childcare centre. The document remains the property of StreetWise Road Safety & Traffic Services, until payment for the assessment and report has been made.

StreetWise retain the right to withdraw this document from Council if payment is not made in full.

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ROBERT SMALLWOOD
BUILDING PLANS
'Better by Design'

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Date 27/02/2019
FINAL J/N 1018



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Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

1. INTRODUCTION

1.1 Purpose and Study Objectives

StreetWise Road Safety and Traffic Services have been engaged to prepare a Traffic Impact Assessment report for a proposed childcare centre at 120 Hindman Street, Port Macquarie. The site is located within an existing residential precinct, on the southern side of Hindman Street, mid-way between Central Road and Ocean Drive.

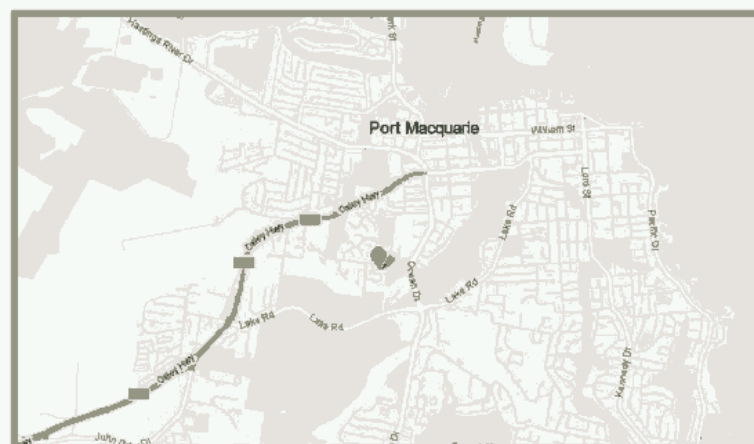
The development application (DA DA2018 - 472.1) proposes a change of use – from a dwelling to Centre Based Childcare Centre to cater for 24 children, and includes indoor activity rooms, outdoor play areas and sleeping areas for children ranging from babies to 5 year-olds. Port Macquarie-Hastings Council have also recommended a Traffic & Parking Assessment of the proposed 7 space carparking and driveway access should be submitted with any development application.

1.2 Location

The proposed development is located within the Port Macquarie Hastings Council area, approximately 3kms south-west of the Port Macquarie CBD. The site is located on the southern side of Hindman Street, opposite the depot and administrative offices of Essential Energy.



Figure 1.1 – LOCALITY PLAN



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Figure 1.2 – LOCALITY PLAN

1.3 Background

The proposal was discussed at a Pre-Lodgement Meeting with Council on Tuesday 14 November, 2017 (reference 210.2017.190). The following comments were submitted to Council as part of a Statement of Environmental Effects (May 2018):

Section 2.5 – Transport, Traffic Management, Access and Car Parking

Parking Provision

Table 2.5.1 of the DCP requires parking to be provided at a rate of 1 space per 4 children. The proposed Centre Based Child Care Facility seeks to accommodate a total of 24 children in total and therefore generates a total parking demand of 6 spaces. The building plans submitted as a part of this application show a total of 7 spaces on-site including 1 disability compliant space.

Parking Layout

The proposed parking area shall be accessible via a single access point clearly visible from Hindman Street. The parking design and layout is considered to be consistent with AS/NZS 2890.1 Parking Facilities – Off Street car parking.

Landscaping of Parking Areas

The proposed design allows for landscaping across part of the frontage adjacent to the proposed courtyard fencing.

Driveway Grades

The proposed driveway grades provide a safe transition from the car park to the road and vice versa.

The Site

The site has an area of 1.1014.4m², and is zoned R1 General Residential.

The subject site has a single road frontage, that being to Hindman Street. It is proposed to remove the existing driveway crossing (reinstate kerb & gutter) and construct a new driveway to the west.

Hindman Street is a sealed road consisting of 12m wide sealed pavement with kerb and gutter to the both sides of the road.

With regard to the straight alignment of Hindman Street in this locality, the child care centre entry/exit is considered to have appropriate stopping sight distances to the east and west.

1.4 Scope, Assessment Area and Key Assumptions

It is proposed to construct a childcare centre catering for 24 children at the site. This report assesses the impacts of the traffic generated by the proposed childcare development, access to the site and also the layout of the required parking area. This assessment covers the following:

- Site inspection
- Liase with Council
- Estimate of overall traffic volumes generated by the development
- Assess volumes, patterns and length of stay at similar development
- Peak hour volumes generated
- Estimate of future traffic volumes on adjacent roads
- Review of Traffic Impact on local road network
- Review parking requirements for development
- Parking layout assessment
- Pedestrian requirements

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2. EXISTING CONDITIONS

2.1 Existing Land Use and Zoning

The site is Lot 6 DP 262151 at No. 120 Hindman Street, Port Macquarie. The site has a total area of 1014.4m².

The existing property at No. 120 has frontage to Hindman Street and currently has a 3 x bedroom single storey dwelling with an attached garage, front covered verandah and rear covered deck. This lot is rectangular in shape with an 2.44m fall from north to south across the site (16.04m AHD down to 13.60m AHD).

The site is entirely zoned R1 General Residential under PMH LEP 2011 and the proposed activity is permissible with the consent of Council.

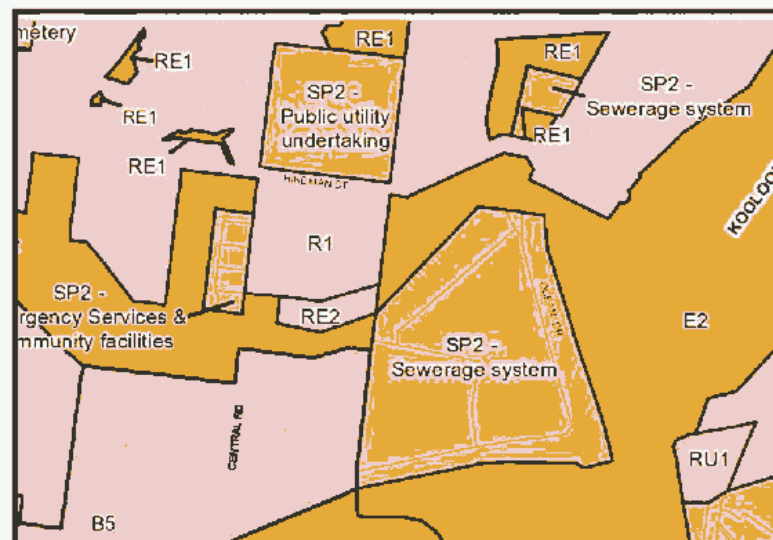


Figure 3.1 – Zoning Plan

2.2 Surrounding Road Network Details

The proposed development is located on Hindman Street, which serves as a connection between Lake Road & Port Macquarie's industrial precinct and the CBD (via Ocean Drive), Oxley Highway and the Port Macquarie TAFE precinct. Hindman Street also serves as access to Essential Energy's main depot and administrative buildings, as well as access to a large number of residential properties.

Ocean Drive, to the east of the subject site, is the main north-south route through Port Macquarie, and carries close to 20,000 vpd on the southern side of Lake Road. Central Road, to the west is an important connection through the industrial area.

2.2.1 Hindman Street (50kmh posted speed limit)

Hindman Street is an urban collector road which connects Ocean Drive with Central Road and Widderson Street. In the vicinity of the proposed development, Hindman Street is 12 metres wide, with one lane in either direction and upright (SA) kerb & gutter both sides. According to council's guidelines, the existing road can cater for 6000 vehicles per day (although Austroads guidelines state that a single urban lane has capacity for up to 900 vehicles per hour).

2.2.2 Central Road (50kmh posted speed limit)

Central Road is a 12m wide collector road which connects Lake Road with the Oxley Highway via Hindman Street. The road includes 1 lane in either direction, a parking lane either side and passes through the eastern section of Port Macquarie's industrial area. A number of emergency services are also located in Central Road. Central Road and Hindman Street provide access to the CBD and Port Macquarie's eastern and southern areas for ambulances, fire brigades and other services.

2.2.3 Ocean Drive (70kmh posted speed limit)

Ocean Drive is an arterial road which serves as the main route between the southern and northern areas of the council area. In the vicinity of the subject development, Ocean Drive is a 2-lane, 2-way high quality road with a raised concrete median. Sections of Ocean Drive carry up to 20,000 vehicles per day. However, a significant number of vehicles turn off Ocean Drive at the Lake Road intersection, resulting in a reduced volume through the Hindman Street roundabout.

2.2.4 Intersection of Central Road & Hindman Street

The existing intersection of Central Road and Hindman Street is located approximately 140m west of the subject site. The current layout is a T-intersection, with adequate width on all legs to provide 2 lanes. A Linemarked median island is provided in Hindman Street (east), as well as 2 separate turn lanes delineated within the Central Road approach.

StreetWise undertook a manual traffic count at this intersection on Thursday 31 January. Existing traffic volumes through this intersection are included in this report.

2.2.5 Intersection of Ocean Drive & Hindman Street

The existing intersection of Ocean Drive and Hindman Street is located approximately 420m east of the subject site. The intersection is controlled by a 4-leg roundabout, with 2 through lanes on Ocean Drive.

2.2.6 Intersection of Boronia Street & Hindman Street

The existing intersection of Boronia Street and Hindman Street is located approximately 150m east of the subject site. The layout is a T-intersection, with 1 lane entering and exiting each leg.

2.2.7 Essential Energy Access off Hindman Street

The proposed childcare is located on the opposite side of Hindman Street from the Essential Energy depot and administrative office. The vehicle access to the Essential Energy site is offset from the proposed entry to the future childcare centre by approximately 20m. In the vicinity of these access driveways, Hindman Street is 12 metres wide – generally adequate for through vehicles to pass any turning vehicles safely.

2.3 Existing Traffic Volumes

StreetWise undertook a manual traffic count at the intersection of Central Road and Hindman Street on Thursday 31 January, 2019. Figure 3.2 below shows the current traffic counts and turn movements at peak hours, while the full traffic count is included in Appendix C at the rear of this report.

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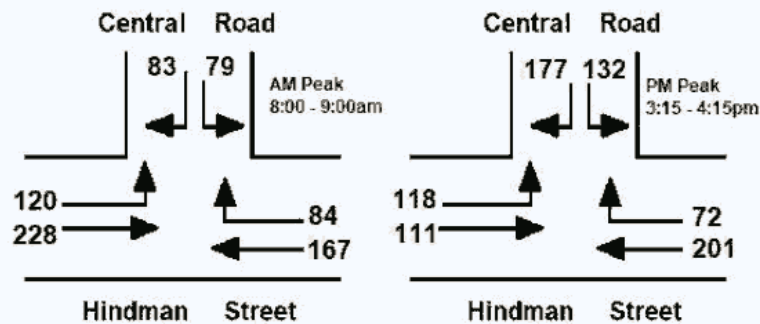


Figure 3.3 – Peak Hour Intersection Traffic Volumes

The manual traffic count also indicated the peak hour volumes on Hindman Street, across the frontage of the development site (see Figure 3.4 below). As can be seen from the diagram, Hindman Street current carries the following volumes during peak times:

	<i>Hourly Total</i>	<i>Eastbound</i>	<i>Westbound</i>
8:00 – 9:00 AM	594	246 (41.4%)	348 (58.6%)
3:15 – 4:15 PM	607	378 (62.3%)	229 (37.7%)

It can be assumed from the above figures that approximately 6000 vehicles a day currently use Hindman Street in the vicinity of the proposed development.

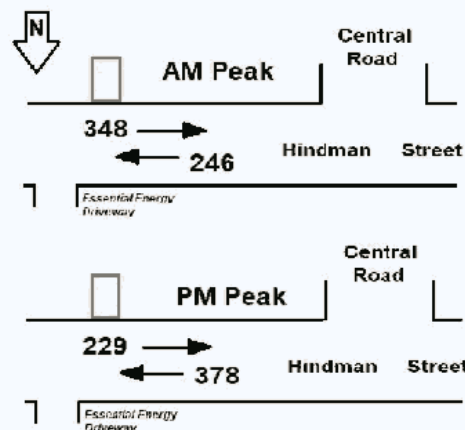


Figure 3.4 – Peak Hour Volumes on Hindman Street

2.4 Existing Site Access

The existing property at 120 Hindman Street is accessed via a standard residential driveway. It is proposed to remove this driveway and construct another adjacent to the western boundary (see layout plan – Appendix A)

2.5 Public Transport

There is an existing bus stop on either side of Hindman Street, approximately 50m west of the proposed development. The area is serviced by Busways, with regular bus movements in Hindman Street as part of Busways Route 325 (Port Macquarie CBD - The Ruins Way). The frequency of buses varies between 30 – 60 minutes during peak times.

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2.6 Walking and Cycling

A 1.2m wide concrete footpath exists on the northern side of Hindman Street, opposite the subject development. The footpath extends approximately 140m - from the intersection with Central Road to the Essential Energy entry

2.7 Parking Conditions

Limited kerbside parking is available on Hindman Street. The road is 12m wide, which allows for 1 through lane and parking lane in either direction. However, parking restrictions have been installed at the bus stops, approach to Central Road intersection and at the Essential Energy entry.

Some on-road parking is currently available across the frontage of the proposed development.

2.8 Intersection and Network Performance

Hindman Street is an Urban Collector Road with the capacity to cater for 6000 vehicles per day (Auspec table D1.5). Current volumes on Hindman Street are approximately 6000 per day, with traffic appearing to flow relatively freely during peak times.

2.9 Prevailing Traffic Safety Issues

Hindman Street is a low-speed local road with good sight distance in the vicinity of the proposed development. The roadway is 12m wide, and has adequate width to allow vehicles to turn and/or queue at various driveways with minimal impacts on through traffic.

Occasionally, semi-trailers turn in or out of the Essential Energy site via the driveway close to the proposed development. This movement requires all traffic on Hindman Street to stop and wait, as the turnpath covers the majority of the road width. This manoeuvre occurs on average 1 or 2 times a day.

A NO PARKING zone is currently signposted adjacent to the Essential Energy driveway, including the opposite side of Hindman Street, to ensure adequate manoeuvring space is available for large vehicles entering and existing the depot.

3. PROPOSED DEVELOPMENT DETAILS

3.1 Development Site Plan

As discussed previously, the subject 1014.4m² site is located at 120 Hindman Street, on the southern side of the roadway. The lot is rectangular in shape with a 2.44m fall from north to south across the site (16.04m AHD at the front boundary down to 13.60m AHD at the rear). There is an existing residence on the property. It is proposed to modify the existing residence to create a long-day childcare centre. A plan of the proposed development is included in Appendix A. The proposed modifications include:

- Conversion of the existing residence to a childcare centre
- Installation of secure outdoor play areas at the front and rear of the building
- Relocation of existing driveway to provide access to rear of property
- Construction of formal parking area at the rear of the residence to cater for 6 vehicles + turning space
- Provision of one disabled parking space at the front of the building (including required vacant space adjacent to parking).

The childcare building will include an office/reception area, kitchen, staff W.C., children's W.C. including nappy change facility, meeting room and laundry.

It is proposed to operate the childcare centre on weekdays between 7am and 6pm. The childcare centre will provide long-daycare for up to 24 children ranging from 6 months to 5 years of age. It is likely that children will be dropped off at the childcare centre between 7 – 9am, and then picked up between 3 – 6pm.

3.3.1 Carparking

Also, Council's DCP, under Table 2.5.1, states that child care centres are required to provide parking at a rate of 1 space per 4 children and set down and pick up area. Therefore $24/4 = 6$ spaces. It should be noted that all children have to be signed in and out of childcare centres, and a 'set-down area' is therefore not required.



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Figure 4.2 shows the proposed layout of the front carpark and driveway access from Hindman Street. It is proposed to provide a disabled parking space adjacent to the front entry to the childcare building. Adequate space will also be provided to allow ease of access to and from a vehicle for a wheelchair. The driveway width at the front of the site is a minimum of 6.2m, which will provide adequate width for vehicle manoeuvring from the disabled space.

However, given that some vehicles may have to reverse from the disabled parking, it is likely that sight distance will be limited by the adjacent building. It is recommended that signage be installed to warn users of the disabled space to look for other vehicles using the driveway when exiting the space. It is also recommended that the 12 monthly review of parking and access (suggested elsewhere in this report) include this issue, and consider installing a mirror if required.

3.3.2 Internal access

It is proposed to access the rear carpark area via a new driveway to be located between the childcare building and the existing boundary fencing. As can be seen from Figure 4.3 below, the driveway will extend from the kerb crossing at Hindman Street to the rear of the property.

The future driveway width varies from 6.0m at the driveway crossing to 6.2m at the rear carpark. The section of driveway adjacent to the childcare building will be 19m in length and a minimum of 4.5m wide. It was originally proposed to provide 2-way access to the rear carpark. However, given the limited space available, and the fact that drivers will tend to steer away from the fence and the building wall, a one-way driveway is considered more suitable.

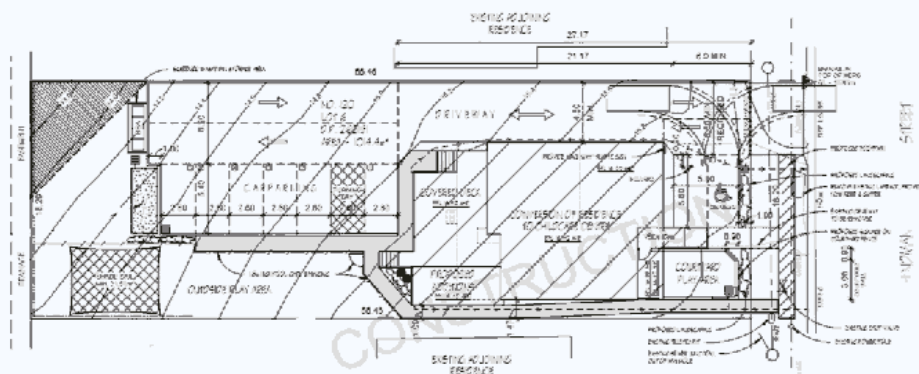


Figure 4.3 – Proposed carparking and driveway layout

It is proposed to install a 'Give Way' sign at the front of the site, which will give priority to vehicles exiting the rear carpark. Figures 4.2 and 4.3 above show:

- A 19m length of one-way driveway
- Proposed location of holdline
- Adequate space available (min 6.0m) for vehicles to wait within the front section of carpark to allow exiting vehicles to pass safely.

To ensure the one-way movements are undertaken as safely as possible, the following is recommended:

- Provide painted centreline in all sections of 2-way movement to ensure vehicles are correctly positioned on driveway

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- Provide signage to ensure drivers are aware of one-way movements, priorities, and location to wait
- Provide education and regular updates (i.e. newsletters, emails etc) to ensure all users of the site are aware of the carparking and access requirements

As discussed in Section 5 below, the maximum number of peak hour vehicle movements within the driveway are expected to be approximately 20 (typically 12 in and 8 out). This equates to 1 movement every 3 minutes – and minimal chance of conflict within the driveway.

Also, the proposed driveway complies with the following extract from AS 2890.1 (Parking facilities - Off-street car parking):

“3.2.2 Width requirements at low volume (Category 1) access driveways and connecting roadways

Where the circulation roadway leading from a Category 1 access driveway is 30 m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6 m from the property boundary shall be a minimum of 5.5 m wide. In other cases subject to consideration of traffic volumes on a case-by-case basis, lesser widths, down to a minimum of 3.0 m at a domestic property, may be provided. As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 m. On long driveways, passing opportunities should be provided at least every 30 m.”

The proposed driveway is **less than 30m in length** and vehicle movements will be **less than the 30 trips an hour** noted as a ‘trigger’ in AS 2890.1. Also, the first 6 metres of the proposed driveway will be greater than the recommended 5.5m minimum width.

Also, it should be noted that TABLE 3.3 in the same document i.e. ‘MINIMUM QUEUING LENGTH AT A CAR PARK WITH CONTROL POINTS AT ENTRANCES’ (i.e. one-way access) for carparks with capacity of not more than 100 cars, the design queuing length should be the greater of a minimum of 2 cars or 3% of capacity.

While the above section of AS 2890.1 recommends enough queuing length for 2 cars (i.e. 12 metres), it should be noted that the table relates to much larger carparks providing up to 100 spaces. If we extrapolate the equation for a carpark with 6 spaces, you would only need queuing length for 0.18 vehicles i.e. 3% of 6 spaces = 0.18 vehicles. In other words, AS 2890 considers restricted access for carparks catering for up to 100 cars to be OK, if you provide adequate queuing space. It is considered, based on the AS 2890.1 equation, that provision of 1 queuing space within the site would be adequate.

4. DEVELOPMENT TRAFFIC

4.1 Trip Generation

4.1.1 RMS Guidelines

The RMS ‘Guide to Traffic Generating Developments’ states: ‘*Surveys were undertaken in 1992 of pre-school, long day-care and before / after school care centres in the Sydney region. The best indicator of peak traffic generation was found to be the number of children that attended each centre. The time that traffic activity was at a peak varied with the differing operating hours of the child care centres. Pre-school centres typically had peaks in the periods 8.00-9.00 am and 2.30-4.00pm. Long day-care centres typically had peaks in both commuter peak periods. Before/after school care centres generally have their highest peak activity in the afternoon commuter peak period. The vehicle generation rates given below are the mean peak generation rates for each centre type in the periods*

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specified. As these figures are mean figures, rates may be higher or lower, depending on the circumstances.'

The RMS guidelines include indicative rates for trip generation, based on the ages and number of children the centre caters for. The vehicle generation rates given below are the mean peak generation rates for each centre type in the periods specified. Note - these figures are mean figures, rates may be higher or lower, depending on the circumstances.

Table 3.6
Traffic generation rates

Centre Type	Peak Vehicle Trips / Child		
	7.00- 9.00am	2.30- 4.00pm	4.00- 6.00pm
Pre-school	1.4	0.8	~
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

4.1.2 Council Guidelines

Advice from Council's planners indicate that Council do not have any specific requirements for childcare centres, and the provisions of the RMS Guidelines (Guide To Traffic Generating Developments) should be adopted for this case.

4.1.3 Comparative Traffic Count

The trip generation rates shown in the RMS 'Guide to Traffic Generating Developments' are often 'city-centric' and may not be applicable to regional areas, where traffic volumes are generally less and patterns vary greatly. The RMS guideline therefore recommend assessment of a similar development in the same area, if possible.

StreetWise recently undertook an assessment of the Discovery Childcare Centre in Menzies Street, Thrumster, which is approximately 10km west of the proposed childcare centre – on the northern side of the former Oxley Highway. The Discovery Childcare Centre caters for 84 children, and has been operating for about 3 years. This site was chosen because it is likely to attract similar customers.

The assessment of the Discovery Centre was undertaken on Thursday 12 April 2018, for approximately 2.5 hours in the morning and again in the afternoon. The time of arrival of vehicle was noted, along with a brief description. The departure was then noted, and the length of stay noted. The results of the Discovery Childcare Centre assessment are shown in Appendix A.

Morning:

As can be seen from the Discovery traffic counts above:

- the number of AM vehicle trips observed at the site was 91 during a 2 hour period, including:
 - 40 vehicles dropping off children i.e. 80 total trips
 - 11 staff arrivals
 - Peak time = 7:45 – 8:45am
 - Peak hour movements = 55 (32 in & 23 out)
 - Average AM peak hour movements per child = less than **1 movement per child per hour** (assuming the Discovery Centre was at least 80% full).

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Afternoon:

- the number of PM vehicle trips observed at the site was 80 during a 2 hour 15 min period, including:
 - 35 vehicles picking up children
 - 11 staff departures
 - Peak time = 3:30 – 4:30pm
 - Peak hour movements = 41 (18 in & 23 out)
 - Average AM peak hour movements per child = less than **1 movement per child per hour** (assuming the Discovery Centre was at least 80% full).

4.1.4 Adopted Trip Generation

The applicants are proposing to cater for younger children (0.5 – 5 years) and provide a long-day care service. While the RMS guidelines indicate 0.8 trips per child should be used for long-day care, and the 'Discovery Childcare Centre' assessment indicated less than 1 trip per child was normal for multi-purpose childcare centres in Port Macquarie, for the purposes of this assessment, the more conservative figures provided by the RMS guidelines have been adopted (given that the applicants may wish to expand their services to cater for pre-schools and before/after school care in the future).

Therefore, the estimated vehicle trips to be generated by the proposed childcare centre will be:

Time	Traffic Generation Rate	Total AM peak Trips (24 kids)	Trips per Peak Hr (vph)
7:00 – 9:00am	1.4 per child	33.6 trips	17
2:30 – 4:00pm	0.8 per child	19.2 trips	12
4:00 – 6:00pm	0.7 per child	16.8 trips	9
7:00am – 6:00pm	Staff trips	10 trips	3
Total trips (pk hr)			20 max

Table 3.1 – Estimate of Future Trip Generation

Therefore, based on the above table, and including staff movements (say 3 per hour), the maximum number of vehicle movements in & out of the site during peak times will be 20 trips. It should be noted that due to the proximity of the proposed childcare to the Essential Energy site depot and administrative office, a number of Essential Energy staff are expected to utilise the childcare services of the proposed development. It is very likely that some workers will park across the road (at Essential Energy) and walk across Hindman Street to pick-up or drop-off children. Also, based on the Discovery Childcare assessment and local peak hours noted during the onsite traffic count, the following is also assumed:

- AM Peak time = 7:45 – 8:45am
- PM Peak time = 3:30 – 4:30pm

4.2 Length of Stay

It is assumed the operation of the proposed Hindman Street Childcare Centre will be similar to the nearby Discovery Childcare Centre, which was reviewed by StreetWise as part of this assessment. The length of stay noted at the Discovery Childcare Centre was:

Morning: Range: 4 – 23 minutes Average: 7m 55secs
Afternoon: Range: 2 – 31 minutes Average: 8m 35secs

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The RMS Guidelines indicate an average stay of around 6min 50sec for all childcare centres. However, it is likely that childcare centres in regional areas have a longer average stay, given there are less parking and time constraints than centres in larger towns and cities.

For the purposes of this assessment, an average length of stay of 8 minutes has been adopted.

4.3 Trip Distribution

Based on existing movements on Hindman Street, it is assumed that the movements in and out of the future childcare centre will be approximately 50:50 i.e. 50% to & from the east, and 50% from the west.

4.4 Traffic Assignment

The majority of trips to the site will involve parents turning in from Hindman Street, then staying onsite for approx. 8 minutes to drop-off or pick-up children, before exiting the site. It is assumed that 4 trips per hour will be childcare staff commuting, and the remainder (8 in & 8 out) will be parents pick-up/dropping off children. Figure 5.1 below indicates the estimated peak hour trip generation from the future childcare centre.

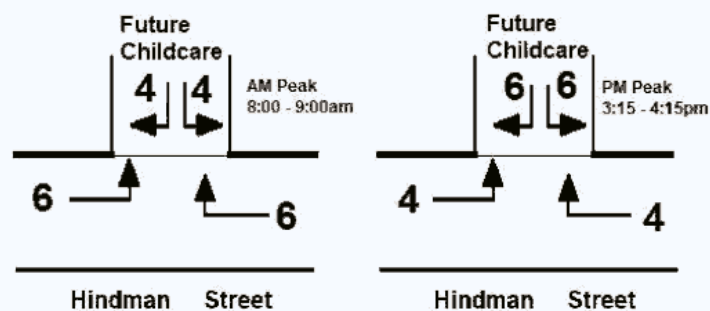


Figure 5.1 – Estimated peak hour trip generation from future childcare centre

5. IMPACT ASSESSMENT

5.1 Future Background Traffic Volumes

An annual growth rate of 2% has been adopted for the purposes of this assessment.

5.2 Future Total Traffic Volumes

As discussed above, a growth rate of 2% p.a. has been adopted for this assessment. Figure 5.2 below shows the estimated future volumes (2030) through the adjacent intersection of Central Road and Hindman Street, which includes:

- 10 years x 2% annual growth on existing traffic volumes
- Additional peak hour traffic generation from proposed development (max 20 trips per hour)

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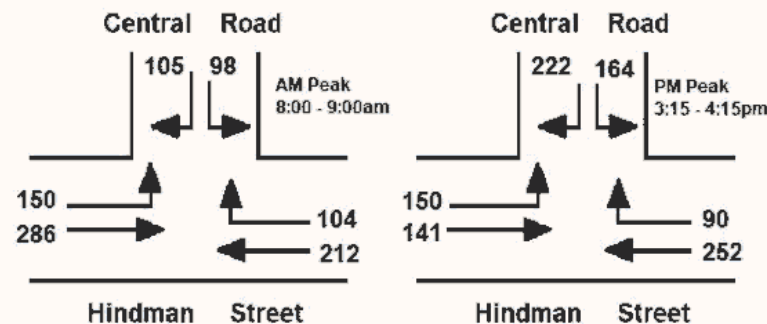


Figure 6.1 – Estimated future traffic movements through Central Road intersection (2030)

Note: Council's proposed orbital road may be constructed within the next 10 years, which is likely to reduce traffic volumes on Lake Road, Ocean Drive and through the nearby industrial precinct.

5.3 Future Intersection and Network Performance

5.3.1 Intersection of Central Road and Hindman Street

A computer modelling analysis (SIDRA) has been undertaken as part of this assessment. The modelling of the adjacent intersection of Central Road and Hindman Street was undertaken in 2 stages i.e.

- current conditions (2019)
- future volumes (2030) including additional peak hour traffic generation from future childcare centre

The traffic data used for the SIDRA modelling is shown in Figures 3.3 and 5.2

The following is a summary of the SIDRA modelling results:

			Movement					
			Hindman St westbnd		Central Road		Hindman St eastbnd	
			1 	2 	3 	4 	5 	6
2019	AM	T-Intn	A	A	A	A	A	A
	PM	T-Intn	A	A	A	A	A	A
2030	AM	T-Intn	A	A	B	A	A	A
	PM	T-Intn	A	A	B	A	A	A

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The existing SIDRA modelling indicates the following:

Existing (2019):

- All current AM movements indicate a Level of Service (LoS) of 'A' – 'A condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.'
- Average AM delays were 5.0 seconds, and the maximum queue length is 12.3m or approx. 2 vehicles
- All current PM movements indicate a Level of Service (LoS) of 'A'
- Average PM delays were 3.9 seconds, and the average queue length was 5.6m (or 1 vehicle)

Future (2030):

- The future AM movements indicate a Level of Service (LoS) of 'A' for most movements, apart from the left & right turns out of Central Road, which indicate an LoS of 'B' – 'In the zone of stable flow where drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is a little less than with level of service A.'
- Average AM delays are expected to be 6.3 seconds, and the maximum queue length will be 23.8m or approx. 4-5 vehicles
- The future PM movements indicate a Level of Service (LoS) of 'A' for most movements, apart from the left & right turns out of Central Road, which indicate an LoS of 'B'
- Average PM delays were 4.6 seconds, and the average queue length will be 9.9m (or 2 vehicles)

The full report of the SIDRA modelling is included in Appendix C at the rear of this report.

5.3.2 Hindman Street and Local Road Network

As discussed previously, Hindman Street currently carries approximately 6000 vehicles per day (vpd). This may increase to 7500 vpd by 2030, based on a 2% annual increase. The proposed development will only add approximately 50 trips a day to the overall volume, but should be considered as part of the 2% annual increase. According to Council's Auspec guidelines, an Urban Collector Road has the capacity to cater for 6000 vehicles per day (Auspec table D1.5). However, according to RMS Austroads guidelines, a single lane in urban conditions can cater for up to 900 vehicles per hour (see Figure 6.2 below). It is considered that Hindman Street, Central Road and Ocean Drive all have adequate capacity to cater for existing and future (2030) volumes. It should also be noted that the proposed development will only generate approximately 10 trips per hour in either direction during peak times, and not have any significant impacts on local traffic flows.

Type of lane	One-way mid-block capacity (pc/hr)
Median or inner lane	
• Divided road	1000
• Undivided road	900
Middle lane (of a 3-lane carriageway)	
• Divided road	900
• Undivided road	1000
Korb lane	
• Adjacent to parking lane	900
• Occasional parked vehicles	600
• Clearway conditions	900

Source: Table 5.1 of Austroads Guide to Traffic Management Part 3

Figure 6.2 – Lane capacities – Urban Conditions (Austroads)

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5.4 Access Impacts

Hindman Street is 12 metres wide across the frontage of the proposed childcare – or 6 metres in either direction. This provides adequate width for through vehicles on Hindman Street to pass any vehicle queuing or turning into existing driveways. Hindman Street currently provides access to the Essential Energy site and a number of private properties, all of which would occasionally create some queuing for vehicles turning right into the driveways.

The Essential Energy Hindman Street depot currently employs approximately 150 office staff and 50 outdoor staff. The office/admin staff generally start between 7am and 9am, and generate approximately 150 movements. The main entry to the office and administrative buildings and carpark is via 2 driveways near the Central Road intersection. These are located 45m and 70m from the proposed childcare centre, and it is assumed there will be minimal conflict between traffic entering the Essential Energy site and the childcare centre, due to the reasonable spacing.

The Essential Energy Hindman Street depot is also home to a number of tradesmen (linesmen, electricians etc), 40 of which are on duty most weekdays. The tradesmen usually arrive at work in private vehicles between 7:00 – 7:30am and then head out to various projects in company trucks and vehicles between 7:30 – 8:30am. The Essential Energy tradesmen generally utilise the main driveway close to the proposed childcare centre, although a secondary access is available off Boronia Street. The outdoor trade morning activities therefore generate:

- approximately 100 total movements between 7:00 – 8:30am,
- around 50 outward vehicle movements between 7:30 and 8:30am
- an estimated 35 movements (10 in & 25 out) during the AM peak hour (8:00 – 9:00am)

Similarly, at the end of the normal workday, Essential Energy tradesmen return to the depot between 2:30 – 3:30pm each weekday afternoon, before heading home after 3:30pm. The outdoor trade afternoon activities therefore generate:

- approximately 100 total movements between 2:30 – 4:30pm,
- around 50 inward vehicle movements between 2:30 and 3:30pm
- an estimated 50 movements (15 in & 35 out) during the PM peak hour (3:15 – 4:15pm)

It was observed during StreetWise's onsite traffic count that the distribution of movements in and out of the Essential Energy depot access were generally evenly split i.e. 50% to & from the east, and 50% to & from the west.



Figure 6.3 – Hindman Street driveways in vicinity of development site

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5.5 Impacts on Public Transport

It is assumed that the majority of customers utilising the proposed childcare centre will drive to and from the site. Therefore, it is likely that the development will have minimal impacts on the local bus services (discussed in Section 3.5).

5.6 Impacts on Walking and Cycling

Minimal impacts likely on local pedestrian and cycling infrastructure.

5.7 Impacts on Road Safety

5.7.1 Sight Distance:

The entry driveway is to be located on the southern side of Hindman Street. Sight distance from the existing driveway location is satisfactory in both directions for the low speed environment:

- 100m to the east (crest in Hindman Street), near Boronia Street intersection
- 300m westwards on Hindman Street (including 140m clearance from the nearby intersection (with Central Road))

Table 3.2 of the Austroads 'Guide to Road Design Part 4A: Unsignalised and Signalised Intersections' indicates that the required Safe Intersection Sight Distance for a 50kmh speedzone is 97 metres. The minimum requirement (Approach Sight Distance) is 55 metres.

As discussed previously, the estimated movements generated by the future childcare centre are relatively low, with a maximum of 20 movements per hour (entering & exiting the site) at peak times. This averages at 1 vehicle movement every 180 seconds, and will result in minimal vehicle queues.

To ensure good sight distance is maintained for vehicles entering and exiting the proposed childcare centre site, the following should be considered:

- Ensure any future landscaping is minimal height, or maintained regularly to ensure it retains a low profile
- Ensure any future fencing or boundary walls do not restrict sight distance for future vehicles



Figure 6.3 – Sight distance to the west (left) and to the east (right)

5.8 Parking Supply

Table 2.5.1 of the DCP requires parking to be provided at a rate of 1 space per 4 children. The proposed Centre Based Child Care Facility seeks to accommodate a total of 24 children in total and therefore generates a total parking demand of 6 spaces. The building plans submitted as a part of this application show a total of 7 spaces on-site including 1 disability compliant space.

Some additional parking is available kerbside within the Hindman Street roadway.

6. IMPACT MITIGATION

6.1 Proposed Traffic Impact Mitigation Works and Program

As discussed previously, the number of vehicle movements to be generated by the proposed development will be relatively low, and therefore have minimal impacts on the local road network. The adjacent road network and intersections have adequate capacity to cater for the minor increase in traffic volumes resulting from the future childcare centre.

Given the proximity of the proposed childcare centre driveway to the existing Essential Energy depot access, it is recommended that parking across the frontage of the development site be minimised once the childcare centre is operational. This could be achieved through education of the childcare centre users, and result in:

- minimising any potential conflict between occasional heavy vehicle movements in & out of the Essential Energy driveway
- ensure adequate lane width to allow safe passing of any turning or queuing vehicle (into Essential Energy, the future childcare centre or other private driveways)
- minimise impacts on sight distance for vehicles entering and exiting the site.

6.2 Other Initiatives

As discussed previously, the potential for conflict within the future childcare centre driveway is minimal and carpark is minimal, due to the relatively small number of peak hour movements generated. However, to ensure safe and efficient movement within the site, the following is recommended:

- Provide painted centreline in all sections of 2-way movement to ensure vehicles are correctly positioned on driveway
- Provide signage to ensure drivers are aware of one-way movements, priorities, and location to wait
- Provide education and regular updates (i.e. newsletters, emails etc) to ensure all users of the site are aware of the carparking and access requirements

While other measures are available, (i.e. traffic mirrors), it is expected that the potential for conflict within the site is considered minimal, due to the relatively low number of movements and implementation of the above management system. It is recommended that a review of the site is undertaken when fully operational to determine actual vehicle movement numbers, daily patterns and efficiency of proposed traffic management system.

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7. CAR PARK AND ACCESS ASSESSMENT

7.1 Car Park Layout Design Review

Part 1 of AS2890 classifies this development as a Class 3A off-street car parking facility requiring a category 2 driveway. Table 1 provides a comparison on the requirements of AS/NZS 2890.1 and AS/NZS 2890.6 applicable to the car parking proposal. Table 4 below shows the proposed carpark adheres to the Australian Standard Requirements.

Design Component	AS / NZS 2890.1 & AS / NZS 2890.6 Requirement	Proposed	Conformance with Standard
Parking Space	5.4m x 2.4m car space Additional 300mm when adjacent a wall	5.4m x 2.6m car space 1.0m proposed	YES YES
	5.4m x 2.4m plus 5.4m x 2.4m shared zone disabled	5.4m x 2.6m plus 5.4m x 2.6m shared zone disabled	YES
	2.5m x 1.2m motor bike space	2.5m x 1.2m motor bike space	NA
	Enclosed, secure 2-way carparking space	5.4m x 6.0m double space	NA
Aisle Width	6.2m min	6.2 min	Yes
Blind Aisle	1.0m	1.0m	NA
Driveway Width	Category 1 d/w = 3m – 5.5m	1 lane, 1-way d/w 4.5m (min) wide	YES
	Category 2 d/w = 6 – 9m Exit widths should be 3.0m min.	6m min Driveway crossing	YES

Table 4 – SUMMARY OF AUSTRALIAN STANDARD GEOMETRIC DESIGN REQUIREMENTS

7.2 Access Design

It is proposed to access the site via a new driveway off Hindman Street. The existing driveway will be removed, and a new driveway will be constructed further to the west – adjacent to the property boundary. The driveway crossing will conform with 2890 and Council's guidelines, and have adequate width to allow:

- safe manoeuvring within the site
- adequate dimensions to provide a safe queuing space within the internal driveway

8. CONCLUSIONS

- The future childcare centre will provide long daycare for up to 24 children between the ages of 6 months and 5 years. At full capacity, the site will generate a maximum of 20 movements per peak hour, including staff commuting. The local road network and adjacent intersections have adequate capacity to cater for the minor increase in traffic volumes generated by the proposed development.
- The 20 movements per peak hour (typically 12 in & 8 out) equates to an average 180 second gap between each movement but in reality, a much larger gap between

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potential conflict within the driveway (given that a number of the movements will be staff commuting i.e. only 1 movement).

- The proposed section of 4.5m (min) driveway is 19m wide, which complies with the requirements of AS2890.1 for one-way carpark access i.e. ***"The proposed driveway is less than 30m in length and vehicle movements will be less than the 30 trips an hour."***
- Given the relatively large average gap between vehicle movements within the site, and low potential for conflict, it is considered that the provision of a queuing area suitable for 1 car within the front driveway will be satisfactory.
- Hindman Street is currently 12 metres wide, and has adequate width to cater for turn movements in & out of a number of properties in the vicinity of the proposed development, including Essential Energy driveways, retirement village and adjacent properties. The roadway is therefore considered wide enough to safely cater for all movements in & out of the future childcare centre, with minimal impacts on through movements.
- The proposed carpark provides adequate spaces according to Council's guidelines, and the layout and dimensions comply with AS 2890.

9. RECOMMENDATIONS

This assessment has determined that Hindman Street and the local road network has the capacity to cater for the future traffic volumes generated by the proposed Childcare Centre, with safety, efficiency and with minimal impacts. The following recommendations should be considered to further improve road safety in the vicinity of the future childcare centre:

- Minimise kerbside parking on the southern side of Hindman Street (across the frontage of the future childcare centre) through education of the childcare centre users.
- Consideration should be given to the future landscaping of the childcare centre, and also the height and location of any future boundary fence/wall, to ensure sight distance for vehicles entering and exiting the site aren't compromised.
- Preparation of a Traffic Management Plan for pedestrian movements, staff & parent parking and vehicle movements in & around the proposed childcare centre to ensure maximum safety for all users. The TMP should be regularly updated and publicised to all users.
- Review traffic volumes, patterns and onsite traffic safety when the site is fully operational. Revise onsite Traffic Management Plan, if required.
- It is proposed that incoming vehicles will have priority over exiting vehicles, and a queuing space suitable for 1 vehicle will be provided at the front of the site. Also, to ensure the short section of one-way movements are undertaken as safely as possible, it is proposed to provide the following measures:
 - Provide painted centreline in all sections of 2-way movement to ensure vehicles are correctly positioned on driveway
 - Provide signage to ensure drivers are aware of one-way movements, priorities, and location to wait
 - Provide education and regular updates (i.e. newsletters, emails etc) to ensure all users of the site are aware of the carparking and access requirements
 - Provision of suitable signage within the carpark to make drivers aware of the one-way driveway, and the requirement to check for oncoming vehicles.

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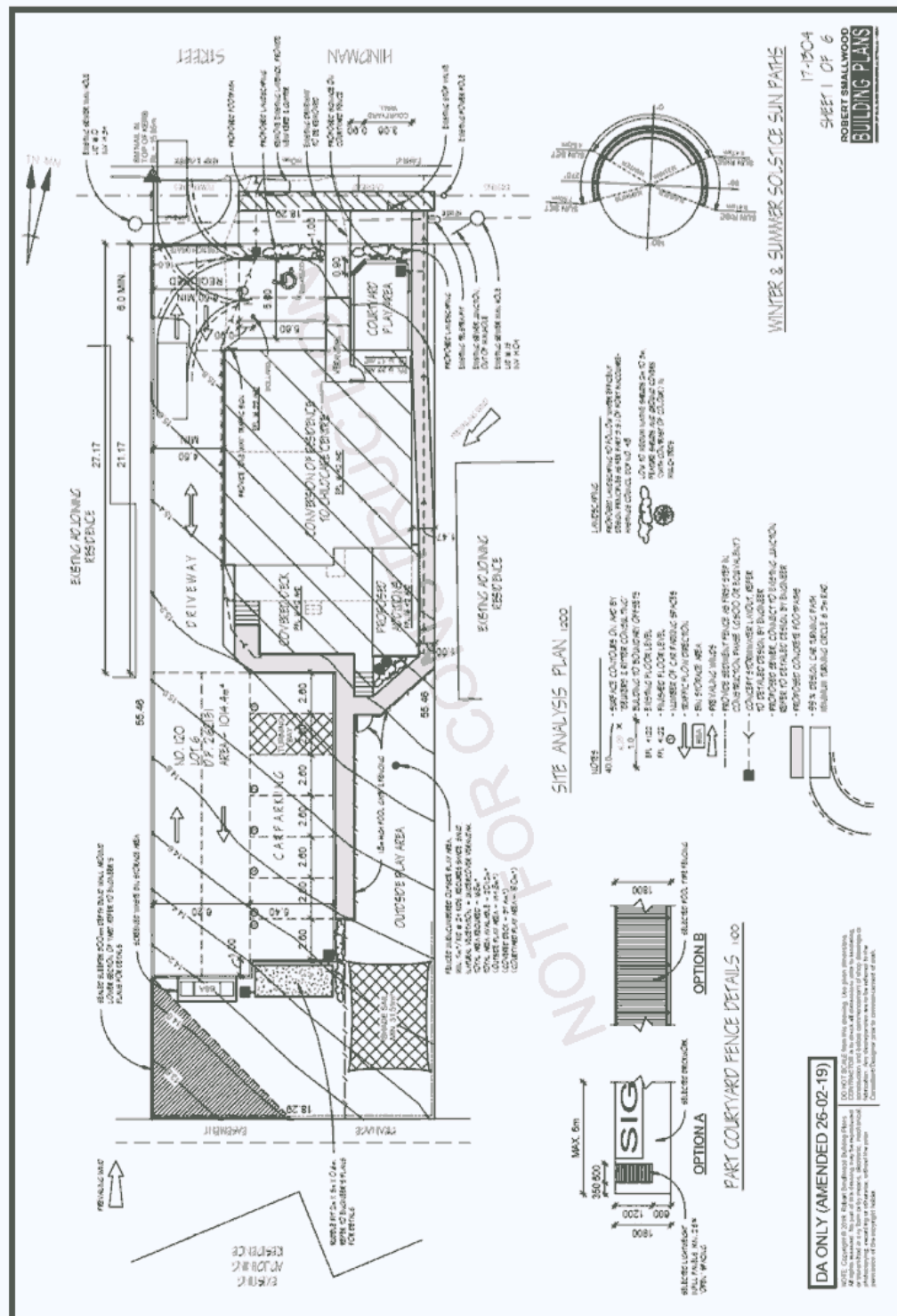
- The safety and efficiency of the carpark and access should be reviewed once the proposed childcare centre is completed and fully operational (say 12 months after opening).
- Provide signage to warn exiting vehicles about the potential for pedestrians in the vicinity of the childcare centre.

In summary, StreetWise recommend that the proposed Hindman Street Childcare Centre as being a suitable development, given that the relatively low number of vehicle trips to be generated by the development will not have a significant impact on the efficiency or safety of the local road network, and that the local roads and intersections have the capacity to cater for the additional trips generated by the development.

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Appendix A
Preliminary Site Plans



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Appendix B
'Discovery Childcare Centre' Assessment

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No.	In	Description	Out	Stay	Comment
	6:59	Blue Holden			Staff
1	7:07	Blue Mitsubishi	7:16	0:09	
2	7:15	Black Kia	7:21	0:06	
	7:17	Gold Toyota			Staff - parked on street
3	7:17	Black Ford	7:23	0:06	
	7:17	White Mazda			Staff - parked on street
4	7:18	White Holden	7:26	0:08	
5	7:24	Blue Ute	7:45	0:21	
6	7:26	Grey Mazda	7:40	0:14	
7	7:26	Blue Hyundai	7:49	0:23	
8	7:31	Grey Toyota	7:39	0:08	
9	7:33	Blue Toyota	7:40	0:07	
	7:34	Green Hyundai			Staff - in carpark
	7:39	White Holden			Staff - parked on street
10	7:40	Grey RAV 4	7:46	0:06	
11	7:42	Red Ute	7:46	0:04	
12	7:43	Blue Hyundai	7:56	0:13	
13	7:45	Grey Toyota	7:55	0:10	
14	7:46	Silver Subaru	7:51	0:05	
15	7:49	Silver Holden	7:54	0:05	
16	7:51	White Ute	7:59	0:08	
17	7:54	White Holden	8:03	0:09	
	7:54	White Nissan			Staff - parked on street
18	7:57	Black Holden SUV	8:02	0:05	
	8:00	Black Holden			Staff - parked on street
19	8:01	Black Nissan	8:11	0:10	
	8:02	Red Mazda			Staff - parked on street
20	8:03	Silver Hyundai	8:11	0:08	
21	8:04	Grey Hyundai	8:10	0:06	
22	8:05	White Suzuki	8:12	0:07	
23	8:07	Blue VW Ute	8:15	0:08	
24	8:07	White Holden	8:11	0:04	
25	8:09	Grey Subaru	8:16	0:07	
26	8:13	White Ford	8:17	0:04	
27	8:14	Blue WRX	8:19	0:05	
28	8:15	Camry	8:21	0:06	
29	8:16	White RAV 4	8:20	0:04	
	8:22	White Hyundai			Staff - parked on street
30	8:24	Black Nissan	8:32	0:08	
31	8:29	Black Triton Ute	8:37	0:08	
32	8:32	Silver Hyundai	8:36	0:04	
33	8:33	Black Hyundai	8:41	0:08	
34	8:35	Silver Navara	8:47	0:12	
	8:35	Silver Toyota			Staff - parked on street
35	8:35	Grey Landcruiser	8:43	0:08	
36	8:37	White Holden	8:47	0:10	
37	8:39	Bronze Camry	8:44	0:05	
38	8:40	White RAV 4			
	8:43	Grey Mitsubishi			Staff - parked on street
39	8:44	White Van	8:57	0:13	
	8:52	Black Holden			Staff - parked on street
40	8:57	Grey Mitsubishi	9:07	0:10	

Vehicle Count at Discovery Childcare Centre - AM

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

No.	In	Description	Out	Stay	Comment
		Black Holden			Parent parked on street
1	3:05	Black Toyota Prado	3:05		
2	3:14	Grey Mitsubishi SUV	3:19	0:14	
3	3:14	Silver Hyundai	3:22	0:08	
4	3:21	White Holden	3:24	0:10	
		Silver Subaru	3:36	0:15	
		Blue Holden			Parent parked on street
5	3:21	Blue WRX	3:27	0:06	
6	3:26	Black Mercedes	3:32	0:06	
7	3:29	Grey Subaru	3:41	0:12	
8	3:29	Grey Ford	4:03	0:34	
9	3:35	Silver Commodore	3:44	0:09	
		White Holden			Parent parked on street
10	3:37	Black Holden SUV	3:46	0:09	
11	3:38	Silver Subaru	3:44	0:06	
12	3:41	Silver Magna	3:45	0:04	
13	3:46	Silver Hatchback	3:52	0:06	
		Black Holden			Parent parked on street
14	3:47	Nissan X-Trail	3:54	0:07	
15	3:47	Silver Toyota	3:54	0:07	
16	3:50	Black Nissan SUV	3:56	0:06	
17	3:53	White Van	4:12	0:19	
		White Holden			Parent parked on street
18	3:58	Blue Mitsubishi	4:15	0:17	
19	4:04	Blue Hyundai	4:17	0:13	
		Silver Holden			Parent parked on street
20	4:08	Bronze Camry	4:15	0:07	Parent parked on street
21	4:09	Silver Hyundai	4:15	0:06	
		White Holden			Parent parked on street
22	4:14	White Ute	4:27	0:13	
23	4:16	Black Kia SUV	4:23	0:07	
		Black Nissan Holden			Parent parked on street
24	4:24	White Ute	4:29	0:05	
25	4:26	Black Holden	4:28	0:02	Parent parked on street
26	4:30	Silver Ute	4:40	0:10	
27	4:31	White Mazda	4:47	0:16	
		White Holden			Parent parked on street
28	4:48	Grey Ute	4:58	0:10	Parent parked on street
		Green Hyundai			Parent parked on street
29	4:52	Black Ford SUV	4:58	0:06	
30	4:53	Black Ford	4:59	0:06	
31	5:01	Black Hatchback	5:06	0:05	
32	5:03	Silver RangeRover	5:11	0:08	
33	5:06	Silver Landcruiser	5:15	0:09	
34	5:07	White Nissan	5:14	0:07	
		Green Holden			Parent parked on street
35	5:10	Red SUV	5:16	0:06	
36	5:12	Blue Hyundai			
37	5:15	Blue Holden Ute			

Vehicle Count at Discovery Childcare Centre – PM

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

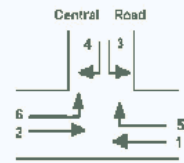
Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

Appendix C
Manual Traffic Count Results
Intersection of Central Road & Hindman Street

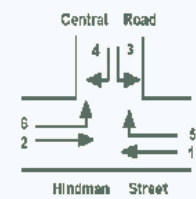
Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSWTraffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

Onsite traffic count - Thurs 31 January 2019

Time		Movement						Subtotals	
		1	2	3	4	5	6	15 min Total	1hour Total
		←	→	↙	↘	↖	↗		
6:45	7:00	15	12	5	12	6	8	58	
7:00	7:15	23	16	6	19	7	10	81	
7:15	7:30	18	20	11	17	9	9	84	
7:30	7:45	35	29	13	21	9	17	124	347
7:45	8:00	31	48	9	20	17	30	155	444
8:00	8:15	31	57	16	18	27	27	176	539
8:15	8:30	57	71	24	21	15	35	223	578
8:30	8:45	37	49	20	23	18	28	175	729
8:45	9:00	42	51	19	21	24	30	187	761
9:00	9:15	29	27	21	38	19	20	154	739
9:15	9:30	25	23	18	28	17	18	129	645



Time		Movement	Movement	Movement				Subtotals	
		1	2	3	4	5	6	15 min Total	1hour Total
		←	→	↙	↘	↖	↗		
14:30	14:45	28	32	17	30	21	25	153	
14:45	15:00	37	21	23	24	14	22	141	
15:00	15:15	26	24	21	34	16	22	143	
15:15	15:30	45	29	30	33	24	30	191	628
15:30	15:45	44	30	34	47	13	30	198	573
15:45	16:00	57	22	25	47	14	23	186	720
16:00	16:15	55	30	43	50	21	35	234	811
16:15	16:30	42	21	21	37	18	18	157	771
16:30	16:45	49	40	28	28	19	19	183	762
16:45	17:00	49	28	16	23	15	17	148	724
17:00	17:15	30	36	21	24	9	15	135	623
17:15	17:30	18	21	12	14	7	8	80	546



Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

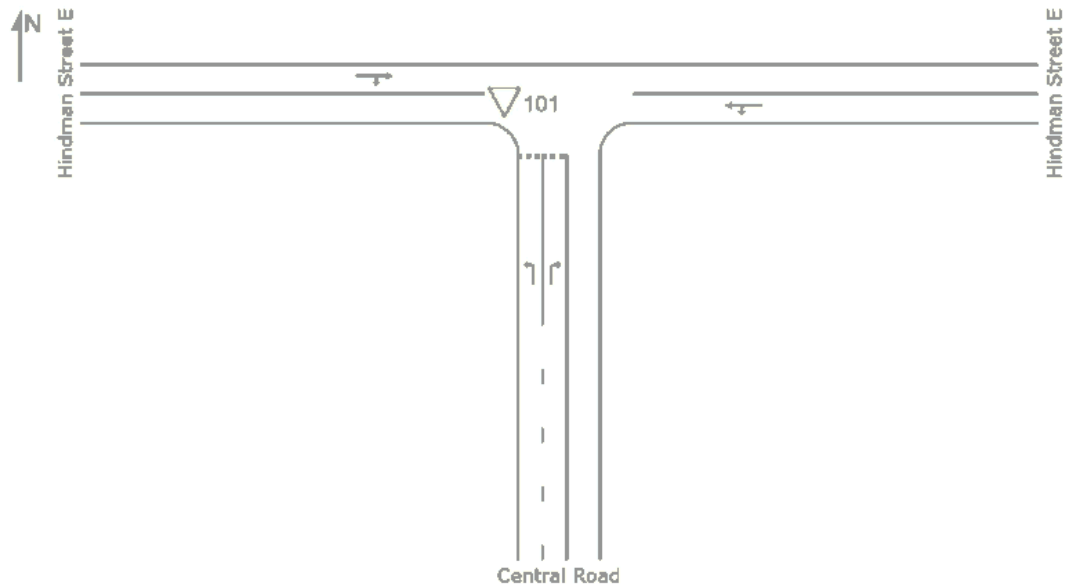
Appendix D
SIDRA Assessment Results
Intersection of Central Road & Hindman Street

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

SITE LAYOUT

Hindman St-Central Rd AM 2019
Giveaway / Yield (Two-Way)



Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSWTraffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie**MOVEMENT SUMMARY**▽ **Site: 101 [Hindman St-Central Rd AM 2019]**Hindman St-Central Rd AM 2019
Giveaway / Yield (Two-Way)**Movement Performance - Vehicles**

Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Central Road											
1	L2	139	1.00	0.98	6.1	LOS A	0.5	3.8	0.29	0.54	52.7
3	R2	186	1.00	0.303	11.7	LOS A	1.7	12.3	0.69	0.86	49.0
Approach		325	1.00	0.303	9.3	LOS A	1.7	12.3	0.52	0.73	50.5
East: Hindman Street E											
4	L2	124	1.00	0.123	5.6	LOS A	0.0	0.0	0.00	0.30	55.8
5	T1	117	1.00	0.123	0.0	LOS A	0.0	0.0	0.00	0.30	57.3
Approach		241	1.00	0.123	2.9	NA	0.0	0.0	0.00	0.30	56.5
West: Hindman Street E											
11	T1	212	1.00	0.160	0.4	LOS A	0.6	4.0	0.21	0.16	57.7
12	R2	76	1.00	0.160	6.5	LOS A	0.6	4.0	0.21	0.16	56.1
Approach		287	1.00	0.160	2.0	NA	0.6	4.0	0.21	0.16	57.3
All Vehicles		854	1.00	0.303	5.0	NA	1.7	12.3	0.27	0.42	54.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

LANE SUMMARY

▽ **Site: 101 [Hindman St-Central Rd AM 2019]**

Hindman St-Central Rd AM 2019
Giveaway / Yield (Two-Way)

Lane Use and Performance

	Demand Flows Total HV veh/h	Cap. % veh/h	Deg. Satn v/c	Lane Util. %	Average Delay sec	Level of Service	95% of Queue Veh	Back of Queue Dist m	Lane Config	Lane Length m	Cap. Adj. %	Prob. Block. %
South: Central Road												
Lane 1	139	1.0	1424	0.098	100	6.1	LOS A	0.5	3.8	Full	500	0.0
Lane 2	186	1.0	615	0.303	100	11.7	LOS A	1.7	12.3	Full	500	0.0
Approach	325	1.0		0.303		9.3	LOS A	1.7	12.3			
East: Hindman Street E												
Lane 1	241	1.0	1957	0.123	100	2.9	LOS A	0.0	0.0	Full	500	0.0
Approach	241	1.0		0.123		2.9	NA	0.0	0.0			
West: Hindman Street E												
Lane 1	287	1.0	1800	0.160	100	2.0	LOS A	0.6	4.0	Full	500	0.0
Approach	287	1.0		0.160		2.0	NA	0.6	4.0			
Intersection	854	1.0		0.303		5.0	NA	1.7	12.3			

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Lane LOS values are based on average delay per lane.

Minor Road Approach LOS values are based on average delay for all lanes.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

MOVEMENT SUMMARY

▽ Site: 101 [Hindman St-Central Rd PM 2019]

Hindman St-Central Rd AM 2019
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total HV	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Central Road										
1	L2	83	1.00.068	6.8	LOS A	0.4	2.5	0.42	0.58	52.3
3	R2	87	1.00.169	12.3	LOS A	0.8	5.6	0.68	0.84	48.6
Approach		171	1.00.169	9.6	LOS A	0.8	5.6	0.55	0.72	50.3
East: Hindman Street E										
4	L2	126	1.00.186	5.6	LOS A	0.0	0.0	0.00	0.20	56.6
5	T1	240	1.00.186	0.0	LOS A	0.0	0.0	0.00	0.20	58.1
Approach		366	1.00.186	1.9	NA	0.0	0.0	0.00	0.20	57.6
West: Hindman Street E										
11	T1	176	1.00.160	0.8	LOS A	0.7	4.9	0.33	0.22	56.9
12	R2	88	1.00.160	7.1	LOS A	0.7	4.9	0.33	0.22	55.4
Approach		264	1.00.160	2.9	NA	0.7	4.9	0.33	0.22	56.4
All Vehicles		801	1.00.186	3.9	NA	0.8	5.6	0.23	0.32	55.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

LANE SUMMARY

▽ Site: 101 [Hindman St-Central Rd PM 2019]

Hindman St-Central Rd AM 2019
Giveaway / Yield (Two-Way)

Lane Use and Performance

	Demand Flows Total HV veh/h	Cap. % veh/h	Deg. Satn v/c	Lane Util. %	Average Delay sec	Level of Service	95% of Queue Veh	Back of Queue Dist m	Lane Config	Lane Length m	Cap. Adj. %	Prob. Block. %
South: Central Road												
Lane 1	83	1.0	1220	0.068	100	6.8	LOS A	0.4	2.5	Full	500	0.0
Lane 2	87	1.0	517	0.169	100	12.3	LOS A	0.8	5.6	Full	500	0.0
Approach	171	1.0		0.169		9.6	LOS A	0.8	5.6			
East: Hindman Street E												
Lane 1	366	1.0	1973	0.186	100	1.9	LOS A	0.0	0.0	Full	500	0.0
Approach	366	1.0		0.186		1.9	NA	0.0	0.0			
West: Hindman Street E												
Lane 1	264	1.0	1656	0.160	100	2.9	LOS A	0.7	4.9	Full	500	0.0
Approach	264	1.0		0.160		2.9	NA	0.7	4.9			
Intersection	801	1.0		0.186		3.9	NA	0.8	5.6			

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Lane LOS values are based on average delay per lane.

Minor Road Approach LOS values are based on average delay for all lanes.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

MOVEMENT SUMMARY

▽ **Site: 101 [Hindman St-Central Rd AM 2030]**

Hindman St-Central Rd AM 2030
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Central Road											
1	L2	173	1.00	126	6.3	LOS A	0.7	5.0	0.34	0.56	52.5
3	R2	234	1.00	475	17.2	LOS B	3.4	23.8	0.78	1.04	45.6
Approach		406	1.00	475	12.6	LOS A	3.4	23.8	0.59	0.83	48.3
East: Hindman Street E											
4	L2	158	1.00	157	5.6	LOS A	0.0	0.0	0.00	0.30	55.8
5	T1	148	1.00	157	0.0	LOS A	0.0	0.0	0.00	0.30	57.3
Approach		306	1.00	157	2.9	NA	0.0	0.0	0.00	0.30	56.5
West: Hindman Street E											
11	T1	265	1.00	205	0.6	LOS A	0.8	5.5	0.26	0.16	57.5
12	R2	95	1.00	205	6.8	LOS A	0.8	5.5	0.26	0.16	55.9
Approach		360	1.00	205	2.2	NA	0.8	5.5	0.26	0.16	57.1
All Vehicles		1073	1.00	475	6.3	NA	3.4	23.8	0.31	0.46	53.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

LANE SUMMARY

▽ Site: 101 [Hindman St-Central Rd AM 2030]

Hindman St-Central Rd AM 2030
Giveaway / Yield (Two-Way)

Lane Use and Performance

	Demand Flows Total HV veh/h	Cap. % veh/h	Deg. Satn v/c	Lane Util. %	Average Delay sec	Level of Service	95% Back of Queue Veh	Dist m	Lane Config	Lane Length m	Cap. Adj. %	Prob. Block. %
South: Central Road												
Lane 1	173	1.0	1371	0.126	100	6.3	LOS A	0.7	5.0	Full	500	0.0
Lane 2	234	1.0	492	0.475	100	17.2	LOS B	3.4	23.8	Full	500	0.0
Approach	406	1.0		0.475		12.6	LOS A	3.4	23.8			
East: Hindman Street E												
Lane 1	306	1.0	1957	0.157	100	2.9	LOS A	0.0	0.0	Full	500	0.0
Approach	306	1.0		0.157		2.9	NA	0.0	0.0			
West: Hindman Street E												
Lane 1	360	1.0	1760	0.205	100	2.2	LOS A	0.8	5.5	Full	500	0.0
Approach	360	1.0		0.205		2.2	NA	0.8	5.5			
Intersection	1073	1.0		0.475		6.3	NA	3.4	23.8			

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Lane LOS values are based on average delay per lane.

Minor Road Approach LOS values are based on average delay for all lanes.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSWTraffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie**MOVEMENT SUMMARY**▽ **Site: 101 [Hindman St-Central Rd PM 2030]**Hindman St-Central Rd AM 2030
Giveaway / Yield (Two-Way)**Movement Performance - Vehicles**

Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Central Road											
1	L2	103	1.00	0.92	7.3	LOS A	0.5	3.3	0.48	0.62	52.1
3	R2	111	1.00	0.283	16.9	LOS B	1.4	9.9	0.76	0.94	45.7
Approach		214	1.00	0.283	12.3	LOS A	1.4	9.9	0.62	0.78	48.6
East: Hindman Street E											
4	L2	158	1.00	0.233	5.6	LOS A	0.0	0.0	0.00	0.20	56.6
5	T1	301	1.00	0.233	0.0	LOS A	0.0	0.0	0.00	0.20	58.1
Approach		459	1.00	0.233	1.9	NA	0.0	0.0	0.00	0.20	57.6
West: Hindman Street E											
11	T1	223	1.00	0.210	1.2	LOS A	1.0	7.1	0.39	0.23	56.7
12	R2	109	1.00	0.210	7.7	LOS A	1.0	7.1	0.39	0.23	55.1
Approach		333	1.00	0.210	3.4	NA	1.0	7.1	0.39	0.23	56.2
All Vehicles		1005	1.00	0.283	4.6	NA	1.4	9.9	0.26	0.33	55.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Hindman Street Childcare TIA
120 Hindman Street, Port Macquarie, NSW

Traffic Impact Assessment
Hindman Street Childcare Centre, Port Macquarie

LANE SUMMARY

▽ **Site: 101 [Hindman St-Central Rd PM 2030]**

Hindman St-Central Rd AM 2030
Giveaway / Yield (Two-Way)

Lane Use and Performance													
	Demand Flows Total HV veh/h	Cap. % veh/h	Deg. Satn v/c	Lane Util. %	Average Delay sec	Level of Service	95% of Queue Veh	Back of Queue Dist m	Lane Config	Lane Length m	Cap. Adj. %	Prob. Block. %	
South: Central Road													
Lane 1	103	1.0	1123	0.092	100	7.3	LOS A	0.5	3.3	Full	500	0.0	0.0
Lane 2	111	1.0	391	0.283	100	16.9	LOS B	1.4	9.9	Full	500	0.0	0.0
Approach	214	1.0		0.283		12.3	LOS A	1.4	9.9				
East: Hindman Street E													
Lane 1	459	1.0	1974	0.233	100	1.9	LOS A	0.0	0.0	Full	500	0.0	0.0
Approach	459	1.0		0.233		1.9	NA	0.0	0.0				
West: Hindman Street E													
Lane 1	333	1.0	1582	0.210	100	3.4	LOS A	1.0	7.1	Full	500	0.0	0.0
Approach	333	1.0		0.210		3.4	NA	1.0	7.1				
Intersection	1005	1.0		0.283		4.6	NA	1.4	9.9				

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Lane LOS values are based on average delay per lane.

Minor Road Approach LOS values are based on average delay for all lanes.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

PROPOSED CONVERSION OF RESIDENCE TO CHILDCARE CENTRE

AT: NO. 120 HINDMAN STREET,
PORT MACQUARIE

FOR: D. EDGAR

REF: 17-1304

DATE: JUNE 2018

**ROBERT SMALLWOOD
BUILDING PLANS**

'BETTER BY DESIGN'

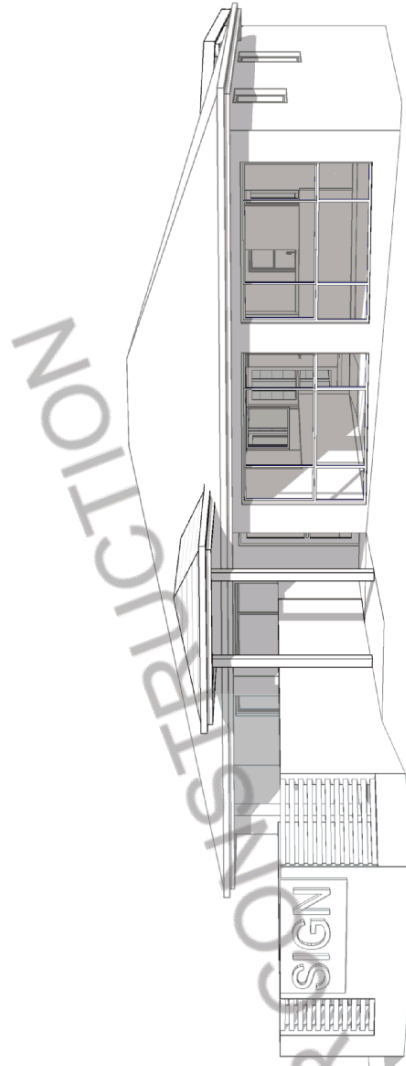
EMAIL: design@robertsmallwood.com.au

PH: (02) 6559 5222

453 OCEAN DRIVE LAURIE TON NSW 2443

WWW.ROBERTSMALLWOOD.COM.AU

CHARTERED MEMBER OF BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA



NORTHWEST PERSPECTIVE
(SUN @ 3pm WINTER SOL-STICE)



SOUTHWEST PERSPECTIVE
(SUN @ 3pm SUMMER SOL-STICE)

DA ONLY
(NOT FOR CONSTRUCTION)
(AMENDED 26-02-19)

The diagram shows a circular Earth with a vertical axis tilted at an angle. The axis is labeled with 0° at the top and 180° at the bottom. The Earth is divided into four quadrants representing seasons: SUMMER (top-left), WINTER (top-right), WINTER (bottom-left), and SUMMER (bottom-right). The quadrants are separated by dashed lines. The Earth is also divided into four quadrants representing day lengths: SUN RISE (top-left), SUN SET (top-right), SUN SET (bottom-left), and SUN RISE (bottom-right). The day length quadrants are separated by solid lines. The day length quadrants are labeled with values: 5.5am, 6.47am, 7.50pm, and 4.53pm. The day length quadrants are also labeled with values: 270° and 270°.




NOTES

LANDSCAPING

PHOTOGRAPH UNIFORMITY TO FOLLOW WATER EFFICIENT DESIGN PRINCIPLES AS PER PART 5.5.1 OF PORT VACCANCE- HASTINGS COUNCIL DOT NO. 48

**LOW TO MEDIUM NATURE SHOLDS 2m TO 3m.
PERICE SHOLDS AND GROUND COVERS
(WITH CONTRAST OF COLOUR) IN
MULCH BEDS**



PROVIDE SEPTICMENT FENCE AS FIRST STEP IN CONSTRUCTION PHASE (5'x6'00 OR EQUIVALENT) CONCEPT STORMWATER LAYOUT. REFER TO DETAILED DESIGN BY ENGINEER

PROPOSED SEWER. CONNECT TO EXISTING JUNCTION. REFER TO DETAILED DESIGN BY ENGINEER

PROPOSED CONCRETE FOOTPATHS

99% DESIGN CAR TURNING PATH MINIMUM TURNING CIRCLE 6.2m RWD.

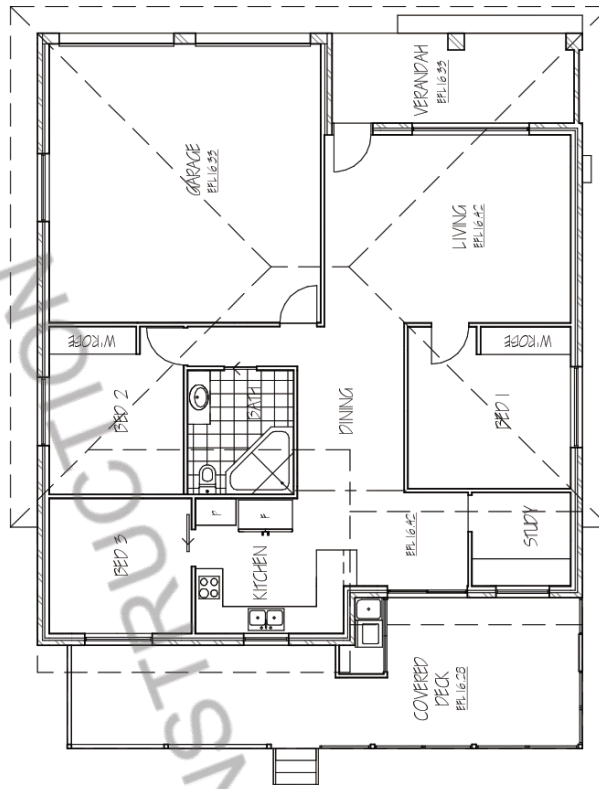
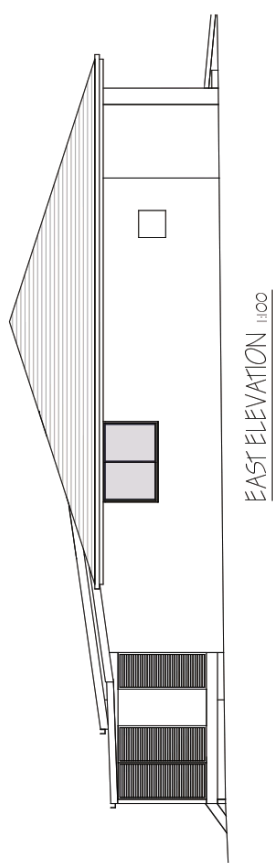
- PROPOSED CONCRETE FOOTPATHS
- 99% DESIGN CAR TURNING PATH
- MINIMUM TURNING CIRCLE 6.3m RAD.

OPTION B

PART COURTYARD FENCE DETAILS 1:100

DA ONLY (AMENDED 26-02-19)

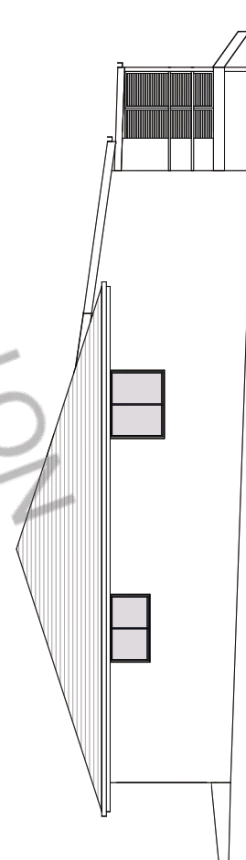
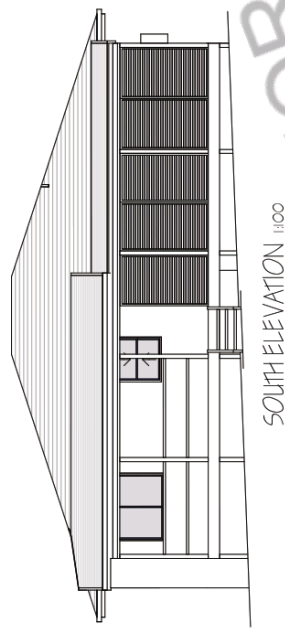
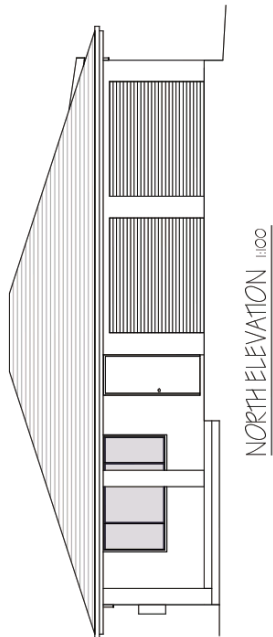
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17-1304
SHEET 2 OF 6ROBERT SMALLWOOD
BUILDING PLANS
DESIGNER OF ARCHITECTURAL DRAWINGS & PLANS

FLOOR PLAN 1:100

AREAS - EXISTING	
LIVING	106.7 m ²
GARAGE	41.0 m ²
VERANDAH	11.0 m ²
COVERED DECK	30.0 m ²
TOTAL	190.7 m ²

EXISTING RESIDENCE



DA ONLY (AMENDED 26-02-19)

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CONTRACTOR is to check all dimensions prior to tendering, construction and before commencement of shop drawings or fabrication of steelwork. Consultant Designer prior to commencement of work.



PROPOSED BUILDING

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- NAPPY CHANGING PENCH TO BE MIN. 0.9m² IN AREA @ A HEIGHT NOT LESS THAN 850mm BUT NOT MORE THAN 900mm. HAVE A SPACE UNDER PENCH FOR STEP STORAGE A MIN. 500mm HIGH X 800mm DEEP X 500mm WIDE.
PROVIDE A PENCH TYPE BATHY BATH IN NAPPY PENCH

S.P. - SELECTED TEAM: TO ENGINEER'S
 OR FRAME & TRUSS MANUFACTURER'S
 SPECIFICATION
 REF. 16.12 - EXISTING FLOOR LEVEL
 REF. 16.12 - FINISHED FLOOR LEVEL
 W1 & D1 - WINDOW & GLAZED DOOR SCHEDULE
 REFER TO GLAZING CALCULATOR
 & WINDOW SCHEDULE FOR DETAILS

NOTES

- - SMOKE ALARM TO A5 1670.1
- EXIT - PROPOSED MANIFOLD ILLUMINATED EXIT SIGN TO A5 / N.Z.5 + 295.1
- EXIT - PROPOSED MANIFOLD ILLUMINATED DIRECTIONAL EXIT SIGN TO A5 / N.Z.5
- 5 P - SELECTED POST
- 1 W - MECHANICAL VENT TO A5.1668
- 3 R - SELECTED RAINING 1000 H

WINDOWS
ALUMINUM FRAMED WINDOWS TO
MANUFACTURER'S SPECIFICATION,
A.S. 1268, A.S. 2047 & SITE WIND SPEED
FL - FIXED LIGHT WINDOW
S/P - SLIDING GLASS DOOR
OPD - GLASS PANEL DOOR
AREAS - PROPOSED

W1	W2	W3	W4	W5	W6	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19	D20	D21	D22	D23	D24	D25	D26	D27	D28	D29	D30	D31	D32	D33	D34	D35	D36	D37	D38	D39	D40	D41	D42	D43	D44	D45	D46	D47	D48	D49	D50	D51	D52	D53	D54	D55	D56	D57	D58	D59	D60	D61	D62	D63	D64	D65	D66	D67	D68	D69	D70	D71	D72	D73	D74	D75	D76	D77	D78	D79	D80	D81	D82	D83	D84	D85	D86	D87	D88	D89	D90	D91	D92	D93	D94	D95	D96	D97	D98	D99	D100	D101	D102	D103	D104	D105	D106	D107	D108	D109	D110	D111	D112	D113	D114	D115	D116	D117	D118	D119	D120	D121	D122	D123	D124	D125	D126	D127	D128	D129	D130	D131	D132	D133	D134	D135	D136	D137	D138	D139	D140	D141	D142	D143	D144	D145	D146	D147	D148	D149	D150	D151	D152	D153	D154	D155	D156	D157	D158	D159	D160	D161	D162	D163	D164	D165	D166	D167	D168	D169	D170	D171	D172	D173	D174	D175	D176	D177	D178	D179	D180	D181	D182	D183	D184	D185	D186	D187	D188	D189	D190	D191	D192	D193	D194	D195	D196	D197	D198	D199	D200	D201	D202	D203	D204	D205	D206	D207	D208	D209	D210	D211	D212	D213	D214	D215	D216	D217	D218	D219	D220	D221	D222	D223	D224	D225	D226	D227	D228	D229	D230	D231	D232	D233	D234	D235	D236	D237	D238	D239	D240	D241	D242	D243	D244	D245	D246	D247	D248	D249	D250	D251	D252	D253	D254	D255	D256	D257	D258	D259	D260	D261	D262	D263	D264	D265	D266	D267	D268	D269	D270	D271	D272	D273	D274	D275	D276	D277	D278	D279	D280	D281	D282	D283	D284	D285	D286	D287	D288	D289	D290	D291	D292	D293	D294	D295	D296	D297	D298	D299	D300	D301	D302	D303	D304	D305	D306	D307	D308	D309	D310	D311	D312	D313	D314	D315	D316	D317	D318	D319	D320	D321	D322	D323	D324	D325	D326	D327	D328	D329	D330	D331	D332	D333	D334	D335	D336	D337	D338	D339	D340	D341	D342	D343	D344	D345	D346	D347	D348	D349	D350	D351	D352	D353	D354	D355	D356	D357	D358	D359	D360	D361	D362	D363	D364	D365	D366	D367	D368	D369	D370	D371	D372	D373	D374	D375	D376	D377	D378	D379	D380	D381	D382	D383	D384	D385	D386	D387	D388	D389	D390	D391	D392	D393	D394	D395	D396	D397	D398	D399	D400	D401	D402	D403	D404	D405	D406	D407	D408	D409	D410	D411	D412	D413	D414	D415	D416	D417	D418	D419	D420	D421	D422	D423	D424	D425	D426	D427	D428	D429	D430	D431	D432	D433	D434	D435	D436	D437	D438	D439	D440	D441	D442	D443	D444	D445	D446	D447	D448	D449	D450	D451	D452	D453	D454	D455	D456	D457	D458	D459	D460	D46
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SN = SCHEDULE NUMBER
NUVALUE = REPRESENTS THE HEAT LOSS/HEAT GAIN OF THE SYSTEM (FRAME + GLASS)
SHGC = SOLAR HEAT GAIN COEFFICIENT REPRESENTS THE ABILITY OF THE SYSTEM TO REDUCE SOLAR HEAT GAIN
NOTE: TIMBER FRAMED WINDOWS TO MANUFACTURER'S SPECIFICATION, AS 1288; A.S. 2047 & SITE WIND SPEED

DA ONLY (AMENDED 26-02-19)

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PROPOSED BUILDING

BUSH FIRE ATTACK LEVEL- 'BAL 12.5'
SPECIFIC CONSTRUCTION REQUIREMENTS AS PER A.S. 3959-2009
NOTE: 'BAL-29' CONSTRUCTION REQUIREMENTS APPLY TO THE
VERANDAHS/DECKS OF THIS PROJECT. THESE REQUIREMENTS
ARE LISTED BELOW

ATTACHED STRUCTURES

SECTION 5

SUB-FLOOR SUPPORTS

WHERE THE SUB-FLOOR IS UNENCLOSED THE SUPPORT POSTS, COLUMNS, STUMPS, PIERS OR POLES SHALL BE:

- (a) OF NON-COMBUSTIBLE MATERIAL OR
- (b) OF BURNING-RESISTING TIMBER OR A COMBINATION OF ANY OF THE ABOVE

NOTE: THE EXCLUSION OF REQUIREMENTS APPLIES TO THE PRINCIPAL BUILDING ONLY AND NOT THE VERANDAH, DECKS, STEPS, RAMPS AND LANDINGS.

FLOORS

CONCRETE SLABS ON GROUND HAVE NO CONSTRUCTION REQUIREMENTS

EXTERNAL WALLS

ANY PART OF AN EXTERNAL WALL THAT IS LESS THAN 400mm FROM THE GROUND OR LESS THAN 400mm ABOVE DECKS, CARPORT ROOFS, AWNINGS OR SIMILAR, HAVING AN ANGLE LESS THAN 18° TO HORIZONTAL AND EXTENDING MORE THAN 110mm IN WIDTH FROM THE WALL SHALL BE MADE FROM:

ANY PART OF AN EXTERNAL WALL THAT IS LESS THAN 400mm FROM THE GROUND OR LESS THAN 400mm ABOVE DECKS, CARPORT ROOFS, AWNINGS OR SIMILAR, HAVING AN ANGLE LESS THAN 18° TO HORIZONTAL AND EXTENDING MORE THAN 110mm IN WIDTH FROM THE WALL SHALL BE MADE FROM:

WINDOWS

WINDOWS

WINDOW ASSEMBLIES SHALL COMPLY WITH THE FOLLOWING:

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Item 06
Attachment 3
Page 137



Developer Charges - Estimate

Applicants Name: Robert Smallwood
 Property Address: 120 Hindman Street, Port Macquarie
 Lot & Dp: Lot(s):6,DP(s):262151
 Development: Change of Use - Dwelling to Medical Centre



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%	\$ 248,450	\$2,484.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$2,484.00

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:

11-Apr-2019

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

Smallwood, 120 Hindman Street, Port Macquarie, 11-Apr-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 07

Subject: DA2018 - 876.1 - DEMOLITION OF EXISTING DWELLING, DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - LOT 272 DP 236277, NO. 45 THE SUMMIT ROAD, PORT MACQUARIE

Report Author: Patrick Galbraith-Robertson

Applicant: G & G Schwarzel
Owner: G & G Schwarzel
Estimated Cost: \$1.176M
Parcel no: 23910

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 - 876.1 for demolition of existing dwelling and construction of dual occupancy with torrens title subdivision at Lot 272, DP 236277, No. 45 The Summit Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for demolition of an existing dwelling, dual occupancy 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, 10 submissions have been received.

The proposal has been amended during the assessment of the DA including reducing the building height to be compliant with the 8.5m building height standard.

This DA was previously report to Council's Development Assessment Panel (DAP) on the 13 March 2019. The following resolution was made at this DAP meeting:

CONSENSUS:

That DA2018 – 876 be deferred to enable:

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

The Applicant has subsequently submitted additional information and amended plans in response to the DAP's recommendation. The amended plans (excluding floor plans) and additional information received are attached to this report (amended areas are highlighted on the plans by green circles). The amendments relate to a re-design of the south east corner of dwelling 2 (stair well) so as to improve view availability to the neighbouring property. The lower floor alfresco areas have been redesigned so as they are no longer capable of being considered floor area in floor space ratio calculations. There is also a slight reduction in floor area of both units that has resulted in a reduction in floor space ratio from 0.65:1 to 0.6:1. As the amendments were considered to lessen the impact of the proposal they were not re-notified however the original submissions are still addressed in the report.

The Applicant will have height guides erected for the purposes of the DAP members to inspect the view impacts prior to the meeting this report is being made to (same as below photos).

The following photos have also been taken by the assessing officer on 15 April 2019 for the DAP's consideration:

Photo of view from kitchen window of No.47 The Summit Road showing height guide at the south-eastern corner of proposed dwelling 2



Photo of view from front living room bay window of No.47 The Summit Road showing height guide at the south-eastern corner of proposed dwelling 2



2 Photos of views from deck of No.47 The Summit Road showing height guide at the south-eastern corner of proposed dwelling 2



Photo of views from living room window on west side of No.47 The Summit Road showing height guide at the south-eastern corner of proposed dwelling 2

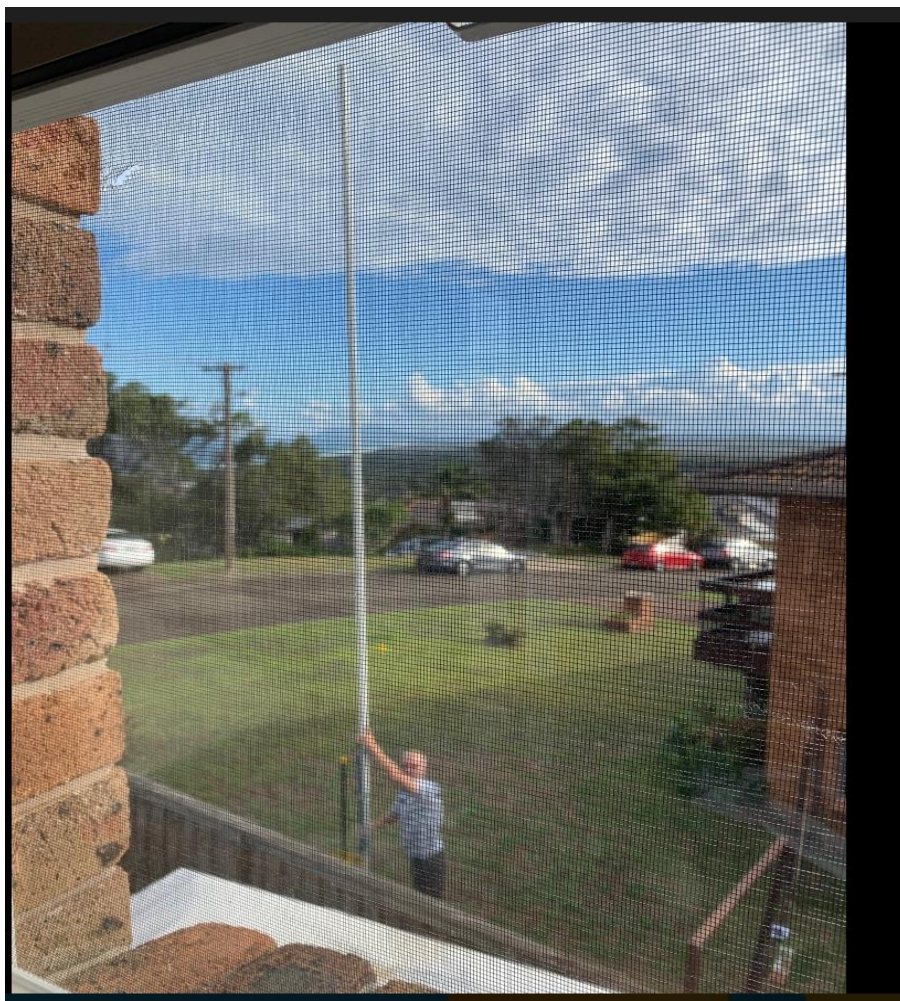


Photo of views from dining room window on north-west side of No.47 The Summit Road showing height guide of the first floor deck level (not roof of remainder) at the north-eastern corner of proposed dwelling 2



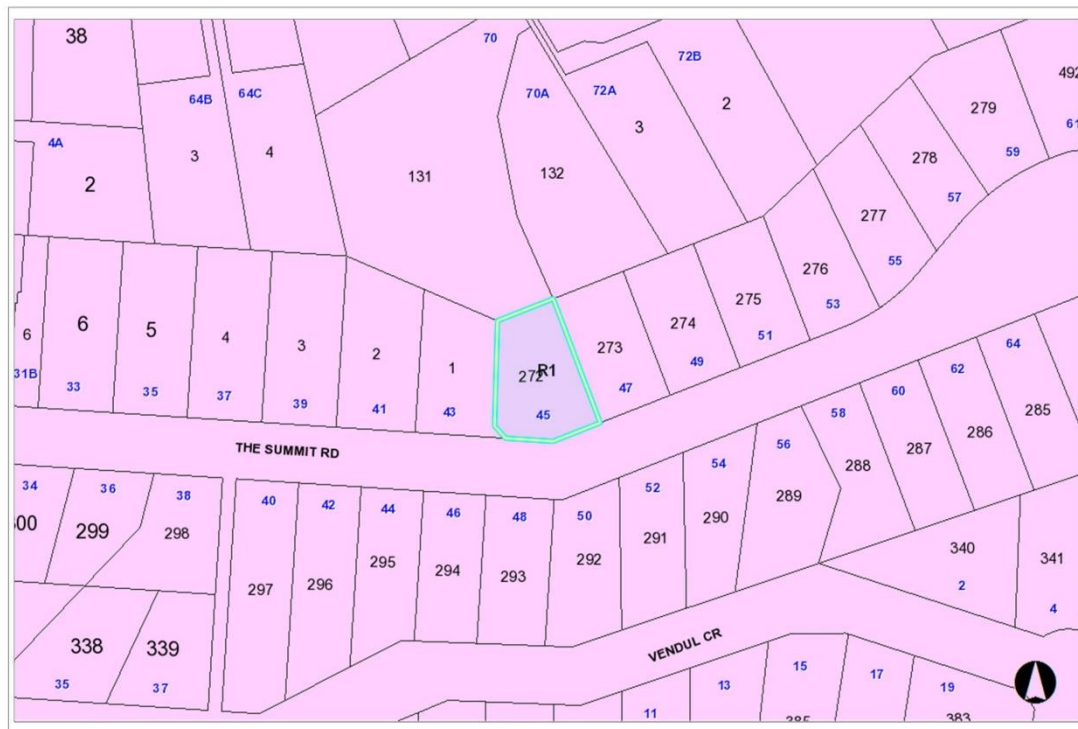
Photo of views from rear deck on north side of No.47 The Summit Road showing height guide of the first floor deck level (not roof of remainder) at the north-eastern corner of proposed dwelling 2



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

The site has an area of 752.31m².

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 (2012):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling
- Construction of dual occupancy including 2 detached dwellings
- 1 into 2 lot Torrens title subdivision

Refer to attachments at the end of this report.

Application Chronology

- 22 October 2018 – DA lodged with Council
- 30 October to 12 November 2018 - Neighbour notification of proposal
- 6 December 2018 – Additional information requested – submission issues and stormwater concerns
- 13 December 2018 – Additional information requested – height, driveway, fencing, character, floor space ratio, windows, kitchenette and view impacts issues to address
- 11 February 2019 – Amended plans and additional information received
- 13 March 2019 - DAP meeting
- 5 April 2019 - amended plans received

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

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

The site is located within a proximity area to Littoral Rainforest.

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

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

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

The bulk, scale and size of the proposed development is sufficiently compatible with the surrounding coastal and built environment noting the zoning and planning controls applying to the site. The site is predominately cleared and located within an area zoned for residential purposes.

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

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. Amended plans have been submitted during the assessment of the DA which will require an updated BASIX certificate. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Construction Certificate and Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R1 general residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a dual occupancy is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- the proposal is a permissible landuse;
- the proposal will contribute to the range of residential housing in the area
- Clause 2.7 - the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1- (4A), the minimum lot sizes do not apply to the proposal as it is characterised as dual occupancy.
- Clause 4.3 - the maximum overall height of the buildings above ground level (existing) is 8.3m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - the floor space ratio of the proposal is 0.6 :1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. 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:

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Water tanks are appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	The development contains decks/ verandahs within the articulation zone. The decks/ verandahs do not technically exceed 25% of the articulation zone and is setback the minimum 3m.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback requirements comply with the exception of the south-western corner of Lot A/Dwelling 1	Yes/No*
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 and much greater than the minimum 4m setback.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The minimum side setback requirements are complied with. The wall articulation is compliant and satisfies the objectives of the development provision. A review of the shadow diagram and inspection of the site and neighbouring properties has identified that the overshadowing impacts are not of a sufficient magnitude in time to warrant refusing consent to the proposal. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m ² 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"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	No fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy:	No direct views	Yes

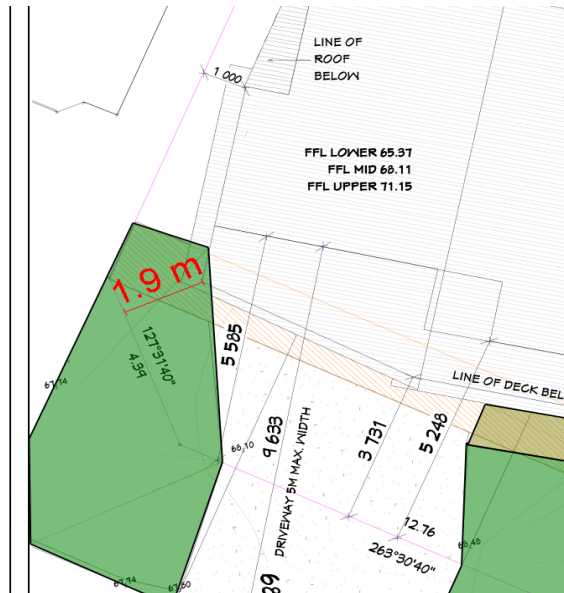
DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs, etc which have <3m side/rear setback and floor level height >1m 	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. Privacy screens are proposed on the rear decks in particular – as amended.	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m Condition also recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal in width including maximising street parking	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal involves 2 x 4 bedroom dwellings. Therefore 2 x 1 spaces = 2 spaces required. The development proposes 4+ parking spaces.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable limited landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

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

The proposal seeks to vary Development Provision relating to front setback and articulation zone technically on the south-west corner of dwelling 1/Lot A. The below and aerial image showing boundaries and marked up image by the assessing officer shows the distance as approximately 1.9m to the splay in the front boundary returning to the western neighbour's boundary.



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

- The subject section of the front of the building deck dwelling 1/Lot A is setback 3.731m to the primary frontage which is a greater setback than the minimum 3m setback permitted as a section of articulation zone.
- The western neighbour's front boundary is in line with the primary frontage line of the subject dwelling 1 Lot A.
- There will be no discernible adverse impact on the streetscape given the primary alignment of the primary front boundary in the context of the remainder of the street.
- The western side setback is compliant with the DCP.

- It could technically be argued that the subject second boundary is a secondary frontage due to the change in the angle of the continuous boundaries fronting the road reservation area.

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

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

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

iv) Any matters prescribed by the Regulations:

NSW Coastal Policy 1997

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

Demolition of buildings AS 2601 – Clause 92

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

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, 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 sufficiently 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.

View sharing

During the neighbour notification period concerns surrounding view loss were raised by two (2) neighbours to the east and west of the subject development at no.s 43 and 47 The Summit.

The location of the neighbours relative to the development site is shown below:



The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regard to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comments:

No. 43 The Summit Road enjoys views from the front of dwelling of the coast, North Brother Mountain with glimpses of land/water interface and beach. From the rear of the dwelling across the development site there is a glimpse view of the Ocean.

The front views are considered to be valuable and iconic particularly of North Brother Mountain. The significance of the front views is considered to be high and the rear view to be low.

No 47 The Summit Road enjoys views partly across the development site side boundary from the front of dwelling of the coast, North Brother Mountain with glimpses of land/water interface and beach. From the rear of this home distant views are enjoyed across the development site from the dining room of the distant mountain views including Bago Bluff and Cairncross Mountain. The front view from the kitchen particularly is considered to be valuable and iconic particularly of North Brother Mountain and the rear view is valuable but moderately significant but considered not iconic. See below photos taken by the assessing officer:

View from kitchen window of No. 47 The Summit Road:



Views from rear of No.47 The Summit Road upper floor dining room:



Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comments:

Affected views (as described above) from No. 43 The Summit are obtained from the upper habitable bedroom level which is not the primary living area. Views are obtained from both a standing position.

Affected views (as described above) from No.47 The Summit are obtained from the upper habitable levels which are the primary living areas (dining room and kitchen). Views are obtained from both a sitting and standing position in the rear dining room and primary from a standing position in the kitchen at the front of the dwelling.

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comments:

The extent of the impact upon the affected views enjoyed from No. 43 The Summit Road is considered minor as it is from an upper floor bedroom.

The extent of view loss upon the affected views enjoyed from No.47 The Summit Road from the front kitchen window is considered to be devastating however the view is across the eastern boundary of the development site and the kitchen room is setback approximately 11m from the front boundary. The extent of view loss of the distant mountains from the rear dining room of this dwelling will be severe however the view is across the eastern boundary of the development site.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments:

The proposal (as amended) complies with the maximum building height of 8.5m set for the immediate locality. The front section of the dwellings is also 2 storey and less than 8.5m in height. There are no non-compliances with the provisions of DCP 2013 with the exception of the front south-western front corner splay which has no discernible impact on the streetscape having regard to the planning controls which permit the proposal including a reduced front setback with a limited articulation zone for both dwellings.

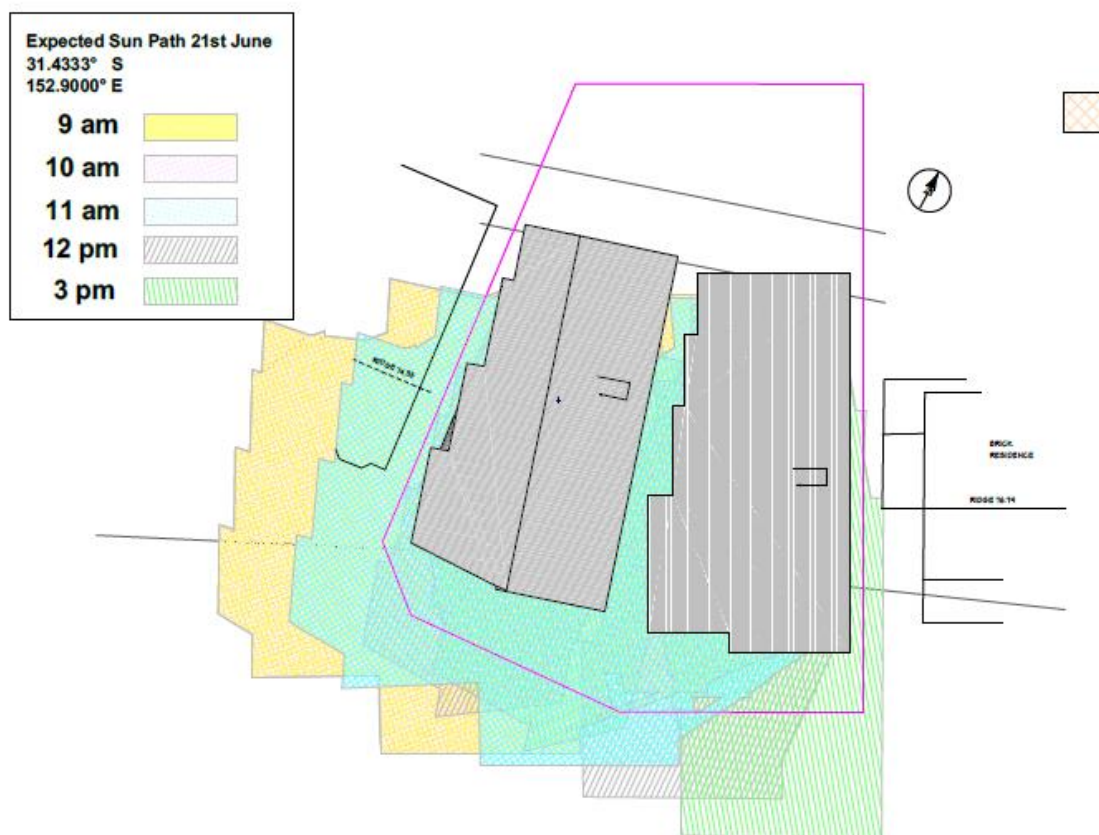
The proposal will have a devastating impact on the view from No.47 The Summit Road's kitchen window however it is considered that even if the proposal was setback 6 or 8m the impact would still be significant and the view is across a side

boundary of the development site. The Applicant has been made aware of these impacts however considers that the proposal complies with Council controls and views across the side boundaries should have limited consideration. As stated in the principles above, taking all of a view all away cannot be called view sharing, although it may, in some circumstances (such as the subject proposal) be reasonable.

In conclusion with regard to view sharing impacts, based upon the above it is considered that the proposal is acceptable and unable to be refused on the grounds of view sharing impacts to neighbouring properties.

Overshadowing

The impacts of potential overshadowing the neighbours has been raised with the Applicant during the assessment of the DA. The below diagram has been provided which provides an indication of shadows which will be generated at the winter solstice at the key times between 9am and 3pm.



A review of the above diagram and inspection of the site and neighbouring properties has identified that the overshadowing impacts are not of a sufficient magnitude in time to warrant refusing consent to the proposal. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to The Summit Road, which is a sealed road under the care and control of Council. The Summit Road is a Local road with an upright kerb and gutter. The pavement width is approximately 8m wide.

Traffic and Transport

The additional 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 to the Summit Road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring

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

Water Supply Connection

Council records indicate that the development site has an existing 20mm sealed service from the 100mm diameter AC water main on the opposite side of The Summit Road. An additional water service is required to service the development.

Engineering plans are required to show all existing and proposed water services to the lot.

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 S.68 application.

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site has an existing sewer junction from the AC sewer main which runs inside the northern boundary the development.

Torrens title subdivision shall require provision of an additional sewer service.

Engineering plans shall be required as part of the Subdivision Works (Infrastructure) application.

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 rear.

The legal point of discharge for the proposed development is defined as a direct connection to Council's kerb and gutter with the use of an approved adaptor (one per lot only). The rear garden area located below the level of the pavement shall drain to a rubble drain/soak away. Details shall be provided as part of the S68 application.

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

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

- On site stormwater detention facilities

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 identified significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

The proposal will sufficiently fit into the locality based upon compliance with the planning controls (including a minor front setback variation) applying to the site and the site attributes are conducive to the proposed development.

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

Ten (10) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The proposal will have a devastating effect on the iconic view of North Brother Mountain from the kitchen of 47 The Summit Road. The proposal is forward of other residences in the street.	View sharing impacts to 43 and 47 The Summit Road have been assessed earlier in this report. The building height has been reduced be compliant with the 8.5m building height limit. Further amendments have been made to the plans post DAP meeting in March to improve view sharing.
The proposal will severely restrict the view to the north-west to the airport,	

Submission Issue/Summary	Planning Comment/Response
Bago and Cairncross Mountains from the dining room of 47 The Summit Road.	
There are no other dual occupancies between the corner of Roma Terrace and the Summit Road.	<p>The residential zoning and Development Control Plan permit the development to be proposed on the site. The proposal (as amended) has been assessed as being acceptable and suitable to the site.</p> <p>The planning controls permit a change in character in type of housing.</p>
The proposed building height is 0.8m over the 8.5m building height restriction and is considered excessive. The height exceedance adversely impacts upon 43 The Summit Road.	<p>The proposal has been amended to comply with the 8.5m building height limit with a proposed maximum height of 8.3m.</p>
There is little justification for the clause 4.6 variation to building height.	
Concern with privacy impacts to 43 The Summit Road including from the rear decks and rear yard. Request screening of decks to be angled to the south.	<p>The Applicant has reviewed the screening along the western elevation of dwelling 1/Lot A and this is considered acceptable to satisfy the standard requirements of the Development Control Plan 2013.</p>
Request height poles to be erected including the finished floor levels.	<p>The Applicant has erected height poles post macrh DAP meeting. The proposal to comply with the 8.5m building height standard and address all privacy requirements of Development Control Plan 2013.</p>
Proposal will have significant overshadowing impacts to ground floor rumpus, side of house and private open space of 43 The Summit Road in the morning periods mid winter.	<p>This request has been forwarded to the Applicant for consideration. The Applicant has not proposed any change to the western side setback of dwelling 1/Lot A and justified their position that the proposal will not result in any adverse overshadowing impacts to this neighbour based upon existing orientation and permitted standards in the Development Control Plan.</p> <p>A review of the shadow diagrams provided and inspection of the site and neighbouring properties has identified that the overshadowing impacts are not of a sufficient magnitude in time to warrant refusing consent to the</p>
The side setback is requested to be increased to a minimum 3m to reduce the overshadowing impacts to 43 The Summit.	

Submission Issue/Summary	Planning Comment/Response
	proposal. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.
The proposal will eliminate the ocean views from one window and reduce them from another at 43 The Summit. The area of impact appears to be related to the height exceedance and side setback should be increased to 3m minimum.	View sharing impacts to 43 and 47 The Summit Road have been assessed earlier in this report. The building height has been reduced be compliant with the 8.5m building height limit. Further amendments have been made post DAP meeting in March 2019 to improve the view availability to 43 The Summit.
Council should verify the proximity of the building to the south-west front corner splay.	Refer to assessment under the Development Control Plan 2013 and variation recommended to be supported due to this technicality.
Request a dilapidation report of neighbouring 43 The Summit Road be carried out prior to issue of a Construction Certificate including the existing sewer running under the home.	<p>This concern has been forwarded to the Applicant for consideration. The Applicant has advised that given the limited excavation proposed, likely nature of construction and side setbacks it is considered unnecessary to require a specialist dilapidation report prior to construction commencing.</p> <p>The justification provided from the Applicant is considered acceptable and it is noted that a qualified and experienced engineer would be required to design and certify structural capacity of the proposed buildings including excavation and filling.</p>
The floor space ratio is estimated to be 0.81:1 and is requested to be reviewed.	The gross floor space of the dwellings internally within the buildings has been amended and the ratio has been recalculated to be compliant with the 0.65:1 standard - amended plans achieve FSR of 0.6:1.
Details of the retaining walls in the rear yard and implications on fencing should be provided.	Additional details have been shown on the amended plans (attached to this report) including a proposed new boundary fence. The filled area complies with Council's Development Control Plan 2013.

Submission Issue/Summary	Planning Comment/Response
The proposal will increase the living density and will negatively impact on the amenity of 43 The Summit Road in regards to sleeping quarters and areas of outdoor play for the children.	The residential zoning and Development Control Plan permit the development to be proposed on the site. The proposal (as amended) has been assessed as being acceptable and suitable to the site. State Government legislation imposes a requirement that Council is not permitted to require more onus standards above DCP controls where a proposal complies with the deemed to comply Development Control provisions.
The proposal does not respect and reflect the neighbourhood and street character in its design. Just because a building code allows a height limit does not mean that it should be maintained to the maximum.	For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In this regard, the proposed building height is now compliant with the maximum building height of 8.5m, the front setback and side setback DCP guidelines and satisfactory landscaping is proposed. The proposal as read from the street is 2 storeys and there are numerous other 2 storey dwellings that have been approved and/or constructed within the immediate The Summit Road locality. The proposal is not located within a nominated conservation area.
The proposal will be a stark contrast to the rest of the current housing in the street.	
The large bulky nature of the proposed buildings will impact the outlook and dominate the private open space of 43 the Summit.	
Unit 1 has a 12m frontage and land sizes are 370m ² which is much smaller than the LEP and surrounding houses.	The residential zoning and Development Control Plan permits the development to be proposed on the site. The proposal (as amended) has been assessed as being acceptable and suitable to the site.
The proposal will have impacts on the value of 43 The Summit Road and 70A Bangalay Drive.	Any potential impacts on property values is not a matter for consideration in the assessment of the Development Application under the Environmental Planning and Assessment Act 1979.
The proposed subdivision will increase	The additional traffic associated with

Submission Issue/Summary	Planning Comment/Response
traffic and on street parking is already busy.	the development is unlikely to have any adverse impacts to the existing road network within the immediate locality. The proposal provides for compliant off-street carparking and opportunity for casual visitor parking within the driveways behind the front property boundaries.
There are already four townhouses at 27-31 The Summit.	Noted.
If the proposal is passed other similar developments will occur.	The zoning and planning controls permit this type of housing where the site conditions allow.
How is parking going to be provided for 2 to 3 cars and there is serious parking issues in the street.	The proposal provides for compliant off-street carparking and opportunity for casual visitor parking within the driveways behind the front property boundaries.
There is no detailed landscape plan to show how the frontage could be sympathetic to surrounding areas.	The Applicant has provided an indicative concept landscape plan which proposes a limited area of low water use shrubs and ground cover in the front setback particularly where visible from the public domain. Given the extent of other numerous homes with only front yards of lawn it is difficult to recommend full landscaping of the front yard. There are no specific requirements in Council's Development Control Plan 2013 to specify landscaping also.
The proposal will allow for direct visibility into the backyards of 70 and 70A Bangalay Drive which backs on the development and all privacy will be removed.	The typical 12m distance privacy separation distance standard in Development Control Plan 2013 is satisfied and it is noted that existing trees within 70 and 70A Bangalay Drive provide some obscuring of direct views as intended by the Development Control Plan.
The proposal will reduce the privacy of the bedrooms of 48 The Summit Road.	Any privacy potential privacy impacts to bedrooms is not a matter for considered under Council's Development Control Plan 2013.
Additional catchment in a stormwater	Additional stormwater detail has been

Submission Issue/Summary	Planning Comment/Response
event will discharge onto 70 The Summit Road. Question whether the developer installing stormwater drainage/onsite detention to collect from the rear and drain to the front of the block.	submitted during the assessment of the DA which proposes charged stormwater lines back to The Summit for the building itself. Refer to additional comments earlier in this report addressing Stormwater impacts and recommended conditions of consent.

(e) The Public Interest:

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

The proposed development satisfies relevant planning controls as justified 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 - 876.1. Recommended conditions.
- 2 [View](#). DA2018 - 876.1 Contribution Estimate
- 3 [View](#). DA2018 - 876.1. 45 The Summit submission to DAP 12-04-19.
- 4 [View](#). DA2018 - 876.1.Plans.

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED
CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/876****DATE: 4/03/2019****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
Development plans	Sheet 1 to 14	DLS Design	29 March 2019

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (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;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via an appropriate receptacle;

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 restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (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
 - 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 ASD201 & ASD207, Port Macquarie-Hastings Council current version.
- (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 Certificate or Subdivision Certificate (whichever comes first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 11036 prepared by Beukers & Ritter Consulting and dated 15/10/2018.
 - b) The legal point of discharge for the proposed development is defined as kerb and gutter.
 - c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- 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.
- (12) Council records indicate that the development site is connected to Sewer via junction to the existing sewer manhole in the southern corner of the lot. This can be adopted for Unit 1 (Lot 1). A second sewer junction is required for Unit 2 (Lot 2). The engineering plans are acceptable for Sewer Section.
- (13) An updated BASIX certificate to that submitted with the DA shall be submitted with the application for Construction Certificate.
- (14) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.

- (9) (E068) Prior to the issue of a subdivision 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).
- (10) (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.

DRAFT

Developer Charges - Estimate

Applicants Name: G & G Schwarzel
 Property Address: 45 The Summit, Port Macquarie
 Lot & Dp: Lot(s):272,DP(s):236277
 Development: Dual Occupancy & 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	0.6	\$10,129.00 Per ET	\$6,077.40
2 Sewerage Scheme Port Macquarie	1	\$3,843.00 Per ET	\$3,843.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1	\$7,592.00 Per ET	\$7,592.00
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1	\$5,594.00 Per ET	\$5,594.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1	\$4,593.00 Per ET	\$4,593.00
6 Com 1.3.07 - Administration Building - All areas	1	\$904.00 Per ET	\$904.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$411.00
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$29,014.40

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:

5-Mar-2019

Estimate Prepared By Pat Galbraith-Robertson

This is an ESTIMATE ONLY - NOT for Payment Purposes

i: G Schwarzel, 45 The Summit, Port Macquarie, 5-Mar-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

The Development Assessment Panel Members,
c/- Port Macquarie Hastings Council
17 Burrawan Street
Port Macquarie.

Re: Development Application for Lot 272 DP 236277, DA2018.876

45 The Summit Road, Port Macquarie.

Applicants: Glenn and Greg Schwarzel

Panel recommendations:

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

1. Re-examination of Alfresco Area

It was speculated by panel member David Crofts that the small 2.4 metre opening at the rear of the Alfresco area of Dwelling 2 could be enclosed and the area turned into a habitable area (a bedroom was the stated example) particularly since it had 2 windows in the eastern wall.

The following changes have occurred since the DAP meeting of 13 March 2019:

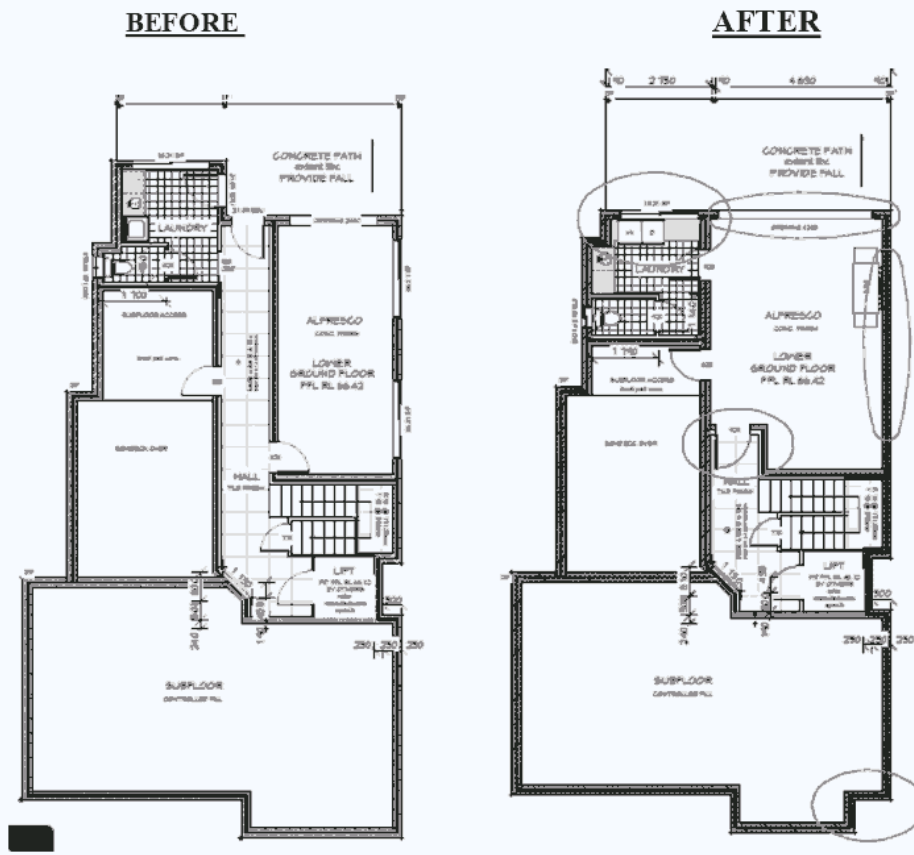
Both windows in the eastern wall of the Alfresco area of Dwelling 2 have been removed from the double brick structural wall as suggested. This is now a solid wall.

Furthermore the internal wall which created a hallway to the laundry and the rear entrance has been removed which has significantly opened up the Alfresco area.

Consequently the rear opening is now 75% larger at 4.2 metres wide whilst the Alfresco area itself is now 48% larger at 32.5 square metres with a concrete floor throughout.

It is clearly not an area which could be easily turned into a habitable room having no windows and a large rear opening.

Refer below for “Before” and “After” changes which have been highlighted with Green circles.



As a consequence of the changes to Dwelling 2 the blended Floor Space Ratio (FSR) has been even further reduced to .60:1.

The relevant FSR's in relation to our dwellings after deducting excluded areas, which includes only one car parking space at 18 square metres, are:

Dwelling 1 – 204.88 square metres

Dwelling 2 – 249.53 square metres

This equates to a blended gross floor area of 454.41 square metres.

The total site area is 752.5 square metres as per the Register of Land Values (Lot/Section/Plan no: 272/236277).

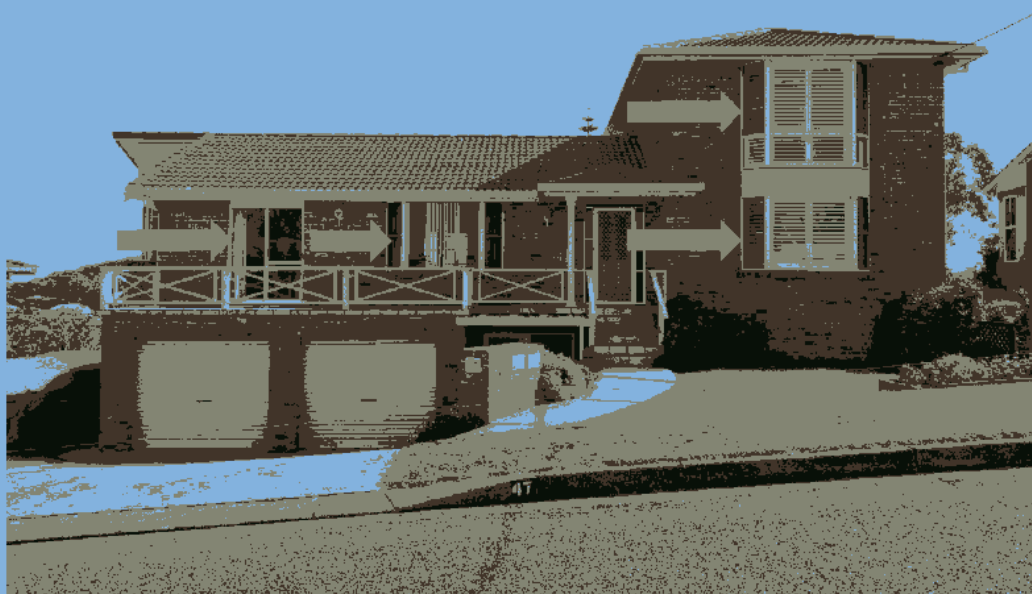
Therefore the blended FSR is **0.60:1** and as such is well within the maximum FSR permitted for the subject land of **.65:1** as defined under the Port Macquarie Hastings Local Environmental Plan 2011 (PMH LEP 2011).

2. Redesign of Dwelling 2 to be more sensitive to view impacts of 47 The Summit Road

The DAP meeting of 13 March 2019 focused on the view from a kitchen window (arrowed below) which is located 11.485 metres from the front boundary down the side of the house.



No other views from any of the other front windows, arrowed below, were assessed or considered.



The very distant view towards North Brother Mountain, which is situated over 22 kilometres away, is obtained at a substantial angle of 60 degrees across the side boundary of 45 The Summit Road.

As such any development at 45 The Summit Road which aligns with the eastern boundary, placing it parallel to 47 The Summit Road, cannot retain this view unless it has a primary front setback of 10 metres which would be manifestly unreasonable and not supported by any planning control requirement, historical or otherwise.

To provide more view to 47 The Summit Road from their side window panel member David Crofts suggested reducing the length of the stairs on the eastern wall at the front of Dwelling 2 as a means of improving the viewing angle.

In consideration of that request the following design changes have occurred to increase the share of the view and reduce visual intrusion for a window the location of which is already considerably compromised by poor building design:

Dwelling 2's eastern side setback has increased from 900mm to 1200mm.

The stairs against the eastern wall have been redesigned and their length reduced, as suggested.

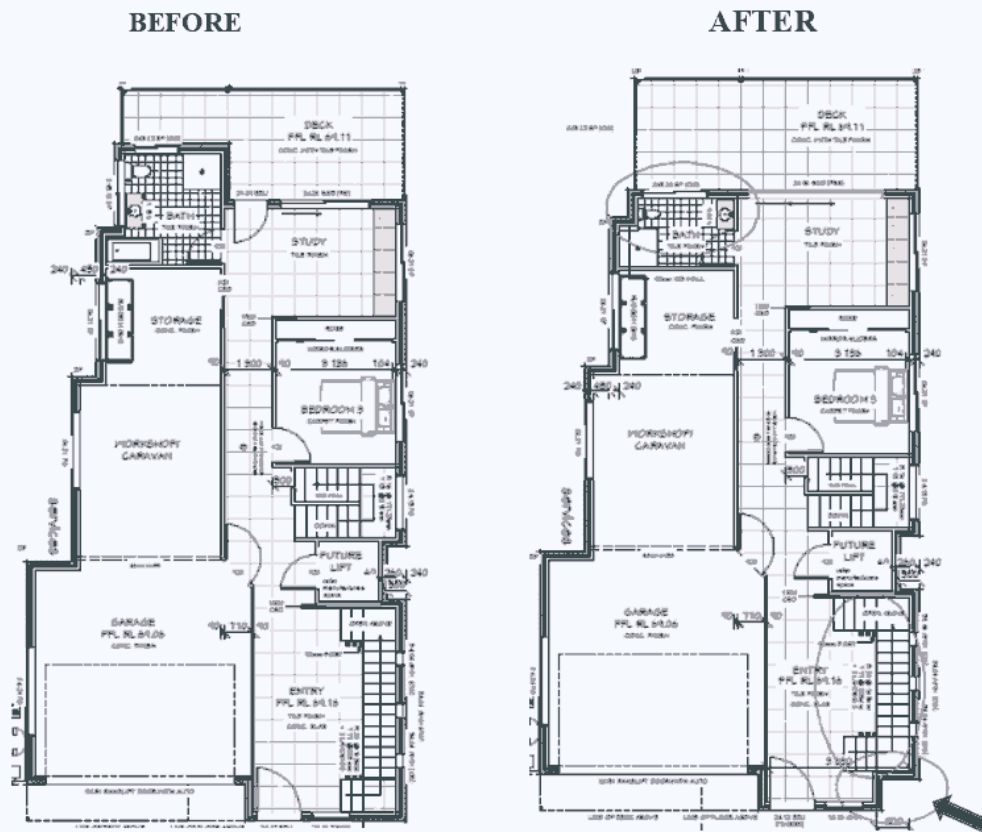
As a consequence, the front south east corner of Dwelling 2 has been removed with the primary setback at that corner increasing from 4.5 metres to 5.355 metres. The opposing front corner setback of 47 The Summit Road is 5.220 metres.

The sum of these significant design changes and compromises subsequently increases the viewing angle from the side window by 7 degrees resulting in an increase in the available view of the beach by approximately 2 kilometres.

Moving Dwelling 2 in its entirety towards the rear boundary by even 10 centimetres would result in it becoming non-compliant with the 8.5 metre Height of Building envelope as defined in the PMH LEP 2011 and subsequently this is not a consideration.

Refer below for "Before" and "After" changes which have been highlighted by placing a Green circle around the area of change.

You will note that there are 14 such circles (compromises) on the complete amended plan set and that does not include the changes made to each Dwellings roofline above their rear decks.



Neither Dwelling 1 or Dwelling 2 will impact the views obtained from the 4 front windows (arrowed on Page 3) of 47 The Summit Road. These front windows offer the objector 11.2 square metres of windows from which to obtain unimpeded views.

We attach photos taken by a Council representative on 15 April 2019 from those particular windows with the requested height poles positioned and their location and height verified by the Council representative.

The objector at 47 The Summit Road stated in their submission to Council dated 9 November 2018 the following:

"The proposed development comes to the minimum required distance from the fence and extends to the maximum (and above) height for several metres. The front of the proposed development is several metres in front of current frontages in the street".

Specifically looking at the changes made in relation to the objectors submission.

"The proposed development comes to the minimum required distance from the fence..."

Despite the development proposal already being compliant with all setback planning controls, Dwelling 2 has been moved 300mm further away from the side boundary so that the side setback is 1200mm.

Note that the side setback of 47 The Summit Road is now smaller than that of 45 The Summit Road at 1080mm.

“The proposed development ... extends to the maximum (and above) height for several metres.”

Both Dwellings are below the maximum permitted height control across the entire development site as defined in the PMH LEP 2011.

“The front of the proposed development is several metres in front of current frontages in the street”.

Dwelling 2 has had the front south east corner of the dwelling removed so that the primary setback at that corner is 5.335 metres whilst the opposing front corner setback of 47 The Summit Road is 5.220 metres.

Consequently we consider that we have satisfied all of the objectors concerns as far as possible without incurring a significant loss of reasonable development potential whilst remaining fully compliant with all planning controls.

In consideration we cite the following Papers and Case Law.

With respect to the assessment of view impact with regards to Tenacity Consulting v Warringah [2004] NSWLEC 140, Dr John Roseth, Senior Commissioner, Land and Environment Court of New South Wales delivered a talk to the Law Society's Local Government and Planning Law Seminar on 15 February 2005 from which we highlight the following comments (*italicised*) and provide our response:

The first step requires the assessment of views that the proposal will affect.....I accept that the attribution of values to views is a subjective exercise.

The second step is to consider how reasonable it is to retain the views. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.

The view from the side window of 47 The Summit Road in this case is across the side boundary of the adjoining property.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected.....

At the previous DAP meeting of 13 March 2019 views towards Middle Brother Mountain were not assessed for the whole of the property. In that respect only the view from the side window was considered though the panel did ask the objectors opinion of the views from the front windows to which he responded “magnificent”.

It is more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating. The same comments about subjectivity apply as before.

With respect to subjectivity this is highlighted by the fact that Panel member Paul Drake (Independent Chair) stated at the DAP meeting of 13 March 2019 that he considered that he would not have assessed the view loss (from that side window) as 'devastating'.

The report tabled by Council (DAP_13032019 Report DA2018 - 876.1) states the following:

The extent of view loss upon the affected views enjoyed from No.47 The Summit Road from the front kitchen window is considered to be devastating however the view is across the eastern boundary of the development site and the kitchen room is setback approximately 11m from the front boundary.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them.

The development complies with all planning controls under the Port Macquarie Hastings Local Environmental Plan 2011 and the Port Macquarie-Hastings Development Control Plan 2013 and is consistent with the objectives and the relevant zones.

With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

We consider that in fact the answer in this case is "No" and that we have exhausted the potential design options and that any further changes will impact the amenity and development potential of our application and/or its compliance with planning controls.

This last principle states what many objectors are reluctant to accept. This is because in many cases people obtain panoramic views as a result of an adjoining site being developed to a level far below its potential. When the time arrives to intensify the development, it is hard to accept the often-devastating effect on views.

The ageing house stock on the development site is considerably older than many of the properties in The Summit Road but particularly those on the adjoining properties. 45 The Summit Road is currently developed to a level far below its potential.

It is our understanding that Port Macquarie Hasting Council pays a retainer to Lindsay Taylor Lawyers of 3/420 George Street Sydney NSW for legal advice.

We note the information posted on their website on November 19, 2015 (sighted 12 April 2019) where Councils own legal advisors provide the following comments in regards to View Sharing and Rights to Views.

We highlight the following paragraphs from that post (*italicised*) and provide our response:

The Courts have acknowledged that views from a person's home can have considerable value. However, that does not mean that a person has the power to protect and maintain their view as a legal, proprietary right.

Planning Principles re View Sharing

In my experience, some home owners have formed the mistaken opinion that they have a proprietary right to a view as a result of the decision in Tenacity.

..... if an application is made to a council for development which has the potential to impact on neighbouring views, then it is desirable that the council assess the impact on views in accordance with the 4 step process set out in Tenacity, including determining whether the impact is negligible, minor, moderate, severe or devastating.

However, Tenacity does not provide that anyone has a proprietary right to retain all or part of the views enjoyed (or capable of enjoyment) from their land. The Court specifically acknowledges that entire loss of a view in some cases (although a devastating impact) could be reasonable in the circumstances). Also the case is merely concerned with the planning decision, and does not deal with whether a landowner can enforce any right to a view against another landowner.

No ownership of a View

That issue was dealt with by the High Court in Victoria Park Racing & Recreation Grounds Co Ltd v Taylor [1937] HCA 45, which remains good law today. The High Court held that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated:

"I find difficulty in attaching any precise meaning to the phrase 'property in a spectacle'. A "spectacle" cannot be "owned" in any ordinary sense of that word."

This position has been reinforced in several subsequent decisions of the Court and, as a legal principle, remains relatively unchanged. In Robson v Leischke [2008] NSWLEC 152, His Honour, Preston CJ, summarised the limited powers available to an aggrieved land owner when, at paragraph [86] of his judgment, he stated:

*...a defendant may erect a building or other structure such as a fence, or plant a tree on his or her land which interferes with the neighbour's enjoyment of their land. The building, structure or tree may...**spoil the neighbour's view** ...yet such interferences are not **actionable as a nuisance**.*

Conclusion

Property owners have no right to a view; the law is clear on this point and has been since 1937. Tenacity did nothing to affect this position, although it does provide guidance to decision makers in respect of the proper assessment of impacts on views.

Homebuyers should be careful when purchasing a property the value of which is largely contingent on the retention of a view, particularly when that view has the potential to be blocked by a subsequent development.

Even a devastating impact on view loss may not be enough to cause a Council to refuse a development application.

In summary, the objector at 47 The Summit Road does not have a proprietary right to a view and purchased the property with a particular view, the retention of which had the potential to be blocked by subsequent development.

Goyer v Pengilly [2015] NSW LEC54, in which the court did not accept that a proposed development must permit the sharing of views where those views are pre-existing and it can remove an existing view altogether.

Davies v Penrith City Council [2013] NSW LEC1141 (Davies) where Senior Commissioner Moore revised the planning principle regarding general amenity impacts established by Senior Commissioner Roseth in *Pafburn v North Sydney Council* [2005] NSWLEC 444 (Pafburn).

The following questions from that decision are relevant when making an assessment:

How reasonable is the proposal causing the impact?

The development complies with all planning controls and provisions. Numerous compromises and concessions have been made during the design process. It is a sympathetic development to the emerging streetscape, visually appropriate to the surrounding area and not inconsistent with the zone objective of *providing for a variety of housing types and densities*.

Would it require the loss of reasonable development potential to avoid the impact?

Yes, the dwelling would have to be setback 10 metres from the front boundary to completely avoid the impact to the particular window which is manifestly unreasonable. Any further design changes will impact the amenity and development potential of our application, adversely affect the already compliant floor space ratio and compliance with planning controls.

Does the impact arise out of poor design?

No, not on the part of the dwellings at 45 The Summit Road however, definitely yes for the building design of 47 The Summit Road locating a window 11.485 metres down the side of a property with the unreasonable expectation to indefinitely retain a view at 60 degrees across the side boundary of the adjoining property.

Does the proposal comply with the planning controls?

Yes, the entire development site complies with all planning controls.

Saada & Anor v North Sydney Council [2017] NSW LEC1045 where the development had already been reduced after consultation with Council. The proposed alterations and additions fully complied with Council environmental planning instruments and development controls. Maston AC assessed that the removal of the neighbours view across a side boundary from one of three living areas in the neighbouring unit was not unreasonable.

Consider the following Facts:

Both dwellings are Fully Compliant in all aspects with the Port Macquarie Hastings Local Environmental Plan 2011 and the Port Macquarie-Hastings Development Control Plan 2013.

Council have already provided a Report (DAP_13032019 Report DA2018 - 876.1) stating that the development be approved.

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.

The recommendation by Council in their Report (DAP_13032019 Report DA2018 - 876.1), after assessment of the view impacts using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, concluded that the proposal is acceptable with respect to view sharing.

In conclusion with regard to view sharing impacts, based upon the above it is considered that the proposal is acceptable and unable to be refused on the grounds of view sharing impacts to neighbouring properties.

The view in question is obtained across the side boundary of 45 The Summit Road at an angle of 60 degrees from the side window concerned.

The window is located 11.485 metres down the side of the property.

There are 11.2 square metres of other windows at the front of the 47 The Summit Road offering unimpeded views (refer Council photos).

There has been demonstrated inconsistency in the approval of development applications for 47 The Summit Road.

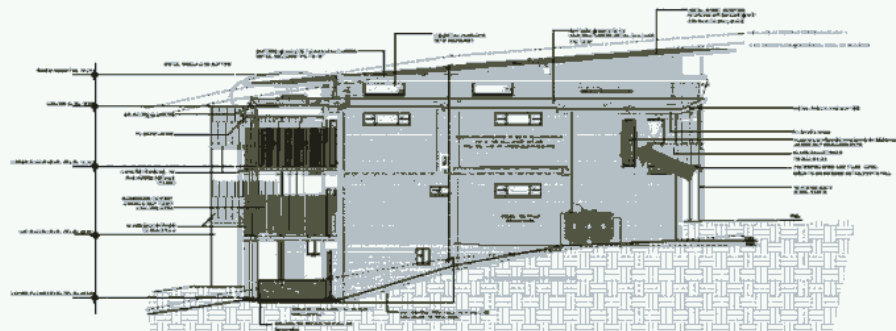
We have been required to place privacy screens on all our decks to comply with PMH DCP 2013 Clause 3.2.2.10. We were required to place a screen on a west facing window of Dwelling 1.

Refer below excerpt from an email from Patrick Galbraith-Robertson dated 13 December 2018 at 4:50pm which stated:

Unit 1 upper floor lounge room western window – *This 2.1m height window although narrow technically doesn't meet the Development Control Plan 2013 requirements. Can you please screen or amend to comply.*

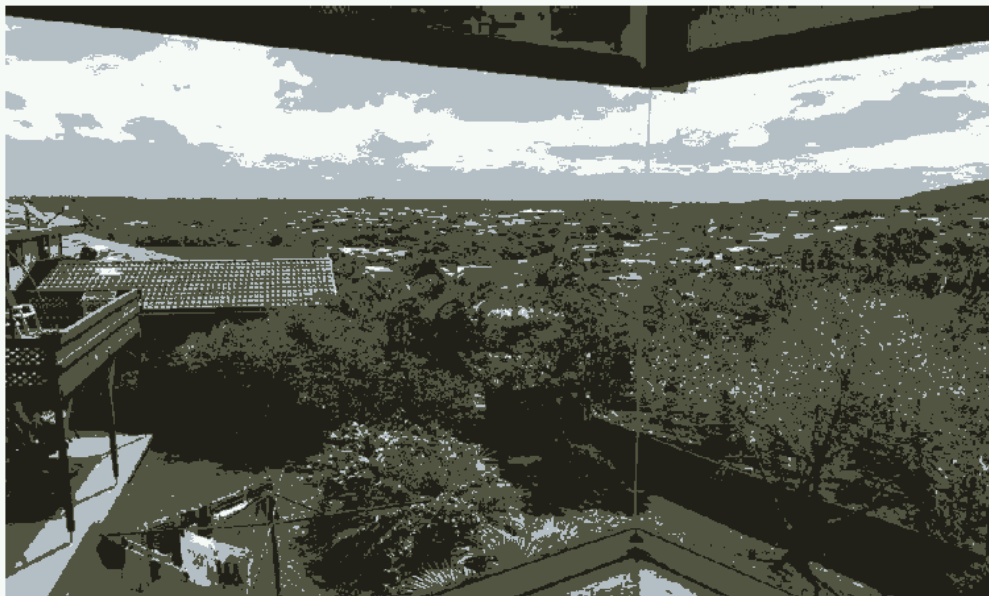
The window in question is circled and arrowed below.

West Elevation



We question why the rear corner window of 47 The Summit Road was permitted to be constructed under the current planning controls of the PMH DCP 2013 without any screening whatsoever?

The view obtained from that particular window (below) results in considerable privacy issues yet screening was not required.



At the previous DAP meeting of 13 March 2019 the objector was specifically asked about the construction of the rear corner window. He stated that there was already a corner window in existence and all that occurred was that it was “pushed out” a further metre when the rear deck was added on.

With reference to the photo below, taken during construction of the rear addition, this statement is clearly not true. There was no prior corner window and the deck at that point is over 2 metres wide.



47 The Summit Road completely occupies the width of the site and its construction was permitted to align with its eastern boundary despite blocking a similarly placed window at 49 The Summit Road located beneath the ridge line on the western wall (arrowed in the photo below).



Though 47 The Summit Road created similar view sharing issues for 49 The Summit Road it did not stop approval of the development. Note that 49 The Summit Road has subsequently bricked up the former window (refer photo below).



The eastern wall of 47 The Summit Road exceeds the maximum permitted height control whereas both dwellings at 45 The Summit Road are fully compliant.



Page 13

It should be noted that 47 The Summit Road has been divided into 3 separate self-contained units within the dwelling, which is the reason the property has 3 letter boxes (refer photo Page 3).

The owner makes a lifestyle choice firstly to divide his house into 3 units and then to live in the unit closest to 45 The Summit Road whilst maintaining the opportunity to rent the other 2 units, thereby choosing to live in the unit which has the view which is compromised by the development at 45 The Summit Road.

We, the owners of 45 The Summit Road, should not be expected to impinge the amenity of our dwellings or restrict the development potential of our land based on the lifestyle choices of the owners of 47 The Summit Road.

We note that the setbacks in PMH DCP 2013 were adopted from PMH DCP 2011 which was adopted by Council on 20 April 2011. However the current setbacks date back even further with prior DCP's having the same setback requirements for the past 20 years.

We request that Council accept that developments need to be permitted to comply with planning controls that they themselves approved 8 years ago in the case of PMH DCP 2011 and over 20 years ago in relation to earlier DCP's?

We wish to exercise our right to develop our site in accordance with the current specified planning controls so that it will be consistent with the desired future character of the neighbourhood and subsequently request our complying development application be approved.

Kind Regards,

Glenn Schwarzel, Greg and Genevieve Schwarzel.

12 April 2019

CLIENT: GLENN SCHWARZEL
GREG AND GENEVIEVE SCHWARZEL
ADDRESS: C/- 45 THE SUMMIT RD PORT MACQUARIE
PROJECT: NEW TORRENS TITLED DETACHED DUAL OCCUPANCY @ No.45 THE SUMMIT (PM)
DETAILS: LOT 212 - DP 236277

DA AMENDMENT 24-3-19 Post Council DAP meeting
AMENDMENTS IDENTIFIED BY GREEN CIRCLE



Client: SCHWARZEL
Issue: LOT 272 NO. 45 THE SUMMIT

Drawing Title: Street View

Street # 1

Drawn By: DEAN SCHNEIDER

Date: 29/03/2019

Scale: N/A



Port Macquarie, New South Wales
Street View -- Mar 2015

Image capture: Mar 2015 © 2017 Google



Average star rating: 5.4

Certificate no.:	0003045780
Assessor Name:	Stephen Collins
Accreditation no.:	23374
Certificate date:	08 August 2018
Dwelling Address:	45 The Summit PORT MACQUARIE, NSW 2444

www.natwarn.gov.au





NOTE: ALL WORKS TO COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS AND NCC
NOTE: ALL DRAWINGS HAVE BEEN PREPARED WITH CLIENT SUPPLIED INFORMATION

dls Design
 38 COCKATU DRIVE
 PORT MACQUARIE
 NSW 2444
 www.dlsbuildingdesign.com.au
 e: m4020702@outlook.com

CHECK ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION REPORT
 ANY DISCREPANCIES IMMEDIATELY. THESE DRAWINGS ARE TO BE
 READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS,
 STANDARDS, REPORTS, DRAWINGS, ENGINEERING, BASIS AND
 COUNCIL APPROVALS ETC...

TIMBER WALL FRAMING

IN ACCORDANCE WITH AS 1684.2
MEMBER FRAMING GENERALLY 70°50'35" MCP10
PINE WITH 70°50'45" TOP PLATES TO LOADEARING
PINE WITH 70°50'45" TOP PLATES TO LOADEARING
PINE WALLS AND STUDS @600MM CENTRES WITH ONE ROW OF NOGGINGS
NON LOAD BEARING WALLS 70°35" MCP10 PINE WITH STUDS @600MM
CENTRES
WITH ONE ROW OF NOGGINGS

WALL AND CEILING LINING 10MM PLASTERBOARD FIXED AND FINISHED TO MANUFACTURERS RECOMMENDATIONS.

ALL SITE CONTOURS AND FINISHED LEVELS TO BE VERIFIED BY BUILDER ON SITE

WHEN RETAINING IS REQUIRED ANY WALL EXCEEDING 1.0m IN HEIGHT ARE TO BE DESIGNED BY A CERTIFIED ENGINEER

THERMAL PERFORMANCE TO EQUAL R1.5 TO WALLS AND R2.5 TO CEILINGS INSULATION SHOULD MEET THE LEVELS SPECIFIED IN AS 2627.1 FOR BULK INSULATIONS & AS4200.2 FOR PUIABLE BUILDING MEMBRANES

THE PROTECTION OF BUILDINGS FROM TERMITES AS REQUIRED BY AS
9660.1 TERMITE MANAGEMENT IN NEW BUILDING WORKS.

TERMIRESH SYSTEMS BY APPROVED INSTALLER TO CONCRETE SLAB
TERMI-GUARD CHEMICAL SYSTEM, BY APPROVED INSTALLER
CONTINUOUS ANTCAP TO FLOOR FRAME PERIMETER WALLS, ISOLATED
ANTCAPS TO PIERS

ROOFING TO COMPLY WITH BCA PART 3.5.1 ROOF CLADDING
COLORBOND/METAL ROOFING FIXED TO TIMBER BATTERNS 900 END
SPAN 1200 INTERMEDIATE SPAN REFER TO "USING YSACHT ROOFING &
WALLS FOR DETAILED INSTALLATION RECOMMENDATIONS"

FASCIA AND GUTTERS TO BE COLORBOND FIXED TO MANUFACTURERS INSTRUCTION & IN ACCORDANCE WITH BCA 3.5.7 & AS2719

REFER TO USING LYSAGHT ROOFING AND WALLING FOR DETAILED INSTALLATION RECOMMENDATIONS

BCA 3.5.2 REQUIRES THE DOWNPIPPES TO BE BASED ON ROOF CATCHMENT AREAS AND 5 MINUTE RAINFALL INTENSITIES/20YEAR AVERAGE

GUTTERS AND DOWNPIPES TO BE COLORBOND TO MANUFACTURERS INSTRUCTIONS AND IN ACCORDANCE WITH DCA PART 3.5.2 & AS2179 REFER TO 'USING LYSAGHT ROOFING AND WALLING' FOR DETAILED INSTALLATION INSTRUCTIONS.

ENGINEERED TIMBER ROOF TRUSSES DESIGNED TO AS 1720.1 REFER MANUFACTURERS DETAILS AND SPECIFICATION

EAVE LINING
EAVE LINING 4.5mm HARDI-FLEX OR SIMILAR FIXED (BAL rating)

ELECTRICAL

STORMWATER DRAINAGE

STORMWATER DRAINAGE TO BE IN ACCORDANCE WITH A33500 BCA

*TRAFFIC LIGHT REINFC. CONC. 75mm
*LIGHT TRAFFIC PAVED AREAS 100mm
MEASURED FROM THE UNDERSIDE OF CONCRETE OR PAVING

SANITARY DRAINAGE TO BE IN ACCORDANCE WITH A33500

BRICKWORK/MASONRY TO BE ARTICULATED IN ACCORDANCE WITH AS3700 and AS 4773 MASONRY IN SMALL BUILDINGS

ROOFING TO COMPLY WITH BCA PART 3.5.1 ROOF CLADDING
TERRACOTTA ROOF TILES FIXED IN ACCORDANCE WITH
MANUFACTURERS INSTRUCTIONS AND TO COMPLY WITH BCA 3.5.1.2
ROOF TILE BATTERS 38"50mm UNSEASONED FIXED TO AUSTRALIAN
STANDARD AS 1064
SANSUNG LOCATED DIRECTLY UNDER BATTERS WITH A FLAMMABILITY
INDEX OF NOT MORE THAN 5.

CONCRETE SLAB AND FOOTINGS TO ENGINEERS DETAILS
REFER TO BCA 3.2.3 CONCRETE & REINFORCEMENT
REFER TO BCA 3.2 FOOTINGS AND SLABS
FOOTINGS AND SLABS TO BE IN ACCORDANCE WITH AS 2870
STRIP UNDER SLAB AREA OF ALL TOPSOIL, DEBRIS & ORGANIC MATTER
IF EARTHWORKS REVEAL GROUND ABNORMALITIES INCLUDING ROCK OR
QUESTIONABLE MATERIAL, AN ENGINEER INSPECTION MUST BE CARRIED
OUT.

TRUSS MANUFACTURER TO CHECK ALL LINTEL SIZES

BCA 3.8.3.3 REQUIRES THE DOOR TO A FULLY CLOSED SANITARY COMPARTMENT (WC) TO:

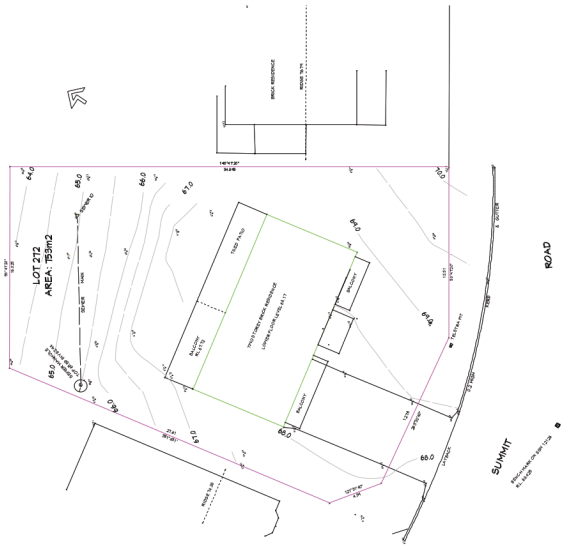
(A) OPEN OUTWARDS

EXTERNAL WALL CLADDING

WINDOWS

& INSTALLED IN ACCORDANCE WITH:
 *AS2047 GLASS IN BUILDINGS – SELECTION AND INSTALLATION
 *AS4055 WIND LOADS FOR HOUSING
 *AS1288 GLASS IN BUILDINGS – SELECTION AND INSTALLATION
 WINDOWS IN A BEDROOM WITH A FL ABOVE 2000 AND A SILL HEIGHT
 LESS THAN 1700 MUST HAVE EITHER A BARRIER SCREEN TO WITHSTAND
 250N OF OUTWARDS FORCE OR A RESTRICTED OPENING UP TO 125MM

Riser and going to comply with BCA Table 3.9.1.2
 BALUSTRADES TO BCA PART 3.9.2
 HEIGHT OF BALUSTRADE TO BE MIN. 1000mm TO LANDINGS AND
 BALCONIES AND 865mm ABOVE THE FINISH OF THE STAIR TREADS
 NOTE: A TRANSITION ZONE IS ALLOWED WHERE THE BALUSTRADE
 HEIGHT CHANGES.
 A MINIMUM SLIP RESISTANCE LEVEL IS TO BE ACHIEVED AS PER AS 4586
 HANDRAILS TO BE ACHIEVED AS PER BCA/MCC PART 3.9.2.4



3

Date: 29/03/2019

1

Client:
SCHWARZEL
LOT 272 NO. 45 THE SUMMIT
ISSUE: DA

Drawing Title: **General Specification**
Survey Plan

DLS Design
38 OCEAN DRIVE
PORT MACQUARIE
www.dlsbuildingdesign.com
e: dlsbuildingdesign@outlook.com
m: 0402074356

[illegible]

North Elevation

Sheet #

9

Drawn By:
DEAN
SCHNEIDER

Date: 29/03/2019

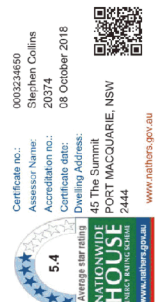
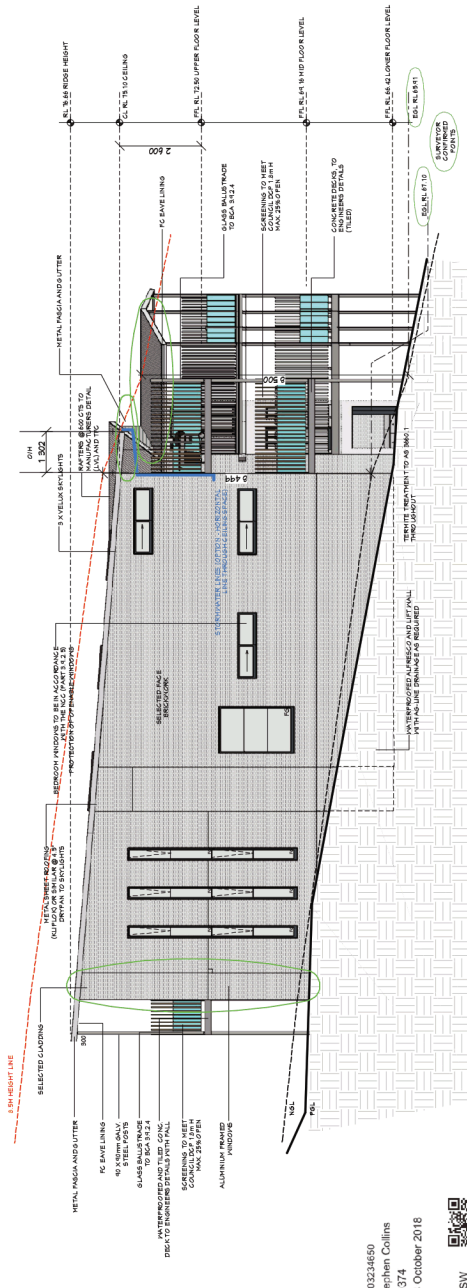
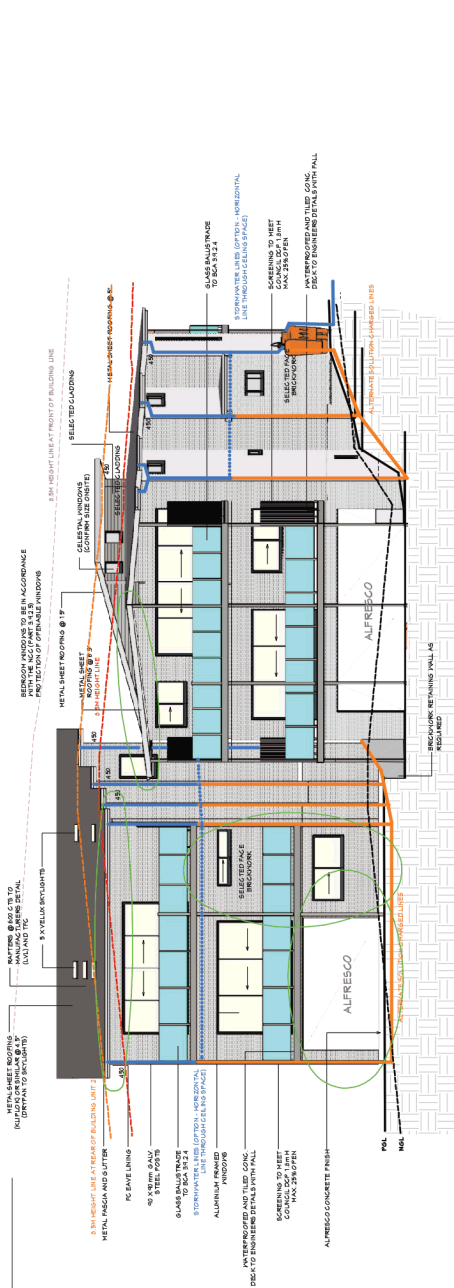
Scale:
1:100
@ A2

Client:
SCHWARZEL
LOT 272 NO. 45 THE SUMMIT
ISSUE: DA

Drawing Title:
Elevations

DLS Design
38 OCEAN DRIVE
PORT MACQUARIE
www.dlsbuildingdesign.com
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m: 04020747356

East Elevation



[illegible]

[illegible]

Item: 08**Subject: DA2018 - 952.1 MULTI DWELLING HOUSING AND TORRENS TITLE
SUBDIVISION, LOT 434 TO 437 DP1244641, MANIKATO WAY PORT
MACQUARIE****Report Author: Steven Ford**

Applicant: Port City Developments Pty Ltd**Owner: Charlestown Projects Pty Ltd****Estimated Cost: \$3,084,000****Parcel no: 68059, 68060, 68061 & 68062**

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2018/952 for a Multi Dwelling Housing and Torrens Title Subdivision at Lot 434, 435, 436 & 437, DP 1244641, No. 4, 6, 8 & 10 Manikato Way 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.

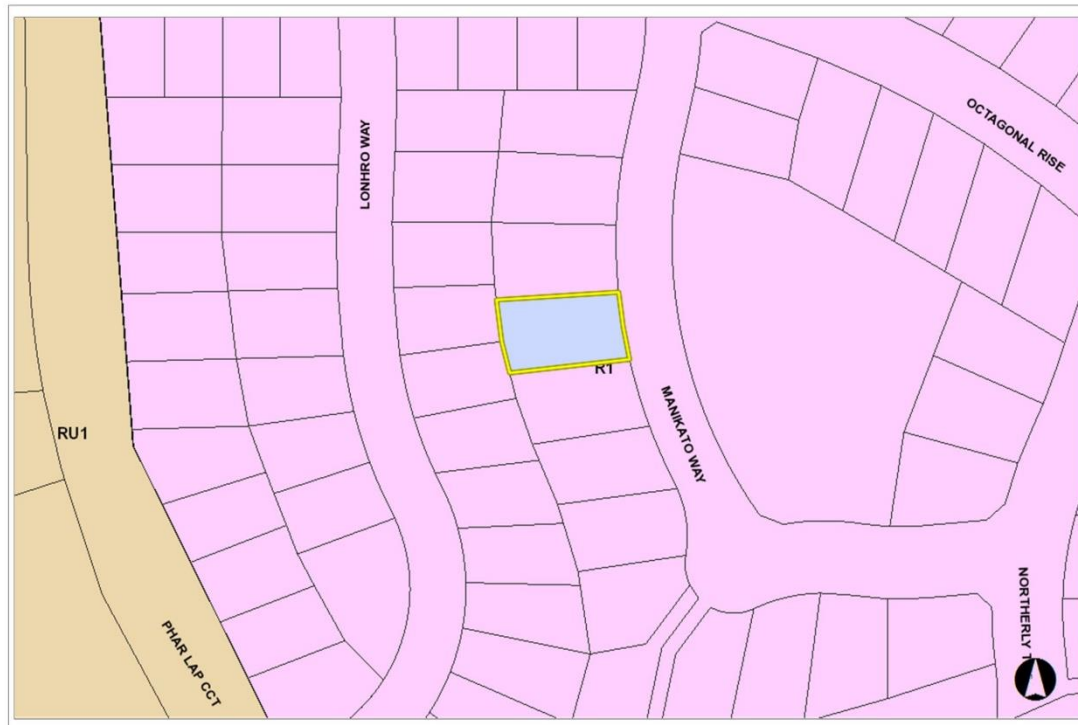
Following exhibition of the application, 1 submission was received.

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

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

The site has a total area of 2,422.6m².

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:

- Multi Dwelling Housing (4 x 4 bedroom attached dwellings and 4x 4 bedroom dwellings)
- 4 into 8 Torrens Title Subdivision

Refer to attachments at the end of this report.

Application Chronology

- 08 November 2018 - Application lodged
- 16 - 29 November 2018 - Neighbour notification of the proposal
- 11 March 2019 - Additional Information and amended plans received
- 25 March 2019 - Shadow diagram received
- 10 April 2019 - Additional information regarding stormwater servicing plans received

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

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The site is subject to the adopted Mahers Headland/Area 13/Area 14 Koala Plan of Management. No tree removal is proposed and the proposal is consistent with the adopted plan of management.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

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

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

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

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

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

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

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

A BASIX certificate (number 971765S, 971848S, 971858S, 971872S, 971876S, 971906S, 971927S, 971930S) 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, alterations and additions to a dwelling is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- In accordance with Clause 2.3(2) - the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal will contribute to the range of housing options available in the local government area.
- Clause 4.1(4A) - The minimum lot sizes do not apply to the proposal as it is characterised as attached dwelling / dual occupancy or multi dwelling housing development.

- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 8.419m which complies with the standard height limit of 8.5 m applying to the site. This was achieved by reducing the ceiling height of the upper floors and does not provide any adverse overshadowing for future adjoining developments and achieves the objectives of this clause.
- Clause 4.4 - The floor space ratio of the proposal is 0.57:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.5 – Koala Habitat – Applies to land as per SEPP 44 comments. No trees are required to be removed to facilitate the development. The proposal is consistent with the koala plan of management applying to the site.
- Clause 7.9 - Development subject to acoustic controls
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(a)(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013:

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Water tank is appropriately located behind front building line.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road 	Minimum – 8.5m Front building line	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot Min. 3.0m secondary road Min. 2.0m Laneway 	setback requirements are complied with.	
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. See justification below	Acceptable
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	See justification below. This variation is considered acceptable.	Acceptable
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	<p>Minimum – 5.5m to the alfresco and 6.7m to the rear building line.</p> <p>The rear setback requirements are complied with.</p>	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	<p>The minimum side setback requirements are complied with.</p> <p>Variation to first floor side setback. See below justification</p> <p>The wall articulation is compliant and satisfies the objectives of the development provision.</p>	Acceptable
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m ² open space including a level alfresco area directly accessible from the living areas and extends to the rear yard.	Yes

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

	Requirements	Proposed	Complies
3.2.2.7	Front fences: <ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances 	No fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	First floor side window sill heights a minimum 1.5m, satisfies the objectives. The development will not compromise privacy in the area due to a combination of living area on ground floor, location of windows on side/rear boundaries, sill height of first floor windows, side/rear boundary setbacks, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing.	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Augmentation of the existing land surface will be required to accommodate the	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		proposed finished floor levels. Proposed Cut and fill <1.0m change 1m outside the perimeter of the external building walls.	
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 front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing(s) is/are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Min. 8x (1.5 + 0.25 spaces) = 14 spaces. Total 16 off street spaces proposed. Dual occupancy proposed with double garage for each dwelling and potential for stacked visitor parking in the driveway of each dwelling due to large front setback.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		Objectives of this clause have been satisfied.	
2.5.3.11	Section 94 contributions	Contributions apply.	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

The proposal seeks to vary Development Provision relating to 3.2.2.3

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.

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

- The garages are setback 1m behind the building line, being the front entry portico and first floor overhang;
- The garages are setback an average of 9m from the street;
- The finished floor level of the garages is between 1m to 1.7m (average of 1.43m) below the road level and varying visibility and impact from the road;
- The total width of the garage openings is less than 6m;
- The driveways narrow in width to 3.6m at the kerb;
- Four (4) street trees will remain in front of the subject site providing for street amenity; and
- Six (6) on street parking spaces will remain available (refer to the amended site plan).
- In addition, it is considered that shifting the houses forward to a more typical 4.5m building line would increase the visual presence of the garages and visual impact. It is therefore considered that the setbacks and garage floor levels are appropriate for the site and consistent with the objectives of clause 3.2.2.3 of the DCP.

The proposal seeks to vary Development Provision relating to 3.2.2.5

The relevant objectives are:

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

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

- Shadow diagrams have been provided. The shadow diagram provides an assessment of the summer and winter variations associated with the proposed development.
- Due to the nature of the site, there is little change in overshadowing when proposed Dwelling 1 is setback 3m at the first floor to Lot 433 and 448 to the South.
- Given the orientation and alignment of the subject sites, overshadowing will be experienced by the adjoining sites during the morning winter period. It is noted that there will be no shadow impacts on the sites to the west during the evening winter period. A minimum of 2 hours of solar access will therefore be available to the sites to the west.
- No overshadowing impacts to the sites to the east will be experienced due to a combination of the physical separation (provided via the Manikato Way road reserve) and the slope of the land.
- Due to proposed dwelling 1's position directly to the north of the adjoining site (Lot 433), it is considered that shadow impacts would be experienced during both the winter and summer periods within this site. However, because proposed dwelling 1 is directly to the north, shadowing will be experienced in the rear portion of Lot 433 during the morning period, throughout the centre of the site during the middle third of the day and then predominately in the front portion of the site during the afternoon. A minimum of 3 hours of solar access is achievable for the future rear yard / private open space.

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.

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

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

(a)(iv) The regulations

NSW Coastal Policy 1997

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

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

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to Manikato Way.

Adjacent to the site Manikato Way is a sealed public road under the care and control of Council. Manikato Way a local road with a 7m road formation within a 15m road reserve.

Traffic and Transport

The site is currently approved for 4 residential lots expected to generate 28 daily trips. This development proposes to generate 56 daily trips. 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 to each proposed lot. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements. Driveway gradients have been demonstrated to comply however they are close to the acceptable limits so appropriate conditions have been included.

Parking and Manoeuvring

A total of 4 parking spaces have been provided on-site for each proposed allotment within garages with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site does not have a metered water service. Each proposed unit requires an individual metered water service. A water supply plan shall be submitted to the Water and Sewer Section for approval.

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs outside the northern property boundary. Each proposed lot requires an individual connection to Council's sewer system. A sewer reticulation plan shall be submitted to the Water and Sewer Section for approval.

Refer to relevant conditions of consent.

Stormwater

The site naturally grades towards the North-west and is currently serviced via an existing interallotment drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to the existing interallotment drainage system servicing the site.

Stormwater from the proposed development is planned to be disposed of via the existing interallotment system which is consistent with the above requirements.

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

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

- On site stormwater detention facilities
- Alterations to Council's stormwater infrastructure must demonstrate compliance with AUSPEC requirements.

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.

Water Supply Connection

Service available – details required with S.68 application.

Sewer Connection

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a Certified Consultant/as a self-assessment.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level Low shall be required.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have considered the information submitted and have issued general terms of approval without any specific conditions

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Following exhibition of the application in accordance with DCP 2013, 1 submission were received.

Submission Issue/Summary	Planning Comment/Response
<p>This application proposes to create eight lots of approximately 350m², of which the minimum lot size as specified by PMHC is to be 450m². To circumnavigate this issue, the developer has proposed to build eight double story houses which meet the floor space ratio. However, the intention of the floor ratio clause is to regulate the density of development and generation of vehicular and pedestrian traffic – which is a complete contradiction of the proposed works. Fitting 8 properties of smaller, dense size will at a minimum double the population and vehicular traffic compared to normal development of the land. Whilst the clause also tries to encourage increased building height, it is specified to be at key locations, which I strongly feel Ascot Park does not fall into this category. With so much land available and further releases on the horizon, I do not feel that the prestige estate of Ascot Park requires “city” sized lot and increased housing density.</p>	<p>It is noted that the proposed development is 4 into 8 lots, with each proposed dwelling having an identifiable street frontage. This is considered as multi dwelling housing, which is a permissible with consent under the Port Macquarie Hastings Local Environmental Plan 2011 (LEP).</p> <p>Clause 4.1(4A) of the LEP, minimum lot sizes do not apply to the proposal as it is characterised as multi dwelling housing development or dual occupancies.</p> <p>The floor space ratio of the proposal is 0.57:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site under Clause 4.4 of the LEP.</p> <p>The proposed development has met the objectives of the PMHC Development Control Plan 2013, Chapter 3.2 Low Density Residential Development.</p> <p>In this instance, Multi Dwelling Housing and subdivision as proposed is considered acceptable and it has</p>

Submission Issue/Summary	Planning Comment/Response
	satisfactorily achieved the development standards.
<p>Ascot Park has been advertised as “an outstanding estate of larger-than-average home sites, thoughtfully integrated within a magnificent bushland setting”. This application completely undermines that sales pitch which the developer has used, and it is extremely disappointing they have supported the application of this approval, as our covenant clearly states no subdivision can occur without “prior written approval of Ascot Park Pty Limited”.</p>	<p>Concern noted, Section 88B restrictions for proposed developments or building material requiring the approval of the initial Developer are considered a Civil matter between Developer and the Applicant.</p> <p>The proposed development is permissible within the R1 General Residential land zoning, and has achieved the objectives of both the Local Environmental Plan 2011 and Development Control Plan 2013.</p> <p>The proposal is considered capable of complying with the Building Code of Australia and the construction will require appropriate certification.</p>
<p>The fact there is a clearance on the final 12 blocks of stage 3 scheduled in early December 2018 indicates that land demand has decreased, therefore increasing supply would be counterproductive to the estate sales and in contradiction to the requirement of floor ratio clause.</p>	<p>This is not considered to be a determinative issue. The application is required to be assessed on merit against relevant planning legislation.</p>
<p>With such a proposal, we, as a neighbouring resident of the proposed development believe that our, and other residents', privacy will be affected by this development.</p>	<p>The proposal has included minimal side windows and ensure a 1.5m sill height for windows on the first floor. Note that the primary living areas for the proposed development are located on the ground floor and has a minimum side setback of 1.2m to the adjoining lots.</p> <p>The development will not compromise privacy in the area due to a combination of living area on the ground floor, location of windows on side/rear boundaries, sill height of first floor windows, front/side/rear boundary setbacks, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing.</p>

(e) The public interest

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

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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

5. CONCLUSION AND STATEMENT OF REASON

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

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

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

Attachments

- 1 [View](#). DA2018 - 952.1 Recommended conditions
- 2 [View](#). DA2018 - 952.1 SoEE
- 3 [View](#). DA2018 - 952.1 Plans
- 4 [View](#). DA2018 - 952.1 Contributions estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/952****DATE: 15/04/2019****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
Plans	10-XXX (Sheets 1 to 13 and 1a)	Morr Constructions Pty Ltd	13/02/19
Subdivision Plans	Ref: 53502	Graham McLeod Burns	25/10/18
Statement of Environmental Effects	Unknown	Morr Constructions Pty Ltd	October 2018
Bush Fire Assessment	Unknown	K Johnson	3/10/19
RFS General Terms of Approval	D18/8141	Alan Bawden	19/12/18
BASIX Certificates	971765S, 971848S, 971858S, 971872S, 971876S, 971906S, 971927S, 971930S	Morr Constructions Pty Ltd	24/10/19

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

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

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

- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/8141 and dated 19/12/18, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development

of public works or \$5000, whichever is the greater of carrying out the development by way of:

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

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

- (9) (A072) The street tree impacted by the driveways shall be removed and reinstated to a position agreed to by Port Macquarie-Hastings Council. The position of the relocated tree shall be clearly shown on the plans accompanying the section 138 application. The relocated tree shall be cared for and maintained for a period of at least 12 months. If relocation is unsuccessful a new tree of the same species and size shall be planted in a suitable location in front of the property.

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:

- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

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

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Sewerage reticulation.
2. Water supply plans.
3. Stormwater systems.

- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11

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

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Innes Peninsula Contributions Plan - Road Works
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

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

chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as the existing inter-allotment drainage.
 - b) Existing stormwater easement
 - c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- (12) Council records indicate that the development site has existing 20mm sealed water services. Each proposed lot requires an individual metered water service. Details are to be shown on the engineering plans.
- (13) Council records indicate that the development site has several connections to the sewer main that traverses inside the western property boundary. Each proposed lot requires an individual connection to Council's sewer main. Details are to be shown on the engineering plans.
- (14) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) Low requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (15) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (16) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;

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

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

D – DURING WORK

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

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

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

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the

approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
 - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (9) (E068) Prior to the issue of a subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings (including street lighting and fibre optic cabling where required).
- (11) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

F – OCCUPATION OF THE SITE

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

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

Statement of Environmental Effects

Staged Multi-Dwelling Housing consisting of
4 x 2 Storey Detached Dual Occupancies,
2 x 2 Storey Attached Dual Occupancies &
Torrens Title Subdivision (4 Lots into 8)
38 and 40 Manikato Way, Ascot Park,
Port Macquarie
Lots 434, 435, 436 & 437 DP1244641

Version1, October 2018

Morr Constructions Pty Ltd

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

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Staged Multi-Dwelling Housing
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And Torrens Title Subdivision (4 Lots into 8)
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List of Appendices

Appendix A – Architectural Plans

Appendix B – Proposed Subdivision Plan

Appendix C – Servicing Strategy

Appendix D – Bushfire Hazard Assessment

Appendix E – Basix Certification

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

Section 1

Introduction

1.1 Introduction

This Statement of Environmental Effects has been prepared for the purposes of seeking consent for the staged development of multi-dwelling housing consisting of four (4) x two storey detached dual occupancies, two (2) x two storey attached dual occupancies and the Torrens title subdivision of Lots 434, 435, 436 and 437 in DP1244641 into Eight (8) separate Torrens title allotments.

Lots 434, 435, 436 and 437 are located in Stage 4b of the residential subdivision known as Ascot Park which is located 5km west of the Port Macquarie town centre. The subdivision was granted consent by Council under Development Application 2005/547 on 16 December 2009. Lots 434, 435, 436 and 437 are currently vacant and are connected to the necessary infrastructure including water, sewer, electricity and telecommunications.

All of the lots are zoned R1 General Residential. Dual Occupancies (detached and attached) and Torrens title subdivision are permissible with consent in the R1 zone. The area of each of the existing lots are described below:

- Lot 434 – 609.2m²;
- Lot 435 – 631m²;
- Lot 436 – 605.1m²; and
- Lot 437 – 577m².

The proposed dual occupancies have all been designed so as to include the main internal living areas on the ground floor with four bedrooms, including master bedroom with ensuite on the first floor.

Due to the sloping nature of the site (sloping west to east), the proposed dual occupancies are proposed to be setback further than the minimum 4.5m front setback required by the *Port Macquarie-Hastings Development Control Plan 2013*. The extended front setback is considered to ensure suitable driveway grades are achieved to the proposed double garages.

The proposal also seeks to amend each of the existing internal boundaries as well as the Torrens title subdivision of each of the lots so as to ultimately create 8 separate allotments as detailed below:

- Proposed Lot 1 – Containing proposed detached dwelling 1 and an area of 329.1m²;

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- Proposed Lot 2 – Containing proposed detached dwelling 2 and an area of 310.3m²;
- Proposed Lot 3 – Containing proposed detached dwelling 3 and an area of 312.8m²;
- Proposed Lot 4 – Containing proposed detached dwelling 4 and an area of 326m²;
- Proposed Lot 5 – Containing proposed attached dwelling 5 and an area of 280.1m²;
- Proposed Lot 6 – Containing proposed attached dwelling 6 and an area of 279.6m²;
- Proposed Lot 7 – Containing proposed attached dwelling 7 and an area of 284.2m²;
- Proposed Lot 8 – Containing proposed attached dwelling 8 and an area of 301.5m²;

This statement demonstrates that the staged development of the proposed dual occupancies and subdivision is consistent with the relevant provisions of the applicable environmental planning instruments including the *Port Macquarie-Hastings Local Environmental Plan 2011* and the *Port Macquarie-Hastings Development Control Plan 2013*.

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Section 2

The Development Site

2.1 The Site

This application applies to Lots 434, 435, 436 and 437 in Deposited Plan 1244641. These lots are located within the residential estate known as Ascot Park in Port Macquarie.

The site and surrounding land pattern is detailed in the aerial images below (**Figures 1 and 2**).



Figure 1: Aerial image of the approximate area of the subject site (bound blue) and surrounding land (showing 23 June 2018, <http://maps.au.nearmap.com/>)

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Figure 2: Aerial image of the approximate area of the site (bound blue) and immediately surrounding lands (showing 23 June 2018, <http://maps.au.nearmap.com/>)

The land is zoned R1 General Residential, is currently vacant containing no built structures or vegetation and slopes from west to east.

Land in the surrounding Ascot Park residential estate is currently being developed for residential purposes and contains a mixture of single and two storey dwelling houses with scattered medium density development occurring throughout the estate.

2.2 Zoning & Permissibility

The site is located in the Port Macquarie-Hastings Local Government Area. The *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) is the principal environmental planning instrument applying to the land.

The subject site is currently zoned R1 General Residential under the provisions of the *LEP 2011*. Dual Occupancies (Attached and Detached) and Torrens title subdivision is permissible with

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consent in the R1 zone. The proposed development is considered consistent with the objectives of the zone for the following reasons:

- The proposal is considered to make best use of the existing land resource whilst providing housing for the growing Port Macquarie community;
- The proposed dual occupancies will provide housing options for the local community; and
- The proposed development is permissible with the consent of Council.

The creation of lots less than 450m² is sought pursuant to the provisions of Clause 4.1A of the PM-H LEP 2011. In this regard, this report and accompanying plans (**Appendix A**) are considered to demonstrate the site and allotments ability to contain the proposed dwellings whilst achieving the required private open space area, solar access and energy efficiency.

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
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Section 3

The Development Proposal

3.1 The Proposal

The proposal seeks consent for the staged completion of the following works:

- Four (4) x Two (2) storey dual occupancies (detached), 173m² of gross floor area each and occurring upon Lots 434 and 435;
- Two (2) x Two (2) storey dual occupancies (attached), 173m² of gross floor area each and occurring upon Lots 436 and 437; and
- The Torrens title subdivision of Lots 434, 435, 436 and 437 so as to create 8 separate allotments of:
 - Proposed Lot 1 – Containing proposed detached dwelling 1 and a site area of 329.1m²;
 - Proposed Lot 2 – Containing proposed detached dwelling 2 and a site area of 310.3m²;
 - Proposed Lot 3 – Containing proposed detached dwelling 3 and a site area of 312.8m²;
 - Proposed Lot 4 – Containing proposed detached dwelling 4 and a site area of 326m²;
 - Proposed Lot 5 – Containing proposed attached dwelling 5 and a site area of 280.1m²;
 - Proposed Lot 6 – Containing proposed attached dwelling 6 and a site area of 279.6m²;
 - Proposed Lot 7 – Containing proposed attached dwelling 7 and a site area of 284.2m²; and
 - Proposed Lot 8 – Containing proposed attached dwelling 8 and a site area of 301.5m².

Each of the proposed dual occupancies (attached and detached versions) has the main internal living areas on the ground floor including the following pertinent features:

- Double garage;
- Open plan kitchen, living and dining area;
- Laundry;
- Powder room;
- Undercover alfresco area directly accessible from the living/dining area; and
- General landscaping works.

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The first floor of the proposed dual occupancies has the following pertinent features:

- Four (4) bedrooms, including the master with ensuite and walk-in-robe;
- Separate bathroom; and
- Retreat area.

The proposed dual occupancies are detailed in the plans included within **Appendix A** and the proposed subdivision is detailed in the plan included within **Appendix B**.

The application also seeks consent for the applicable service connections detailed in the civil engineering plans included within **Appendix C**.

Separate applications for water, sewer and stormwater connections will be lodged post determination pursuant to Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993*.

3.2 Staging

The application is proposed to be staged in the following manner:

- **Stage 1** – Torrens Title Subdivision (4 Lots into 4) to ensure that each of the proposed dual occupancies are contained wholly within each lot. The existing Lots will be amended as follows:
 - Existing Lot 434 will be modified from 609.2m² to 639.4m²;
 - Existing Lot 435 will be modified from 631m² to 638.8m²;
 - Existing Lot 436 will be modified from 605.1m² to 559.7m²; and
 - Existing Lot 437 will be modified from 577.4m² to 585.7m².
- **Stage 2** – Construction of each of the proposed dual occupancies; and
- **Stage 3** – Torrens Title Subdivision (4 Lots into 8). This portion of the development includes the separation of each of the dual occupancies onto a separate allotment.

The proposed subdivision plans are detailed within **Appendix B**.

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Section 4

Statutory Planning Controls

4.1 Environmental Planning & Assessment Act, 1979

This application is made under Part 4 'Development Assessment' of the *Environmental Planning & Assessment Act 1979* (the Act).

The proposal requires development consent under Part 4 of the Act and is required to address those matters outlined under Section 79C. These matters are addressed in the Table below and within the body of this report.

Section 79C(1) "Matters for consideration"	Comments
(a)(i) Any environmental planning instrument	Refer to details addressing the following instruments under Section 4 of this report.
(a)(ii) Any draft environmental planning instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b).	There are no draft environmental planning instruments relevant to the proposal.
(a)(iii) Any DCP in force under Section 72.	Refer to details addressing <i>Port Macquarie Hastings Development Control Plan 2013</i> later in this report.
(a)(iia) Any planning agreement or draft planning agreement under Section 93.	No planning agreement has been offered or entered into.
(a)(iv) Any matters prescribed by the regulations.	There are no matters prescribed by the regulations relevant to the subject site or development proposal.
(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.	<p>This report is considered to demonstrate that the site and proposed development is unlikely to have a detrimental impact on the natural or built environments.</p> <p>The site is zoned residential and located within a developing residential estate.</p> <p>The proposal is considered likely to provide a positive economic impact during the construction phase as well as long-term through its occupation and scale of dwellings. The proposal is therefore considered positive socially and economically.</p>

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(c) The suitability of the site for the development.	<p>The site is zoned residential and is located within a developing residential estate which contains a mixture of 1 and 2 storey residential developments.</p> <p>The site is also clear of vegetation and connected to the infrastructure necessary to service a development of this nature.</p> <p>For these reasons, the proposed development is not considered likely to have any adverse impacts on the locality and is considered suitable for the proposed development.</p>
(d) Any submissions made in accordance with this Act or the regulations.	These will result from the public exhibition of this report and accordingly are not currently known.
(e) The public interest	The proposal is considered to be in the best interest of the public.

4.2 Environmental Planning & Assessment Regulations, 2000

The subject application is made in accordance with the provisions of Clause 50 of the Regulations and includes the documents and forms required under Part 1 of Schedule 1.

4.3 State Environmental Planning Policies

The following SEPP's apply to the subject site and proposed development:

4.3.1 State Environmental Planning Policy No. 44 – Koala Habitat Protection

This policy applies to the Port Macquarie-Hastings local government area. The site however, does not include a combined area of greater than 1 hectare and the application does not seek consent to remove any trees. The proposal is therefore considered consistent with the provisions of this policy.

A comprehensive Koala Plan of Management (KPoM) applies to the Ascot Park residential estate and is known as the Mahers Headland KPoM. The KPoM was developed and approved by Council and the NSW Department of Planning in conjunction with the development consent issued for the Ascot Park subdivision (DA2005/547).

The primary aim of the KPoM is to ensure, to the maximum extent possible, the survival and long-term population viability of Koalas within the Maher's study area and surroundings.

The objectives of the KPoM are to:

- (i) Minimise disturbance to currently mapped areas of Core Koala Habitat.

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- (ii) Maintain and/or create habitat linkages/corridors throughout the study area to assist ongoing processes of dispersal, recruitment and gene flow within the larger Koala metapopulation.

The proposed site does not contain any trees, including Koala feed trees. The proposal therefore does not seek to remove any trees. The proposed development is therefore considered consistent with the Mahers Headland KPOM and the provisions of this policy.

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

An inspection of the subject land and search of Council records reveals that the land is not identified as being potentially contaminated. The land is therefore considered suitable for the proposed development.

4.3.3 State Environmental Planning Policy No. 62 – Sustainable Aquaculture

The application seeks consent for a residential development on residentially zoned land. The site is not located within close proximity to any mapped or identified water bodies or water courses or any known aquaculture industries.

In addition, the proposed development also proposes stormwater control measures on-site to manage and control stormwater. Based on the above, the proposed development is therefore considered unlikely to have any detrimental impact on existing aquaculture industries.

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

A Basix certificate has been prepared in support of each of the proposed dwellings demonstrating that each will comply with the requirements of the SEPP. The Basix certificates are included in full at **Appendix E**.

4.3.5 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not mapped as containing or being within proximity of any coastal wetland or littoral rainforest. The site is not mapped as being within the coastal environment area. The provisions of this policy are therefore not considered applicable to this application.

4.4 Port Macquarie-Hastings Local Environmental Plan 2011

As outlined within Section 2.2, the site is zoned R1 General Residential and the proposed development is permissible with the consent of Council. The following comments are made with respect to the proposed development

The proposal is considered consistent with the LEP 2011 for the following reasons:

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- The proposal is considered consistent with the objectives of the zone (refer **Section 2.2**) and is permissible with consent;
- The application is considered to demonstrate that the proposed lots are suitable for the purposes of containing a dwelling house on each lot;
- The creation of lots less than the minimum 450m² area is permitted within the R1 General Residential zone pursuant to the provisions of Clause 4.1A;
- The proposed dual occupancies comply with the maximum 8.5m building height limit;
- Each of the proposed dwellings complies with the maximum 0.65:1 floor space ratio for the ultimate lot layout as detailed below:
 - Proposed Lot 1 – 0.52:1 (173m² GFA on site of 329m²);
 - Proposed Lot 2 – 0.56:1 (173m² GFA on site of 310.2m²);
 - Proposed Lot 3 – 0.55:1 (173m² GFA on site of 312.7m²);
 - Proposed Lot 4 – 0.53:1 (173m² GFA on site of 325.9m²);
 - Proposed Lot 5 – 0.62:1 (173m² GFA on site of 280.1m²);
 - Proposed Lot 6 – 0.62:1 (173m² GFA on site of 279.5m²);
 - Proposed Lot 7 – 0.61:1 (173m² GFA on site of 283.9m²); and
 - Proposed Lot 8 – 0.57:1 (173m² GFA on site of 301.5m²).
- The site is not mapped as flood prone land;
- The site is not mapped as containing any acid sulfate soils;
- The site is currently clear of vegetation and does not seek to remove any trees;
- The site is bushfire prone however, a bushfire hazard assessment has been prepared in support of the proposal and supports the development of the site in the manner proposed, subject to the implementation of recommendations (refer to **Section 4.8.1**). It is noted that the bushfire prone land mapping of the site and surrounding lands is outdated and is not reflective of the current developed status of the Ascot Park estate and the cleared nature of the surrounding land;
- The site does not contain or adjoin any known heritage items or sites of significance; and
- Satisfactory arrangements are in place for the provisions of essential services (refer to **Section 4.8.3**).

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4.6 Development Control Plans

The following Sections of the PM-H Development Control Plan (DCP) 2013 apply to the subject site and proposed development:

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
Provision	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	No ancillary development proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No works within the described articulation zone are proposed.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road 	Due to the sloping nature of the site, the proposal seeks consent for a minimum 8.5m front setback. The proposed front building line setback	Yes

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
Provision	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	requirements are therefore considered consistent with the provisions of the DCP.	
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	The proposed garage door setbacks are proposed 1 metre behind the entry portico and a minimum 9m from the front boundary.	Yes
	6m max. width of garage door/s and 50% max. width of building	The proposed width of garage doors are 4.8m. The garage door widths exceed 50% of the width of the building. However, due to the sloping nature of the site and the fact that the garage floor levels will sit below the level of the road, it is considered that the garages will not be visually dominant from the street	No, but justification provided
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	The application seeks consent for 3.6m wide driveway crossovers. The lot widths proposed range from 8.5 to 9.5m. The driveway widths proposed are therefore typically in the range of 38-42% of the proposed street frontage. This exceedance is considered minor.	No, but justification provided

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
Provision	Requirements	Proposed	Complies
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Each of the proposed dual occupancies (detached) contains a rear setback in excess of 4m. Typical setback of 5.5m to the alfresco or 6.7m to the rear wall of the dual occupancy.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The minimum side setback requirements are complied with. No walls exceed 12m in length. The applications also proposes to vary the wall finishes between render and hardies cladding, as well as varied window orientations to ensure that the elevation does not present as a blank façade.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each dual occupancy contains a minimum of 35m ² open space in one area including a useable, level alfresco area directly accessible off the main internal living area which extends onto a raised outdoor yard area.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences > 1.2m to be 1.8m max. height for 50% or 6.0m 	No front fencing proposed.	N/A

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
Provision	Requirements	Proposed	Complies
	max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances		
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 fencing proposed.	N/A
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	The development will not compromise privacy in the area due to a combination of the proposed building design (alfresco on ground level), window locations, side and rear setbacks and proposed boundary fencing. All windows within the side elevations of first floors have a sill height of 1.5m to ensure privacy to adjoining dwellings.	Yes

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
Provision	Requirements	Proposed	Complies
3.2.2.11	Roof terraces	N/A	
3.2.2.13 onwards	Jetties and boat ramps	N/A	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Augmentation of the existing land surface will be required to accommodate the proposed finished floor levels. At this point in the design phase it is not anticipated that cut and fill will exceed 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	Retaining walls are proposed to provide a level rear yard area.	Yes
	Any retaining wall >1.0 in height to be certified by structure engineer	At this point in the design phase it is not anticipated that any retaining walls greater than 1m will be required.	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at	No retaining wall front fence combination proposed.	N/A

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	corners and adjacent to driveway		
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 Section 4.8.1 and Appendix D for consideration of bushfire. The site is not identified as flood prone land, containing acid sulphate soils or being within an airspace protection area.	Yes
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 (3.6m) and are considered to maximise on-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).	Dual occupancy proposed with double garage for each dwelling and potential for stacked visitor parking in the driveway of each dwelling.	Yes
2.5.3.11	Section 94 contributions	Contributions are applicable to the proposed development.	-

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping is proposed around the proposed development including the front setback.	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	Each of the proposed driveway grades are considered to comply with the relevant Council AUSPEC design standards and are detailed within the Architectural plans included in Appendix A .	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Civil engineering plans have been prepared in support of the proposed development (refer Appendix C). The proposed stormwater drainage is considered capable of complying with the relevant standards and Council requirements.	Yes

The Subdivision provisions of the DCP (except battle axe 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 (refer **Section 4.8.3** and **Appendix C**).

4.7 Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the subject site or development proposal.

4.8 Other relevant matters

The following additional matters are considered to apply to the proposed development.

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

4.8.1 Bushfire

The subject land is mapped as being bushfire prone land (refer to **Figure 3**) and subdivision triggers the integrated development provisions of Section 4.46 of the *EP&A Act 1979*. The application therefore requires referral to the Rural Fire Service under Section 100B of the *Rural Fires Act, 1997*.



Figure 3: Excerpt of the bushfire prone land map and the approximate location of the subject site marked by blue circle.

A bushfire hazard assessment has been prepared in support of the proposal by S&K Johnson Constructions Pty Ltd and is included in full at **Appendix D**.

The bushfire prone land map shown in **Figure 3** is considered outdated and is not considered representative of the existing environment. The recent and rapid development of Ascot Park has resulted in a significant transformation of the area as shown by comparing **Figures 1** and **3**.

The assessment notes that there is no vegetation existing within the site or immediately adjoining lots. The surrounding landscape and vegetation is detailed in the photograph shown as **Figure 4** below.

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

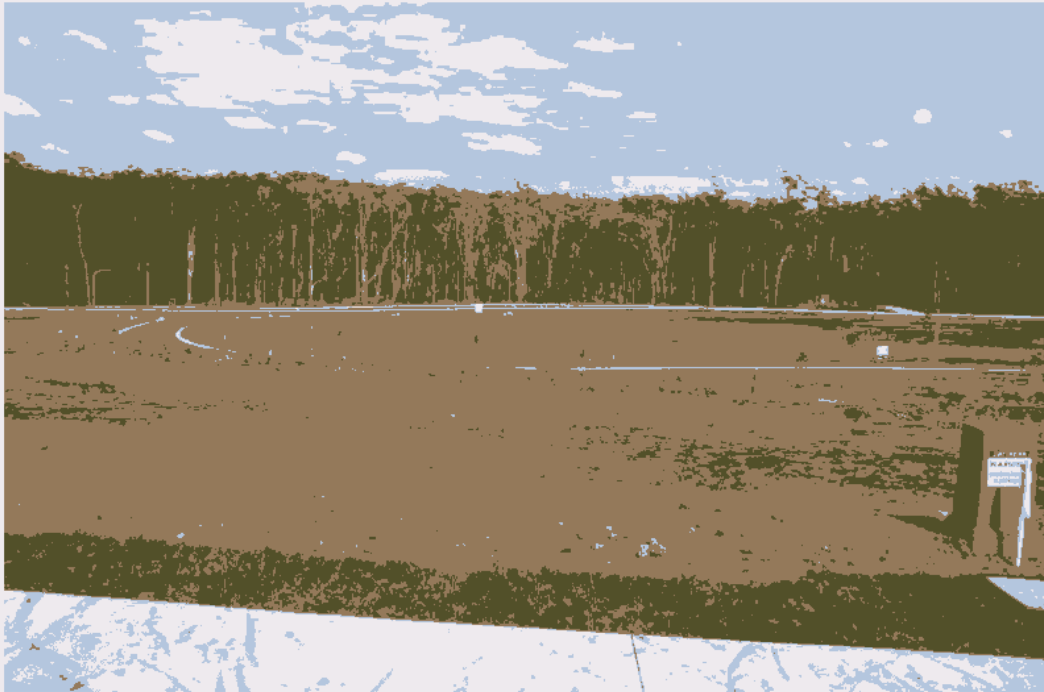


Figure 4: Looking south-west across the site towards Lonhro Way and Phar Lap Circuit.

To the north and east for a distance of greater than 140 metres exists newly created, vacant residential allotments which are cleared of vegetation.

To the west is similar to the above, with cleared, vacant residential lots bound by the perimeter road, Phar Lap Circuit. Unmanaged forest vegetation (Forest (A)) exists beyond Phar Lap Circuit. However, the assessment notes that there is a minimum distance of 136 metres between the site and edge of the unmanaged, hazard vegetation.

To the south, Stage 5 of Ascot Park is currently being constructed and consists of cleared land. The assessment report therefore notes that there is no bushfire hazard within 140 metres of the site and that the land between the site and the unmanaged vegetation to the west consists of residential allotments which have been sold to individual land owners and are expected to be developed in the short to medium term future.

Based on the above, the assessment provides the following recommendations for the proposed development:

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

- Each entire new lot is to be maintained as an Inner Protection Zone for the life of the dwellings.
- This will require little effort as the lots are clear of vegetation but this does cover future vegetation that may be planted as gardens
- The requirements for vegetation within an Inner Protection Zone:
 - The canopy cover must be less than 15%
 - Any canopy must be located more than 5 metres from any roofline.
 - Trees should have lower limbs removed up to a height of 2 metres above the ground (4 metres if emergency vehicles need to park next to or drive around them).
 - Shrubs and gardens need to be 1.5m away from exposed windows and doors.

4.8.2 Waste

It is considered that sufficient street frontage is available to the site to permit public collection of waste from the site and each of the proposed dual occupancies.

4.8.3 Infrastructure

All lots are currently connected to the necessary infrastructure required to service individual dwellings. Augmentation of the existing services will be required to provide separate connections to each of the proposed dual occupancies (detached).

In this regard, new sewer junctions will be provided to service proposed dwellings 1, 3, 5 and 7 along the rear, or western property boundary. Two new stormwater junctions to service proposed dwellings 2 and 3 will also be provided along the eastern property boundary.

In addition, five new 20mm copper water services including tapping bands are proposed to service proposed dwellings 2, 3, 5, 6 and 7 with the existing water services being maintained to service proposed dwellings 1, 4 and 8. The water service to existing Lot 436 (proposed Lot 5) will be replaced with a new water meter due to the minor shift in boundary northwards.

The proposed service augmentation is detailed in the servicing strategy included within **Appendix C.**

Staged Multi-Dwelling Housing
4 x 2 Storey Detached Dual Occupancies, 2 x 2 Storey Attached Dual Occupancies
And Torrens Title Subdivision (4 Lots into 8)
Lots 434-437 Manikato Way, Ascot Park, Port Macquarie

Section 5

Concluding Comments

Conclusion

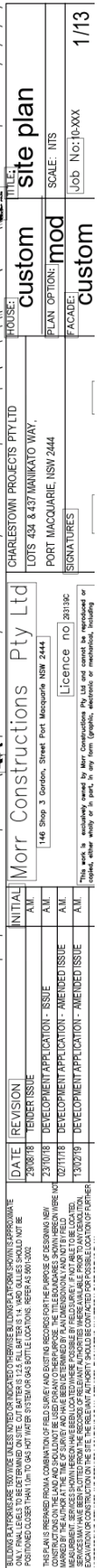
This application seeks consent for the construction of the staged development of four (4) x two storey dual occupancies (detached), two (2) x two storey dual occupancies (attached) and Torrens title subdivision (four lots into eight).

The lots proposed will be less than the minimum specified by the PM-H LEP 2011. However, pursuant to the provisions of Clause 4.1A of the PM-H LEP and the proposed design, each of the dwellings provides the required private open space, is consistent with the maximum floor space ratio and achieves the energy efficiency requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

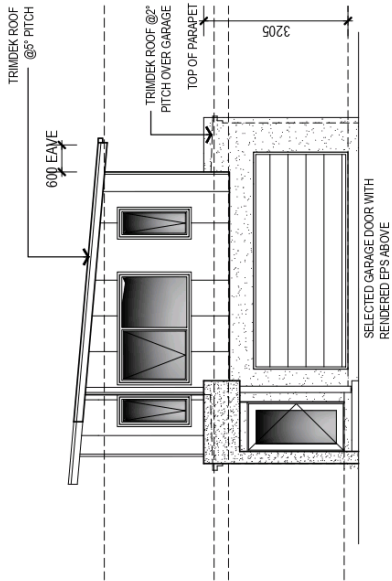
The site is located within a developing residential estate which includes a mixture of single and two storey dwelling houses as well as a mixture of medium density developments similar to the proposal.

The site is mapped as bushfire prone and a bushfire hazard assessment has been prepared in support. However, the bushfire prone land mapping is not considered reflective of the existing and recently development environment. The report demonstrates that the site is suitably separated from any bushfire hazard prone vegetation and subject to the management of the site as an inner protection area in perpetuity the site is suitable for the proposed development.

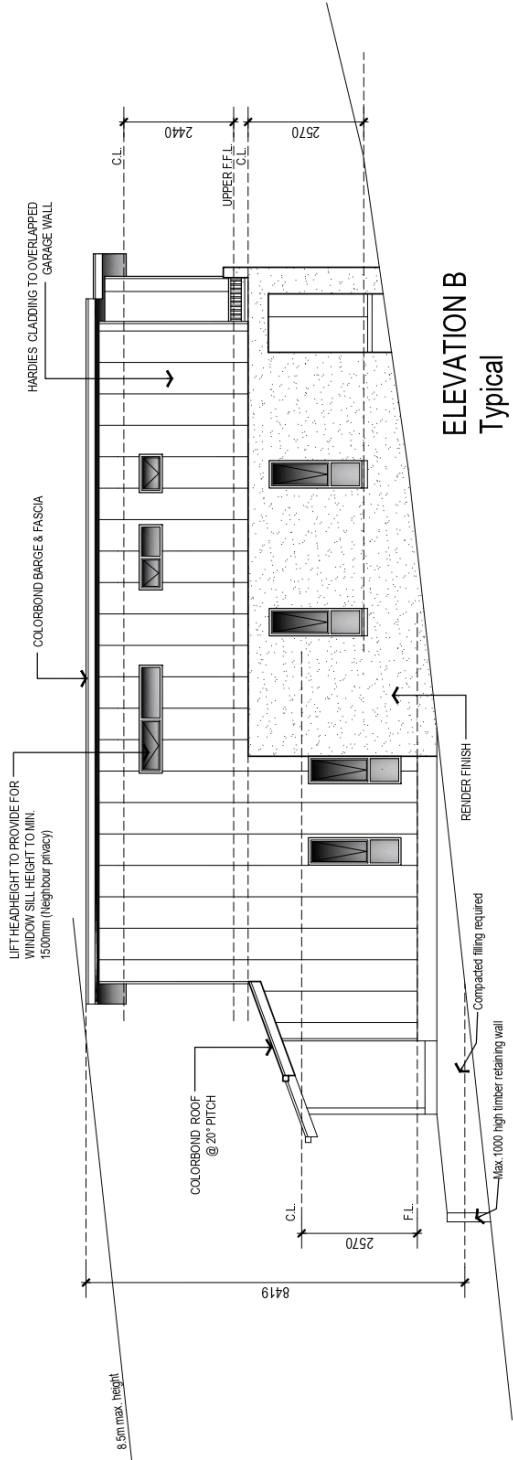
This report is considered to demonstrate that the subject site is suitable for the proposed residential development and it is therefore recommended that Council favourably determine the proposal at their earliest convenience.



NOTES:
- TIMBER STAIR CONSTRUCTION TO BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.9.1
- MAIN STAIRS BALUSTRADE TO BE 1000H PLASTERWALL CONSTRUCTED IN ACCORDANCE WITH BCA 3.9.2.3
- WHERE THE FLOOR TO A BEDROOM WINDOW IS GREATER THAN 2000mm ABOVE THE FINISHED EXTERNAL SURFACE, BEDROOM WINDOWS ARE PROTECTED IN ACCORDANCE WITH BCA 3.9.2.5
- BULKHEADS TO ACCOMMODATE SERVICES MAY BE REQUIRED TO THE LOWER LEVEL. TO BE DETERMINED ON SITE



ELEVATION A
Typical - Dwellings 1 - 4



ELEVATION B
Typical

REVISION	DATE	INITIAL	REVISION	DATE	INITIAL	HOUSE	TITLE
1	23/08/18	A.M.	1	23/08/18	A.M.	HOUSE	elevations 1 - 4
2	02/11/18	A.M.	2	02/11/18	A.M.	PLAN OPTION	SCALE 1:100
3	13/02/19	A.M.	3	13/02/19	A.M.	FACE	Job No: 10-XXX
4			4			SIGNATURES	4/13

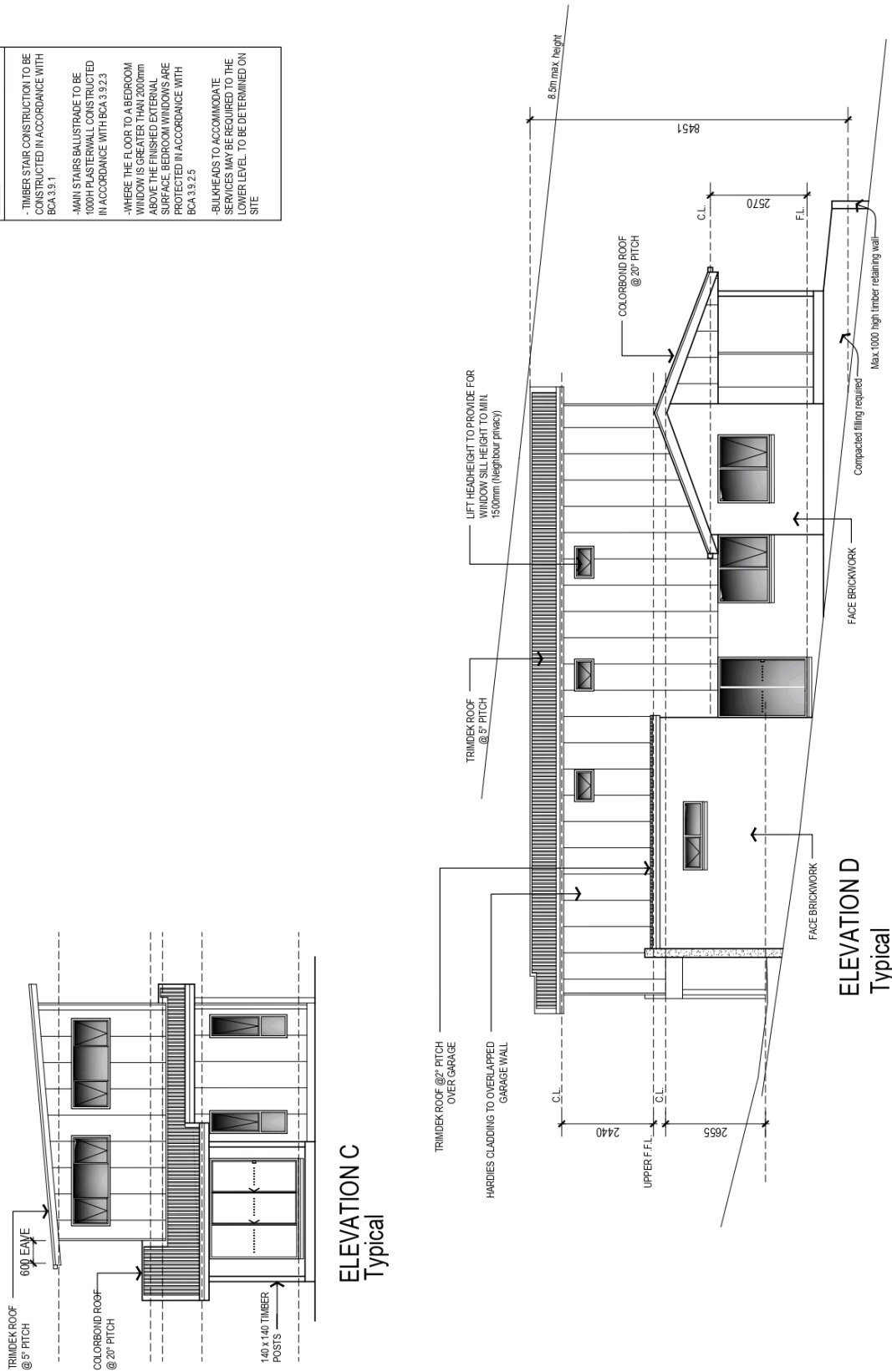
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LOTS 434 & 437 MANIKATO WAY,
PORT MACQUARIE, NSW 2444

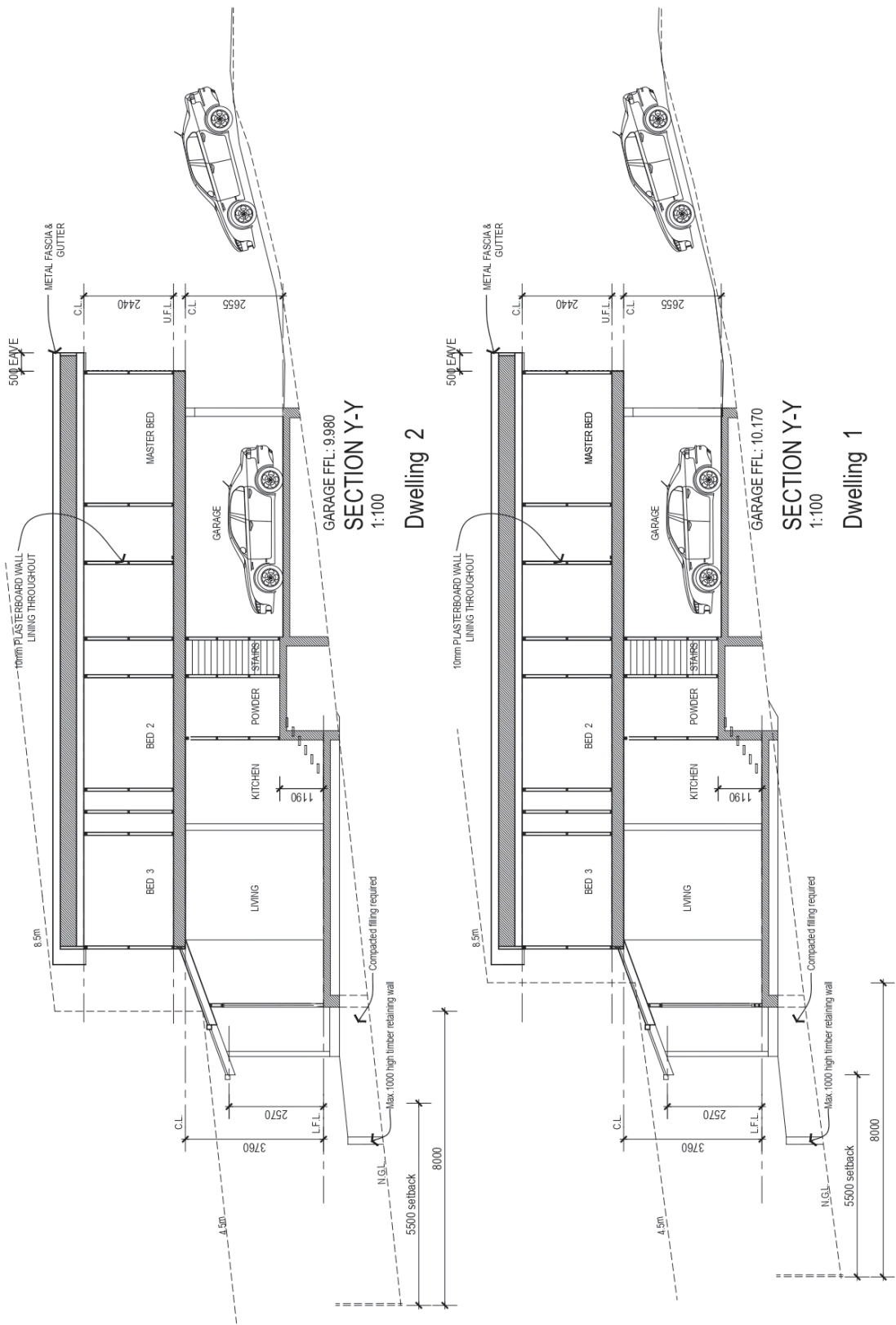
NOTES
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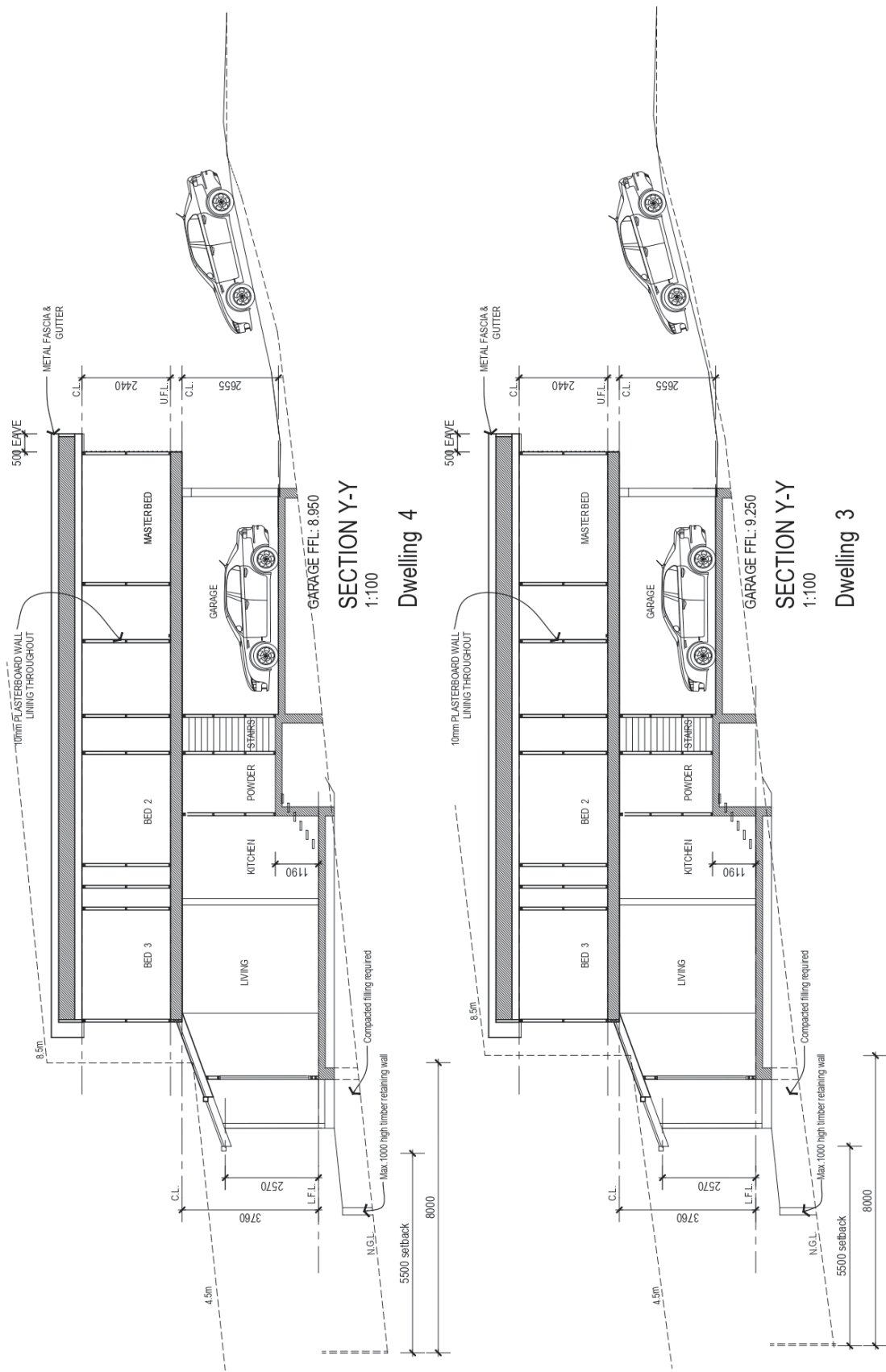
ELEVATION C
Typical

ELEVATION D
Typical

DATE	REVISION	INITIAL	HOUSE	TITLE
23/08/18	TENDER ISSUE	A.M.	Morr Constructions Pty Ltd	elevations 1 - 4
02/11/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	CHARLESTOWN PROJECTS PTY LTD	
13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LOTS 434 & 437 MANIKATO WAY, PORT MACQUARIE, NSW 2444	
			146 Step 3 Gordon Street Port Macquarie NSW 2444	
			LICENCE TO 20319C	
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			SIGNATURES	
			SCALE 1:100	
			Job No: 10-XXX	5/13

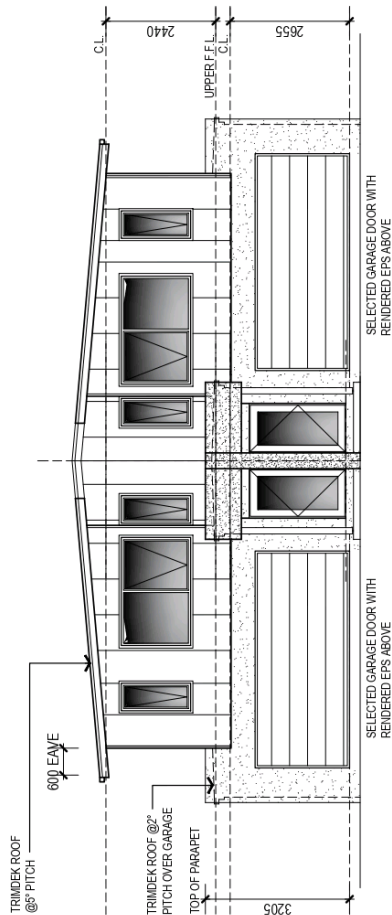


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02/11/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LOTS 434 & 437 MANIKATO WAY, PORT MACQUARIE, NSW 2444	SCALE 1:100
13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LICENCE TO 3031302 This work is exclusively owned by Morr Constructions Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written permission of Morr Constructions Pty Ltd.	Job No: 10-XXX MASTER ISSU/ A-####
			SIGNATURES	6/13

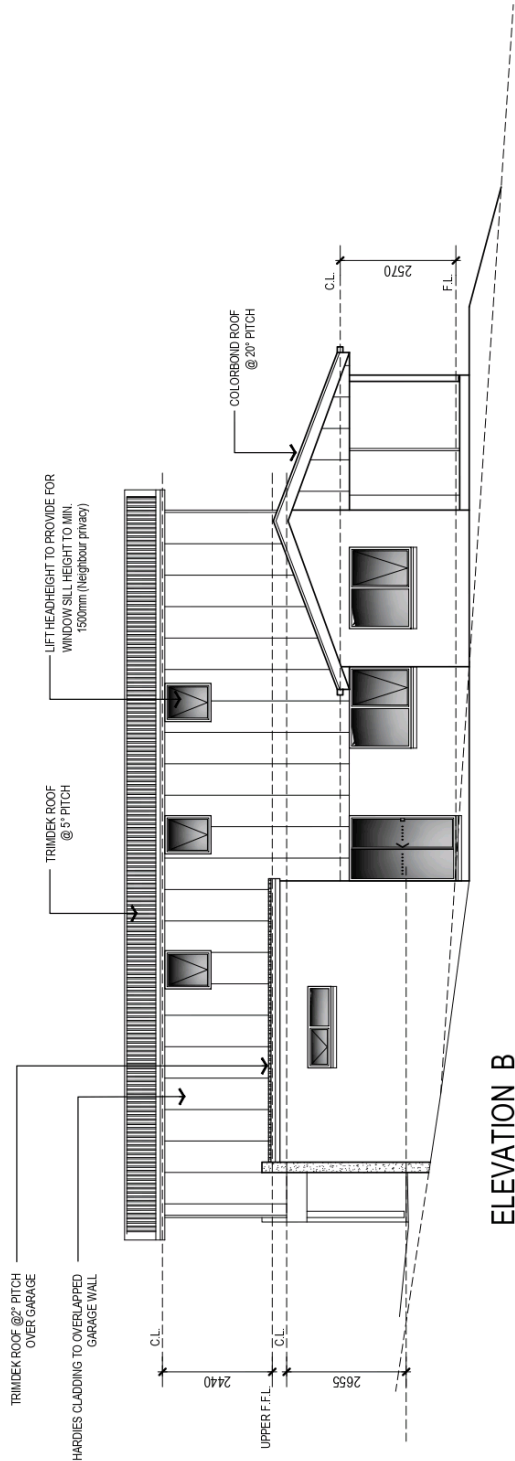


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13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	146 Shop 3 Gordon Street Port Macquarie NSW 2444	Job No: 10-XXX
			SIGNATURES	MASTER ISSUED A-####
				7/13

NOTES:
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- BULKHEADS TO ACCOMMODATE SERVICES MAY BE REQUIRED TO THE LOWER LEVEL TO BE DETERMINED ON SITE



ELEVATION A
Typical - Dwellings 5 - 8

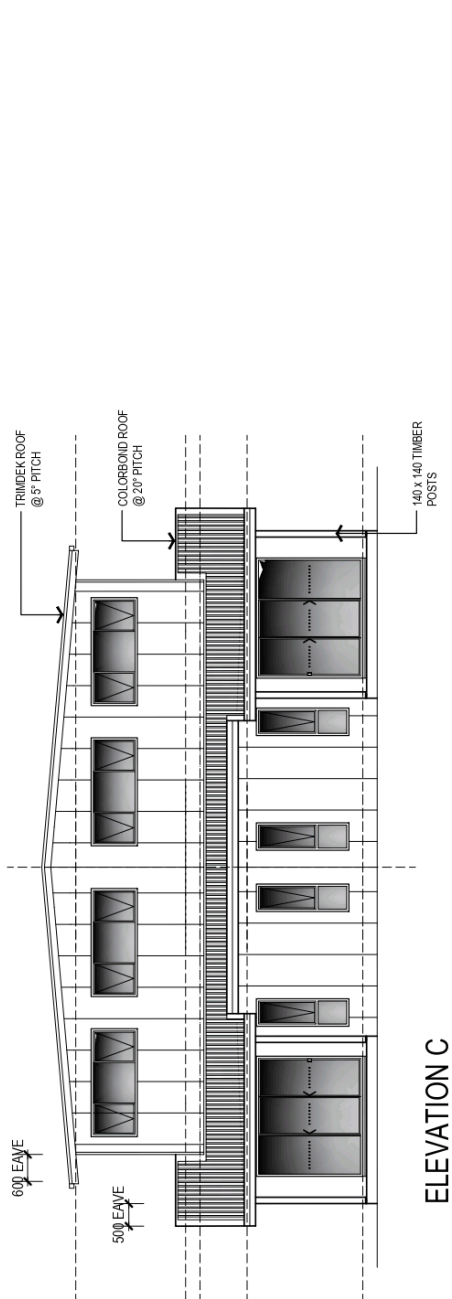


ELEVATION B

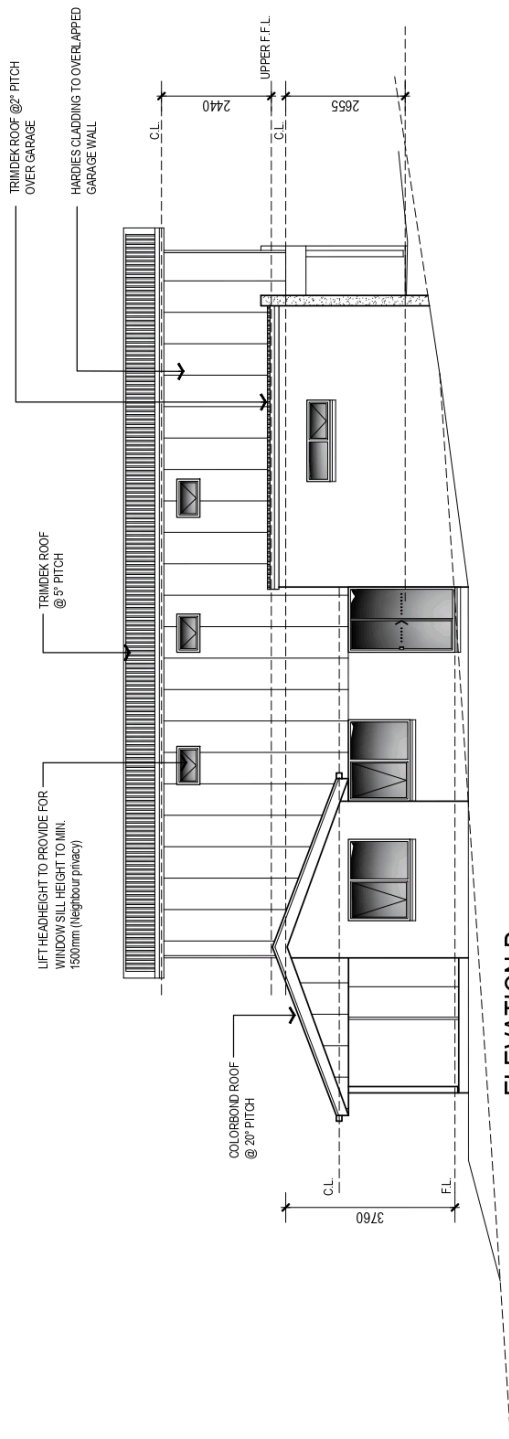
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02/11/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LOTS 434 & 437 MANIKATO WAY, PORT MACQUARIE, NSW 2444	SCALE 1:100
13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	146 Shop 3 Gordon Street Port Macquarie NSW 2444	Job No: 10-XXX
			SIGNATURES	10/13

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- RAILHEADS TO ACCOMMODATE SERVICES MAY BE REQUIRED TO THE LOWER LEVEL TO BE DETERMINED ON SITE



ELEVATION C



ELEVATION D

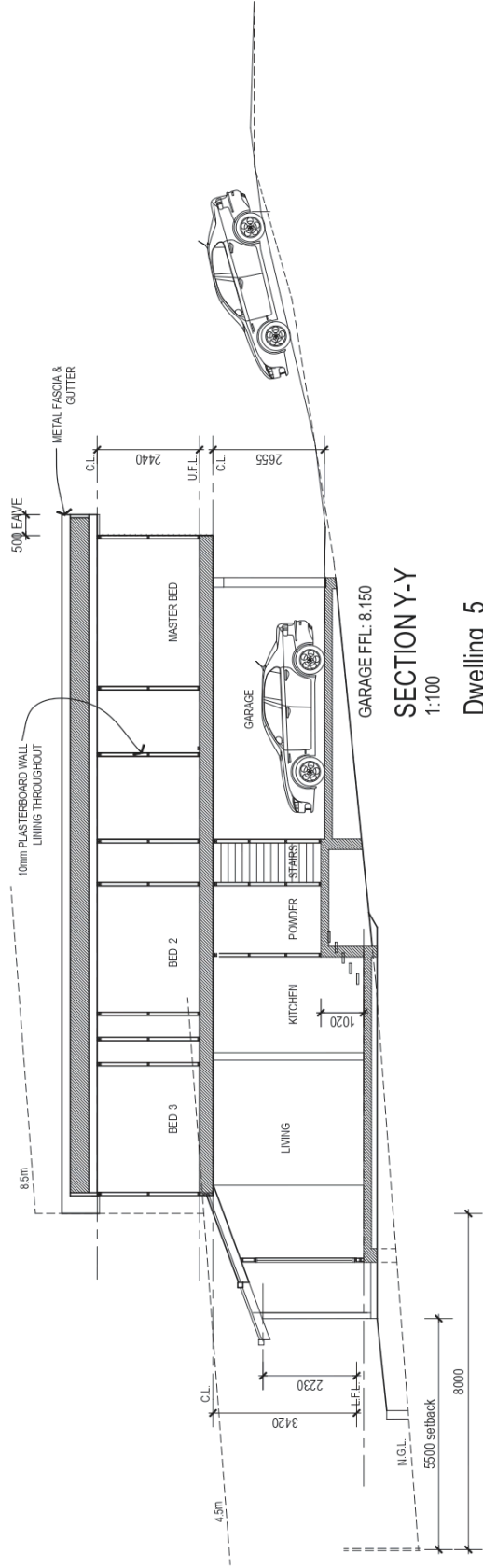
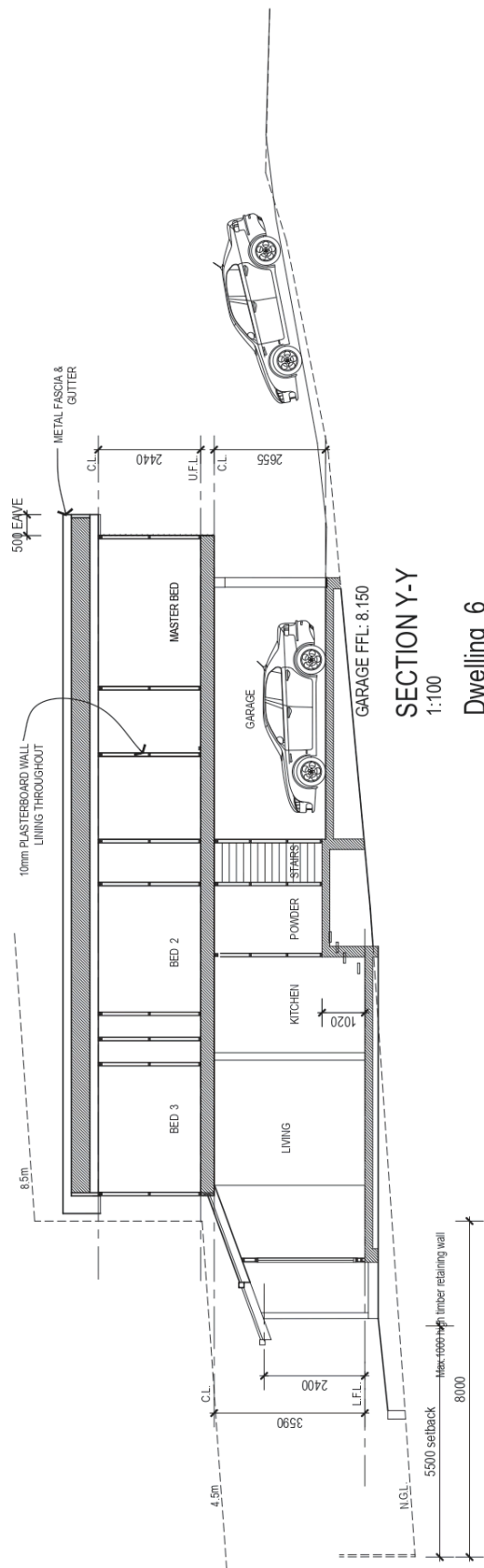
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A.M.	13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	PLAN	Job No: 10-XXX
			SIGNATURES	11/13

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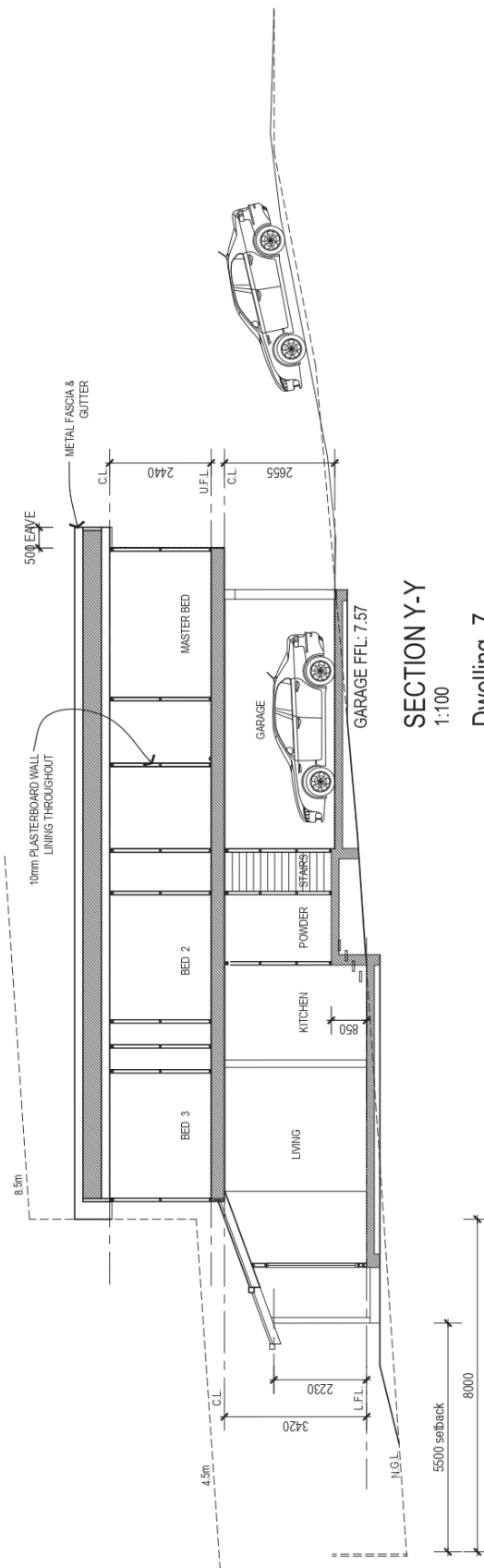
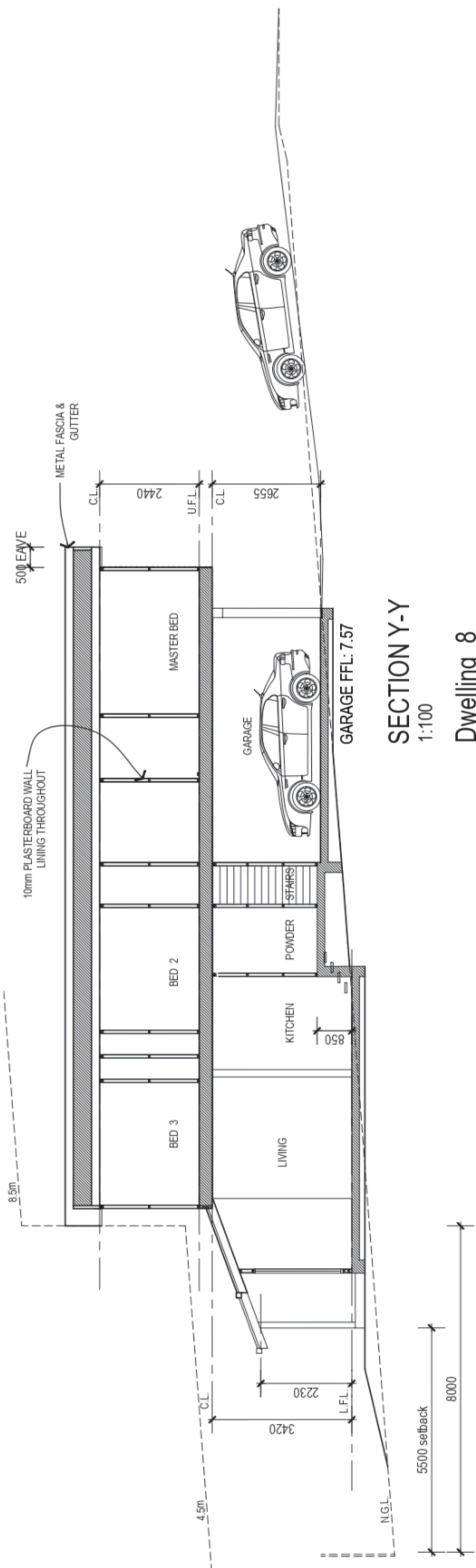
146 Shop 3 Gordon Street Port Macquarie NSW 2444

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LOTS 434 & 437 MANIKATO WAY,
PORT MACQUARIE, NSW 2444



DATE	REVISION	INITIAL	HOUSE	TITLE
29/08/18	TENDER ISSUE	A.M.	CHARLESTOWN PROJECTS PTY LTD	details 5 - 6
02/11/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LOTS 434 & 437 MANIKATO WAY,	SCALE 1:100
13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	146 Step 3 Gordon Street Port Macquarie NSW 2444	Job No: 10-XXX
			SIGNATURES	MASTER ISSUED A-####
				12/13



DATE	REVISION	INITIAL	HOUSE	TITLE
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02/11/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	LOTS 434 & 437 MANIKATO WAY,	SCALE 1:100
13/02/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	A.M.	PORT MACQUARIE, NSW 2444	Jobb No: 10-XXX
			SIGNATURES	MASTER ISSUED A - #####
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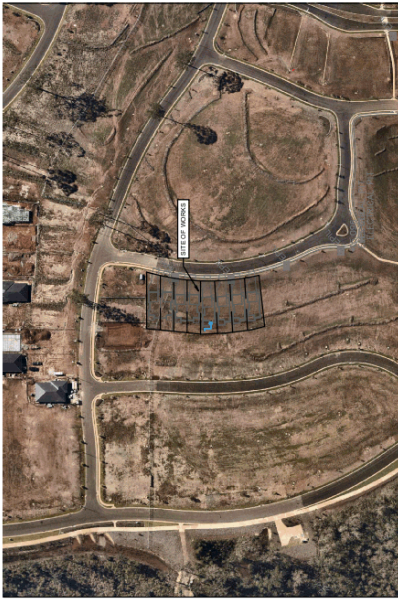


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		23/07/18	TENDER ISSUE	AM	146 Shop 3 Gordon, Street Port Macquarie NSW 2444		LOTS 432 & 437 MANIKATO WAY,		Shadow Diagram
		23/07/18	DEVELOPMENT APPLICATION - ISSUE	AM	Licence no 38139C		PORT MACQUARIE NSW 2444	PLAN OPTION:	SCALE: 1:400
		23/07/18	DEVELOPMENT APPLICATION - AMENDED ISSUE	AM	This drawing is intended to be used by Morr Constructions Pty Ltd and cannot be reproduced or modified without the written consent of Morr Constructions Pty Ltd.		SIGNATURES	FACADE:	Job No: 10-XXX
		13/07/19	DEVELOPMENT APPLICATION - AMENDED ISSUE	AM					1a /13

LAND DYNAMICS AUSTRALIA SURVEYORS, ENGINEERS & PLANNERS

LOTS 434-437 ASCOT PARK MANIKATO WAY, PORT MACQUARIE

DRAWING INDEX		
DWG NO.	DRAWING NAME	REV.
1000	COVER SHEET AND DRAWING INDEX	B
1001	GENERAL NOTES AND LEGEND	A
1002	GENERAL LAYOUT PLAN	B
1003	SEWER & WATER RETICULATION LAYOUT PLAN	B
1004	EROSION & SEDIMENT CONTROL LAYOUT PLAN	B
1005	EROSION & SEDIMENT CONTROL NOTES	A



LOCALITY PLAN
NOT TO SCALE

REV

DESCRIPTION

SHEET

DATE

DESIGNED

CHECKED

APPROVED

A

ISSUED FOR APPROVAL

18.10.18

C.C.

C.C.

C.C.

B

AMENDED PLOT AND DETENTION DETAILS

03.04.19

C.C.

C.C.

G.D.S.

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

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PRELIMINARY ISSUE

NOT FOR CONSTRUCTION

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PROJECT

LOTS 434-437 ASCOT PARK

DRAWING TITLE

COVER SHEET & DRAWING INDEX

ORIGINAL SIZE

LAND DYNAMICS JOB NO.

5350

DRAWING NO.

1000

REV.

B

Item 08
Attachment 3
Page 258

GENERAL

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FOLLOWING DOCUMENTS:

- AUSPEC STANDARD DRAWINGS AND SPECIFICATIONS.
- SUPPLEMENTARY SPECIFICATIONS.
- WRITTEN INSTRUCTIONS.

2. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT SPECIFICATION FOR THE WORKS TOGETHER WITH THE REQUIREMENTS OF ALL THE RELEVANT CODES OF PRACTICE REFERRED TO HEREIN AND THE REQUIREMENTS OF ALL THE RELEVANT STANDARDS AND SPECIFICATIONS.

3. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND PROVISION OF ANY TEMPORARY BRACING, PROPPING ETC. TO DRAINAGE PIPES DURING CONSTRUCTION. STRUCTURES SHALL BE MAINTAINED IN A STABLE POSITION AND NO PART SHALL BE OVERTRESSED.

4. ALL CONSTRUCTION MATERIALS AND SERVICES SHALL BE VERIFIED ON SITE BEFORE COMMENCING WORK. DISCREPANCIES SHALL BE REFERRED TO THE SITE SUPERINTENDENT.

5. DO NOT OBTAIN DIMENSIONS FROM SCALING.

6. NATURAL SURFACE LEVELS ON THE DRAWINGS ARE INDICATIVE ONLY.

7. ANY PERMITS AND APPROVALS REQUIRED FOR CONSTRUCTION OF PERMANENT OR TEMPORARY STRUCTURES SHALL BE OBTAINED PRIOR TO CONSTRUCTION.

8. AUSPEC STANDARD DETAILS ARE TO BE ADAPTED UNLESS STATED OTHERWISE.

9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN IN THE FIELD THE LOCATION AND LEVEL OF ALL EXISTING SERVICES (TELECOM, UNDERGROUND POWER, SEWER, WATER, ETC.) AND ANY OTHER FEATURE OR STRUCTURE LIKELY TO BE AFFECTED BY THE WORKS AND TO TAKE APPROPRIATE MEASURES TO ENSURE NO DAMAGE THERE TO ANY DAMAGE TO ANY EXISTING SERVICES OR STRUCTURES.

10. IT IS THE CONTRACTOR'S RESPONSIBILITY PRIOR TO COMMENCEMENT OF SITE WORKS, THAT TREES REQUIRED TO BE REMOVED AS A CONSEQUENCE OF THE DEVELOPMENT CONSTRUCTION SHALL BE PHYSICALLY IDENTIFIED ON-SITE. AN INSPECTION SHALL BE MADE BY THE APPLICANT'S SUPERVISING ARBORIST TO ENSURE TREE REMOVAL COMPLIES WITH THE APPROVED PLAN. CERTIFICATION FROM THE ARBORIST IS TO BE PROVIDED TO COUNCIL.

WATER

1. NOTWITHSTANDING THE DETAILS SHOWN ON THE DRAWINGS, ALL WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH AUS-SPEC STANDARD SPECIFICATIONS, DRAWINGS AND DETAILS.

2. ALL FITTINGS SHALL BE D.I.G.L CLASS 19 RUBBER RING JOINTED SPIGOT AND SOCKET TO AS 2280-1986.

3. ANCHOR BLOCKS SHALL BE INSTALLED AT ALL BENDS, JUNCTIONS AND DEAD ENDS.

4. THE CONTRACTOR SHALL OBTAIN THE LOCATION OF ALL SERVICES AND PROTECT THESE SERVICES PRIOR TO WORKING IN THE VICINITY. ANY DAMAGE WILL BE REPAIRED AT THE OFFSET FROM BOUNDARY TO WATER MAIN 1.5m U.O.

5. PROVIDE WATER SERVICE TO ALL LOTS TO AUSPEC STANDARD DRAWINGS.

6. APPROVED EQUIVALENT.

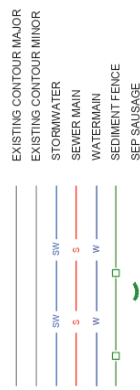
7. ALL TRENCH BACK FILL MATERIAL UNDER ROAD PAVEMENT SHALL BE CBR 15 OR OFFSET EQUIVALENT.

8. WITH LIVE WATER CONNECTIONS MUST BE CARRIED OUT BY THE CONTRACTOR OR MAY BE CARRIED OUT BY THE CONTRACTOR UNDER COUNCIL SUPERVISION. FEES & EXPENSES FOR THESE EXPENSES ARE THE RESPONSIBILITY OF THE CONTRACTOR.

9. TESTING IS TO BE IN ACCORDANCE WITH WSA 01 REQUIREMENTS OR AS DIRECTED BY COUNCIL.

10. THE CONTRACT IS REQUIRED TO PROVIDE A COMPLIANCE CERTIFICATE TO THE SUPERINTENDENT ONCE COMPLETE.

11. THE CONTRACTOR IS TO, LAISE WITH COUNCIL FOR CHLORINATION OF WATER MAINS AND PROVIDE COMPLIANCE CERTIFICATE UPON COMPLETION.

LEGEND**PROPOSED****EXISTING****ELECTRICAL PILLAR****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****LEGEND****DRAINAGE**

1. ALL DRAINAGE STRUCTURES ARE TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT SPECIFICATIONS AND DETAILS.

2. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT SPECIFICATION FOR THE WORKS TOGETHER WITH THE REQUIREMENTS OF ALL THE RELEVANT CODES OF PRACTICE REFERRED TO HEREIN AND THE REQUIREMENTS OF ALL THE RELEVANT STANDARDS AND SPECIFICATIONS.

3. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND PROVISION OF ANY TEMPORARY BRACING, PROPPING ETC. TO DRAINAGE PIPES DURING CONSTRUCTION. STRUCTURES SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERTRESSED.

4. ALL CONSTRUCTION MATERIALS AND SERVICES SHALL BE VERIFIED ON SITE BEFORE COMMENCING WORK. DISCREPANCIES SHALL BE REFERRED TO THE SITE SUPERINTENDENT.

5. DO NOT OBTAIN DIMENSIONS FROM SCALING.

6. NATURAL SURFACE LEVELS ON THE DRAWINGS ARE INDICATIVE ONLY.

7. ANY PERMITS AND APPROVALS REQUIRED FOR CONSTRUCTION OF PERMANENT OR TEMPORARY STRUCTURES SHALL BE OBTAINED PRIOR TO CONSTRUCTION.

8. AUSPEC STANDARD DETAILS ARE TO BE ADAPTED UNLESS STATED OTHERWISE.

9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN IN THE FIELD THE LOCATION AND LEVEL OF ALL EXISTING SERVICES (TELECOM, UNDERGROUND POWER, SEWER, WATER, ETC.) AND ANY OTHER FEATURE OR STRUCTURE LIKELY TO BE AFFECTED BY THE WORKS AND TO TAKE APPROPRIATE MEASURES TO ENSURE NO DAMAGE THERE TO ANY DAMAGE TO ANY EXISTING SERVICES OR STRUCTURES.

10. IT IS THE CONTRACTOR'S RESPONSIBILITY PRIOR TO COMMENCEMENT OF SITE WORKS, THAT TREES REQUIRED TO BE REMOVED AS A CONSEQUENCE OF THE DEVELOPMENT CONSTRUCTION SHALL BE PHYSICALLY IDENTIFIED ON-SITE. AN INSPECTION SHALL BE MADE BY THE APPLICANT'S SUPERVISING ARBORIST TO ENSURE TREE REMOVAL COMPLIES WITH THE APPROVED PLAN. CERTIFICATION FROM THE ARBORIST IS TO BE PROVIDED TO COUNCIL.

11. UNSUITABLE FOUNDING MATERIAL FOR PIPES AND STRUCTURES SHALL BE REMOVED OR IMPROVED IN ACCORDANCE WITH AUSPEC SPECIFICATIONS.

12. ALL TRENCH BACK FILL MATERIAL UNDER THE PAVEMENT SHALL BE CBR 15 OR APPROVED EQUIVALENT.

13. WITH LIVE WATER CONNECTIONS MUST BE CARRIED OUT BY THE CONTRACTOR OR MAY BE CARRIED OUT BY THE CONTRACTOR UNDER COUNCIL SUPERVISION. FEES & EXPENSES FOR THESE EXPENSES ARE THE RESPONSIBILITY OF THE CONTRACTOR.

14. TESTING IS TO BE IN ACCORDANCE WITH WSA 01 REQUIREMENTS OR AS DIRECTED BY COUNCIL.

15. THE CONTRACT IS REQUIRED TO PROVIDE A COMPLIANCE CERTIFICATE TO THE SUPERINTENDENT ONCE COMPLETE.

16. THE CONTRACTOR IS TO, LAISE WITH COUNCIL FOR CHLORINATION OF WATER MAINS AND PROVIDE COMPLIANCE CERTIFICATE UPON COMPLETION.

SEWERAGE

1. NOTWITHSTANDING THE DETAILS SHOWN ON THE DRAWINGS ALL WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH AUSPEC STANDARD SPECIFICATIONS, DRAWINGS AND DETAILS.

2. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT SPECIFICATION FOR THE WORKS TOGETHER WITH THE REQUIREMENTS OF ALL THE RELEVANT CODES OF PRACTICE REFERRED TO HEREIN AND THE REQUIREMENTS OF ALL THE RELEVANT STANDARDS AND SPECIFICATIONS.

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ABBREVIATIONS USED ON THE PLANS

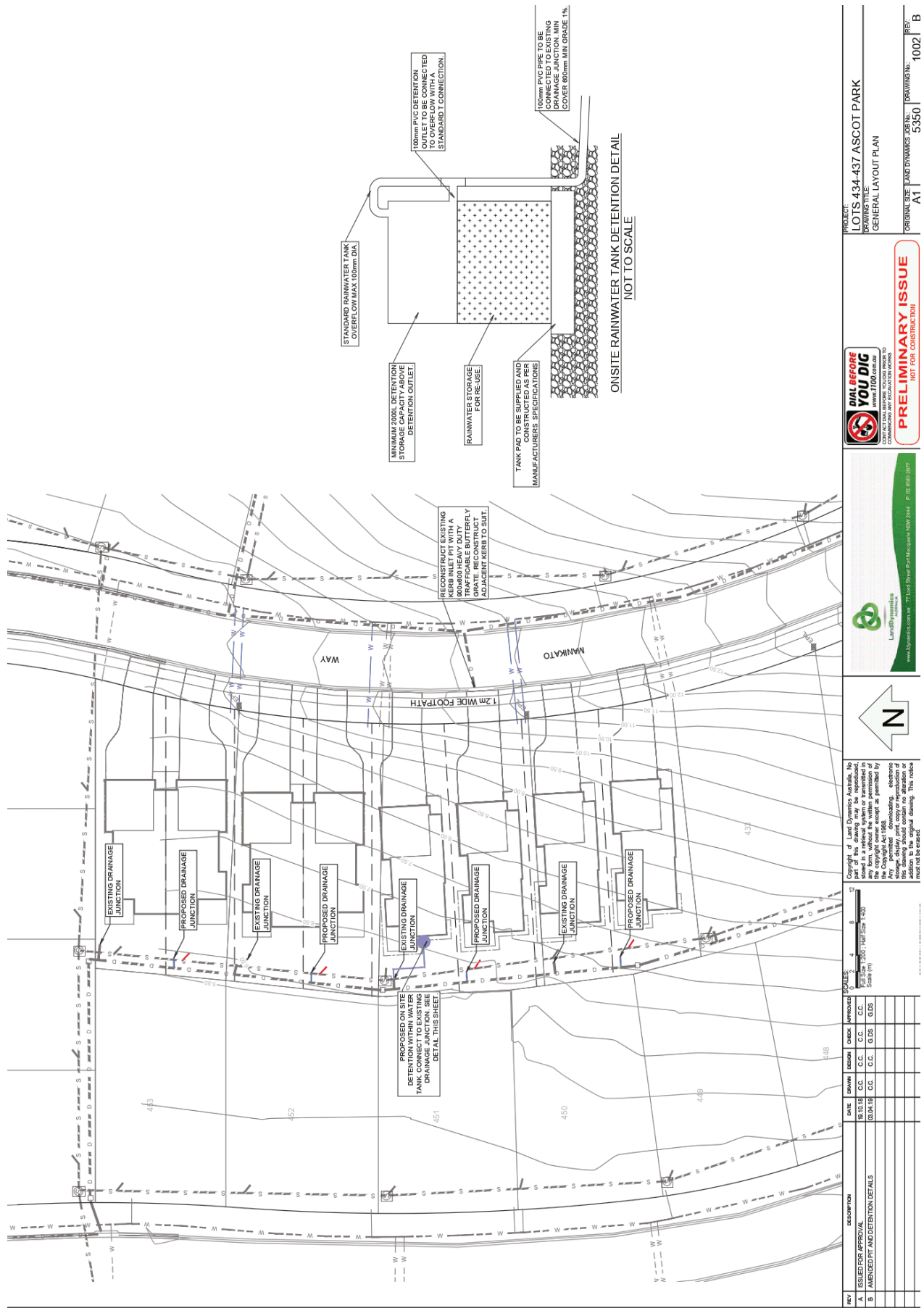
SW	STORMWATER	K-C	CONCRETE KERB AND CHANNEL
PH	FIRE HYDRANT	TOB	TOP OF BANK
SV	SLUCE VALVE	BOB	BOTTOM OF BANK
GV	GATE VALVE	CL	CENTRELINE
EGS	EDGE OF SEAL		

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PROJECT:
LOTS 434-437 ASCOT PARK
DRAWING TITLE:
GENERAL NOTES & LEGEND

ORIGINAL SIZE LAND DYNAMICS JOB No: 5350
DRAWING No: 1001
A





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ITEM#	DESCRIPTION	DATE	STATUS	STATUS	DATE	REMARKS
A	ORDER FOR APPROVAL	05-10-18	C.C.	C.C.		
B	AMENDED PFT AND DEFINITION DETAILS	03-04-18	C.C.	C.C.	0.05	

SCALE: 1"=200' Half Size 1"=100'





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PROJECT: LOTS 434-437 ASCOT PARK
DRAWING TITLE: EROSION & SEDIMENT CONTROL NOTES

ORIGINAL SIZE: A1	LAND DYNAMICS JOB No.: 5350	DRAWING No.: 1005	REV: A
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Developer Charges - Estimate

Applicants Name: Port City Developments Pty Ltd
 Property Address: 4, 6, 8 & 10 Manikato Way Port Macquarie
 Lot & Dp: Lot(s):434, 435, 436, 437, DP(s):1244641
 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	2.4	\$10,129.00 Per ET	\$24,309.60
2 Sewerage Scheme Port Macquarie	4	\$3,843.00 Per ET	\$15,372.00
3 Since 1.7.04 - Major Roads - Innes Peninsula - Per ET	4	\$9,353.00 Per ET	\$37,412.00
4 Since 31.7.18 - Open Space - Innes Peninsula - Per ET	4	\$6,257.00 Per ET	\$25,028.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Innes Peninsula	4	\$4,593.00 Per ET	\$18,372.00
6 Com 1.3.07 - Administration Building - All areas	4	\$904.00 Per ET	\$3,616.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 Bushfire Additional	4		
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$1,901.50
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$128,019.10

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:

15-Apr-2019

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

pments Pty Ltd, 4, 6, 8 & 10 Manikato Way Port Macquarie, 15-Apr-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 09

Subject: DA2018 - 1051.1 RECREATION FACILITY (INDOOR) AT LOT 1 DP 1250139, NO. 18 JOHN OXLEY DRIVE, PORT MACQUARIE

Report Author: Chris Gardiner

Applicant: M I Joyce
Owner: MPG Funds Management Ltd
Estimated Cost: \$300,000
Parcel no: 68551

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2018 - 1051.1 for a Recreation Facility (Indoor) at Lot 1, DP 1250139, No. 18 John Oxley Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a recreation facility (indoor) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

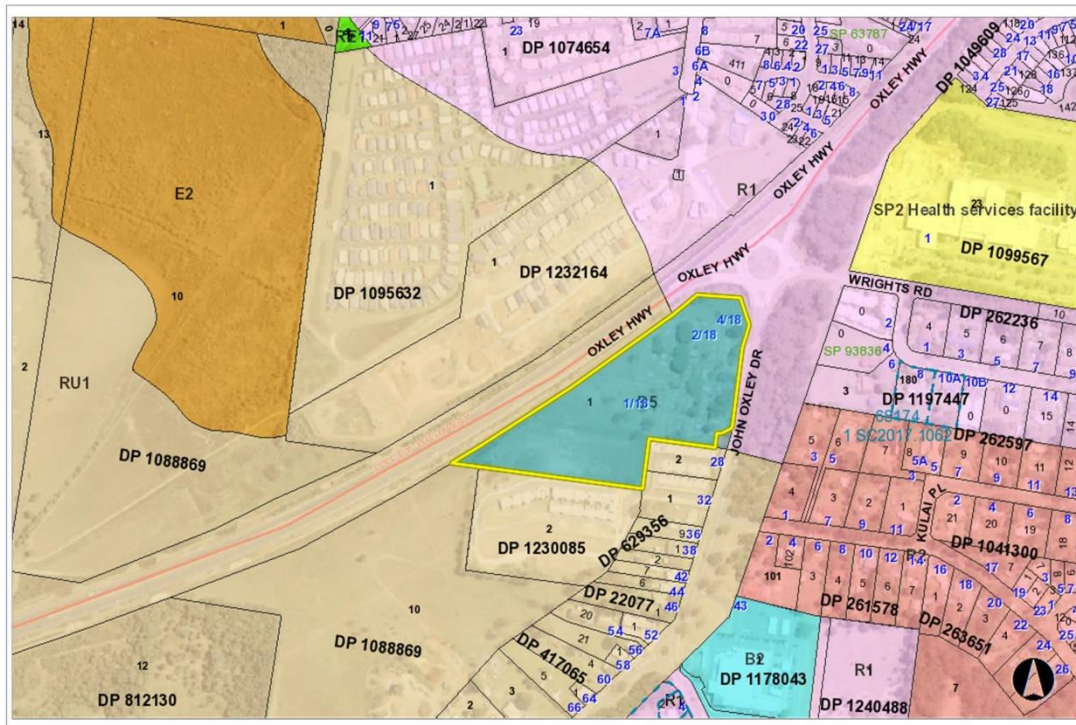
This report recommends approval of the development application subject to the recommended conditions.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 4.789 hectares.

The site is zoned B5 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:

- Change of use from bulky goods premises to recreation facility (indoor), with ancillary café and crèche for gym members;
- Internal fitout for gymnasium, including addition of 709m² upper floor; and
- Increase in the dimensions of the previously approved tenancy signage.

Refer to attachments at the end of this report.

Application Chronology

- 6 December 2018 - Application lodged.
- 14 December 2018 - Additional information requested prior to notification of application.
- 22 February 2019 - Additional information received.
- 28 February 2019 to 13 March 2019 - Neighbour notification.
- 8 March 2019 - Further additional information requested.
- 8 April 2019 - Additional information received.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The land is subject to a Koala Plan of Management (KPoM) approved under DA2015 – 600. The KPoM relates to the removal of vegetation in the John Oxley Drive corridor associated with the road upgrades required for that development.

Key management actions in the approved KPoM include:

- Installation of advisory signage for pedestrians with dogs;
- Ongoing fox control;
- Installation of floppy top fencing between the habitat corridor and John Oxley Drive and advisory signage for motorists;
- Offset planting for habitat loss; and
- Appropriate construction phase management for tree removal.

The KPoM does not contain any provisions relevant to the proposed internal alterations and change of use. In accordance with clause 9(2) of the SEPP, the proposal is not considered to be inconsistent with the KPoM.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of a business identification sign on the south elevation of the building. Signage for the building was approved in generally the same location under DA2015 – 600.5, but the proposal seeks to increase the length of the sign for the tenancy

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage complies with the subject Clause. In particular, the proposed signage is not excessive, is consistent with surrounding signage and will not impact on streetscape.	Yes
Schedule 1(1) Character of the area.	Signage is consistent with others in the area and will not compromise the character of the locality.	Yes
Schedule 1(2) Special areas.	Not a special area.	Yes
Schedule 1(3) Views and vistas.	No views or vistas impacted.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposed signage is not excessive; is consistent with surrounding signage; and will not impact on streetscape.	Yes
Schedule 1(5) Site and building.	The signage is slightly larger than originally approved, but changes to the tenancy configuration have resulted in the subject tenancy having a wider frontage. The extent of the sign is appropriate for the scale of the building and the height of the sign will be consistent with adjoining tenancies.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	Yes
Schedule 1(7) Illumination.	The sign is proposed to be illuminated and the Statement of Environmental Effects notes that it would be on a timer set to switch off by 10pm. The illuminated signage approved at the site under DA2015 - 600 is permitted to be	Yes

	illuminated until 11.00pm. The proposal would therefore have less impact than the existing approval.	
Schedule 1(7) Safety.	The signage will create no safety impacts.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 – The site has frontage to a classified road (Oxley Highway). Impacts of the overall development on the classified road network were considered under DA2015 – 600 in consultation with the RMS. The proposed change of use does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the RMS is not required.

The traffic impacts of the development are discussed in detail later in this report under Traffic and Transport. The proposed use is not sensitive to road traffic noise.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned B5 Business Development. In accordance with clause 2.3(1) and the B5 zone landuse table, the proposed development for a recreation facility (indoor) is a permissible landuse with consent. The proposed café and crèche are considered to be ancillary to the recreation facility as they are intended to be for use by gym members only.

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 development would contribute to the mix of business and specialised retail uses on the site.
- Clause 4.3 -The maximum overall height of the building above ground level (existing) would not be increased by the internal alterations.
- Clause 4.4 - No maximum floor space ratio (FSR) applies to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 - Part of the site is mapped as potentially containing class 5 acid sulphate soils. The proposed development is located clear of the mapped area and would not require any excavation. Therefore, no adverse impacts are expected to occur to the acid sulphate soils found on site.
- Clause 7.3 - Part of 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). The original assessment of DA2015 – 600 established appropriate floor levels for the

buildings. The proposed internal alterations and change of use would be consistent with the provisions of this clause.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Business & Commercial Development			
DCP Objective	Development Provisions	Proposed	Complies
3.4.3.9	A minimum of 50% of the ground floor level front facade is to be clear glazed.	Minimum of 50% clear glazing to the shopfront.	Yes
	Active frontages must consist of one or more of the following: <ul style="list-style-type: none"> • A shop front. • Commercial and residential lobbies. • Café or restaurant if accompanied by an entry from the street. • Public building if accompanied by an entry from the street. 	Active frontage consists of reception area for gymnasium and cafe.	Yes
	Active ground floor uses are to be accessible and at the same level as the footpath.	Yes	Yes
3.4.3.22	Any ramps are to be integrated into the overall building and landscape design.	Integrated access proposed.	Yes
	The development complies with AS1428—Design for Access and Mobility.	Capable of complying. To be confirmed with CC application.	Yes
3.4.3.26	Bulk waste facilities must be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that: <ul style="list-style-type: none"> • is not visible from the street or public 	Bulk waste storage and collection addressed in conditions of DA2015 – 600. The facilities are capable of serving this proposal.	Yes

	<p>domain;</p> <ul style="list-style-type: none"> • is easily accessible to businesses; • may be serviced by collection vehicles; • has water and drainage facilities for cleaning and maintenance; and • does not immediately adjoin onsite employee recreation area; and • be maintained to be free of pests. 		
	Cardboard compactors are provided for large retail and commercial developments.		
	Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service must be provided.		
3.4.3.35	<p>Commercial Development Adjoining Residential Land uses: The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.</p> <p>Where this cannot be achieved visual and acoustic treatment of the interface is required.</p>	See comments later in this report under Noise and Vibration.	Yes
	<p>The building elevation adjoining the residential area must be;</p> <ul style="list-style-type: none"> • Articulated, with changes in setback at intervals no greater than 10m; • Use a variety of materials and treatments; • Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever 	The proposal would not alter the building elevation adjoining residential uses.	N/A

	is greater.		
	Waste areas are located and managed to minimise pests, noise and odour.	Yes	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	Proposal is for business identification signs only.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .	None proposed outside property boundary.	Yes
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A
	On-premise signs should not project above or to the side of building facades	Signage consistent with height and location of those approved for adjoining tenancies under DA2015 – 600.4	Yes
2.2.2.2	Where there is potential for light spill from signage	The sign is proposed to be illuminated and the	N/A

	in a non-residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	Statement of Environmental Effects notes that it would be on a timer set to switch off by 10pm.	
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	None proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	N/A	N/A
	Combination of retaining wall and front fence height	N/A	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	None proposed to be removed.	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	No new access proposed.	N/A

	removed where practical		
	Driveway crossing/s minimal in number and width including maximising street parking	N/A	N/A
2.5.3.3	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	<p><u>Previous approvals:</u> The overall development on the site (including Bunnings and the bulky goods tenancies – DA2015 – 600.3) was assessed as requiring 354 parking spaces to satisfy the DCP requirements. A total of 457 parking spaces were approved for the development. The majority of the spaces have been completed, but 61 of the spaces are currently within the fenced construction zone around the tenancy building. These space would need to be available prior to the use commencing.</p> <p>DA2018 – 962.1 for a medical centre in the adjoining tenancy required an additional 11 parking spaces. This increased the overall parking requirement to 365 spaces, leaving a surplus of 92 parking spaces.</p> <p><u>Current proposal:</u> The proposal includes the following:</p> <ul style="list-style-type: none"> • Gymnasium – 1781.3m² at 7.5 spaces per 100m² GFA = 133.6 spaces; • Office – 23.7m² at 1 space per 30m² GLFA = 0.79 spaces; • Café – 98m² at 1 space per 30m² serviced floor area = 3.27 spaces. <p>The previous approval of the tenancy for bulky goods under DA2015 – 600 assumed a parking demand of 15.1 spaces based on the ground floor area of 1207.1m².</p>	No, but acceptable

		<p>The overall DCP parking demand for the proposed use is therefore 122.56 (rounded to 123) spaces. Added to the existing parking demand of 365 spaces, this gives a total site parking demand of 488 spaces.</p> <p>This exceeds the existing parking provision of 457 spaces by 31 spaces.</p> <p>The Applicant has submitted a site specific traffic and parking assessment addressing the timing of peak parking demands for the various uses on the site. This is addressed in more detail under Parking later in this report.</p>	
2.5.3.11	Section 94 contributions	Refer to main body of report.	

DCP 2013: Chapter 4.4 - Port Macquarie West (John Oxley Drive East)

DCP Objective	Development Provisions	Proposed	Complies
4.4.2.1	A development application should be accompanied by a Noise Impact Assessment report, which is to be prepared by a professional acoustician in accordance with the <i>Industrial Noise Policy 2000</i> , NSW Environment Protection Authority and with applicable Australian Standards.	Noise impact assessment submitted.	Yes
4.4.2.2	<p>Sunlight to the principal area of ground-level private and other key open space of adjacent residential properties shall not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.</p> <p>Buildings shall not reduce the sunlight available, to the north-facing windows</p>	The proposal is for internal alterations and a change of use and would not affect solar access to adjoining property.	Yes

	of living areas in existing adjacent dwellings, to less than the above specification.		
4.4.2.3	The design details for any development application should address mitigation of any adverse impacts of the proposed development, when viewed from outside the site, in relation to: <ul style="list-style-type: none"> • siting and bulk of buildings • car parking areas • signage. Photomontages could be used to illustrate the visual impacts on the property to the south, and when viewed from east-bound traffic on the Oxley Highway.	Proposal would not alter the visual impact of the proposal.	Yes

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

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

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

iv) Any matters prescribed by the Regulations:

No provisions of the regulations are applicable to the proposal.

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

The site has a general easterly street frontage orientation to John Oxley Drive and a north-westerly frontage to the Oxley Highway.

Adjoining the site to the north and west is a manufactured home estate.

Adjoining the site to the east is low density residential land and some medical uses.

Adjoining the site to the south is a seniors housing development.

Roads

The site is located south of the Oxley Highway, adjacent to the intersection with John Oxley Drive and Wrights Road. The north-western boundary of the development lot fronts the Oxley Highway, which is a State classified road and consequently a Controlled Access Road (CAR), requiring all vehicular access to be via other local roads wherever possible. An existing sound wall runs along the length of the site's north-western boundary with the highway.

The Oxley Highway in the vicinity of the site is dual carriageway two-way divided road. The road reserve varies in width ranging between approximately 50 and 60 metres. Oxley Highway is classified as an arterial road.

To the east, the site is bounded by John Oxley Drive (formerly the Oxley Highway). The road reserve along the site boundary ranges between 75m and 120m in width, with a large proportion of the reserve vegetated. The road formation is currently characterised as a dual carriageway two-way divided road with a signalised intersection at the site access. The road is classified by Council as an 'Urban Distributor' under the AUS-SPEC system and is capable of handling the additional traffic generated by the development with minimal impact to the existing pavement. Council has developed a concept master plan which includes duplication of the proposed John Oxley Drive corridor to cater to future growth in the area.

Traffic and Transport

The Applicant has submitted a Traffic and Parking Assessment prepared by TPS Group and dated 11 February 2019, which analyses the impacts of the additional traffic generated by the use on the signalised intersection at the site access and also the nearby intersection of the Oxley Highway/John Oxley Drive/Wrights Road.

The traffic modelling in the report shows that the development access will continue to operate at a degree of saturation (DOS) with queue lengths comparable to current conditions. The roundabout at the intersection of John Oxley Drive / Oxley Highway will only be marginally affected with an increase in DOS of 89% to 92%.

The report adequately assesses the traffic generation expected to be associated with this development at the site access and on the broader road network. The marginal increase in traffic as demonstrated in the report is considered negligible and acceptable for the situation.

Site Frontage & Access

The proposal would not alter the access arrangements and site frontage works approved for the site under DA2015 – 600.

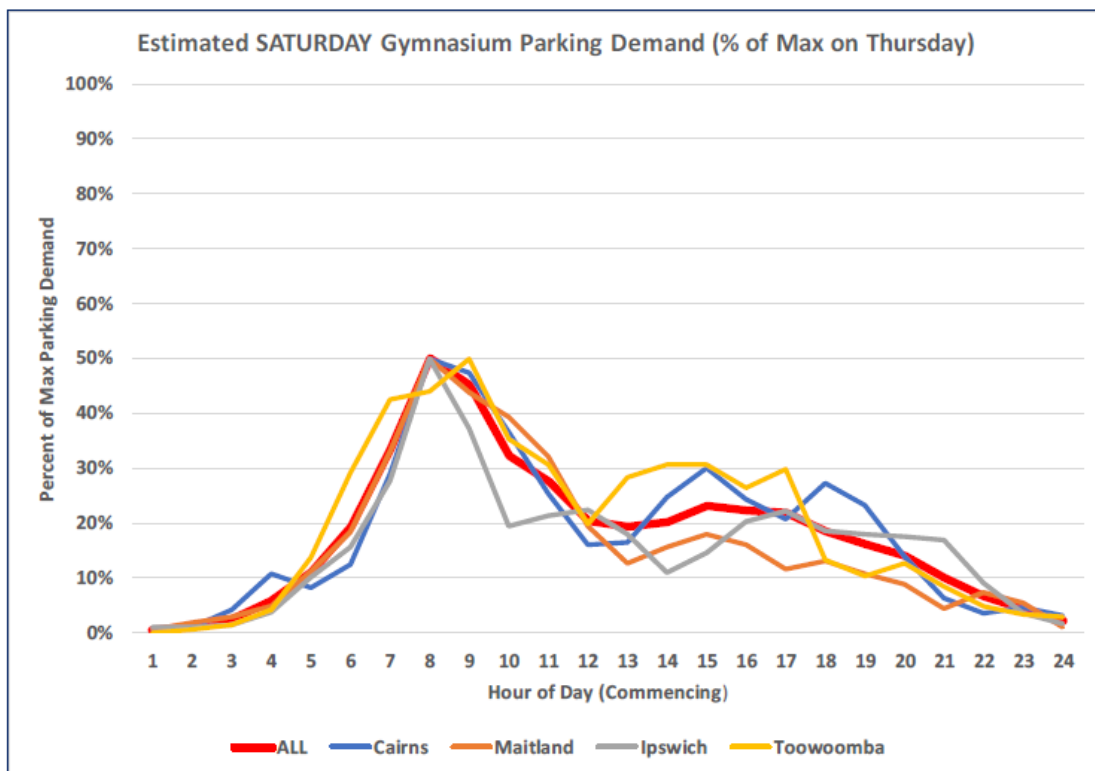
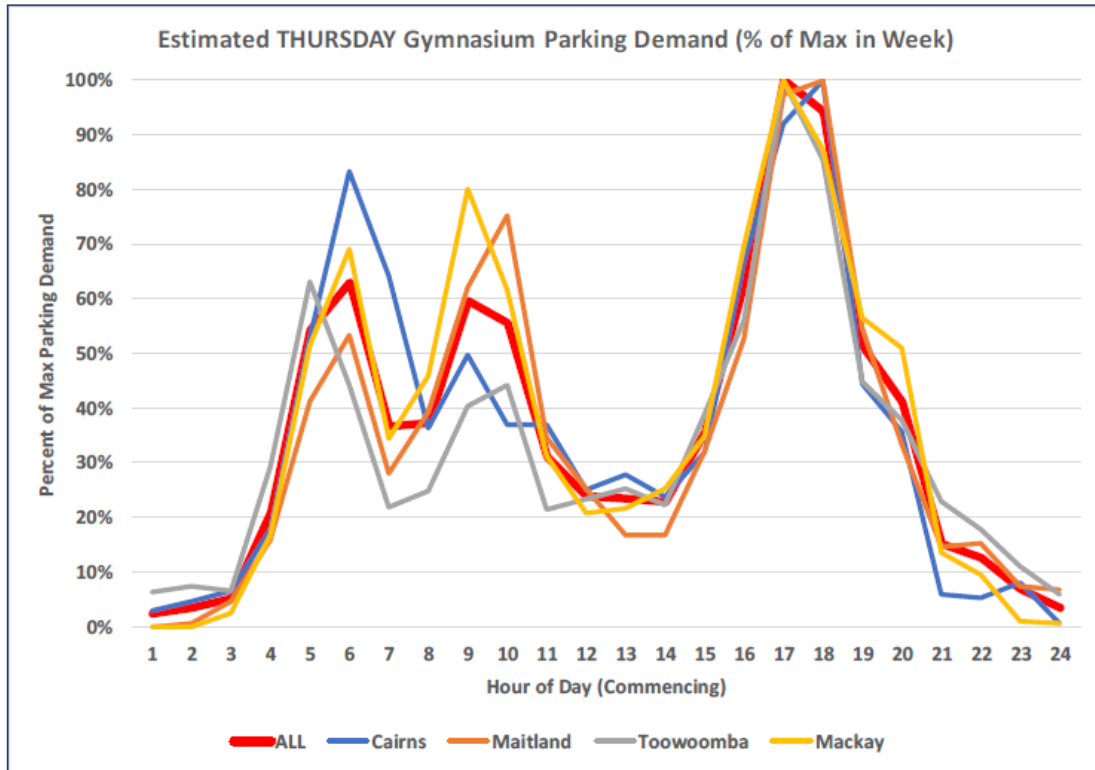
Parking

The site contains 31 spaces less than the minimum required in accordance with DCP 2013. The Applicant has submitted a Traffic and Parking Assessment prepared by TPS Group and dated 11 February 2019, which analyses the peak periods of parking demand for the various uses on the site and the potential for shared use of the overall parking spaces on the site.

Key findings of the report include:

- The peak periods for parking demand associated with Bunnings and the bulky goods premises occur on Thursdays and Saturdays, with the Thursday peak parking demand being approximately 60% of the Saturday peak parking demand.

- Based on data from similar facilities the peak parking demand associated with the gymnasium is expected to be weekdays between 5.00pm and 6.00pm, with peak demands on Saturday mornings being substantially lower (see below graphs).



- The worst case parking demand for the gymnasium tenancy is considered to be 140 spaces and would occur on weekdays between 5.00pm and 6.00pm. This coincides with a peak parking demand for the Bunnings and bulky goods premises of only 60% of the Saturday peak, which equates to approximately 215 spaces.
- The available 457 parking spaces is sufficient for the demand generated by each of the approved uses during their peak periods.

Part of the parking area originally approved under DA2015 - 600 (approximately 61 spaces) was within a fenced construction zone at the time of assessment. It will be necessary for these parking spaces to be completed and certified prior to the issue of an Occupation Certificate for the use, to ensure that the parking is available for use by customers.

Water Supply Connection

Water supply will be provided to the tenancy as part of DA2015 – 600. A further S68 approval will be required for the fit out work. Refer to relevant conditions of consent.

Sewer Connection

Sewer will be connected to the tenancy as part of DA2015 – 600. A further S68 approval will be required for the fit out work. Refer to relevant conditions of consent.

Stormwater

Proposed internal alterations would not increase impervious areas or affect existing stormwater management for the site.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Part of the site is identified on the Biodiversity Values Map. However, Clause 7.3(4) of the Biodiversity Conservation Regulation 2017 provides the following:

Despite anything to the contrary in this Part, proposed development (other than subdivision) does not exceed the biodiversity offsets scheme threshold merely because it is to be carried out on a lot included in the Map if the lot was the result of a subdivision carried out before the commencement of the Act and the lot is within land zoned R1 to R4, RU5, B1 to B8 or IN1 to IN3 under an environmental planning instrument.

The development is located on a lot in the B5 zone that was created prior to the commencement of the Act. The proposal is for internal alterations and change of use of an approved building and satisfies the test of significance.

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

The submitted Statement of Environmental Effects indicates that the hours of operation for the use will be 5.30am to 8.30pm Monday to Sunday, with 24 hour swipe card access outside those hours.

The application includes a Noise Emission Assessment prepared by Acoustic Logic and dated 18 February 2019. The report includes hours of operation that are slightly more restricted than those above:

- Monday to Thursday - 5.30am to 8.30pm;
- Friday - 5.30am to 7.00pm;
- Saturday - 8.00am to 3.00pm;
- Sunday - 8.00am to 2.00pm; and
- 24 hour swipe card access for members outside these hours.

Given that the noise assessment has been carried out based on the above hours, it is recommended that the condition restrict operation to those hours (rather than the ones noted in the Statement of Environmental Effects).

The report includes consideration of noise impacts associated with the proposed use, including the use of music for gym classes and traffic accessing the parking area after hours.

The report concludes that the proposal will achieve noise levels consistent with the NSW EPA Noise Policy for Industry, subject to the following recommendations:

- Minimum 6mm thick glazing with acoustic rating of Rw 29 is to be installed to all glazed elements of the façade;
- There is to be no music in external areas of the tenancy;
- Car park areas outside of the tenancy are not to be used as part of regular gym activities;
- There is to be signs at the entry/exit of the premises reminding members to minimise noise when entering/exiting the gym – especially during the hours of 10pm – 7am;

Conditions are recommended confirming the above requirements.

Bushfire

The site is identified as being bushfire prone.

The original development of the site under DA2015 – 600 adequately addressed the requirements of Planning for Bush Fire Protection 2006. The proposed internal alterations and change of use would not alter the bushfire risk.

Safety, security and crime prevention

The proposal includes 24-hour access for members. A CPTED Assessment prepared by Love Project Management and dated 1 April 2019 has been submitted in support of the application. The report addresses the principles of Crime Prevention Through Environmental Design (CPTED) and includes a review of crime statistics for the area.

The premises are proposed to be provided with the following security features:

- Closed Circuit Security cameras installed throughout the premises;
- Back to base security monitoring;
- Voice over cameras offering back to base interaction between patrons and the security control centre;
- Wall mounted duress buttons throughout the premises;
- Gym members will have the option of wearing duress buttons when in the premises should they seek additional safety levels;
- After hours access is limited to members only, including “tailgating” technology to limit access to members with access cards only;

It is also noted that the entrance to the building is visible to passing traffic in John Oxley Drive and the car park area is well lit for the early part of the night. It is understood that lighting of the car park adjacent to Bunnings is currently switched off at approximately 9.00pm. It will be necessary to provide lighting to the parking area immediately adjacent to the tenancy throughout the night to ensure the safety of gym users.

A condition is recommended confirming the extent of lighting and that external lighting is required to comply with AS4282 - *Control of the obtrusive effects of outdoor lighting*. Lighting of the parking area adjacent to the hardware and building supplies tenancy will not be permitted due to the potential amenity impacts on the adjoining residential use.

The report concludes that safety and security would be satisfactory subject to the following recommendations:

- Formal surveillance of the access / exit point of the gymnasium via the proposed CCTV infrastructure;
- Signage to ensure the 24-hour access door is immediately identifiable as the after hours access point;
- Clear internal EXIT signage within the building to ensure the exit is identifiable should a power outage occur whilst people are in the building. This is to include lighting of the stairwell;
- Internal lighting within the gym to ensure the internal area is well lit whilst patrons are inside. This may include motion sensor lighting to minimise lighting usage when the building is not occupied; and
- A mechanism to ensure the gym members are able to call for assistance if required – as per the “duress button” system proposed to be installed.

It is recommended that the CPTED Assessment be included in the approved documents for the development, to ensure that the recommendations are incorporated into the consent.

Social impacts in the locality

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

Economic impact in the locality

No adverse impacts anticipated. The proposal would have positive impacts through the construction phase and with ongoing employment opportunities.

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:

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

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

Submission Issue/Summary	Planning Comment/Response
Parking for the development does not appear adequate in relation to DCP parking rates.	As noted in the assessment, the proposal provides 31 less spaces that required under the DCP. The Applicant has provided a specialist traffic and parking assessment that demonstrates the overall parking on the site will be adequate due to differences in the time of peak parking demand for the various uses.
From local experience the peak period for gymnasiums is usually 9.00am to 11.00am.	The parking assessment has used data from similar World Gym facilities in Cairns, Maitland, Toowoomba, and Mackay, based on swipe card usage. The data suggests that 9.00am to 11.00am

Submission Issue/Summary	Planning Comment/Response
	<p>is also a busier period (approximately 75% of the 5.00pm to 6.00pm peak).</p> <p>The outcome of the overall parking availability would not be any different if 9.00am to 11.00am was considered to be to peak period for the gymnasium use.</p>
Impact on existing traffic congestion in John Oxley Drive and the Oxley Highway.	As discussed earlier in this report under Traffic and Transport, a detailed traffic assessment has been submitted with the application. The traffic modelling in the report shows that the development access will continue to operate at a degree of saturation (DOS) with queue lengths comparable to current conditions. The roundabout at the intersection of John Oxley Drive / Oxley Highway will only be marginally affected with an increase in DOS of 89% to 92%.
The submitted plans do not provide for disabled access to the upper floor of the building.	Amended plans have been submitted, which provide for a lift to the upper floor and accessible bathroom facilities. The plans submitted with the application for a Construction Certificate will need to demonstrate compliance with the Building Code of Australia, and this will ensure that adequate access is available for people with a disability.
The application does not adequately address safety and security for 24 hour access.	A Crime Prevention Through Environmental Design (CPTED) assessment has been submitted in response to this issue and is discussed earlier in the report. The measures proposed in the report are considered adequate to protect the safety of gym users.
Gyms can be noisy at all times of day and there is a retirement village nearby. Have noise impacts been addressed.	The application includes a Noise Emission Assessment prepared by Acoustic Logic, which is discussed in more detail earlier in this report. The assessment demonstrates that the proposal will achieve noise levels consistent with the NSW EPA Noise Policy for Industry subject to a number of recommendations, which have been incorporated into the recommended conditions.
Social and economic impacts, including impacts on other local businesses offer the same services.	<p>The proposal is located within an existing building previously approved for use as bulky goods premises. The overall development on the site was subject to extensive consideration of social and economic impact as part of the original determination of DA2015 - 600. The proposed change of use to a gymnasium is not expected to significantly alter the impacts.</p> <p>Competition impacts on other local businesses are not a relevant consideration in the assessment of the application.</p>
Is a separate application required for 24 hour operation?	No. The current application seeks consent for 24 hour operation.

Submission Issue/Summary	Planning Comment/Response
<p>The application notes that the café will not make any food on site and therefore would be better characterised as a pro shop or retail store.</p> <p>How will the restriction on member only use be policed?</p>	<p>The Applicant has confirmed that the proposed 'café' would be ancillary to the gymnasium and would only provide services for gym members. It is therefore not necessary to characterise the use separately under the LEP Land Use Table. The overall proposal remains development for the purpose of a recreation facility (indoor).</p> <p>A condition is recommended confirming the restriction for member use only. This would create an appropriate mechanism for compliance action in the event that the use changed without a further application.</p>
<p>Safety and security conditions should be imposed on the proposal that are similar to those required for other 24 hour gyms.</p>	<p>Appropriate conditions have been recommended.</p>
<p>The amount of bathroom and toilet facilities proposed does not appear sufficient for the size of the facility.</p>	<p>The plans submitted with the application for a Construction Certificate will need to demonstrate that the proposal satisfies the Building Code of Australia, including provision of the minimum required amenity facilities. If this results in any significant change to the building, modification of the consent would be required.</p>

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will 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 Environmental Planning and Assessment Act 1979 towards the provision, extension or augmentation of public amenities or public services.

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 - 1051.1 Recommended conditions

2 [View](#). DA2018 - 1051.1 Plans

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/1051

DATE: 16/04/2019

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
Site Plan	D4136 Sheet 1, Issue N	Collins W Collins Pty Ltd	8 February 2019
Plans	D4136 Sheet 2-4, Issue Q	Collins W Collins Pty Ltd	4 April 2019
Statement of Environmental Effects	D4136	Collins W Collins Pty Ltd	November 2018
Noise Emission Assessment	20190120.1/1802 A/R0/AW	Acoustic Logic	18 February 2019
Traffic and Parking Assessment	-	TPS Group	11 February 2019
CPTED Assessment	6695	Love Project Management	1 April 2019

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

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

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B010) Payment to Council, prior to the issue of the Construction Certificate (whichever occurs first) of the Section 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.

- (3) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate (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
- (4) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (5) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.
- (4) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.

- (5) (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.
- (6) (E195) An Occupation Certificate shall not be issued until all works authorised under DA2015 – 600 (as amended) have been completed and a Final Occupation Certificate issued.
- (7) (E196) Prior to issue of an Occupation Certificate, certification is to be provided by a suitably qualified consultant that all outdoor lighting complies with AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting.
- (8) (E197) Prior to issue of an Occupation Certificate, the Principal Certifying Authority shall be provided with evidence that minimum 6mm thick glazing with acoustic rating of Rw 29 has been installed to all glazed elements of the façade.

F – OCCUPATION OF THE SITE

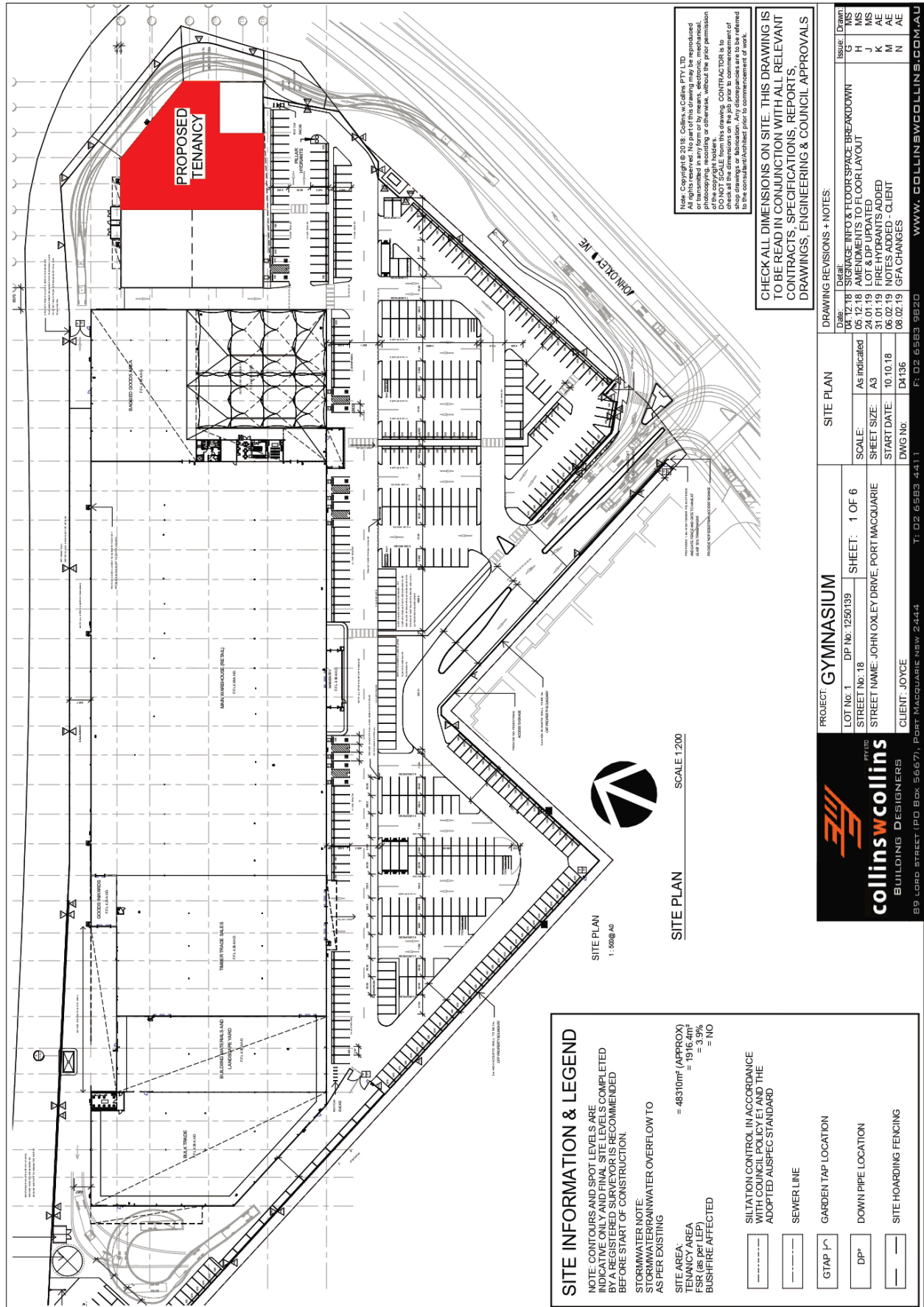
- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (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.
- (6) (F025) Hours of operation of the development, including the ancillary café and crèche, are restricted to the following hours:
 - Monday to Thursday - 5.30am to 8.30pm;
 - Friday - 5.30am to 7.00pm;
 - Saturday - 8.00am to 3.00pm;
 - Sunday - 8.00am to 2.00pm; and

All fitness classes, personal training, and the like shall be carried out within the above hours. 24-hour swipe card access for members only is permitted outside these hours.

- (7) (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 *Control of the obtrusive effects of outdoor lighting*. No flashing, moving or intermittent lighting is permitted on the site.

- (8) (F195) All gym activities are to be contained within the building. No external music or activities are permitted.
- (9) (F196) Signs are to be displayed at the entry/exit of the premises reminding members to minimise noise when entering/exiting the gym, especially during the hours of 10.00pm – 7.00am.
- (10) (F197) Adequate lighting shall be maintained to the parking area immediately adjacent to the tenancy building during the night time period. The parking area adjacent to the hardware and building supplies building shall not be illuminated beyond the trading hours authorised for the use.
- (11) (F198) The café and crèche are to be used by gym members only, and these services are not to be provided directly to the public.

DRAFT









Item: 10

**Subject: DA2018 - 1085 DUAL OCCUPANCY AND TORRENS TITLE
SUBDIVISION, LOT 2 DP 1222707, NO. 63 YALUMA DRIVE PORT
MACQUARIE**

Report Author: Steven Ford

Applicant: Joyce Constructions (NSW) Pty Ltd
Owner: M I Joyce
Estimated Cost: \$818,775
Parcel no: 65571

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2018/1085 for a Dual Occupancy and Torrens Title Subdivision at Lot 2, DP 1222707, No. 63 Yaluma Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

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

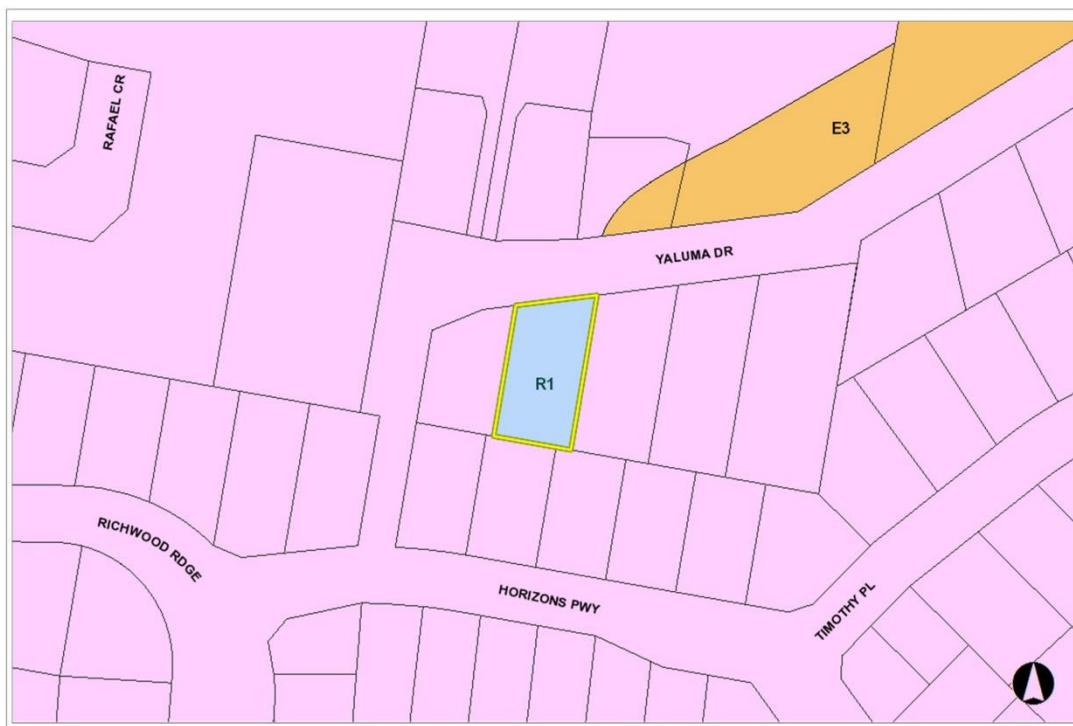
This report recommends that the development application be approved subject to conditions.

1. BACKGROUND

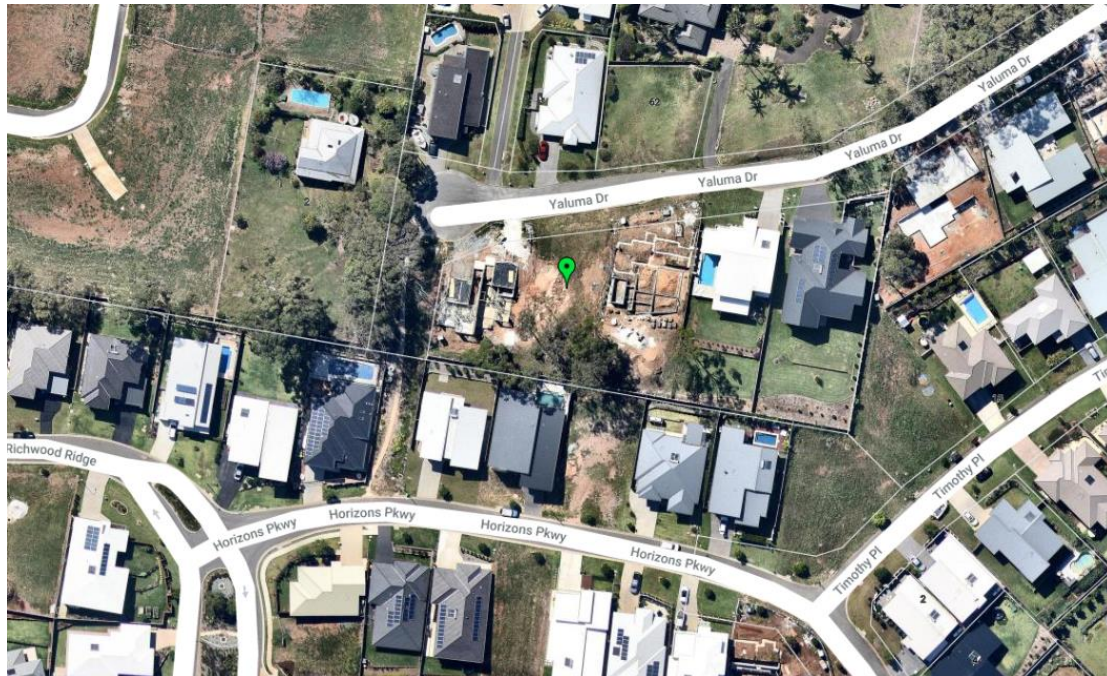
Existing sites features and Surrounding development

The site has an area of 798.9m².

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:

- Attached Dual Occupancy (2x 4 bedroom dwellings)
- 1 into 2 lots Torrens Title Subdivision

Refer to attachments at the end of this report.

Application Chronology

- 18 December 2018 – Application Lodged
- 2 January 2019 to 15 January 2019 – Neighbourhood Notification
- 15 February 2019 - RFS General Terms of Approval received
- 15 March 2019 – Additional information, response to submissions and amended plans submitted

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

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is a Koala Plan of Management (KPoM) on the site referred to as the Vieceli Port Macquarie SEPP 44 Assessment and Koala Management Plan, prepared by EcoPro dated September 1999. The proposal does not necessitate the removal of any vegetation and does not conflict with the KPoM.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

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

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

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

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
 - the proposal is a permissible landuse;
 - provides for an appropriate alternative form of residential housing
- Clause 4.1(4A) - The minimum lot sizes do not apply to the proposal as it is characterised as attached dwelling or multi dwelling housing development.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 8.5 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.60:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.5 – Koala Habitat – Applies to land that is shown as “Koala Habitat area” on the Koala Habitat Map. Plan of Management/ mapped koala habitat – check compliance with KPOM. Note: no vegetation clearing required for bushfire, discussed later in this report.
- 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.

(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:

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

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> 24 degree max. roof pitch Not located in front setback 		
3.2.2.2	<p>Articulation zone:</p> <ul style="list-style-type: none"> Min. 3m front setback An entry feature or portico A balcony, deck, patio, pergola, terrace or verandah A window box treatment A bay window or similar feature An awning or other feature over a window A sun shading feature 	No elements within the articulation zone.	N/A
	<p>Front setback (Residential not R5 zone):</p> <ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot Min. 3.0m secondary road Min. 2.0m Laneway 	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	Garage doors exceed max 50% width of building. However, meet the objectives of the DCP. See notes below	Acceptable
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway width (Unit 1) exceeds 1/3 of the site frontage. Driveway crossing width variation has been justified, see below.	Acceptable
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	<p>Side setbacks:</p> <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. 	<p>Ground floor side setbacks have been complied with.</p> <p>First floor and above: East 900mm</p>	Acceptable

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Building wall set in and out every 12m by 0.5m 	<p>West 1.5m - refer to justification below.</p> <p>The wall articulation is compliant and satisfies the objectives of the development provision.</p>	
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	<p>U1: 22.1m² (deck) + secondary deck and yard area</p> <p>U2: 19.4m² (deck) + secondary deck and yard area</p> <p>4x4m area has not been achieved due to site constraints. However, level private open space is available on ground level and first floor decks for both dwellings.</p> <p>See further justification below</p>	Acceptable
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances 	No fences proposed	N/A
3.2.2.8	<p>Front fences and walls to have complimentary materials to context</p> <p>No chain wire, solid timber, masonry or solid steel front fences</p>	No fencing proposed.	Yes/N/A
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent 	The development will not compromise privacy in the area due to a combination of lack of windows on side/rear boundaries, having high sill	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed <ul style="list-style-type: none"> Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	windows that face side/rear boundaries, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing.	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	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 of 1.6m maximum change 1m outside the perimeter of the external building walls. See justification below	Acceptable
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 front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing(s) is/are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal involves 2x double garages, providing 4 car parking spaces behind the front building line.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Issue: Cut and Fill exceeding 1m

The proposal seeks to vary Development Provision relating to DCP Clause 2.3.3.1

The relevant objectives are:

To ensure that design of any building or structure integrates with the topography of the land to:

- Minimise the extent of site disturbance caused by excessive cut and fill to the site.

- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.
- Ensure that there is no adverse alteration to the drainage of adjoining properties.
- Ensure the privacy of adjoining dwellings and private open space are protected.
- Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.

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

- It is noted that the required retaining wall will be constructed in accordance with engineer design and specifications.
- The proposed cuts and retaining walls are not directly adjacent to existing neighbouring buildings and in this regard, will have minimal impacts with regards to damage and instability.
- The proposal will incorporate adequate drainage measures at the areas of the proposed cut to ensure that overflow paths are provided and to minimise impacts to existing drainage. Appropriate drainage is proposed adjacent to the dwellings and the stormwater management plans confirms this.
- The proposed development has given due consideration to maintaining appropriate standards of residential privacy. The proposed site cut will not impact on residential privacy.

Issue: Garage doors exceed max 50% width of building | Driveway width (Unit 1) exceeds 1/3 of the site frontage

The proposal seeks to vary Development Provision relating to DCP Clause 3.2.2.3

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.

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

- The proposed garages are positioned behind the building line in compliance with the requirements of DCP 2013. The proposed upper floor overhang will assist in reducing visual dominance of the garage to the streetscape.
- The proposed dwelling façade is well articulated, integrates varying external materials and finishes incorporating design elements to create interest and reduce visual dominance of the garage to the streetscape.
- By providing double garages will reduce the impact of on street car parking and the proposed development will not impact the street amenity significantly.

Issue: Less than 3.0m setback to the upper floor | Unarticulated wall length (Unit 2) exceeds 12m

The proposal seeks to vary Development Provision relating to DCP Clause 3.2.2.5

The relevant objectives are:

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

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

Unit 1

- The proposal provides a setback of 1.375m to the garage wall adjacent to the western boundary, which is consistent with the provisions of DCP 2013. The proposal provides a varied setback to the upper floor adjacent to the western boundary, with the minimum dimension being 1.5m and increasing to 2.176m, which is not consistent with the provisions of DCP 2013.
- The proposed dwelling is within permissible height limits and the western elevation is well-articulated, incorporating angled walls and varying external materials and finishes.
- The proposed upper deck incorporates a 1.8m high privacy screen to the proposed deck to minimise impacts to residential privacy.
- Due to the angle of the front boundaries, the proposed Unit 1 is positioned forward of the neighbouring dwelling to the west and as a result, is not adjacent to windows, dwelling openings or private open space. In this regard, the proposed dwelling will not be visually dominant from living areas by occupants of the neighbouring property.

Unit 2

- The proposal provides a varied setback to the upper floors adjacent the eastern boundary, with the minimum dimension being 1.065m.
- The upper level has an unarticulated length of 12.113m, which minimally exceeds the permissible 12m in the DCP 2013. This is not considered to have any significance due to the total eastern elevation across all levels is well articulated and only partially encroaches the side setback requirements.
- The proposed dwelling is within permissible height limits and the western elevation is well-articulated, incorporating angled walls and varying external materials and finishes to create reduce perceptions of bulk and create visual interest when viewed from the neighbouring properties.
- The subject wall contains highlight windows only and as such, will have minimal, if any, impacts to residential privacy.
- Additional shadow diagrams have been submitted by the applicant during the assessment of the application. The shadow diagrams satisfactorily demonstrate that the proposal does not overshadow primary living areas for more than 3hrs between 9am and 3pm on 21 June.

Issue: Private Open Spaces less than 35m² in one area | 4m x 4m not provided

The proposal seeks to vary Development Provision relating to DCP Clause 3.2.2.6

The relevant objectives are: To encourage useable private open space for dwellings to meet the occupant's requirements for privacy, safety, access, outdoor activities and landscaping.

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

- The proposal provides primary and secondary decks accessible from the entry and lower levels, with rear yard access available from the lower level decks.

- The primary decks positioned on the entry level are accessed directly via the internal living areas, have a gradient less than 5% and are under cover, allowing for all-weather use.
- The entry level floor plan shows that the deck dimensions are minimally less than the required 4m x 4m area, for both units
- Decks located on the Entry Level, are directly accessible from internal living areas and can be assumed to be primary living areas.
- The combined total area of the decks and rear yard are consistent with the DCP 2013.

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.

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

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

(a)(iv) The regulations

NSW Coastal Policy 1997

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

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

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, transport and traffic

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

Water Supply Connection

Council records indicate that the development site has an existing potable service from the 100mm diameter PVC water main on the same side of Yaluma Drive. This service can be utilized by Lot 2. An additional water service is required for Lot 1. Engineering plans are required to show all existing and proposed water services to the lot.

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

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site has an existing sewer junction from the manhole located in the south western corner of the development. This junction can be utilised for Lot 1. Torrens title subdivision shall require provision of a sewer service to Lot 2. Engineering plans shall be required as part of the Construction Certificate (Infrastructure) and S.68 plumbing and drainage application.

Refer to relevant conditions of consent.

Stormwater

The site naturally grades towards the rear and there is an existing stormwater drainage easement of variable width that runs along the southern boundary and a second drainage easement of 1.5m wide that cuts across the site towards the eastern boundary line.

The legal point of discharge for the proposed development is defined as a direct connection to the existing interallotment drainage system servicing the site.

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

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

- On site stormwater detention facilities.
- Water quality controls.
- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit
- As the site is traversed by / located adjacent to an existing stormwater pipeline, a dilapidation report is required to be undertaken pre and post works to ensure that the structural integrity of the public stormwater infrastructure is not impacted upon by the proposed development.

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

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 significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Following exhibition of the application in accordance with DCP 2013, Four (4) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
<p>Sale of the land between <i>The Developer</i>, and the now land owners, was under contract and the condition that proposed residential buildings were for single dwelling use only and not to include dual residential buildings and subdivisions.</p>	<p>It is advised that contract of sale is a civil matter between the vendor and purchaser and not a consideration during the DA process for a permissible land use.</p> <p>Note the Section 88B provided and referred to in the submission was for a DP1131247, which relates prior subdivision by the original Developer.</p> <p>It should be noted that there is no restriction / covenant on the title of DP1222707 restricting the development of a dual occupancy or subdivision.</p> <p>The proposed development is capable of being considered under the Port Macquarie-Hastings Local Environment Plan 2011.</p>
<p>Yaluma Drive is a small thoroughfare that will not support the volume of traffic that is inevitable due to the trend of dual occupancy and duplex developments.</p> <p>The impact of additional traffic in Yaluma Drive, should current development trends and settlement patterns continue, highlights a contradiction of Councils vision and objectives that land use and population growth will be managed to maintain and enhance quality of life for all persons in the community in a balanced way for current and future generations.</p> <p>The impact of traffic volume and the social impact creates a lessened quality of life and potential safety hazards to both vehicle drivers, pedestrians and home owners.</p>	<p>As addressed above in this report, under Traffic, the proposed dual occupancy will be unlikely to have any adverse impacts in terms of access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development of a Dual Occupancy.</p> <p>Additionally, the development proposes 4 off street car parking spaces for the proposed dual occupancy, behind the front building line, with the opportunity of stacked visitor parking in the driveway. This exceeds the minimum car parking requirements in the Port Macquarie Hastings Development Control Plan 2013.</p>
<p>Consideration needs to be given to the scenario, that vehicle ownership possibly will extend beyond two vehicles and include boats and caravans. This scenario cannot be dismissed lightly as there are more than</p>	<p>The development has provided off street that is consistent with the requirements of the Port Macquarie Hastings Development Control Plan 2013.</p>

Submission Issue/Summary	Planning Comment/Response
<p>enough examples of this existing in Port Macquarie already.</p>	
<p>Excavation of 1.7m is only 390mm off southern boundary. There is concern above cave in and erosion effecting natural ground height and the adjoining development currently being constructed.</p>	<p>The proposed cut is to allow for the proposed Bedroom 3 to be constructed without requiring a wet wall construction. The retaining walls will be conditioned to be constructed to the engineer's details.</p> <p>The variation is considered to be justified given the nature of the site and design response to the site conditions.</p>
<p>Minimum lot size is below the standard 450m. To have both of these dwellings positioned so close effects our street frontage .</p>	<p>Port Macquarie Hastings LEP 2011, Clause 4.1(4A), minimum lot sizes do not apply to the proposal as it is characterised as attached dwelling or multi dwelling housing development.</p> <p>Additionally, the proposed development is a permissible land use and has included many design elements to reduce perceptions of bulk and scale. The front building line addressing the street, is consistent with the Port Macquarie Hastings DCP 2013 and surrounding developments.</p>
<p>6M Garage door width does not comply, this effects the street frontage.</p>	<p>Garage doors exceed max 50% width of building. However, meet the objectives of the Clause 3.2.2.3, Port Macquarie Hastings DCP 2013.</p>
<p>The site setback first floor and above do not comply with the eaves and the width as well as the 12 m wall length. This building will loom over our entertainment area and will impact our main living areas. During our dealings with Collins W Collins we were told that council were strict on height restrictions and we had to compromise on our design to comply with council. Why should another property owner be able to push the boundaries at our expense</p>	<p>The proposal provides a varied setback to the first and upper floors adjacent the eastern boundary, with the minimum dimension being 1.065m.</p> <p>The upper level has an unarticulated length of 12.113m, exceeding the permissible 12m in the DCP 2013. This is not considered to have any significance due to the total eastern elevation across all levels is well articulated with design elements and has demonstrated that the proposal does not overshadow primary living areas for more than 3hrs between 9am and 3pm on 21 June.</p> <p>The proposed development is within the prescribed permissible height limits and floor space ratios which are relevant to the subject site and as such the bulk and scale of the overall development is in keeping with the bulk and scale outcomes envisaged by the DCP.</p> <p>Cumulatively, the variations do not amount to an adverse impact or a significance that would</p>

Submission Issue/Summary	Planning Comment/Response
	justify refusal of the application.
The dwellings will cast a shadow in winter months to 61 Yaluma Drive which will impact private open space.	Additional shadow diagrams have been submitted by the applicant during the assessment of the DA. The shadow diagrams satisfactorily demonstrate that the proposal does not overshadow primary living areas for more than 3hrs between 9am and 3pm on 21 June.

(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 - 1085.1 Recommended conditions
 2 [View](#). DA2018 - 1085.1 Plans
 3 [View](#). DA2018 - 1085.1 Contribution estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/1085****DATE: 12/04/2019****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
Plans	D3980 (Sheet 1 to 16)	Collins W Collins	9/3/19
Statement of Environmental Effects	D3980	Collins W Collins	December 2018
BASIX	980601S & 980629S	Collins W Collins	7/11/2018
Bush Fire Assessment Report		Krisann Johnson	29/11/18
Rural Fire Service General Terms of Approval	D18/8717	John Ball	13/2/19

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/8717 and dated 13 February 2019, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council

have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Such works include, but not be limited to:

 - Footway and gutter crossing
 - Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (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) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan

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

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

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

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

- (12) Council records indicate that the development site has an existing 20mm sealed service from the 100mm diameter PVC water main on the same side of Yaluma Drive. This service can be utilised by Lot 2. An additional water service is required for Lot 1. Engineering plans are required to show all existing and proposed water services to the lot.
- (13) Council records indicate that the development site has an existing sewer junction from the manhole located in the south western corner of the development. This junction can be utilised for Lot 1. Torrens title subdivision shall require provision of a sewer service to Lot 2. Engineering plans shall be required as part of the Construction Certificate (Infrastructure) application.
- (14) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) Low requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (15) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
 - earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (16) (195) Detailed drawings and specifications prepared by a professional engineer for the Unit 1 and 2 entry level post and deck shall be submitted with the application for a Construction Certificate. The provision of a structural design for the supporting column footing to demonstrate that both no load is placed on the pipeline and that the structure is not destabilised by any future maintenance works within the easement.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

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

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

E - PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (9) (E068) Prior to the issue of a Subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the providers.
- (10) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as

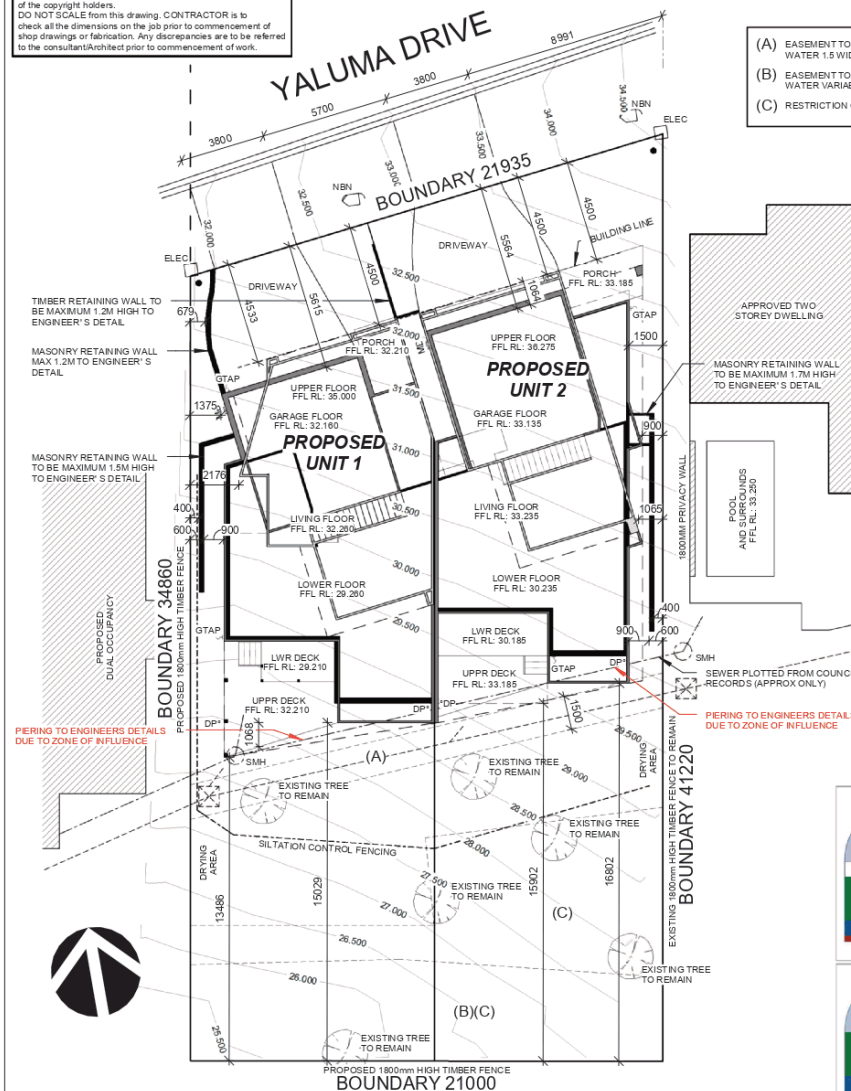
determined by Council), or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

F – OCCUPATION OF THE SITE

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

DRAFT

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SITE PLAN

SCALE 1:200

SITE INFORMATION & LEGEND

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

SITE AREA:
HABITABLE AREA (including garages)
FSR (as per LEP) = 457.9m²
BUSHFIRE AFFECTED
APPROX 350m² HARDSTAND AREA

= 798.9m²
= 535.9m²
= 57.3%
= YES

- SILTATION CONTROL IN ACCORDANCE WITH COUNCIL POLICY E1 AND THE ADOPTED AUSPEC STANDARD
- SEWER LINE
- GTAP GARDEN TAP LOCATION
- DP° DOWN PIPE LOCATION
- SITE HOARDING FENCING

- (A) EASEMENT TO DRAIN WATER 1.5 WIDE
- (B) EASEMENT TO DRAIN WATER VARIABLE WIDTH
- (C) RESTRICTION ON USE

Summary of ABSA Commitments (refer to Certificate for exact details)	
Thermal Comfort Commitments	Brick Veneer & Frame: Foil - R1.5
External Wall	Fire Walls
Internal Wall	Shuttering with min. R1.5 batts to each side with plasterboard lining
Floors	Cavity Panel > 100mm. Plasterboard Lining, no insulation, except as below: Unit 2 only R1.5 batts between garage and living areas
Ceiling	Concrete. On Ground. No Insulation Timber. Enclosed / Elevated upper floor overhangs where shown on plans. No Insulation Plasterboard R3.5
Roof	Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans
Eaves	Metal Sheet, Unit 1: R1.3 (reflective side down, anti-glare up); Unit 2: R2.3 (reflective side down, anti-glare up), 2' & 6"
Glassing	Colour: Medium (0.475 - 0.7)
	Varying widths and offsets as shown plans
	Weather stripping throughout. Windows as specified or equivalent to be installed on site

Summary of BASIX Commitments (refer to Certificate for exact details)	
Water Commitments	Showerheads: 3' (4 bar < 7.5 L/min) Toilets: 3 Star Bath Taps: 3 Star Kitchen Taps: 3 Star Individual: U1: 3.000L Individual Roof U1 & 2: 100m ² Water Tank: U2: 3.000L Collection: Individual: All toilets in the development Rainwater: Cold water supply to the washing machine Connection: At least 1 external tap
Energy Commitments	HWS: Solar (electric boosted) 31 - 38 STCs Cooling: Ceiling Fan in at least 1 bedroom and 1 living room (1-phase air-conditioning in at least 1 living room and 1 bedroom (4 Star New Rating)) Heating: 1-phase air-conditioning in at least 1 living room and 1 bedroom (4 Star New Rating) Ventilation: Kitchen: ducted, manual control Bathroom & laundry: not ducted, manual control Appliances: Electric Cooking & Electric Oven to be installed Artificial Lighting: The following rooms are to be dedicated 3 Living/Dining Rooms The Kitchen All Hallways The Laundry All Bedrooms/Toilets Refrigerator: Well-ventilated refrigerator space as per BASIX definition Space Clothes Line: Fixed outdoor clothes drying line to be installed



Certificate Number: A4KN2DXIW
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 6 Dec 2018
Dwelling address: / 63 Yaluma Drive, Port Macquarie NSW 2444
www.nathans.gov.au

5.0 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathans.gov.au

Certificate Number: W4ND4IORBM
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 5 Dec 2018
Dwelling address: 1, 63 Yaluma Drive Port Macquarie NSW 2444
www.nathans.gov.au

5.1 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathans.gov.au


Certificate Number: GL6DB8KL64
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 5 Dec 2018
Dwelling address: 2, 63 Yaluma Drive Port Macquarie NSW 2444
www.nathans.gov.au

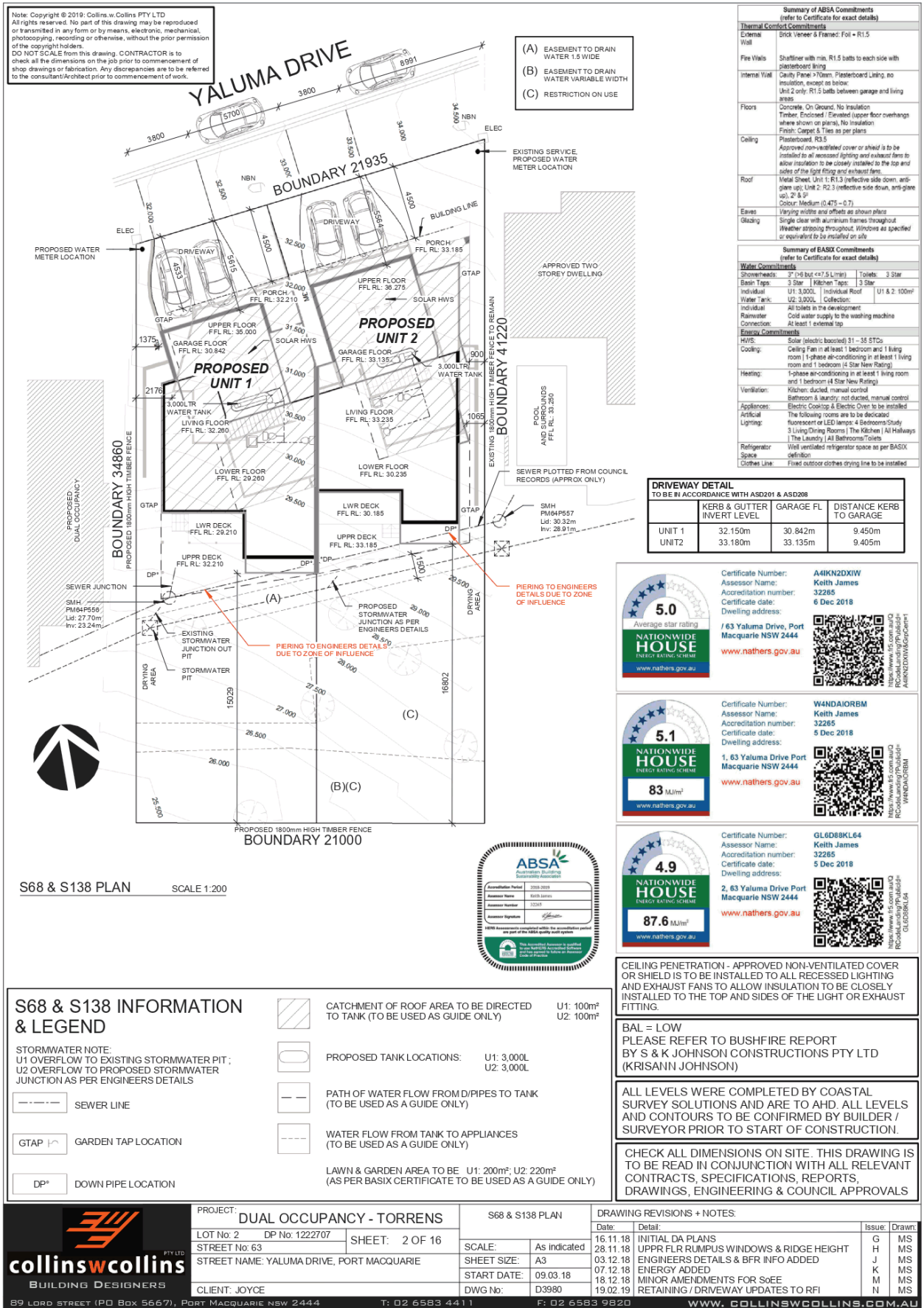
4.9 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathans.gov.au

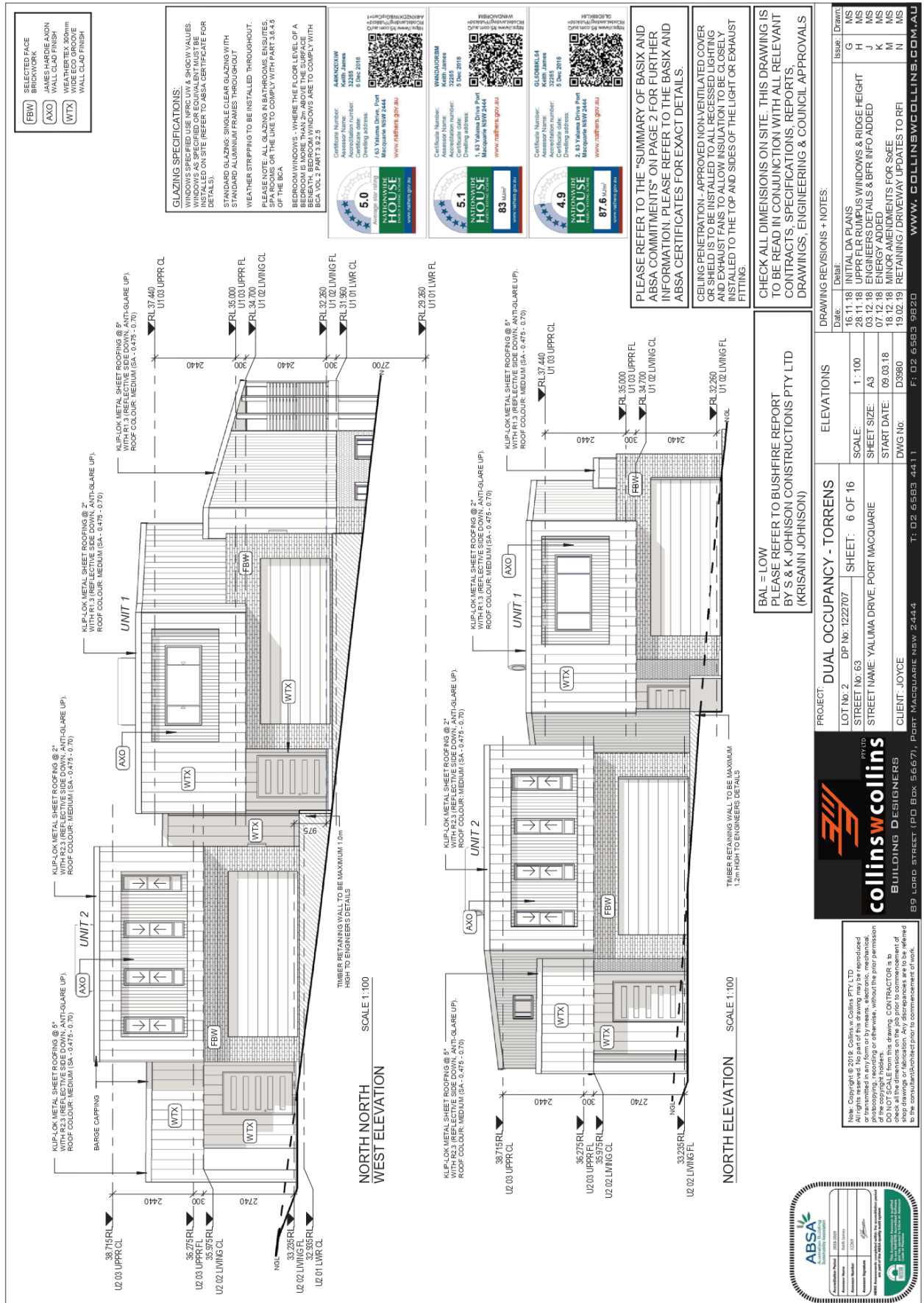
BAL = LOW
PLEASE REFER TO BUSHFIRE REPORT BY S & K JOHNSON CONSTRUCTIONS PTY LTD (KRISANN JOHNSON)

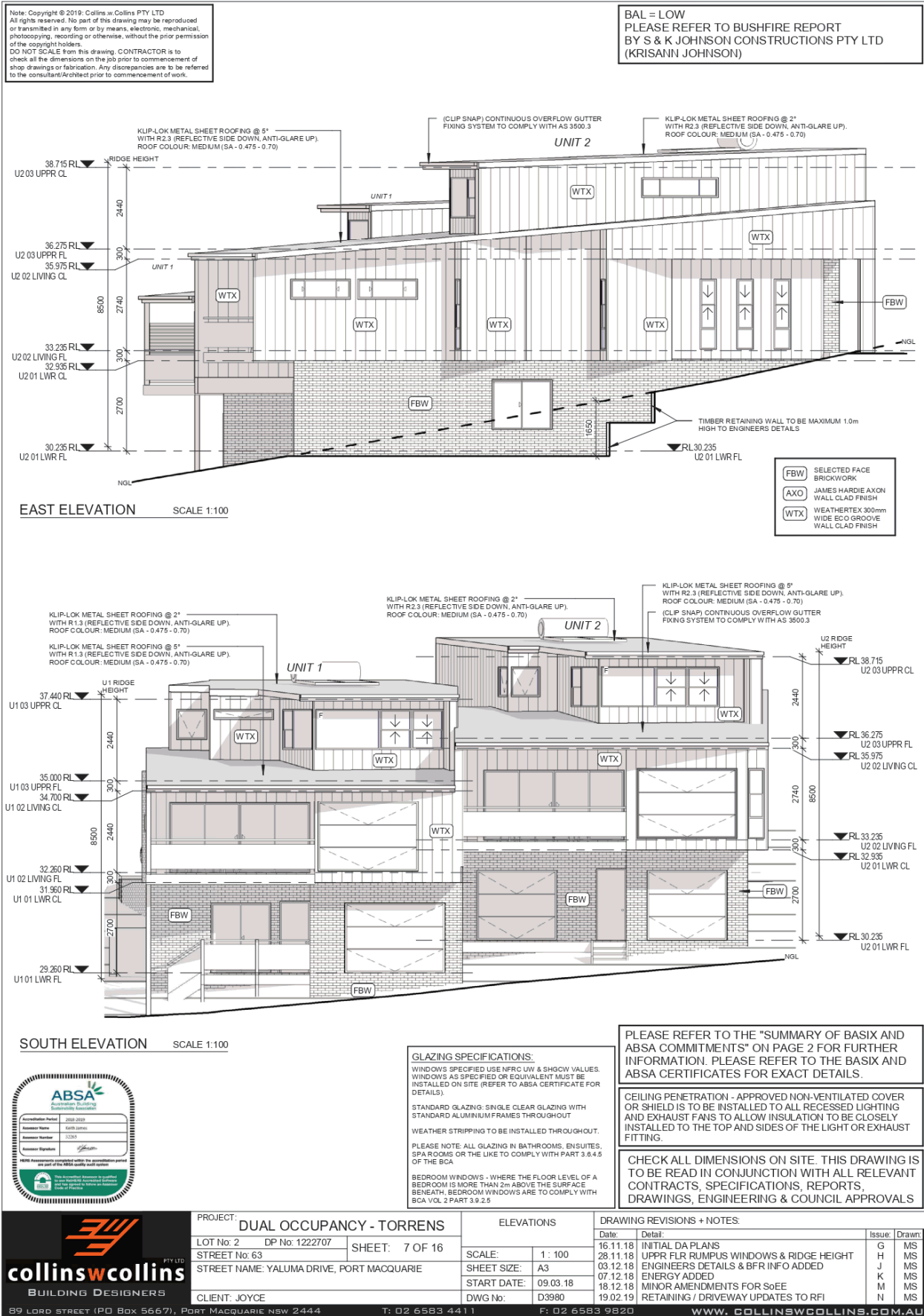
ALL LEVELS WERE COMPLETED BY COASTAL SURVEY SOLUTIONS AND ARE TO AHD. ALL LEVELS AND CONTOURS TO BE CONFIRMED BY BUILDER / SURVEYOR PRIOR TO START OF CONSTRUCTION.

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

 89 LORD STREET (PO Box 5667), PORT MACQUARIE NSW 2444 T: 02 6583 4411 F: 02 6583 9820 WWW.COLLINSWCOLLINS.COM.AU	PROJECT: DUAL OCCUPANCY - TORRENS		SITE PLAN		DRAWING REVISIONS + NOTES:					
	LOT No: 2	DP No: 1222707	SHEET: 1 OF 16		Date:	Detail:	Issue:	Drawn:		
	STREET No: 63		STREET NAME: YALUMA DRIVE, PORT MACQUARIE		SCALE:	As indicated	16.11.18	INITIAL DA PLANS	G	MS
	CLIENT: JOYCE		DWG No: D3980		SHEET SIZE:	A3	28.11.18	UPPR FLR RUMPS WINDOWS & RIDGE HEIGHT	H	MS
	T: 02 6583 4411		F: 02 6583 9820		START DATE:	09.03.18	03.12.18	ENGINEERS DETAILS & BFR INFO ADDED	J	MS
						18.12.18	07.12.18	ENERGY ADDED	K	MS
						19.02.19		RETAINING / DRIVEWAY UPDATES TO RFI	M	MS



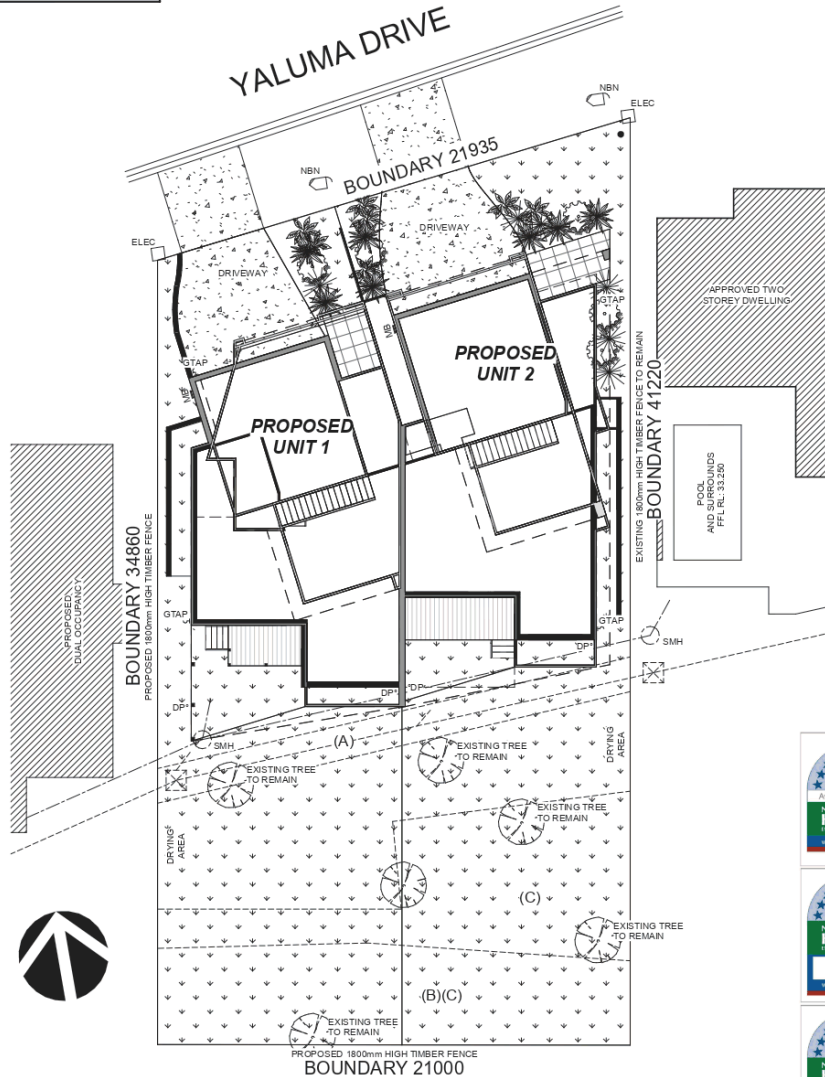








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<p>5.0 Average star rating NATHS NATIONAL HOUSE www.naths.gov.au</p>	<p>Certificate Number: A8KXZDXW Assessor Name: Keith James Accreditation number: 32265 Certificate date: 6 Dec 2018 Dwelling address: 1/63 Yaluma Drive, Port Macquarie NSW 2444 www.naths.gov.au</p>	
<p>5.1 Average star rating NATHS NATIONAL HOUSE www.naths.gov.au</p>	<p>Certificate Number: WANDAIOBMB Assessor Name: Keith James Accreditation number: 32265 Certificate date: 5 Dec 2018 Dwelling address: 1, 63 Yaluma Drive Port Macquarie NSW 2444 www.naths.gov.au</p>	
<p>4.9 Average star rating NATHS NATIONAL HOUSE www.naths.gov.au</p>	<p>Certificate Number: QLEDRKLL64 Assessor Name: Keith James Accreditation number: 32265 Certificate date: 8 Dec 2018 Dwelling address: 2, 63 Yaluma Drive Port Macquarie NSW 2444 www.naths.gov.au</p>	

BAL = LOW
PLEASE REFER TO BUSHFIRE REPORT
BY S & K JOHNSON CONSTRUCTIONS PTY LTD
(KRISANN JOHNSON)

INDICATIVE LANDSCAPE PLAN SCALE 1:200

LEGEND AND NOTES

- NEW WARM SEASON TURF GRASS THROUGHOUT
- HARD SURFACE - PATHS
PATHS TO HAVE PERMEABLE SURFACE FINISH
- HARD SURFACE - DRIVEWAY
REFER BUILDING DESIGN FOR DETAILS
- HARD SURFACE - PATIOS
REFER BUILDING DESIGN FOR DETAILS

- EXISTING NEIGHBOURING VEGETATION TO BE PRESERVED AND PROTECTED THROUGHOUT
- SMALL EVERGREEN NATIVE TREES
- FEATURE OR STATEMENT PLANTINGS
- NEW SMALL / MEDIUM EVERGREEN SHRUBS
- NEW SMALL / MEDIUM EVERGREEN SOFT WOODED PERENNIALS
- NEW EVERGREEN PROSTRATE SHRUBS OR GROUND COVER PLANTINGS

- THIS PLAN IS NOT BE USED FOR CONSTRUCTION
- THIS PLAN IS CONCEPTUAL ONLY AND IS DESIGNED TO HIGHLIGHT VARIOUS LANDSCAPE USES AROUND THE SITE.
- ANY SUGGESTED PLANTS OR PLANT LIST IS INDICATIVE ONLY AND THE FINAL SELECTION OF ACTUAL SPECIES WILL BE SITE AND MICRO CLIMATE DEPENDENT.
- ALL HARD-SCAPED SURFACES SHALL BE INSTALLED BY QUALIFIED LANDSCAPE TRADES AND AS PER MANUFACTURERS INSTRUCTIONS.
- TURF SPECIES SHALL CONSIST OF A WARM SEASON SPECIES ONLY SUCH AS: BUFFALO, KIKUYU OR COUCH.
- THE ADVICE AND PLAN FROM A PROFESSIONAL LANDSCAPE DESIGNER IS TO BE SOUGHT PRIOR TO ANY CONSTRUCTION / LANDSCAPE WORKS COMMENCING.
- LANDSCAPE HAS A DOMINANT NORTHERN ASPECT AND SELECTED PLANTS ARE TO BE SUN TO FULL SUN TOLERANT CAPABLE OF WITHSTANDING YEAR ROUND NORTHERN SUN.
- PLANTS ON THE IMMEDIATE SOUTHERN SIDE OF BUILDINGS AND DWELLING MAY NEED SOME SHADE TOLERANCE.
- PLANTINGS ARE TO BE WATER WISE AND DROUGHT TOLERANT ONCE ESTABLISHED

collinswcollins PTY LTD
BUILDING DESIGNERS

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

PROJECT: DUAL OCCUPANCY - TORRENS

LOT No: 2 DP No: 1222707 SHEET: 10 OF 16

STREET No: 63

STREET NAME: YALUMA DRIVE, PORT MACQUARIE

CLIENT: JOYCE

INDICATIVE LANDSCAPE PLAN

SCALE: As indicated

SHEET SIZE: A3

START DATE: 09.03.18

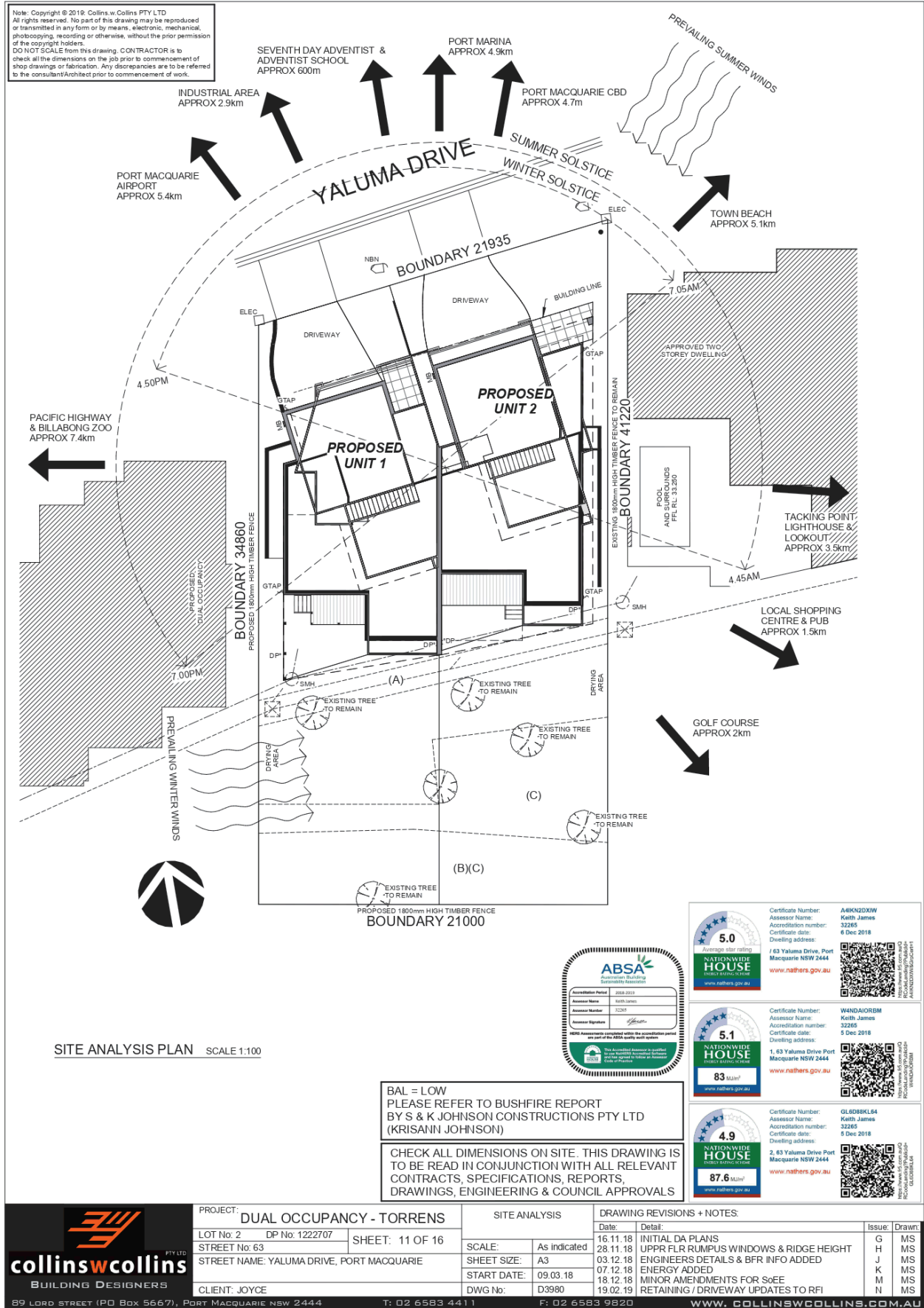
DWG No: D3980

DRAWING REVISIONS + NOTES:

Date:	Detail:	Issue:	Drawn:
16.11.18	INITIAL DA PLANS	G	MS
28.11.18	UPPR FLR RUMPS WINDOWS & RIDGE HEIGHT	H	MS
03.12.18	ENGINEERS DETAILS & BFR INFO ADDED	J	MS
07.12.18	ENERGY ADDED	K	MS
18.12.18	MINOR AMENDMENTS FOR SoE	M	MS
19.02.19	RETAINING / DRIVEWAY UPDATES TO RFL	N	MS

F: 02 6583 9820


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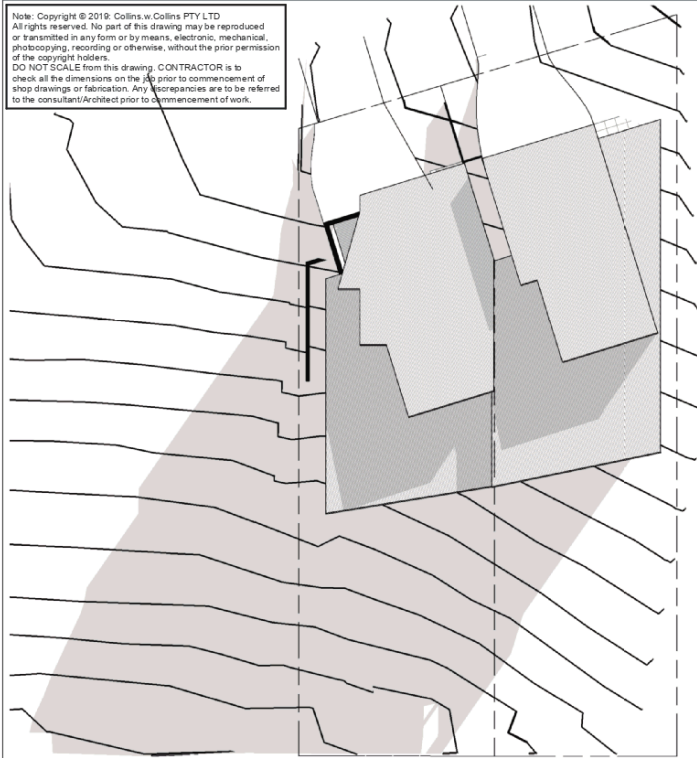
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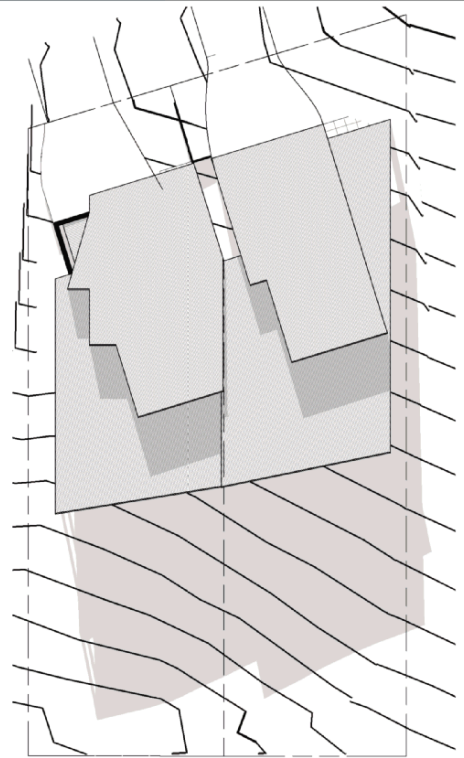
 <p>5.0 STARS</p> <p>NATIONWIDE HOUSE OF REPRESENTATIVES</p> <p>www.nashville.gov.au</p>	<p>Certificate Number: A6NKDZ0X Assessor Name: Keith James Accreditation number: 32265 Certificate date: 8 Dec 2018 Dwellling address: 1 63 Yalumba Drive, Port Macquarie NSW 2444 www.nashville.gov.au</p>	<p>A6NKDZ0X Keith James 32265 8 Dec 2018</p>  <p>QR CODE FOR MORE INFORMATION ABOUT THIS CERTIFICATE VISIT: www.nashville.gov.au</p>
 <p>5.1 STARS</p> <p>NATIONWIDE HOUSE OF REPRESENTATIVES</p> <p>www.nashville.gov.au</p>	<p>Certificate Number: W4ND4J08M Assessor Name: Keith James Accreditation number: 32265 Certificate date: 5 Dec 2018 Dwellling address: 1 63 Yalumba Drive Port Macquarie NSW 2444 www.nashville.gov.au</p>	<p>W4ND4J08M Keith James 32265 5 Dec 2018</p>  <p>QR CODE FOR MORE INFORMATION ABOUT THIS CERTIFICATE VISIT: www.nashville.gov.au</p>
 <p>4.9 STARS</p> <p>NATIONWIDE HOUSE OF REPRESENTATIVES</p> <p>www.nashville.gov.au</p>	<p>Certificate Number: GLEDBKL64 Assessor Name: Keith James Accreditation number: 32265 Certificate date: 8 Dec 2018 Dwellling address: 2 63 Yalumba Drive Port Macquarie NSW 2444 www.nashville.gov.au</p>	<p>GLEDBKL64 Keith James 32265 8 Dec 2018</p>  <p>QR CODE FOR MORE INFORMATION ABOUT THIS CERTIFICATE VISIT: www.nashville.gov.au</p>

 collins & collins BUILDING DESIGNERS	PROJECT: DUAL OCCUPANCY - TORRENS		DRAFT SUBDIVISION		DRAWING REVISIONS + NOTES:			
	LOT No: 2	DP No: 1222707	SHEET: 12 OF 16	SCALE:	As indicated	Date:	Detail:	
	STREET No: 63					16.11.18	INITIAL DA PLANS	G
	STREET NAME: YALUMA DRIVE, PORT MACQUARIE		SHEET SIZE:	A3	28.11.18	UPPR FLR RUMPUSS WINDOWS & RIDGE HEIGHT	H	MS
	CLIENT: JOYCE		START DATE:	09.03.18	03.12.18	ENGINEERS DETAILS & BFR INFO ADDED	J	MS
		DWG No:	D3980	07.12.18	ENERGY ADDED	K	MS	
				18.12.18	MINOR AMENDMENTS FOR SOEE	M	MS	
				19.02.19	RETAINING / DRIVEWAY UPDATES TO RFI	N	MS	
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SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 9AM



SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 12PM



SHADOW DIAGRAM SCALE 1:300
WINTER SOLSTICE 3PM

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BUILDING DESIGNERS

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

PROJECT: DUAL OCCUPANCY - TORRENS

LOT No: 2 DP No: 1222707 SHEET: 13 OF 16

STREET No: 63

STREET NAME: YALUMA DRIVE, PORT MACQUARIE

CLIENT: JOYCE

SHADOWS

SCALE: As indicated

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19.02.19	RETAINING / DRIVEWAY UPDATES TO RFL	N	MS

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**AS 3959-2009 - CONSTRUCTION OF
BUILDINGS IN BUSHFIRE PRONE AREAS
(BAL - LOW)**


THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

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SECTION 4 CONSTRUCTION FOR BUSHFIRE
ATTACK LEVEL LOW (BAL—LOW)

This Standard does not provide construction requirements for buildings assessed in bushfire-prone areas in accordance with Section 2 as being BAL—LOW.

NOTE: There are a number of Standards that specify requirements for construction; however, where this Standard does not provide construction requirements for a particular element, the other Standards apply.

The Bushfire Attack Level BAL—LOW is based on insufficient risk to warrant specific bushfire construction requirements. It is predicated on low threat vegetation and nonvegetated areas (see Clause 2.2.3.2).

 B9 LORD STREET (PO Box 5667), PORT MACQUARIE NSW 2444 T: 02 6583 4411	PROJECT: DUAL OCCUPANCY - TORRENS		BUSHFIRE CONSTRUCTION NOTES		DRAWING REVISIONS + NOTES:					
	LOT No: 2	DP No: 1222707	SHEET: 14 OF 16	SCALE:	1 : 100	Date:	Detail:	Issue:	Drawn:	
	STREET No: 63	STREET NAME: YALUMA DRIVE, PORT MACQUARIE		SHEET SIZE:	A3	16.11.18	INITIAL DA PLANS	G	MS	
	CLIENT: JOYCE			START DATE:	09.03.18	28.11.18	UPPR FLR RUMPUS WINDOWS & RIDGE HEIGHT	H	MS	
				DWG No:	D3980	03.12.18	ENGINEERS DETAILS & BFR INFO ADDED	J	MS	
						07.12.18	ENERGY ADDED	K	MS	
						18.12.18	MINOR AMENDMENTS FOR S&E	M	MS	
				19.02.19	RETAINING / DRIVEWAY UPDATES TO RFI	N	MS			
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THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.**THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.****BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS**

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

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

SITE PREPARATION

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

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

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

- a) AS 3600.1, and
- b) A durable notice is permanently fixed to the building in a prominent location, such as in a meter box or the like, including the details listed in Part 3.1.3.2 of the BCA, or
- c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.3 of the BCA.

FOOTINGS AND SLABS

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

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

MASONRY

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

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

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

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2

Weatherproofing of Masonry – This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1 Building.

This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class 1 building.

The weatherproofing of masonry is to be carried out in accordance with;

- a) AS 3700; or
- b) AS 4773 Part 2 and 2

FRAMING

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

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

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

- a) Steel structures: AS 4100.
 - b) Cold-formed steel structures: AS/NZS 4600.
 - c) Residential and low-rise steel framing: NASH Standard.
- Timber Framing – is to be designed and constructed in accordance with the following, as appropriate:

- a) AS 1684.2
- b) AS 1684.4

Structural Steel Members – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.4 of the BCA, or, one of the following manuals:

- a) Steel Structures: AS 4100.
- b) Cold-formed steel structures: AS/NZS 4600.

ROOF AND WALL CLADDING

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

- a) Roofing tiles: AS 2049 and AS 2050.
- b) Metal roofing: AS 1562.1
- c) Plastic sheet roofing: AS/NZS 4256 Parts 1, 2, 3 and 5; and AS/NZS 1562.3.
- d) Corrugated fibre-reinforced cement sheet roofing: AS/NZS 1562.2.
- e) Asphalt shingles: ASTM D3018-90.

f) Pliable membrane and underlay: AS/NZS 4200 Parts 1 and 2.

Gutters and Downpipes – are to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.2 of the BCA, or, AS/NZS 3500.3 – Stormwater drainage, or AS/NZS 3500.5 – Domestic installations, Section 5 – Stormwater drainage.

Wall Cladding – to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.3.1 of the BCA, or, for metal wall cladding if it is designed and constructed in accordance with AS 1562.1.

GLAZING

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

- a) AS 2047.
- b) AS 1286.

FIRE SAFETY

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

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

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

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

BUSHFIRE AREAS

Bushfire Areas – This section relates to:

- a) A Class 1 building; or
- b) A Class 10a building or deck associated with a Class 1 building. It is constructed in accordance with the following:
- c) AS 3959, except for Section 9 Construction for Bushfire Attack Level FZ (BAL-FZ). Buildings subject to BAL-FZ must comply with specific conditions of development consent for construction at this level; or
- d) The requirements of (c) above as modified by the development consent following consultation with the NSW Rural Fire Service under section 79BA of the Environmental Planning and Assessment Act 1979; or
- e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

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

HEALTH AND AMENITY

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

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

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

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

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

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

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

SAFE MOVEMENT AND ACCESS

Safe Movement and Access

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

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

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

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

ADDITIONAL CONSTRUCTION REQUIREMENTS

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

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

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

Structural Design Manuals – is satisfied by complying with:

- a) 3.11.2, 3.11.3 and 3.11.6 of the BCA; or
- b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements; or
- c) any combination thereof.


STRUCTURAL DESIGN MANUALS

Structural Design Manuals – is satisfied by complying with:

- a) 3.11.2, 3.11.3 and 3.11.6 of the BCA; or
- b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements; or
- c) any combination thereof.

ENERGY EFFICIENCY

Energy Efficiency – to comply with the measures contained in the relevant BASIX certificate.

	PROJECT: DUAL OCCUPANCY - TORRENS		BUILDING SPECIFICATIONS		DRAWING REVISIONS + NOTES:			
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Item 10
Attachment 2
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Client

JOYCE Constructions P/L

Proposed Stormwater Management

63 Yalums Drive, Port Macquarie NSW 2444

C01 - Catchment Layouts

C02 - Stormwater Layout

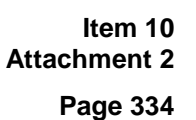


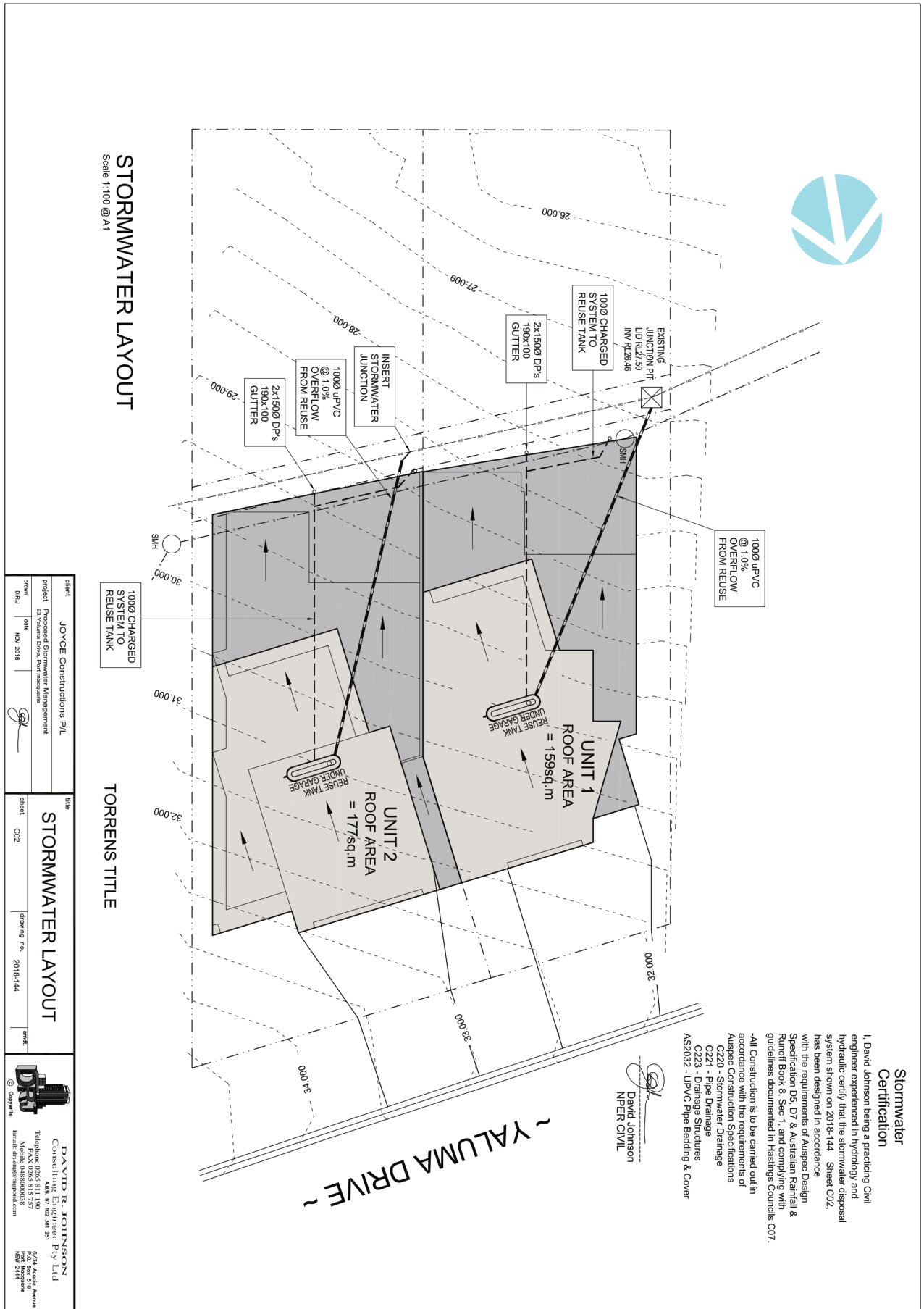
DAVID R. JOHNSON
Consulting Engineer Pty Ltd.

A.B.N. 87 102 381 251

Telephone 0265 811 190
Mobile 0488 000 038
Email dj.eng@bigpond.com

6/34 Acacia Av
P.O. Box 510
Port Macquarie
NSW 2444





Developer Charges - Estimate

Applicants Name: Joyce Constructions
 Property Address: 63 Yaluma Drive Port Macquarie
 Lot & Dp: Lot(s):2,DP(s):1222707
 Development: Dual Occupancy 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	0.6	\$10,129.00 Per ET	\$6,077.40
2 Sewerage Scheme Port Macquarie	1	\$3,843.00 Per ET	\$3,843.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1	\$7,592.00 Per ET	\$7,592.00
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1	\$5,594.00 Per ET	\$5,594.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1	\$4,593.00 Per ET	\$4,593.00
6 Com 1.3.07 - Administration Building - All areas	1	\$904.00 Per ET	\$904.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$411.00
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$29,014.40

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:

15-Apr-2019

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

: Constructions, 63 Yaluma Drive Port Macquarie, 15-Apr-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL