



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 11 September 2019

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

**time:** 2:00pm

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

## **Development Assessment Panel**

### **CHARTER**

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#### **1.0 OBJECTIVES**

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

#### **2.0 KEY FUNCTIONS**

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

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

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

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

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

#### **3.0 MEMBERSHIP**

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

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



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

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

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

- Not applicable

### **3.3 Obligations of members**

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

### **3.4 Member Tenure**

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

### **3.5 Appointment of members**

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

## **4.0 TIMETABLE OF MEETINGS**

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

## **5.0 MEETING PRACTICES**

### **5.1 Meeting Format**

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

### **5.2 Decision Making**

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

### **5.3 Quorum**

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

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

- Independent Chair (alternate, second independent member)

### **5.5 Secretariat**

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

### **5.6 Recording of decisions**

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

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

Not applicable.

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

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

## **8.0 LOBBYING**

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

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	10/04/19	24/04/19	22/05/19	12/06/19	24/07/19	28/08/19
Paul Drake	✓	✓	✓	✓	✓	✓
Robert Hussey	A	✓	✓			✓
David Crofts (alternate member)	✓			✓	✓	
Dan Croft (Group Manager Development Assessment) (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓	✓

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology

# Development Assessment Panel Meeting

Wednesday 11 September 2019

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 28 August 2019 be confirmed.



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**PRESENT**

***Members:***

Paul Drake  
Robert Hussey  
Dan Croft

***Other Attendees:***

Caroline Horan  
Pat Galbraith-Robertson  
Michael Roberts  
Ben Roberts

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 24 July 2019 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2019 - 417.1 SECONDARY DWELLING - LOT 131 DP 834256, NO 70  
BANGALAY DRIVE, PORT MACQUARIE**

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Speaker:  
Jeremy Gray (applicant)

**CONSENSUS:**

That DA 2019 - 417 for a Secondary Dwelling at Lot 131, DP 834256, No. 70 Bangalay Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

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**06 SECTION 4.55 MODIFICATION TO DA2016 - 835.2 ALTERATIONS AND  
ADDITIONS TO DWELLING - LOT X DP 384377, NO. 65 THE BOULEVARDE  
DUNBOGAN**

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Speaker:  
Patrick Meagher (applicant)

**CONSENSUS:**

That Section 4.55 modification application to modify DA 2016 - 835.2 for alterations and additions to dwelling at Lot X, DP 384377, No. 65 The Boulevarde, Dunbogan, be determined by granting consent subject to the recommended amended conditions and as amended below:

- Additional condition in Section E of the consent to read: 'Screen landscaping, achieving a mature height of 1.5m, is to be provided between the spa and the front boundary (for the length of the spa barrier/fence) to the satisfaction of Council. The landscaping is to be maintained for the life of the development.'

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**07 DA2019 - 154.1 DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING AND SWIMMING POOL LOT 1 DP 612190 42 LIGHTHOUSE ROAD, PORT MACQUARIE**

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Speaker:

Michelle Chapman (applicant)

Rob Snow (applicant)

Kristian Prados (applicant)

**CONSENSUS:**

That DA 2019 - 154 for demolition of existing dwelling and construction of new dwelling and swimming pool at Lot 1, DP 612190, No. 42 Lighthouse Road, Port Macquarie, be deferred to address the following:

1. A stormwater management plan is required demonstrating that the development satisfactorily manages stormwater on the site and that the proposal will not be adversely impacted by the stormwater overland flow path traversing the property or causes adverse impacts on neighbouring properties.
2. The dwelling be designed to provide for a rear setback complying with the provisions of the Port Macquarie-Hastings Development Control Plan 2013.

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**08 DA2019 - 463.1 DWELLING - LOT 33 DP 552382, NO. 2 BELL STREET, DUNBOGAN**

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**CONSENSUS:**

That DA 2019 - 463.1 for a dwelling at Lot 33, DP 552382, No. 2 Belle Street, Dunbogan, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section E of the consent to read: 'Prior to the issue of an occupation certificate a flood management plan is to be submitted to and approved by Council and a covenant is to be placed on the title of the property referencing the plan.'

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**09 DA2017 - 736.2 - MODIFICATION TO PREVIOUS APPROVED MANUFACTURED HOME ESTATE AND SUBDIVISION - NO. 79 BATAR CREEK ROAD, KENDALL**

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Speaker:  
Donna Clarke (applicant)

**CONSENSUS:**

That the Section 4.55(2) modification application to DA 2017 - 736.2 for a manufactured home estate and subdivision at Lot 1 DP 122192, Lot 79 DP 655658, Lot 23 DP112083 and Lot 1 DP 1142845, Batar Creek Road, Kendall, be determined by granting consent subject to the recommended modified conditions and as amended below:

- Amend condition B(2) points 13 & 14 to state:
  - 13. Provision of pedestrian access ways/shareways a minimum of ~~2.5m~~ 2.1m wide, from the north-west corner of the site ~~proposed intersection on Batar Creek Road (at Benaroon Drive)~~ to the Showground entrance on Batar Creek Road as part of Stage 1 of the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.
  - 14. Provision of a 1.5m wide concrete footpath along Batar Creek Road from the showground to Albert Street as part of Stage 3 of the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.
- Amend B(18) point c) to state:
  - c) A footpath, min width of 1.5m shall be provided from the showground to the intersection with Albert Street as part of Stage 3 of the Manufactured Home Estate. Pram ramps shall be constructed as necessary. Details shall be provided as part of the Construction Certificate/Roads Act Application.
- Amend B(20) point b)(iii) to state:
  - iii) As part of this development and for connectivity to the town, a 1.5m footpath shall be provided on one side of Batar Creek Road for this section of road as part of the Manufactured Home Estate.

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**10 GENERAL BUSINESS**

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The Panel discussed Item 05 with Mr Trevor Raymond.

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The meeting closed at 3:08pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*

### Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
  - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

### Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

#### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration 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 the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
  - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.



## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The 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"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

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

*This form is to be retained by the council's general manager and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will 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.

"Relative" is defined by clause 4.4 of the Model Code of Conduct 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.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct 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 clause 4.6 of the Model Code of Conduct.

<sup>2</sup> 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 clause 4.3 of the Model Code of Conduct has a proprietary interest

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Item: 05

Subject: DA2019 - 154.1 DEMOLITION OF EXISTING DWELLING AND  
CONSTRUCTION OF NEW DWELLING AND SWIMMING POOL LOT 1  
DP 612190 42 LIGHTHOUSE ROAD, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

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Applicant: K L Prados

Owner: K L Prados

Estimated Cost: \$1,350,000

Parcel no: 19402

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That DA 2019 - 154 for demolition of existing dwelling and construction of new dwelling and swimming pool at Lot 1, DP 612190, No. 42 Lighthouse Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### Executive Summary

This report considers a development application for a demolition of existing dwelling and construction of new dwelling and swimming pool 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.

The application was considered by Council's Development Assessment panel (DAP) on 28 August 2019 where it was resolved:

*That DA 2019 - 154 for demolition of existing dwelling and construction of new dwelling and swimming pool at Lot 1, DP 612190, No. 42 Lighthouse Road, Port Macquarie, be deferred to address the following:*

1. *A stormwater management plan is required demonstrating that the development satisfactorily manages stormwater on the site and that the proposal will not be adversely impacted by the stormwater overland flow path traversing the property or causes adverse impacts on neighbouring properties.*

2. The dwelling be designed to provide for a rear setback complying with the provisions of the Port Macquarie-Hastings Development Control Plan 2013.

Subsequent to the DAP meeting, the proponent's architect meet with Council's Senior Stormwater Engineer on site to discuss a proposed stormwater management strategy. Following this, a stormwater management plan and a revised site plan providing for a 4m rear building setback has been submitted (attached). The stormwater management plan has been assessed by Council's Senior Stormwater Engineer who has advised that the plan is acceptable in principle and that '*no objections are raised towards the proposal from a stormwater perspective subject to the submission of detailed plans and calculations and S.68 stage.*' Refer to additional stormwater comment in the report.

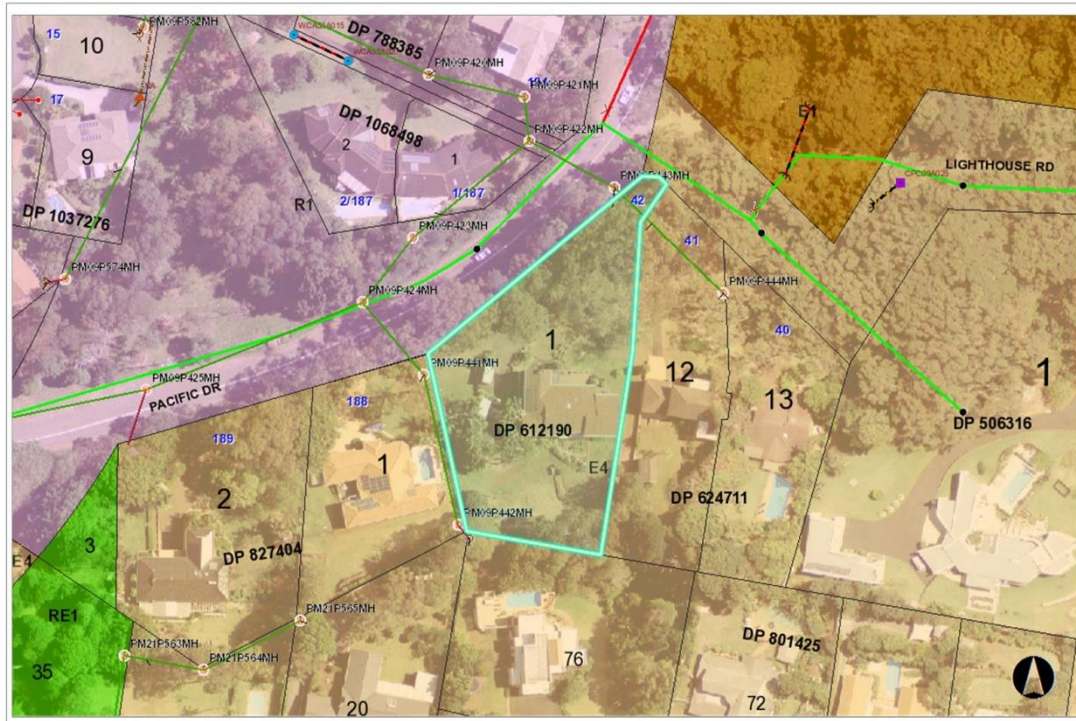
This report recommends that the subject development application be approved subject to the conditions included in Attachment 1.

## 1. BACKGROUND

### Existing Sites Features and Surrounding Development

The site has an area of 3578m<sup>2</sup>.

The site is zoned E4 Environmental Living in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling and tree removal
- Construction of new dwelling and swimming pool

Refer to attachments at the end of this report.

### Application Chronology

- 11 March 2019 - Application lodged.
- 21 March to 3 April 2019 - Public exhibition via neighbour notification.
- 3 April 2019 - Additional information request. Site mapped as littoral rainforest under Coastal Management SEPP. Application is designated development. Environmental Impact Statement (EIS) and additional fees required.
- 2 May 2019 - Additional fees paid.
- 22 June 2019 - Environmental Impact Statement and revised plans received. Secondary dwelling and dog kennel removed from proposal.
- 4 July to 2 August 2019 - Re-exhibition as designated development via advertising and neighbour notification.
- 28 August 2019 - application considered by DAP and deferred for further information.

## 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 (Coastal Management) 2018**

The site is partially mapped as littoral rainforest and within a proximity area to littoral rainforest under this policy.

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

In accordance with clause 10, the proposal is declared to be designated development. The application was accompanied by an Environmental Impact Statement (EIS) which is consistent with the issued Secretary's Environmental Assessment Requirements (SEARs). A copy of the issued SEARs and EIS are provided as attachments to this report.

The application was also supported by a site vegetation assessment, prepared by Biodiversity Australia, dated 24 May 2019. The assessment concluded:

*“that the vegetation does not comprise Littoral Rainforest as it lacks key floristic and structural attributes. Vegetation on adjoining land to the south is also unlikely to qualify as Littoral Rainforest at present, however it would have the potential to regenerate into Littoral Rainforest if weeds are removed.*

*It is recommended that the Coastal SEPP mapping layer is amended to remove the Littoral Rainforest mapping from both the subject site and the adjoining land to the south.”*

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

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

In accordance with clause 15, the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.



In accordance with clause 16, there is no certified coastal management program that applies to the land.

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 with established residential properties.

#### **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 E4 Environmental Living. In accordance with clause 2.3(1) and the E4 zone landuse table, the new dwelling and ancillary swimming pool is a permissible landuse with consent.  
The objectives of the E4 zone are as follows:
  - *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
  - *To ensure that residential development does not have an adverse effect on those values.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and demonstrated no adverse impact on ecological values.
- Clause 2.7 - The demolition of the existing dwelling requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 - The maximum overall height of the building above ground level complies with the standard height limit of 8.5m applying to the site. Refer to architectural plans with maximum building height envelope shown.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply.

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

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

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>

***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"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Rainwater tank is located behind building line. Swimming pool is generously setback 41m from the Pacific Drive boundary.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	Pergola and swimming pool structures are within the front setback. The structures are well setback from the Pacific Drive boundary.	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 is compliant with the minimum front setback requirements. Garage door recessed.	No. The pergola appears to be a form of off-street parking similar to a carport. It is considered acceptable given the generous setback to Pacific Drive, existing vegetation and open nature of the structure.
	6m max. width of garage door/s and 50% max. width of building	Width of garage door is compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width is compliant with the maximum width requirements	Yes
3.2.2.4	4m min. rear setback. Variation subject to site	3.035m rear setback is proposed. Consistent with	Yes

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

	Requirements	Proposed	Complies
	analysis and provision of private open space	the provisions the recused rear setback provides for north facing private open space which will achieve better solar access. Generous area available for private open space in the northern setback.	
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	<p>The site slopes away from the east and having regard to the proposed cut and fill will present as single storey along the eastern boundary and two storey along the western boundary. The eastern side setback is 1.66m. The western side setback is 2m. The reduced western side setback is acceptable as given the block orientation no adverse overshadowing impact will result to the adjoining property at 188 Pacific Drive.</p> <p>The building wall articulation is compliant and/or satisfactory to address the objective intent of the development provision.</p>	Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains >35m <sup>2</sup> open space in one area including a useable 4m x 4m space.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> </ul>	Detail of fencing not provided. Condition has been recommended requiring fencing details consistent with DCP be illustrated on building Construction Certificate plans.	Yes

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>		
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>	Refer comments above.	Yes
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	<p>The two storey component along the western boundary contains bedroom and bathroom windows only.</p> <p>The upper floor north facing terrace is within 3m of the western boundary. No privacy screen is illustrated. The adjoining property at 188 Pacific Drive has a pool and outdoor living area orientated east which is partly within a 12m radius of the proposed upper terrace. To protect privacy between these areas a condition has been recommended requiring a privacy screen to the west facing part of the upper floor terrace. Alternatively, increasing the planter box to achieve a minimum width of 1.8m will provide sufficient privacy.</p>	<p>Yes subject to the imposition of condition requiring privacy screen to west facing upper floor terrace or increasing the width of the planter box to a minimum of 1.8m Subject to the imposition of the recommended condition the proposal will not compromise privacy in the area due to the generous building separation and orientation of primary living and outdoor areas to the north.</p>

**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	Cut of approximately	No but

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	outside the perimeter of the external building walls	1.5m proposed.	considered acceptable in this instance.
2.3.3.2	1m max. height retaining walls along road frontage	None proposed along road frontage.	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Retaining wall over 1m proposed.	Yes Condition recommended to require engineering certification
	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	The Narrow-leaved Scribbly Gum was identified as containing some hollow bearing potential by the ecologist. The ecologist scored the tree as having a likely medium value of 12 in the hollow bearing tree assessment protocol. The ecologist noted the large dead branches and described the tree as looking dangerous. Consistent with the DCP provisions the ecologist recommends that if removed two replacement fauna nesting boxes ideally located on existing mature trees at the front of the property should be installed. The ecologist recommends these boxes be installed by an ecologist prior to removal of the tree and the tree removal also supervised by an ecologist.	The tree is in poor condition and is best characterised as dangerous. The best outcome would be for it to be removed and offsets measures be implemented as per the ecologist advice. Suitable conditions have been recommended.
2.6.3.1	Tree removal (3m or higher with 100mm diameter	The Narrow-leaved scribbly gum is a tree	Consistent with the plan



<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	trunk at 1m above ground level and 3m from external wall of existing dwelling)	identified in as a Koala food tree. The tree is identified as dangerous and is proposed to be removed.	compensatory Koala habitat trees shall be provided at a ratio of 2:1. Suitable area and locations exist on site to accommodate replants. Conditions have been recommended.
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor roads.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Ample off-street parking is proposed.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	N/A
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway 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.	Single dwelling only. Stormwater drainage is capable of being managed as part of plumbing construction.	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:**

**Demolition of buildings**

Demolition of the existing dwelling onsite is capable of compliance with Australian Standard 2601-1991: The Demolition of Structures.

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. The adjoining dwelling to south (12 Daintree Lane) is setback approximately 20m from the boundary. The 20m setback is well vegetated with mature trees. The removal of the single Narrow-leaved scribbly gum from the rear of the property will not result in any adverse privacy impacts.

There is no adverse overshadowing impacts. The adjoining dwelling to south (12 Daintree Lane) is setback approximately 20m from the boundary. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Access, Traffic and Transport**

A new driveway is proposed in the south-western corner of the property directly onto Pacific Drive. This new driveway formed part of a previous application for alterations and additions to the existing dwelling that was approved 13 November 2018. A survey report and Arborist report supported this application, which subject to recommendations validated retention of a large Blackbutt tree within the Pacific Drive road reserve close to the new driveway. Conditions have been recommended (that were applied to the prior consent for alterations and additions) requiring tree protection for driveway works near the Blackbutt tree and a change to the title restriction, which currently prohibits direct vehicular access to Pacific Drive. It is also recommended that the prior consent (DA2018/489) be surrendered prior to issue of any building construction certificate to ensure there is no conflict between consents.

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic.

**Water Supply Connection**

Service available. Details required with section 68 application.

**Sewer Connection**

Service available. Details required with section 68 application.

**Stormwater**

There is no stormwater infrastructure available for direct connection to the development.

Following the DAP resolution on 28 August 2019 to provide more information on stormwater management, the proponent's architect met with Council's Senior Stormwater Engineer on site. It was determined that an overland flow path was required around/through the site to allow for the conveyance of stormwater runoff from the natural gully traversing the site. In addition, the method via which stormwater flows flowing within the gully needed to be managed in such a way to not increase the volume, rate or location of discharge into the lower section of the gully on the adjoining downstream property.

Amendments have been proposed to the site plan to set the proposed dwelling 4m clear of the rear boundary, with a swale to be provided around the dwelling. The swale would be at a level sufficiently lower than the floor levels of the dwelling and would be shaped to intercept the gully at its upstream end, and provide a clear overland flow path around the dwelling to where it ultimately terminated at the location where the existing gully meets the adjoining downstream property. In regards to the formation of the swale, the proponent is proposing to provide a series of inlet pits and interconnected stormwater pipelines within the swale to capture and convey flows from the upstream gully. The rationale for this is that it would make the area more useable for the landowner. The swale would realistically therefore only carry water if the pits were to block.

Given that the proposal would result in the capture of runoff from the upstream gully into a piped drainage system, it would not be appropriate to simply discharge that runoff onto the adjoining downstream property, as the resultant flows would likely be faster flowing and of a greater volume (as a result of lower friction in the pipe vs overland and no infiltration). Hence, the proponent is proposing to divert these piped flows to some detention tanks, which would slow the flow of runoff, prior to splitting the resultant discharge to two soak away pits:

- One located at the Pacific Drive frontage (servicing the majority of flows from the detention tanks) from where surcharge could be directed to the street drainage system, and
- A second pit acting as an overflow from the detention system located within the lower portion of the gully traversing the site - from where discharge would drain overland through the gully and adjoining property.

Subject to detailed design and modelling at S.68 stage, the proposal would result in a lessening of the volume of runoff entering the natural gully traversing the adjoining downstream property, whilst also providing for the safe conveyance of stormwater flows from the upstream gully through the site.

The proposed drainage strategy is acceptable in principle and no objections are raised towards the proposal from a stormwater perspective subject to the submission of detailed plans and calculations at S.68 stage.

**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 proposal 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**

The proposed development includes removal of some exotic/ornamental plants and one Narrow-leaved Scribbly Gum in the south-eastern corner of the site. The Biodiversity Offset Scheme does not apply for the following reasons:

- The land wasn't identified on the Biodiversity Values Map at the time the application was made;
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017;
- The application of test of significance (5 part test) demonstrates that the development will not have a significant impact on biodiversity values.

The application was supported by a site vegetation assessment, prepared by Biodiversity Australia, dated 24 May 2019. The onsite assessment concludes:

*"that the vegetation does not comprise Littoral Rainforest as it lacks key floristic and structural attributes. Vegetation on adjoining land to the south is also unlikely to qualify as Littoral Rainforest at present, however it would have the potential to regenerate into Littoral Rainforest if weeds are removed.*

*It is recommended that the Coastal SEPP mapping layer is amended to remove the Littoral Rainforest mapping from both the subject site and the adjoining land to the south."*

This advice also formed part of the correspondence sent to the Department when seeking the Planning Secretary's Environmental Assessment Requirements (SEARs). It is noted that the SEARs issued by the Department have no specific requirements surrounding flora and fauna impacts. A copy of the issued SEARs is provided as an attachment this report.

The Narrow-leaved Scribbly Gum while recognised as dangerous does contain some hollowing bearing potential. Refer to comments in DCP table earlier within report.

Subsequent advice from the ecologist has confirmed that this tree is likely to have low habitat value and that its removal should be offset by the installation of two nest boxes within the existing mature eucalypts at the front of the property. The ecologist also recommends the nest boxes be installed by an ecologist prior to removal of the tree and that the tree removal be supervised by an ecologist. In addition and consistent with the DCP provisions two compensatory Koala food trees are to be provided on the site. Suitable conditions have been recommended.

**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 Attack Level (BAL) certificate prepared by a qualified professional.

A review of the certificate and 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 19 shall be required.

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

**Safety, security and crime prevention**

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

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**

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

**Construction**

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

**Cumulative Impacts**

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

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

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

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

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

One (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
The setback to the rear boundary is too close and should be increased by a further 2m and established as a green buffer zone.	Refer to DCP table and comments. The dwelling setback of 3.035m is considered acceptable.
Responsibility for trimming vegetation on the common boundary.	Any existing or proposed vegetation removal or pruning is subject to the provisions of the adopted Development Control Plan 2013. The <i>Trees (Disputes between neighbours) Act 2006</i> covers any disputes between neighbours involving trees.
There have been numerous complaints from neighbours regarding barking dogs at night. It is requested the proposed kennel be relocated north of the dwelling.	The kennel is no longer proposed under this application.
It is requested that the large gum tree proposed to be removed be retained. It provides privacy and is part of the local Koala habitat. If this is not possible then replacement plantings should be undertaken.	Refer to comments in flora and fauna and DCP table section of this report. Two nest boxes have been recommended by the ecologist to be provided onsite. Two replacement Koala tree plantings shall also be required consistent with DCP 2013 provisions. No adverse privacy impacts would result from the tree removal that would warrant refusal of this application.
It is requested that the rainwater tank about the wall of the proposed building as opposed to being on the boundary fence.	The rainwater tank is setback over 1m from the rear boundary which complies with the minimum 900mm setback requirement.

**(e) The Public Interest:**



The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

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

Not applicable.

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

The application has been assessed in accordance with Section 4.15 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](#). DA2019 - 154.1 - Recommended Conditions
- 2 [View](#). DA2019 - 154.1 Environmental Impact Statement
- 3 [View](#). DA2019 - 154.1 Email Steggall - Scribbly Gum Tree - HBT Potential and Recommended Nest Box Offsetting
- 4 [View](#). DA2019 - 154.1 Ecology Advice - Vegetation Classification - Will Steggall
- 5 [View](#). DA2019 - 154.1 DA Plans.
- 6 [View](#). DA2019 - 154.1 SEARs Local Secretary - Environmental Assessment Requirements

Port Macquarie-Hastings Council  
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ABN 11 236 901 601



Our ref: 2019/154  
PN: 19402

K L Prados  
42 Lighthouse Road  
PORT MACQUARIE NSW 2444

Dear Sir/Madam

Notice to applicant of determination of a development application under Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 and Section 99 of the Local Government Act 1993

Subject Development	Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool
Property Description	LOT: 1 DP: 612190, 42 Lighthouse Road PORT MACQUARIE
Applicant	K L Prados

Notice is hereby given of the determination by the consent authority of your development application by granting of consent subject to the conditions detailed on the schedule attached to this notice.

#### Approvals under the Local Government Act, 1993

Local Government Act 1993 approvals granted under Section 4.12 of the Environmental Planning & Assessment Act 1979 are as follows: Nil

#### Notes to this consent

1. The date of determination is ??????????????
2. The date from which this consent operates is ?????????????? and will lapse unless building, engineering or construction work or a use related to this consent is physically commenced within five (5) years of this date.
3. The period for which this consent can operate may be limited by conditions of this consent.

Yours sincerely

[pmhc.nsw.gov.au](http://pmhc.nsw.gov.au)

PORT MACQUARIE OFFICE

WAUCHOPE OFFICE

LAURIETON OFFICE

Port Macquarie-Hastings Council  
Development Consent - Development Application 010.2019.00000154.001  
Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool

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#### SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2019/154 are as follows:

#### PRESCRIBED CONDITIONS

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

#### A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Development Plans as stamped 1587-DA	Revision A	Robert Snow Architect	10 March 2019
	Revision B		17 May 2019
	Revision C		24 and 30 June 2019
Environmental Impact Statement	42 Lighthouse Road	All About Planning	June 2019
BASIX Certificate	1000043S	Certified Energy	11 March 2019
BAL Certificate	42 Lighthouse Road	Krisann Johnson	19 February 2019
Arborist Report	42 Lighthouse Road	Port Tree Fella	22 October 2018
Driveway Profile	1571-DA1.1-G	Robert Snow	6 November 2018
Hydraulic Services Site plan	1910	JTF Consulting	30 August 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 building 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.

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via 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 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) (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 building Construction Certificate.
- Such works include, but not be limited to:
- i. Footway and gutter crossing
  - ii. Functional vehicular access

- (3) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 19 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.

- (4) (B009) The applicant shall surrender the consent relating to DA No. 2018/489 for alterations and additions to dwelling at Lot 1 DP 612190, 42 Lighthouse Road, Port Macquarie by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the building Construction Certificate.
- (5) (B072) A stormwater management plan shall accompany the section 68 application. The design must be prepared in accordance with the requirements of Australian Standards and shall detail collection, detention and disposal treatments.
- (6) The building Construction Certificate plans shall detail front fencing design along the Pacific Drive and Lighthouse Road frontages consistent with the development provisions 3.2.2.7 and 3.2.2.8 of Port Macquarie-Hastings Development Control Plan 2013.
- (7) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
  - ii. located within 1m of the property boundaries; or
  - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for the building Construction Certificate.
- (8) The building Construction Certificate plans shall clearly nominate the location of two compensatory Koala food trees (species selected from table 2.6.1 of the Port Macquarie-Hastings Development Control Plan 2013). Regard shall be given to required Asset Protection Zones (APZ) in locating these plantings.
- (9) The building Construction Certificate plans shall provide a privacy screen to the western elevation of the upper floor terrace off bedrooms 1, 2 and 3. The privacy screen shall be a minimum of 1.7m in height above the finished floor level and meet the definition of a privacy screen under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Alternate to the privacy screen, the planter box can be widened on the western elevation to a minimum of 1.8m (reducing terrace length to 8m).

Port Macquarie-Hastings Council  
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Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool

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

- (1) Prior to the Narrow-leaved Scribbly gum being removed two nest boxes shall be installed by a suitably qualified ecologist in existing mature eucalypt trees on the property.
- (2) Arrangements shall be made with a suitably qualified ecologist to supervise the removal of the Narrow-leaved Scribbly gum.

#### D – DURING CONSTRUCTION

- (1) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (2) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (3) (D017) In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
  - (a) Bears a notice containing the words "This swimming pool is not to be occupied or used", and
  - (b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
  - (c) Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.
- (4) (D000) Any excess fill is to be disposed of at an approved location or taken to an approved waste management facility.
- (5) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (6) The Blackbutt tree adjacent to the new driveway is to be protected during construction works in accordance with the recommendations of the Arborist Report prepared by Port Tree Fella, dated 22 October 2018). The driveway and contour levels are also to be completed in accordance with this report.
- (7) The removal of the Narrow-leaved stringy bark shall be supervised by a suitably qualified ecologist so as to rescue any fauna which may be in the tree.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all

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Port Macquarie-Hastings Council

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Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool

commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (6) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority documentation confirming that the Restriction to User firstly referred to in DP612190, which prohibits vehicular access across the north-west boundary of Lot 1, has modified to permit the new vehicular access for the southern-most 6 metres of the affected boundary only.
- (8) Prior to occupation or issue of any Occupation Certificate evidence to the satisfaction of the certifying authority confirming the successful establishment of the two compensatory Koala food tree plantings shall be provided.

#### F – OCCUPATION OF THE SITE

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F027) The swimming pool filtration motor shall be operated between the following hours only:  
 Monday to Friday (other than a public holiday)  
 7.00 am – 8.00 pm  
 Saturday to Sunday and Public Holidays  
 8.00 am – 8.00 pm  
 Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.
- (3) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

The reason for this decision is that 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 interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or

Port Macquarie-Hastings Council  
Development Consent - Development Application 010.2019.00000154.001  
Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool

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any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

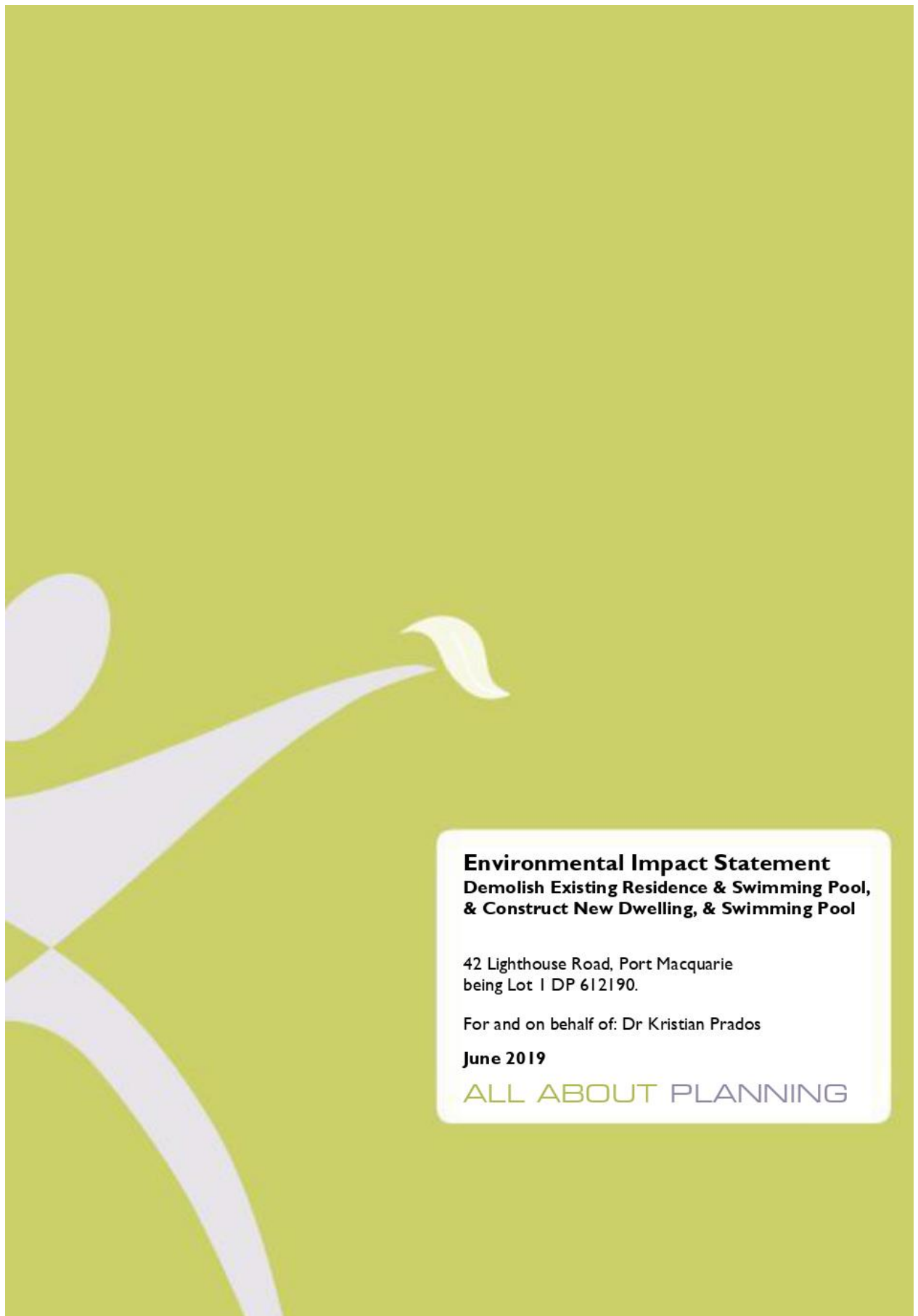
**Rights of Appeal**

If you are dissatisfied with this decision:

1. A request for a review of the determination may be made to Council, under the provisions of Section 8.3 of the Environmental Planning and Assessment Act 1979.
2. Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

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**Attachments**

1. Planning Secretary's Environmental Assessment Requirements (SEAR) 1338, date 1 May 2019  
NSW Planning & Environment
2. Revised Architectural Plans Proposed New Residence, No 42 Lighthouse Road, PMQ, Rev: A  
& B, dated: 10/03/19 & 17/05/19, prepared by Rob Snow Architect
3. Ecological Assessment for Littoral Rainforest, dated 24 May 2019, prepared by Will Steggall –  
Biodiversity Australia

## Environmental Impact Statement: Demolish Existing Residence & Swimming Pool, & Construct New Dwelling, Swimming Pool

**Location: 42 Lighthouse Road, Port Macquarie  
Lot 1, DP 612190**

For Dr Kristian Prados

**AAP Reference: 2019 – 015  
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This EIS has been prepared in accordance with an agreement between All About Planning Pty Ltd and Kristian Prados.

In preparing this EIS report, All About Planning Pty Ltd has used and relied on data, plans and information provided by Robert Snow Architects and Biodiversity Australia and other parties as detailed in this document.

The EIS report has been prepared in accordance with the provisions of Schedule 2 – Environmental Impact Statements, of the Environmental Planning and Assessment Regulations 2000. As per cl. 6 of Schedule 2 of these regulations, this EIS report contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which this statement relates, and the information contained in this EIS is neither false nor misleading.

Except as otherwise stated, the accuracy and completeness of the information provided to All About Planning Pty Ltd for this assessment has not been independently verified.

This report by All About Planning Pty Ltd should be read in conjunction with the following documents:

- Statement of Environmental Effects prepared by Rob Snow Architect dated 11.03.2019
- Architectural Drawings prepared by Rob Snow Architects, Project No. 1587 - DA, Drawing Nos. 1.1, 1.4, 1.5, 1.7, 2.1, 2.2, 3.1 - 3.4, 4.1 - 4.2 (Rev A) and 0.1, 1.2 - 1.3, 1.6 (Rev B)
- Planning Secretary's Environmental Assessment Requirements (SEAR) 1338, dated 1 May 2019 NSW Planning & Environment
- Biodiversity Australia report dated 24 May 2019 and subsequent advice

For and on behalf of All About Planning Pty Ltd.

**Michelle Chapman**  
PIA Fellow, Registered Town Planner  
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## I. Introduction

### I.1 Purpose of this Report

This Environmental Impact Statement (EIS) has been prepared in support of a lodged development application to Port Macquarie – Hastings Council (Development Application DA 2019 – 154.1) for demolition of the existing dwelling and swimming pool and the construction of a new dwelling, swimming pool and & the undertaking of associated works at Lot 1 in DP 612190, No. 42 Lighthouse Road, PORT MACQUARIE.

The proposed development is permissible in the E4 Environmental Living zone and is compatible with the adopted zone objectives. All relevant design issues have been addressed in the submitted SEE by Rob Snow Architects.

The subject property has been partly mapped (in error) as Littoral Rainforest under State Environmental Planning Policy (Coastal Management) 2018, (Coastal SEPP) and a portion of the development is proposed to be located within this erroneous mapped area. As a consequence of this flawed mapping the proposal is classified as a designated development and under the Coastal SEPP, the preparation of an Environmental Impact Statement (EIS) is required to accompany the development application.

This report examines the proposed residential development, the characteristics of the site and surrounding area and the impacts of the proposal. It provides an assessment of the NSW Department of Planning and Environment's Secretary's Environmental Assessment Requirements (SEAR) 1338 issued 1 May 2019 by the delegate of the Secretary, Chris Ritchie, Director Industry Assessments and which are comprehensively addressed within this report.

The purpose of the EIS requirement is to review the proposal with a view to determining environmental impacts and to consider whether the proposal should proceed or not, with or without mitigations/recommendations to minimise impact(s).

It is concluded that the subject proposed new dwelling and associated works will in no way impact on any actual littoral rainforest and that the proposed dwelling and associated works are fully supported subject to Council's standard conditions of development consent.

## 2. Description of Locality and Site

The Port Macquarie Hastings Council Profile.id site (<https://profile.id.com.au/port-macquarie-hastings/about>) provides the following historical background on Port Macquarie:

*The Port Macquarie-Hastings Council area is located on the Mid North Coast of New South Wales, about 420 kilometres north of the Sydney CBD, and 510 kilometres south of the Brisbane CBD. The Port Macquarie-Hastings Council area is bounded by Kempsey Shire in the north, the Tasman Sea in the east, the MidCoast Council area in the south, and Walcha Shire in the west.*

*Port Macquarie is named after New South Wales Governor Lachlan Macquarie (1810-1821), while Hastings is named after the Governor of Bengal, Francis Rawdon Hastings.*

*European settlement dates from 1818 when the area was first explored, and 1821 when a penal settlement was established at Port Macquarie.*

*The PMQ LGA has (based on 2016 census figures) a population of 79,905, with a population density of 0.22 persons per hectare.*

*The original inhabitants of the Port Macquarie-Hastings Council area were the Birpai Aboriginal people.*



Figure 1: Locality Plan for subject site. Source: NSW SIX Maps



The subject site is located at No. 42 Lighthouse Road, Port Macquarie on land currently described as Lot 1 in DP 612190. The site is situated at the northern area of Lighthouse Beach approximately 4km to the south east of the Port Macquarie CBD within an established residential area in a leafy setting, located opposite the attractive Sea Acres National Park.

The area is located to the north of the Lighthouse Beach residential area and to the south and south east of the Shelly Beach residential area on a ridge that slopes down in each of these directions along with down to Miners Beach to the north east.

The locality is characterised by detached houses on large lots interspersed amongst scenic established vegetation on the southern side of Lighthouse Road and the eastern side of Pacific Drive. Both of which almost seamlessly transition with the adjoining natural vegetation of Sea Acres National Park.

The site has an irregular shape and is located on the corner of Lighthouse Road and Pacific Drive. As a consequence, the site benefits from two street frontages of approximately 7m to Lighthouse Road and 74m to Pacific Drive. The site has a total area of 3,578m<sup>2</sup>.

The site has a predominant cross fall from east to west down to Pacific Drive in the order of 6 to 7m together with scattered tree cover predominantly in the northern and western (along Pacific Drive) and southern areas of the site.

The immediate surrounds of the existing dwelling and rear yard are more open, with some domestic planted landscaping.

Vehicular access is provided via an existing shared entrance off Lighthouse Road in the near vicinity of the intersection with Pacific Drive. The two immediately adjoining Torrens title lots to the east of the subject site (Nos. 40 & 41) also use the shared entrance on Lighthouse Road. An additional driveway to service the subject site was recently consented to by Council along the Pacific Drive frontage under DA 2018/489.

As can be seen in the aerial photo provided below the immediately adjoining properties are all occupied by detached 1 and 2 storey dwellings fronting Lighthouse Road and Pacific Drive. To the rear(/south) is a dwelling fronting Daintree Lane.

The NSW Rural Fire Service has the subject site listed as partly Vegetation Buffer, part Vegetation Category 2 and part Vegetation Category 1 Bushfire prone land. Consequently, a bushfire assessment was undertaken and a BAL rating certificate was submitted with the proposed development.

Statement of Environmental Effects  
Proposed New Dwelling and Associated Works – Lighthouse Rd, PORT MACQUARIE



Figure 2: Aerial plan showing subject site and surrounding development Source: Six Maps

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Statement of Environmental Effects  
Proposed New Dwelling and Associated Works – Lighthouse Rd, PORT MACQUARIE



Figure 3: Location of existing dwelling. Source: Six Maps

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Statement of Environmental Effects  
Proposed New Dwelling and Associated Works – Lighthouse Rd, PORT MACQUARIE



Figure 4: Existing Shared Vehicular Accessway. Source All About Planning

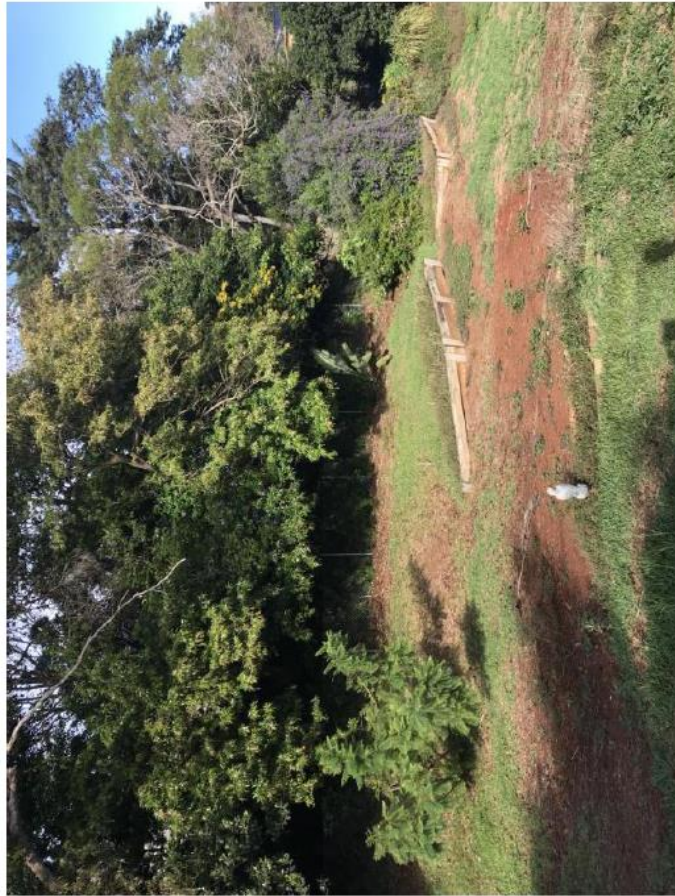
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Statement of Environmental Effects  
Proposed New Dwelling and Associated Works – Lighthouse Rd, PORT MACQUARIE



Figure 5: Existing Rear Fence line, showing non-rainforest overhanging fence and existing rear yard with exotic plantings Source All About Planning



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### 3. Proposed Development

As the architectural drawings by Robert Snow Architect submitted with the Development Application show, the existing residence, swimming pool and ancillary buildings are to be demolished and debris removed in accord with Council requirements. Part of the existing driveway will be retained and one section will be demolished and a new driveway constructed to reflect the new dwelling's site and design. It is noted that the revised driveway and gates were recently approved by Council under DA 2018/489.

The proposed development will include the construction of a new two-storey residence with raked ceilings to allow natural light to extend into the building, new swimming pool, rear dog kennel and driveway extension. The building has been sited further south than the current dwelling to be demolished.

The lower ground floor of the dwelling will include a large garage to enable multiple vehicles or boat storage; an entrance foyer leading into a guest suite with a living room, bedroom and bathroom; a wine cellar and seating; a store room and plant room for air-conditioning units and building services, and associated concrete slabs to support buildings above. There is also an open pergola located to the north-east of the garage, and a domestic animal shelter (dog kennel) located at the rear of the dwelling.

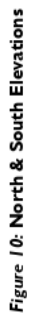
The entrance foyer stairs and large glass windows lead to the upper ground level. The western wing includes a family room leading to 3 bedrooms and 2 bathrooms and a common terrace (located above the garage). The central area of the dwelling has a kitchen and dining area separated by a gas fire to the living area which all face north and connect with a large terrace, leading to the swimming pool and spa. Along the southern side of the dwelling adjoining the kitchen/living area is a butler's pantry, laundry and store area, desk nook, home theatre, study and bathroom. Along the eastern wing is a master bedroom, walk-in-robe and large ensuite. A court yard connects with the terrace and gym that leads onto grassed lawn.

The submitted architectural plans by Robert Snow Architects include site plans, lower ground and upper ground floor plans, roof plan, reflected ceiling plans, sections and elevations, 3D Views, Solar Shading Views, Window and Door Schedules are provided below (Figures 7 -22)

**Figure 6: Site Plan & Demolition**









Statement of Environmental Effects  
Proposed New Dwelling and Associated Works – Lighthouse Rd, PORT MACQUARIE



Figure 1/1: 3D Views of Dwelling

## 4. State Planning Controls

The statutory and strategic planning instruments which guide this proposal are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy - Building Sustainability Index 2004
- State Environmental Planning Policy (Coastal Management) 2018
- Planning for Bushfire Protection 2006
- Port Macquarie Hastings Local Environmental Plan 2011
- Port Macquarie Hastings Development Control Plan 2013

### 4.1 Environmental Planning and Assessment Act 1979

This EIS is prepared in accordance with Part 5 Infrastructure and Environmental Impact Assessment, Subdivision 3 Activities for which EIS required, as prescribed by the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The proposal also fully satisfies those matters raised under Section 4.15 of the EP&A Act as detailed later in this report in Section 6.

### 4.2 Environmental Planning and Assessment Regulation 2000

Clause 50 (*How must a development application be made*), of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) includes the following provisions:

(1) *A development application:*

- (a) *Must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1, and*
- (b) *If the consent authority so requires, must be in the form approved by that authority, and*
- (c) *Must be accompanied by the fee, not exceeding the fee prescribed by Part 15, determined by the consent authority, and*
- (d) *Must be delivered by hand, sent by post or transmitted electronically to the principal office of the consent authority, but may not be sent by facsimile transmission.*

The subject development application complies with the above provisions of the *Environmental Planning and Assessment Act Regulation 2000*.

Clause 92 (*Additional matters that consent authority must consider*), of the Regulations, includes the

following provisions:

*(1) For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

*(a) repealed,*

*(b) in the case of a development application for the demolition of a building, the provisions of AS 2601,*

Subclause 1(b) applies to the subject site as the development application requires the demolition of an existing dwelling. With regard to Australian Standard AS 2601 'The Demolition of Structures', the proposed demolition works will be managed by standard conditions applied on any approval issued by Council ensuring compliance with AS 2601.

Clause 228 of the Environmental Planning and Assessment Regulation 2000 identifies what factors must be taken into account concerning the impact of an activity on the environment for the purposes of Part 5 of the Act.

In reviewing the factors identified in clause 228(2) of the regulation, this EIS identifies that the proposed development will minimally impact the environment. The locality is already utilised an environmental living lot with a dwelling erected, so no additional transformation of the locality will result. The Biodiversity Australia ecological assessment identifies that no ecological community or Littoral Rainforest will be compromised as a consequence of the proposed development. It is therefore unlikely that the development will impact any species of animal or plant that are endangered or have long-term effects on the environment. There is no reduction in the range of beneficial uses of the environment and any potential pollution/disposal of waste of the environment can be managed as part of any consent. There is no impact on coastal processes or will lead to coastal hazards. The cumulative environmental impact is considered to be low, and localised. These matters are further discussed throughout this EIS.

### 4.3 Secretary's Environmental Assessment Requirements

The NSW Department of Planning and Environment's Secretary's Environmental Assessment Requirements (SEAR) 1338 issued 1<sup>st</sup> May 2019 by the delegate of the Secretary, Chris Ritchie, Director Industry Assessments (refer to Appendix 1). The SEAR confirms there were **no specific requirements applicable** for this proposal except the EIS must address the provision of the *State Environmental Planning Policy (Coastal Management) 2018*.

The SEAR states that the EIS must meet the minimum form and content requirements outlined in Schedule 2 of the Environmental Planning and Assessment Regulations 2000. Additionally, the EIS should be prepared in consultation with Port-Macquarie Hastings Council, the Rural Fire Service and other authorities, service providers and surrounding landowners, and address any issues they raise in the EIS. These matters are addressed within this current report.

#### 4.4 State Environmental Planning Policy 44 – Koala Habitat Protection

In accordance with clause 7 and 8 of SEPP 44, Council must satisfy itself whether or not the subject land is potential or core koala habitat. It is noted that the site is not mapped within a designated Koala Habitat area on the PMH LEP 2011 maps.

The proposed development requires the removal of a scribbly gum (*Eucalyptus Signata*) which is an identified koala food species as per Schedule 2 of SEPP 44. The removal of this tree poses a safety concern to the new development, and has previously lost branches which have caused destruction to the rear boundary fence.

The Principal Ecologist of Biodiversity Australia has identified the scribbly-gum as a hollow-bearing tree, and it is likely to only have low habitat value for fauna. The advice identified a score of 12 in the Port Macquarie Hastings Development Control Plan 2013 Hollow Tree Protocol which places it in a medium constraint category. Trees in this category can be considered and granted approval by Council for removal if they are unsafe and impractical to retain. Biodiversity Australia's advice recommended that the tree be offset with two replacement fauna nesting boxes ideally being placed on existing mature trees at the front of the property. The boxes will need to be installed by an ecologist prior to removal of the tree. Removal of the hollow tree would also need to be supervised by an ecologist to recuse any fauna which may be nesting in the tree. The proposed site vegetation is therefore not considered as having significant potential or core koala habitat value.

In response to the above safety concerns and the ecological assessment, the advice provided by Biodiversity Australia identified that the scribbly gum tree can be removed with Council's consent. The recommendations of the ecologist assessment can be implemented as part of the development consent to mitigate any potential harm to the environment.

#### 4.5 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 (1) (A) of this planning instrument requires Council to consider whether land is contaminated in its assessment of a development application. Based on the available information regarding the site's history of residential use and its location, it is concluded that the subject site is unlikely to include any contaminated soil (or other contaminating agents) and that the site is suitable for the proposed development.

#### 4.6 State Environmental Planning Policy - Building Sustainability Index 2004

Regulations under the EPA Act 1979 have established the BASIX scheme to encourage sustainable residential development. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme

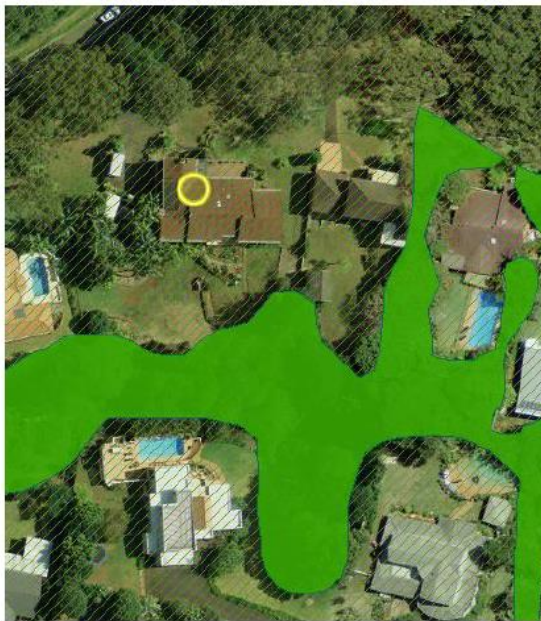


throughout the State for relevantly affected development which includes the subject DA. Consequently, a BASIX certificate has been submitted with the proposal in compliance with the SEPP.

#### 4.7 State Environmental Planning Policy (Exempt and Complying Codes) 2008

The aim of this Policy is to determine exempt and complying development. The subject proposal does not meet the Complying Development SEPP standards. Consequently, the subject DA has been prepared and lodged with Port Macquarie – Hastings Council.

#### 4.8 State Environmental Planning Policy (Coastal Management) 2018

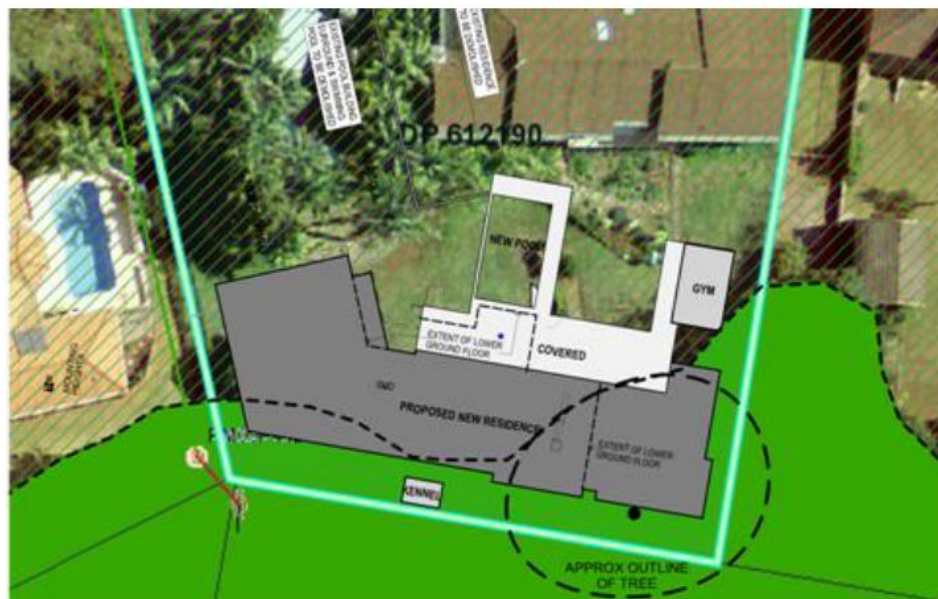


The Coastal Management SEPP aims to promote an integrated and co-ordinated approach to land use planning by managing development in the coastal zone, protecting the environmental assets of the coast, and establishing a framework for land use planning to guide decision-making in the coastal zone.

The Coastal Management SEPP is relevant to the subject site as the vegetation within the southern (rear) boundary is mapped as littoral rainforest, and the entire site is within the proximity area (buffer) for Littoral Rainforests on the Coastal Management SEPP maps (Figures 13-15).

**Figure 12: Mapped Littoral Rainforest (green) and proximity area buffer (hatched).** Source: NSW Coastal Management SEPP 2018 maps

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**Figure 13: Aerial View overlaid with proposed Development and mapped Littoral Rainforest boundary.**  
Source: Prados & Snow Architects



**Figure 14: Aerial View overlaid with proposed Development and mapped Littoral Rainforest boundary.**  
Source: Prados & Snow Architects

It is noted that the site is not within the Coastal Environment or Coastal Use Areas of the Coastal SEPP (refer to Figure 15).



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**Figure 15: Coastal SEPP mapping of Coastal Environment Area (blue) & Coastal Use Area (orange).** Source: NSW Coastal Management SEPP 2018 maps

Relevantly, *Part 2, Division 1 Coastal wetlands and littoral rainforest area* of the Coastal Management SEPP identifies in clause 10, development that can occur within mapped littoral rainforest area but only with development consent. The proposed development is classified by clause 10(2) as 'designated development' for the purposes of the EP&A Act. This EIS has been prepared as a response to the 'designated development' classification.

In consideration of *clause 11 - Development on land in proximity to coastal wetlands or littoral rainforest* the provision states:

- (1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
  - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The Principal Ecologist at Biodiversity Australia completed a site inspection and vegetation assessment of the subject property in May 2019 to determine an accurate representation of the current vegetation present on the site, and determine if the mapped land on the site and to the south comprised Littoral Rainforest. In examining the likely impact of the development on the environment, the Biodiversity Australia assessment report concluded the subject site does not contain Littoral Rainforest stating:



*“The site inspection has identified vegetation on the property. This assessment has concluded that the vegetation does not comprise Littoral Rainforest as it lacks the key floristic and structural attributes. Vegetation on adjoining land to the south is also unlikely to qualify as Littoral Rainforest at present, however it would have the potential to regenerate into Littoral Rainforest if (sic) weeds are removed. It is recommended that the Coastal SEPP mapping layer be amended to remove the Littoral Rainforest mapping from the subject site and adjoining land to the south”.*

The Biodiversity Australia report assessed that vegetation present in the southern area of the site comprised exotic ornamental planting and lawns, with a single native tree. As identified:

*“The vegetation to the south is unlikely to qualify as Littoral Rainforest EEC. This is due to the presence of exotic species which dominate the canopy and understorey layer. An accepted definition for rainforest states that the tree stratum with the greatest crown cover has rainforest species making up 50% or more of the crown cover (DEC 2004). This is clearly not the case with the vegetation in question. Furthermore, the community does not show evidence of maritime influence such as wind-shear and dieback from salt spray which is typical of Littoral Rainforest’....*

Therefore, in light of these facts and the assessment of the proposal provided in this report, it can be comfortably established that there will be no impact on the integrity of any Littoral Rainforest or associated ‘proximity buffer’ area. Also, as per the SEPP requirements, the proposal will not impact on the biophysical, hydrological or ecological integrity of the locality, and the quantity and quality of surface and ground water flows associated with the Littoral Rainforest will be preserved.

#### **4.9 State Environmental Planning Policy (State and Regional Development) 2011**

In relation to SEPP (State and Regional Development) 2011, the subject development is not called up by the schedule 4A EPA Act 1979 thresholds and will thus be assessed and determined by Port Macquarie - Hastings Council as the relevant consent authority.

#### **4.10 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The aim of this policy is to protect the biodiversity values of trees and other vegetation and preserve the amenity in non-urban areas of the State. The proposed development requires the removal of one tree. In this circumstance, the SEPP is not triggered as the clearing of vegetation is permitted with Council approval and the native vegetation biodiversity offset scheme threshold is not exceeded.

#### 4.11 Planning for Bushfire Protection 2006

As stated in the description in Section 2 of this SEE, the subject site is classified as bushfire prone - partly Vegetation Buffer, part Vegetation Category 2 and part Vegetation Category 1 Bushfire prone land. A bushfire assessment has been prepared by a Certified Bushfire Consultant - Krisann Johnson who assessed the proposed development as requiring a BAL 19 rating. This bushfire assessment report has been submitted with the DA documentation.

The Bushfire Assessment Report identifies that the entire site will need to be treated as an Inner Protection Zone (IPZ) for the life of the building. The requirements for vegetation within this IPZ include:

- The canopy cover must be less than 15%
- Any canopy must be located more than 5m from any roofline
- Trees should have lower limbs removed up to a height of 2m above the ground (4m 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.

The Bushfire Assessment also includes management requirements relating to access, services, and landscaping and can form part of any consent approval. The report identifies that the new dwelling needs to comply with Section 3 and 6 (BAL 19) of AS 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'. Consultation with the NSW Rural Fire Service and a Bushfire Safety Authority is required before the development can be approved.

Additionally, as the site is identified as bushfire prone land, the development consent can not be granted without referral and consideration of comments from the NSW Rural Fire Service. Any NSW RFS recommendations can be incorporated within the conditions of any development consent.

#### 4.12 North Coast Regional Plan 2036

The NSW Department of Planning & Environment's North Coast Regional Plan 2036 (NCRP 2036) is a 20-year blueprint for the future of the North Coast.

The NCRP 2036 states that the NSW Government's vision for the North Coast is to create the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities.

To achieve this vision the Government has set four goals for the region:

- The most stunning environment in NSW
- A thriving, interconnected economy
- Vibrant and engaged communities

- Great housing choice and lifestyle options.

Under Goal 4 of “Great housing choice and lifestyle options” outlines the actions to be completed prepared, in collaboration with Councils relating to facilitating housing and accommodation options. The NCRP 2036 does not specifically identify this site, but Direction 23 of the NCRP 2036 encourages “implementing through local planning controls to provide housing choice and diversity, and liveable homes that are responsive to the changing needs of occupants”. The proposed development demolition and rebuilding of the dwelling, swimming pool and ancillary structures to respond to the owner’s changing needs could be considered as meeting the objectives of Direction 23.

#### 4.13 National Parks and Wildlife Act 1974

This *National Parks and Wildlife Act 1974* (NPWS Act) deals with the creation and management of numerous types of reserves. It also provides statutory protection for Aboriginal ‘places’ under section 84 and Aboriginal ‘objects’ under section 90. It is noted that Aboriginal objects and places are afforded automatic statutory protection in NSW where it is an offence (without the consent of the Director General) to destroy, deface or damage, or knowingly cause or permit the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place. The protection provided to Aboriginal objects applies irrespective of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the place is of special significance to Aboriginal people.

A search of the NSW Office of Environment and Heritage, Aboriginal Heritage Information Management System (AHIMS) has not been undertaken for this site, as the property is located within an existing urbanised area, has an existing dwelling, swimming pool and ancillary buildings constructed, and due to the level of disturbance on the site, is unlikely to reveal Aboriginal objects.

It is also noted that the NPWS Act also makes it an offence to pick or harm a threatened species, an endangered population or an endangered ecological community (s118A), damage a critical habitat (s118C) or do anything that causes damage to any habitat (other than a critical habitat) of a threatened species, an endangered population or an endangered ecological community if the person knows that the land concerned is habitat of that kind (s118D) unless the person is acting in accordance with, amongst other things, an approval issued under Part 5 of the Environmental Planning and Assessment Act 1979. The Act provides statutory protection for Aboriginal places or items, and these requirements can also form part of any consent to ensure protection of aboriginal relics should an item be identified.

In view of this information it is considered that the proposed development will not detrimentally impact any Aboriginal significance, and the management of Aboriginal objects and relics can be conditioned to reflect the NPWS Act as part of the development consent.

#### 4.14 Fisheries Management Act 1994

The Fisheries Management Act 1994 relates to matters relevant to the dredging of waterways and the reclamation of land. The proposed development will have no impact.

#### 4.15 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 includes provisions relating to environmental offences and allows for the making of 'protection of the environment' policies.

Section 7 of the Act sets out its relationship to other Acts or laws as follows:

- (1) Other Acts not affected. Nothing in this Act affects any of the provisions of any other Act or any statutory rules, or takes away any powers vested in any person or body by any other Act or statutory rules.*
- (2) This Act generally prevails however (subject to subsection (3)):*
  - (a) this Act prevails over any other Act or statutory rule to the extent of any inconsistency, and*
  - (b) a regulation made under this Act prevails over any other statutory rule to the extent of any inconsistency.*

*Subsection (3) is not relevant to this proposal.*

The proposed works are not scheduled works and do not require an environment protection licence.

#### 4.16 Water Management Act 2000

This Act binds the Crown and section 60(a) makes it an offence to take water otherwise than in accordance with an access licence. A Water Supply Works Approval for extraction of water from a natural water body and any other water body would be required from the NSW Office of Environment and Heritage - Department of Primary Industries (Office of Water). No water extraction of a water body is proposed in the subject development.

#### 4.17 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) establishes a requirement for Commonwealth environmental assessment and approval for actions that are likely to have a significant impact on matters of national environmental significance or on the environment on Commonwealth land.

As outlined by the Environment Australia ecological assessment accompanying this EIS, the proposal has been assessed as to whether it has, will or is likely to have a significant impact on the environment. An examination of the identified "matter of national environmental significance" as listed in the EPBC Act, it is

considered that there would be no significant impacts on the environment or on Commonwealth land and that there would be no impacts on matters of national environmental significance.

#### 4.18 Roads Act 1993

The proposed works are not being undertaken within a formal road reserve and are not therefore subject to the provisions of the *Roads Act 1993*.

## 5. Local Planning Provisions

### 5.1 Port Macquarie Hastings Local Environmental Plan 2011

As indicated by the following map extract from the Port Macquarie Hastings Local Environmental Plan 2011 (PMH LEP 2011) the subject site is zoned E4 Environmental Living. A “*Dwelling House*” is permitted with consent under the LEP definitions. The proposed alterations and additions to demolish the existing dwelling, swimming pool and ancillary buildings to replace with a new dwelling, swimming pool and ancillary buildings/structures and extension to the driveway are permissible with consent in the E4 zone.

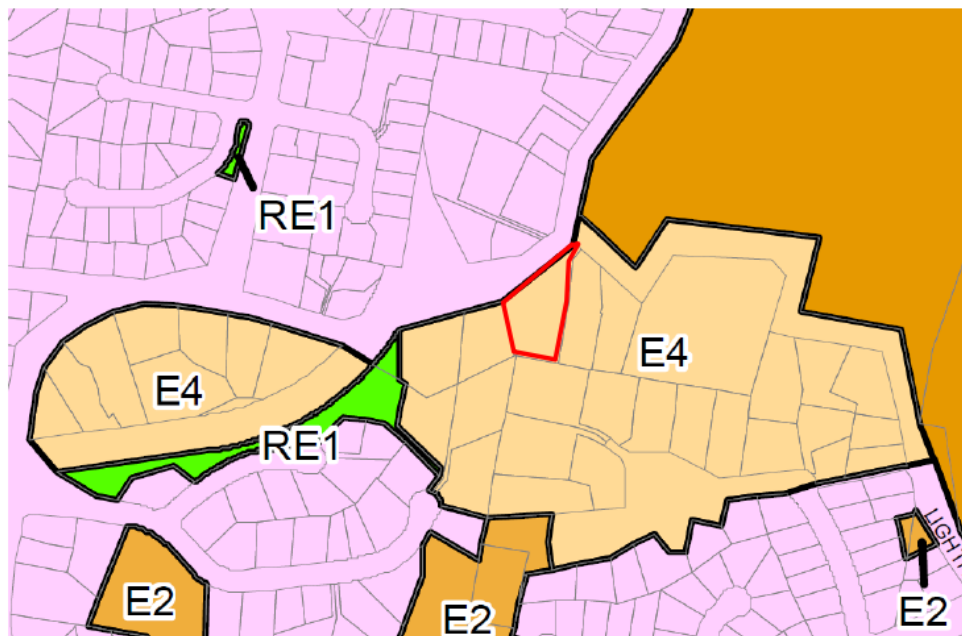


Figure 16: Zone with subject site highlighted. Source PMH LEP 2011 Map LZN\_013G

The objectives of the E4 Environmental Living Zone from the PMH LEP 2011 are as follows:

***“Zone R1 General Residential***

*Objectives of zone*

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.”*

The proposed development will continue to satisfy the objectives of the zone and is an appropriate form of development in the area.

*Clause 4.3 – Height of Buildings* of the PMH LEP 2011 controls the allowable building height measured from natural ground level to the roof on land subject to the LEP. The subject site is within an 8.5m mapped building height area which the subject dwelling will continue to comply with in the proposed works, (as indicated on the submitted architectural plans). There will be no detrimental impacts on adjoining properties through excessive bulk, scale, overshadowing or privacy (as demonstrated in this overall assessment).

*Clause 4.4 – Floor Space Ratio* of the PMH LEP 2011 controls the allowable floor space ratio (FSR) on land subject to the LEP. The subject site is located outside of the mapped or designated FSR areas of the LEP.

*Clause 5.10 - Heritage conservation* of the PMH LEP 2011, broadly seeks to conserve the environmental heritage of Port Macquarie-Hastings. It is noted that there are no mapped heritage items listed on the LEP maps adjoining the site or in its vicinity.

*Clause 7.1 - Acid Sulfate Soils*, of the PMH LEP 2011 seeks “to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage”. “Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the (PMH LEP 2011) Acid Sulfate Soils Map as being of the class specified for those works”. The site is not listed on the map as being within an ASS area and will not include any works described in the subject LEP subclause table.

*Clause 7.5 - Koala habitat*, of the PMH LEP 2011 seeks to ensure that development is designed to retain koala habitat. As the site is not identified on the Koala Habitat map, this clause does not apply. Nevertheless, as provided earlier in this report, an assessment under SEPP 44 for the removal of the scribbly gum from the site has been undertaken by Biodiversity Australia and the advice indicated its removal will have minimal ecological impact on koala habitat.



## 5.2 Port Macquarie – Hastings Development Control Plan 2013

Chapter 3.2 (Low Density Residential Development) of the Port Macquarie – Hastings Development Control Plan 2013 (PMH DCP 2013) applies to the subject application, as this section of the DCP applies to all land in the LGA for development types defined as dwelling houses.

The following table outlines the relevant PMH DCP 2013 objectives and development provisions and an assessment of the amended proposal against each of these:

Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
<b>2.3.3.1</b> Cut and fill regrading	Ensure that the design of any building or structure integrates with the topography of the land  a) Development shall not exceed a maximum cut of 1m and fill of 1m measured vertically above the ground level (existing) at a distance of 1m outside the perimeter of the external walls of the building	<b>X</b>	The building has been architecturally designed incorporate under the building footprint a cut of up to 1.5m in order to positively use the topography of the land and therefore has a lower ground level and an upper ground floor. The future Construction Certificate will confirm compliance with all Council structural requirements.
<b>2.3.3.2</b> To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape	b) Any retaining wall greater than 1.0m must be certified by a certified practicing structural engineer.	<b>✓</b>	All work will be carried out in accordance with the relevant current Australian standards and the Building Code of Australia. Any retaining wall and details will be submitted as part of the Construction Certificate and will be certified by a structural engineer.
<b>2.3.3.5</b> Environmental areas are to be appropriately protected and managed	a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.  b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.	<b>✓</b>	Biodiversity Australia has prepared an ecological report of the vegetation on site and surrounds. As the report concludes, the mapping is erroneous and no Littoral Rainforest will be impacted by the proposed development.  This proposal will not have a significant environmental impact on threatened species, populations or their habitats, and no threatened flora species were detected.  The impact to the environment to achieve this development will be



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Objectives	Development Provisions	Complies Yes/No	Comment
	<p>c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.</p> <p>d) VMPS are required to address Council's VMP "Heads of Consideration"</p>		minimal providing the methods and safeguards as conditioned in the development consent are followed during the works.
<b>2.3.3.7</b> To encourage proper management of Koala Habitat	For koala habitat refer to clause 7.5 of the Port Macquarie-Hastings LEP 2011.	✓	See assessment of cl 7.5 of PMH LEP 2011 in the report above. The site is not identified on the koala habitat LEP map.
<p><b>2.3.3.8</b> Hollow Bearing Trees -</p> <p>To assist with the conservation of biological diversity and promote ecologically sustainable development.</p> <p>To protect the habitat of those threatened species and populations that are dependent on hollow-bearing trees for their survival.</p> <p>To encourage the conservation of threatened species and populations by the adoption of measures involving co-operative management.</p> <p>To ensure that risk to people and property is minimised.</p>	<p>a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's Hollow-bearing tree assessment (HBT) protocol.</p> <p>b) Any tree that scores less than 8 using the HBT assessment protocol may be considered for removal subject to compensatory measures specified below.</p> <p>c) Any tree that scores 8-12 using the HBT assessment protocol may be considered for removal if management measures are 'impractical to allow retention'</p> <p>d) Any tree that scores more than 12 using the HBT assessment protocol the assessment must be retained and afforded a development exclusion buffer or located within environmental lands.</p> <p>e) Where a development exclusion buffer is proposed it shall have a radius of 1.25 times the height of the tree measured from its base.</p> <p>Notes: i) The HBT assessment protocol is included at the end of this Chapter. ii) "Impractical to allow retention" means where the hazard rating, assessed under the Tree Hazard Evaluation Form (2nd Edition, as adopted by the</p>	✓	<p>The proponent has identified on their plans, the removal of a scribbly gum as it is located within the curtilage/footprint of the proposed dwelling.</p> <p>As discussed earlier in this report, Biodiversity Australia has identified the tree as "a hollow-bearing tree, although it is likely to only have low habitat value for fauna". It would score around 12 in the Port Macquarie Development Control Plan 2013 Hollow Tree Protocol which places it in the medium constraint category.</p> <p>Trees in this category can be considered for removal if they are unsafe or impractical to retain. The tree has some large dead branches, has previously dropped branches and destroyed the rear fence, and would likely pose a risk to the new development proposed on the property. Therefore, the proposal includes removal of this scribbly gum tree.</p>

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Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
	International Society of Arboriculture) results in a long term rating of more than 10.		
<b>2.3.3.9</b> To ensure that where a HBT cannot be retained and managed safely within the future developed landscape, satisfactory and effective ameliorative and compensatory measures shall be implemented prior to removal of the tree	<p>a) A strategy for tree removal (timing and methodology) that minimises impacts on native wildlife shall accompany any development that proposes the removal of HBTs.</p> <p>b) The removal of HBTs is to be offset by the retention of recruitment trees. Compensatory recruitment trees shall be provided at the rate of two for one for trees that scored 8-12, and at the rate of one for one for trees that scored less than 8. A tree can be considered to be a compensatory recruitment tree under the following criteria:</p> <ol style="list-style-type: none"> <li>1. Does not have any major structural defects or is suffering from disease that would lead to premature death; and</li> <li>2. Is from the same vegetation community and same genus; and</li> <li>3. Are to be located within environmental lands and managed in accordance with a VMP; and</li> <li>4. Have a DBH of 50cm or greater and do not possess hollows. For Blackbutt Eucalyptus pilularis a DBH of 100cm or greater applies.</li> </ol> <p>c) The removal of HBTs are to be offset by the installation of nesting boxes of similar number and size as those to be removed.</p> <p>d) Nesting boxes are to be installed like for like (both type and number, and host tree to genus level) and must be located within proposed open space or environmental lands. Nesting Boxes are to be installed and maintained within environmental lands in accordance with a VMP. Nesting Boxes to be inspected and maintained by a qualified ecologist.</p>	✓	<p>As stated earlier in this report, the Biodiversity Australia's ecological advice recommended that the tree to be removed be offset with two replacement fauna nesting boxes ideally being placed on existing mature trees at the front of the property.</p> <p>The recommendation states that the boxes will need to be installed by an ecologist prior to removal of the tree. Removal of the hollow tree would also need to be supervised by an ecologist to recuse any fauna which may be nesting in the tree. The proposed site vegetation is therefore not considered as having significant potential or core koala habitat value.</p> <p>The recommendations of the ecologist assessment can be implemented as part of the development consent to mitigate any potential harm to the environment.</p>

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Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
	e) Any HBT that will not afford protection via an exclusion buffer or within environmental lands will attract the same offsetting requirements as if it was to be removed.		
<p><b>2.4.3.4 Bushfire Hazard Protection</b> - To ensure bushfire management measures do not result in the loss of important habitat areas.</p> <p>To ensure that Council is not burdened with the ongoing costs associated with the maintenance of Asset Protection Zones.</p> <p>To provide a public interface to environmental assets.</p>	a) Asset Protection Zones are to be located outside of environmental protection zones and wholly provided within private land	✓	As stated previously in this report, as the land is identified as bushfire prone. A bushfire assessment has been prepared by a Certified Bushfire Consultant - Krisann Johnson who assessed the site as requiring a BAL 19 rating. This assessment and recommendations have been submitted with the DA documentation.
<p><b>2.4.3.6 Stormwater</b> - To control and manage all stormwater generated within the development</p>	All stormwater infrastructure is designed in accordance with the Council's Auspec Design Specification Documents	✓	As required the stormwater infrastructure will be designed in accordance with the Council's and the Auspec Design Specification Documents. These documents will be provided as part of the future Construction Certificate.
<p><b>2.5.3.3 Parking provision</b> - Adequate provision is made for off-street parking commensurate with volume and turnover of traffic likely to be generated by the development. To ensure no adverse impacts on traffic and road function</p>	<p>a) Off-street Parking is provided in accordance with Table 2.5-1, located at the end of this Chapter.</p> <p>b) Where a proposed development does not fall within any of the listed definitions, the provision of onsite parking shall be supported by a parking demand study</p>	✓	<p>Several options and adequate off-street parking and garaging have been provided for the proposed development.</p> <p>The parking is easily accessible and will have negligible impact on neighbour's amenity. The site includes landscaping to reduce any potential impact.</p>

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Chapter 3.2 Low Density Residential Development															
Objectives	Development Provisions	Complies Yes/No	Comment												
2.5.3.14 Car parking and manoeuvring on the site does not generate dust, erosion or contaminated runoff	a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practicing qualified Civil Engineer.	✓	The on-site parking and manoeuvring areas including the new driveway extension (which will be similar to the existing bitumen seal) will all be constructed according to the architectural plans. Further details will be lodged as part of the Construction Certificate.												
3.2.2.2 Front setbacks should support an attractive streetscape.	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary.</p> <p>The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"><li>• an entry feature or portico,</li><li>• a balcony, deck, patio, pergola, terrace or verandah,</li><li>• a window box treatment,</li><li>• a bay window or similar feature,</li><li>• an awning or other feature over a window,</li><li>• a sun shading feature.</li></ul> <p>These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p> <p>b) In all other cases the primary front setback should be provided as follows:</p> <table><tr><th>Street Frontage</th><th>Setback (m)</th></tr><tr><td>Classified road – any frontage</td><td>6.0m</td></tr><tr><td>Primary Frontage</td><td>4.5m</td></tr><tr><td>Secondary Frontage</td><td>3.0m</td></tr><tr><td>Ancillary Lane</td><td>2.0m</td></tr><tr><td>Large lot residential and rural zones</td><td>10.0m</td></tr></table>	Street Frontage	Setback (m)	Classified road – any frontage	6.0m	Primary Frontage	4.5m	Secondary Frontage	3.0m	Ancillary Lane	2.0m	Large lot residential and rural zones	10.0m	<p>✓</p> <p>✓</p>	There is adequate setback of the dwelling from the main frontage along Lighthouse Road, and the secondary frontage with Pacific Drive. The proposed development easily retains compliance with the DCP street frontage setbacks.
Street Frontage	Setback (m)														
Classified road – any frontage	6.0m														
Primary Frontage	4.5m														
Secondary Frontage	3.0m														
Ancillary Lane	2.0m														
Large lot residential and rural zones	10.0m														
3.2.2.3 To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.	<p>A garage, carport or car parking space should:</p> <p>a) be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or</p>	✓	With the above stated front and secondary setbacks, landscape elements, staggered design of the new dwelling, the garage (including 6m opening), driveway and parking areas will have minimal impact on the amenity of												

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Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
To minimise the visual dominance of garages in the streetscape.	b) be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. c) The total width of the garage/carport opening should not be more than 6m and not more than 50 per cent of the width of the building. d) Driveway crossovers are a maximum of 1/3 of the site frontage and no greater than 5.0m in width. e) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	<div style="text-align: center;">✓</div>  <div style="text-align: center;">✓</div>	the locality.
<b>3.2.2.4</b> To allow adequate natural light and ventilation between dwellings/ buildings and to private open space areas.  To provide useable yard areas and open space.	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandas, patios and decks). A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.  b) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.  c) In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.  d) A detailed site analysis is to be provided indicating the impact of the design on adjoining dwellings and open space areas.	X	<p>The dwelling is proposed to be setback 3m off the rear boundary. A variation of 1m to the DCP requirement is therefore requested.</p> <p>The subject rear setback will comprise a landscape strip and includes a domestic dog kennel.</p> <p>It is assessed that the proposed 1m variation to the DCP rear setback standard should be permitted in the circumstances of this site given:</p> <p>The dwelling's unusually large front yard within a landscaped setback, the overall (non-standard) size of the allotment, the location of key outdoor uses to the front of the site and which actually reduce opportunity for potential neighbour impacts on acoustic and aural privacy, and retention of solar access to the area will contribute to maintaining a useable yard and open space at the front of the building.</p> <p>The dwelling has been designed to positively utilise the topography of the land, to capture natural light and ventilation. The requested variation will not impact negatively on any neighbours, with the 3m setback being successfully mitigated by the substantial existing vegetation along the southern property</p>



Statement of Environmental Effects  
Proposed New Dwelling, Pool & Driveway Extension – Lighthouse Rd, PORT MACQUARIE

Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
			<p>boundary and the fact that the rear setback is significantly down slope of neighbouring property.</p> <p>This lower topography combined with the existing significant vegetation will ensure no loss of acoustic or aural privacy or sunlight to any neighbour from the 1m variation.</p> <p>The private open space for the new proposed dwelling is all located at the front of the dwelling including a pool, spa, gym, terrace and landscaped lawns etc which will result in an improved overall acoustic impact on neighbours compared with standard rear yard designs.</p> <p>Additionally, there will no detrimental impact on neighbour's due to overshadowing as their dwellings are significantly setback from the boundary.</p> <p>As the neighbour's dwelling is located to the rear are upslope of the proposed development, potential impacts of the reduced setback are limited. Impacts of the proposed development on the side neighbours will also be minimal as the development is tucked behind their dwellings</p> <p>Consequently, the 3m rear setback is supported on merit and recommended for approval by Council.</p>

Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
<p><b>3.2.2.5</b> To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.</p> <p>To provide for visual and acoustic privacy between dwellings.</p>	<p>a) Ground floors should be setback a minimum of 900mm from side boundaries.</p> <p>b) First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June.</p> <p>c) Building walls are to step in and out at least every 12m by a minimum of 500mm.</p>	<p>✓</p> <p>✓</p> <p>✓/x</p>	<p>The side boundaries are proposed to be a minimum 2m on the western side boundary and 1.6m from the eastern side boundary. As indicated previously the new dwelling will be set back well behind the existing side neighbour's dwellings therefore reducing any potential negative impacts or overshadowing that may result from reduced setbacks.</p> <p>The neighbouring allotments are also generously sized so impacts are considered to be minor.</p> <p>All proposed dwelling walls lengths comply except one rear wall section, which is 18.2m long. This 18m wall length is orientated to the rear boundary, behind substantial existing vegetation and well downslope of neighbouring dwellings. Additionally, the upper ground level of this wall includes articulation achieved by various windows incorporated within the design. No negative visual or privacy impacts result from the additional 6.2m in proposed wall length.</p>
<p><b>3.2.2.6</b> To encourage useable private open space for dwellings to meet the occupants requirements for privacy, safety, access, outdoor activities and landscaping.</p>	<p>a) All dwellings should have a minimum area of private open space of 35m<sup>2</sup> in one area, with</p> <p>b) a minimum dimension of 4m x 4m; and</p> <p>c) a maximum grade of 5% for minimum 4m x 4m of the total open space requirement; and</p> <p>d) direct accessibility from a ground floor living area.</p> <p>e) Private open space may include clothes drying areas and garbage storage.</p>	<p>✓</p>	<p>The proposal complies with the private open space area and minimal dimension requirements of the DCP.</p>
<p><b>3.2.2.7</b> To define the edge between public and private land and to provide privacy and security.</p> <p>To ensure the adequate sight lines are</p>	<p>a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.</p> <p>b) Solid Front fences should be:</p> <ul style="list-style-type: none"> <li>• A maximum of 1.2m in height, and</li> </ul>	<p>✓</p> <p>N/A</p>	<p>The fencing and automated galvanised gates on both driveway entrances have been previously considered and approved by Council.</p> <p>Aside from the above, the fences and gates will not be significant elements in the streetscape due</p>

Statement of Environmental Effects  
Proposed New Dwelling, Pool & Driveway Extension – Lighthouse Rd, PORT MACQUARIE

Chapter 3.2 Low Density Residential Development			
Objectives	Development Provisions	Complies Yes/No	Comment
<p>provided for vehicles leaving the site. To ensure front fencing does not impact on the public domain. To encourage surveillance of the street and other public places.</p>	<ul style="list-style-type: none"> <li>• Setback 1.0m from the front boundary, and</li> <li>• Suitably landscaped to reduce visual impact, and</li> <li>• Provide a 3m x 3m splay for corner sites.</li> </ul> <p>c) Where a front fence is proposed to be more than 1.2m high:</p> <ul style="list-style-type: none"> <li>• be a maximum of 1.8m in height, above existing front property boundary level, and</li> <li>• either:               <ul style="list-style-type: none"> <li>• Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or</li> <li>• be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage,</li> <li>• have openings which make it not less than 25% transparent;</li> <li>• provide a 3m x 3m splay for corner sites, and</li> <li>• provide a 900mm x 900mm splay for vehicle driveway entrances.</li> </ul> </li> </ul>	✓	<p>to the existing vegetation present on the site's boundaries and within the road reserves (as can be seen in the site and aerial photos earlier in this report).</p>
<p><b>3.2.2.10</b> To protect the visual privacy of on-site and nearby residents.</p>	<p>a) Direct views between primary indoor and outdoor living areas of adjacent dwellings, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> <li>• ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;</li> <li>• other floor windows are within a 12m radius;</li> <li>• direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.</li> <li>• A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary and is greater than 3m<sup>2</sup> and more than 1m above ground level.</li> </ul>	✓	<p>The proposed development will protect the visual privacy of on-site and nearby residents, and due to the staggered dwelling design does not do not include any primary indoor or outdoor living areas adjoining a common boundary with direct views to the adjoining property.</p> <p>Thus, the development complies with the stated DCP privacy requirements and will preserve the amenity of all adjoining properties.</p>

## 6. Environmental Planning Assessment

### 6.1 s.4.15C (1)(a)(i) the provision of any Environmental Planning Instrument (EPI)

Consideration of the following EPI's has been included in this report in section 4.0:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy - Building Sustainability Index 2004
- State Environmental Planning Policy (Coastal Management) 2018
- Port Macquarie Hastings Local Environmental Plan 2011

Planning for Bushfire Protection 2006 has also been considered in section 5.10 of this report.

### 6.2 s.4.15C (1)(a)(ii) the provision of any draft Environmental Planning Instruments

Not applicable.

### 6.3 s.4.15C (1)(a)(iii) any Development Control Plan

Consideration of the Port Macquarie Hastings DCP 2013 has been included in Section 7.2 of this report.

### 6.4 s.4.15C(1)(a)(iv) any matters prescribed by the regulations

Not applicable.

### 6.5 s.4.15C (1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

#### Context and Setting

The subject proposal will be in keeping with the established residential / environmental living zone and context of the site and locality. As stated earlier in this report, the proposed development is commensurate in scale and design to the existing dwellings in the area. The overall assessment of the proposal including ecological examination and analysis by Biodiversity Australia of the potential impacts on Littoral Rainforest

and koala trees, concluded that the proposed development will result in minimal environmental impacts. The proposed architecturally designed dwelling will be in context with its surroundings. The proposal is also considered to be appropriate within the E4 Environmental Living zone in view of its compliance with the LEP zone objectives and the DCP development requirements.

#### Access, Transport and Traffic

The proposal will be adequately serviced by the existing urban streets and it will not create any unreasonable impacts that exceed the capacity of the local road system or intersections.

#### Public Domain

The proposal will not have an adverse impact on the public domain. With the existing generous front and setbacks to the site's road frontages the proposed new dwelling will not create an overbearing bulk or scale to the neighbouring areas or public domain.

#### Utilities

The proposed development will not create any unreasonable impacts on the existing utility services available to the subject site.

#### Heritage

The proposal is not listed as a heritage item under the PMHC LEP 2011 nor is it in the vicinity of any other listed item.

#### Flora and Fauna

As the Biodiversity Australia assessment concludes, no significant flora or fauna will be affected by the proposal. As noted in this report the removal of the scribbly gum tree can be offset and recommendations regarding the tree removal and future management can form part of the development approval.

#### Energy

No specific energy issues have been identified; the dwelling has been designed in accordance with the recommendations of the submitted BASIX certificate.

#### Noise and Vibration

The demolition work and construction of the new dwelling, and ancillary buildings and structures will involve the normally expected level of noise. This all will be temporary and will be managed by standard conditions of development consent issued by Council. No ongoing noise out of character with the existing nature of the area will be associated with the proposed development and residential characteristics.

#### Contaminated Land

Not applicable.



#### Technological Hazards

Not applicable.

#### Social Impact in the Locality

The site already has a dwelling constructed which is proposed to be demolished, and a newly detached dwelling constructed. This on-going use of the site is a reasonably expected development in the locality and thus the proposal will have a neutral social impact in the area.

#### Economic Impact in the Locality

There may be a small positive economic impact on the locality generated by the approval and construction work associated with the structure.

#### Construction

Construction of the development will be undertaken in accordance with the approved plans and in accordance with Council standards and the conditions on the development consent.

#### Stakeholder and Community Consultation

The proposed development was advertised and notified twice by Council, including the second notification as a 'designated development' for the required timeframes. The Department of Planning and Environment Secretary's Environmental Assessment Requirement (SEAR) notification no. 1338 dated 1 May 2019, did not require any additional community consultation than as required to meet the EIS minimum form and content requirements outlined in Schedule 2 of the Environmental Planning and Assessment Regulation 2000, and that the EIS address the provisions of the SEPP (Coastal Management) 2018 (which are addressed earlier in this report). These matters have been addressed within this EIS. Consultation has therefore been satisfactorily undertaken and submissions considered.

#### Cumulative Impacts

It is unlikely that the proposed development will have any significant cumulative impacts on the area. As outlined in the preceding environmental assessment the impacts from the proposal will be minor and within the normal bounds of expectation without any cumulative effects.

### **6.6 s.4.15C (1)(c) suitability of the site for development**

Having regard to the location of the subject site and the preceding assessment of the proposal, the site will adequately accommodate the development in that:

- The proposed dwelling, and associated structures and works are development that is reasonably expected in the E4 Environmental Living zone and will be in keeping with this existing context of the locality;

- The proposed development and associated works will generally comply with the LEP and DCP requirements and will not create any unreasonable overshadowing, bulk and scale or privacy issues to the adjoining properties or public areas;
- The construction and installation of the proposed development will be done in a manner that minimises impacts on the surrounding land and the wider environment

#### **6.7 s.4.15C (1)(d) submissions made in accordance with the Act or the Regulations**

Port Macquarie - Hastings Council as the Consent authority will need to consider any submissions received in response to the public exhibition of the proposed development. One submission was received from the rear neighbour indicating:

- the common boundary should be increased by a further 2 metres
- establishment of a green buffer zone at least 1m between the common boundary, and advise agreed provision for any possible future trimming of the vegetation on the boundary
- relocate the proposed dog kennel at the rear of the dwelling to the northern side of the proposed dwelling
- gum tree to be retained or if not possible, make provision for its replacement
- the rainwater tank be abutted to the new building as opposed to the boundary fence

In response to the matters raised in the submission, the proponents have made argument (as identified throughout this report) to explain the variation to the DCP building setback requirement, and minimal impact resulting. A managed landscaping strip at the rear of the dwelling has been incorporated in the landscape design. The dog kennel has been retained in its current location at the rear of the dwelling, however the rainwater tank has been relocated. The gum tree is proposed to be removed and offset arrangements and management can be implemented on-site.

#### **6.8 s.4.15C (1)(e) the public interest**

There are no known Federal and/or State Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular case. AAP is not aware of any other circumstances that are relevant to the consideration of this development application. The proposed development is demonstrably in the public interest.

## 7. Summary of Need and Options Considered

### 7.1 Description and Objectives of the Development

This report updates the Statement of Environmental Effects prepared by Robert Snow Architects lodged with the Development Application (DA 2019 – 154.1) for demolition of an existing dwelling and swimming pool, and the construction of a new replacement dwelling, swimming pool and driveway extension. The proponent has lodged with the development application - site and location plans, floor plans, roof plan, reflected ceiling plans, sections, elevations, 3D solar shading views, window and door schedules, identifying the various characteristics of the proposed development. In response to Council comments, amended architectural plans have been submitted by the proponent, and have assisted to inform this EIS report.

As the subject property has been partly mapped as Littoral Rainforest under State Environmental Planning Policy (Coastal Management) 2018, (Coastal SEPP) and a portion of the development is to be located within this mapped area, the proposal is declared to be designated development, and has been notified. Under the Coastal SEPP, the preparation of an Environmental Impact Statement (EIS) is required to accompany the development application. This EIS has been prepared in accordance with the Planning Secretary's Environmental Assessment Requirements (SEARs).



Figure 17: Aerial View overlaid with proposed Development and mapped Littoral Rainforest boundary.  
Source: Prados & Snow Architects

## 7.2 Analysis of Development & Description of the Environment

The subject property comprises a 3578m<sup>2</sup> parcel of land at 42 Lighthouse Road, Port Macquarie, legally known as Lot 1 in DP 612190. The property has been partially cleared with some scattered mature trees remaining in the northern and western boundaries (along Pacific Drive) and southern areas of the site. Other areas of the property comprise lawns and ornamental plantings. The EIS has analysed and assessed the following:

- Land Use / Planning Constraints (ie zoning, land use, existing development and services) and proposed development
- Bio-physical Constraints of the subject land (ie vegetation, hydrologic considerations, geology/ soils)
- Likely impact on the environment due to the development / activity / infrastructure
- Proposed mitigation measures to mitigate any adverse effects of the development / activity / infrastructure on the environment
- Reasons justifying the carrying out the development/ activity/ infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development

The Principal Ecologist at Biodiversity Australia completed a site inspection and vegetation assessment of the subject property in May 2019 to determine an accurate representation of the current vegetation present on the site, and determine if the mapped land on the site and to the south comprised Littoral Rainforest.

The Biodiversity Australia report assessed that vegetation present in the southern area of the site comprised exotic ornamental planting and lawns, with a single native tree. As identified:

*“The vegetation to the south is unlikely to qualify as Littoral Rainforest EEC. This is due to the presence of exotic species which dominate the canopy and understorey layer. An accepted definition for rainforest states that the tree stratum with the greatest crown cover has rainforest species making up 50% or more of the crown cover (DEC 2004). This is clearly not the case with the vegetation in question. Furthermore, the community does not show evidence of maritime influence such as wind-shear and dieback from salt spray which is typical of Littoral Rainforest’....*

In assessing the reasons for the erroneous mapping, the Biodiversity Australia research identified that the 2013 study prepared by Biolink to derive the Port Macquarie-Hastings Council's local government area (LGA) vegetation mapping was likely to have some inaccuracies due to the study being carried out at the LGA scale, and identified that it should have been subject to ground truthing at a site scale.

Additional advice was also sought from Biodiversity Australia regarding the removal of an existing scribbly gum located within proximity to the footprint of the proposed development. The scribbly gum is considered unsafe and impractical to retain as the dead branches and structure poses a dangerous risk to the new development proposed on the property, and adjoining neighbour's fence.

### 7.3 Likely Impact on the Environment

In examining the likely impact of the development on the environment, the Biodiversity Australia report concludes the subject site does not contain Littoral Rainforest stating:

*“The site inspection has identified vegetation on the property. This assessment has concluded that the vegetation does not comprise Littoral Rainforest as it lacks the key floristic and structural attributes. Vegetation on adjoining land to the south is also unlikely to qualify as Littoral Rainforest at present, however it would have the potential to regenerate into Littoral Rainforest is (sic) weeds are removed. It is recommended that the Coastal SEPP mapping layer be amended to remove the Littoral Rainforest mapping from the subject site and adjoining land to the south”.*

Therefore, the proposed development will have minimal environmental impact (and no direct impact) on any Littoral Rainforest area or associated ‘proximity area / buffer’ identified by the Coastal SEPP.

The proponent has identified on their plans, the removal of a scribbly gum as it is located within the curtilage/footprint of the proposed dwelling. Biodiversity Australia has identified the tree as “a hollow-bearing tree, although it is likely to only have low habitat value for fauna”. It would score around 12 in the Port Macquarie Development Control Plan 2013 Hollow Tree Protocol which places it in the medium constraint category. Trees in this category can be considered for removal if they are unsafe or impractical to retain. The tree has some large dead branches, has previously dropped branches and destroyed the rear fence, and would likely pose a risk to the new development proposed on the property. Biodiversity Australia advice has recommended to offset the removal of the scribbly gum tree, by installing two replacement fauna nesting boxes.

### 7.4 Analysis of Feasible Alternatives to carrying out of Development and Mitigation Measures

In terms of mitigating potential environmental harm, the following matters have been considered:

a) “Do Nothing” –

Comment: The proponent could maintain the existing dwelling and structures and propose no new development. This is not an acceptable or preferred option as the proposed development is permissible in the zone, at the development will be a significant improvement on the current dwelling and result in reduced neighbour impacts due to the reorientation of key site uses including the pool and key recreation and open space on the site. The DA application was therefore lodged.

There is no Littoral Rainforest located on the site, that will be impacted as a result of the development. Taking a precautionary approach, the existing scribbly gum located at the rear of the property is considered unsafe and impractical to retain given the existing dead branches and its structure poses a danger to existing users of the rear yard and a risk to the new development



proposed on the property. Council could therefore recommend its removal and indicate offset arrangements within the conditions of consent.

b) "Remove mapping constraint" –

Comment: The Biodiversity Australia report concludes that the mapped Littoral Rainforest is erroneous, and the subject Coastal SEPP mapping layer should be removed from the subject site and the adjoining land to the south. An application to the NSW Department of Planning and Environment has been made for removal of the erroneous mapping layer. However the amendments to the SEPP schedule dictate the timing of this constraints layer removal is not until the end of 2019 at the earliest, so awaiting rectification of the mapping layer prior to lodging the DA is considered unviable due to the lengthy time delays to begin works.

c) "Offset the scribbly gum with replacement nesting boxes"

Comment: Biodiversity Australia advice has discussed as recommended to offset the removal of the scribbly gum tree, in the existing rear yard by installing two replacement fauna nesting boxes. Ideally these would be placed on existing mature trees at the front of the property. The boxes would need to be installed by an ecologist prior to removal of the scribbly gum tree. Removal of the tree would also need to be supervised by an ecologist to ensure no impact on any fauna that could potentially be using the tree. These matters can be conditioned as part of the development consent.

d) "Respond to neighbour's concerns"

Comment: The proponents have relocated the water tank and moved it off the rear property boundary. The proposed dog kennel is exempt development and does not require development consent. An option could consider the relocation of the dwelling further from the rear fence line, however it is noted the dwelling would only need to be moved 1m further north to comply with Council's DCP standard. Relocation of the dwelling is not supported for the reasons detailed in this EIS, which include improved overall benefits for the existing neighbours. The dwelling has been architecturally designed to utilise the topography of the land and the dwelling sits well within the existing landscape. The DCP can be varied by Council to permit the proposed reduced rear building setback. However, as this assessment has indicated, the neighbouring dwelling is set significantly upslope of the subject new dwelling, and with private open space and amenity being preserved by the dense vegetation and topography, which effectively separate the two dwellings. Impacts are considered negligible.

e) "Respond to granny-flat prohibition"

Comment: The architectural plans have now been amended to change the granny flat to a guest bedroom and cooking facilities have been removed.

f) “Respond to potential Bushfire Hazards”

The Bushfire assessment report identified that the site has a bushfire attack level of BAL 19, and as such will need to be treated as an Inner Protection Zone for the life of the building. Consequently, the new dwelling will need to comply with Sections 3 and 6 (BAL 19) of AS 3959-2009 ‘Construction of buildings in bush fire prone areas’ and section A3.7 Addendum Appendix 3 of ‘Planning for Bushfire Protection’. The Bushfire assessment identifies requirements for the management of the site including vegetation, services, landscaping to ensure Inner Protection Zone. The proponent has also identified a landscape strip planted along the full extent of the rear boundary.

The environmental matters considered and safeguards outlined in this assessment can be incorporated into the detailed design phase and instigated during construction and operation of the proposal. No significant adverse impacts arising from the proposed works on the surrounding environment has been identified.

## 7.5 List of Approvals Required before Development can be carried out

The following approvals are required:

- Development Consent under the Environmental Planning and Assessment Act 1979
- Construction Certificate
- Swimming Pool Compliance Certificate
- Section 68 Approval for private supply of water, stormwater and sewerage plumbing and drainage under the Local Government Act 1993
- Water Management Compliance Assessment Certificate
- Section 138 approval for works in the road reserve under the Roads Act 1997
- Section 100B of the Rural Fires Act 1997
- NSW Department of Planning - Secretary’s Environmental Assessment Requirements (SEARS)

These approvals will form part of the requirements and documentation related to the development consent.

## 8. Conclusion

This EIS has been prepared as a requirement under the Coastal SEPP as a portion of the development is located within a mapped Littoral Rainforest area, and consequently the proposal is declared to be designated development. However as indicated, the ecological assessment by Biodiversity Australia has identified that the mapping is erroneous and no Littoral Rainforest will be impacted by the proposed development.

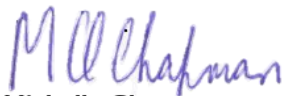
This proposal will not have a significant environmental impact on threatened species, populations or their habitats, and no threatened flora species were detected. The direct impact to the environment to achieve this development will be minimal providing the methods and safeguards as conditioned in Council's anticipated development consent are followed during the works.

The proposed demolition, construction of a new dwelling and buildings and ancillary structures, and new driveway extension is permissible in the zone, is consistent with the zone objectives and has general planning merit. The proposal as outlined and assessed in this report is recommended to Council as a positive response to the ongoing demand for housing in the Port Macquarie LGA, whilst being compatible with, and respectful of the existing surrounding context. As noted earlier the subject development will have minimal environmental impacts and will comply with Council's applicable development standards. The proposal is appropriate for its site and location and is recommended for Council's approval.

Statement of Environmental Effects  
Proposed New Dwelling, Pool & Driveway Extension – Lighthouse Rd, PORT MACQUARIE

## 9. Certification

This Environmental Impact Statement provides a true and fair review of the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal.



**Michelle Chapman**

PIA Fellow, Registered Town Planner  
Master Town Planning  
Bachelor Urban & Regional Planning (Hons)  
Member Planning Institute Australia  
Director, Principal Planner

ALL ABOUT PLANNING

**Attachment I**

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Planning Secretary's Environmental Assessment Requirements (SEAR) 1338, dated 01 May 2019  
NSW Planning & Environment



**Industry Assessments**

Contact: John Booth

Phone: (02) 8275 1281

Email: [john.booth@planning.nsw.gov.au](mailto:john.booth@planning.nsw.gov.au)

Ms Michelle Chapman  
Director  
All About Planning  
PO Box 2196  
PORT MACQUARIE NSW 2444

SEAR 1338

Dear Ms Chapman

**Proposed Demolition and Construction of Residential Dwelling  
42 Lighthouse Road, Port Macquarie (Lot 1 DP 612190) – Port Macquarie Hastings LGA  
Planning Secretary's Environmental Assessment Requirements (SEAR) 1338**

I refer to your correspondence dated 01 May 2019, seeking Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed demolition of an existing dwelling and construction of new residential dwelling within mapped Littoral Rainforest.

The Department has reviewed the documentation submitted and confirms it has no specific requirements applicable to your proposal, except that the EIS must address the provisions of the *State Environmental Planning Policy (Coastal Management) 2018*. In addition, you should ensure that your EIS meets the minimum form and content requirements outlined in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

You should ensure that your EIS is prepared in consultation with Port-Macquarie Hastings Council, the Rural Fire Service and any other relevant local, State and Commonwealth government authorities, service providers, community groups and surrounding landowners, and address any issues they raise in the EIS.

If you do not lodge an application under Section 78A (8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the date of this letter, you must consult with the Secretary in relation to any further requirements for lodgement.

Should you have any further enquiries, please contact John Booth, Planning Services, at the Department on (02) 8275 1281.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie

**Director****Industry Assessments**as delegate of the Secretary

1/5/19

**Attachment 2**

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Revised Architectural Plans Proposed New Residence, No 42 Lighthouse Road, PMQ, Rev: A & B, dated: 10/03/19 & 17/05/19, prepared by Rob Snow Architect

DEVELOPMENT APPLICATION

D R A W I N G T R A N S M I T T A L :

Drawing No:	Description	Issue / Revision	10/03/19	17/05/19
0.1-B	COVER SHEET		A	B
1.1-A	GENERAL NOTES & SITE LOCATION PLAN		A	
1.2-B	SITE PLAN		A	B
1.3-B	LOWER GROUND FLOOR PLAN		A	B
1.4-A	UPPER GROUND FLOOR PLAN		A	
1.5-A	ROOF PLAN		A	
1.6-B	LOWER GR. FL. REFLECTED CEILING PL.		A	B
1.7-A	UPPER GR. FL. REFLECTED CEILING PL.		A	
2.1-A	SECTIONS 1 & 2		A	
2.2-A	SECTIONS 3 & 4		A	
3.1-A	EAST & WEST ELEVATION		A	
3.2-A	NORTH & SOUTH ELEVATION		A	
3.3-A	3D VIEWS		A	
3.4-A	SOLAR SHADING VIEWS		A	
4.1-A	WINDOW SCHEDULE		A	
4.2-A	DOOR SCHEDULE		A	

T R A N S M I T T A L S H E E T / R E C O R D :

STATUS:	C = CONSTRUCTION; CC = CONSTRUCTION CERTIFICATE; CDC = COMPLYING DEVELOPMENT CERTIF. DA = DEVELOPMENT APPLICATION; PA = FOR APPROVAL; P = PRELIMINARY; S68 = S68 SUBMISSION;
REVISION:	DATE: STATUS: TO:
REV: A	10/03/2019 DA COUNCIL CLIENT AND DESIGN TEAM
REV: A	17/05/2019 DA COUNCIL, CLIENT AND DESIGN TEAM



ROBERT SNOW ARCHITECT  
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 8969

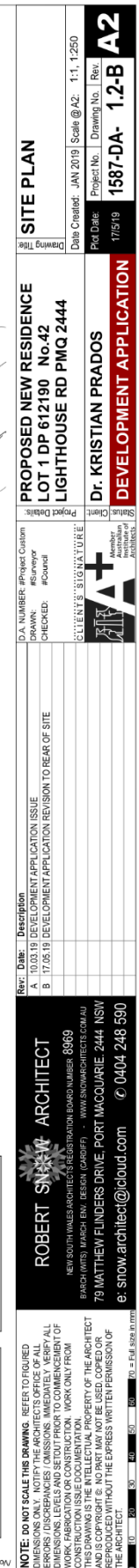
PROPOSED NEW RESIDENCE LOT 1 DP 612190 No.42 LIGHTHOUSE  
RD PMQ 2444

CLIENT: DR. KRISTIAN PRADOS

COVER SHEET

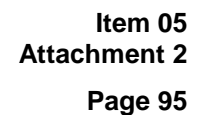
Plot Date: 10/3/19  
Project No. 1587-DA- 0.1-B  
Rev: A2

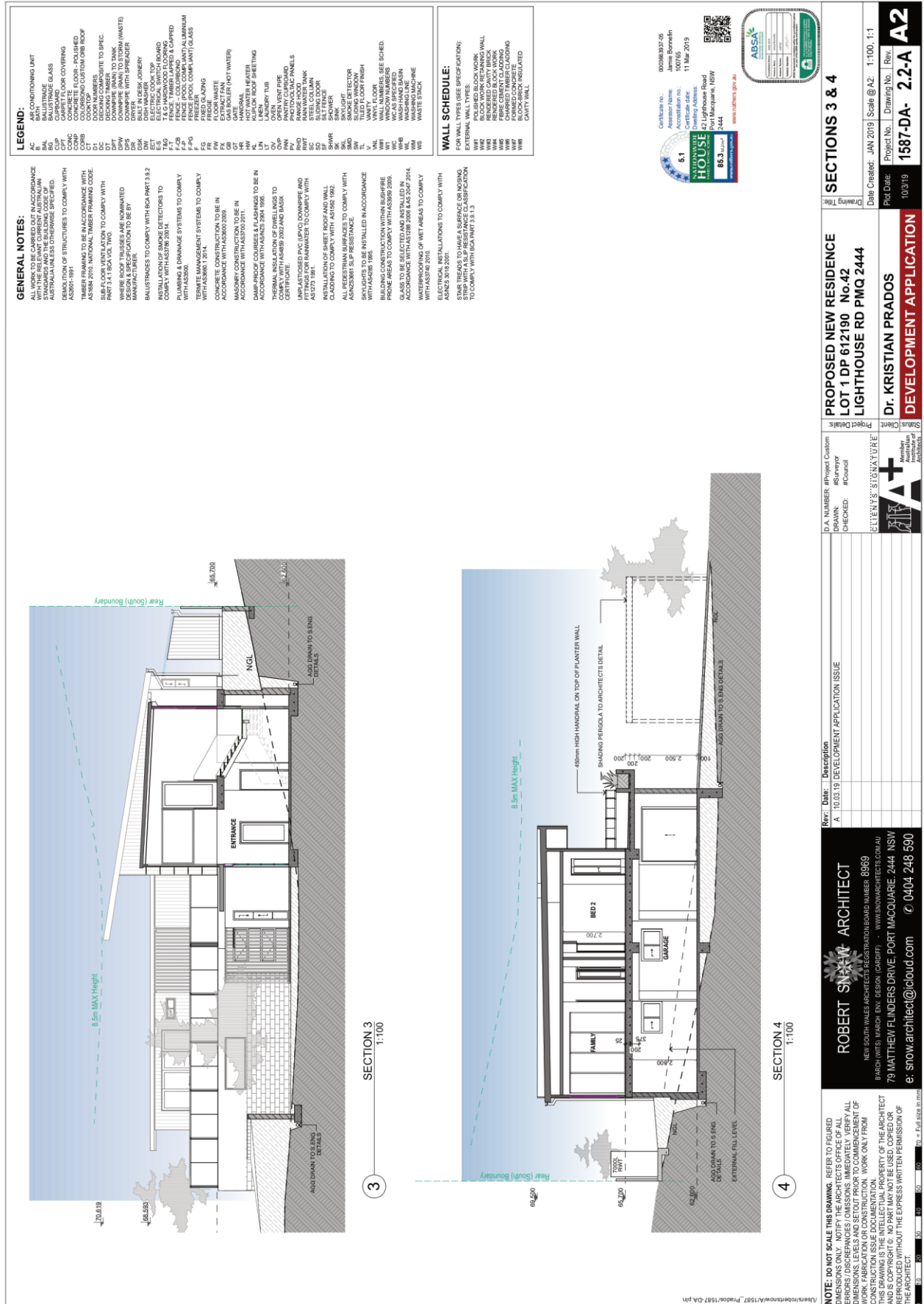
[/Users/robertsnow/A/1587\\_Prados/1587-DA.pln](#)





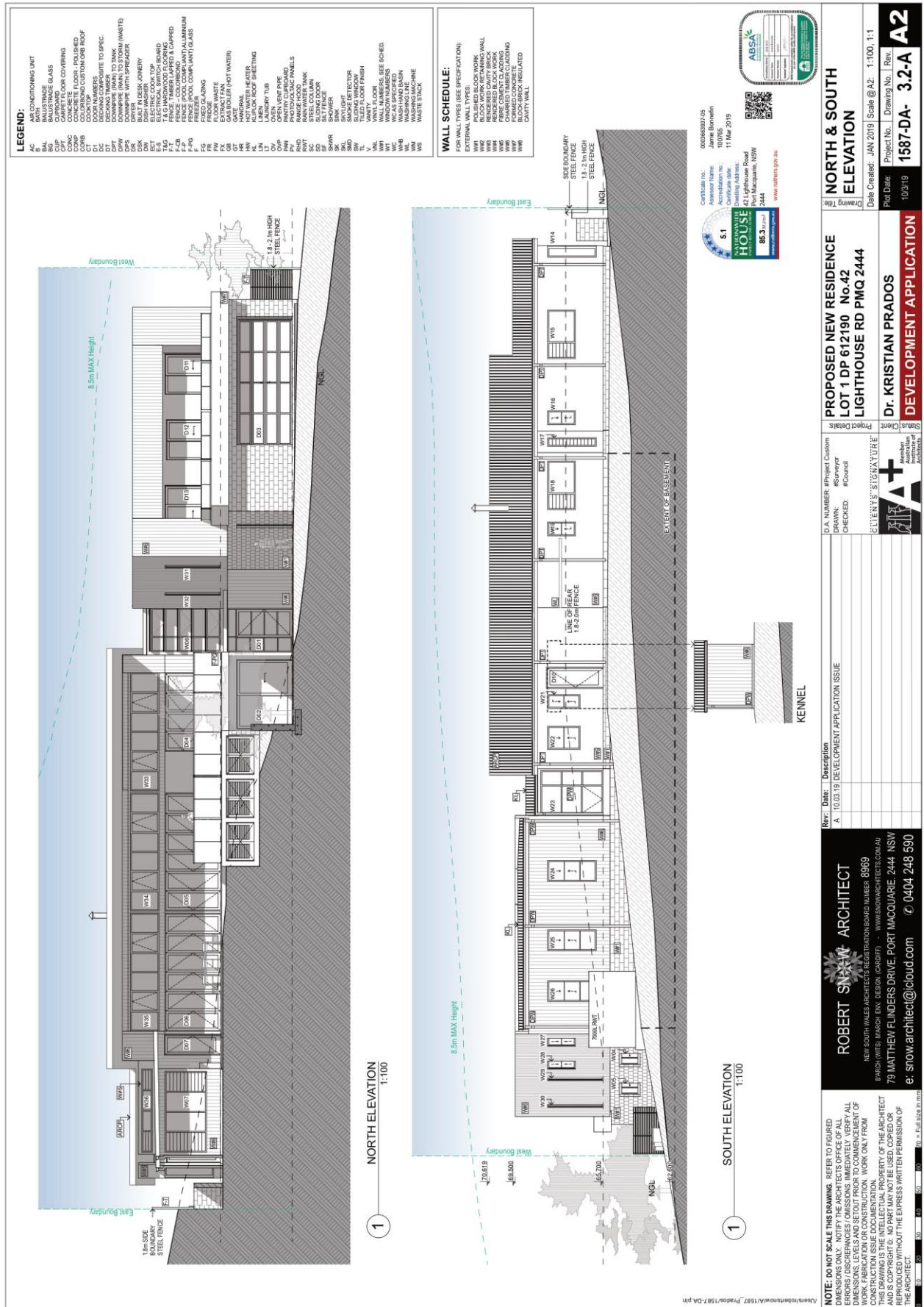




























DOOR SCHEDULE		D08	D09	D10	D11	D12	D13
ID	Description	W H C M	N S C M	N S C M	N S C M	N S C M	N S C M
	Orientation	W	N	S	N	N	N
	Height	2,500	2,500	2,500	2,500	2,500	2,500
	Width	3,500	5,000	2,500	1,875	1,875	1,875
Door Elevation							
		ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM
		4	4	3	4	4	4
		4	4	3	4	4	4



Company Name	ABSA
Company Address	1234 Main Street, Suite 500, New York, NY 10001
Company Phone	(212) 555-1234
Company Email	info@absa.com
Company Website	www.absa.com
Company Logo	

**GLAZING NOTES:**  
SCHEDULES TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DRAWINGS (WIND LOADS, ETC.) AND RELEVANT RELEVANT CONSULTANTS DRAWINGS.  
ALL DIMENSIONS TO BE VERIFIED BEFORE ANY WORK OR FABRICATION COMMENCES.  
IF ANY DISCREPANCY AMBIGUITY, ERROR OR INCONSISTENCY IS FOUND IN THIS SET OF DRAWINGS, THE ARCHITECT MUST BE ADVISED BEFORE PROCEEDING.  
ALL GLAZING TO COMPLY WITH BC AND RELEVANT AUSTRALIAN STANDARDS AND IN COMPLIANCE WITH THE BASIS CERTIFICATE.  
GLASS TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS/NZS 2208:1996 & AS/NZS 2209:1996 AND FINISHES TO COMPLY WITH BASIS REPORT.

GLASS TYPES:			
Type	U-Value	SHGC	NATHERS Class.
1	4.8	0.50	ALM-004-01A
2	6.7	0.70	ALM-002-01A
3	4.9	0.33	ALM-003-04A
4	4.9	0.33	ALM-004-04A
5	4.8	0.34	ALM-005-04A
6	4.8	0.51	ALM-003-01A

BUSHFIRE CLASS. = BAL 19

[illegible]

**Attachment 3**

---

ecological Assessment for Littoral Rainforest, dated 24 May 2019, prepared by Will Steggall – Biodiversity Australia





Friday, 24<sup>th</sup> May 2019

Michelle Chapman  
All About Planning  
PO Box 2196  
Port Macquarie  
NSW 2444

Delivery via: Email [michelle@allaboutplanning.com.au]

ABN: 81 127 154 787

[Head Office](#)

PO Box 721

Upper Coomera

QLD 4209

Phone 1300 319 954

[info@biodiversityaust.com.au](mailto:info@biodiversityaust.com.au)

[www.biodiversityaust.com.au](http://www.biodiversityaust.com.au)

Dear Michelle

**RE: Assessment for Littoral Rainforest at 42 Lighthouse Road, Port Macquarie.**

As requested we carried out a site inspection and vegetation assessment on the subject property to review the vegetation present and determine if it comprises Littoral Rainforest.

## 1.0 Background Information

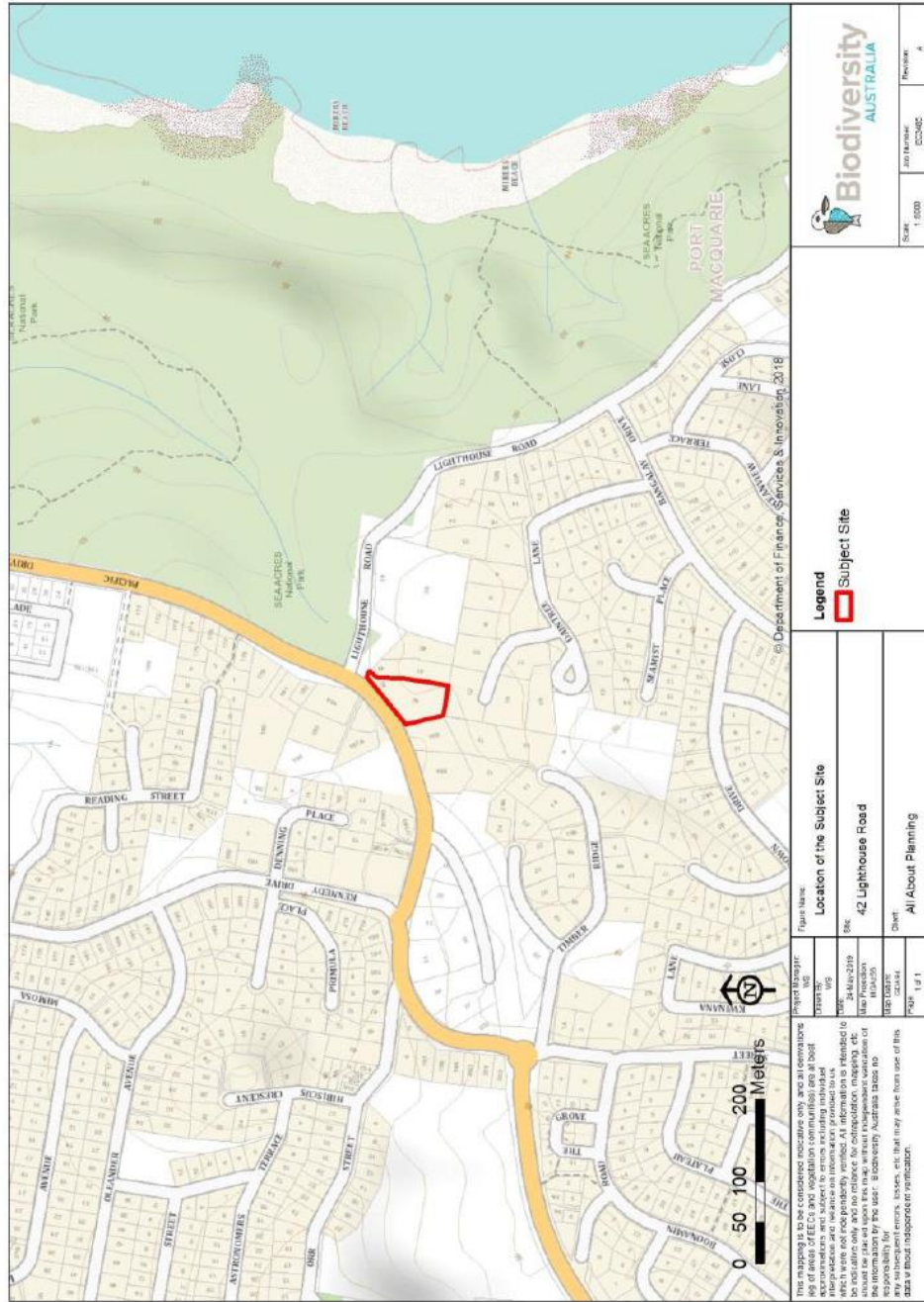
The new Coastal Management SEPP came into force in March 2018. This SEPP has supporting mapping of Coastal Wetlands and Littoral Rainforest. There have been a number of anomalies and inaccuracies with the mapping layers in the Port Macquarie-Hastings LGA.

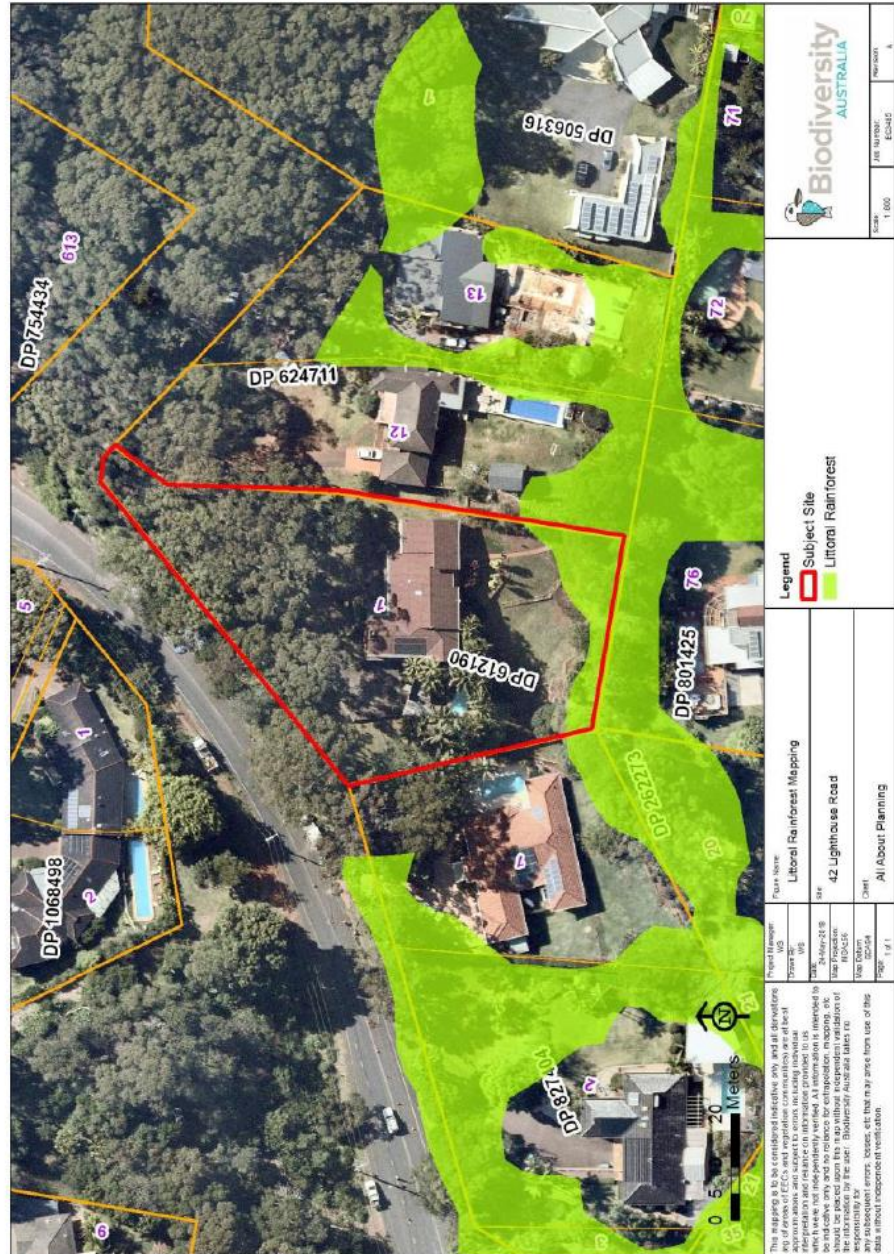
The subject property comprises a 3500m<sup>2</sup> parcel of land at 42 Lighthouse Road (Figure 1). The property has been partially cleared with mature trees remaining at the front and rear of the property. Other areas of the property comprise lawns and ornamental plantings.

A small portion at the rear of the property has been mapped as Littoral Rainforest with the Coastal Management SEPP 2018 mapping layer (Figure 2). This community is listed as an Endangered Ecological Community (EEC) under the NSW *Biodiversity Conservation Act 2016*. It is also listed as a Threatened Ecological Community (TEC) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*. This mapping polygon extends over the adjoining properties to the south and east.

The aim of this report is to provide an accurate representation of the current vegetation present on the site and determine if the Littoral Rainforest mapping on the site and adjoining land to the south is appropriate.

Figure 1: Location of the Subject Site









---

## 2.0 Methods

### 2.1. Desktop Searches and Literature Review

A desktop review was initially undertaken. The following databases and digital data layers were searched/obtained:

- Port Macquarie LGA Vegetation Communities and Endangered Ecological Communities (EECs) digital data layer (Biolink 2013)
- Coastal Management SEPP 2018 – Littoral Rainforest digital data layer (Department of Planning and Environment)

### 2.2. Flora Survey

A flora survey was carried out by Biodiversity Australia's Principal Ecologist Will Steggall over 2 hours on 16<sup>th</sup> April 2019. This consisted of a random meander flora survey covering the southern portion of the property. Access could not be gained into the adjoining Lot to the south, however this was inspected as much as possible from within the subject site.

The vegetation community on the property and adjoining Lot to the south has been described based on data collected during the field survey.

## 3.0 Results

### 3.1. Desktop Search

#### 3.1.1. PMHC Vegetation and EEC Mapping

This LGA EEC mapping (Biolink 2013, Darkheart 2014) shows that the southern portion of the property is mapped as Littoral Rainforest. This mapping is shown in Figure 2.

This Council EEC layer aligns almost exactly with the Littoral Rainforest layer under the Coastal SEPP.

[illegible]





### 3.2. Site Vegetation Community

The vegetation in the south of the property was found to largely comprise managed lawn with a variety of ornamental plantings. A single mature Eucalypt tree is present. Overall, very few native are present in this part of the property. It is also noted that many of the trees from the adjoining Lot to the south are overhanging the site, giving the appearance of a larger area of vegetation present within the site.

The vegetation community on adjoining land to the south could be described as exotic regrowth vegetation.

The following sections provide a description the vegetation community present on site, as well as the adjoining land to the south. Photographs are provided following the description.

#### 3.2.1. Managed Lawn and Ornamental Plantings (Subject Site)

**Area on site:** 270m<sup>2</sup>

**Structure and Floristics:**

Canopy: A single Narrow-leaved Scribbly Gum (*Eucalyptus racemosa*) is present in the southeast and is approximately 17m in height.

Understorey/Shrub layers: A few ornamental plantings and juvenile native trees/shrubs are present. These comprises Jacaranda, Duranta, Murraya, Macadamia Nut, Camellia and a single Guioa (*Guioa semigaluca*).

Groundcover: The ground layer is dense and consists of exotic grasses and herbs. Dominant species include Buffalo Grass, Kikuyu and Cobblers Pegs.

**Comments:** Very poor condition as this community is almost entirely comprises of exotic species and is regularly mown.

#### 3.2.2. Exotic Regrowth Vegetation (Lot 76 to south)

**Area on site:** Nil aside from overhanging trees

**Structure and Floristics:**

Canopy: Consists largely of exotic trees with a few native species present. Height ranges from 10-15m. Dominant to common species are Camphor Laurel, Liquidambar, and an unidentified exotic ornamental tree. A single native Sandpaper Fig is present in the west of this community.

Understorey/Shrub layers: This layer is dense throughout and contains a mix of native and exotic species. Commonly observed species were Broad-leaved Privet, Camphor Laurel, Senna, Cockspur Thorn, Guioa, Scentless Rosewood and Wavy Pittosporum.

Groundcover: The ground layer is sparse due to the dense canopy and understorey. Species recorded in this layer include Asparagus Fern, Asparagus Creeper, Creeping Beard Grass and Blueberry Flax-lily.



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**Comments:** Poor condition overall as it is dominated by exotic species.

Photo 1: Looking east along southern site boundary





Photo 2: Looking southwest to site boundary







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Photo 3: View looking south to rear boundary and adjoining vegetation





---

#### 4.0 Assessment of Littoral Rainforest Mapping

The vegetation present in the south of the site comprises exotic ornamental plantings and lawns, with a single native tree. It is obvious that this vegetation would not be Littoral Rainforest as there are no characteristic species present and it does not have the structure of a rainforest community.

The vegetation to the south is unlikely to qualify as Littoral Rainforest EEC. This is due to the presence of exotic species which dominate the canopy and understorey layer. An accepted definition for rainforest states that the tree stratum with the greatest crown cover has rainforest species making up 50% or more of the crown cover (DEC 2004). This is clearly not the case with the vegetation in question. Furthermore, the community does not show evidence of maritime influence such as wind-shear and dieback from salt spray which is typical of Littoral Rainforest.

This vegetation does however have regenerating rainforest trees in the shrub layer. If all the weed trees in the canopy were removed and it was actively managed to promote native plant regeneration, it would have the potential to regenerate into Littoral Rainforest over time.

Vegetation to the east of the subject site has more native species present and could potentially qualify as disturbed Littoral Rainforest, however *Guioa* (*Guioa semiglauc*) was the only native canopy species noted and it does not contain the full complement of native species indicative of a Littoral Rainforest community, nor does it show evidence of maritime influence.

It is clear that the current SEPP mapping layer has been derived from a PMH LGA vegetation mapping study carried out in 2013 by Biolink. This vegetation mapping as shown in Figure 3 has been the basis for the erroneous mapping of Littoral Rainforest on the property as well as many other areas in the LGA. The mapping is subject to some inaccuracies as to be expected with studies carried out at the LGA scale, and should be subject to ground truthing at the site scale.





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## 5.0 Conclusion

The site inspection has identified vegetation on the property. This assessment has concluded that the vegetation does not comprise Littoral Rainforest as it lacks the key floristic and structural attributes. Vegetation on adjoining land to the south is also unlikely to qualify as Littoral Rainforest at present, however it would have the potential to regenerate into Littoral Rainforest if weeds are removed.

It is recommended that the Coastal SEPP mapping layer is amended to remove the Littoral Rainforest mapping from both the subject site and the adjoining land to the south.

If any additional information is required, please contact Will on 0438 590 961.

Yours faithfully,

Will Steggall

*B. Env't. Sc. and Mgt*

Principal Ecologist (NSW)



Phone: 1300 319 954

Mobile: 0438 590 961

Email: [will.steggall@biodiversityaust.com.au](mailto:will.steggall@biodiversityaust.com.au)

Address: Level 1, Suite 3, 64 Clarence Street, Port Macquarie



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## References

Biolink (2013a). Vegetation of the Port Macquarie-Hastings Local Government Area. Unpublished report to PMHC, Port Macquarie. Biolink Ecological Consultants, Uki, NSW.

Darkheart Eco-Consultancy (2014). PMHC Vegetation Mapping: Coastal Floodplain EEC Mapping Review. Unpublished report prepared for Port Macquarie-Hastings Council. Darkheart Eco-Consultancy, Kew.

DEC (2004). Identification of Rainforest: Field Guide. NSW DEC North-eastern Branch, Coffs Harbour.

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NSW Scientific Committee (2004). Littoral Rainforest of the NSW North Coast, Sydney Basin and South East Corner bioregions - endangered ecological community listing.

**Ben Roberts**

---

**From:** Dr Kristian Lee Prados <kprados@iinet.net.au>  
**Sent:** Friday, 16 August 2019 11:33 AM  
**To:** Ben Roberts  
**Cc:** rob@snowarchitects.com.au; michelle@allaboutplanning.com.au;  
Will.Steggall@biodiversityaust.com.au  
**Subject:** Email from Will Steggall re: Scribbly Gum Tree - 42 Lighthouse Rd DA application

Hi Ben,

Will Steggall has given his consent (see below) to forward this email to you. I'm happy to follow his advice and ensure appropriate removal of the Scribbly Gum with x2 Offset Nesting Boxes installed in the large Gums at the front of the property.

Kind regards,

KP

**Dr Kristian L Prados**

Interventional Cardiologist | Director of Cardiac Catheterisation Lab | **Cardiology Department - Port Macquarie Base Hospital**

Wrights Road, Port Macquarie NSW 2444

Tel 02 5524 2963 | Fax (CCU) 02 5525 0590 | [Kristian.Prados@ncahs.health.nsw.gov.au](mailto:Kristian.Prados@ncahs.health.nsw.gov.au)

---

This message is intended for the addressee(s) named and may contain confidential information. If you are not the intended recipient, please delete the message and any attachments and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

Begin forwarded message:

**From:** Will Steggall <[Will.Steggall@biodiversityaust.com.au](mailto:Will.Steggall@biodiversityaust.com.au)>  
**Date:** 29 May 2019 at 7:36:49 pm AEST  
**To:** 'Dr Kristian Lee Prados' <[kprados@iinet.net.au](mailto:kprados@iinet.net.au)>  
**Cc:** Rob Snow <[rob@snowarchitects.com.au](mailto:rob@snowarchitects.com.au)>, 'Michelle Chapman' <[michelle@allaboutplanning.com.au](mailto:michelle@allaboutplanning.com.au)>  
**Subject:** RE: Ecological Assessment Invoice Attached

Hi Kristian,

Yes the scribbly gum is a hollow-bearing tree, although it is likely to only have low habitat value for fauna. It would score around 12 in the DCP hollow tree protocol which places it in the medium constraint category. Trees in this category can be considered for removal if they are unsafe or impractical to retain. You will need to get approval from Council and this could be done as part of the DA. You could forward them this email or I could write up something on a letterhead if needed.

I think you have a good case to remove the tree on safety grounds. I am not an arborist but it had some large dead branches and looked dangerous. It would also pose a risk to the new development proposed on the property.

My recommendation is to offset the tree with two replacement fauna nesting boxes. Ideally these would be placed on existing mature trees at the front of the property. The boxes would need to be

installed by an ecologist prior to removal of the tree. Removal of the hollow tree would also need to be supervised by an ecologist to rescue any fauna which may be nesting in the tree.

Regards,

**Will Steggall**  
Principal Ecologist (NSW)



**Phone:** 1300 319 954  
**Mobile:** 0438 590 961

**Head Office:**  
Building D, Level 2A/19 Harbour Village Parade, Coomera QLD 4209  
PO Box 721 Upper Coomera QLD 4209  
**NSW Office:**  
3/64 Clarence Street, Port Macquarie, NSW 2444

[www.biodiversityaust.com.au](http://www.biodiversityaust.com.au)



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#### **Our Affiliations**



**From:** Dr Kristian Lee Prados [<mailto:kprados@iinet.net.au>]  
**Sent:** Tuesday, 28 May 2019 3:11 AM  
**To:** Michelle Chapman <[michelle@allaboutplanning.com.au](mailto:michelle@allaboutplanning.com.au)>  
**Cc:** Will Steggall <[Will.Steggall@biodiversityaust.com.au](mailto:Will.Steggall@biodiversityaust.com.au)>; Rob Snow <[rob@snowarchitects.com.au](mailto:rob@snowarchitects.com.au)>  
**Subject:** Re: Ecological Assessment Invoice Attached

Hi Will,

Thanks for your report. Is the Scribbly Gum a Hollow Bearing Tree - and is so what score is it? That particular tree has dropped massive limbs in the last 12 months. In fact, I had to replace the whole southern boundary fence as it was destroyed by a massive limb fall. I'm worried about safety with kids and dogs in the backyard. It's lucky no one (or animal) was injured last time. Does this tree meet criteria to be removed on safety grounds? What condition is the tree in? What type of "offset"



planting would I be required to do if we got rid of the Scribbly if any at all? Your advice would be greatly appreciated.

Kind regards,

Kristian





Friday, 24<sup>th</sup> May 2019

Michelle Chapman  
All About Planning  
PO Box 2196  
Port Macquarie  
NSW 2444

Delivery via: Email [michelle@allaboutplanning.com.au]

ABN: 81 127 154 787

[Head Office](#)

PO Box 721

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[info@biodiversityaust.com.au](mailto:info@biodiversityaust.com.au)

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Dear Michelle

**RE: Assessment for Littoral Rainforest at 42 Lighthouse Road, Port Macquarie.**

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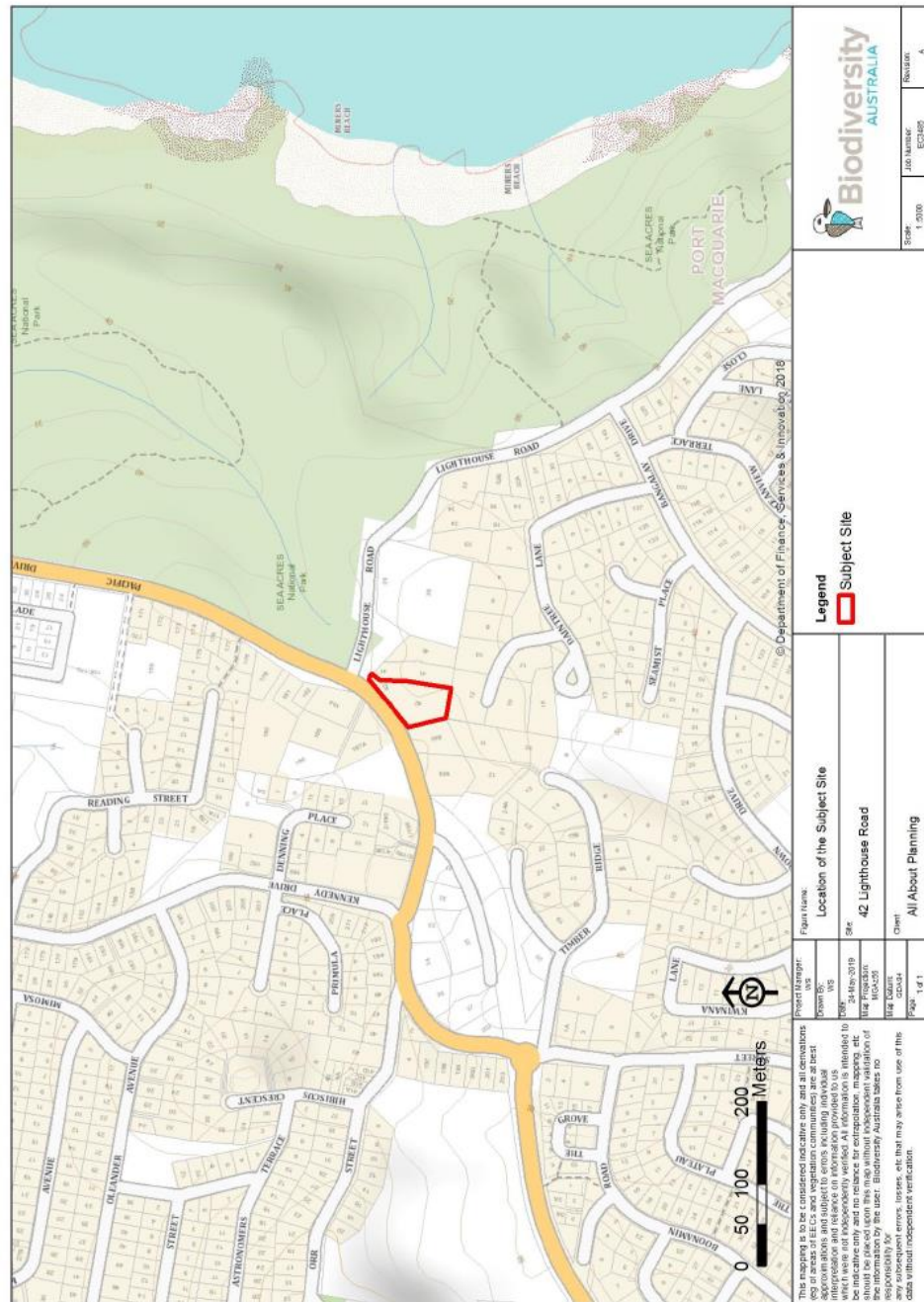
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A small portion at the rear of the property has been mapped as Littoral Rainforest with the Coastal Management SEPP 2018 mapping layer (Figure 2). This community is listed as an Endangered Ecological Community (EEC) under the NSW *Biodiversity Conservation Act 2016*. It is also listed as a Threatened Ecological Community (TEC) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*. This mapping polygon extends over the adjoining properties to the south and east.

The aim of this report is to provide an accurate representation of the current vegetation present on the site and determine if the Littoral Rainforest mapping on the site and adjoining land to the south is appropriate.

Figure 1: Location of the Subject Site





[illegible]





---

## 2.0 Methods

### 2.1. Desktop Searches and Literature Review

A desktop review was initially undertaken. The following databases and digital data layers were searched/obtained:

- Port Macquarie LGA Vegetation Communities and Endangered Ecological Communities (EECs) digital data layer (Biolink 2013)
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### 2.2. Flora Survey

A flora survey was carried out by Biodiversity Australia's Principal Ecologist Will Steggall over 2 hours on 16<sup>th</sup> April 2019. This consisted of a random meander flora survey covering the southern portion of the property. Access could not be gained into the adjoining Lot to the south, however this was inspected as much as possible from within the subject site.

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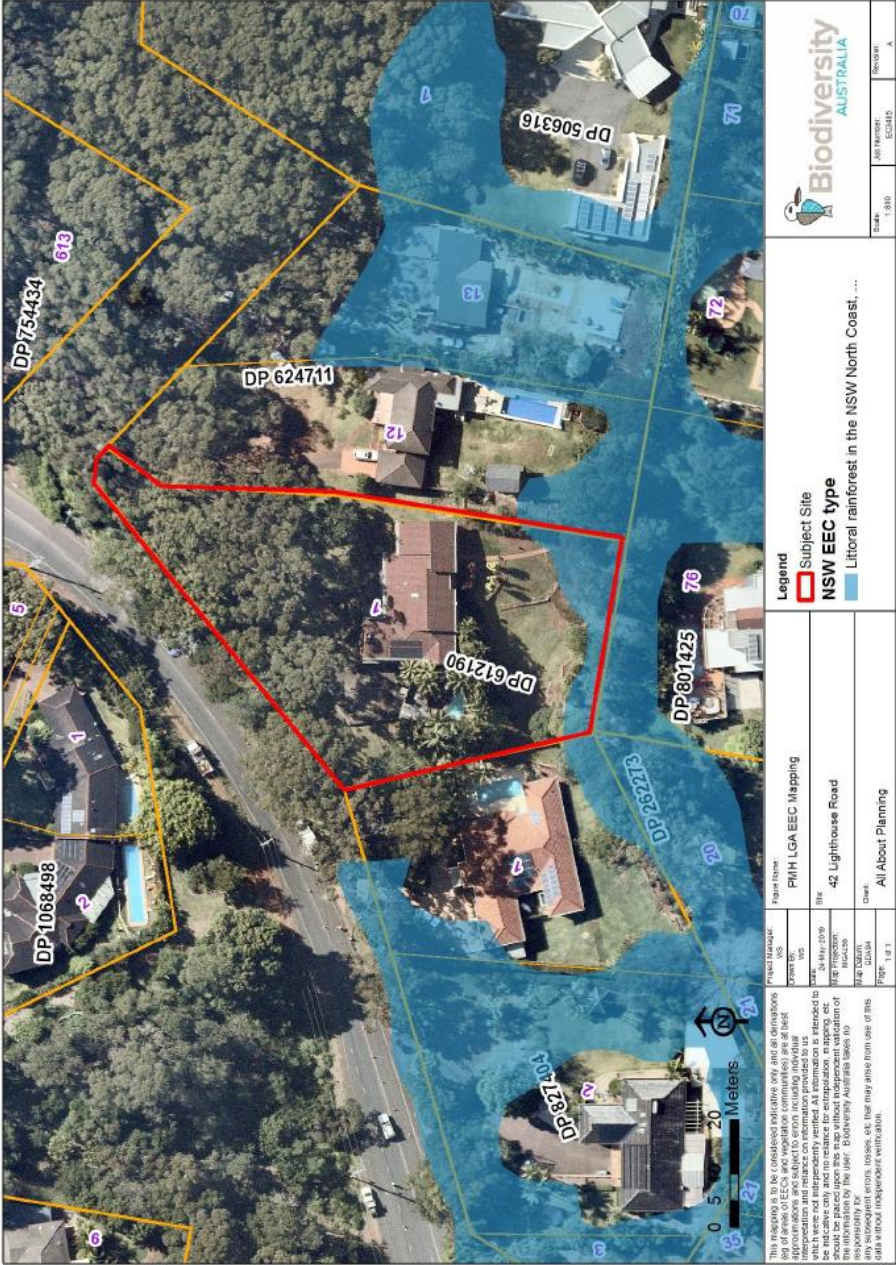
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This Council EEC layer aligns almost exactly with the Littoral Rainforest layer under the Coastal SEPP.

Figure 3: PMH LGA EEC mapping





### 3.2. Site Vegetation Community

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**Comments:** Poor condition overall as it is dominated by exotic species.

Photo 1: Looking east along southern site boundary





Photo 2: Looking southwest to site boundary

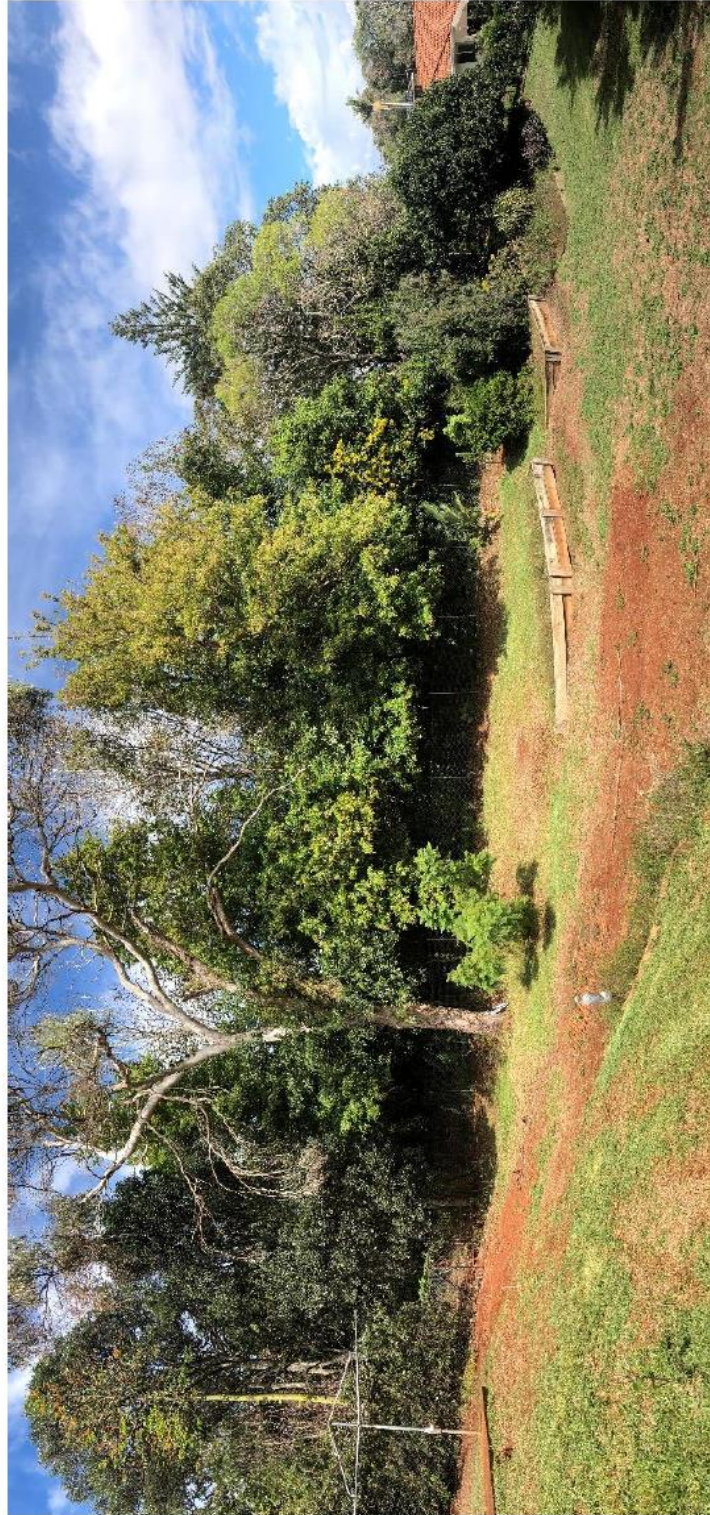






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Photo 3: View looking south to rear boundary and adjoining vegetation





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#### 4.0 Assessment of Littoral Rainforest Mapping

The vegetation present in the south of the site comprises exotic ornamental plantings and lawns, with a single native tree. It is obvious that this vegetation would not be Littoral Rainforest as there are no characteristic species present and it does not have the structure of a rainforest community.

The vegetation to the south is unlikely to qualify as Littoral Rainforest EEC. This is due to the presence of exotic species which dominate the canopy and understorey layer. An accepted definition for rainforest states that the tree stratum with the greatest crown cover has rainforest species making up 50% or more of the crown cover (DEC 2004). This is clearly not the case with the vegetation in question. Furthermore, the community does not show evidence of maritime influence such as wind-shear and dieback from salt spray which is typical of Littoral Rainforest.

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It is recommended that the Coastal SEPP mapping layer is amended to remove the Littoral Rainforest mapping from both the subject site and the adjoining land to the south.

If any additional information is required, please contact Will on 0438 590 961.

Yours faithfully,

Will Steggall

*B. Env't. Sc. and Mgt*

Principal Ecologist (NSW)



Phone: 1300 319 954

Mobile: 0438 590 961

Email: [will.steggall@biodiversityaust.com.au](mailto:will.steggall@biodiversityaust.com.au)

Address: Level 1, Suite 3, 64 Clarence Street, Port Macquarie



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NSW Scientific Committee (2004). Littoral Rainforest of the NSW North Coast, Sydney Basin and South East Corner bioregions - endangered ecological community listing.



## DEVELOPMENT APPLICATION

## D R A W I N G T R A N S M I T T A L :

Drawing No:	Description	Issue / Revision	10.03.19	17.05.19	24.06.19
0.1-B	COVER SHEET		A	B	C
1.1-A	GENERAL NOTES & SITE LOCATION PLAN		A		
1.2-B	SITE PLAN		A	B	
1.3-B	LOWER GROUND FLOOR PLAN		A	B	C
1.4-A	UPPER GROUND FLOOR PLAN		A		
1.5-A	ROOF PLAN		A		
1.6-B	LOWER GR. FL. REFLECTED CEILING PL.		A	B	
1.7-A	UPPER GR. FL. REFLECTED CEILING PL.		A		
2.1-A	SECTIONS 1 & 2		A		
2.2-A	SECTIONS 3 & 4		A		
3.1-A	EAST & WEST ELEVATION		A		
3.2-A	NORTH & SOUTH ELEVATION		A		
3.3-A	3D VIEWS		A		
3.4-A	SOLAR SHADING VIEWS		A		
4.1-A	WINDOW SCHEDULE		A		
4.2-A	DOOR SCHEDULE		A		

## T R A N S M I T T A L S H E E T / R E C O R D :

STATUS:	C = CONSTRUCTION; GC = CONSTRUCTION CERTIFICATE; CDC = COMPLYING DEVELOPMENT CERTIFICATE; DA = DEVELOPMENT APPLICATION; FA = FOR APPROVAL; P = PRELIMINARY; S88 = S88 SUBMISSION; S96 = SECTION 96; T = TENDER				
REVISION:	DATE:	STATUS:	TO:		
REV: A	10.03.2019	DA	COUNCIL, CLIENT AND DESIGN TEAM		
REV: B	17.05.2019	DA	COUNCIL, CLIENT AND DESIGN TEAM		
REV: C	24.06.2019	DA	COUNCIL, CLIENT AND DESIGN TEAM		



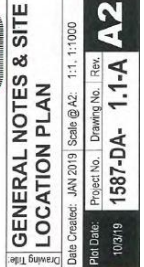
ROBERT SNOW ARCHITECT  
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 6989

PROPOSED NEW RESIDENCE LOT 1 DP 612190 No.42 LIGHTHOUSE  
RD PMQ 2444

CLIENT: Dr. KRISTIAN  
PRADOS

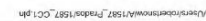
COVER SHEET

Plot Date: 10/3/19  
Project No.: 1587-DA- 0.1-C  
Rev: A2



PROPOSED NEW RESIDENCE LOT 1 DP 612190 No.42 LIGHTHOUSE RD PMQ 2444	Dr. KRISTIAN PRADOS	DEVELOPMENT APPLICATION
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<b>AREA SCHEDULE:</b>	75.75
HOUSE GR. FLOOR	317.88
HOUSE TOP FLOOR	
<b>HOUSE TOTAL</b>	<b>399.21</b>
GARAGE	
WINE CELLAR	115.64
PLANT STORE	24.76
POOL PLANT ROOM	62.70
	7.59
<b>UNCONDITIONED AREAS</b>	<b>210.69</b>
<b>OVERALL AREA</b>	<b>610.10</b>

NOTE: AREAS IN m<sup>2</sup> & INCLUDE EXTERNAL WALLS & ARE SUBJECT TO VERIFICATION.

[illegible]

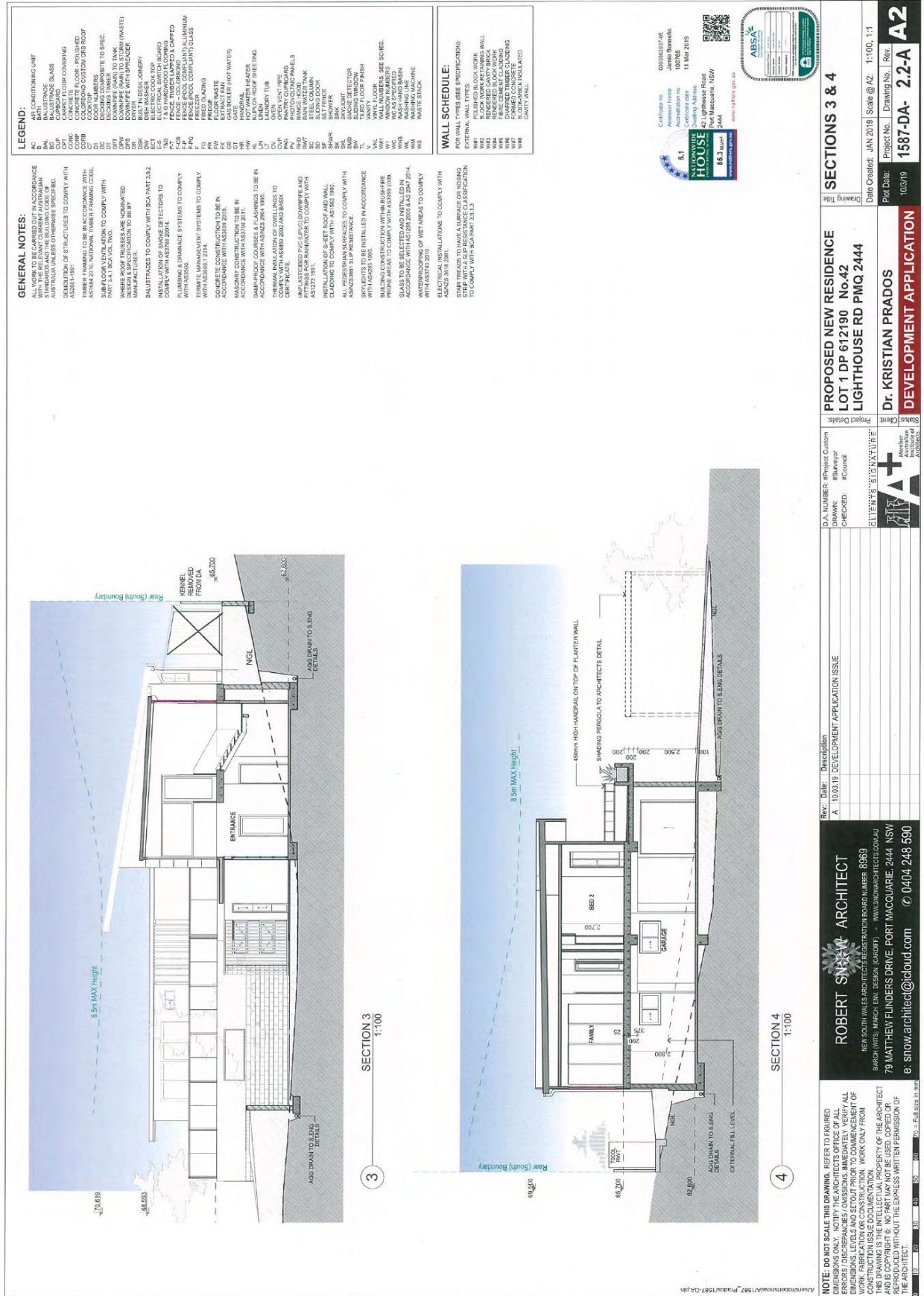
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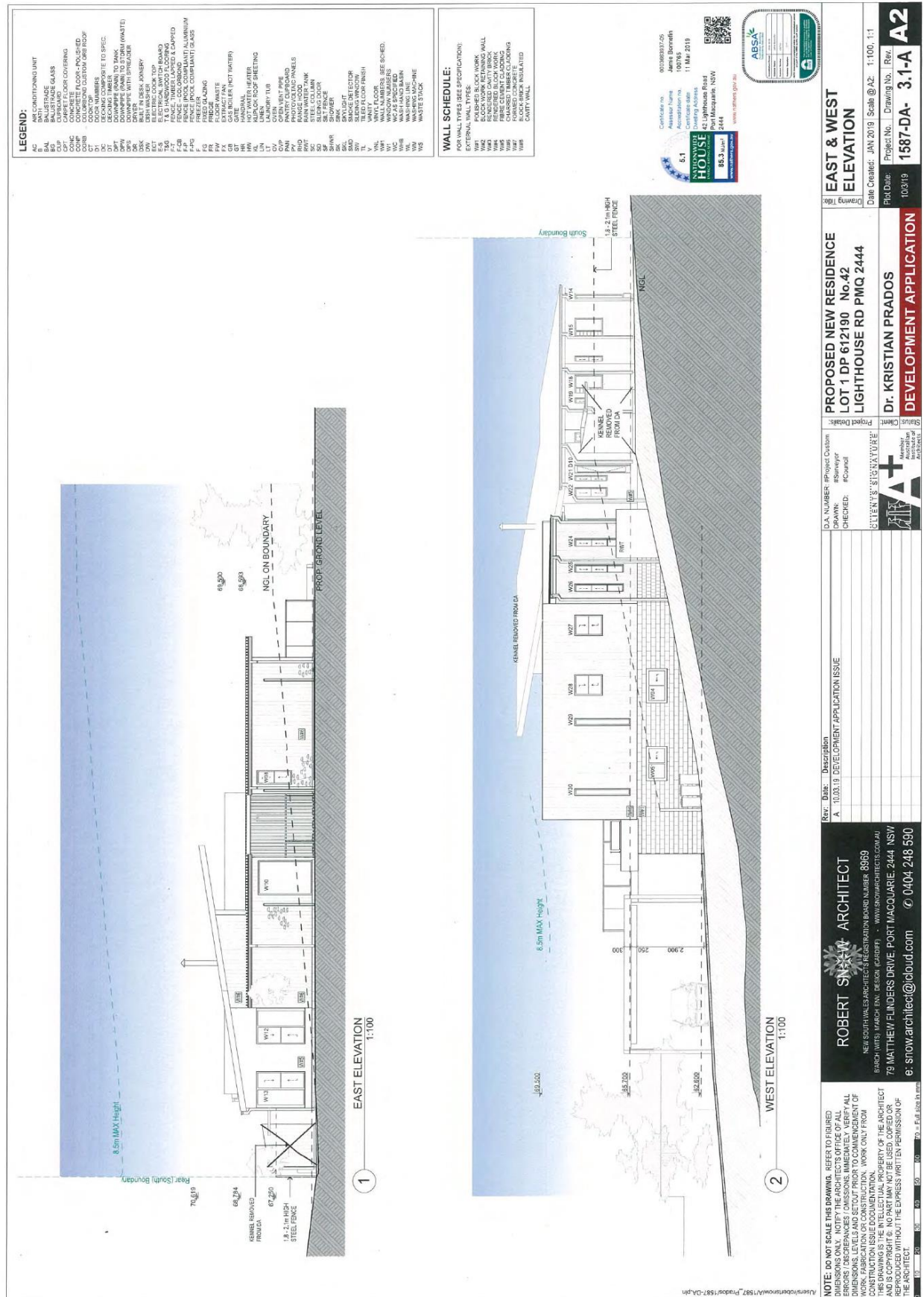








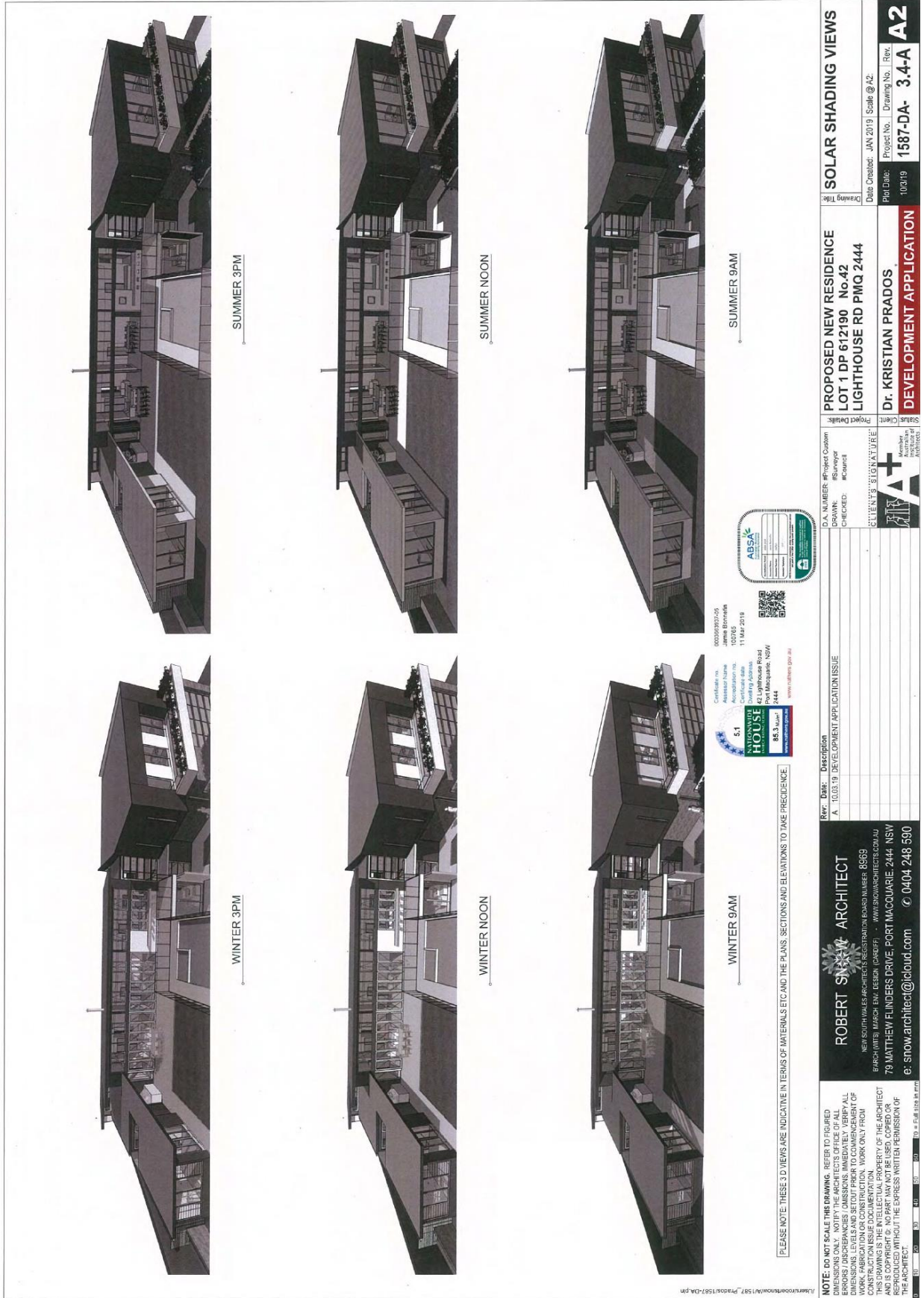














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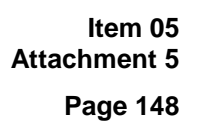


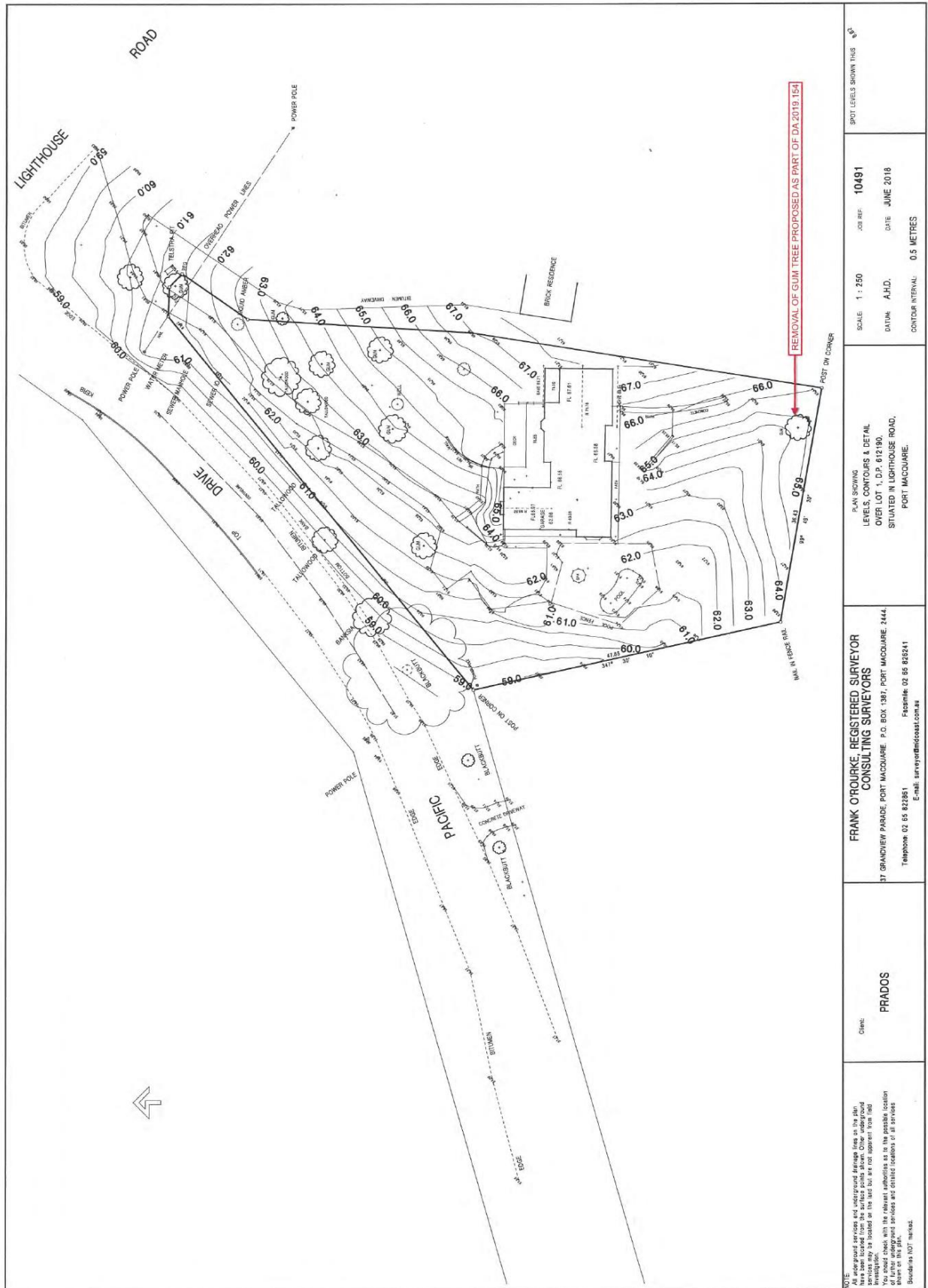


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Planning &  
Environment

**Industry Assessments**

Contact: John Booth

Phone: (02) 8275 1281

Email: [john.booth@planning.nsw.gov.au](mailto:john.booth@planning.nsw.gov.au)

Ms Michelle Chapman  
Director  
All About Planning  
PO Box 2196  
PORT MACQUARIE NSW 2444

SEAR 1338

Dear Ms Chapman

**Proposed Demolition and Construction of Residential Dwelling  
42 Lighthouse Road, Port Macquarie (Lot 1 DP 612190) – Port Macquarie Hastings LGA  
Planning Secretary's Environmental Assessment Requirements (SEAR) 1338**

I refer to your correspondence dated 01 May 2019, seeking Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed demolition of an existing dwelling and construction of new residential dwelling within mapped Littoral Rainforest.

The Department has reviewed the documentation submitted and confirms it has no specific requirements applicable to your proposal, except that the EIS must address the provisions of the *State Environmental Planning Policy (Coastal Management) 2018*. In addition, you should ensure that your EIS meets the minimum form and content requirements outlined in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

You should ensure that your EIS is prepared in consultation with Port-Macquarie Hastings Council, the Rural Fire Service and any other relevant local, State and Commonwealth government authorities, service providers, community groups and surrounding landowners, and address any issues they raise in the EIS.

If you do not lodge an application under Section 78A (8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the date of this letter, you must consult with the Secretary in relation to any further requirements for lodgement.

Should you have any further enquiries, please contact John Booth, Planning Services, at the Department on (02) 8275 1281.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie

**Director****Industry Assessments**as delegate of the Secretary

1/5/19



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**Item: 06**

**Subject: DA2018 - 365.1 DEMOLITION OF DWELLING AND ERECTION OF NEW DWELLING AND SHED - LOT 4 DP 538813, NO 160 SETTLEMENT POINT ROAD, PORT MACQUARIE**

**Report Author: Building Surveyor, Michael Roberts**

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**Applicant: D G Chapman**  
**Owner: D G Chapman**  
**Estimated Cost: \$550,000**  
**Parcel no: 22055**

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

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

#### **RECOMMENDATION**

**That DA 2018 - 365.1 for the demolition of existing Dwelling, construction of a new Dwelling, Shed and Earthworks at Lot 4, DP 538813, No. 160 Settlement Point Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for the demolition of existing dwelling, construction of a new dwelling, shed and earthworks at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

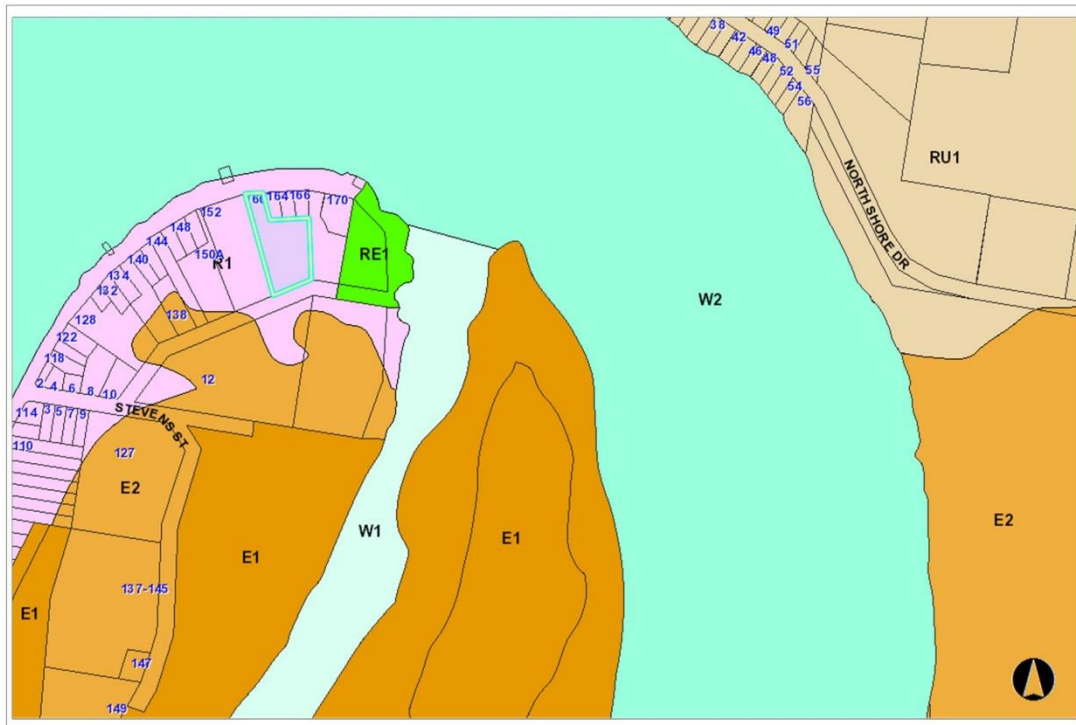
Following exhibition of the application, eight (8) submissions have been received. This report recommends that the development application be approved subject to the conditions included attached.

#### **1. BACKGROUND**

##### **Existing Sites Features and Surrounding Development**

The site has an area of 6709m<sup>2</sup>.

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



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Demolition of existing Dwelling, construction of a new Dwelling, Shed and Earthworks.

Refer to attachments at the end of this report.

**Application Chronology**

- 21 May 2018 - Application lodged.
- 25 May 2018 - Council received a customer request regarding unauthorised fill material being placed on the site. Compliance action commenced requiring any contaminated fill material to be removed and appropriate sediment control measures to be installed. Contaminated fill material subsequently removed from site.
- 29 May 2018 - 11 June 2018 - Public exhibition via neighbour notification.
- 12 June 2018 - Submissions received and compiled.
- 25 June 2018 - Additional information request sent to applicant.
- 31 August 2018 - Initial draft Flood Study submitted.
- 31 August 2018 - 19 July 2019 - Additional information items being addressed.
- 19 July 2019 - All additional information received and amended plans submitted.
- 24 July 2019 - 6 August 2019 - Public re-exhibition via neighbour notification.
- 7 August 2019 - Submissions received and compiled.
- 30 August 2019 - DAP meeting notification issued.

**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**

The site is located within a coastal use, coastal environment area, the proximity area for coastal wetlands and the proximity area for littoral rainforests.

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 11 of the SEPP the proposed development is not considered to significantly impact on any of the following:

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

Having regard Clauses 13 and 14 of the SEPP, the consent authority must be satisfied that the development has been designed, sited and will be managed to minimise any impact on a Coastal environment and Coastal use area. The proposed development is not considered likely to result in any adverse impacts on the following:

- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) coastal environmental values and natural coastal processes;
- c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1;
- d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
- f) Aboriginal cultural heritage, practices and places;
- g) the use of the surf zone;
- h) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- j) the visual amenity and scenic qualities of the coast, including coastal headlands;
- k) Aboriginal cultural heritage, practices and places;
- l) cultural and built environment heritage; and

The consent authority must be satisfied that if any impact cannot be reasonably avoided that the development is designed, sited and managed to minimise that impact.

The applicant has submitted a report addressing the provisions of the SEPP (Coastal Management) 2018. The report was prepared by GEM Planning Projects on the 2<sup>nd</sup> April 2019. The outcome of the report are summarised below:



"The proposal does not directly impact the surface level or vegetation of the area mapped *coastal wetland* area. Nor does it significantly impact the hydrological integrity of the mapped wetland area, land mapped *in proximity to coastal wetland* or *land mapped in proximity to littoral rainforest*.

The design of the filling and surface water management by *Flume Engineering* has purposely sought to ensure no net change to the hydrology of the mapped area. The design ensures stormwater quality and flows are acceptable by integrating a multiple rock check dams along a centrally located grass swale drain as well as rock lined level spreader designed to dissipate any remaining flow velocity. The discharge location is 10m clear of the mapped wetland boundary.

Existing ground cover adjacent the mapped 'coastal wetland' is managed grass and grass cover is to be re-established over the proposed fill as soon as practical.

Clean fill to be used ensuring that no contaminants or leachate would enter the mapped 'wetland' area.

Sediment & erosion control fencing to be maintained along the perimeter of the toe of the fill, a minimum of 5m clear of the mapped 'coastal wetland' boundary until such time as sufficient grass cover is established. Refer to Erosion & Sediment Control Plans submitted with the DA.

The modest increase in the site impervious area is addressed by way of on-site detention rainwater tank (8kL dual compartment) and on site detention swale at the rear of the dwelling.

Water quality measures and level spreader arrangement are proposed to disperse the piped flow back to natural sheet regime.

As mentioned above, it is proposed to place clean fill and ensure grass cover is established as soon as practical and as such no impacts on groundwater quality or percolation (quantity) is anticipated. There are no development elements identified that would be expected to interrupt or otherwise disturb the water table.

It is considered reasonable to acknowledge that the subject land has existing use rights for the residential use of the whole of the site. Further, the proposed reconstruction of a dwelling and ancillary elements in the dwelling curtilage for minor filling, sheds and gardens were typical of the nature of residential occupancy in this location prior to the introduction of the SEPPs and would reasonably constitute a continuance of that use."

The applicant engaged the services of *Flume Engineering* to conduct a Stormwater Management Assessment for the development proposed. The design detailed how stormwater would be captured, managed and dispersed on-site to minimise potential impacts on the adjoining environmentally sensitive areas.

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.

The applicant has adequately addressed the provisions of the State Environmental Planning Policy (Coastal Management) 2018 and will be implementing control

measures to minimise any potential impacts as a result of the proposed development. These measures are detailed above and will be implemented under the development consent. Conditions of consent have been recommended to ensure such measures are complied with during and post construction until the site becomes established.

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

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

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

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

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

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
  - *To provide for a variety of housing types and densities.*
  - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- 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 available in the local government area.
  - Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
  - Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.5m 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 0.09:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
  - Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
  - Clause 7.1 - The site is mapped as potentially containing class 3 acid sulfate soils. The proposed development includes some excavation for dwelling footings, however no excavation extending 1m below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.
  - Clause 7.3 - The site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):

- Replacement dwellings are permitted in Flood Storage areas under Council's Policy.
- The 1:100 year (including climate change) flood level for this site is RL3.08m AHD. Under the Flood Policy all habitable FFL's must be at or above 3.58m AHD, being the 1:100 year flood level plus 500mm freeboard. The proposed development exceeds this level and is therefore acceptable.
- All enclosed garages and sheds must have a FFL which is at or above the 1:20 year flood level. For this site, the 1:20 year flood level is RL2.32m AHD. The proposed development meets the required FFL level and is therefore considered acceptable.
- As the site is hydraulically classified as flood storage, any filling or land reshaping is required to be supported by a Flood Impact Assessment. A flood study was compiled and submitted by Flume Engineering to support the application. The flood study is considered to be acceptable and satisfactorily demonstrates that the proposal will not have a significant impact on, or be impacted by, floodwaters
- Conditions of consent have been provided by Council's Flood Engineer to ensure compliance with Council's Flood Policy. These conditions must be satisfied prior to the issue of a Construction Certificate.

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

No draft instruments apply to the site.

**(iii) Any DCP in force**

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

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	<p>The shed does not comply with the 100m<sup>2</sup> GFA and height controls.</p> <p>Proposed GFA = 150m<sup>2</sup>.</p> <p>Proposed height - 5.68m + 1.32m (Fill) = 7m above NGL at highest point.</p> <p>It is not located in the front setback.</p>	No
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or</li> </ul>	Front fence & staircase permissible within the articulation zone.	Yes

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

	Requirements	Proposed	Complies
	verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature		
	Front setback (Residential not R5 zone): • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway	Front building line setback is compliant with the minimum required 4.5m front setback.  Proposed 5m front setback to local road.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	The open carport is proposed 1.55m setback from the front wall of the building. However due to the orientation of the front boundary there is a minor encroachment into the required 5.5m garage setback requirement. The encroachment exists at the north western corner of the carport where it reduces down to 5m at its closest point. This encroachment exists for a length of 5m or approximately 20% of the street frontage.  The garage door setback is setback a further 5m from the carport alignment.	No
	6m max. width of garage door/s and 50% max. width of building	Width of garage door/s are compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing/s width are compliant with the maximum width requirements	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes





PORT MACQUARIE  
HASTINGS  
COUNCIL

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

	Requirements	Proposed	Complies
	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	rooms and private open space areas, and is predominantly enclosed. No privacy screens are recommended.  The western elevation of the proposed development contains Bedroom & Bathroom windows. The proposed front and rear Decks are setback less than 3m and have a floor level >1m. The applicant has proposed to install a 1500mm high privacy screen on both elevated Decks to satisfy these provisions.	Western Elevation – Yes
3.2.2.11	Roof terraces	None proposed	N/A
3.2.2.13 onwards	Jetties and boat ramps	None proposed	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	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	Minor retaining works proposed either side of driveway ramp but <1m high in frontage area.	Yes
	Any retaining wall >1.0 in height to be certified by structure engineer	Where any retaining walls >1m will require Engineering with Construction Certificate.	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

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	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 100m 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 distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes – Roads Act 138 submitted
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	N/A – R138
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.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

The proposal seeks to vary Development Provision relating to Clauses 3.2.2.1, 3.2.2.3 and 3.2.2.5.

The relevant objectives are:

**Clause 3.2.2.1**

- *To facilitate and sustain certain development as ancillary development.*

**Clause 3.2.2.3**

- *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.*

**Clause 3.2.2.5**

- *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:

**Clause 3.2.2.1**

The proposed shed is required to be built at or above the 1 in 20 Flood Level - 2.32m AHD. To achieve the required floor level the flood mound will require approximately 1.2 - 1.3m of fill. The shed ridge height is proposed at 5.7m therefore the overall shed height above existing ground level will be approximately 7m above natural ground level.

The gross floor area (GFA) of the proposed shed exceeds the maximum permissible floor area by 50m<sup>2</sup>. The shed was initially proposed at a 200m<sup>2</sup> and subsequently reduced down to 150m<sup>2</sup> to minimise visual dominance and be consistent with other sheds built within the Settlement Point area.

The western boundary setback has also been increased from 3m to 7m. The shed will also maintain a generous setback of 26m to the northern boundary. With consideration to the above changes, Council is satisfied that the proposed shed complies with the intent and objectives of Clause 3.2.2.1.

The proposed shed is appropriately setback from side boundaries and does not result in any adverse overshadowing, view impact or privacy issues. The siting of the shed has effectively minimised the perceived bulk and scale of the structure from adjoining properties and the public domain.

**Clause 3.2.2.3**

The proposed open carport fronting Settlement Point Road encroaches within the front setback for 20% of the frontage. The solid garage front wall is setback a further 5m behind the carport alignment. This encroachment is considered minor and will not create a visual dominance of garages in the streetscape.

**Clause 3.2.2.5**

This provision requires building walls to be articulated by 500mm at least every 12m. The proposed development includes walls that exceed this requirement however the inclusion of window openings and contrasting external cladding materials assist to break up the perception of long walls and building bulk.



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 nor are they of a significance that would justify refusal of the application.

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

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

**(iv) The Regulation**

**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 and the social and economic impacts in the locality**

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

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

**Access, Traffic and Transport**

The proposal will not have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

**Water Supply Connection**

Service available – details required with S.68 application.

**Sewer Connection**

Service available – details required with S.68 application.

**Stormwater**

The owner engaged the services of Flume Engineering to compile an on-site stormwater management design and report. This report has been reviewed by Council's Stormwater Engineering section and appropriate conditions of consent have been included in the development consent. These conditions must be satisfied

prior to the issue of a Section 68 approval and subsequent Construction Certificate release.

**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 be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna for the following reasons:

- Development will not require any removal/clearing of any significant vegetation,
- No soil disturbance is permitted within close proximity to the mapped coastal wetlands area at the rear of the site. The plans submitted show a 5m exclusion zone from this sensitive area.
- A condition of consent has been imposed to ensure the exclusion zone is demarcated on site prior to any works commencing and shall be maintained for the duration of works.
- A condition of consent has been imposed requiring erosion and sediment controls to be installed and maintained until the site is stabilised with permanent vegetation cover.
- A condition of consent has been imposed ensuring appropriate dust control measures are implemented.
- Flume Engineering have prepared an on-site stormwater management design to capture and control the dispersion of stormwater from the site.

With consideration to the above comments and conditions of consent, Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared 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 12.5 shall be required.

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

**Safety, security and crime prevention**

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

**Social impacts in the locality**

Given the nature of the proposed development and its' location the proposal will not 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.

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

The DA proposal was advertised during the following dates:

Initial advertising period - 29/05/2018 until 11/06/2018.

Following exhibition during these dates, four (4) submissions were received.

Additional advertising period - 24/07/2019 until 06/08/2019.

Following exhibition during these dates, a further four (4) submissions were received.

In total, Eight (8) written submissions have been received following the two periods of 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 large size of the proposed dwelling and its appearance will detract from the local streetscape character.	The proposed dwelling has been designed to meet the required FSR and height controls of PMH LEP 2011. The size and appearance is consistent with other dwellings in the locality.
Impact of the proposed fill and buildings on the surrounding floodplain and hydrology of the area. Potential to alter natural overland flows leading to floodwater concentrating and re-directing onto adjoining properties.	The applicant engaged the services of Flume Engineering to compile a site specific Flood Study and Stormwater Management Assessment. Both reports have been reviewed by Council's Flood and Stormwater Engineer's with appropriate conditions of consent being imposed.
Fill areas, quantities and levels not clearly shown on plan.	A site survey has been undertaken by Coastal Survey Solutions to give accurate existing ground levels to AHD. This has been provided to assist in determining appropriate grading of the site to ensure effective overland flow and stormwater management in accordance with the flood and stormwater studies submitted. The fill heights have been provided for the proposed dwelling, shed, garden bed and access ramps. The remainder of the site (excluding Coastal SEPP area) has been flood modelled for up to 0.3m of fill. The amount of fill will vary depending on contours and site topography. A condition of consent has been recommended to ensure fill depth does not exceed 0.3m over the natural ground surface (excluding proposed buildings and garden bed)



Submission Issue/Summary	Planning Comment/Response
	prior to the unapproved fill being imported to the site.
Impact of the proposal on the State protected flora and fauna sites nearby – Coastal Wetland and Littoral Rainforest.	The applicant has addressed the provisions of State Environmental Planning Policy (Coastal Management) 2018 to the satisfaction of the consent authority. See earlier comments in this report.
Impact of proposal on threatened fauna species - koalas and birds. Environmental Impact Statement (EIS) should be submitted.	There is no Koala Plan of Management (KPoM) that exists over this site. The requirement to provide an EIS is not triggered under the EP&A Act. Appropriate control measures will be implemented during construction to minimise impact on adjacent sensitive wetlands. Refer to conditions of consent.
Dumping of contaminated fill material and without first obtaining DA consent.	Compliance action was initiated following the unauthorised importation of fill on-site. The owner was directed to remove contaminated fill material and implement measures to control erosion and sediment dispersion. This matter was resolved to the satisfaction of Council.
Concerns over the intended use of the proposed dwelling.	The application is for the construction of a residential dwelling. Consent conditions have been imposed relating to the occupation of the dwelling for permanent residential use and not for short term tourist and visitor accommodation.
Presence of asbestos in existing building and dust pollution during demolition.	Consent conditions have been recommended relating to demolition, asbestos removal and dust suppression.
The shed will be used for residential occupation and commercial use.	Condition of consent recommended ensuring the shed must not be utilised for habitable, commercial or industrial purposes.
The raised access road should be removed.	The access road shall not exceed 0.3m in depth and must be graded to prevent overland flow being concentrated and re-directed onto the adjoining property. A condition of consent has been recommended requiring a stormwater drainage design to be submitted confirming this prior to the issue of a Construction Certificate.
Work outside normal construction hours.	Standard condition of consent recommended restricting hours - Condition (A009).
Detailed Statement of Environmental Effects (SoEE) should be required.	The original standard SoEE provided did include inaccuracies however all matters have subsequently been addressed to the satisfaction of the consent authority.

(e) The Public Interest

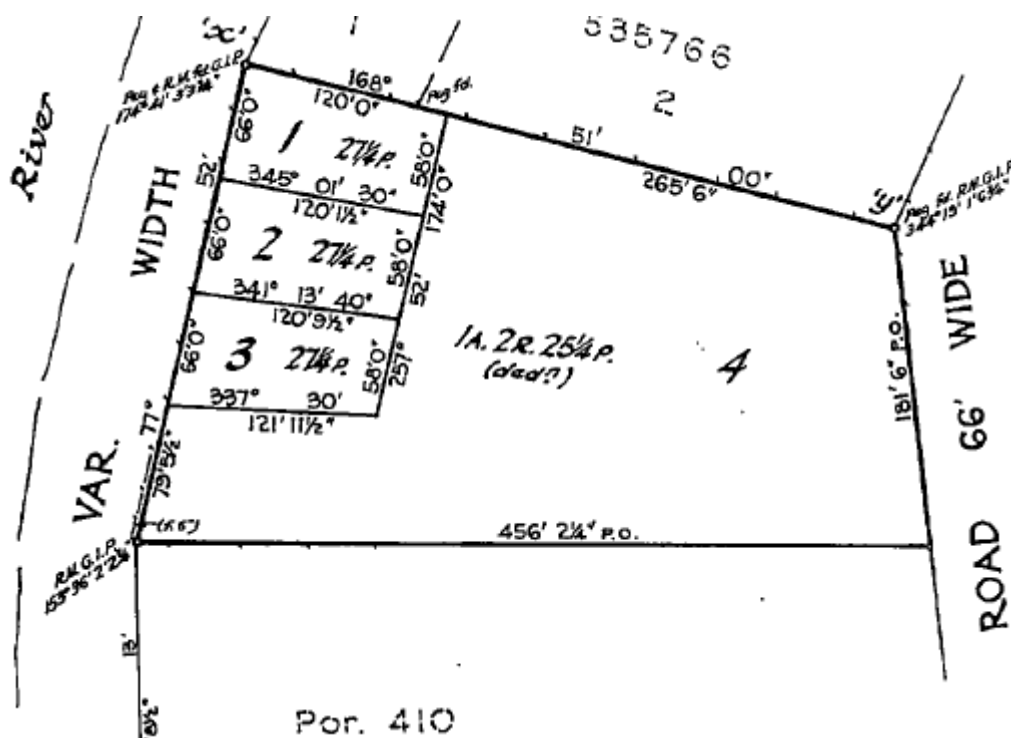
The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Not applicable - existing residential lot/dwelling

Additional Comments

88B Instrument



Site inspection photographs



**Picture 1.** Existing dwelling & driveway looking North West.





**Picture 2.** Neighbouring dwelling looking West.



**Picture 3.** Neighbouring dwelling looking North East.





**Picture 4.** Existing fill material looking East.



**Picture 5.** Fill material & wetland looking South East.



**Picture 6.** Existing driveway fill looking North West.

## **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 - 365.1 Recommended Conditions
- 2 [View](#). DA2018 - 365.1 Plans
- 3 [View](#). DA2018 - 365.1 Flood Risk & Impact Assessment
- 4 [View](#). DA2018 - 365.1 Stormwater Management Assessment
- 5 [View](#). DA2018 - 365.1 Bushfire Assessment
- 6 [View](#). DA2018 - 365.1 SEPP (Coastal Management) 2018 assessment
- 7 [View](#). DA2018 - 365.1 BASIX Certificate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/365****DATE: 27/08/2019****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Architectural Plans	-	KB Drafting and Design	04/05/2019 & 07/05/2019
Site Regrading Plan & Survey	Dwg No: 11578 Job No. 8405	B.R Development Consulting Coastal Survey Solutions	Rev. A 19/08/2019 12/11/2018
BASIX Certificate	No. 928482S	gregchapmanbuilding	16 May 2018
Bushfire Assessment Report	-	Daniel Chapman	-
Flood Risk and Impact Assessment	EES0074-RP-FIA-01	Flume Engineering	15/01/2019
Stormwater Management Assessment	EES0074-RP-SMA-01	Flume Engineering	18/01/2019
SEPP (Coastal Management) 2018 assessment	-	Geraldine Haigh - GEM Planning Projects	02/04/2019

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

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

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

- (4) (A091) All parts of all structures below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document Reducing Vulnerability of Buildings to Flood Damage (2007).
- (5) The block fill extent and depth is not permitted to exceed dimensions shown on the *Site Plan, Sheet 1 of 9, by KB Drafting, dated 07/05/2019*. In this regard the maximum depth is not permitted to exceed 0.3m over the natural ground surface prior to the unapproved fill being imported to site (excluding the proposed garden bed areas).
- (6) The fill extent and depth for the garden bed is not permitted to exceed the dimensions shown on the *Garden Bed Typical Section Plan, Sheet 7 of 8, by KB Drafting, dated 04/05/2019*. The location of the garden bed must match the location shown on the *Site Layout Plan – Option 2, Version A, by Flume Engineering, dated 13/09/2018*.
- (7) The fill extent and depth for the proposed shed is not permitted to exceed the dimensions shown on the *Site Plan, Sheet 1 of 9, by KB Drafting, dated 07/05/2019*. The location and size of the shed and fill mound must also be in accordance with this plan.

#### **B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:



- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - 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:
- i. Footway and gutter crossing,
  - ii. Functional vehicular access.
- (3) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (4) (B067) The floor level of all habitable areas is to be a minimum of 500mm above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.08m AHD. The floor level of all habitable areas must therefore be at or above 3.58m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (5) (B068) The floor level of all non-habitable areas is to be at or above the 1 in 20 year flood level. For the purpose of this requirement, the 1 in 20 year flood level may be assumed to be RL2.32m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (6) (B071) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the buildings are designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.08 AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood including climate change may be assumed to be 1.12m/s
- (7) (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 on-site disposal generally in accordance with the Stormwater Drainage layout plan drawing number: 11578 by B.R. Development Consulting.
- b. Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- c. The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the legal point of discharge.
- d. Fill material shall not divert stormwater into adjacent properties. All stormwater within the Lot shall be directed to the defined legal point of discharge.
- e. The location of a drainage system through the site for upstream stormwater run-off from neighbouring properties may be varied from the Stormwater Drainage Layout Plan, drawing number 11578, to allow for best use of the Lot. This is subject to providing sufficient evidence that any proposed design and / or location proposal has 1% AEP storm event capacity, does not negatively impact neighbouring Lots, and meets AUSPEC D5 requirements.

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

- (1) The limit of filling extents must be demarcated on site prior to any works commencing and shall be maintained for the duration of works. The extent lines shall clearly nominate that no fill is to extend beyond the fill line and no works are to extend into the Coastal SEPP Area. The Coastal SEPP area and fill extent shall be limited to the extents shown on the *Site Plan, Sheet 1 of 9*, by KB Drafting, dated 07/05/2019.

#### **D – DURING CONSTRUCTION**

- (1) (DH019) The filling material supporting suspended concrete slabs shall be compacted to satisfy the requirements of AS 2870. A certificate from an approved practising chartered professional civil and /or structural engineer must be submitted to the Principal Certifying Authority prior to the pouring of the concrete slab to certify the adequacy of the fill.
- (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 Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (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.
- (5) (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*.

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

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

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

[Asbestos Awareness](#)

- (6) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole 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. The existing sewer manholes on site will require a finished surface level to be compliant with Councils AUSPEC Standard Drawing 504. Any rectification works required to be carried out on the manhole are to be done so by a Council accredited contractor. All works are to be inspected by Council prior to backfilling and at the completion of works.
- (7) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
  - a. Ascertain the exact location of the Council's sewer main/stormwater drainage pipelines and any associated pits/junctions/manholes traversing the site in the vicinity of the works.
  - b. Take measures to protect the in-ground Council stormwater/sewer drainage pipelines and associated pits/junctions/manholes.
  - c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

Any damage caused to Council's stormwater and sewer drainage system must be immediately repaired in full and at no cost to 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) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port

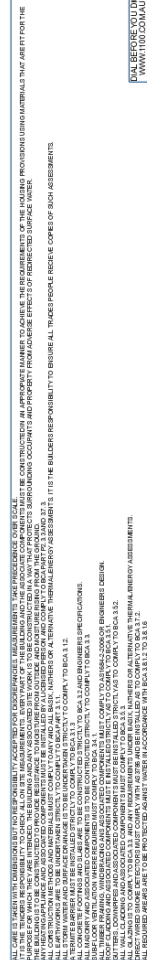
Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (4) (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.
- (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) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (7) (E045) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL 3.08m AHD.

#### **F – OCCUPATION OF THE SITE**

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) The shed is not to be used for any habitable, commercial or industrial purposes.
- (3) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.



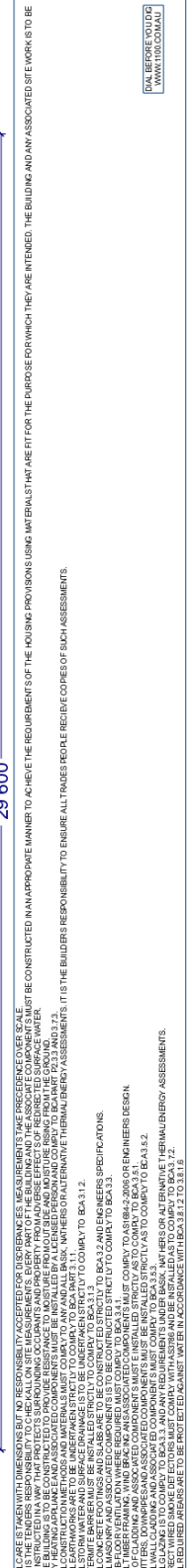


**SITE PLAN**  
**Scale 1:400**

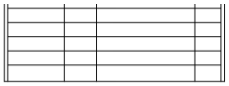


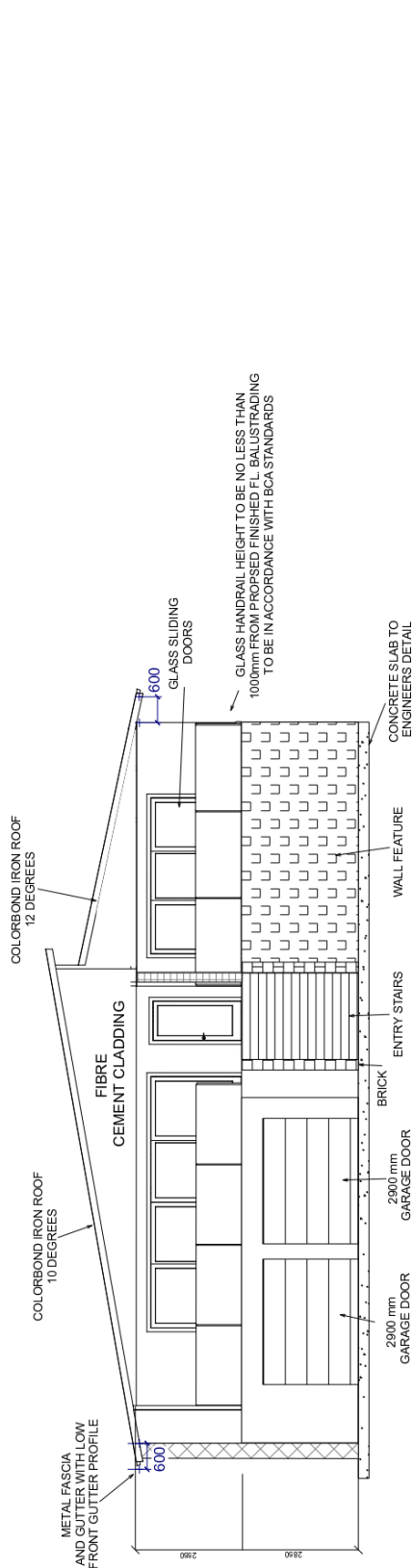
REAR PATIO: 22.66 m2  
FRONT PATIO: 76.84 m2  
LIVING: 315.9 m2  
KITCHEN: 28.6 m2  
**TOTAL AREA: 444 m2**

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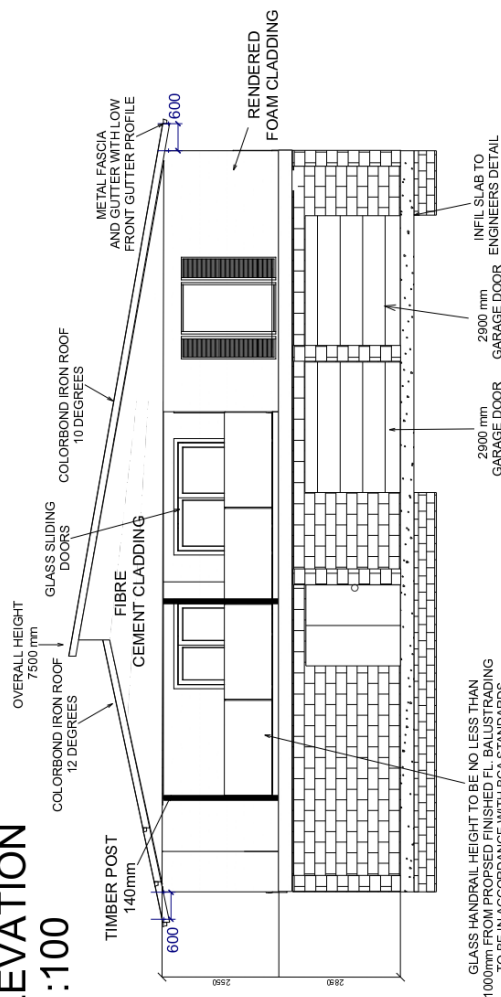


GROUND FLOOR PLAN  
C-1-4.400

A3		ELEVATIONS	SHEET TITLE:	PROJECT DESCRIPTION: PROPOSED DWELLING FOR GREG CHAPMAN/DANIEL CHAPMAN 180 SETTLEMENT POINT ROAD PORT MACQUARIE NSW 2444	DRAWINGS PROVIDED BY: KB Drafting and Design ABN:71775369334 8 Rosemary Ave Yippin Creek NSW 2446	DATE: 4/05/2019	SCALE: 1:100	SHEET: 4/9



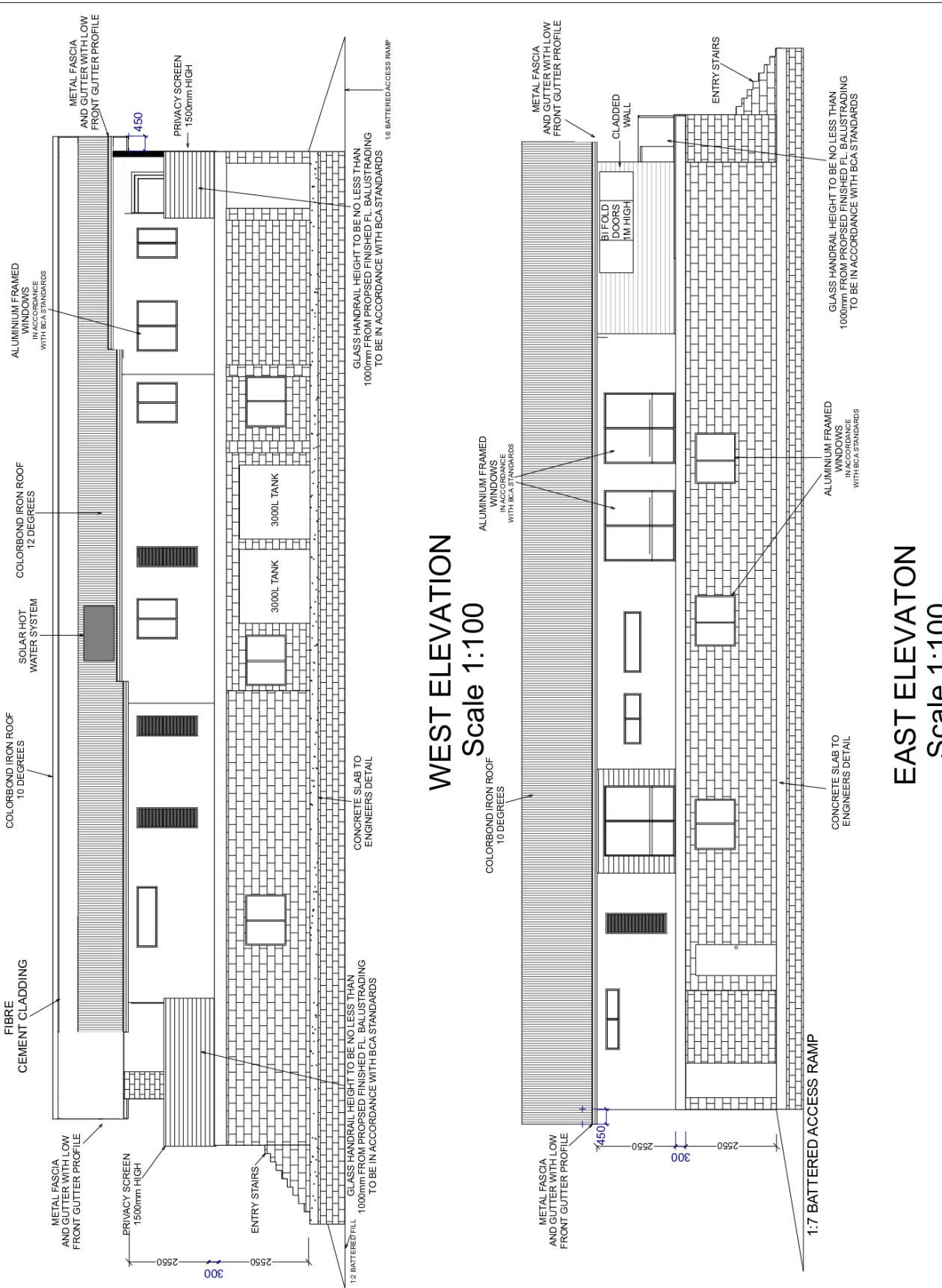
NORTH ELEVATION  
Scale 1:100




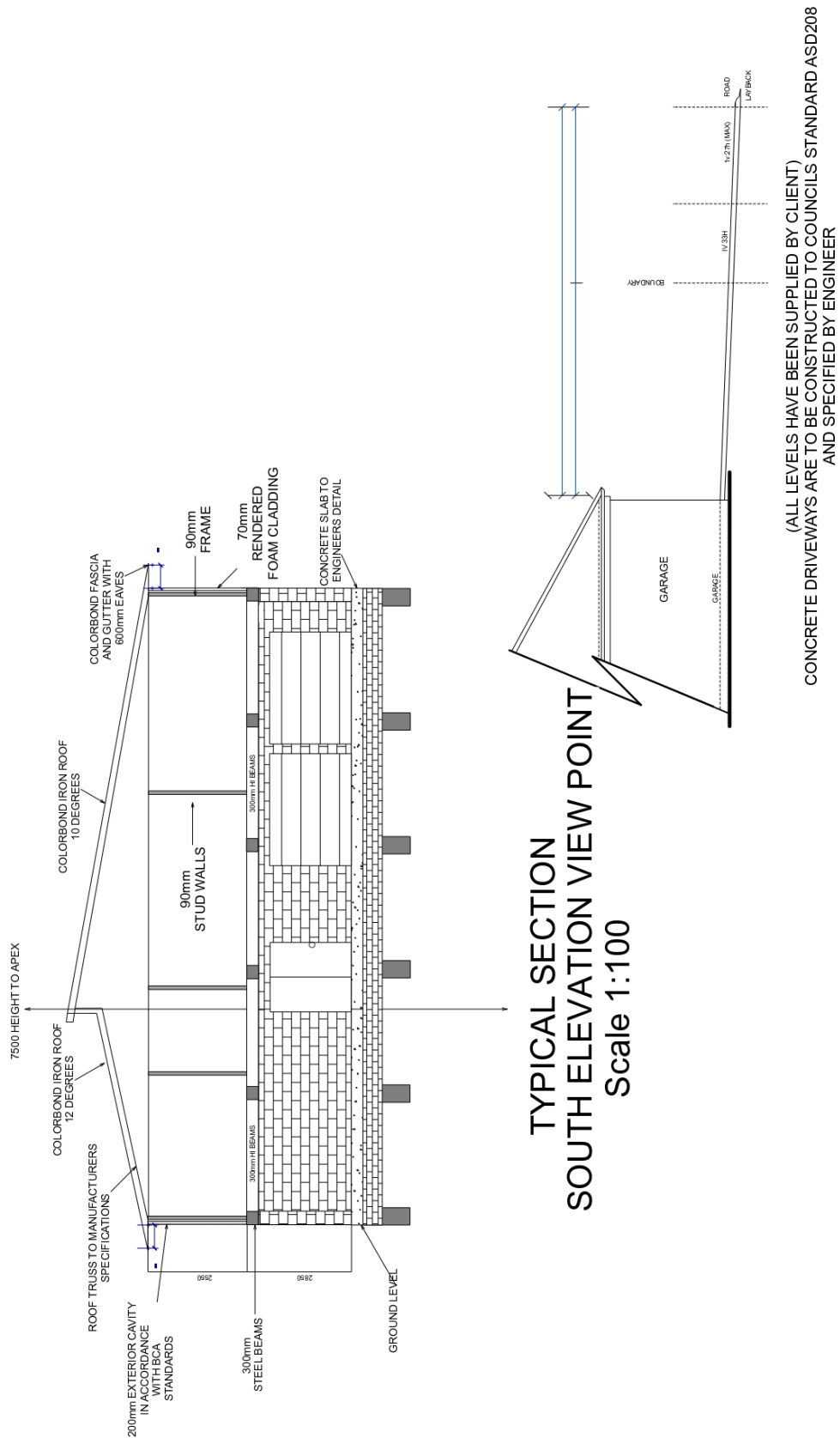
SOUTH ELEVATION  
Scale 1:100



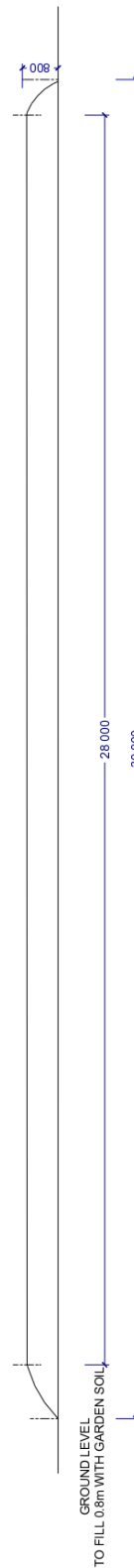
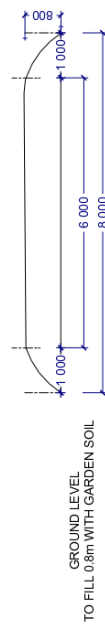
PROJECT DESCRIPTION: PROPOSED DWELLING FOR GREG CHAPMAN/DANIEL CHAPMAN 160 SETTLEMENT POINT ROAD PORT MACQUARIE NSW 2444	DRAWINGS PROVIDED BY: KB Drafting and Design ABN:71775369334 8 Rosemary Ave Yippin Creek NSW 2446	DATE: 4/05/2019	SCALE: 1:100	SHEET: 5/9
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A3		TYPICAL SECTION DRIVEWAY LEVELS	SHEET TITLE:	PROJECT DESCRIPTION: PROPOSED DWELLING FOR GREG CHAPMAN/DANIEL CHAPMAN 180 SETTLEMENT POINT ROAD PORT MACQUARIE NSW 2444	DRAWINGS PROVIDED BY: KB Drafting and Design ABN:71775369334 8 Rosemary Ave Yippin Creek NSW 2446	DATE:	4/05/2019
						SCALE:	1:100
						SHEET:	6/9

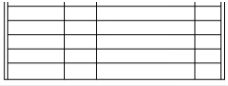


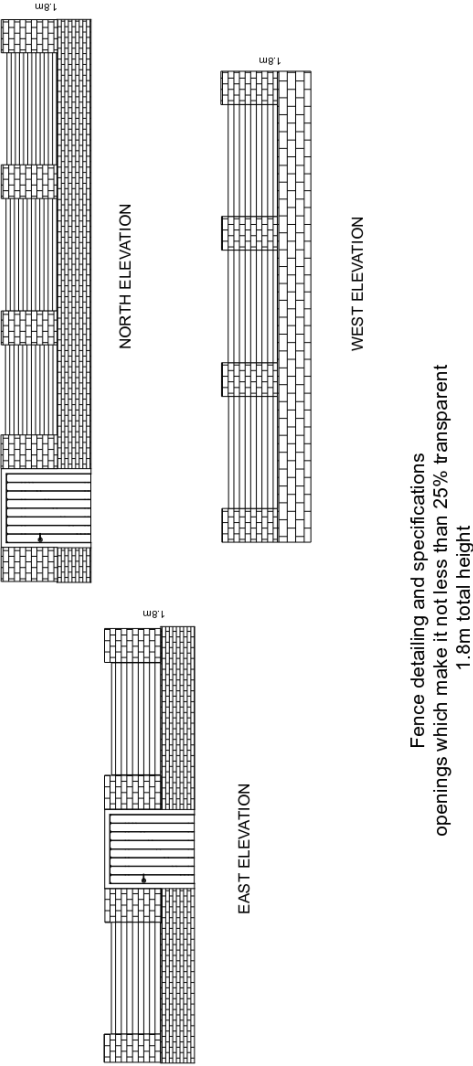
DRAWINGS PROVIDED BY: KB Drafting and Design ABN: 1712569334 8 Rosemary Ave Yippin Creek NSW 2446		PROJECT DESCRIPTION: GREG CHAPMAN/DANIEL CHAPMAN 160 SETTLEMENT POINT ROAD PORT MACQUARIE NSW 2444		SHEET TITLE: GARDEN BED TYPICAL SECTION		A3	
DATE: 4/05/2019		SCALE: 1:100		SHEET: 7/9			



## TYPICAL SECTION OF GARDEN BEDS

Scale 1:100

A3		FENCE DETAILING not to scale	SHEET TITLE:	PROJECT DESCRIPTION: PROPOSED DWELLING FOR GREG CHAPMAN/ANNELE CHAPMAN 180 SETTLEMENT POINT ROAD PORT MACQUARIE NSW 2444	DRAWINGS PROVIDED BY: KB Drafting and Design ABN:7775369334 8 Rosemary Ave Yippin Creek NSW 2446	DATE: 4/05/2019	SCALE: N/A	SHEET: 8/9





DATE:  
7/05/2019

SCALE:  
1:150

SHEET:  
9/9

DRAWINGS PROVIDED BY:  
K9 Drafting and Design  
ABN: 7172536934  
8 Rosemary Ave  
Yipin Creek NSW 2446

PROJECT DESCRIPTION

PROPOSED DWELLING FOR  
GREG CHAPMAN/DANIEL CHAPMAN  
160 SETTLEMENT POINT ROAD  
PORT MACQUARIE NSW 2444

SHEET TITLE:

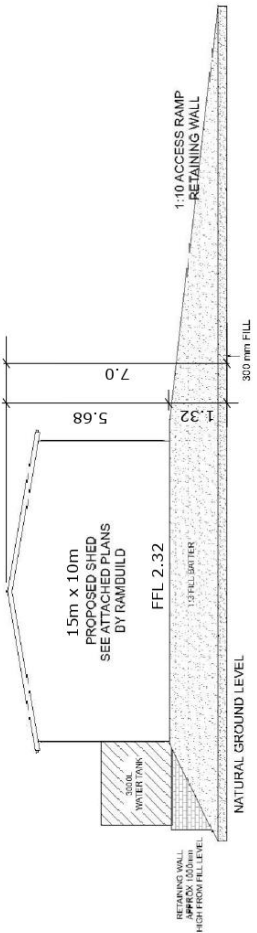
SHED ELEVATION

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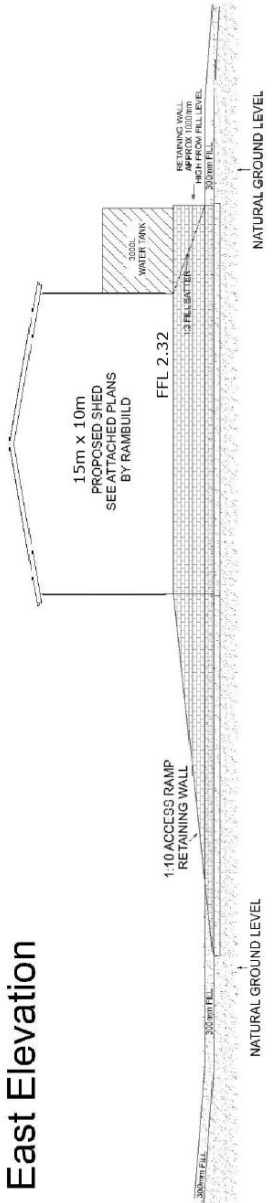


South Elevation

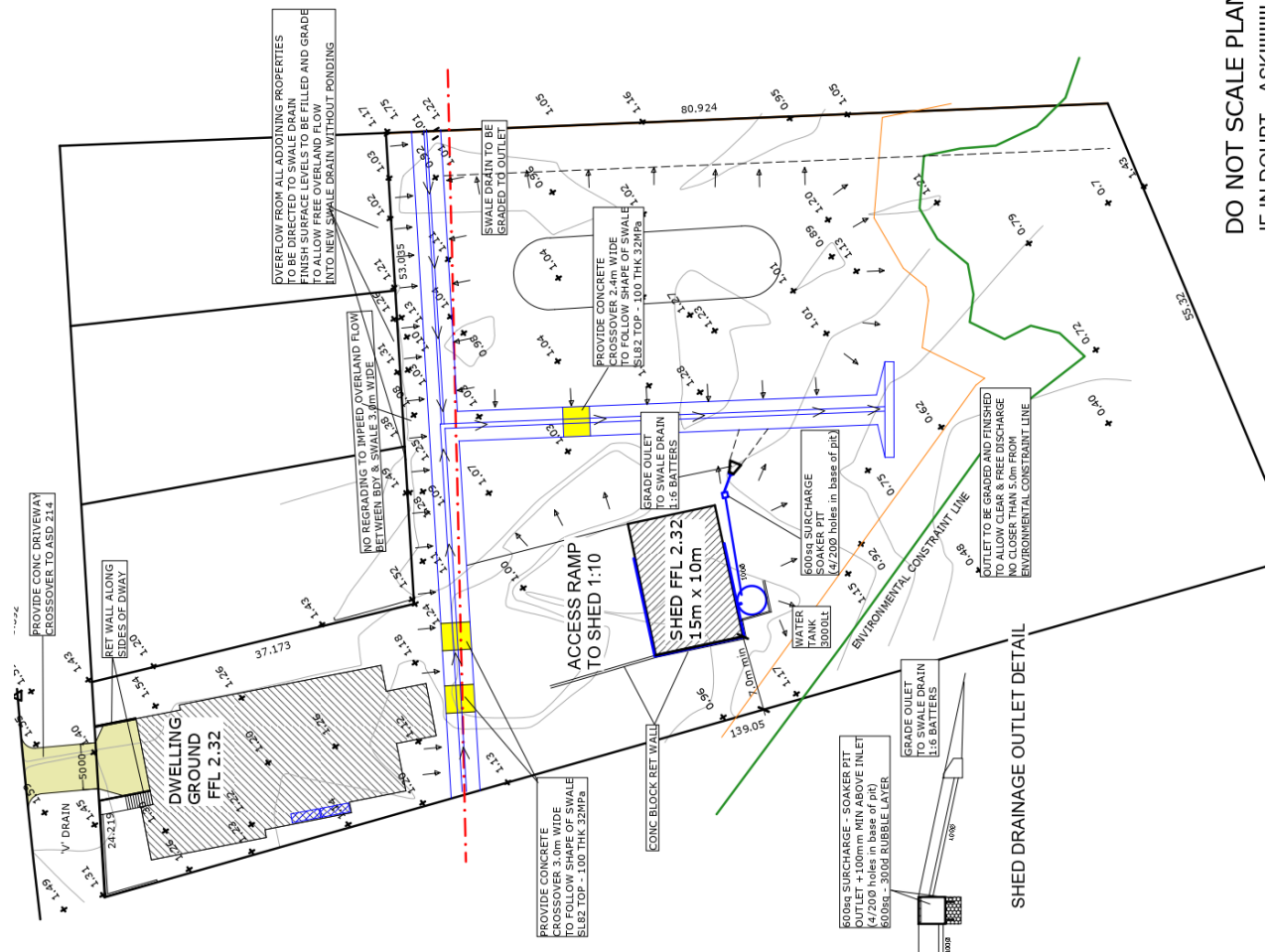
North Elevation




East Elevation



West Elevation



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## SITE PLAN REGRADING

Client:

CHAPMAN

Job Address:

160 SETTLEMENT PT RD,  
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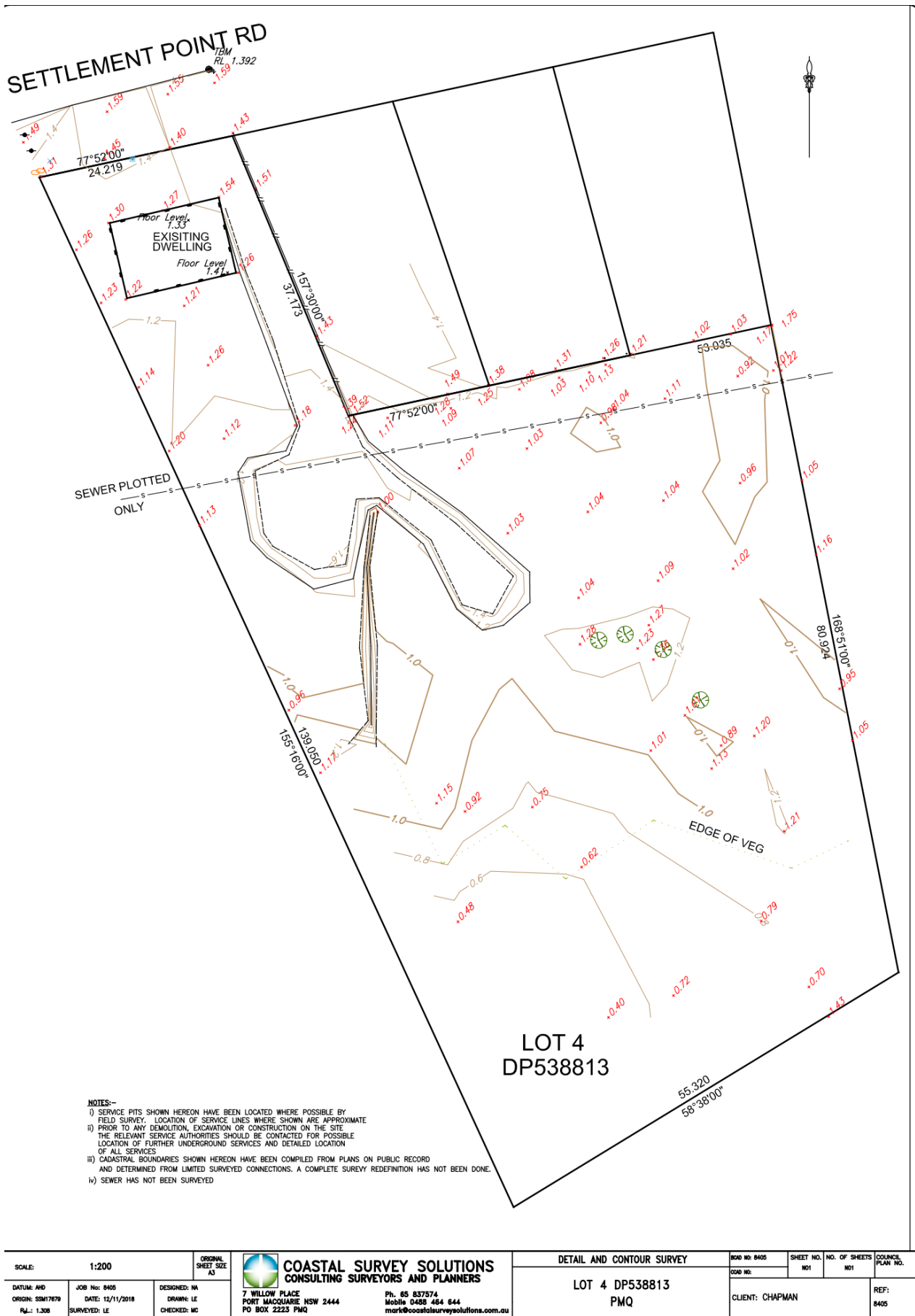
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160 SETTLEMENT POINT ROAD PORT MACQUARIE NSW  
*Flood Risk and Impact Assessment*  
MR DANIEL CHAPMAN

Our Ref: EES0074-RP-FIA-01

Date: 15 January 2019

[www.flumeeng.com.au](http://www.flumeeng.com.au)





## Document Control Register



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## Version Register

Version	Status	Author	Reviewer	Change from Previous Version	Authorised for Release	
					Signature	Date
00	Council Request for Information Version	TM	JF	-		18/09/2018
01	Council Request for Information Version 2	TM	JF	Updated to reflect additional RFI conditions from PMHC		15/01/2019

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 Doc Title: 160 Settlement Point Road, Port Macquarie, NSW – Flood Risk and Impact Assessment

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## Executive Summary

Flume Engineering (Flume) have been engaged by Mr Daniel Chapman to prepare a Flood Risk and Impact Assessment (FIA) over 160 Settlement Point Road, Port Macquarie, NSW, properly described as Lot 4 on DP538813 (the subject site). The subject site is situated within the Port Macquarie Hastings Council (PMHC) Local Government Authority (LGA).

This report is required to assess the proposed dwelling alteration and proposed shed for the subject site. This report will address the requirements of the latest Flood Policy 2015 and will be in accordance with the State Environmental Planning Policies (SEPP's).

### Flood Impact Assessment:

A Flood Impact Assessment is required to assess the proposed dwelling, shed, and floodplain infill alterations for the subject site. The modelling will assess Council's concerns with potential impacts and change in site runoff regimes caused by the development. This section will also address the requirements of the latest Flood Policy (PMHC, 2015).

The proposed development consists of the following:

- Proposed approximately 4253 m<sup>2</sup> of fill works of 0.3m over a total site area of approximately 5330 m<sup>2</sup> (excluding SEPP areas); and
- Remaining proposed alterations (garden bed, shed, dwelling, etc).

The following event simulations have been allowed for as part of the assessment:

- 1% Annual Exceedance Probability flood event; and
- 1% Annual Exceedance Probability Climate Change flood event;
  - See section 3.2.2 for explanation on climate change adaption for the model.

In summary, the completed Flood Impact Assessment (FIA) concludes the following:

- A fully dynamic 1D/2D linked TUFLOW flood model was developed for the FIA to assess the possible impacts of the proposed dwelling alterations, shed and fill on its surrounding areas;
- TUFLOW Model results indicate that water level affluxes are less than 10mm during the 1% AEP for the proposed development, which is determined to be acceptable. Water velocity affluxes greater than 0.1 m/s, for both 1% AEP and 1% AEP Climate Change events, are mainly within the subject site bounds. Although the velocity afflux has increased, there is no change in hazard to the site and surrounding areas, thus not increasing the risk to life. As such, the affluxes are determined to be acceptable and the proposed dwelling alteration, shed and proposed fill within the subject site would not cause any significant impact on the existing flood condition to its upstream and downstream areas; and
- As discussed above in section 3.2.4.2 the velocity is subject to "model noise" and can be ignored. Actual velocity afflux can mainly be seen within the subject site itself. It is also noted that the small increase in velocity greater than 0.1 m/s to the south west of the proposed building is isolated to one cell width of model and is not over 3rd party floor area and hence considered as not actionable.

It is noted that while the proposed development shows small amounts of afflux, it is determined that will not cause significant impact on the existing flood condition.

A previous version of this report (EES0074-RP-FIA-00) was provided to PMHC on 13 September 2018. This new version (01) has been prepared based on the further Request for Information (RFI) dated 25 September 2018. The RFI conditions and Flume Engineering responses are given below in Table E.1.



Table E.1 RFI Conditions and Flume Response

RFI Condition	Flume Response
The options are not appropriate to assess as two separate potential development scenarios cannot be consented to. The landowner must choose which scenario they wish to undertake, and the report needs to analyse the chosen scenario. It is not appropriate for a DA to approve possible development scenarios.	Noted. Modelling has been updated and only 1 option has been considered.
Section 5.2.2: Delete first two paragraphs.	Deleted.
Section 5.2.3: Clarify what '1% AEP Inflows 1, 3 & 4' are. The tables and figures need to be self-explanatory but should also be accompanied by text which details what the figures and tables are showing.	There are four inflow points in the model. For clarification purpose, model features figure is presented and provided in Appendix C.
Mannings Roughness: There appear to be errors where the roughness doesn't match the actual ground surface conditions within the model area.	Required Mannings Roughness adjustment is not clear. It is also noted that the Mannings Roughness was not conditioned in the first request for information and as such was considered accepted.
Interrogation Point P1 velocity difference between the RMA-2 and TUFLOW models is excessive. This velocity difference is significant and will need to be refined, especially considering that this interrogation point is at the subject site.	All interrogation points have been updated with the latest set of modelling results.
Figure 5.13: Refine the velocity grading range. The increments should provide more detail. Is the water velocity that is shown in dark blue 'below 0.5' or between '2.5 to 3.0'?	Please see Figure 5.13 for the updated velocity grading range.
The flood modelling does not provide an accurate figure on the flood level afflux and velocity changes. A change of 'above 0.1m/s' velocity and 'above 10mm' afflux is shown in the figures; however it is not clear how much above these thresholds the actual change is. A scale showing accurate increments must be provided.	All figures have been updated where required.
Section 5.2.4.3 & 5.2.4.4: The first paragraphs contains many typo's and grammatical errors and have been poorly written. Accordingly, the statements made in these paragraphs are confusing. Is the afflux caused by model noise or is it real? If a velocity increase and/or water level increase of greater than 0.1m/s and/or 10mm at the property boundary is real, it is in contravention of the Flood Policy and cannot be supported.	Noted and attended to.
The afflux figures need to show a range which starts a 0mm and 0m/s. By having the grading range starting at 'below 10mm' and 'below 0.1m/s' we are unable to assess where there is actually an impact. In order to ensure that the critical criteria as specified in the Flood Policy is met, we need to see the impacts on a much finer scale	All figures have been updated where required.



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## Appendix

- Appendix A – Plans of Development
- Appendix B – State Environmental Planning Policies Overlay
- Appendix C – TUFLOW Model Plan



## Glossary of Terms

AHD	<i>Australian Height Datum</i>
AEP	<i>Annual Exceedance Probability of a rainfall event</i>
ARR	<i>Australian Rainfall and Runoff</i>
BoM	<i>Australian Bureau of Meteorology</i>
BMP	<i>Best management practice</i>
Flume	<i>Flume Engineering</i>
CSIRO	<i>The Commonwealth Scientific and Industrial Research Organisation</i>
Cumec	<i>Cubic metre per second</i>
Council	<i>Port Macquarie Hastings Council</i>
DA	<i>Development Application</i>
OEH	<i>Office of Environment and Heritage</i>
RMS	<i>NSW Roads and Maritime Services</i>
LEP	<i>Local Environmental Plan</i>
DCP	<i>Development Control Plan</i>
DTM	<i>Digital terrain model</i>
EDD	<i>Extended Detention Depth</i>
ESC	<i>Erosion and sediment control</i>
GPT	<i>Gross Pollutant Trap</i>
ha	<i>Hectare</i>
FIA	<i>Flood Risk and Impact Assessment</i>
IEAust	<i>The Institution of Engineers, Australia</i>
IECA	<i>International Erosion Control Association</i>
IFD	<i>Intensity-Frequency-Duration</i>
IPWEA	<i>Institute of Public Works Engineering Australia</i>
PMHC	<i>Port Macquarie Hastings Council</i>
LGA	<i>Local Government Area or Authority</i>
LPD	<i>Lawful point of discharge</i>
m	<i>Metre</i>
m <sup>2</sup>	<i>Square metre</i>
m <sup>3</sup> /s	<i>Cubic metre per second</i>
min	<i>Minutes</i>
WSUD	<i>Water Sensitive Urban Design</i>
XP-RAFTS	<i>Software package for dynamic modelling of stormwater and river system. It is used for both link-node (1D) and spatially distributed hydraulic models (2D)</i>
TUFLOW	<i>Independent 1D and 2D flood modelling software.</i>



## 1. Introduction

### 1.1. Background

Flume Engineering (Flume) have been engaged by Mr Daniel Chapman to prepare a Flood Risk and Impact Assessment (FIA) over 160 Settlement Point Road, Port Macquarie, NSW, properly described as Lot 4 on DP538813 (the subject site). The subject site is situated within the Port Macquarie Hastings Council (PMHC) Local Government Authority (LGA).

This report is required to assess the proposed dwelling alteration, proposed shed, proposed garden bed and proposed fill for the subject site. This report will address the requirements of the latest Flood Policy 2015 and will be in accordance with the State Environmental Planning Policies (SEPP's).

The proposed development consists of the following:

- Proposed approximately 4253 m<sup>2</sup> of fill works of 0.3m over a total site area of approximately 5330 m<sup>2</sup> (excluding SEPP areas); and
- Remaining proposed alterations (garden bed, shed, dwelling, etc).

### 1.2. Objectives

The principal objectives of this report are defined by the following:

- Develop a localised fine grid (~5m) flood model of the site and surrounds to assess any potential impacts that may result from the construction of earth fill pads, mounds and access during a range of flood frequency event scenarios up to and including the 1% AEP design flood event with climate change considerations; and
- Undertake a Flood Risk Assessment in accordance with Australian Rainfall and Runoff (ARR) 2016 and relevant Council requirements within the Local Environmental Plan (LEP), Development Control Plan (DCP), and PMHC Flood Policy 2015.

### 1.3. Scope

The scope of this report is defined by the following three sections:

1. Layout Plan Overlay:
  - Produce and overlay constraints plan clearly showing all features of the development in relation to the SEPP zone.
2. Flood Impact Assessment Model:
  - Extract from the PMHC regional flood model (Advisian RMA-2 Hastings River Flood Study model, 2006), bathymetry levels, upstream flow versus time and downstream level versus time data for all available Annual Exceedance Probability (AEP) flood frequency events up to and including the 1% AEP climate change flood event;
  - Extract from the regional model any hydraulic structure information that is available within our localised model area;
  - Establish and develop a localised 1D/2D TULFOW flood model as a base case or pre-development scenario for all AEP's under investigation. This model will utilise 1m grid LiDAR survey data (dated 2012) to be sourced from Council/NSW Government as well as any site survey available;
  - Rationalise the pre-development model results to those produced by the regional model for peak levels and peak velocities within the area of the proposed fill mound and adjust the local model accordingly and within reason;

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- Simulate a post-development case for the flood event frequencies by using the TUFLOW hydraulic model approximation of earthworks tools that defines profile/formation of proposed fill;
- Output results from the above simulations and produce flood level and velocity afflux maps depicting the impact assessment and discuss findings with our client; and
- Modify the concept design model accordingly if required to meet Council's acceptable tolerances for increases in flood level and velocity within 3rd party lands.

#### 1.4. Previous Report Version and RFI Condition

A previous version of this report (EES0074-RP-FIA-00) was provided to PMHC on 13 September 2018. This new version (01) has been prepared based on the further Request for Information (RFI) dated 25 September 2018. The RFI conditions and Flume Engineering responses are given below in Table 1.1.

**Table 1.1 RFI Conditions and Flume Response**

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The options are not appropriate to assess as two separate potential development scenarios cannot be consented to. The landowner must choose which scenario they wish to undertake, and the report needs to analyse the chosen scenario. It is not appropriate for a DA to approve possible development scenarios.	Noted. Modelling has been updated and only 1 option has been considered.
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Interrogation Point P1 velocity difference between the RMA-2 and TUFLOW models is excessive. This velocity difference is significant and will need to be refined, especially considering that this interrogation point is at the subject site.	All interrogation points have been updated with the latest set of modelling results.
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The afflux figures need to show a range which starts at 0mm and 0m/s. By having the grading range starting at 'below 10mm' and 'below 0.1m/s' we are unable to assess where there is actually an impact. In order to ensure that the critical criteria as specified in the Flood Policy is met we need to see the impacts on a much finer scale	All figures have been updated where required.

## 2. Site Details

### 2.1. Location and Access

The subject site is located at 160 Settlement Point Road, Port Macquarie within the PMHC LGA and classified as general residential land. As it exists, the site is bound by Settlement Point Road and Hastings River to the north, open land to the west, environmental constrained land to the south and neighbouring properties to the east. Access to the site is gained via Settlement Point Road to the north and runs along the northern boundary. Aerial imagery and locality of the subject site has been provided in Figure 2.1 and Figure 2.2 respectively.



Figure 2.1 Aerial Imagery of Subject Site

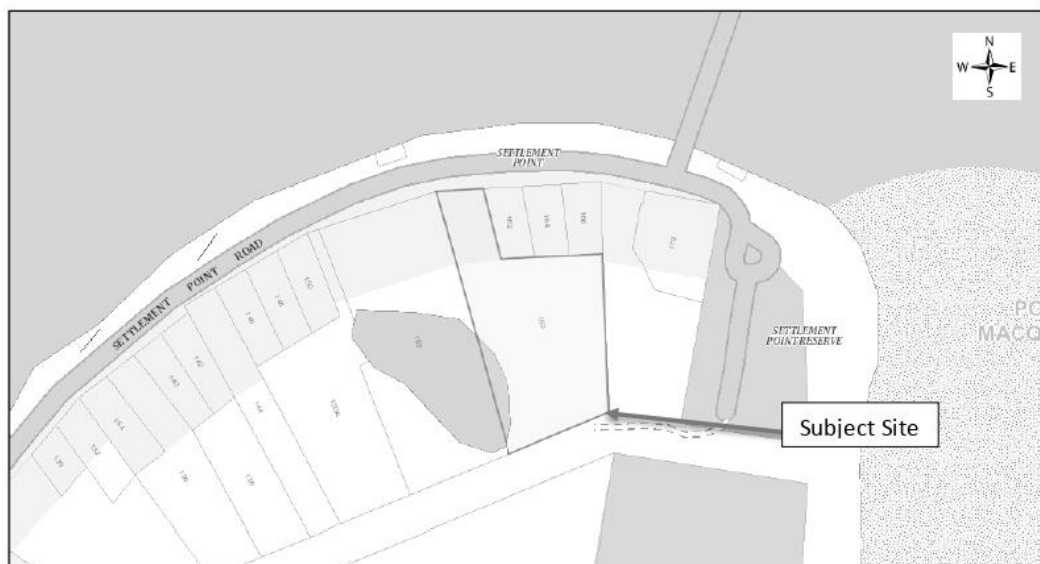


Figure 2.2 Locality of Subject Site



## 2.2. Existing Land Use

The subject site is currently occupied by one small residential dwelling and two small shed type structures. The southern end of the site is mostly cleared, containing grass, scattered vegetation, and environmental constraints.

## 2.3. Topography and Stormwater Conveyance

The site is in the middle of the Hastings River floodplain with a generally flat topography. Stormwater generated on the site flows towards the south where it discharges directly into the Hastings River.

## 2.4. Proposed Development

It is understood that temporary works onsite has commenced with the placement of fill, to approximately 0.3m, for the existing driveway area. Although Council preliminarily indicated that the development proposal should generally be compliant, it has subsequently issued a letter to remove the temporary works. Coupled to this and possibly a catalyst for the letter is 3rd party resident objection and opposition to the proposed development. As such, Council has requested a flood study be produced ensure that the Development Application (DA) is compliant with the PMHC Flood Policy 2015. The proposed development includes:

- Proposed dwelling alterations;
- Proposed shed;
- Proposed garden bed; and
- Proposed approximately 4253 m<sup>2</sup> of fill works of 0.3m over a total site area of approximately 5330 m<sup>2</sup> (excluding SEPP areas).

## 2.5. Land Use Zoning

Port Macquarie Hastings Council (PMHC) has zoned the subject site as General Residential land use and to be within a designated "Flood Planning Area". These classifications, taken from the PMHC Local Environmental Plan (LEP) 2011, can be seen below in Figure 2.3 and Figure 2.4 respectively.

The PMHC LEP 2011 controls and guides proposed development of the subject site and more specific requirements are detailed in the PMHC Development Control Plan (DCP) 2013 Part 2 Chapter 2.4 Hazard Management.

Development controls in Chapter 2.4 refer to Council's Floodplain Management Plan and the PMHC Flood Policy 2015.

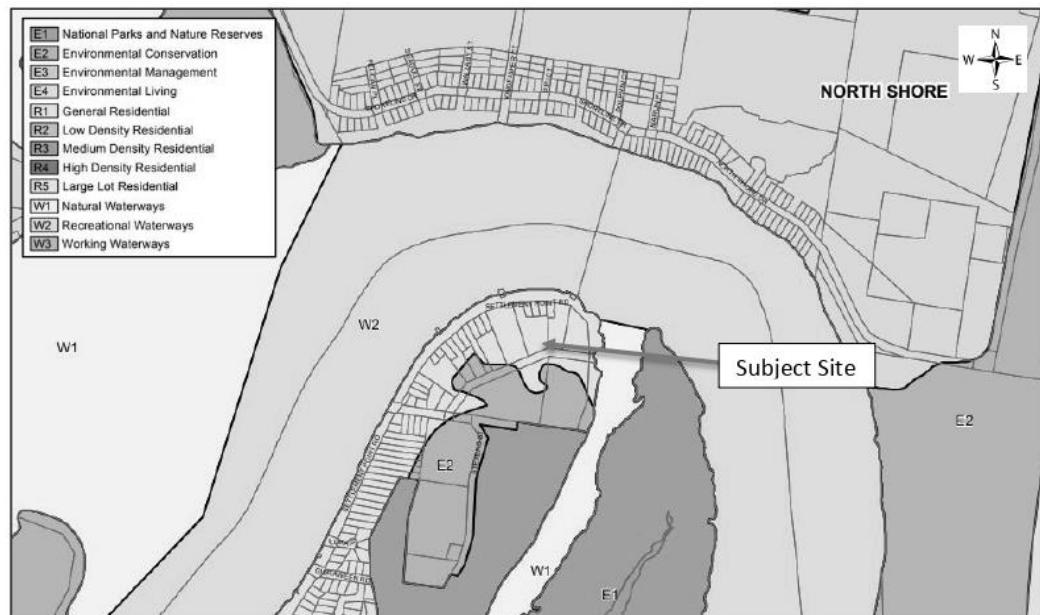


Figure 2.3 Land Zoning from PMHC LEP 2011



Figure 2.4 Flood Management Classification from PMHC LEP 2011





### 3. Data Collection and Review

#### 3.1. Data Collection

The following digital and hard copy data was collected during this assessment:

**Table 3.1 Data Collection**

Data Information	Source	Format
Port Macquarie Hastings Council LiDAR 2012	Elvis (NSW Spatial Services)	.asc
Hastings River Flood Study 2006 Flood Model Results – 1% AEP and 1% AEP Climate Change	Advisian	.wrr
Hastings River Flood Study 2006 Flood Model Bathymetry	Advisian	.asc
State Environment Planning Policies Layers	NSW Planning Layers	.shp

#### 3.2. Review

The following report was reviewed during this assessment:

- 2006 Hasting River Flood Study, Patterson Britton & Partners;
- 2012 Hastings River Floodplain Risk Management Study, WorleyParsons Services;
- 2014 Hastings River Floodplain Risk Management Plan, WorleyParsons Services;
- 2015 Flood Policy, Port Macquarie-Hastings Council; and
- 2013 Port Macquarie Hastings Council, Development Control Plan.



#### 4. Layout Plan State Environmental Planning Policies Overlay

The State Environmental Planning Policy environmental constraints layers of littoral rainforests and coastal wetland restrict the development of this site. As such these layers were acquired from the NSW Planning Portal and an overlay map created to ensure Council that the proposed development is compliant with the environmental constraints. Figure 4.1 below indicates the proposed development, including the proposed fill, will not breach the extents of the coastal wetland or littoral rainforests layer.



Figure 4.1 Layout Plan State Environmental Planning Policies Overlay



## 5. Flood Impact Assessment

### 5.1. Hydrological Analysis

#### 5.1.1. Overview

As stated above, the Advisian RMA-2 regional model is believed to be unaltered and the latest publicly available data for the subject site area. It is therefore proposed to use the model results provided by Advisian as inflows to a local model produced by Flume for the subject site. This process is done by extracting peak hydrographs for inflow and downstream level at the desired locations using WaterRIDE software.

#### 5.1.2. WaterRIDE

WaterRIDE is restricted to timesteps based off the output format of the input model results at the time the model was simulated. The extracted hydrographs have been used as the boundary conditions of the adapted Flume model, and as such have been restricted to the timestep of the selected output from the Advisian RMA-2 regional model. The output timestep has been set to half hour intervals.

### 5.2. Hydraulic Assessment

#### 5.2.1. Objectives

A Flood Risk and Impact Assessment is required to assess the proposed dwelling alteration, shed, garden bed and fill for the subject site. The modelling will assess Council's concerns with the proposed development, and mainly the proposed fill, of the site affecting the existing floodplain conditions. This section will also address the requirements of the latest Flood Policy (PMHC, 2015).

TUFLOW (Version 2017-09, HPC-GPU Solver) has been used for this analysis. TUFLOW is an industry standard one/two-dimensional (1d/2d) hydrodynamic flood analysis computational model used to estimate flood characteristics such as flood level, velocity, depth and any impacts arising from the proposed development may have on the surrounding properties.

The following event simulations have been allowed for as part of the assessment

- 1% Annual Exceedance Probability flood event; and
- 1% Annual Exceedance Probability Climate Change flood event.

#### 5.2.2. Climate Change Scenario

It is concluded that the climate change scenario simulated in the regional model is a "high range" projection, based on the 0.9 m sea level rise (SLR) increase and a 10% increase for rainfall intensity estimated for year 2100. This generally exceeds the design life of a residential building (50 years). Regional Climate Change results provided to Flume Engineering are likely to be outside the latest guidance and conservative, yet comparable. As such the climate change scenario has been modelled for impact purposes only.

#### 5.2.3. 2D Model Set Up

##### 2D Resolution and Time Step

The hydraulic model features are presented in Figure 5.1. There are 6 upstream inflow boundaries: Inflow\_01, Inflow\_2a, Inflow\_2b, Inflow\_2c, Inflow\_03 and Inflow\_04 and two downstream tail water level boundaries for backwater analysis. A grid size of 5m was used in the model for all scenarios. An adaptive timestep was adopted in the 2d model.



**Figure 5.1 Hydraulic Layout of Study Area**

The existing case model was updated to represent the proposed development. Figure 5.2 below shows the topography modification caused by the proposed dwelling alteration.



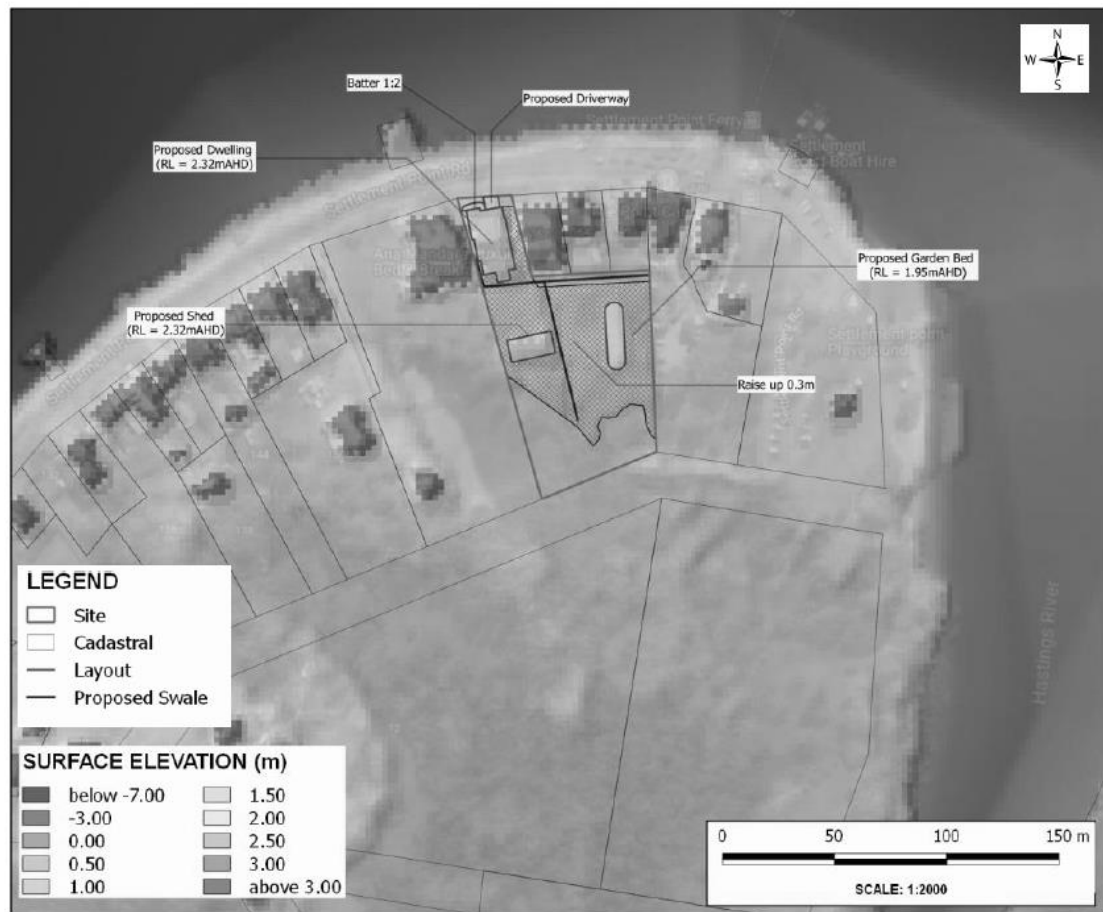


Figure 5.2 Proposed Topography Modification For Proposed Development.

#### Model Inflow and Downstream Boundaries

The model inflow and downstream boundaries have been extracted from the Advisian RMA-2 regional model results using WaterRIDE and can be seen in Figure 5.3 to Figure 5.7 respectfully.

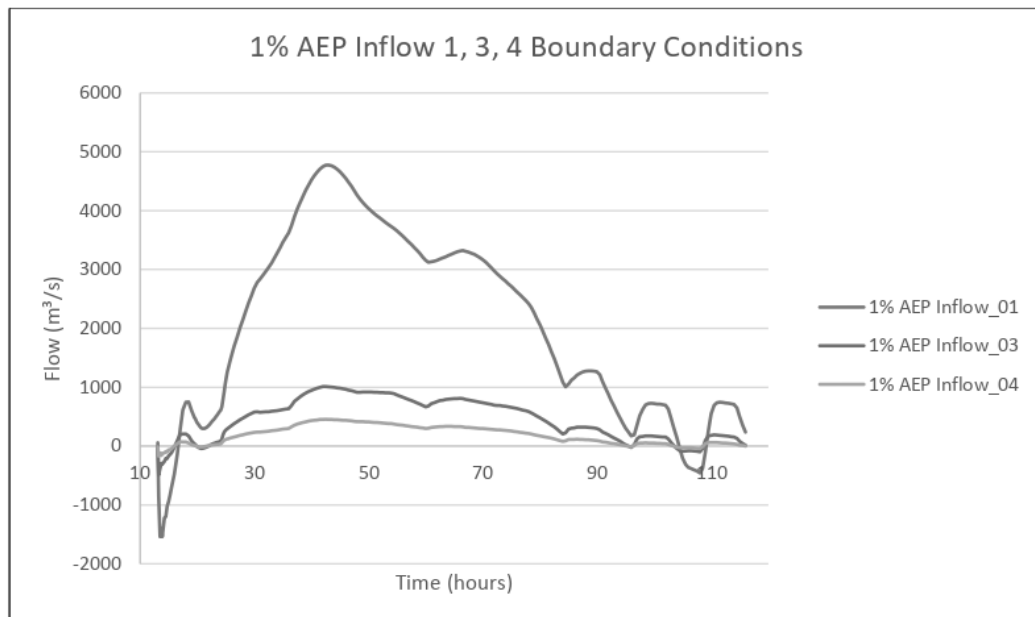


Figure 5.3 1% AEP Inflow 1, 3, 4 Boundary Conditions

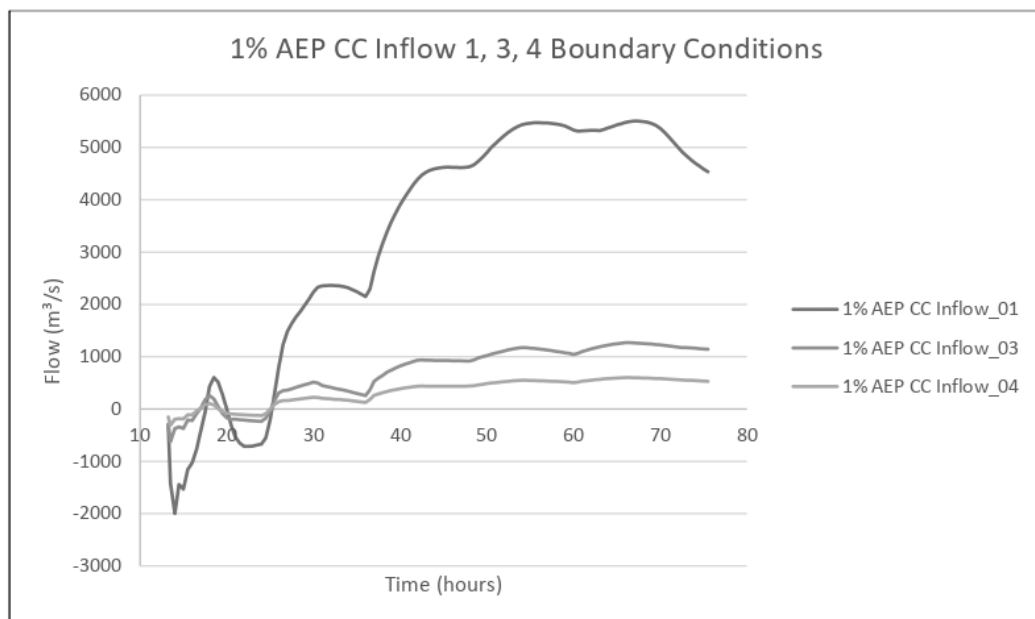


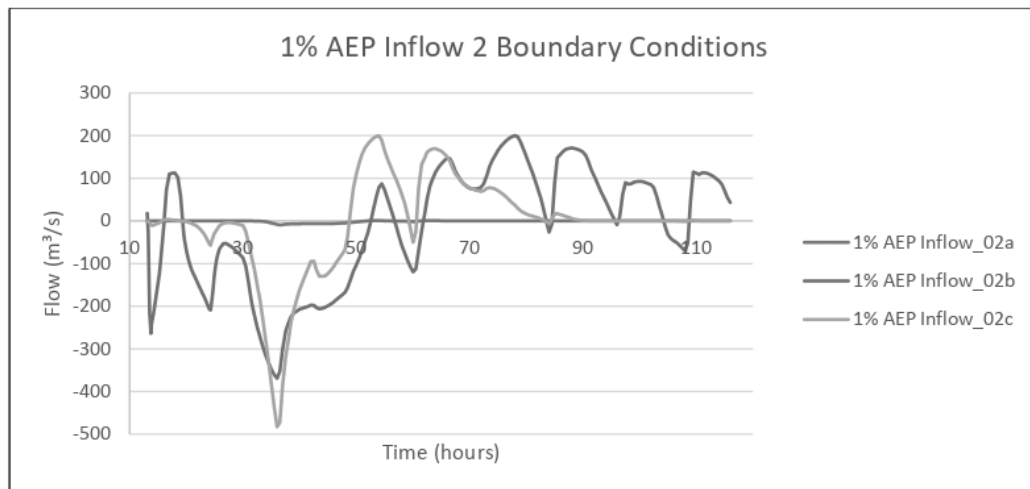
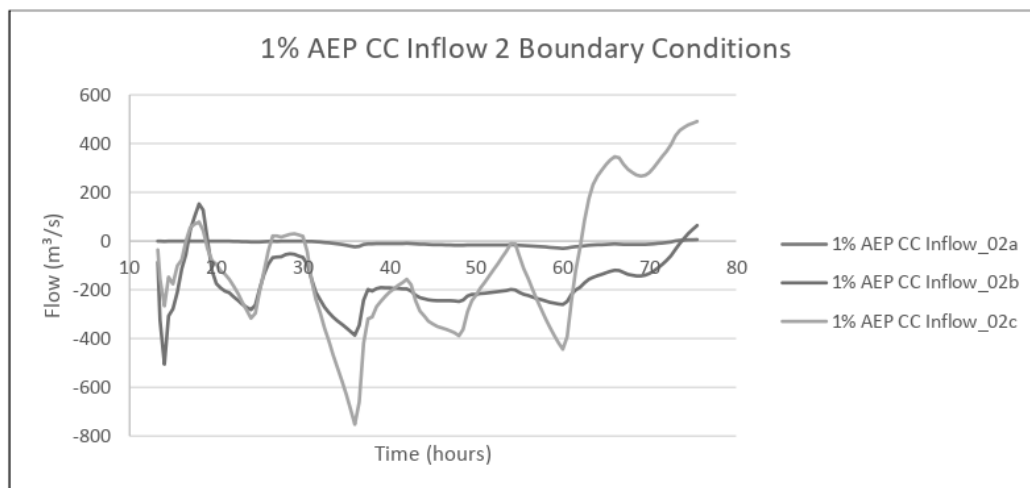
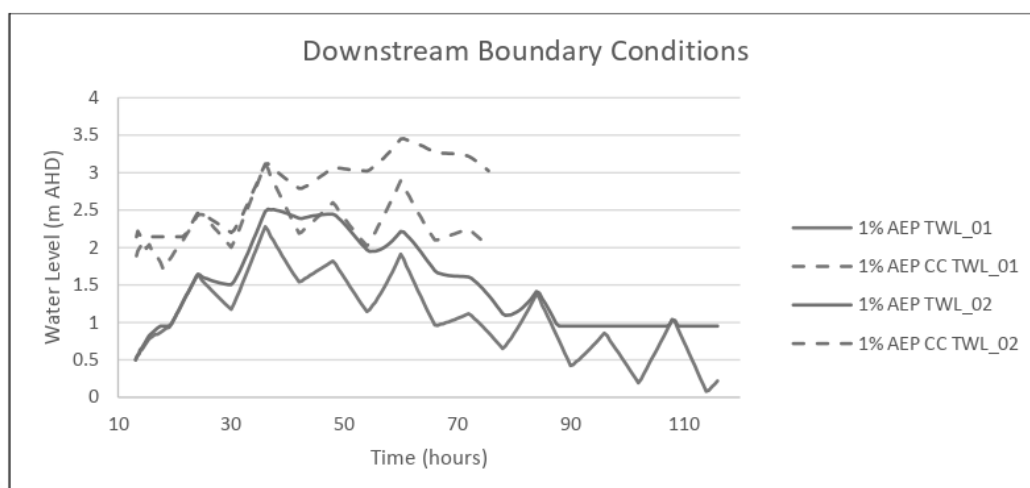
Figure 5.4 1% AEP CC Inflow 1, 3, 4 Boundary Conditions

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**Figure 5.5 1% AEP Inflow 2 Boundary Conditions****Figure 5.6 1% AEP CC Inflow 2 Boundary Conditions****Figure 5.7 Downstream Boundary Conditions**

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**Digital Elevation Model and Model Extent**

For the Pre-development scenario, a digital elevation model (DEM) was created using the following data:

- 1m grid LiDAR (dated 2012) data from PMHC LiDAR data project; and
- 2m grid bathymetry data from the Advisian RMA-2 regional model for Hastings River.

For the Post-development scenario, the proposed modification in surface level and hydraulic roughness is included into the model based on the proposed layout plan.

**Manning's Roughness Values**

Manning Roughness maps were not provided from Advisian and as such Flume have generally calibrated and validated the TUFLOW model to the RMA-2 model results within reason. As such, the manning's n value is based on current satellite imagery. The adopted Manning's Roughness for the Pre and Post-Development can be seen in Figure 5.8 and Figure 5.9 respectively. The Manning's n values have been selected to calibrate the TUFLOW model to be representative on the regional flood model results.





Figure 5.8 Pre-Development Manning's Roughness of Study Area



Figure 5.9 Post-Development Manning's Roughness of Study Area

#### 5.2.4. 2D Hydraulic Model Results

##### 5.2.4.1. TUFLOW Model Calibration

No stream flow data nor measured historical flood levels within the site area were available at the time of this assessment. Therefore, the peak flood level results from 1% AEP event TUFLOW model were compared against the results from the Advisian RMA-2 regional model results. Generally, the 1% AEP event water level from TUFLOW compares well to the 1% AEP Advisian RMA-2 regional model water level. Table 5.1 below shows the 1% AEP water level at five (5) key interrogation points.

Table 5.1 Validation of TUFLOW Model

Interrogation Point	1% AEP				1% AEP Climate Change			
	RMA-2 Regional model		TUFLOW		RMA-2 Regional model		TUFLOW	
	Peak Water Level (m AHD)	Peak Water Velocity (m/s)	Peak Water Level (m AHD)	Peak Water Velocity (m/s)	Peak Water Level (m AHD)	Peak Water Velocity (m/s)	Peak Water Level (m AHD)	Peak Water Velocity (m/s)
P1	2.7	1.4	2.7	1.4	3.7	1.3	3.7	1.5
P2	2.7	1.3	2.9	1.3	3.8	1.1	3.8	1.2
P3	2.6	0.4	2.8	0.8	3.8	0.4	3.7	0.6
P4	2.8	0.8	2.9	0.8	3.8	0.8	3.9	0.9
P5	2.6	1.5	2.7	1.7	3.7	1.6	3.7	1.8



Figure 5.10 Location of Five (5) Interrogation Points

#### 5.2.4.2. Pre-development TUFLOW Model Results

Figure 5.11 to Figure 5.13 below show the Pre-development 1% AEP peak flood level, flood depth and velocity for the study area. Figure 5.15 shows the Pre-development 1% AEP Climate Change maximum water level.

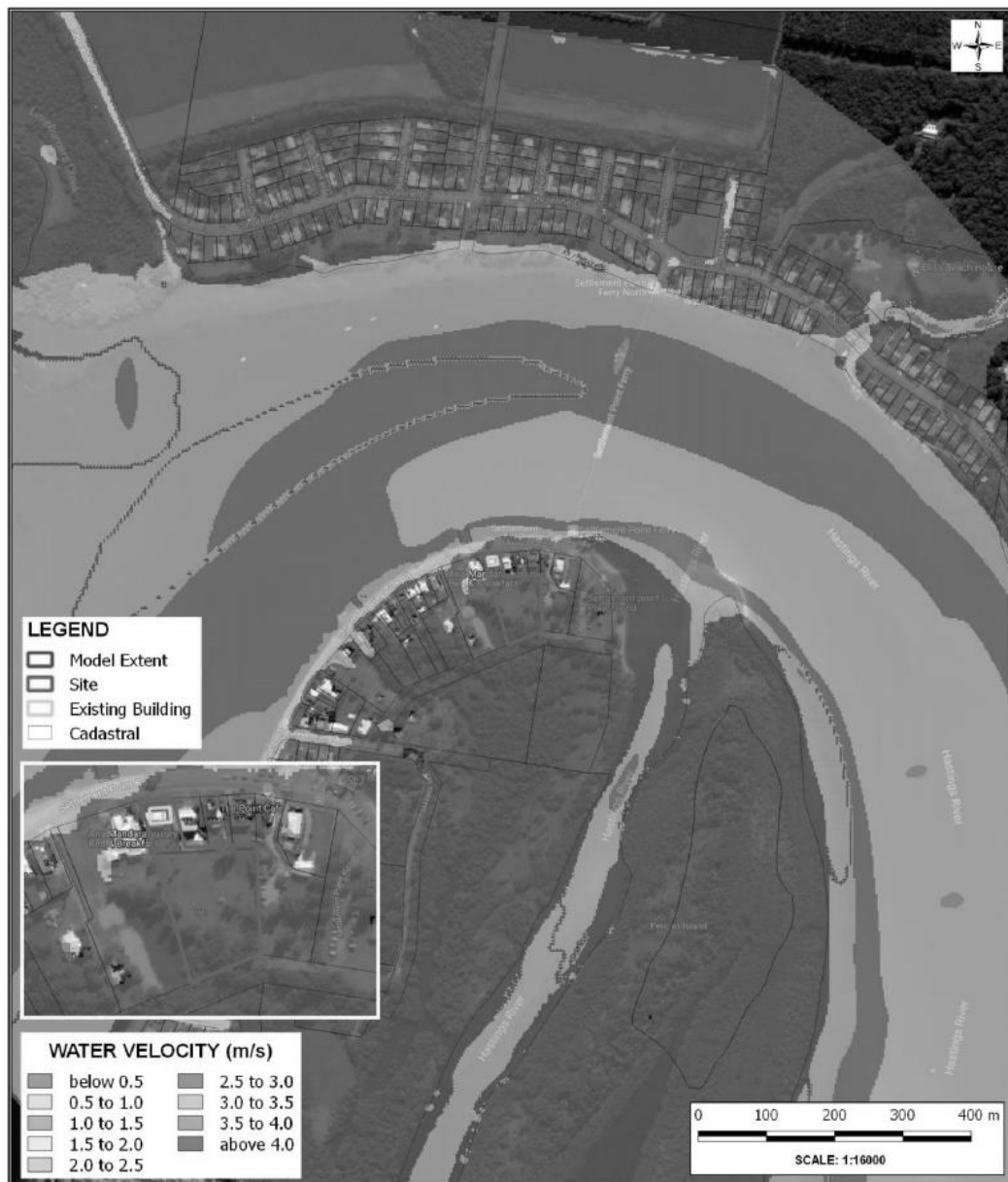


Figure 5.11 Pre-Development 1% AEP Peak Flood Level





Figure 5.12 Pre-Development 1% AEP Peak Flood Depth



**Figure 5.13 Pre-Development 1% AEP Maximum Water Velocity**

It is noted that the Velocity maps include unrealistic low portions velocities in certain locations around the model. This issue has been investigated and has been confirmed to be unrealistic. As such these unrealistic velocities can be ignored. It should be noted that in the calculation of afflux this will result in "model noise" (unrealistic velocity afflux) across the model. Figure 5.14 below indicated the model noise that has been described.

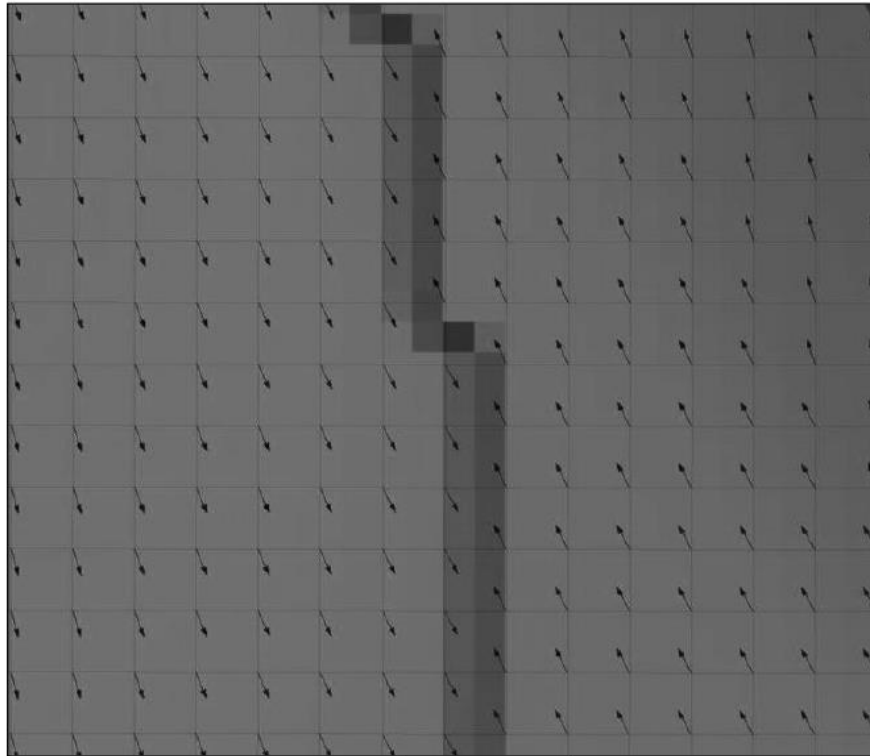


Figure 5.14 Pre-Development 1% AEP Velocity Noise

This noise is a result of a 5% AEP storm surge curve interacting in this transition zone with a 1% AEP fluvial flood. It is noted that this issue is a bug in the exportation of the max gridded results only and does not affect the model stability or overall results, however it will create “patchy” unrealistic afflux.

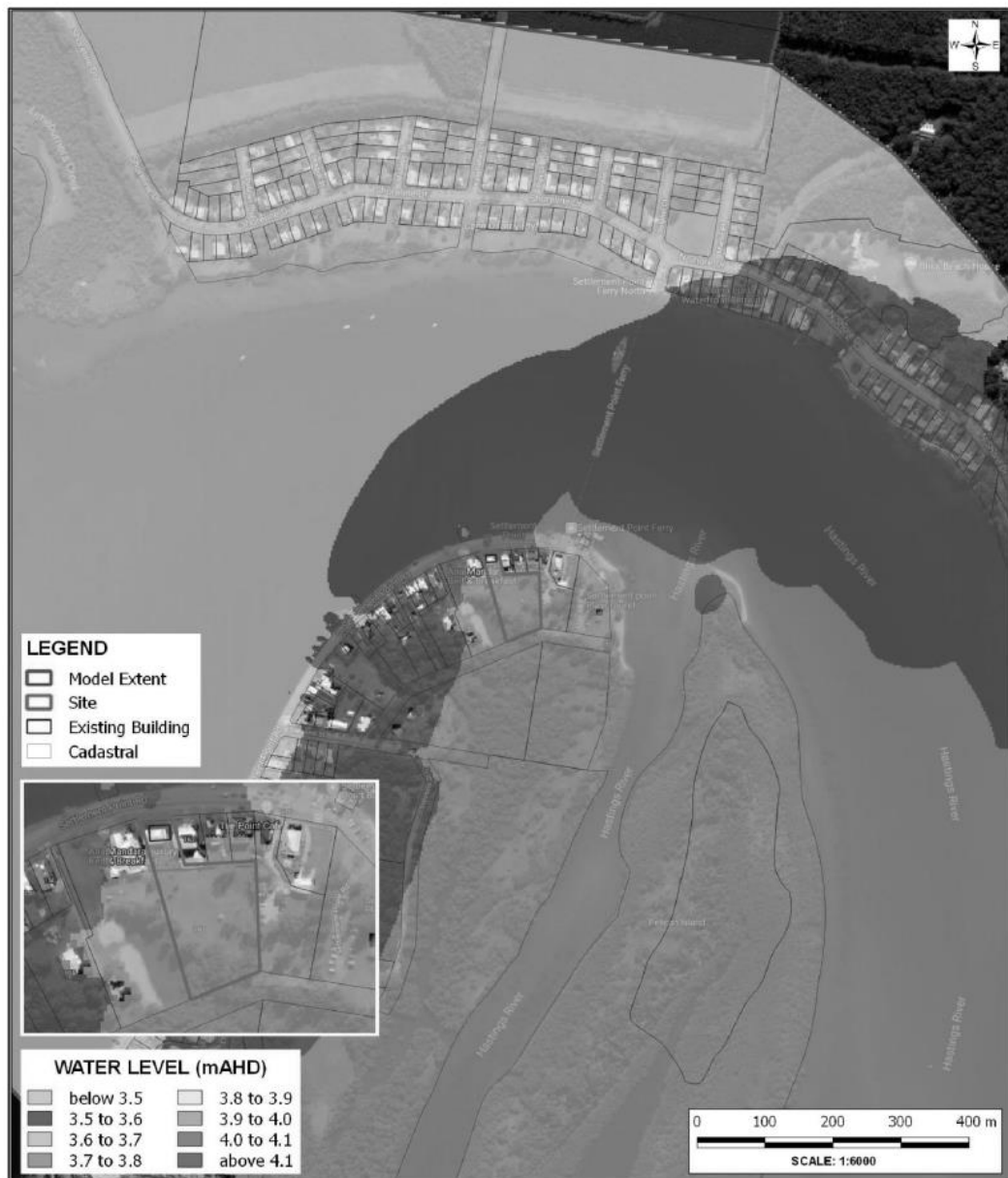


Figure 5.15 Pre-Development 1% AEP Climate Change Maximum Water Level

#### 5.2.4.3. Post-development Flood Afflux

Figure 5.16 to Figure 5.19 below show the water level and velocity afflux maps for the 1% AEP and 1% AEP Climate Change events. Water level afflux is less than 10mm and Water velocity afflux is less than 0.1 m/s for the majority external area for both two events. There are some small areas where the Water Level afflux of greater than 10mm and Water velocity afflux of greater than 0.1m/s outside of the site boundary. All water level afflux greater than 10mm and velocity greater than 0.1m/s can be seen on a graduated scale as requested by PMHC. Model noise outside of the subject site boundaries is considered to not be a real representation of the afflux caused by the development. It is determined that the proposed development results in a peak water level increase of less than 10mm, and a peak velocity increase of approximately 0.3m/s for the 1% AEP scenario. It is determined

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that the proposed dwelling alteration and remaining proposed developments within the subject site will not cause significant impact on the existing flood condition.

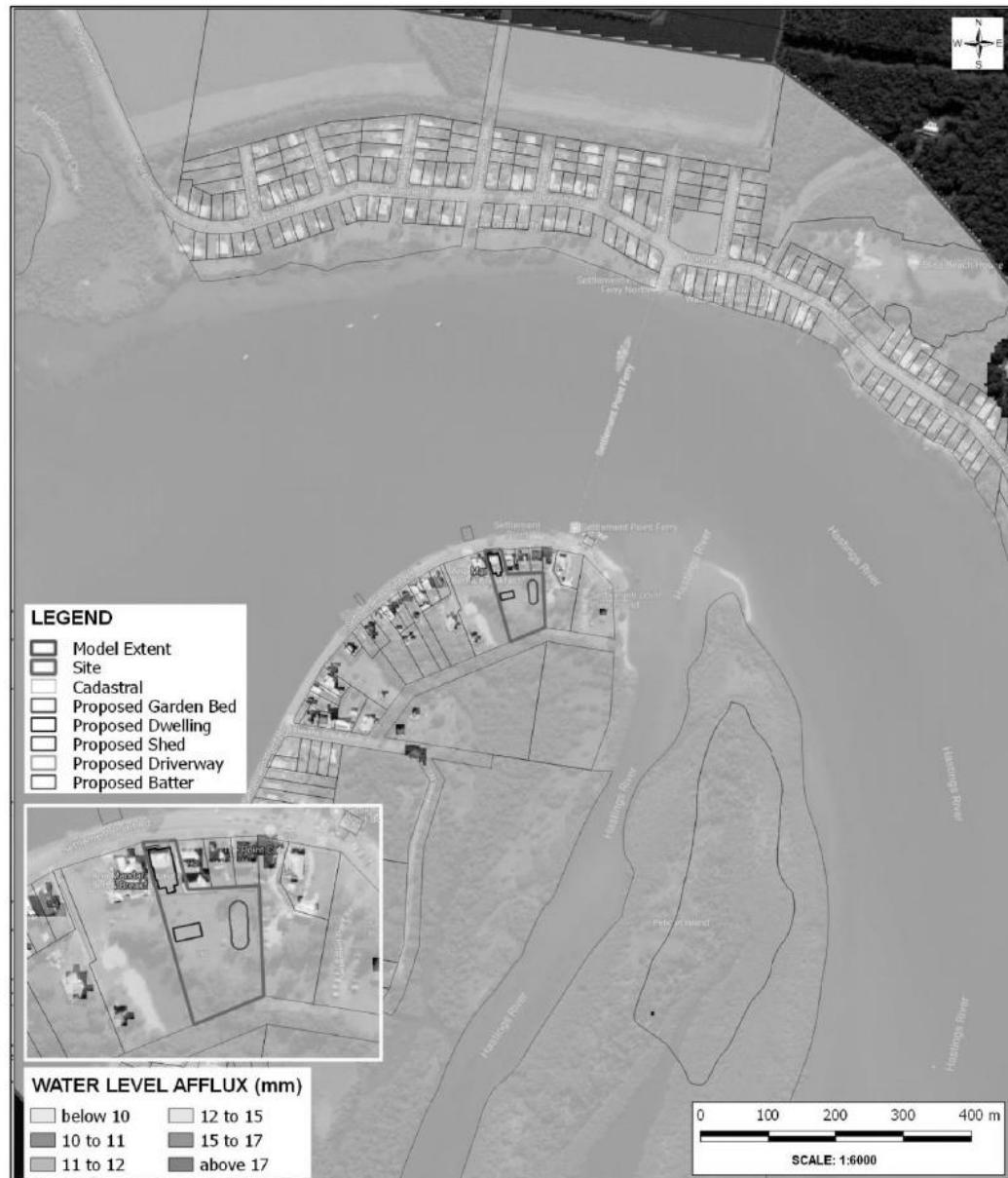


Figure 5.16 Post-Development - 1% AEP Water Level Afflux

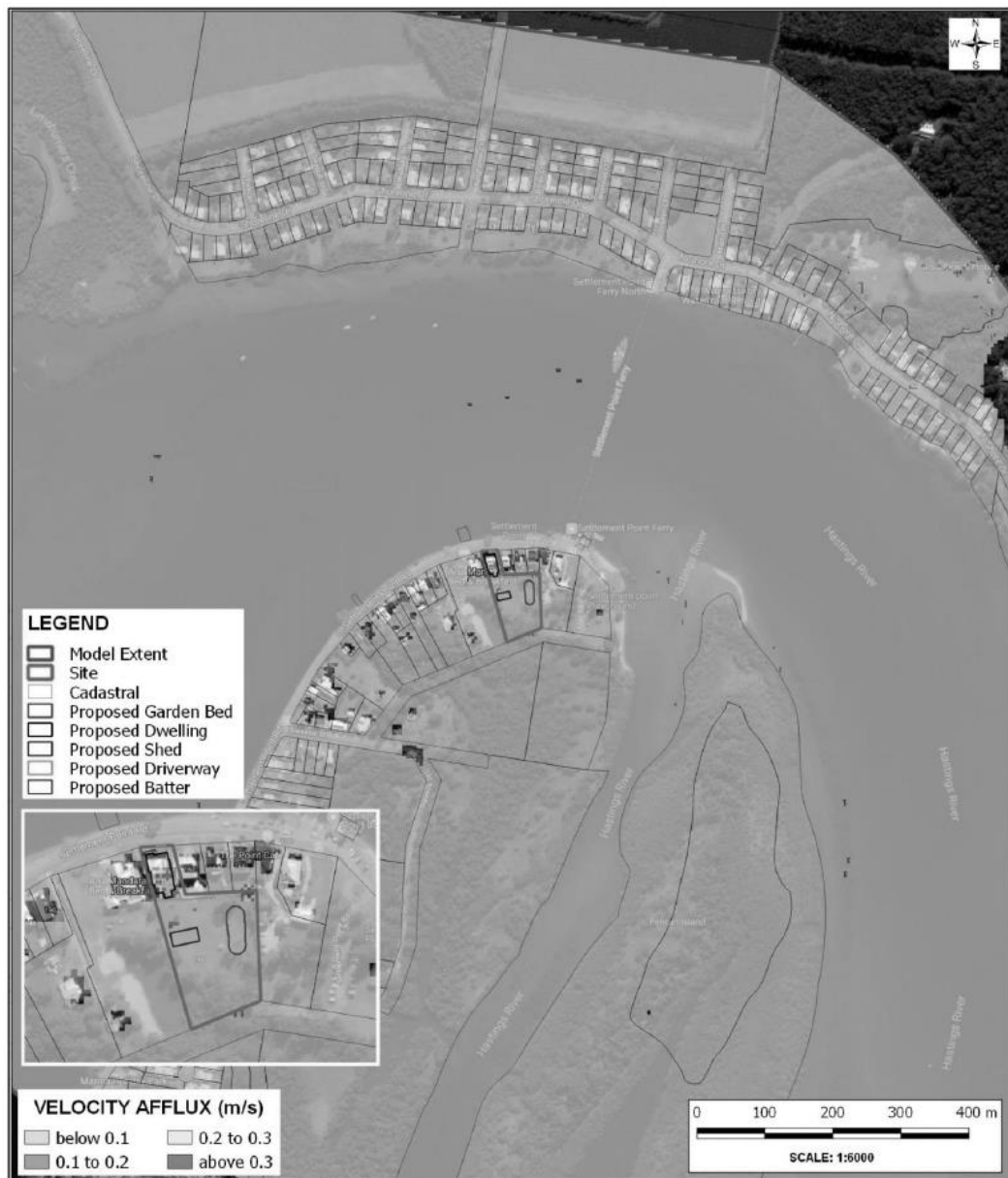


Figure 5.17 Post-Development - 1% AEP Water Velocity Afflux

As discussed above in section 5.2.4.2 the velocity is subject to “model noise” and in reality, can be ignored. Velocity afflux that is real can only be seen mainly within the subject site itself. It is also noted that the small increase in velocity greater than 0.1 m/s to the south west of the proposed building is isolated to one cell width of model and is not over 3rd party floor area and hence considered as not actionable.



Figure 5.18 Post-Development - 1% AEP Climate Change Water Level Afflux

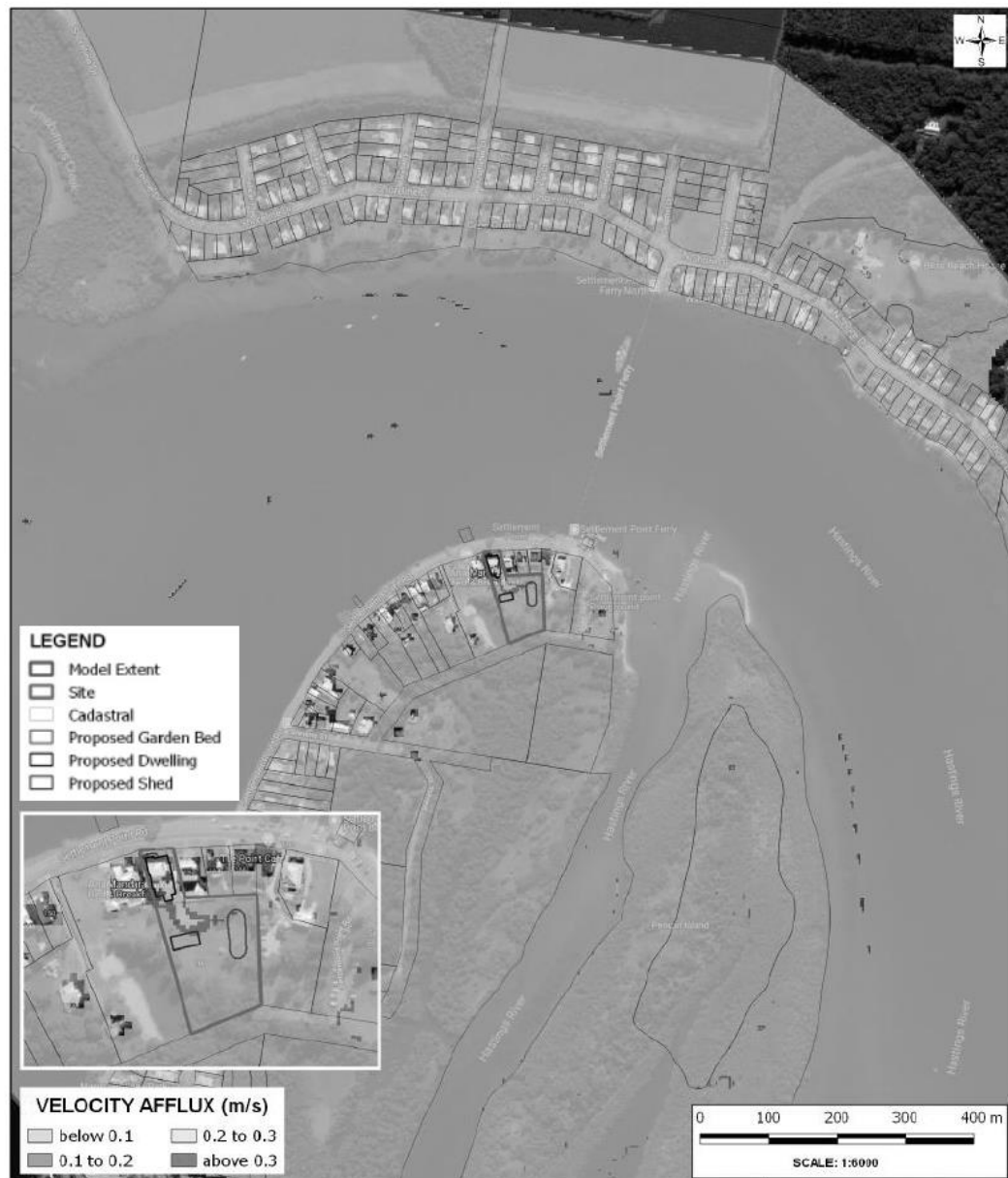


Figure 5.19 Post-Development - 1% AEP Climate Change Water Velocity Afflux

As discussed above in section 5.2.4.2 the velocity is subject to “model noise” and in reality, can be ignored. Velocity afflux that is real can only be seen within the subject site itself. It is also noted that the small increase in velocity greater than 0.1 m/s to the south west of the proposed building is isolated to one cell width of model and is not over 3rd party floor area and hence considered as not actionable.





## 6. Design Flood Hydraulics

Design flood data at the site was sourced directly from the TUFLOW model created by Flume as described above. The design peak flood levels at the subject site (taken from existing development driveway) are shown below in Table 6.1 for the 1% AEP and the 1% AEP with Climate Change (CC) considerations.

**Table 6.1 Subject Site Flooding Characteristics**

Flood Event	Maximum Water Level (m AHD) *	Time of Maximum Water Level (hrs after start of storm)
1% AEP	2.75	45.6
1% AEP CC	3.77	67.2

*Note: \*The water level was taken from model results at the entrance to the subject site so maximum water levels may slightly vary across the site.*

During a 1% AEP flood event, the maximum velocity of floodwaters flowing across the site in the area of the existing building is approximately 0.3 m/s, and the flood depth is approximately 15mm above the existing water surface level where the existing development is located.

### 6.1. Flood Risk

In terms of floodplain management, hazard can be defined as a source of potential harm or a situation with potential to result in loss of life. Hence, the primary hazard is the result of a flood event that has the potential to cause damage or harm to the community. Associated with the hazard is the probability of its occurrence.

There are a number of factors to be considered where assessing the hazard associated with floods. The usual starting point is to predict the flood characteristics and particularly the flow characteristics of the inundated areas of the floodplain. The main characteristics of interest typically are the flow depth and the flow velocity. In addition, the assessment of the flood hazard needs to consider a range of other social, economic and environmental factors, though these are often more difficult to quantify.

The magnitude of flood hazard can be variously influenced by the following factors:

- Velocity of Floodwaters;
- Depth of Floodwaters;
- Combination of Velocity and Depth of Floodwaters;
- Isolation During a Flood;
- Effective Warning Time; and
- Rate of Rise of Floodwater.

The base data that underpins assessment of floodplain risk typically comprises the flow characteristics (the flow depth and velocity) in the flood-affected areas within the catchment.

When quantifying and classifying flood hazard, it is important to understand the underlying causes of the hazard level. For example, if the hazard level is classified as 'high' then it is important to understand the key reason that it is high e.g. high depth, high velocity, high velocity and depth in combination, isolation issues, short warning time. Best Management Practices have been used in assessing the hazards of the subject site. This assessment is also in accordance with the PMHC Flood Policy (2015) and the relating documents. The Australian Rainfall and Runoff (ARR) 2016 hazard categories are considered to be best management practices and have been used in this assessment. Figure 6.1 and Table 6.2 below illustrates the different hazard classifications and the relationship to



water depth and velocity combinations. Table 6.3 below outlines acceptable uses for buildings at the maximum design flood for each modelled AEP.

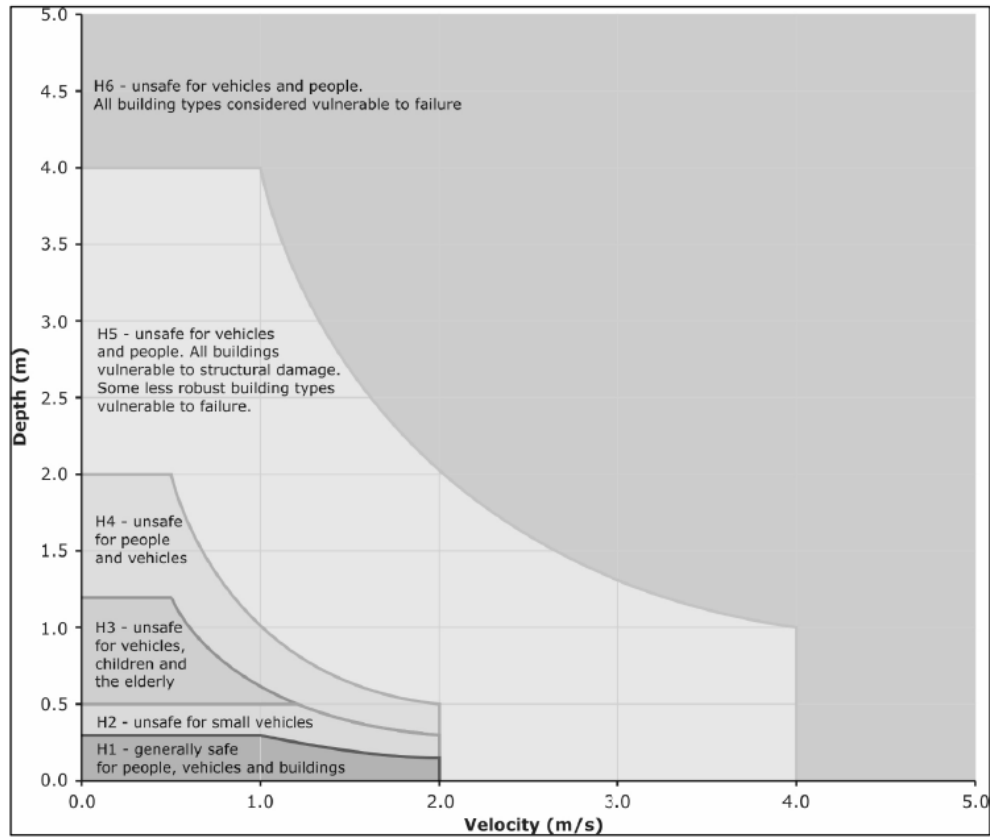


Figure 6.1 Combined Flood Hazard Curves (AAR 2016)

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**Table 6.2 Combined Hazard Curves - Vulnerability Thresholds Classification Limits (AAR 2016)**

Hazard Vulnerability Classification	Classification Limit (D and V in combination)	Limiting Still Water Depth (m)	Limiting Velocity (m/s)
H1	$D*V \leq 0.3$	0.3	2.0
H2	$D*V \leq 0.6$	0.5	2.0
H3	$D*V \leq 0.6$	1.2	2.0
H4	$D*V \leq 1.0$	2.0	2.0
H5	$D*V \leq 4.0$	4.0	4.0
H6	$D*V > 4.0$	-	-

**Table 6.3 Combined Hazard Curves - Vulnerability Thresholds (AAR 2016)**

Hazard Vulnerability Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

The site-specific hazard categories can be seen below in Figure 6.2 and Figure 6.3 for the pre and post development respectively. It can be seen that the subject site consists of hazards within the H4 hazard category in both the pre and post development scenarios. It is clear that the post development scenario does not increase the hazards and therefore does not increase any risk to life.

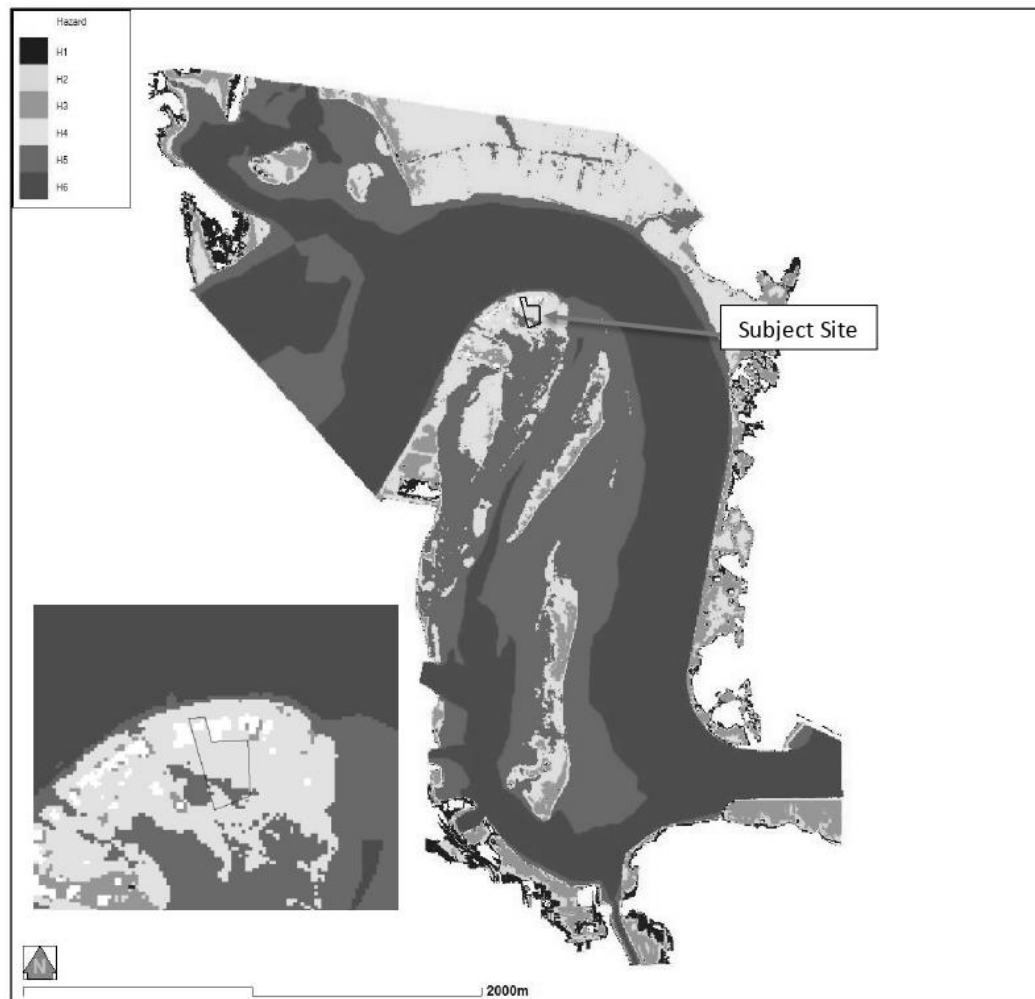


Figure 6.2 Pre-Development 1% AEP Flood Hazard Categories



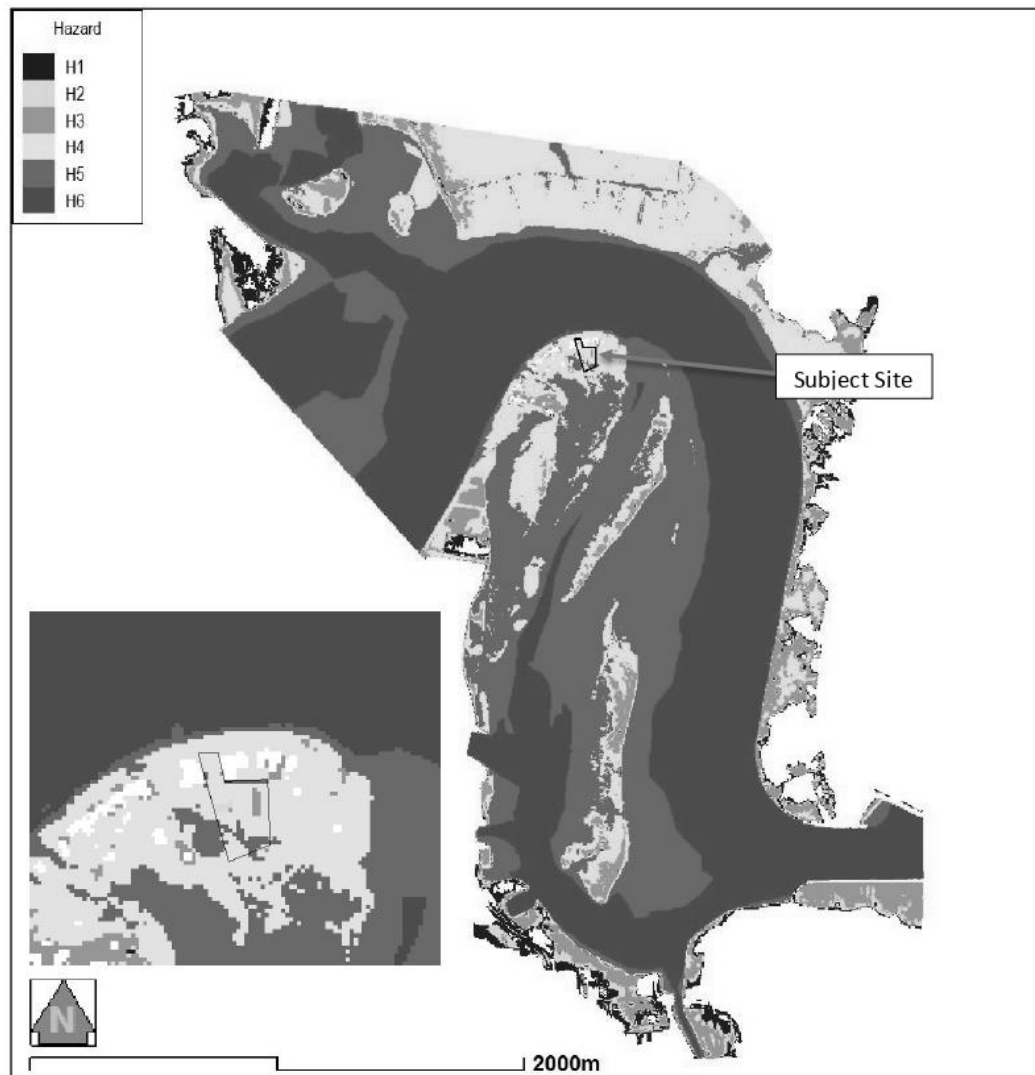


Figure 6.3 Post-Development - 1% AEP Flood Hazard Categories



## 7. Summary

Flume Engineering have completed a Flood Risk and Impact Assessment for the subject site of 160 Settlement Point Road, Port Macquarie, NSW.

In summary, the completed Flood Impact Assessment (FIA) concludes the following:

- A fully dynamic 1D/2D linked TUFLOW flood model was developed for the FIA to assess the possible impacts of the proposed dwelling alterations, shed, garden bed and fill on its surrounding areas;
- TUFLOW Model results indicate that water level affluxes are less than 10mm during the 1% AEP, which is determined to be acceptable. Water velocity affluxes greater than 0.1 m/s, for both 1% AEP and 1% AEP Climate Change events, are mainly within the subject site bounds. Although the velocity afflux has increased, there is no change in hazard to the site and surrounding areas, thus not increasing the risk to life. As such, the affluxes are determined to be acceptable and the proposed dwelling alteration, shed and proposed fill within the subject site would not cause any significant impact on the existing flood condition to its upstream and downstream areas; and
- As discussed above in section 5.2.4.2 the velocity is subject to “model noise” and in reality, can be ignored. Velocity afflux that is real can only be seen mainly within the subject site itself. It is also noted that the small increase in velocity greater than 0.1 m/s to the south west of the proposed building is isolated to one cell width of model and is not over 3rd party floor area and hence considered as not actionable.

It is noted that while the proposed development shows small amounts of afflux, it is determined that will not cause significant impact on the existing flood condition.



## 8. References

Office of Environment and Heritage (2005), *Floodplain Development Manual: The Management of Flood Liable Lands*, NSW Government.

Patterson Britton & Partners Pty Ltd (2006), *Hastings River Flood Study*

WorleyParsons Services Pty Ltd (2012), *Hastings River Floodplain Risk Management Study*

WorleyParsons Services Pty Ltd (2014), *Hastings River Floodplain Risk Management Plan*

Port Macquarie-Hastings Council (2015), *Flood Policy*

Port Macquarie Hastings Council (2013), *Development Control Plan*



*Appendix A      Plans of Development*

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Appendix A







***Appendix B      State Environmental Planning Policies Overlay***

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Appendix B



FIGURE A2

### SEPP ENVIRONMENTAL CONSTRAINTS OVERLAY MAP-OP2

PROJECTION: GDA94 / MGA ZONE 56  
 PROJECT: EES0074 - 160 Settlement Point Road Port Macquarie NSW  
 DATE: Sep 2018

#### LEGEND

- Site
- Cadastral
- Layout
- Littoral Rainforests
- Coastal Wetlands
- Proximity Area for Littoral Rainforests
- Proximity Area for Coastal Wetlands

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*Appendix C      TUFLOW Model Maps*

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Doc Title: 160 Settlement Point Road, Port Macquarie, NSW – Flood Risk and Impact Assessment

Appendix C



FIGURE 01

## EXISTING MODEL FEATURE

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

## LEGEND

- Model Extent
- Cadastral
- Site
- Existing Building
- Model\_Inflow
- Downstream Boundary

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**FIGURE 02**  
**EXISTING MANNINGS MAP**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

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FIGURE 03

## DEVELOPMENT MODEL FEATURE

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

## LEGEND

- Site
- Cadastral
- Layout
- Proposed Swale

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**FIGURE 04**  
**DEVELOPMENT MANNINGS MAP**

**LEGEND**

- Model Extent
- Site
- Cadastral
- Model Inflow
- Downstream Boundary

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PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

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**FIG A01 - PRE-DEVELOPMENT  
1% AEP  
PEAK FLOOD LEVEL**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Cadastral
- Existing Building

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**FIG A02 - PRE-DEVELOPMENT  
1% AEP  
PEAK FLOOD DEPTH**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Existing Building
- Cadastral

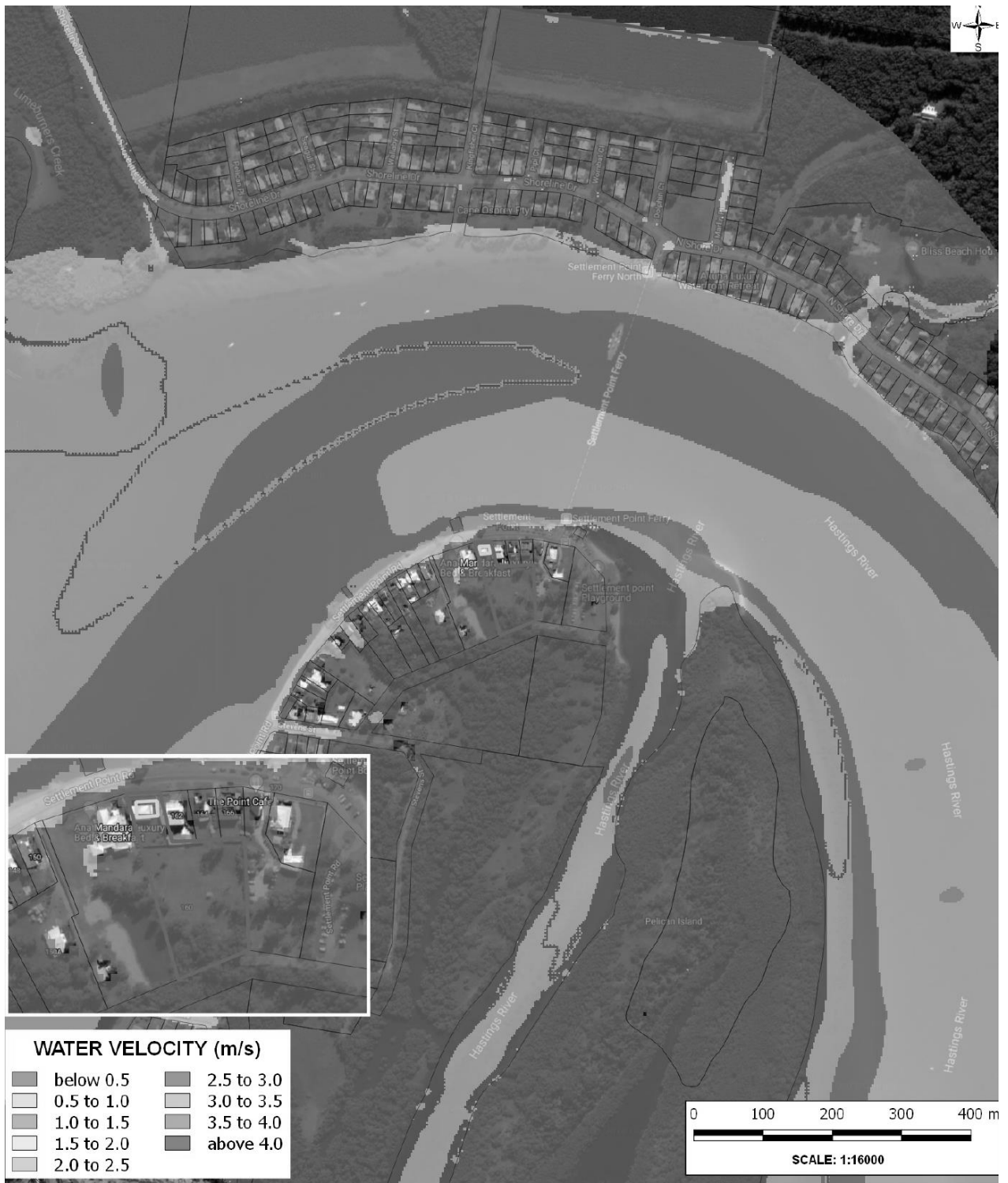
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**FIG A03 - PRE-DEVELOPMENT  
1% AEP  
PEAK FLOOD VELOCITY**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Existing Building
- Cadastral

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**FIG A04 - PRE-DEVELOPMENT  
1% AEP CLIMATE CHANGE  
PEAK FLOOD LEVEL**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Existing Building
- Cadastral

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**FIG A05 - POST DEVELOPMENT  
1% AEP  
PEAK WATER LEVEL AFFLUX**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Cadastral
- Proposed Garden Bed
- Proposed Dwelling
- Proposed Shed
- Proposed Driveway
- Proposed Batter

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**FIG A06 - POST DEVELOPMENT  
1% AEP  
PEAK WATER VELOCITY AFFLUX**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Cadastral
- Proposed Garden Bed
- Proposed Dwelling
- Proposed Shed
- Proposed Driveway
- Proposed Batter

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**FIG A07 - POST DEVELOPMENT  
1% AEP CLIMATE CHANGE  
PEAK WATER LEVEL AFFLUX**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Cadastral
- Proposed Garden Bed
- Proposed Dwelling
- Proposed Shed
- Proposed Driveway
- Proposed Batter

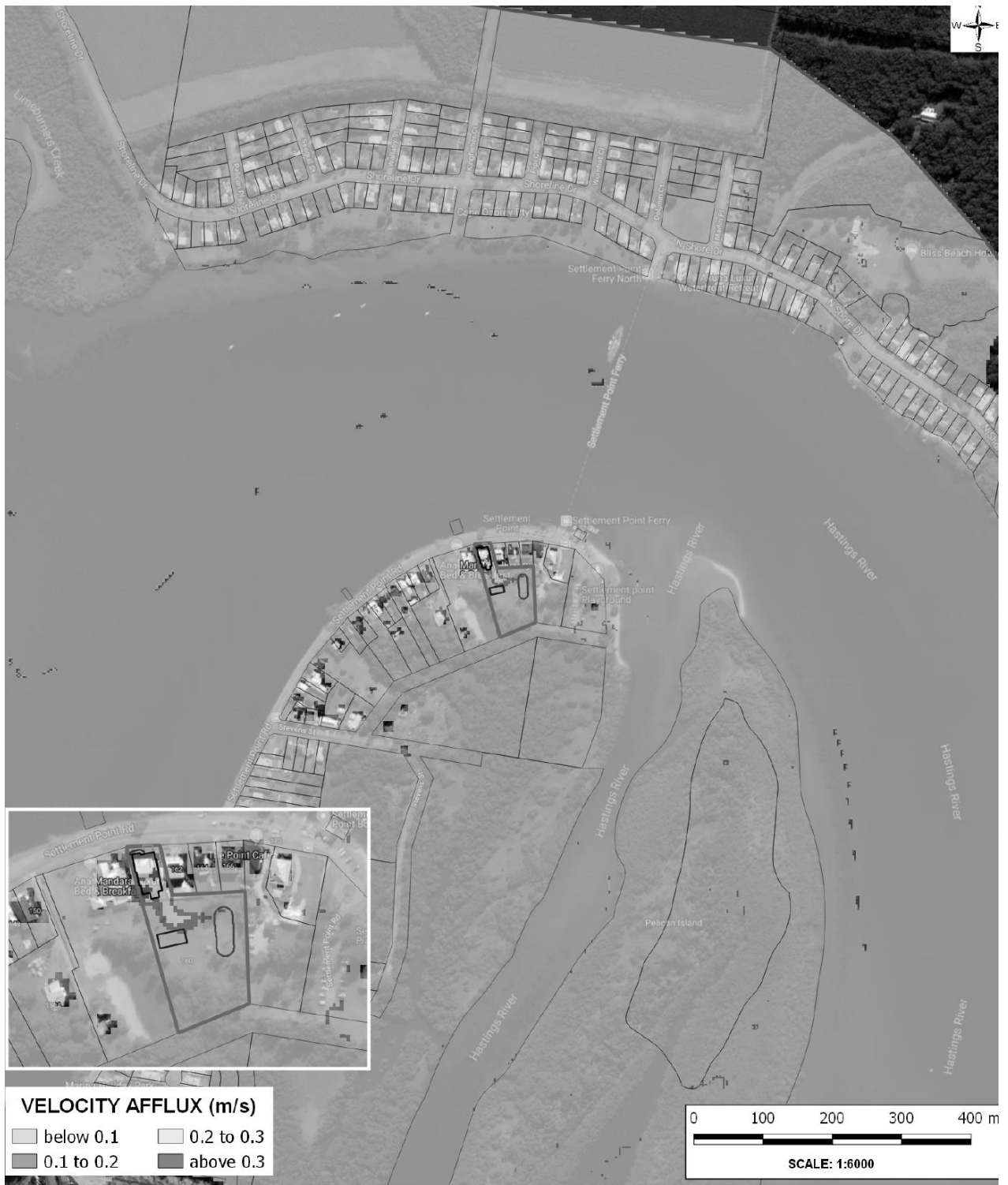
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**FIG A08 - POST DEVELOPMENT  
1% AEP CLIMATE CHANGE  
PEAK WATER VELOCITY AFFLUX**

PROJECTION: GDA94 / MGA ZONE 56  
PROJECT: EES0074 - 160 Settlement Point Road Port  
Macquarie NSW  
DATE: JAN 2019

**LEGEND**

- Model Extent
- Site
- Cadastral
- Proposed Garden Bed
- Proposed Dwelling
- Proposed Shed
- Proposed Driveway
- Proposed Batter

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Client

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160 SETTLEMENT POINT ROAD, PORT MACQUARIE NSW

*Stormwater Management Assessment*

MR DANIEL CHAPMAN

Our Ref: EES0074-RP-SMA-01

Date: 18 January 2019

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## Document Control Register



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## Version Register

Version	Status	Author	Reviewer	Change from Previous Version	Authorised for Release	
					Signature	Date
00	Council Request for Independent Document	TM	JF	-		18/09/2018
01	Council Request for Information Version 2	TM	JF	Updated to reflect RFI conditions from PMHC		18/01/2019

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Client: Mr Daniel Chapman  
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## Executive Summary

Flume Engineering have been engaged by Mr Daniel Chapman to prepare a Stormwater Management Assessment (SWA) over 160 Settlement Point Road, Port Macquarie, NSW, properly described as Lot 4 on DP538813 (the subject site). The subject site is situated within the Port Macquarie Hastings Council (PMHC) Local Government Authority (LGA).

This SWA is required to assess the increased flows due to increased impervious area as a result of the proposed demolition of existing and construct new dwelling and proposed shed for the subject site. This report will address and be in accordance with the State Environmental Planning Policies (SEPP's).

A previous version of this report (EES0074-RP-SMP-00) was provided to PMHC on 18 September 2018. This new version (01) has been prepared based on the further Request for Information (RFI) dated 25 September 2018. The RFI conditions and Flume Engineering responses are given below in Table E.1.

**Table E.1 RFI Conditions and Flume Response**

RFI Condition	Flume Response
The applicant shall confirm the purpose of the 5.0m wide easement shown on stormwater drainage plans, traversing the eastern boundary of the Lot.	The 5m easement is included as a setback for the proposed fill from the eastern boundary. This is to ensure that the stormwater conveyance from the neighbouring properties is not adversely impacted from the proposed development.
The study describes the background of the development as dwelling alteration, whereas, the SOEE states demolition of existing and construct new dwelling.	Noted, and updated where necessary.
Section 1.3 Scope mentions stormwater quality improvement devices, although, there is no further analysis / assessment of any water quality devices in the study or plans. The scope also lists hazard assessment, but again, no further assessment of this in the study. Hazard to overland flooding? An assessment of the impacts to upstream properties that will drain into the proposed swale due to proposed site fill should be provided.	The upstream neighbouring properties have been included in this assessment. References to Stormwater quality and Hazard have been removed. A Hazard Assessment has been completed as part of the Flood Impact Assessment (EES0074-RP-FIA-01).
Please justify how the existing points of discharge to the road for the neighbouring properties has been determined.	Only roof flow has been considered to discharge directly to the street. Remaining flow has been considered as part of this assessment.
For purposes of DA, the applicant will need to confirm and indicate the extent of the site fill in AHD (m), as the report states in Section 2.4 that 0.3m of fill over 4253 m <sup>2</sup> of the site proposed, whereas, plans in Appendix A proposes two fill options. The applicant shall ensure that any site fill will not cause negative impacts to neighbouring properties by changing the overland flow paths i.e. ponding, sodden ground etc.	Appropriate plans within Appendix A have been updated. The site fill will consist of approximately 0.3m across 4253 m <sup>2</sup> of the site, resulting in a final level of approximately 1.3-1.4m AHD across the site. The flood model results as part of the Flood Impact Assessment (EES0074-RP-FIA-01) show no impacts to neighbouring properties.
The proposed swale along the rear of the neighbouring properties suggests that site fill will occur along the rear of the neighbouring properties, therefore, the capacity of this swale will require 1% AEP capacity to adequately convey all	Please see Appendix C for the updated plans showing the 1% AEP peak water level and required freeboard.

Client: Mr Daniel Chapman

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stormwater runoff from these properties. Design shows freeboard, but to which AEP event? Please provide the design capacity of the proposed system.	
A covenant on the title, or creation of an easement will be required to ensure that the swale is protected for ongoing use for upstream properties, and maintenance of the swale will be required.	Noted.
Please confirm the quantity of OSD for the two rainwater tanks, as the study mentions two 6kL tanks with twin compartments, whereas the stormwater OSD tank Plans indicate one 3kL and one 6kL. Applicant to clarify. Rainwater tank schematic levels appear inaccurate, for example Tank 2 top outlet at 2.3m AHD is shown, although the shed proposed floor RL is 2.3m AHD.	Please see Appendix C for the updated plans. The correct OSD quantity is one 6kL tank and one 3kL tank.
Please confirm the rationale for providing detention for this proposed development, as Councils AUSPEC D5 does not require OSD for single dwellings for residential purposes with the proposed impervious area.	It is noted that OSD is not required for this development, however, it is understood that providing OSD is best management practices for frequent flow management and has been agreed to with the land owner.
It is un-clear if the driveway access proposed for the shed will be trafficable during rain events. Further detail will be required regarding the accessibility of the driveway crossing the stormwater swale. This can be a DA condition.	Please see Appendix C for accurate cross section of the driveway crossover.
The Erosion and sediment control plan indicates 1.5m AHD proposed fill (is this an outdated plan?).	Updated.

#### Stormwater Quantity Management Plan:

Due to the increase in impervious areas within the proposed development, peak stormwater flow rates will increase. In order to mitigate these flow rates from the developed site it is proposed to implement an On-Site Detention (OSD) system. OSD systems temporarily store stormwater runoff and release flows at a controlled rate that is no greater than the pre-developed peak rate.

In summary the Stormwater Quantity Management Plan (SMP) has been designed in accordance with Port Macquarie Hastings Council Stormwater Drainage Design Guidelines 2008.

Specifically, the development will incorporate:

- Stormwater quantity objectives will be achieved through one (1) proposed 6kL rainwater tank and one (1) proposed 3kL rainwater tank:
  - It should be noted that the proposed tanks will have two (2) compartments to ensure mitigation will always be achieved. The two compartments will be for water reuse and storage attenuation.

In conclusion, the above design complies with Port Macquarie Hastings Council's DCP for stormwater water quantity and requirements.





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## Appendix

Appendix A – Plan of Development  
 Appendix B – State Environmental Planning Policies Overlay  
 Appendix C – Stormwater Management Plans



## Glossary of Terms

AHD	<i>Australian Height Datum</i>
AEP	<i>Annual Exceedance Probability of a rainfall event</i>
ARR	<i>Australian Rainfall and Runoff</i>
BoM	<i>Australian Bureau of Meteorology</i>
BMP	<i>Best management practice</i>
Flume	<i>Flume Engineering</i>
CSIRO	<i>The Commonwealth Scientific and Industrial Research Organisation</i>
Cumec	<i>Cubic metre per second</i>
Council	<i>Port Macquarie Hastings Council</i>
DA	<i>Development Application</i>
OEH	<i>Office of Environment and Heritage</i>
RMS	<i>NSW Roads and Maritime Services</i>
LEP	<i>Local Environmental Plan</i>
DCP	<i>Development Control Plan</i>
DTM	<i>Digital terrain model</i>
EDD	<i>Extended Detention Depth</i>
ESC	<i>Erosion and sediment control</i>
GPT	<i>Gross Pollutant Trap</i>
ha	<i>Hectare</i>
FIA	<i>Flood Impact Assessment</i>
IEAust	<i>The Institution of Engineers, Australia</i>
IECA	<i>International Erosion Control Association</i>
IFD	<i>Intensity-Frequency-Duration</i>
IPWEA	<i>Institute of Public Works Engineering Australia</i>
PMHC	<i>Port Macquarie Hastings Council</i>
LGA	<i>Local Government Area or Authority</i>
LPD	<i>Lawful point of discharge</i>
m	<i>Metre</i>
m <sup>2</sup>	<i>Square metre</i>
m <sup>3</sup> /s	<i>Cubic metre per second</i>
min	<i>Minutes</i>
SWA	<i>Stormwater Management Assessment</i>
WSUD	<i>Water Sensitive Urban Design</i>
XP-SWMM	<i>Software package for dynamic modelling of stormwater and river system.</i>
TUFLOW	<i>Independent 1D and 2D flood modelling software.</i>



## 1. Introduction

### 1.1. Background

Flume Engineering have been engaged by Mr Daniel Chapman to prepare a Stormwater Management Assessment (SMA) over 160 Settlement Point Road, Port Macquarie, NSW, properly described as Lot 4 on DP538813 (the subject site). The subject site is situated within the Port Macquarie Hastings Council (PMHC) Local Government Authority (LGA).

This report is required to assess the impact of the proposed demolition of existing and construct new dwelling including shed, garden bed and fill for the subject site. This report will address and be in accordance with the State Environmental Planning Policies (SEPP's).

### 1.2. Objectives

The principal objectives of this report are defined by the following:

- Develop a site-based stormwater and drainage management plan to meet the requirements of discharging to the applicable State Environmental Planning Policy (SEPP).

### 1.3. Scope

The scope of this report is defined by the following three sections:

- Determination of Lawful Point of Discharge (LPD);
- Determination of any external catchment diversions;
- Estimates and review of pre and post development site hydrology using XP-SWMM modelling in accordance with Australian Rainfall and Runoff (ARR2016), and current Council policy and directions to determine onsite detention (OSD) requirements to mimic pre-development runoff regimes;
- Liaison with Council officers to gain in principle agreement of preferred management option;
- Conceptual Stormwater Management Control Plan including key stormwater quantity improvement devices with basic layout and cross-sections; and
- Conceptual Sediment and Erosion Control Plan.

### 1.4. Previous Report Version and RFI Condition

A previous version of this report (EES0074-RP-SMA-00) was provided to PMHC on 12 September 2018. This new version (01) has been prepared based on the further Request for Information (RFI) dated 25 September 2018. The RFI conditions and Flume Engineering responses are provided in Table E.1 within the Executive Summary.

## 2. Site Details

### 2.1. Location and Access

The subject site is located at 160 Settlement Point Road, Port Macquarie within the PMHC LGA and classified as general residential land. As it exists, the site is bound by Settlement Point Road and Hastings River to the north, open land to the west, environmental constrained land to the south and neighbouring properties to the east. Access to the site is gained via Settlement Point Road to the north and runs along the northern boundary. Aerial imagery and locality of the subject site has been provided in Figure 2.1 and Figure 2.2 respectively.



Figure 2.1 Aerial Imagery of Subject Site

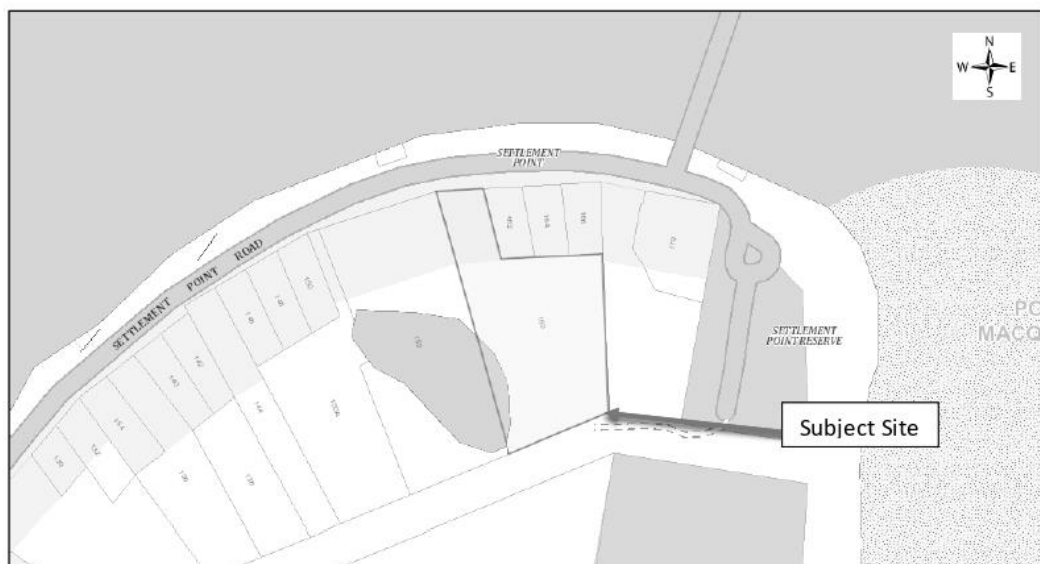


Figure 2.2 Locality of Subject Site

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## 2.2. Existing Land Use

The subject site is currently occupied by one small residential dwelling and two small shed type structures. The southern end of the site is mostly cleared, containing grass, scattered vegetation, and environmental constraints.

## 2.3. Topography and Stormwater Conveyance

The site is in the middle of the Hastings River floodplain with a generally flat topography. Stormwater generated on the site flows towards the south where it discharges directly into the Hastings River.

## 2.4. Proposed Development

It is understood that temporary works onsite has commenced with the placement of fill, to approximately 0.3m, for the existing driveway area. Although Council preliminarily indicated that the development proposal should generally be compliant, however have a letter to remove the temporary works. Coupled to this and possibly a catalyst for the letter is 3rd party resident objection and opposition to the proposed development. As such, Council has requested a flood study and stormwater management assessment be produced ensure that the Development Application (DA) is compliant with the PMHC Flood Policy 2015 and D5 Stormwater Drainage Design. The proposed development includes:

1. Proposed new dwelling;
2. Proposed shed;
3. Proposed garden bed; and
4. Proposed approximately 4253 m<sup>2</sup> of fill works of 0.3m over a total site area of approximately 5330 m<sup>2</sup> (excluding SEPP areas).

## 2.5. Land Use Zoning

Port Macquarie Hastings Council (PMHC) has zoned the subject site as General Residential land use and to be within a designated "Flood Planning Area". This classification, taken from the PMHC Local Environmental Plan (LEP) 2011, can be seen below in Figure 2.3.

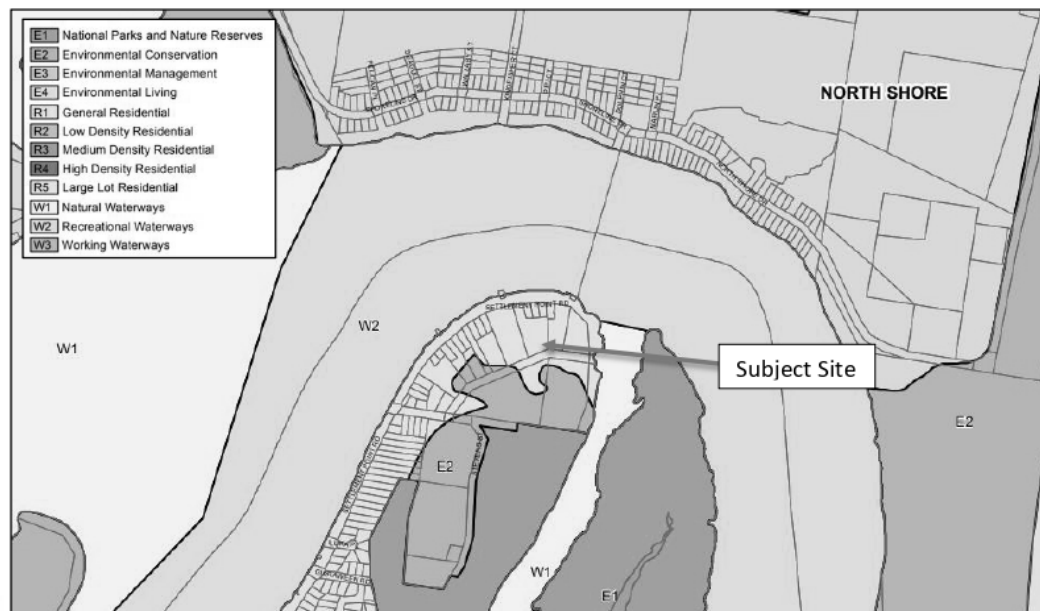


Figure 2.3 Land Zoning from PMHC LEP 2011





### 3. Data Collection and Review

#### 3.1. Data Collection

The following digital and hard copy data was collected during this assessment:

**Table 3.1 Data Collection**

Data Information	Source	Format
State Environment Planning Policies	NSW Planning Layers	.shp

#### 3.2. Review

The following report was reviewed during this assessment:

- 2008 AUSPEC-1 D05 -Stormwater Drainage Design, Port Macquarie-Hastings Council.



#### 4. Layout Plan State Environmental Planning Policies Overlay

The State Environmental Planning Policy environmental constraints layers of littoral rainforests and coastal wetland restrict the development of this site. As such these layers were acquired from the NSW Planning Portal and an overlay map created to ensure Council that the proposed development is compliant with the environmental constraints. Figure 4.1 below indicates the proposed development, including the proposed fill, will not breach the extents of the coastal wetland or littoral rainforests layer.



Figure 4.1 Layout Plan State Environmental Planning Policies Overlay



## 5. Stormwater Quantity Management Plan

### 5.1. Hydrological Objectives

The following section of this report outlines the measures required to meet the above-mentioned objective in regard to stormwater quantity. In order to meet these objectives, it is necessary to ensure that post development discharge from the site will not create a worse situation for downstream property owners than that which existed prior to the development (i.e. non-worsening) (DEWS; BCC; IPWEA, 2013).

Due to the increase in impervious areas within the proposed development, peak stormwater flow rates will increase. In order to mitigate these flow rates from the developed site it is proposed to implement an On-Site Detention (OSD) system. OSD systems temporarily store stormwater runoff and release flows at a controlled rate that is no greater than the pre-developed peak rate.

### 5.2. Conveyance of Site Flows

The proposed dwelling and shed roof flow are to be captured by two proposed rainwater tanks and then discharged to a drain located to the south boundary of the development where it will discharge towards the south and ultimately to be conveyed to Hastings River.

The remaining internal flow will run as overland flow to a proposed swale and is to be converted to sheet flow by a proposed level spreader before discharging to the environmental constrain area to the south of the site.

The proposed tanks and swale will mitigate the post-development flow for all events up to the 1% Annual Exceedance Probability (AEP) and will discharge through the site's southern boundary before ultimately discharging to the Hastings River.

Refer to drawing EES0074-SW3 within Appendix C for the proposed stormwater drainage layout plan.

### 5.3. Lawful Points of Stormwater Discharge

As per PMHC requirements, total peak discharges from the subject site are to be mitigated to within pre-developed levels for a range of events from 63% to 1% AEP. On the pre-developed subject site, majority of runoff generated by the site is directed and discharged to the site's southern boundary as the site's Lawful Point of Discharge (LPD). Refer to drawing EES0074-SW01 in Appendix C for a pre-development catchment plan showing the discussed LPD.

For the post-development scenario, it is proposed to maintain the existing flow regime at this LPD, with the objective of achieving non-worsening and mitigation of net peak discharges from the subject site. To do this, LPD\_A will receive the majority of the subject site's discharge from the proposed On-Site Detention (OSD) system.

### 5.4. XP-SWMM Analysis

XP-SWMM (version 2018.1) software was utilised to model the performance of the proposed stormwater quantity control measures. This modelling software is a link-node model capable of performing hydrology and hydraulics of stormwater drainage systems simultaneously.

Laurenson's Hydrology has been adopted as the runoff routing method within XP-SWMM. Sub-catchment routing in this method is carried out using the Muskingum procedure, which is a storage routing method based on the storage equation.



### 5.5. XP-SWMM Results

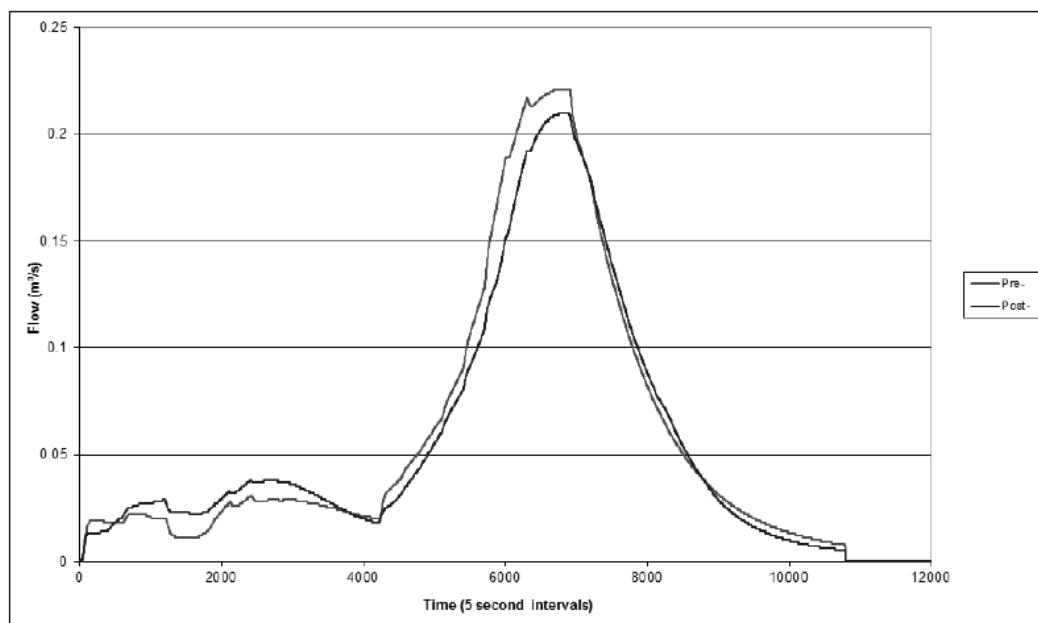
To confirm the performance of the proposed OSD system, a pre and post-development model was constructed. These models compare the discharge hydrographs for a range of storm durations at the existing Lawful Points of Discharge. The 1%, 2%, 5%, 10%, 20%, 50% and 63% AEP events have been simulated for critical durations in accordance with ARR 2016.

A summary of the modelling results for different AEP events is contained in Table 5.1. Results of the modelling indicate the proposed system is capable of maintaining the pre-development peak discharges for the all storm events up to the 1% AEP event at LPD\_A.

**Table 5.1 Pre-Development vs Post-Development (Mitigated) Peak Discharges at LPD**

AEP Event	Pre-Development	Post-Development
	Peak Discharge (m <sup>3</sup> /sec)	Peak Discharge (m <sup>3</sup> /sec)
1%	0.22	0.21
2%	0.16	0.15
5%	0.12	0.10
10%	0.08	0.07
20%	0.07	0.07
50%	0.02	0.02
63%	0.02	0.02

A plot of the pre-development vs post-development (mitigated) hydrographs for the 1% AEP event is included as Figure 5.1.



**Figure 5.1 Plot of Pre-Development vs Post-Development 1% AEP Hydrographs at LPD**



### 5.6. On-Site Detention Details

50% of roof flow for the proposed dwelling is to be detained using two Rainwater Tanks. In addition, the proposed swale is to provide the detention for the site. The proposed rock check dams are to form the high flow outlet and the 1x150mm or 2x225mm diameter underneath the rock check dams are to form the low flow outlet pipes.

The proposed OSD systems are to be implemented to ensure a non-worsening of peak discharges at the LPD. Table 5.2 below contains the details of the proposed OSD systems within the subject site.

**Table 5.2 On Site Detention Details**

Detention ID	Outlet Structures		1% AEP Detention Volume (m <sup>3</sup> )	Total Volume (m <sup>3</sup> )
	Outlet Pipe	Weir (Rock Check Dams)		
<b>Detention Swale A</b>	1x150mmØ @ Base	1.7 m Wide	37.9	91
<b>Detention Swale B</b>	2x225mmØ @ Base	1.85 m Wide		
<b>Detention Swale C (Diversion channel for Ext3)</b>	1x150mmØ @ Base	1.2 m Wide		
<b>Detention Tank (House)</b>	1x60mmØ @ Base 1x50mmØ @ 0.8m deep from base	-	5	6
<b>Detention Tank (Shed)</b>	1x50mmØ @ Base 1x50mmØ @ 0.8m deep from base	-	2	3





## 6. Summary

Flume Engineering have completed a Stormwater Management Assessment for the subject site of 160 Settlement Point Road, Port Macquarie, NSW.

In summary the Stormwater Quantity Management Plan (SMP) has been designed in accordance with Port Macquarie Hastings Council Stormwater Drainage Design Guidelines 2008.

- Stormwater quantity objectives will be achieved through one (1) proposed 6kL rainwater tank and one (1) proposed 3kL rainwater tank:
  - It should be noted that the proposed tank will have two (2) compartments to ensure mitigation will always be achieved. The two compartments will be for water reuse and storage attenuation.

In conclusion, the above design complies with Port Macquarie Hastings Council's DCP for stormwater water quantity and requirements.



## 7. References

Natural Resources and Water 2017, *Queensland Urban Drainage Design Manual 4<sup>th</sup> Ed.*

Port Macquarie Hastings Council 2013, *Port Macquarie-Hastings Development Control Plan 2013 Part 1-3.*

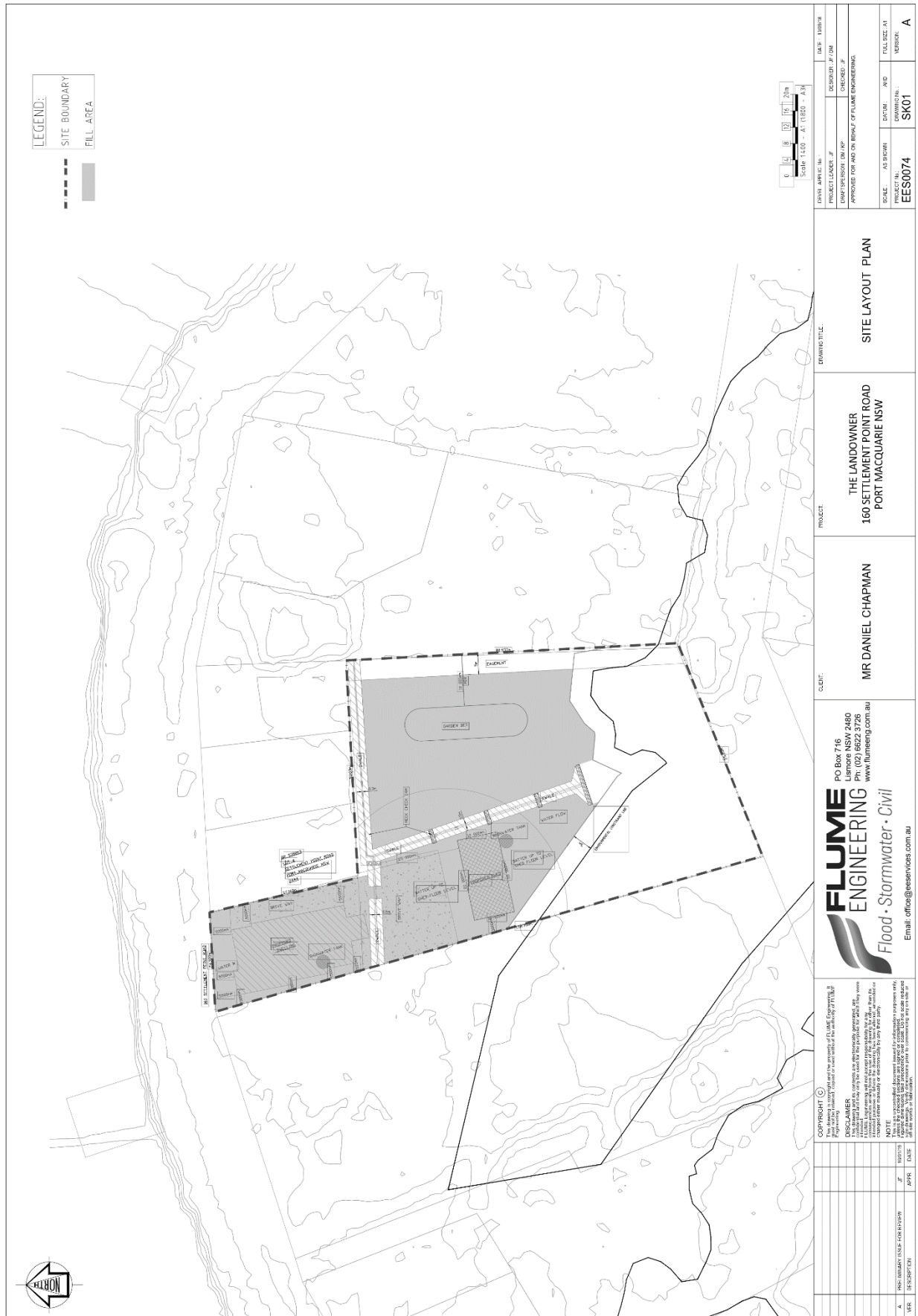
Port Macquarie-Hastings Council 2008, *AUSPEC-1 D05 -Stormwater Drainage Design.*



*Appendix A      Plan of Development*

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Doc No.: EES0074-RP-SMA-00  
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Appendix A





***Appendix B      State Environmental Planning Policies Overlay***

Client: Mr Daniel Chapman  
Doc No.: EES0074-RP-SMA-00  
Doc Title: 160 Settlement Point Road, Port Macquarie, NSW – Stormwater Management Assessment

Appendix B



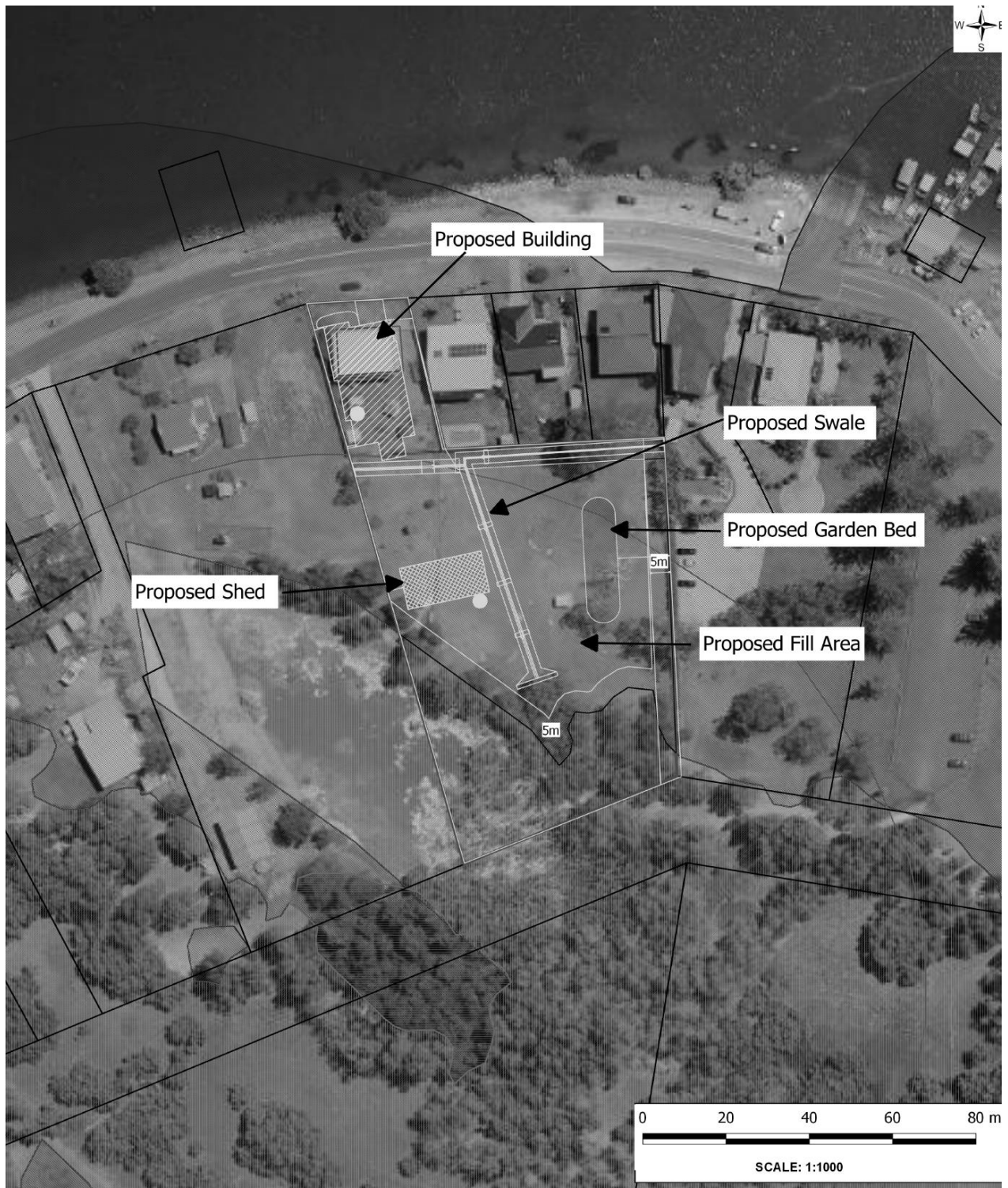


FIGURE A1

SEPP ENVIRONMENTAL  
CONSTRAINTS OVERLAY MAP

PROJECTION: GDA94 / MGA ZONE 56  
 PROJECT: EES0074 - 160 Settlement Point Road Port  
 Macquarie NSW  
 DATE: JAN 2019

## LEGEND

- Site
- Cadastral
- Littoral Rainforests
- Coastal Wetlands
- Proximity Area for Littoral Rainforests
- Proximity Area for Coastal Wetlands

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***Appendix C      Stormwater Management Plans***

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Doc Title: 160 Settlement Point Road, Port Macquarie, NSW – Stormwater Management Assessment

Appendix C















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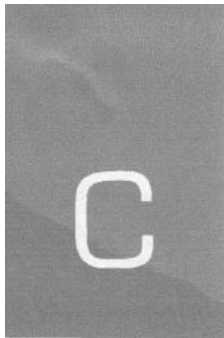


Table 5. - FDI 80

Vegetation Formation (class)	Categories of Bush Fire Attack (AS 3959-2009)				
	BAL- FZ	BAL- 40	BAL- 29	BAL- 19	BAL-12.5
	Distance (m) of the site from the predominant vegetation class				
All upslopes and flat land (0 degrees)					
Forests	<16	16-<21	21-<31	31 -<42	42 - 100
Woodlands	<10	10-<14	14-<20	20 -<29	29 - 100
Shrubland	<7	7-<9	9-<13	13-<19	19 - 100
Scrub	<10	10-<13	13-<19	19-<27	27 - 100
Mallee/Mulga	<6	6-<8	8-<12	12-<17	17 - 100
Rainforest	<6	6-<9	9-<13	13-<19	19 - 100
Grassland	<6	6-<8	8-<12	12-<17	17 - 50
Downslope > 0 to 5 degrees					
Forests	<20	20-<27	27-<37	37-<50	50 - 100
Woodlands	<13	13-<17	17-<25	25-<35	35 - 100
Shrubland	<7	7-<10	10-<15	15-<22	22 - 100
Scrub	<11	11-<15	15-<22	22-<31	31 - 100
Mallee/Mulga	<7	7-<9	9-<13	13-<20	20 - 100
Rainforest	<8	8-<11	11-<17	20-<24	24 - 100
Grassland	<7	7-<9	9-<14	14-<20	20 - 50
Downslope > 5 to 10 degrees					
Forests	<26	26-<33	33-<46	46-<61	61 - 100
Woodlands	<20	20-<26	26-<37	31-<43	43 - 100
Shrubland	<8	8-<11	11-<17	17-<25	25 - 100
Scrub	<12	12-<17	17-<24	24-<35	35 - 100
Mallee/Mulga	<7	7-<10	10-<15	15-<23	23 - 100
Rainforest	<11	11-<15	15-<22	22-<31	31 - 100
Grassland	<8	8-<10	10-<16	16-<23	23 - 50
Downslope > 10 to 15 degrees					
Forests	<33	33-<42	42-<56	56-<73	73 - 100
Woodlands	<21	21-<28	28-<39	39-<53	53 - 100
Shrubland	<9	9-<13	13-<19	19-<28	28 - 100
Scrub	<14	14-<19	19-<28	28-<39	39 - 100
Mallee/Mulga	<8	8-<11	11-<18	18-<26	26 - 100
Rainforest	<14	14-<19	19-<28	28-<39	39 - 100
Grassland	<9	9-<12	12-<18	18-<26	26 - 50
Downslope > 15 to 20 degrees					
Forests	<42	42-<52	52-<68	68-<87	87 - 100
Woodlands	<27	27-<35	35-<48	48-<64	64 - 100
Shrubland	<10	10-<15	15-<22	22-<31	31 - 100
Scrub	<15	15-<21	21-<31	31-<43	43 - 100
Mallee/Mulga	<9	9-<13	13-<20	20-<29	29 - 100
Rainforest	<18	18-<25	25-<36	36-<48	48 - 100
Grassland	<10	10-14	14-<21	21-<30	30 - 50

Note: "Forests" refers to wet sclerophyll forest, dry sclerophyll forest and plantation forest (including pine plantations).

TEAR OUT &amp; ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

SECTION TWO - BUSH FIRE ASSESSMENT REPORT  
(Attach to DA)

## PART A

## Property Details

Applicants Name: Daniel Chapman

Contact Phone Number; (H): (.....) (M): 0459424279

Council: PMQ Council Council Reference (if known): DA-2018-365

Lot: 4 DP: 538813

Address to be developed: 160 Settlement Point Road

My property is on Bush Fire Prone Land: ☒ Yes

## PART B

## Type of Proposal

Type of Proposal:

- ☒ New Building ☐ Urban
- ☐ Dual Occupancy ☐ Rural Residential
- ☐ Alteration/Additions to an existing building ☐ Isolated Rural

Proposal Description: e.g. two storey house with attached garage 4 Bedroom Dwelling 446m<sup>2</sup>

Copy of plans attached ☒ Yes

## PART C

## Bush Fire Attack and Level of Construction

Step 1: Assess the vegetation about the proposed building in all directions and convert from Keith to AUSLIG (1990) using Table 1

CATEGORY	NORTH	EAST	SOUTH	WEST
Converted vegetation	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Forest
	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland
	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland
	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub
	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga
	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock
	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland
	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land

Copy of any relevant photos attached ☐ Yes



TEAR OUT &amp; ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

**Step 2: Determine the distance from asset to boundary line**

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	..... m	..... m	55+ m	..... m

**Step 3: Determine the distance from the building line to the vegetation in each direction as above**

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	..... m	..... m	55+ m	..... m

**Step 4: Determine the effective slope that will influence bush fire behaviour in each direction**

CATEGORY	NORTH	EAST	SOUTH	WEST
Slope under the hazard (over 100m) [in degrees]	<input type="checkbox"/> upslope/flat	<input type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat	<input type="checkbox"/> upslope/flat
	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5
	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10
	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15
	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18

**Step 5: Determine the Fire Danger Index (FDI) that applies to your local government area (see page 9). Circle the relevant FDI below**

FDI	<input type="checkbox"/> 100	<input checked="" type="checkbox"/> 80	<input type="checkbox"/> 50
-----	------------------------------	--	-----------------------------

**Step 6: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level**

FDI	<input type="checkbox"/> 100 (see Table 4, page 11)	<input checked="" type="checkbox"/> 80 (see Table 5, page 12)	<input type="checkbox"/> 50 (see Table 6, page 13)
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Identify the bush fire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

**Bush Fire Attack Level**

- |                                  |  |
|----------------------------------|--|
| <input type="checkbox"/> BAL- FZ | <input type="checkbox"/> BAL- 19             |
| <input type="checkbox"/> BAL- 40 | <input checked="" type="checkbox"/> BAL-12.5 |
| <input type="checkbox"/> BAL- 29 | <input type="checkbox"/> No requirement      |

Does your proposal meet the required construction level ☒ YES ☐ NO

**PART D****Flame Zone**

Provide details and evidence of an alternative solution.

If you determine your house is located in the flame zone you may wish to seek the advice of a specialist bush fire consultant.

TEAR OUT &amp; ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

**PART E Water Supplies**

Does your property have a reticulated (piped) water supply?; If so, please provide details on the distance to the nearest fire hydrant on your site plan.

Reticulated (piped) water supply is available

☐ Yes ☒ No Distance ..... (m) to hydrant from house.

Do you have or do you plan to have a dedicated water supply for firefighting purposes?

☐ Yes ☒ No

Development Type	Water Requirement	Planned	Existing
Residential Lots (<1,000m <sup>2</sup> )	5,000 l/lot		
Rural-residential Lots (1,000–10,000m <sup>2</sup> )	10,000 l/lot		
Large Rural/Lifestyle Lots (>10,000m <sup>2</sup> )	20,000 l/lot		
Dual Occupancy	2,500 l/unit		
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000l maximum		

Do you have or do you plan to have a static water supply (e.g. pool, tank or dam). Include approx. size in litres and also include tank material if using a tank:

Water supply type	Capacity	Construction material	Planned	Existing
e.g. pool	50,000l	Above ground rolled steel with plastic liner		

NOTE: Check with your local council concerning their Local Environmental Plan (LEP) or their Development Control Plan (DCP) as this may dictate the type and size of tank.

**PART F Gas Supplies****GAS**

Do you have reticulated (piped) or bottled gas?

**TYPE OF GAS**

Reticulated gas ☐ Yes ☒ No  
Bottled gas ☐ Yes ☒ No



**NOTE:** When attaching development plans please ensure they clearly show location and details of electricity and gas (where relevant) on your property.



2 April 2019

The General Manager  
Port Macquarie Hastings Council  
P O Box 84  
Port Macquarie NSW 2444

Attn: Mr Michael Roberts

Dear Sir

RE: DA 2018-365 – 160 Settlement Point Road Port Macquarie  
*SEPP (Coastal Management) 2018*

I refer to your information request to applicant, Mr Daniel Chapman and provide the following to demonstrate compliance with the provisions of the SEPP (Coastal Management) 2018.

***Subject Land & Proposed development***

The SEPP (Coastal Management) 2018 (Coastal SEPP) has introduced to the rear of Lot 4 DP 538813 part designation as 'coastal wetlands' and mapped the whole of the site as *land in proximity to coastal wetlands*. The Coastal SEPP also identifies part of the lands as *land in proximity to littoral rainforest*.

Extracts from the Coastal SEPP mapping are provided below Figures 1 & 2.

The proposed development seeks to construct a replacement dwelling, new shed for storage personal vehicles (i.e. caravan, boat, work truck and trailer) as well as a raised garden area. The work involves filling part of the site of approximately 0.3m to achieve a finished surface level in the middle of the site up to 1.5m AHD then battering down to NSL at the rear and the sides of the site

Toe of batter would cease 5m clear of the edge of the mapped "Wetlands" (Figure 1). See Figure 3 below.





160 Settlement Pt Rd Coastal SEPP



Figure 1 Wetland mapping & proximity mapping





Figure 2 Proximity to littoral rainforest mapping





Figure 3 Proposed development Lot 4 DP 538813



### Clause 11(1)(a) & (b) of SEPP (Coastal Management) 2018

The provisions of Clause 11(1)(a) & (b) apply in relation to *land in proximity to coastal wetland* and *land in proximity to littoral forest* are addressed below and supported by the flood modelling and stormwater management details prepared by Flume Engineering (Jan 2019).

#### Clause 11(1)

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

The proposal does not directly impact the surface level or vegetation of the area mapped *coastal wetland* area. Nor does it significantly impact the hydrological integrity of the mapped wetland area, land mapped *in proximity to coastal wetland* or *land mapped in proximity to littoral rainforest*.

The design of the filling and surface water management by *Flume Engineering* has purposely sought to ensure no net change to the hydrology of the mapped area. The design ensures stormwater quality and flows are acceptable by integrating a multiple rock check dams along a centrally located grass swale drain as well as rock lined level spreader designed to dissipate any remaining flow velocity. The discharge location is 10m clear of the mapped wetland boundary.

Flood modelling of the 1%AEP and the 1% plus Climate Change flood events demonstrates no adverse impacts the rear of the site mapped as 'wetland' nor any of the neighbouring properties.



Figure 4 Flood Model (source Flume Engineering Jan 2019)





Existing ground cover adjacent the mapped 'coastal wetland' is managed grass and grass cover is to be re-established over the proposed fill as soon as practical.

Clean fill to be used ensuring that no contaminants or leachate would enter the mapped 'wetland' area.

Sediment & erosion control fencing to be maintained along the perimeter of the toe of the fill, a minimum of 5m clear of the mapped 'coastal wetland' boundary until such time as sufficient grass cover is established. Refer to Erosion & Sediment Control Plans submitted with the DA.

The modest increase in the site impervious area is addressed by way of on-site detention rainwater tank (8kL dual compartment) and on site detention swale at the rear of the dwelling.

Water quality measures and level spreader arrangement are proposed to disperse the piped flow back to natural sheet regime.

As mentioned above, it is proposed to place clean fill and ensure grass cover is established as soon as practical and as such no impacts on groundwater quality or percolation (quantity) is anticipated. There are no development elements identified that would be expected to interrupt or otherwise disturb the water table.

#### OTHER MATTERS FOR CONSIDERATION

The consultation draft 28 October 2016 of the SEPP (Coastal Management) specifically excluded Residential zoned land from the provisions of *Clause 12 Development on land in proximity to coastal wetlands*. An extract from the publicly exhibited consultation draft clause 12(2) is provided below.

*12 Development on land in proximity to coastal wetlands or littoral rainforest land Note. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" or both.*

*(1) Development consent must not be granted to development on land wholly or partly identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the Page 8 State Environmental Planning Policy (Coastal Management) 2016 [NSW] Part 2 Development controls for coastal management areas public consultation draft consent authority is satisfied that the proposed development will not significantly impact on:*

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to the adjacent coastal wetland or littoral rainforest if the development is on land within the catchment of the coastal wetland or littoral rainforest.*





*(2) This clause does not apply to:*

*(a) land within Zone R1, R2, R3, R4, R5 or RU5 under an environmental planning instrument or in a land use zone that is equivalent to any of those zones, or*

*Note. See clause 20 for other land use zones that are equivalent to named land use zones.*

*(b) land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map.*

Further the "factsheet" issued by the Department of Planning specifically makes mention that "Controls within the proximity area to reduce impacts on adjacent vegetation community but do not apply to land zoned for residential purposes".

The subsequently published SEPP (Coastal Management) 2018 was significantly altered to remove this exemption clause without re-exhibition or replacement equivalent clauses. The factsheet exhibited at the time gives a clear expression the government policy intent was to exempt existing residential lands.

In addition, review of historic aerial photographs for this location, dated 2 October 1981 confirms the residential usage of this property and the immediate locality as pre-dating the introduction of the original SEPP 14 Wetlands protection legislation and certainly pre-dating the introduction of the Coastal SEPP 2018.

It is considered reasonable to acknowledge that the subject land has existing use rights for the residential use of the whole of the site. Further, the proposed reconstruction of a dwelling and ancillary elements in the dwelling curtilage for minor filling, sheds and gardens were typical of the nature of residential occupancy in this location prior to the introduction of the SEPPs and would reasonably constitute a continuance of that use.

Yours faithfully

Geraldine Haigh  
Director & Senior Planner  
GEM Planning Projects  
0439 836 711



# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Single Dwelling

Certificate number: 928482S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary

Date of issue: Wednesday, 16 May 2018

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary	
Project name	160 settlement point
Street address	160 settlement point Road port macquarie 2444
Local Government Area	Port Macquarie-Hastings Council
Plan type and plan number	deposited 538813
Lot no.	4
Section no.	-
Project type	separate dwelling house
No. of bedrooms	4
Project score	
Water	✓ 43 Target 40
Thermal Comfort	✓ Pass Target Pass
Energy	✓ 55 Target 50

### Certificate Prepared by

Name / Company Name: gregchapmanbuilding

ABN (if applicable): 70613072577



## Description of project

Project address	
Project name	160 settlement point
Street address	160 settlement point Road port macquarie 2444
Local Government Area	Port Macquarie-Hastings Council
Plan type and plan number	Deposited Plan 538813
Lot no.	4
Section no.	-
Project type	
Project type	separate dwelling house
No. of bedrooms	4
Site details	
Site area (m <sup>2</sup> )	903
Roof area (m <sup>2</sup> )	490
Conditioned floor area (m2)	290.0
Unconditioned floor area (m2)	157.0
Total area of garden and lawn (m2)	353

Assessor details and thermal loads	
Assessor number	n/a
Certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m <sup>2</sup> .year)	n/a
Area adjusted heating load (MJ/m <sup>2</sup> .year)	n/a
Project score	
Water	43 Target 40
Thermal Comfort	Pass Target Pass
Energy	55 Target 50

### Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Landscape</b>			
The applicant must plant indigenous or low water use species of vegetation throughout 20 square metres of the site.	➤	➤	
<b>Fixtures</b>			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but ≤ 9 L/min) in all showers in the development.		➤	➤
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		➤	➤
The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.		➤	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.		➤	
<b>Alternative water</b>			
Rainwater tank			
The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	➤	➤	➤
The applicant must configure the rainwater tank to collect rain runoff from at least 300 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		➤	➤
The applicant must connect the rainwater tank to:			
• all toilets in the development		➤	➤
• the cold water tap that supplies each clothes washer in the development		➤	➤
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		➤	➤
<b>Outdoor Spa</b>			

Water Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The spa must not have a volume greater than 2 kilolitres.		>	>	
The spa must have a spa cover.			>	

Thermal Comfort Commitments				
General features	Show on DA plans	Show on CC/CDC plans & specs	Certifier check	
The dwelling must be a Class 1 dwelling according to the Building Code of Australia, and must not have more than 2 storeys.	➤	➤	➤	
The conditioned floor area of the dwelling must not exceed 300 square metres.	➤	➤	➤	
The dwelling must not contain open mezzanine area exceeding 25 square metres.	➤	➤	➤	
The dwelling must not contain third level habitable attic room.	➤	➤	➤	
<b>Floor, walls and ceiling/roof</b>				
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	➤	➤	➤	

Construction	Additional insulation required (R-Value)	Other specifications
floor - suspended floor above open subfloor, framed	0.8 (or 1.5 including construction) (down)	
external wall - single skin autoclaved aerated concrete (AAC) (AAC: 100 mm)	1.57 (or 2.40 including construction)	
external wall - framed (weatherboard, fibre cement, metal clad)	2.00 (or 2.40 including construction)	
ceiling and roof - flat ceiling / pitched roof	ceiling: 2.95 (up), roof: foil backed blanket (55 mm)	unventilated; dark (solar absorptance > 0.70)

Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments					Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Windows, glazed doors and skylights</b>							
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.							
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.							
The following requirements must also be satisfied in relation to each window and glazed door:							
<ul style="list-style-type: none"> <li>For the following glass and frame types, the certifier check can be performed by visual inspection. <ul style="list-style-type: none"> <li>- Aluminium single clear</li> <li>- Aluminium double (air) clear</li> <li>- Timber/uPVC/fibreglass single clear</li> <li>- Timber/uPVC/fibreglass double (air) clear</li> </ul> </li> </ul>							
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).							
Skylight no.	Maximum area (square metres)	Type	Shading				
S01	0.70	aluminium, moulded plastic single clear	no shading				
S02	0.70	aluminium, moulded plastic single clear	no shading				
<b>Window/glazed door no.</b>							
Maximum height (mm)	Maximum width (mm)	Type	Shading (Dimension within 10%)	Overshadowing			
<b>North facing</b>							
W01	2200	3600	aluminium, single, clear	not overshadowed			
W02	2200	5800	aluminium, single, clear	not overshadowed			
<b>East facing</b>							



Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading (Dimension within 10%)	Overshadowing
W03	1800	2100	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W04	1800	2100	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W05	500	1800	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W06	500	1560	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W07	600	1800	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W08	1800	600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W09	400	1800	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
<b>South facing</b>					
W10	2100	2600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W11	2200	2400	aluminium, single, clear	verandah 4000 mm, 2400 mm above base of window or glazed door	not overshadowed
W12	2200	1800	aluminium, single, clear	verandah 4000 mm, 2400 mm above base of window or glazed door	not overshadowed
<b>West facing</b>					
W13	900	1200	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W14	1200	1560	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W15	1200	1200	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W16	1800	600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W17	1800	600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading (Dimension within 10%)	Overshadowing
W18	1200	1200	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W19	1800	600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W20	1800	600	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W21	600	1800	aluminium, single, clear	eave 750 mm, 150 mm above head of window or glazed door	not overshadowed
W22	2200	2400	aluminium, single, clear	verandah 4000 mm, 2400 mm above base of window or glazed door	not overshadowed

Energy Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Hot water</b>				
The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (electric boosted) with a performance of 31 to 35 STCs or better.		➤	➤	➤
<b>Cooling system</b>				
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans; Energy rating: n/a			➤	➤
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans; Energy rating: n/a			➤	➤
<b>Heating system</b>				
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 5 Star			➤	➤
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star			➤	➤
<b>Ventilation</b>				
The applicant must install the following exhaust systems in the development:				
At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off			➤	➤
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off			➤	➤
Laundry: natural ventilation only, or no laundry; Operation control: n/a			➤	➤
<b>Artificial lighting</b>				
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:				
• at least 5 of the bedrooms / study;			➤	➤
• at least 2 of the living / dining rooms;			➤	➤
• the kitchen;			➤	➤

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none"> <li>all bathrooms/toilets;</li> <li>the laundry;</li> <li>all hallways;</li> </ul>		<ul style="list-style-type: none"> <li>&gt;</li> <li>&gt;</li> <li>&gt;</li> </ul>	<ul style="list-style-type: none"> <li>&gt;</li> <li>&gt;</li> <li>&gt;</li> </ul>
<b>Natural lighting</b>			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	>	>	>
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	>	>	>
<b>Outdoor spa</b>			
The applicant must install the following heating system for the spa in the development (or alternatively must not install any heating system for the spa): electric heat pump		>	
The applicant must install a timer for the spa pump in the development.		>	
<b>Alternative energy</b>			
The applicant must install a photovoltaic system with the capacity to generate at least 1 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	>	>	>
<b>Other</b>			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		>	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		>	
The applicant must install a fixed outdoor clothes drying line as part of the development.		>	

<b>Legend</b>	
In these commitments, "applicant" means the person carrying out the development.	
Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).	
Commitments identified with a ✓ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.	
Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.	



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**Item: 07**

**Subject: DA2018 - 507.1 3 LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 41 AND LOT 42 DP 75403 AND LOT 8 DP 114360, NO. 434 AND 440 HERONS CREEK ROAD, HERONS CREEK**

**Report Author: Development Assessment Planner, Steven Ford**

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**Applicant: J R & K M McCarron C/- Beukers and Ritter Consulting**  
**Owner: J R & K M McCarron**  
**Estimated Cost: \$0**  
**Parcel no: 61934, 16853, 30230**

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

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

#### **RECOMMENDATION**

**That the Development Assessment Panel (DAP) endorse the report of the Development Assessment Planner and recommended to Council that DA 2018/507 for a 3 Lot Subdivision including a clause 4.6 variation of clause 4.1 (minimum lot size) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lots 41 & 42 DP 754403 and Lot 8 DP 114360, No. 434 & 440 Herons Creek Rd, Herons Creek, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a 3 Lot Subdivision including a clause 4.6 variation of clause 4.1 (minimum lot size) of the Port Macquarie Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The proposed variation seeks a 62% and 35% variation to the 2000m<sup>2</sup> lot size standard applying to the site. As this variation is greater than 10% the matter must be determined by the Council in accordance with Planning Circular PS 18-003.

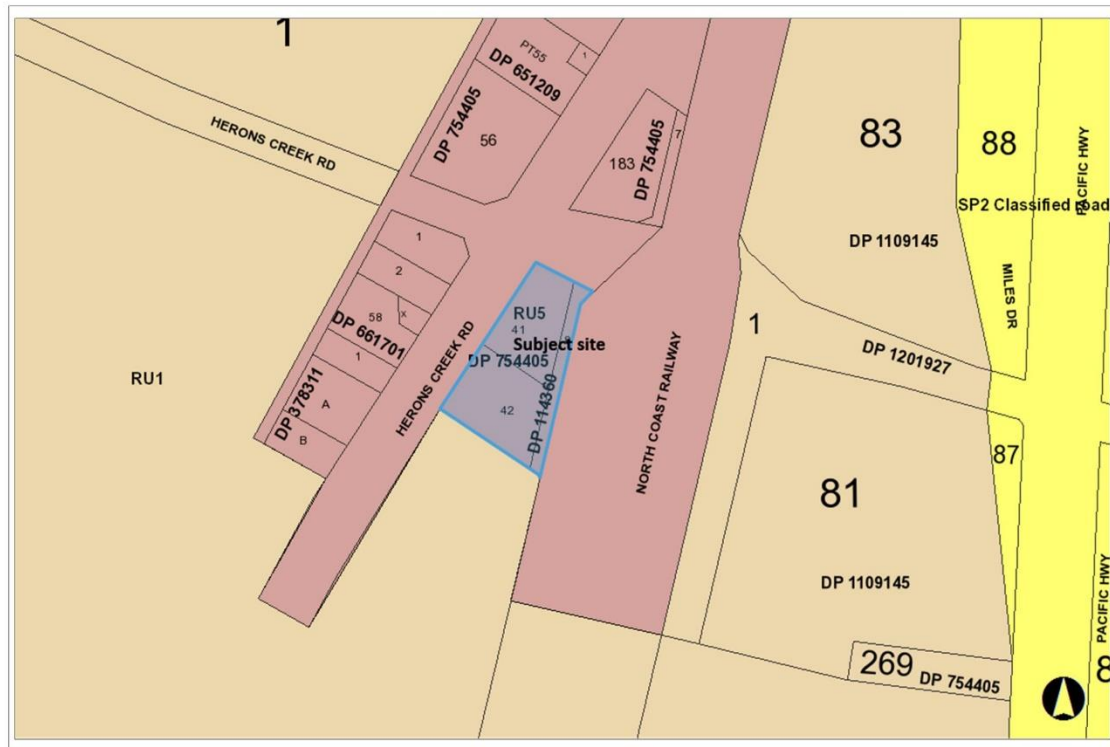
Following exhibition of the application, no submissions were received. This report recommends that the development application be endorsed by the DAP subject to the conditions included attached and recommended to Council for approval.

## 1. BACKGROUND

## Existing Sites Features and Surrounding Development

The site has a total area of 4,223m<sup>2</sup>.

The site is zoned RU5 Village 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:

- Re-subdivision of existing 3 lots into 3 Lots so as to result in each of the existing dwellings being located on a separate lot
- Demolition of existing shed
- Council records indicate that all existing dwellings are lawfully established
- No new dwellings are proposed

Refer to attachments at the end of this report.

### Application Chronology

- 16/7/2018 - Application Received
- 18/7/2018 - Request for additional information regarding Clause 4.6 variation, additional plans for alterations to buildings on proposed Lot 3.
- 20/7/2018 to 2/8/2018 - Public Notification
- 24/7/2018 - Bushfire Hazard Assessment received
- 26/9/2018 - Update request regarding additional information requested
- 17/10/2018 - Comments and conditions received from the NSW Rural Fire Service
- 17/7/2019 - Clause 4.6 variation report and revised plans received
- 23/7/2019 to 5/8/2019 - Public Re-notification

## 3. STATUTORY ASSESSMENT

### Section 4.15(1) Matters for Consideration

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

**(a) The provisions (where applicable) of:**

**(i) Any Environmental Planning Instrument**

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

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

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected development applications it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that no habitat will be removed or modified therefore.

**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.

**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 RU5 Village.
- Clause 2.3(1) and the RU5 zone landuse table - The residential subdivision is a permissible landuse with consent.

The objectives of the RU5 zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- 
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regards to the following;
  - The proposal is for subdivision of existing landuses on the site with no landuse conflicts identified. The existing uses and subdivision pattern is consistent and compatible with the village of Heron's Creek.
- Clause 2.7 - The demolition of the existing shed requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Codes) 2008. Relevant consent conditions relating to the demolition have been recommended.
- Clause 4.1 - The lot sizes within the proposed subdivision are 756m<sup>2</sup>, 1298m<sup>2</sup> and 2242m<sup>2</sup>. The minimum lot size applying to the land is 2000m<sup>2</sup> therefore



two of the proposed lots do not comply with the development standard and represent a 62% and 35% variation to the 2000m<sup>2</sup> lot size standard - Refer to Clause 4.6 comments below.

- Clause 4.2B - The development is within the specified zoning and cannot/can be subdivided by strata or community titled because the proposed lots meet/do not meet the minimum lot size. (NB: Clause stops strata and community title subdivisions of rural, large lot residential, rural residential and environmental zones that do not meet the min lot size).
- Clause 4.4 - No floor space ratio applies to the site. The dwellings are existing.
- Clause 4.6 – Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the Applicant that justifies the variation by showing that the subject standard is unreasonable and/or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard without compromising the public interest.
- 
- As a result of the above, the Applicant submitted a Clause 4.6 variation for the lot size standard (ie Clause 4.1). The Applicant's reasoning for varying Clause 4.1 is as follows:
  - The proposal does not result in any additional dwellings within the village and therefore no additional loading on existing public or private infrastructure.
  - The proposal does not involve any tree removal or other change to existing vegetation on any of the lots.
  - Minor alterations are proposed to one of the dwellings in order to located fully on the private land – an improvement over the existing situation
  - The proposal does not require any changes to the existing access to each of the proposed lots.
  - The proposal is generally consistent with the development pattern of dwellings within the village area, including the variety of lots size in the immediately vicinity of the site.
- 
- The objectives of the minimum lot size standard are as follows:
  - *(a) to ensure that lot sizes are compatible with local environmental values and constraints,*
  - *(b) to facilitate efficient use of land resources for residential and other human purposes,*
  - *(c) to minimise the fragmentation of rural land suitable for sustainable primary production,*
  - *(d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.*
- 
- Having considered the application and Clause 4.6 variation to Clause 4.1, the proposal is considered acceptable and will have no significant impact on the environment as per the reasons identified by the applicant above. In addition, it is considered that:
  - The character of the locality will not be adversely impacted given the dwellings on the proposed allotments already exist.
  - The proposed lot layout is consistent with other residential lots adjoining the site. As there are numerous lots within the immediate locality with existing dwellings which are below the 2000m<sup>2</sup> minimum lot size.



- The minor building works do not impact adjoining lots and the structures currently overhanging the boundaries are to be modified to comply with the boundary lines.
- The development is consistent with the zone objectives of and is unlikely to have any implications on State related issues or the broader public interest.
- As per the Planning Circular PS 18-003, Council can assume the Director's Concurrence for variations to lot size in the RU5 zone, however, the determination cannot be made by a Council officer due to the subject variation being greater than 10% of the development standard. Hence, this report and recommendation to Council.
- 
- Clause 5.10 – 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, on-site sewage management/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 proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(iii) Any DCP in force**

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

<b>DCP 2013: Chapter 3.6 - Subdivision</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> <li>• microclimate;</li> <li>• lot dimensions;</li> <li>• north point;</li> <li>• existing contours and levels to AHD;</li> <li>• flood affected areas;</li> <li>• overland flow patterns, drainage and services;</li> <li>• any contaminated soils or filled areas, or areas of unstable land;</li> <li>• easements and/or connections for drainage and utility services;</li> <li>• identification of any existing trees and other significant vegetation;</li> </ul>	<p>A 3 lot subdivision, in an area that is bushfire prone.</p> <p>The proposed lots have existing dwellings.</p> <p>The proposed subdivision plan shows satisfactory site analysis details.</p>	Yes

	<ul style="list-style-type: none"> <li>• any existing buildings and other structures, including their setback distances;</li> <li>• heritage and archaeological features;</li> <li>• fences;</li> <li>• existing and proposed road network, including connectivity and access for all adjoining land parcels;</li> <li>• pedestrian and vehicle access;</li> <li>• views to and from the site;</li> <li>• overshadowing by neighbouring structures; and</li> <li>• any other notable features or characteristics of the site.</li> </ul>		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	The lots have a frontages of 20.4m, 30.1m, 40.45m addressing Herons Creek Road	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	Minimum width is 20m	Yes
	Minimum depth of 25m.	Minimum depth of 37m	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	The slope is less than 16%.	Yes
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m <sup>2</sup> if: <ul style="list-style-type: none"> <li>• Each lot to be created is part of a community or strata title scheme, or</li> <li>• Is part of an integrated Torrens title housing development.</li> </ul>	No lots smaller than 450m <sup>2</sup>	N/A
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in	Existing kerb and guttering along frontage.  There are no pedestrian paths along Herons Creek Road or the adjoining lots	Yes

	this clause)		
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	The subdivision is within an RU5 Village zone and has access to existing public transport.	Acceptable
3.6.3.20	Water supply to meet Council's design specifications.	Existing dwellings connected to water.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	No reclaimed water available	N/A
3.6.3.24	Separate sewer junction provided for each lot.	Existing dwellings connected to village sewer	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Standard conditions recommended but no works proposed	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	No requirement deemed necessary to require underground services given existing dwellings on the lots (no specific conditions considered necessary). The Applicant will need to obtain satisfactory arrangements certification from the appropriate electricity and telecommunications providers prior to the issue of a Subdivision Certificate.	Yes - acceptable
	All service infrastructure should be installed in a common trench.	N/A	
	Conduits for the main technology network system should be provided in all streets.	N/A	
	Conduits are to be installed in accordance with the National Broadband Network Company Limited's <i>'Guidelines for Fibre to the Premises Underground Deployment'</i> .	N/A	
	Access pits are to be installed at appropriate intervals along all streets.	N/A	

In addition to the above it is noted that each of the existing dwellings on the proposed lots contain a sufficient private open space and off street parking area (i.e, effectively, there is no significant change to the existing on ground situation or use of the land).

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

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

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

**Demolition of buildings AS 2601 – 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**

The site fronts to Herons Creek Road to the west. Adjoining the site to the east is the north coast railway line. Adjoining the site to the south is multi residential (“worker’s cottages”) and a Timber Mill. Adjoining the site to the west are a number of similar undersized RU5 residential lots.

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.

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 exists.

There is no adverse overshadowing impacts.

**Roads**

The site has road frontage to Herons Creek Road, a sealed public road under the care and control of Council. Due to there being no increase in the number of dwellings, there will be no additional traffic or impact of the road or adjoining intersections.

**Traffic and Transport**

Changes in traffic associated with the development will not have any adverse impacts to the existing road network within the immediate locality.

**Water Supply Connection**

Council records indicate that Lot 41 is unmetered and Lot 8 and 42 have 20mm serviced water meter from the 100mm AC main on the same side of Herons Creek Rd. A water supply reticulation plan is required to show all existing and proposed water services to the lot - refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that each individual proposed lot has a separate sewer connection to Council's main. There are no conditions of consent required for Sewer.

**Stormwater**

- Each proposed lot has an existing dwelling and the subdivision will follow the existing fence lines. Each lot slopes towards the street frontage and towards the rear of the site - refer to relevant conditions of consent.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection (and a search of Council/AHIMS 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.

**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.

**Noise and vibration**

No adverse impacts anticipated. Condition recommended to restrict demolition/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 have been recommended to be incorporated into the conditions of 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.

**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.

**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.

**Cumulative impacts**

The proposed development will not 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:**

No written submissions have been received following public exhibition of the application.

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Contribution credits are applied to the existing dwellings. However, as one of the proposed lots is now over 2000m<sup>2</sup>, additional contributions are applicable in accordance with Council's Contributions Assessment Policy:

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

**5. CONCLUSION AND STATEMENT OF REASON**

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

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

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

**Attachments**

1[View](#). DA 2018 - 507.1 Recommended Conditions

2[View](#). DA2018 - 507.1 Clause 4.6 Variation to Clause 4.1 (Minimum Lot Size) of Port Macquarie Hastings Local Environmental Plan 2011

3[View](#). DA2018 - 507.1 Contributions Estimate

4[View](#). DA2018 - 507.1 Plans

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

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2018/507**

**DATE: 27/08/2019**

### **PRESCRIBED CONDITIONS**

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

### **A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Plans	DWG No. 10551 (Sheet 1 to 5)	Beukers & Ritter Consulting	July 2019
Bushfire Hazard Assessment		David Pensini	July 2018
RFS General Terms of Approval	D18/6637	Alan Bawden	17 October 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;

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.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
  - **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/6637 and dated 17 October 2018, are attached and form part of this consent.
- (7) (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.
- (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) (A195) The Building Identified as "Ex" on Plan/Drawing No: 10551, is to be maintained as a Shop and not used as dwelling.

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

- (1) (B014) Provision to each lot of a separate metered water connection to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.
- (2) (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.
- (3) (B195) A Water Supply reticulation plan is required to show all existing and proposed water services to the lot.

**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.

**D – DURING WORK**

- (1) (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*.

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

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

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

[Asbestos Awareness](#)

**E – PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE**

- (1) (E008) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007



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

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

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

- (2) (E009) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the local area water supply
- (3) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings.
- (4) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (5) (E195) Before the issuing of the Subdivision Certificate, the Buildings Identified as "Ex" and "Ex Shed" on Plan/Drawing No: 10551, are to be modified to be wholly within the proposed boundary of proposed lot 3 and converted back into a shop.
- (6) Prior to the issue of the Subdivision Certificate, details of compliance with the bushfire hazard assessment, prepared by David Pensini, July 2018, is to be provided to the Principal Certifying Authority.

#### **F – OCCUPATION OF THE SITE**

- (1) (F195) The Building Identified as "Ex" on Plan/Drawing No: 10551, is not to be used as a dwelling.



## **CLAUSE 4.6 REQUEST FOR VARIATION**

### **CLAUSE 4.1 LOT SIZE OF HASTINGS LEP 2011**

Development Application No.  
DA 2018.507.1

Boundary adjustment - 3 lots into 3 lots and  
minor alterations to existing dwelling

434 – 440 Herons Creek  
Road, Herons Creek

July 2019

---

DM Planning  
dmplan@hotmail.com  
c/- PO BOX 6149  
Port Macquarie NSW 2444

Clause 4.6 Request for Variation  
 434 – 440A Herons Creek Rd, Herons Creek  
 Boundary Adjustment - variation to lot size



## 1.0 Introduction

- The development site consists of Lots 41 & 42 DP 754405 and Lot 8 DP 114360, being No. 434 – 440 Herons Creek Road, Herons Road, as shown in Figure 1 below.
- This is a request to vary a development standard pursuant to the provisions of Clause 4.6 of Hastings Local Environmental Plan 2011 (HLEP 2011), the relevant clause being Clause 4.1 Minimum subdivision lot size.
- The relevant minimum lot size for the subject site is 2,000sqm.
- The relevant minimum lot size is a development standard for the purposes of the *EP&A Act 1979*.
- This request to vary the minimum lot size development standard considers the judgment in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action").
- The objective of Clause 4.6 1(a) is to provide an appropriate degree of flexibility in applying certain development standards to particular development. The intent is to achieve better outcomes for and from development by allowing flexibility in particular circumstances in accordance with Clause 4.6 1(b).
- The relevant plans relied upon are those submitted as part of DA2018 – 507.1.



Figure 1: Development site

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



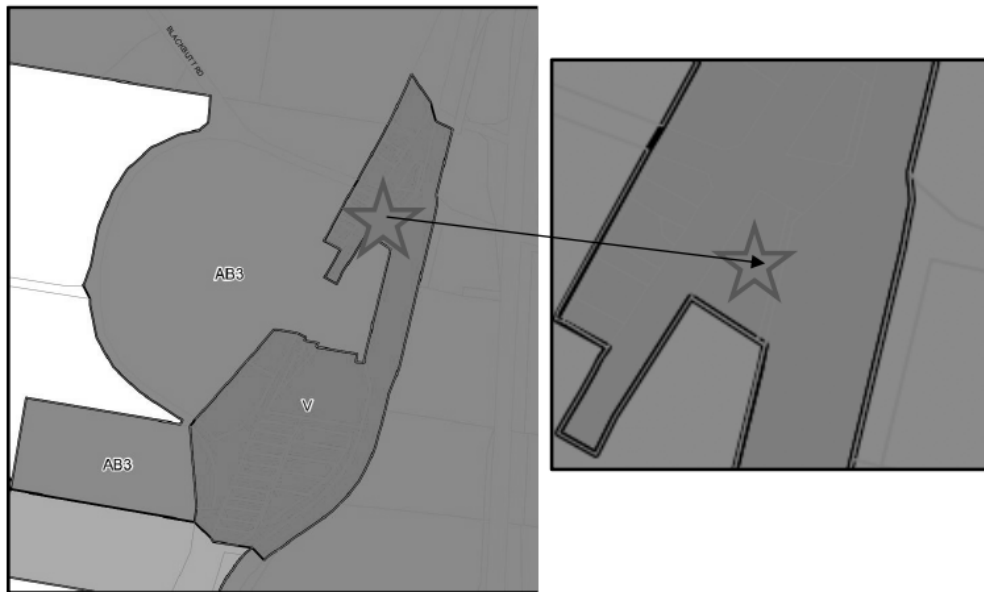
## 2.0 Development Standard to be Varied – Lot Size

The relevant *development standard* to be varied is the 2,000sqm minimum lot size control under Clause 4.1(3) of Hasting LEP 2011. Clause 4.1 of HLEP relevantly provides:

### 4.1 Minimum subdivision lot size

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that lot sizes are compatible with local environmental values and constraints,*
  - (b) *to facilitate efficient use of land resources for residential and other human purposes,*
  - (c) *to minimise the fragmentation of rural land suitable for sustainable primary production,*
  - (d) *to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) *If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.*
- (4) *This clause does not apply in relation to the subdivision of any land:*
  - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - (b) *by any kind of subdivision under the Community Land Development Act 1989.*

The relevant minimum lot size map (LSZ\_0011A) is identified below:



"V" = 2,000sqm

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



### 3.0 Nature of Variation Sought

The requested variation is based on the following subdivision plan:

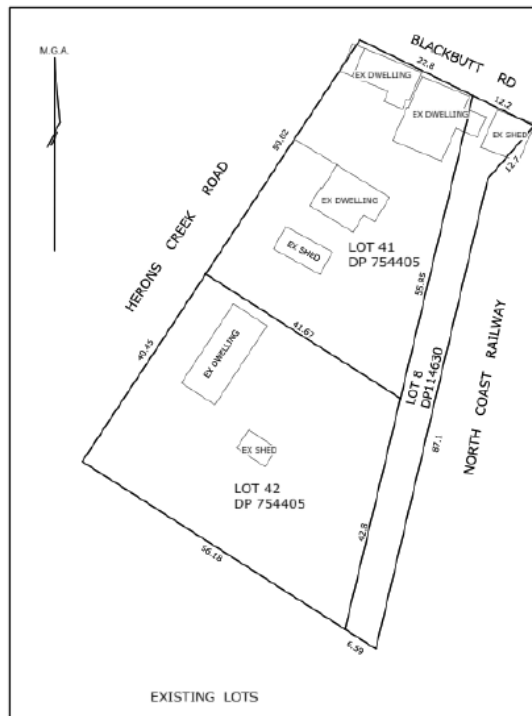


Figure 2: Existing lot layout

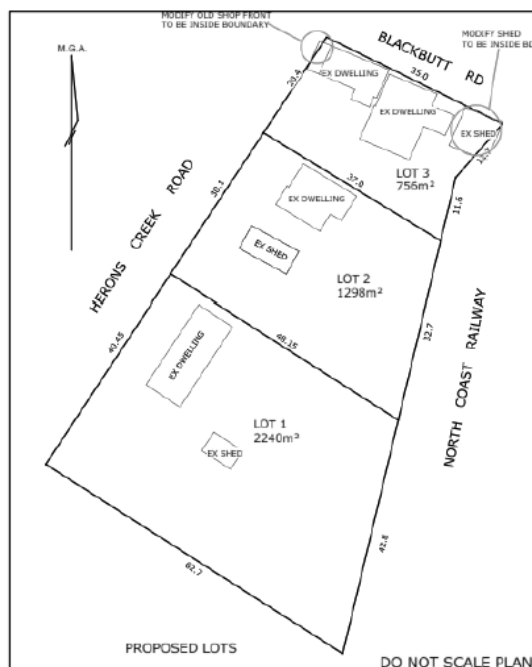


Figure 3: Proposed lot layout and lot sizes



Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



The existing and proposed lot sizes may be summarised as follows:

Existing	Area (m <sup>2</sup> )	Proposed	Area (m <sup>2</sup> )	Percentage variation to 2,000sqm standard
Lot 41	1,672	Lot 1	2,240	Complies
Lot 42	1,977	Lot 2	1,298	Less 702 m <sup>2</sup> or 35%
Lot 8	647	Lot 3	756	Less 1,244 m <sup>2</sup> or 62.2%

#### 4.0 **Lot Size – Development Standard**

A development standard is defined in S 1.4 of the *Environmental Planning and Assessment Act 1979* to mean:

*"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) the volume, nature and type of traffic generated by the development,*
- (i) road patterns,*
- (j) drainage,*
- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*
- (o) such other matters as may be prescribed."*

The 2,000sqm minimum lot size standard is a *development standard* as defined under the *EP&A Act 1979*.

#### 5.0 **Clause 4.6 of Hastings Local Environmental Plan 2011**

The following provides a response to relevant Clause 4.6 provisions:

Clause 4.6(2) provides that:

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The minimum lot size development standard is not expressly excluded from the operation of cl4.6 and accordingly, consent may be granted.

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



Clause 4.6(3) relates to the making of a written request to justify the contravention of a development standard and states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed development does not comply with the minimum lot size development standard pursuant to cl4.1 of the HLEP 2011. However, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as detailed in section xxx of this request.

Sufficient environmental planning grounds exist to justify contravening the development standard as detailed in Section 8.0. The lot size variations, in this particular case, are a function of the existing development on three lots.

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*

Sections 7.0 and 8.0 of this written request addresses the matters required under cl4.6(4)(a) of the HLEP 2011 and cl4.6(4)(b).

Clause 4.6(5) provides that:

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Section 10.0 below of this written request addresses the matters required under cl4.6(5) of the HLEP. Clauses 4.6(6) and (8) are not relevant to the proposed development and cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



## 6.0 Relevant Decisions

**Initial Action** (*Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*): Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. The relevant test is whether the environmental planning grounds relied upon and identified in the written request are “sufficient” to justify the non-compliance sought.

Further, there is no requirement for a development to result in a “better environmental planning outcome” relative to a development that complies with the development standard and a lack of adverse impacts is valid.

## 7.0 Clause 4.6(3)(a): Unreasonable or Unnecessary Circumstances of the Case

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

COMMENT:

A review of the minimum lot size development standard objectives provides a reference from which to demonstrate that compliance is *unreasonable* and are achieved notwithstanding a variation with the standard.

The minimum lot size objectives are as follows:

(a) *to ensure that lot sizes are compatible with local environmental values and constraints,*

- The development site is located on the eastern side of Herons Creek Road, being the three dwellings south of the intersection of Blackbutt Road.
- The three dwellings are sited within the existing village area, being contributory features and part of creating the village character. Notwithstanding, the old shop and the rear shed of that dwelling are sited over the relevant property boundaries.
- Lot 8 is a long narrow lot and not conducive to development. This is major impediment to the design and layout of any building or structures on this site.
- There are no significant trees or vegetation that is required to be removed in order to facilitate the boundary adjustments.

(b) *to facilitate efficient use of land resources for residential and other human purposes,*

- The current lot configuration is not an efficient use of the three lots as Lot 8 is a long narrow lot and not conducive to development. This is a major impediment to the design and layout of any building or structures on this site.
- The shop front and shed are sited over the boundaries of Lot 41 and Lot 8 – not a legal or efficient use of the lots. It is proposed to undertake minor alterations to both structures to correct the siting of each structure.

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



- The proposed lot layout creates three allotments, each with a dwelling and associated structures and domestic backyard and garden areas. Each lot is a more efficient layout and design within the village development pattern.

(c) *to minimise the fragmentation of rural land suitable for sustainable primary production,*

- Not applicable – the land is not zoned rural.

(d) *to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.*

- Not applicable – the land is not zoned environment protection and does not contain any particular environmental values in relation to ecological, cultural or aesthetic values.

#### 8.0 **Clause 4.6(3)(b) – Sufficient Environmental Planning Grounds**

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

(b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Justification provided for the variation applies to this particular application and not environmental planning grounds that could apply to all lands zoned RU5 Village, as follows:

- The proposal is a boundary adjustment only, it does not increase the number of lots within the village zone;
- The area of existing Lot 8 was
- The proposal does not result in any additional dwellings within the village and therefore no additional loading on existing public or private infrastructure;
- The proposal does not involve any tree removal or other change to existing vegetation on any of the lots;
- Minor alterations are proposed to one of the dwellings in order to located fully on the private land – an improvement over the existing situation;
- The proposal does not require any changes to the existing access to each of the proposed lots;
- The proposal is generally consistent with the development pattern of dwellings within the village area, including the variety of lots size in the immediately vicinity of the site (as per the aerial photo below):



**Figure 4: Existing development pattern in the Herons Creek Village area.**

Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



Based on the above the consent authority can be satisfied that there are sufficient environmental planning grounds to warrant the variation.

Further to the above, there is a lack of adverse amenity impacts arising from the proposed boundary adjustment, as follows:

- There are no additional lots created;
- There are no additional dwellings created;
- The structures currently overhanging the boundaries are to be modified to comply with the boundary lines.
- The minor building works do not impact on any adjoining or adjacent property;
- The proposed lot layout is a more efficient use of the land area.

In summary, the minimum lot size variation is considered to be in the public interest given its ability to satisfy the relevant development standard objectives, satisfy the zone objectives and not cause any undue environmental impacts.

#### 9.0 **Clause 4.6(4)(a)(ii) Zone Objectives and the Public Interest**

##### **Consistency with the Zone Objectives**

The development site is located within the RU5 Village zone. The objectives of that zone are as follows:

##### **Zone RU5 Village**

##### **Objectives of zone**

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

The development does not change the current use of the land.

- *To permit development that is appropriate in scale and type with the characteristics of a rural village.*

The development does alter the scale of the existing development and remains consistent with the development pattern, lot sizes and character of the existing village area.

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The development does not result in any conflict between landuses and is surrounded by other land zoned RU5 zone.

Overall, the development is consistent with the RU5 zone objectives. Together with satisfying the relevant development standard objectives and not resulting in any adverse impacts on the land or the broader village area, the development is considered to be in the public interest.

#### 10.0 **Other Matters for Consideration**

##### **Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained**

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the HLEP.

The Court has power to grant development consent to the proposed development even though it contravenes the development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).



Clause 4.6 Request for Variation  
434 – 440A Herons Creek Rd, Herons Creek  
Boundary Adjustment - variation to lot size



#### **Clause 4.6(5) - Concurrence Considerations**

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposed contravention of the minimum lot size development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the proposed development, as submitted in the Development Application to Hastings Council. It is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in Section 8.0 the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

#### **11.0 Conclusion**

The proposed development contravenes the Minimum Lot Size development standard under cl4.1 of HLEP 2011. The minimum lot size control under cl4.1 of the HLEP is a development standard and is not excluded from the application of cl4.6. The proposal, being a boundary adjustment that results in two lot below the minimum lot size, is non-compliant with the control.

This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the reasons outlined in section 7.0 and outlines in Section 8.0 the environmental planning grounds that are sufficient to justify the contravention of the lot size development standard in the particular circumstances of this case.

In conclusion the proposal is considered to be in the public interest as both the relevant development standard objectives and the zone objectives are satisfied by the development. Further, there are no identified adverse environmental impacts arising from the development.

On this basis, it is with confidence that this clause 4.6 written request for variation to clause 4.1 Minimum Lot Size under HLEP 2011 is submitted to Council in support of DA 2018-507.1

DJ McKenzie  
Planning Consultant  
DMPlanning

## Developer Charges - Estimate

**Applicants Name:** J R & K M McCarron  
**Property Address:** Herons Creek Road, Herons Creek  
**Lot & Dp:** Lot(s):41 & 42, and 8,DP(s):754403 and 114360  
**Development:** 3 Lot Subdivision including a clause 4.6 variation of clause 4.1 of the Port Macquarie Hastings Local Environmental



PORT MACQUARIE  
HASTINGS

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	\$10,190.00 Per ET	\$6,114.00
2 Sewerage Scheme Camden Haven	0	\$3,866.00 Per ET	\$0.00
3 Since 1.7.04 - Major Roads - Camden Haven - Per ET	0.2	\$8,448.00 Per ET	\$1,689.60
4 Since 31.7.18 - Open Space - Camden Haven - Per ET	0.2	\$6,003.00 Per ET	\$1,200.60
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Camden Haven	0.2	\$4,449.00 Per ET	\$889.80
6 Com 1.3.07 - Administration Building - All areas	0.2	\$910.00 Per ET	\$182.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 Bushfire Additional	0.2	\$505.00 Per ET	\$101.00
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$89.30
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$10,266.30</b>

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

DATE OF ESTIMATE:

29-Aug-2019

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

: M McCarron, Herons Creek Road, Herons Creek, 29-Aug-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

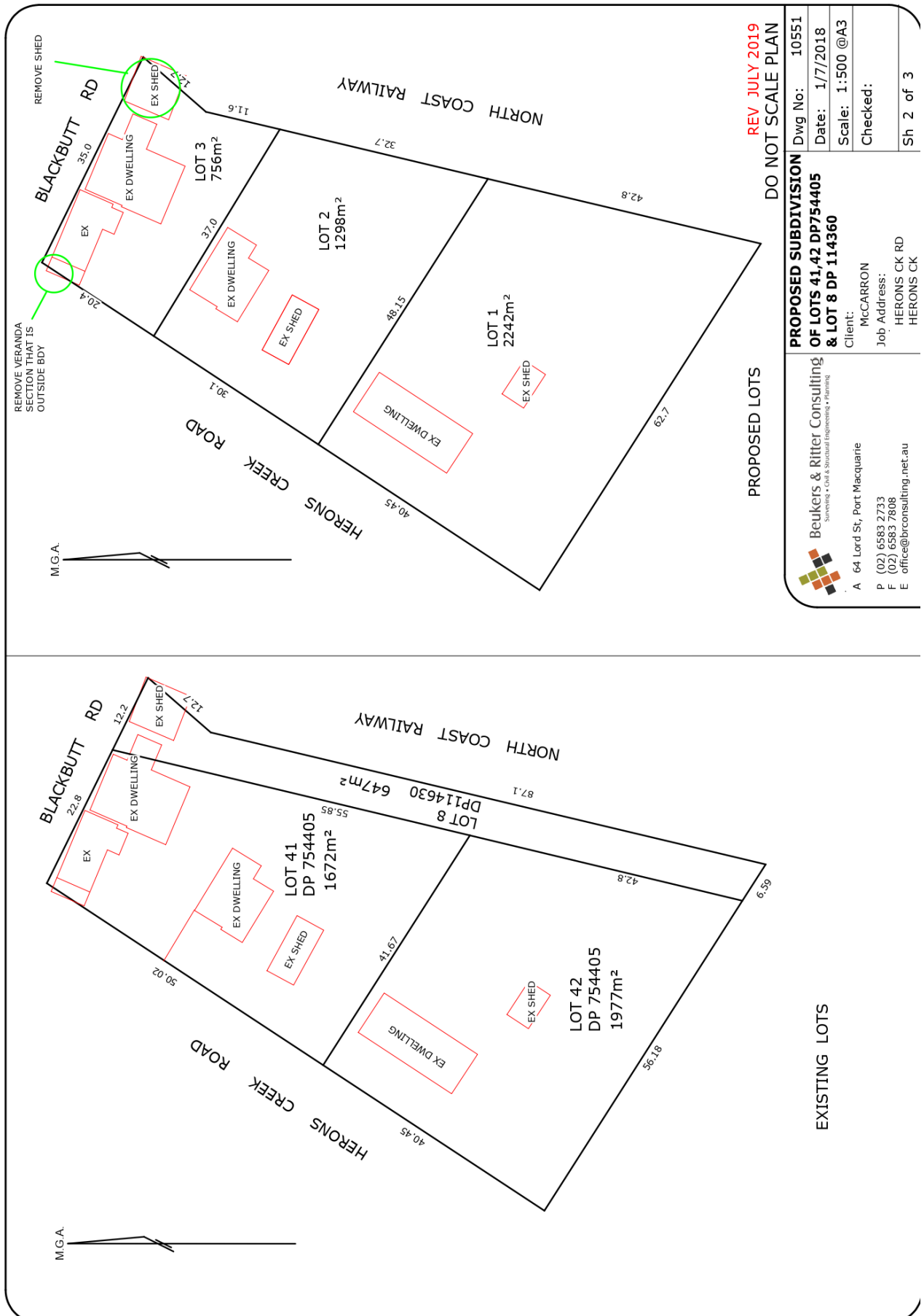


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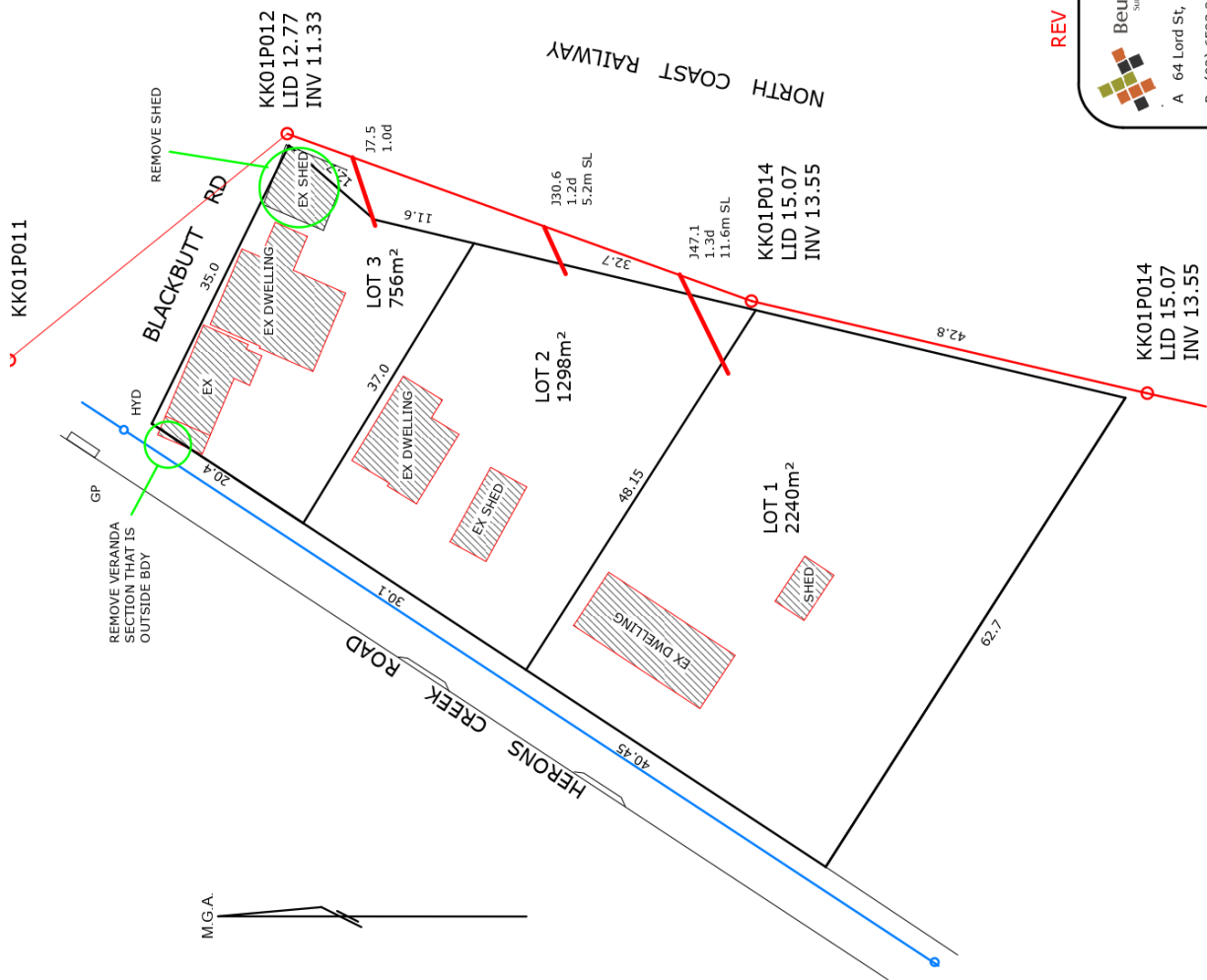
DO NOT SCALE PLAN

 <b>Beukers &amp; Ritter Consulting</b> <small>Servicing • Civil &amp; Structural Engineering • Planning</small>	<b>PROPOSED SUBDIVISION OF LOTS 41, 42 DP 754405 &amp; LOT 8 DP 114360</b>			Dwg No: 10551
	Client: MCCARRON			Date: 1/7/2018
	Job Address: HERONS CK RD HERONS CK			Scale: 1:1000 (@A3)
	A 64 Lord St, Port Macquarie P (02) 6583 2733 F (02) 6583 7808 E office@brconsulting.net.au			Checked:
				Sh 1 of 3

W.A.U.







- GENERAL**
- This plan is to be read in conjunction with the engineering plans, and any other plans or written instructions that may be issued relating to the development.
  - Do not obtain dimensions by scaling the drawings.
  - In case of doubt or discrepancy, refer to superintendent for clarification or confirmation prior to commencement of construction.
  - Where new works about existing the contractor shall ensure that a smooth even profile, free from abrupt changes is obtained.
  - These plans shall be read in conjunction with the approved drawings & specifications. It is the contractor's responsibility to ascertain in the field the location and level of all existing services (Telstra, underground power, sewer, water, etc.) and to ensure that any new services are installed at the correct depth and location. Appropriate measures to ensure no damage to them. Any damage shall be made good at no cost to the proprietor.
  - Location of all drainage lines within easements to be fixed and verified by the superintendent prior to construction.
  - Where necessary, the contractor shall excavate to a depth of 100mm below the natural surface to 400mm or more. Install a 3m length of subsoil drain on the upstream side of all drainage pits with an upstream pipe.
  - Surface cut off drains, and other measures as required, to be constructed to ensure that surface water is directed away from the development. Such measures are to be maintained at all times during construction period.
  - All works in accordance with AUSPEC No. 1 Port Macquarie Hastings Council Engineering Code of Practice.
  - All works within road reserves must be carried out by a council registered contractor.
  - Traffic control to AS1742.3.
  - Contractor to take appropriate dust suppression measures as necessary to prevent disturbance to adjoining residences.
  - Filling works shall be controlled fill as defined in AS2870 and AS3798.
  - Traffic management plan by contractor in accordance with AS1742.3.

#### EXISTING SERVICES

- Any services indicated on the drawings originate from installed data, and the contractor shall verify the location and depth of these services. It is the responsibility of the contractor to determine and confirm the location and depth of these services prior to construction. No excavation or other works shall be undertaken prior to confirmation of the location and depth of these services. No mechanical excavations are to be undertaken over communication, gas or electrical services. Hand excavation only in these areas.
- Where necessary, the contractor shall protect all existing services. All existing services shall be repaired by the contractor under the supervision of the superintendent. The contractor shall be responsible for the cost of any damage to existing services. The contractor shall allow the superintendent for the adjustment of existing services (if required) in area affected by the works, unless otherwise noted on the drawings or by the superintendent.
- The contractor shall ensure that all times buildings not affected by the works are not damaged.
- Prior to commencement of work, the contractor shall gain approval of the program of relocation and/or construction of temporary services and for the duration of the works.
- The contractor shall construct temporary services to maintain existing supply to buildings remaining in operation during works to the satisfaction of the superintendent. The contractor shall ensure that all temporary services and construction shall remain in place until all permanent services are installed and make good to the satisfaction of the superintendent.

#### WORKS AS EXECUTED INFORMATION

All relevant work to be executed information is required by Port Macquarie Hastings Council to be forwarded to the planning and development department.

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REV JULY 2019

DO NOT SCALE PLAN

**PROPOSED SUBDIVISION**  
**OF LOTS 41, 42 DP754405**  
**& LOT 8 DP 114360**

Dwg No: 10551

Date: 1/7/2018

Scale: 1:500 @A3

Checked:

Sh 3 of 3

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

A 64 Lord St, Port Macquarie

P (02) 6583 2733

F (02) 6583 7808

E office@brconsulting.net.au

Client: McCARRON

Job Address: HERONS CK RD

HERONS CK RD





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**Item: 08**

**Subject: DA2019 - 465.1 ALTERATIONS AND ADDITIONS TO DWELLING AND CONSTRUCTION OF A SECONDARY DWELLING, LOT 4 DP 246193, NO. 2 KABALLA AVENUE PORT MACQUARIE**

**Report Author: Development Assessment Planner, Steven Ford**

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**Applicant: Davy Watt & Associates**  
**Owner: M A Zwetsloot & B N Swain**  
**Estimated Cost: \$204,000**  
**Parcel no: 10502**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That DA 2019 - 465.1 for Alterations and additions to dwelling and construction of a secondary dwelling at Lot 4, DP 246193, No. 2 Kaballa Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### **Executive Summary**

This report considers a development application for Alterations and Additions to Dwelling and Construction of a Secondary Dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

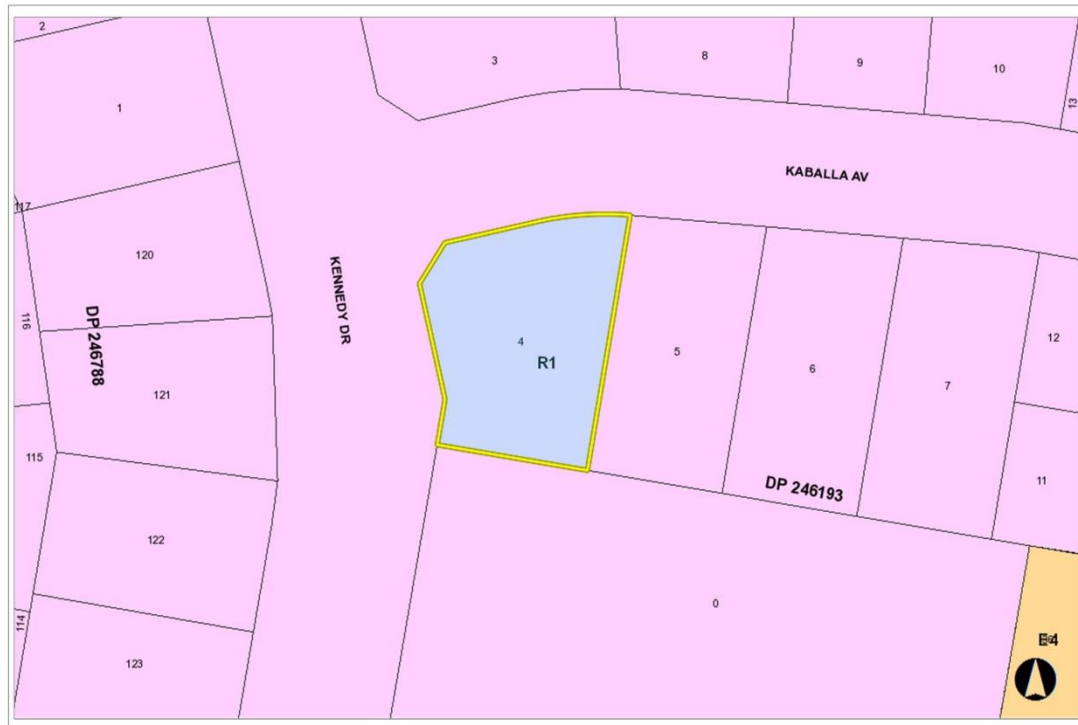
Following exhibition of the application one submission was received. This report recommends that the development application be approved subject to the attached conditions.

## **1. BACKGROUND**

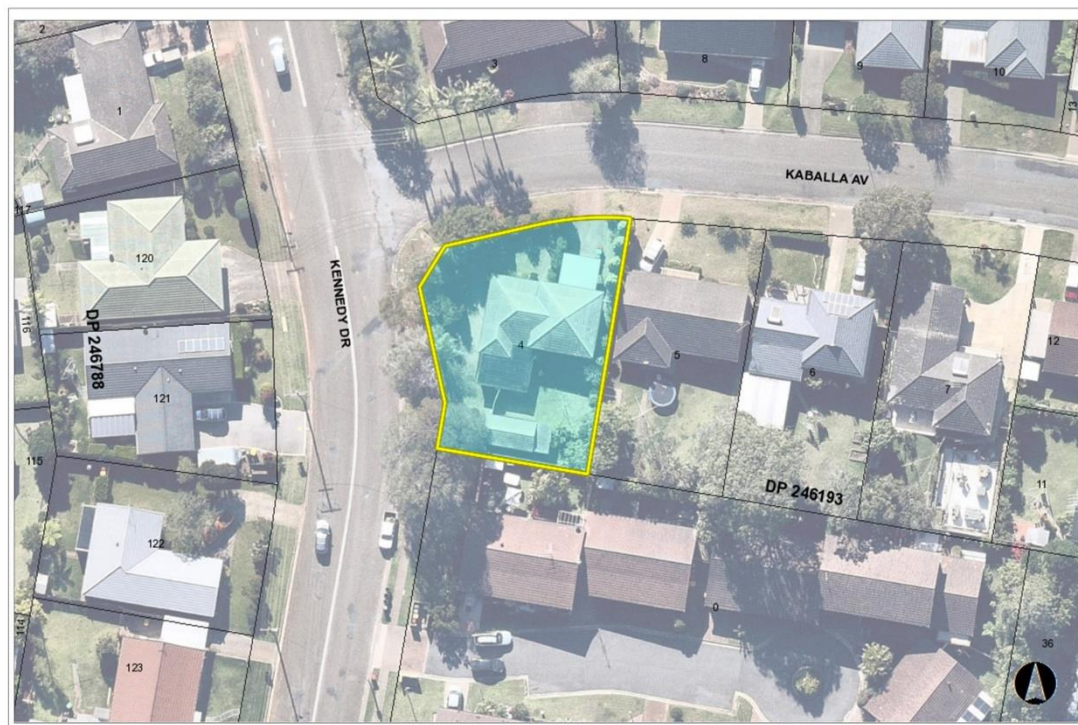
### **Existing Sites Features and Surrounding Development**

The site has an area of 714.9m<sup>2</sup>.

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



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Alterations and additions to existing dwelling
- Demolition of existing detached garage and construction of a secondary dwelling

Refer to attachments at the end of this report.

**Application Chronology**

- 28 June 2019 - Application lodged.
- 08 July 2019 to 22 July 2019 - Neighbour notification.
- 22 July 2019 - Submission received
- 13 August 2019 - Additional information requested from Applicant.
- 14 August 2019 - Additional information submitted by Applicant.
- 14 August 2019 - Response to submission emailed by Planner
- 14 August 2019 - Further additional information requested from Applicant.
- 16 August 2019 - Additional information and revised plans submitted by Applicant.

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

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

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

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

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 (Coastal Management) 2018**

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 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 impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;

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

In accordance with Clause 15 the proposal is not likely to cause increased risk of coastal hazards on that land or other land.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Clause 20 - The site is in a prescribed zone and secondary dwellings are permissible with consent pursuant to the SEPP.

Clause 22(2) - The development would not result in there being a dwelling other than the primary dwelling and the secondary dwelling.

Clause 22(3) - The proposed secondary dwelling would not have a floor area exceeding 60m<sup>2</sup> and the combined floor area of the primary and secondary dwelling would not exceed the maximum permitted under the Port Macquarie-Hastings Local Environmental Plan 2011 (see comments below under LEP).

Clause 22(4) - Consent cannot be refused on the grounds of site area or parking.

Clause 24 - The consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out.

The requirements of this SEPP are therefore satisfied.

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

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

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the secondary 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.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 6.7m, 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 complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.4 – Development complies with controls relating to secondary dwellings.
- 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, on-site sewage management/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**

**(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:**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: • Not located in front setback	Ancillary water tank located behind the building line	Yes
3.2.2.2	Articulation zone: • 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	No elements within the articulation zone to the primary frontage along Kaballa Ave. The secondary dwelling contains an existing hardstand space within the articulation zone. This does not exceed 25% of the articulation zone for	Acceptable



<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• A sun shading feature</li> </ul>	the secondary frontage.	
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 4.5m local road</li> </ul>	5.15m	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 setback 5.83m at closest point to front boundary and recessed 500mm behind upper floor.	Yes and no  The garage is not 1m behind the upper floor however the variation is acceptable noting the articulation provided by upper level, improvement from existing car port (to be demolished) and relatively minor variation in the context of corner site and long road frontage.
	6m max. width of garage door/s and 50% max. width of building	6m and 20% of building	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	No rear boundary requirements due to site being a corner lot	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m</li> </ul>	Ground floor = 0.95m	Yes

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

	Requirements	Proposed	Complies
	setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	First floor additions above garage to be 2.4m from eastern boundary. The additions proposed result in no adverse solar impacts to adjoining primary living areas.  The building wall articulation is compliant.	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	The primary dwelling has 35m <sup>2</sup> of private open space in one area including a useable 4m x 4m space. The secondary dwelling has 30m <sup>2</sup> useable private open space area. However, given the size and nature of the development, adequate open space is considered to be available for the secondary dwelling. The occupants are also likely to share the open space areas.	Yes and no
3.2.2.7	Front fences: • 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	The proposed front fence is a maximum 1.8m in height, not located along front boundary for greater than 6m, is landscaped where setback 1m from boundary and is provided with compliant splays and transparency..	Yes
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	Fencing design complies.	Yes
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings	The development will not compromise privacy in the area due to a	Yes

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

	Requirements	Proposed	Complies
	<p>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</p> <ul style="list-style-type: none"> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	combination of lack of windows facing side boundaries, having high sill windows, 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 <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	No proposed changes	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No proposed retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m	No trees proposed to be removed	N/A

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	above ground level and 3m from external wall of existing dwelling)		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line). Parking for secondary dwelling optional.	2 spaces in garage and 2 stacked parking spaces behind the building line for primary dwelling. Off street parking is available for the secondary dwelling (in front of the dwelling).	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Development is for a secondary dwelling only with standard driveway which is existing. Proposed fencing and landscaping will soften any impact. No specific landscaping requirements recommended.	Acceptable
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway 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.	Development is for a secondary dwelling only with standard driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

## iv) Any matters prescribed by the Regulations:

**Demolition of buildings AS 2601 – Clause 66 (b)**

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

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

The proposal will not have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

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

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.

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

**Access, Traffic and Transport**

The proposal will not have any significant adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

**Water Supply Connection**

Service available – details required with S.68 application.

**Sewer Connection**

Service available – details required with S.68 application.

**Stormwater**

Service available – details required with S.68 application.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

This site does not contain or adjoin any known heritage item or site of significance. The site is considered to be disturbed land.

**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 not have any significant adverse impacts on water resources and the water cycle.



**Soils**

The proposed development will not 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 not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**Flora and fauna**

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

**Waste**

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

**Energy**

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

**Noise and vibration**

The construction of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**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.

**Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. 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. Site access will substantially remain the same and no adverse impacts likely.

**Construction**

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

**Cumulative impacts**

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

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

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

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

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

One written submission was 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 subject property owner has breached Council by-laws on several occasions since moving into the property.	<p>The matters raised, regarding noise and other occurrences from the property was referred to Council's Compliance Officers and is not a matter for consideration in assessing the subject development application.</p> <p>From the site inspection, no external work regarding this development application, to the existing dwelling, front fence or garage has commenced.</p>
The secondary dwelling is very close to the fence line of my town house, and I am concerned about the increased noise this is going to bring. Back deck currently overlooks trees and the neighbouring backyards, so is quite private. If the new dwelling is constructed it will impact this and possibly the resale value of the property.	<p>Secondary dwellings are permissible within the R1 General Residential zone. The proposed secondary dwelling has compliant side boundary setbacks of 4.146m to the eastern boundary and 0.95m to the southern boundary. The plans indicate that the secondary dwelling will appear very similar to the existing rear garage along the southern boundary and there are no proposed windows overlooking (Southern) shared boundary, which will provide privacy and reduce perceived noise impacts.</p> <p>The Applicant has provided revised plans to include privacy screening on the southern elevation of the proposed deck. The proposed entry pathway has been relocated from along the southern boundary to the gate adjoining the existing driveway and along the northern elevation of the secondary dwelling to provide additional</p>

Submission Issue/Summary	Planning Comment/Response
	separation and reduce the perceived impacts.

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Not applicable for secondary dwellings.

**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](#). DA2019 - 465.1 Recommended Conditions

2[View](#). DA2019 - 465.1 Plans

3[View](#). DA2019 - 465.1 SOEE

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

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2019/465**

**DATE: 30/08/2019**

### **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	19/032 (Sheet 1 to 8)	Davy Watt and Associate	16 August 2019
BASIX	1024412S & A351486	Davy Watt and Associate	27 June 2019
Statement of Environmental Effects		Davy Watt and Associate	27 June 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) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

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

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

- (4) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

#### **B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - 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:

  - i. Footway and gutter crossing
  - ii. Functional vehicular access

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

Nil

#### **D – DURING CONSTRUCTION**

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: The Demolition of Structures. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or



vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) A Privacy Screen is to be installed on the Southern elevation of the Secondary Dwelling verandah. The screen is to satisfy the provisions for privacy screens under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

#### **F – OCCUPATION OF THE SITE**

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) Entrance pathway to the Secondary Dwelling is to be along the northern elevation of the building and not between the building and southern boundary.

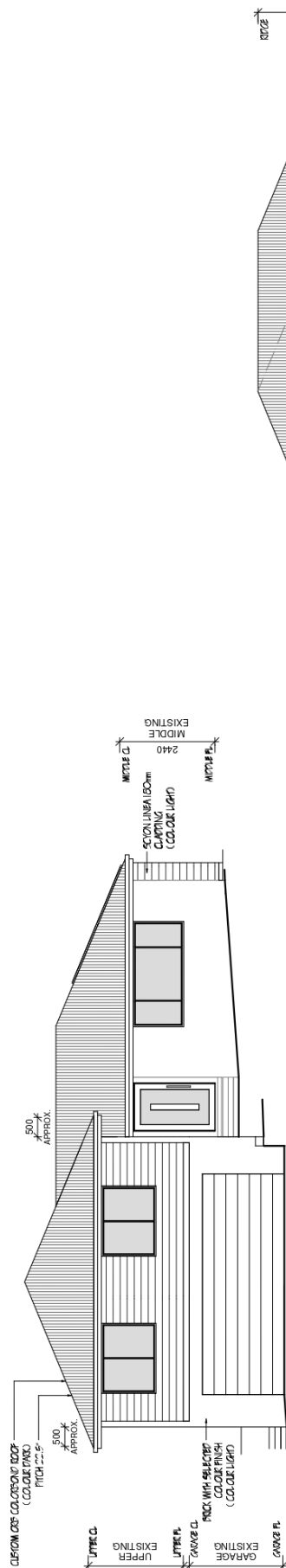
**PROPOSED ALTERATION, ADDITION  
& SECONDARY DWELLING  
AT LOT 4 D.P. 246193  
No.2 KABALLA AVENUE  
PORT MACQUARIE. FOR  
M. ZWETSLOOT & B. SWAIN**



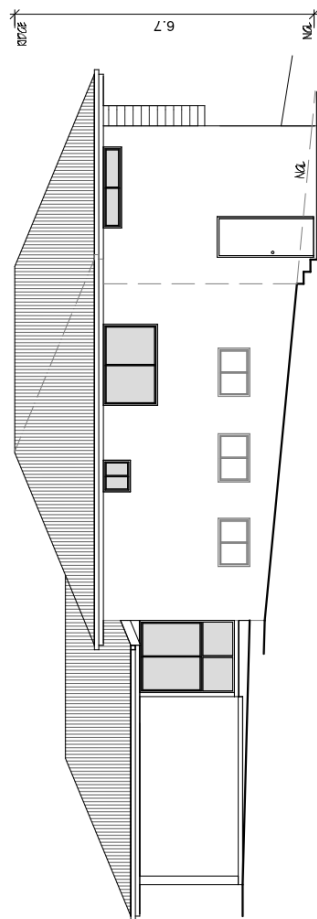
**D+W**

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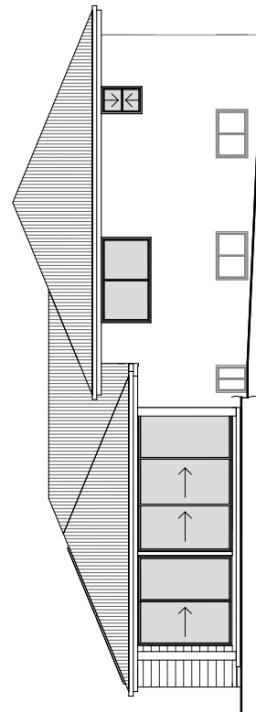
REFERENCE NO.	19 / 082
DATE	27-6-2019
NUMBER OF SHEETS	8
DRAWN BY	CPW FWD
ISSUE	DEVELOPMENT APPLICATION
REVISED	16-8-2019



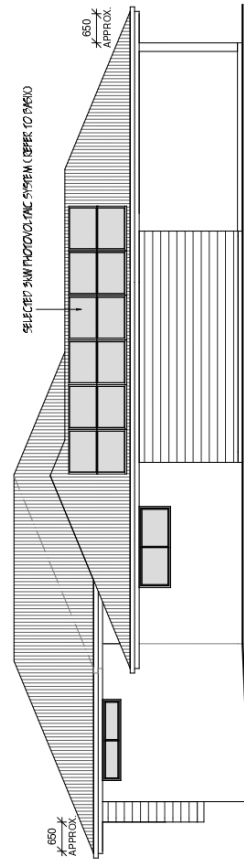
A NORTH ELEVATION ratio 1:100



C EAST ELEVATION ratio 1:100



B SOUTH ELEVATION ratio 1:100



D WEST ELEVATION ratio 1:100

ELEVATIONS ratio 1:100

D+W

NOTES:

ALL DIMENSIONS TO BE CONFIRMED ON SITE

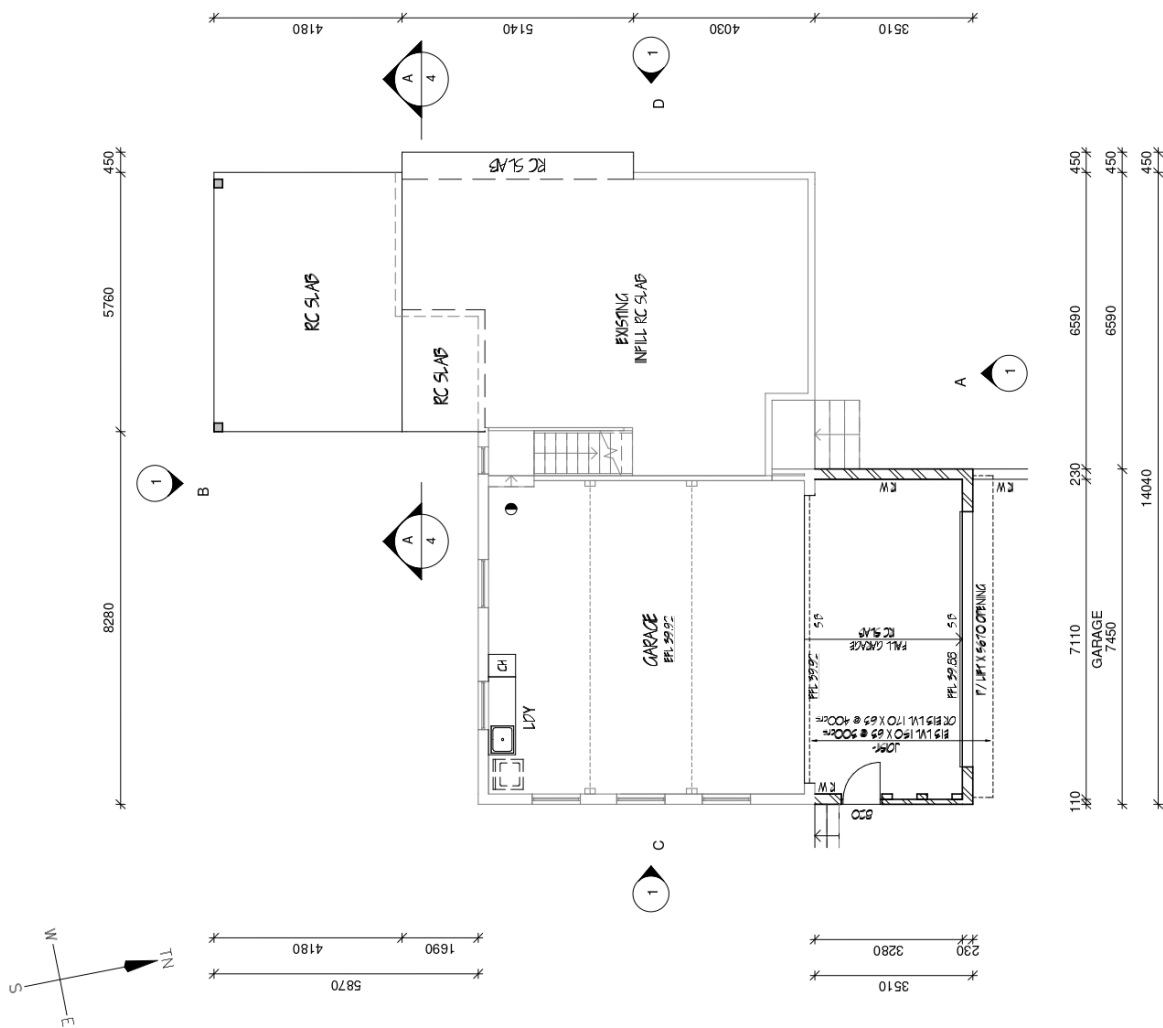
1 - SHORE AREA TO AS 5786

CH - LAUNDRY CHUTE

GW - RETAINING WALL TO ENGINEER'S SPECIFICATION

5F - SELECTED BEAM: STEEL BEAM OR LAMINATED TIMBER BEAM TO ENGINEER'S SPECIFICATION

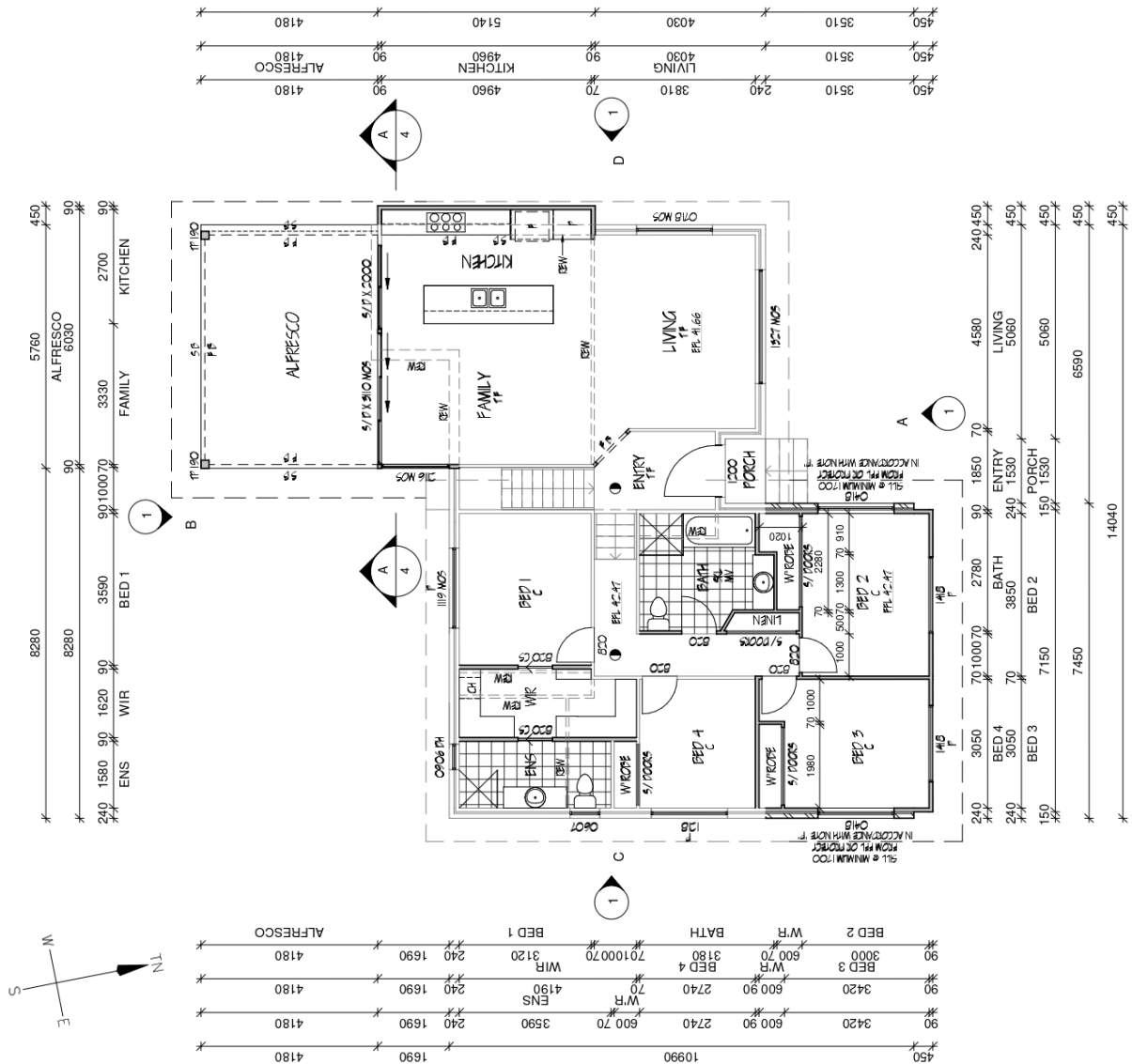
ADDITION AREA	
GRABAGE ADDITION-	26.1 sq.m
TOTAL-	26.1 sq.m
TOTAL ADDITION-	66.2 sq.m



LOWER FLOOR PLAN ratio 1:100

**D+W**

- NOTES**
- ALL DIMENSIONS TO BE CONFIRMED ON SITE
1. SHOE ALARM TO AS 5786
- TP 190 - 190 X 190 HARDWOOD TIMBER POST
- FB - FEATURE BULKHEAD
- CH - LAUNDRY CHUTE
- SB - SELECTED BEAM: STEEL BEAM OR LAMINATED TIMBER BEAM TO ENGINEER'S SPECIFICATION
- REW - REMOVE EXISTING WALL
- SL - LUBE TYPE SKILIGHT
- MV - MECHANICAL VENT
- C - SELECTED CARPET
- TP - SELECTED TIMBER FLOOR
- WINDOWS & DOORS**
- ALUMINUM FRAMED WINDOWS TO MANUFACTURER'S SPECIFICATION, AS 1288 AND AS 2047
- AL GLAZING TO PREDOMINANTLY LOW-E (UL 5-7 SHGC 0.47)
- P - PROTECTION OF OPENABLE WINDOWS TO NCC PCA VOL. 2 PART 5.9.2.5
- PH - DOUBLE HUNG WINDOW
- MOS - MASURE ON SITE
- C/S - CANTY SLIDING DOOR
- S/D - GLASS SLIDING DOOR
- ADDITION AREA**
- LIVING ADDITION - 36.0 sqm
- ALFRESCO ADDITION - 24.1 sqm
- TOTAL - 60.1 sqm
- TOTAL ADDITION - 86.2 sqm



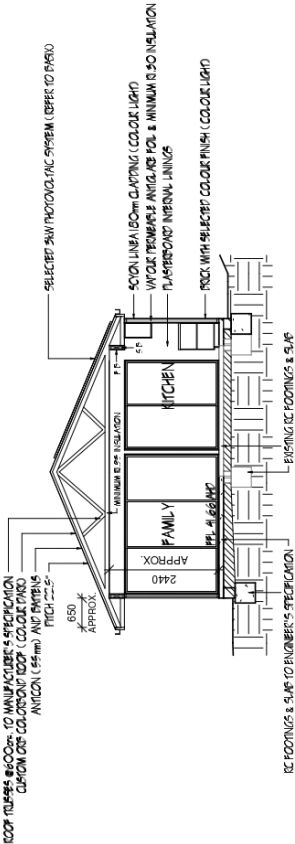
D+W



PRINCIPAL DWELLING: SUMMARY OF MINIMUM BASIC COMMITMENTS

SEE TASK CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

LIGHTING	
40% OF NEW OR ALTERED LIGHT FIXTURES ARE FITTED WITH FLOUORESCENT, COMPACT FLOUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS	
FIXTURES COMMITMENTS	
RATING OF ALL NEW OR ALTERED SHOWER HEADS	MINIMUM FLOW RATE 9L PER MINUTE OR 3 STAR WATER RATING
RATING OF ALL NEW OR ALTERED TOILET SYSTEMS	MINIMUM FLOW RATE 4L PER AVERAGE FLUSH OR 3 STAR WATER RATING
RATING OF ALL NEW OR ALTERED TAPS	MINIMUM FLOW RATE 9L PER MINUTE OR 3 STAR WATER RATING
THERMAL COMFORT COMMITMENTS	
INSULATION TO NEW SUSPENDED FLOOR WITH OPEN SUBFLOOR	MINIMUM R0.8 (DOWN) (OR R1.50 INCLUDING CONSTRUCTION)
INSULATION TO NEW EXTERNAL FRAMED WALLS	MINIMUM R1.50 (OR R1.70 INCLUDING CONSTRUCTION)
INSULATION TO NEW EXTERNAL BRICK VENEER WALLS	MINIMUM R1.6 (OR R1.70 INCLUDING CONSTRUCTION)
INSULATION TO CEILING	MINIMUM R1.95
ANTICON (55mm) TO ROOF	



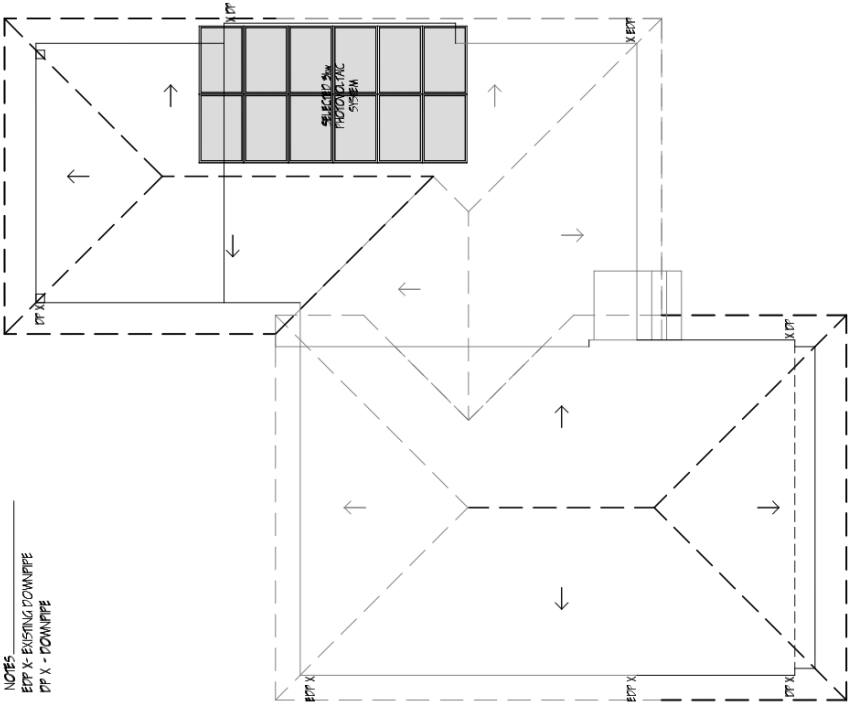
A SECTION ratio 1:100

- NOTES
- TIMBER FRAME TO AS 1684.2
  - FOR INSULATION REQUIREMENTS REFER TO SUMMARY OF MINIMUM BASIC COMMITMENTS
  - P.B. - PEANUT BULKHEAD
  - S.F. - SELECTED REAR STEEL BEAM OR LAMINATED TIMBER BEAM TO ENGINEER'S SPECIFICATION

TRUSSES

TRUSS DESIGN DETERMINED USING COMPUTER SOFTWARE PROVIDED BY THE TECHNICAL DIVISION WITHIN PENFA TRUSS SYSTEM

D+W

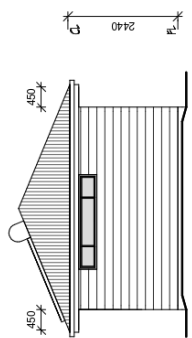


NOTES

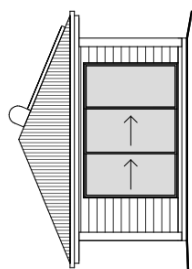
- PT X - EXISTING DOWNPIPE
- PT Y - DOWNPIPE

ROOF LAYOUT PLAN ratio 1:100

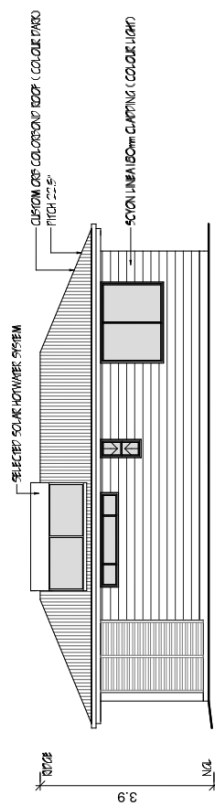
REVISED 16-8-2019



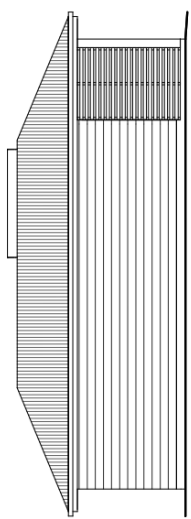
E WEST ELEVATION ratio 1:100



F EAST ELEVATION ratio 1:100



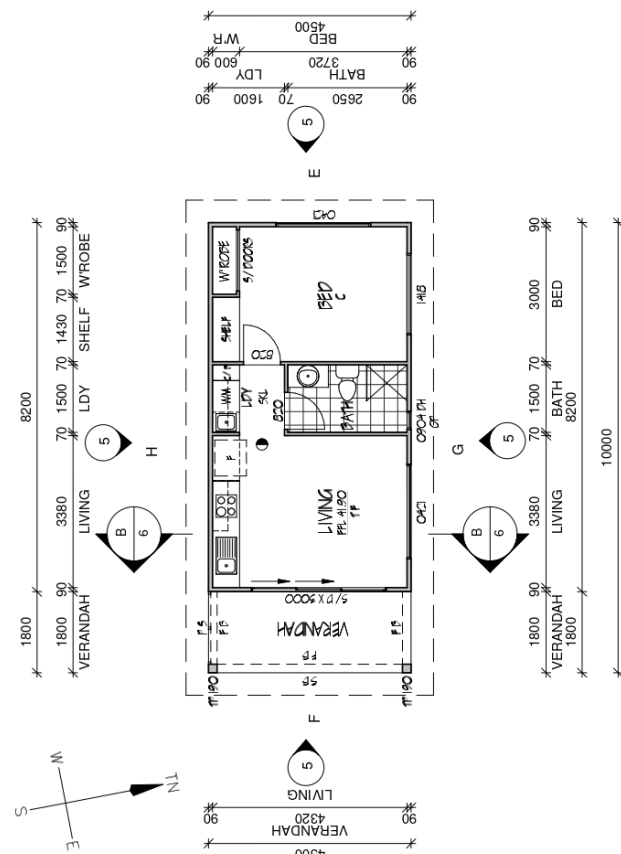
G NORTH ELEVATION ratio 1:100



H SOUTH ELEVATION ratio 1:100

SECONDARY DWELLING ELEVATIONS ratio 1:100

D+W



SECONDARY DWELLING FLOOR PLAN ratio 1:100

NOTES	
1. SMOKE ALARM TO AS 3786	
TP 180 - 180 X 180 HARDWOOD TIMBER POST	
FD - FENCE PULCH	
SD - SELECTED PEAK STEEL BEAM	
OR LAMINATED TIMBER BEAM	
TO ENGINEER'S SPECIFICATION	
SKL - TUBE TYPE SKYLIGHT	
WM - WINTER PUNCH WASHING	
MACHINE	
C - SELECTED CARPET	
TP - SELECTED TIMBER FLOOR	
PS - SELECTED PRIVACY SCREEN	

WINDOWS & DOORS	
ALUMINIUM FRAMED WINDOWS TO MANUFACTURER'S SPECIFICATION	
AS LBB AND AS 2047	
ALL GLAZING TO BE H-T SOL LOWE (U: 5.4 SHGC: 0.15-0.65)	
PH - DOUBLE HUNG WINDOW	
OP - OPAQUE GLAZING	
S/D - GLASS SLIDING DOOR	

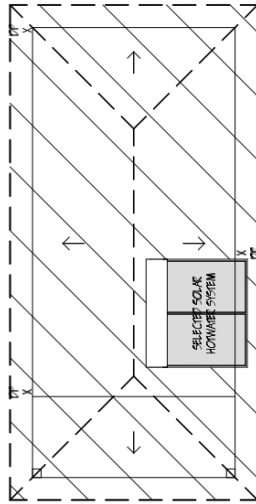
AREA	
LIVING- 36.9 sqm	
VERANDAH- 61.1 sqm	
TOTAL- 45.0 sqm	
GROSS FLOOR AREA- 34.6 sqm	

THIS DOCUMENT IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION

# SECONDARY DWELLING SUMMARY OF MINIMUM BASIC COMMITMENTS

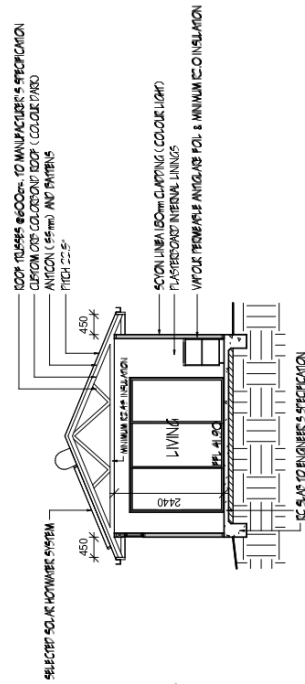
SEE PDSK CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

LANDSCAPING COMMITMENTS	100 sqm
WATER COMMITMENTS	
RATING OF ALL INSTALLED SHOWER HEADS	5 STAR (6-7.5L/MIN)
RATING OF ALL INSTALLED TOILET FLUSHING SYSTEMS	4 STAR
RATING OF INSTALLED KITCHEN TAP FIXTURES	5 STAR
RATING OF ALL INSTALLED BATHROOM TAP FIXTURES	4 STAR
ALTERNATIVE WATER COMMITMENTS	
MINIMUM RAINWATER TANK CAPACITY	4000L
MINIMUM AREA OF ROOF DRAINING TO RAINWATER TANK	65.9 sqm
CONNECT RAINWATER TANK TO:	
ALL TOILETS IN THE DEVELOPMENT	
THE COLD WATER TAP THAT SUPPLIES EACH CLOTHES WASHER IN THE DEVELOPMENT	
AT LEAST ONE OUTDOOR TAP	
THERMAL COMFORT COMMITMENTS	
INSULATION REQUIREMENTS:	
EXTERNAL POWERED WALLS	MINIMUM R2.0 INSULATION
CEILING	MINIMUM R2.45
ANTICORN (55mm) TO ROOF	
ENERGY COMMITMENTS	
HOT WATER SYSTEM	SOLAR (ELECTRIC BOOSTED)
	MINIMUM 26 TO 30 SIZES
ACTIVE COOLING SYSTEM TO:	
AT LEAST ONE LIVING AREA	CEILING FANS
AT LEAST ONE BEDROOM AREA	CEILING FANS
ACTIVE HEATING SYSTEM TO:	
AT LEAST ONE LIVING AREA	NO ACTIVE HEATING SYSTEM
AT LEAST ONE BEDROOM AREA	NO ACTIVE HEATING SYSTEM
VENTILATION TO:	
AT LEAST ONE BATHROOM	INDIVIDUAL FAN DUCTED TO FACADE OR ROOF
KITCHEN	MANUAL SWITCH ON / OFF
	INDIVIDUAL FAN DUCTED TO FACADE OR ROOF
LAUNDRY	MANUAL SWITCH ON / OFF
ALL EXHAUST FANS TO BE FITTED WITH DAMPERS COMPLYING WITH NCC	NO MECHANICAL VENTILATION
ARTIFICIAL LIGHTING	
AT LEAST 1 OF THE BEDROOMS / STUDY	DEDICATED
AT LEAST 1 OF THE LIVING / DINING ROOMS	DEDICATED
THE KITCHEN	DEDICATED
ALL BATHROOMS / TOILETS	DEDICATED
THE LAUNDRY	DEDICATED
ALL HALLWAYS	DEDICATED
ALTERNATIVE ENERGY	
INSTALL A PHOTOVOLTAIC SYSTEM WITH MINIMUM CAPACITY OF 5 PEAK KILOWATTS OF ELECTRICITY	
COOKING REQUIREMENTS	ELECTRIC COOKTOP & ELECTRIC OVEN



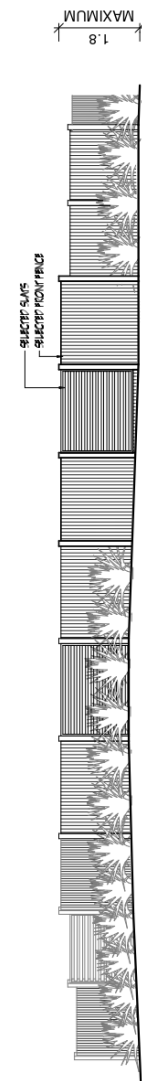
SECONDARY DWELLING ROOF LAYOUT PLAN ratio 1:100

NOTES  
 DT X - DOWNPIPE  
 Z - ROOF AREA DIVERGED TO RAINWATER TANK



NOTES  
 TRUSS DESIGN PERFORMED USING COMPUTER SOFTWARE PROVIDED BY THE TECHNICAL DIVISION WITHIN PEPA TRUSS SYSTEM  
 FOR INSULATION REQUIREMENTS REFER TO SUMMARY OF MINIMUM PDSK COMMITMENTS

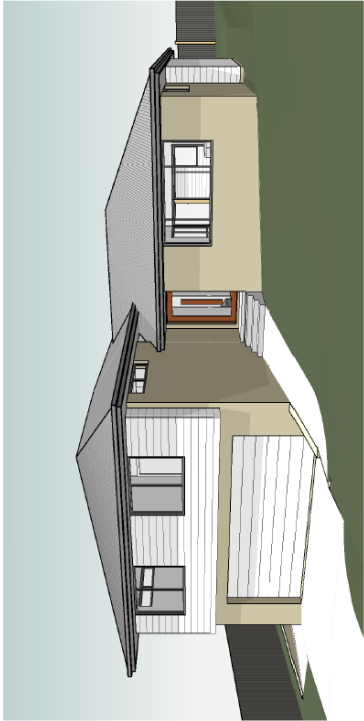
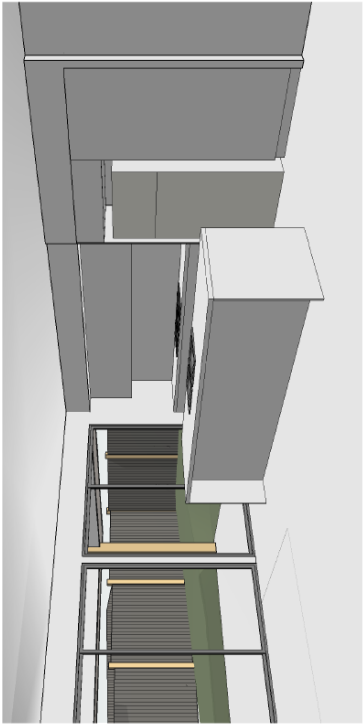
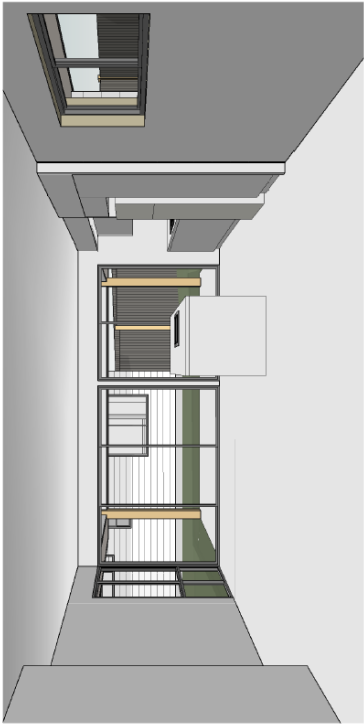
D+W



DI FRONT FENCE DETAIL ratio 1 : 100

**D+W**

C  
2  
5



11/09/2019 11:00 AM

D+W



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Bonny Hills NSW 2445  
02 65 855 455  
design@davywatt.com  
www.davywatt.com  
ABN: 87 619 308 342



**Statement of Environmental Effects  
Proposed Alteration, Addition  
& Secondary Dwelling  
at Lot 4 DP 246193  
No. 2 Kaballa Avenue  
Port Macquarie.**

1.0 Property Details

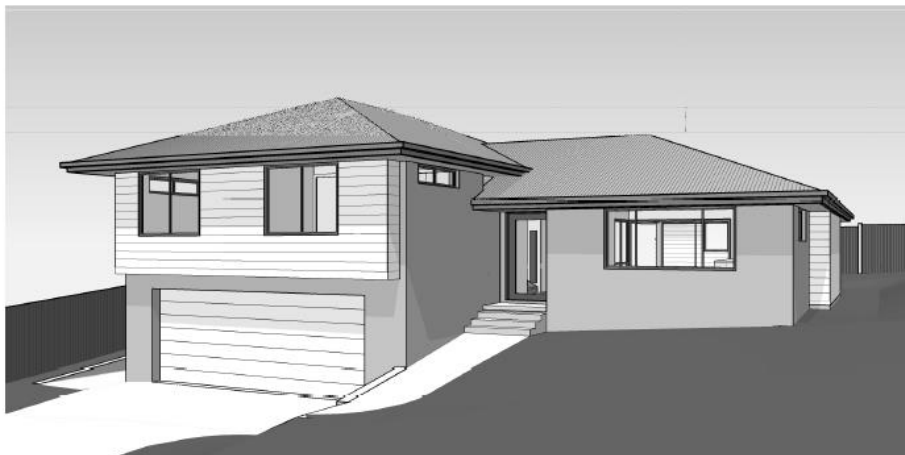
Lot No	4	Section No	-
DP No	246193	Street No	2
Street Name	Kaballa Avenue		
Suburb/Town	Port Macquarie	Postcode	2444

2.0 Proposal Description

*There is an existing split level residence and free standing shed located on the site. It is proposed to construct an alteration and addition to the existing residence, remove the existing free standing shed and construct a new secondary dwelling.*



*Figure 1: Existing split level residence with carport to be removed*



*Figure 2: Proposed alteration and addition*

3.0 Planning Information

What is the zoning of the subject land?

R1- General Residential

What is the current use of the land/building?

Existing Residence and Free Standing Shed

Is the proposal:

Permissible within the zone?

Yes  
☒No  
☐

Consistent with the zone objectives?

☒☐

Does the proposal comply with the relevant:

Development standards (i.e. FSR, heights) in the Local Environment Plan?

☒☐

*The proposed alteration, addition and secondary dwelling is subject to and compliant with Port Macquarie-Hastings Local Environment Plan 2011(LEP).*

*The lot is zoned R1- General Residential and is 714.9m<sup>2</sup>. The secondary dwelling achieves the objectives of, and is permissible within this zoning.*

*The proposed alteration, addition and secondary dwelling is compliant with clause 4.3 of the LEP. The building height of the alteration and addition to the existing residence is 6.7m from natural ground level. The building height of the secondary dwelling is 3.9m to natural ground level*

*In relation to secondary dwellings clause 5.4(9) of the LEP specifies:*

**“(9) Secondary dwellings**

*If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*

*(a) 60 square metres,*

*(b) 33% of the total floor area of the principal dwelling”*

*The proposed secondary dwelling has a gross floor area of 34.6m<sup>2</sup> and is therefore compliant with clause 5.4(9).*

Development control plan (e.g. setbacks, car parking)?

☒☐

*The site is a 714.9m<sup>2</sup> lot located on the corner of Kaballa Avenue and Kennedy Drive in Port Macquarie. It is zoned R1- General Residential and there are existing residences on the adjoining lots to the east, south, across Kaballa Avenue to the north and across Kennedy Drive to the west. The existing residence fronts Kaballa Avenue to the north which will be considered as the primary frontage for the purpose for this report. Kennedy Drive to the west will be considered as the secondary frontage. The proposed alteration, addition and secondary dwelling will be constructed with selected cladding, selected brick with selected colour finish, and a new colorbond roof. The alteration and addition will complement and be in keeping with the surrounding built environment.*

*The proposed alteration, addition and secondary dwelling is subject to the Port Macquarie Hastings DCP 2013, in particular Chapter 3.2 Low Density Residential Development. The proposed design satisfies all the objectives of the Chapter.*

**3.2.2.1- Not applicable**

Statement of Environmental Effects

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### 3.2.2.2

The existing residence fronts Kaballa Avenue to the north which will be considered as the primary frontage for the purpose for this report. Kennedy Drive to the west will be considered as the secondary frontage. The front setback to the primary frontage (Kaballa Avenue) is compliant at 5.127m and the front setback to the secondary frontage (Kennedy Drive) is likewise compliant at 4.834m. The secondary dwelling has a compliant front boundary setback of 6.2m.

### 3.2.2.3

The existing residence fronts Kaballa Avenue to the north and is setback behind an existing double metal carport (refer to Figure 1 to Figure 5). It is proposed to remove the existing carport and extend the garage with upper floor bedrooms over. This addition will include a cantilevered step-out in feature cladding projecting beyond the front of the garage by 0.45m and a roof line which will blend into the existing roof form. The garage opening will be setback 5.835m to northern boundary (Primary Frontage), will have an opening width of 5.67m which is less than 6.0m or 50% of the building width and the driveway crossover is existing.

The objectives of 3.2.2.3 are "to minimise the impact of garages and driveways on the streetscape, on street parking and amenity" and "to minimise the visual dominance of garages in the streetscape." The proposed alteration and addition satisfies these objectives though:

1. Improvement of the existing streetscape by removing the existing carport located in front of the residence.
2. Incorporating a garage opening which is in proportion to the garage and building width.
3. Constructing an alteration and addition which projects in front of the new garage with a cantilevered step-out clad with feature cladding. This provides articulation to the front building facade and will minimise the impact of the garage or perceptions of dominance of the garage opening. The roofline also projects beyond the step out.
4. The front boundary skews away from the proposed alteration and addition. The garage has a generous setback ranging from 5.490m through to 7.575m. This setback helps to minimise the impact of the garage or perceptions of dominance of the garage opening to the Kaballa Avenue streetscape.
5. Constructing an alteration and addition which is consistent in building form and materials used with the both existing residence and surrounding built environment.



Figure 3: Existing Carport to be removed



Figure 4: Proposed alteration and addition

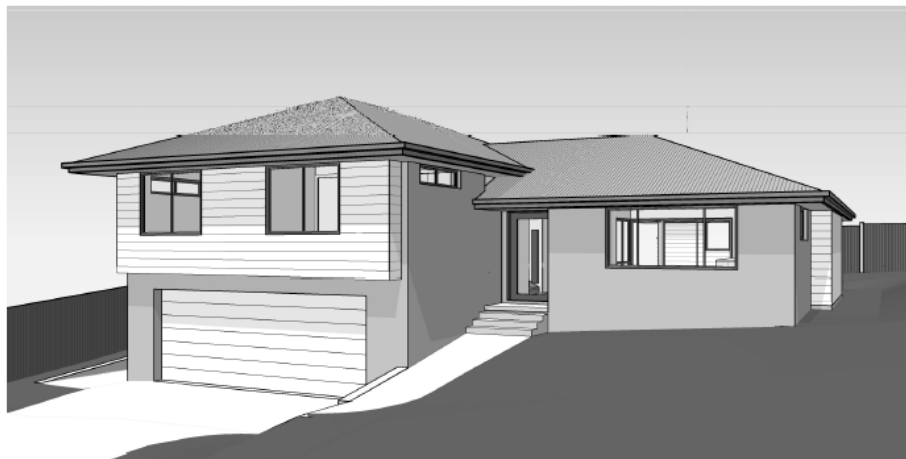


Figure 5: Proposed alteration and addition

#### 3.2.2.4

*The site is a corner lot and therefore has no rear boundary.*

#### 3.2.2.5

*The proposed alteration and addition to the existing residence has a first floor side setback of 2.406m to the eastern boundary. 3.2.2.5 (b) permits first floor side setbacks to be "900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June." Given the northern orientation of the site, the proposed generous side setback of 2.406m to the eastern boundary, the absence of principal private open space adjacent to the proposed first floor addition, and the lack of overshadowing of the adjoining residence to the east this first floor side setback is considered to achieve the objectives of and be permissible under 3.2.2.5.*

*The proposed secondary dwelling has compliant side boundary setbacks of 4.146m to the eastern boundary and 0.95m to the southern boundary.*

*There are no walls on either the proposed alteration and addition or the secondary dwelling greater than 12m in length.*



## 3.2.2.6

The proposed alteration, addition and secondary dwelling has compliant private open space within its alfresco, verandah and yard areas.

## 3.2.2.7

The proposed alteration, addition and secondary dwelling includes a front fence compliant with 3.2.2.7. The proposed fence will be a maximum 1.8m high and include panels of selected slats. It will be constructed up to the front boundary for a length of 6.0m with the remainder of the fence setback 1.0m from the boundary behind landscaping.

## 3.2.2.8

The proposed front fence includes solid panels and selected slats. It achieves the objectives of 3.2.2.8 by responding positively to the architectural character of the street and permitting casual surveillance of the street.

## 3.2.2.9- Not applicable

## 3.2.2.10

The proposed alteration, addition and secondary dwelling has been designed to protect the visual privacy of nearby residences. There are no direct views between primary indoor and outdoor living areas.

## 3.2.2.11- Not applicable

## 3.2.2.12- Not applicable

## 3.2.2.13- Not applicable

## 3.2.2.14- Not applicable

## 3.2.2.15- Not applicable

## 4.0 Site Suitability

Will the development:

	Yes	No
Affect any neighbouring residences by overshadowing or loss of privacy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in the loss or reduction of views?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impact on any item of heritage or cultural significance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in land use conflict or incompatibility with neighbouring premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be out of character with the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be visually prominent within the existing landscape / streetscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require excavation or filling in excess of 1 metre?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require the erection or display of any advertising signage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.0 Environmental Impacts

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

	Yes	No
Flooding?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Acid Sulphate Soils?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Will the proposal:

	Yes	No
Result in any form of air pollution? (smoke, dust, odour etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have the potential to cause any form of water pollution?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emit noise levels that could affect neighbouring properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be considered potentially hazardous or offensive? (refer to SEPP 33 for definitions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Affect native or aquatic habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have an impact on the threatened species or habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve the removal of trees? (if yes, detail type & number)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.0 Access, Traffic & Utilities

	Yes	No
Are electricity and telecommunications services available to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the site have access to town water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the site have access to town sewerage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Provide details of on-site parking, including numbers of spaces:

Double Garage

	Yes	No
Is lawful and practical access available to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the development increase local traffic movements and volumes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are appropriate manoeuvring, unloading and loading facilities available on site? (Turning templates may be required for medium density, commercial and industrial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

*The roof water for the secondary dwelling will be collected in a rainwater tank for reuse. The tank overflow and remaining stormwater from the residence will be disposed of to the existing stormwater outlets located in the kerb of Kaballa Avenue.*

Statement of Environmental Effects

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7.0 Social & Economic Impacts

(not applicable to new dwellings, additions or like)

8.0 Waste Disposal

Provide details of waste management and storage:

*During demolition and construction a skip bin will be located on site and emptied by an accredited service provider.*

	Yes	No
Does the proposed use generate any special wastes? (e.g. medical, contaminated)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the use generate trade wastes? (e.g. greasy or medical wastes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This Statement of Environmental Effects was written by:



Bevan Davy  
27<sup>th</sup> June 2019