



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 25 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

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

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

Delegated Authority of Panel

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

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

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

3.0 MEMBERSHIP

3.1 Voting Members

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

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

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

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

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

3.4 Member Tenure

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

3.5 Appointment of members

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

4.0 TIMETABLE OF MEETINGS

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

5.0 MEETING PRACTICES

5.1 Meeting Format

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

5.2 Decision Making

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

5.3 Quorum

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

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

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

5.6 Recording of decisions

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

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

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

8.0 LOBBYING

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

Development Assessment Panel

ATTENDANCE REGISTER

Member	24/04/19	22/05/19	12/06/19	24/07/19	28/08/19	11/09/19
Paul Drake	✓	✓	✓	✓	✓	✓
Robert Hussey	✓	✓			✓	✓
David Crofts (alternate member)			✓	✓		
Dan Croft (Group Manager Development Assessment) (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓	A ✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 25 September 2019

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 11 September 2019 be confirmed.

PRESENT

Members:

Paul Drake
Robert Hussey
Pat Galbraith-Robertson (alternate)

Other Attendees:

Michael Roberts
Jesse Dick
Mark Edenborough
Grant Burge
Anna Stricker

The meeting opened at 2:05pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Dan Croft be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

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

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

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

Speakers:
Rob Snow
Kristian Lee Prados
Peter Chapman (applicant)

CONSENSUS:

That the determination by the Development Assessment Panel (DAP) of DA2019 - 154 for demolition of existing dwelling and construction of a new dwelling and swimming pool at Lot 1 DP 612190, No.42 Lighthouse Road, Port Macquarie, be deferred to address the following:

1. The Applicant submit a more definitive stormwater management plan including details of any swales which satisfactorily addresses management of stormwater on the site and demonstrates that the proposal will not be adversely impacted by the stormwater overland flow path traversing the property or cause adverse impacts to the neighbouring properties.
2. The Applicant submit written details to provide a detailed explanation of how the stormwater management plan will work.
3. The Applicant submit updated amended development plans to reflect all details of the stormwater management proposed.
4. Council specialist stormwater assessment staff provide assessment comments of the review of the stormwater details to be submitted by the Applicant.

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

Speakers:

Andrew Crane (opposed)

Scott and Danny Chapman (applicant)

CONSENSUS:

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 and as amended below:

- Amend condition B(7) point (e) to state:

The location of a drainage system through the site for upstream stormwater run-off from neighbouring properties may be varied (but not located closer to the neighbouring boundaries) 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.

07 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

CONSENSUS:

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.

**08 DA2019 - 465.1 ALTERATIONS AND ADDITIONS TO DWELLING AND
CONSTRUCTION OF A SECONDARY DWELLING, LOT 4 DP 246193, NO. 2
KABALLA AVENUE PORT MACQUARIE**

Speaker:
George Watt

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, including the deletion of condition B(2).

09 GENERAL BUSINESS

Nil.

The meeting closed at 3:34pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(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 (ii)
 - (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.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</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.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</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.

¹ 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.

² 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

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

Applicant: K L Prados

Owner: K L Prados

Estimated Cost: \$1,350,000

Parcel no: 19402

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 was received.

The application was considered by Council's Development Assessment Panel (DAP) on 28 August 2019 and 11 September 2019 where the following was resolved:

CONSENSUS:

"That the determination by the Development Assessment Panel (DAP) of DA2019 - 154 for demolition of existing dwelling and construction of a new dwelling and swimming pool at Lot 1 DP 612190, No.42 Lighthouse Road, Port Macquarie, be deferred to address the following:

- 1. The Applicant submit a more definitive stormwater management plan including details of any swales which satisfactorily addresses management of stormwater on the site and demonstrates that the proposal will not be adversely impacted by*

the stormwater overland flow path traversing the property or cause adverse impacts to the neighbouring properties.

2. The Applicant submit written details to provide a detailed explanation of how the stormwater management plan will work.

3. The Applicant submit updated amended development plans to reflect all details of the stormwater management proposed.

4. Council specialist stormwater assessment staff provide assessment comments of the review of the stormwater details to be submitted by the Applicant."

Subsequent to the DAP meeting of 11 September 2019, in response to the above resolution the following comments are provided:

1. The Applicant has submitted an updated stormwater management plan details which satisfactorily demonstrates that stormwater can be managed on-site and not adversely impact neighbouring properties.
2. The Applicant has submitted supportive written documentation details to satisfactorily demonstrate that stormwater can be managed on-site and not adversely impact neighbouring properties.
3. The Applicant has submitted updated amended plans to reflect the amended stormwater management proposed.
4. Council specialist stormwater assessment staff have reviewed the additional stormwater details submitted by the Applicant. Updated assessment comments are provided under the 'Stormwater' section later in this report.

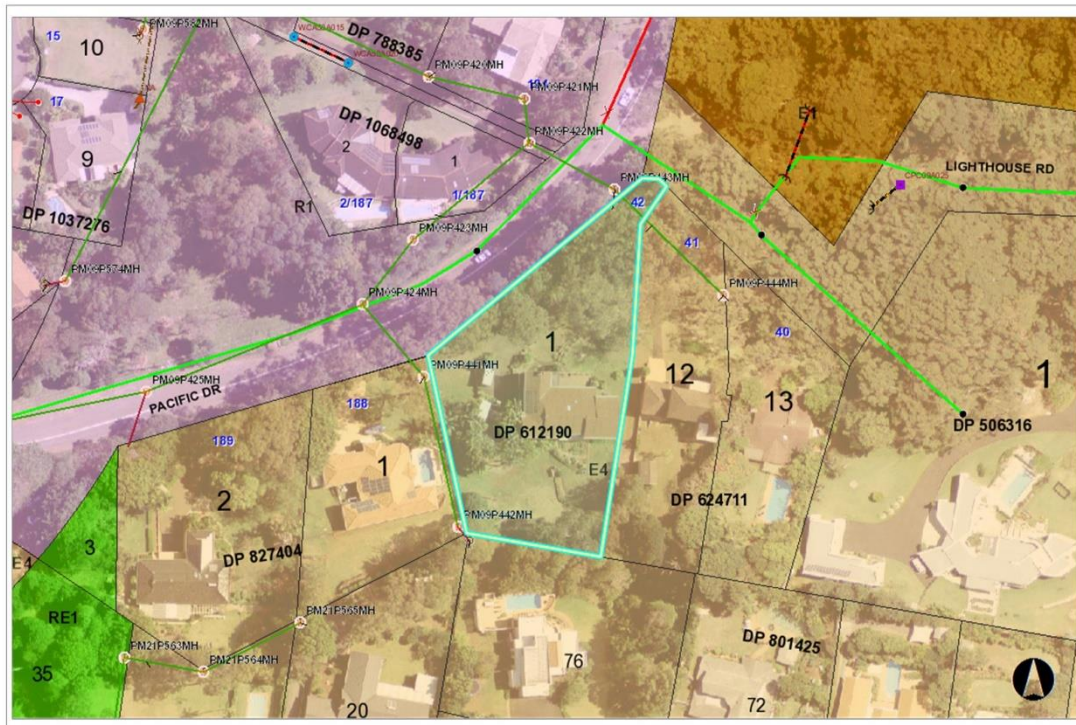
This report recommends that the subject development application as amended be approved subject to the conditions included in attachments.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 3578m².

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 for further details.

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.
- 11 September 2019 - application considered by DAP and deferred for further information.
- 16 September 2019 - amended plans and additional information received

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

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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 - 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 (DCP) in force**

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	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"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	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 setback is compliant with the minimum front setback	No. The pergola appears to be a form of off-street

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

	Requirements	Proposed	Complies
	Garage door recessed behind building line or eaves/overhangs provided	requirements. Garage door recessed.	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 analysis and provision of private open space	A minimum 5m rear setback is now proposed with the amended proposal.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	<p>The 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. 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

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains >35m ² 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"> • 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 	Detail of fencing not provided. Condition has been recommended requiring fencing details consistent with DCP be illustrated on building Construction Certificate plans.	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	Refer comments above.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc 	<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,</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

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

	Requirements	Proposed	Complies
	which have <3m side/rear setback and floor level height >1m	increasing the planter box to achieve a minimum width of 1.8m will provide sufficient privacy.	primary living and outdoor areas to the north.

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 of approximately 1.5m proposed.	No but 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.	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

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		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.	been recommended.
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)	The Narrow-leaved scribbly gum is a tree identified in as a Koala food tree. The tree is identified as dangerous and is proposed to be removed.	Consistent with the plan 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	Landscaping of parking	Single dwelling only. No	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
and 2.5.3.13	areas	specific landscaping requirements recommended.	
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

(iii) 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

Clause 92 - 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. The site is traversed by an existing natural gully and flowpath and the existing dwelling is drained to Pacific Drive via a dilapidated small diameter stormwater outlet.

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 confirmed that an overland flow path was required around/through the site to allow for the conveyance of stormwater runoff from the existing 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. The rationale for this advice was to ensure that the development did not result in any negative impacts on adjoining properties. This approach was also a means of ensuring that the stormwater flows from upstream could be safely conveyed through the development site.

An amended concept plan was subsequently prepared and submitted to DAP on 11 September 2019 and included (amongst others), the relocation of the dwelling to provide an overland flowpath, an overland flow swale around the dwelling and an extensive piped drainage system to capture and convey flows through the site. The application was further deferred at the DAP meeting on 11 September 2019 generally on the basis that the submitted stormwater plan did not include enough detail to demonstrate the specifics of flows were captured and safely conveyed through the site. At this time, the plans were also inconsistent with the architectural details accompanying the submission. A written report summarising the stormwater concept was also sought at this time.

Following the DAP meeting, Council's Senior Stormwater Engineer met with the Applicant's Engineer to discuss options/requirements for the safe and efficient drainage of the site and the submission requirements.

An amended stormwater drainage plan and accompanying report was submitted to Council on Monday 16 September 2019. The amended stormwater drainage plan incorporates the following features:

- Provision of an extensive piped drainage system and overland flow swale to capture and convey flows generated by the natural gully traversing the site. The overland flowpath component includes a 'v shaped swale' located within the 5m building setback to the south and demonstrates that freeboard of 240mm is available to the adjoining floor levels. This freeboard is considered acceptable on the basis that it represents 275% of the depth of flows modelled to occur in the 1% AEP event.
- On-site stormwater detention facilities, designed to limit post development discharge to pre-development rates.
- Twin outlets, with one being a low-flow outlet to Pacific Dr via a 225mm diameter pipeline, and a second outlet being a surcharge pit (shown as pit 8 on the plans), discharging larger flows into the downstream part of the gully traversing the adjoining property. Modelling submitted within the plans and the accompanying report indicates that discharge from the site will be marginally less than the pre-development scenario for all storm events modelled.

Subject to detailed design and modelling at S.68 application stage, the proposal would result in a lessening of the volume and rate 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 considered acceptable and no objections are raised with respect to the proposal from a stormwater perspective subject to the submission of detailed plans and calculations at S.68 application 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 Regulation

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 at the rear has been increased to a minimum 5m setback and is now compliant with the DCP.
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 location will not have any adverse impacts to the southern neighbouring dwelling to warrant requesting relocation. The tank is set much lower than the southern neighbour and there is a significant separation distance between the tank and this adjacent dwelling.

(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. Recommended DA Conditions.
- 2 [View](#). DA2019 - 154.1 Environmental Impact Statement
- 3 [View](#). DA2019 - 154.1 Amended DA Plans.
- 4 [View](#). DA2019 - 154.1 Stormwater Management Plan.
- 5 [View](#). DA2019 - 154.1 Amended Stormwater Details
- 6 [View](#). DA2019 - 154.1 Email Steggall - Scribbly Gum Tree - HBT Potential and Recommended Nest Box Offsetting
- 7 [View](#). DA2019 - 154.1 Ecology Advice - Vegetation Classification - Will Steggall
- 8 [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

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
Cover sheet	Drawing 0.1 - F	Robert Snow Architect	15 September 2019
General notes & Site location plan	Drawing 1.1 - A	Robert Snow Architect	10 March 2019
Site plan	Drawing 1.2 - E	Robert Snow Architect	13 September 2019
Lower ground floor plan	Drawing 1.3 - D	Robert Snow Architect	13 September 2019
Upper ground floor plan	Drawing 1.4 - B	Robert Snow Architect	13 September 2019
Roof plan	Drawing 1.5 - B	Robert Snow Architect	13 September 2019
Lower GR. FL. Reflected ceiling PL.	Drawing 1.6 - C	Robert Snow Architect	13 September 2019
Upper reflected ceiling PL. Reflected ceiling PL.	Drawing 1.7 - B	Robert Snow Architect	13 September 2019
Sections 1 & 2	Drawing 2.1 - B	Robert Snow Architect	13 September 2019
Sections 3 & 4	Drawing 2.2 - B	Robert Snow Architect	13 September 2019
East & West Elevation	Drawing 3.1 - B	Robert Snow Architect	13 September 2019
North & South Elevation	Drawing 3.2 - C	Robert Snow Architect	13 September 2019

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

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3D views	Drawing 3.3 - A	Robert Snow Architect	10 September 2019
Solar shading views	Drawing 3.4 - A	Robert Snow Architect	10 March 2019
Window schedule	Drawing 4.1 - B	Robert Snow Architect	13 September 2019
Door schedule	Drawing 4.2 - B	Robert Snow Architect	13 September 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
Stormwater drainage plan	7419 - 001 - 001 to 004	Hopkins Consultants	16 September 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:

- 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 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.

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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).

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

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

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- (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 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.

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Development Consent - Development Application 010.2019.00000154.001
Demolition of Existing Dwelling and Construction of New Dwelling and Swimming Pool

Page 7 of 7

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 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.

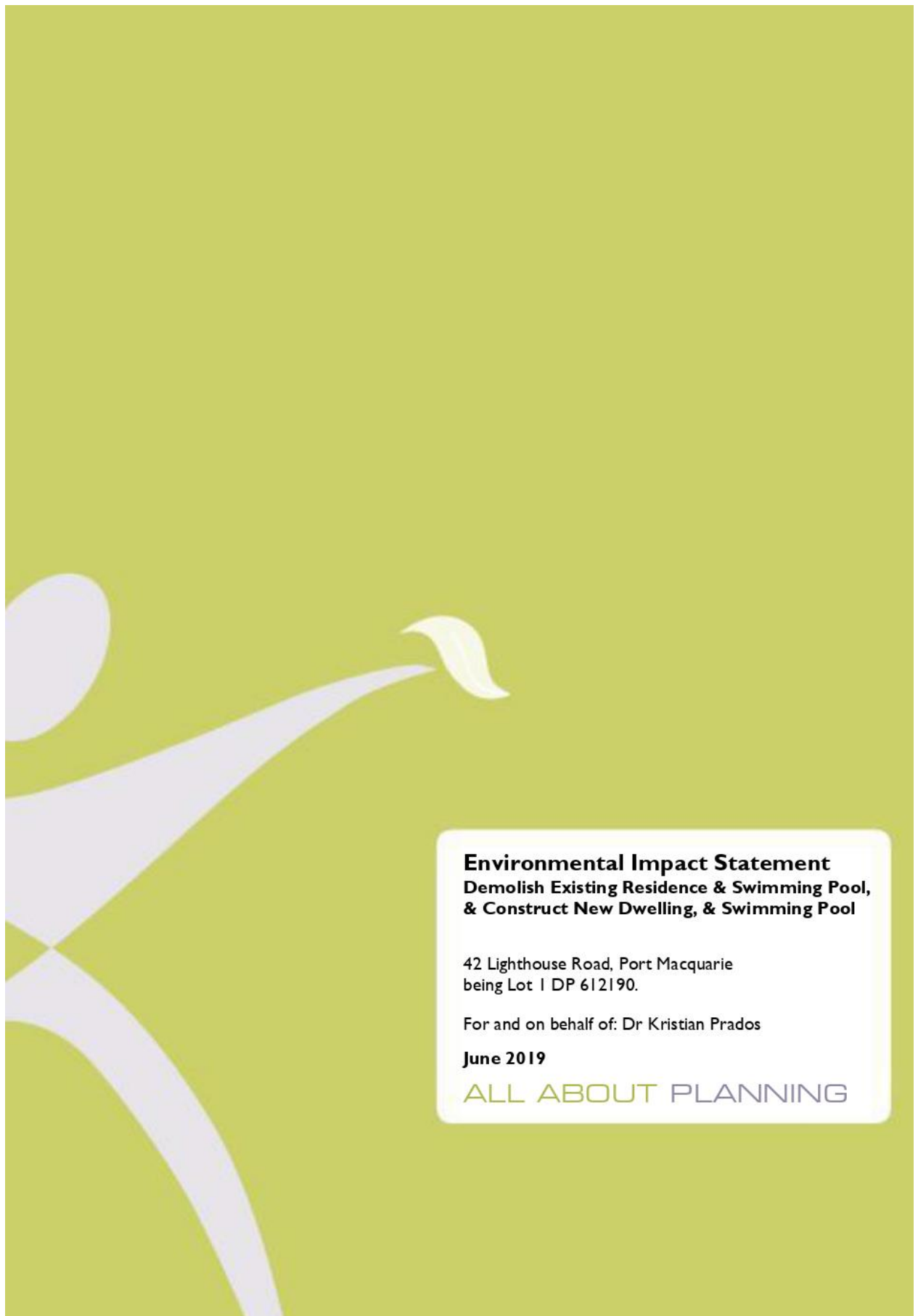
Rights of Appeal

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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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 3,578m².

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



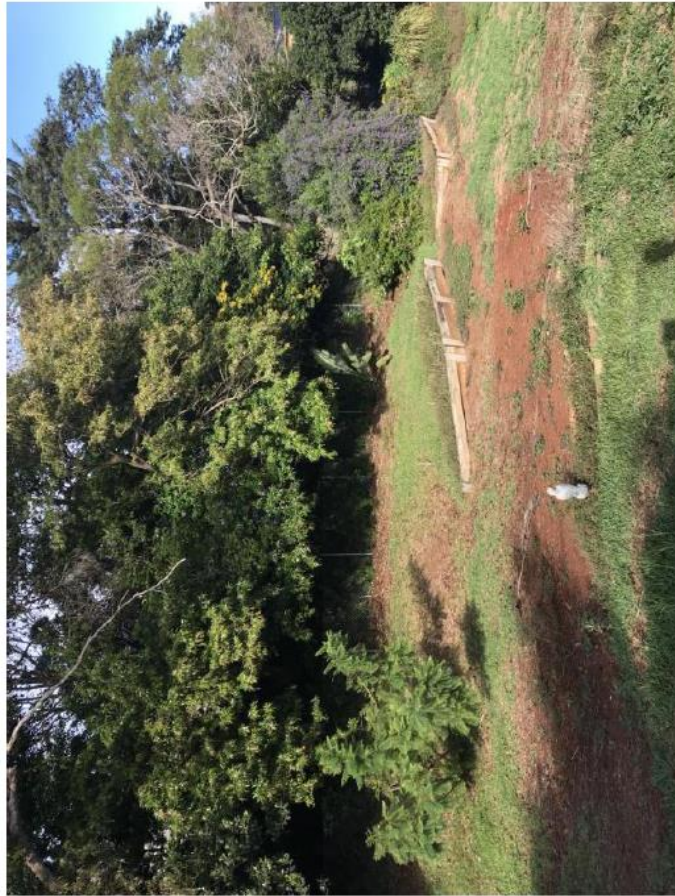
Figure 4: Existing Shared Vehicular Accessway. Source All About Planning

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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 vegetation overhanging fence and existing rear yard with exotic plantings Source All About Planning



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3. Proposed Development

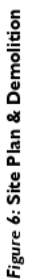
As the architectural drawings by Robert Snow Architect submitted with the Development Application show, the existing residence, swimming pool and ancillary buildings are to be demolished and debris removed in accord with Council requirements. Part of the existing driveway will be retained and one section 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)



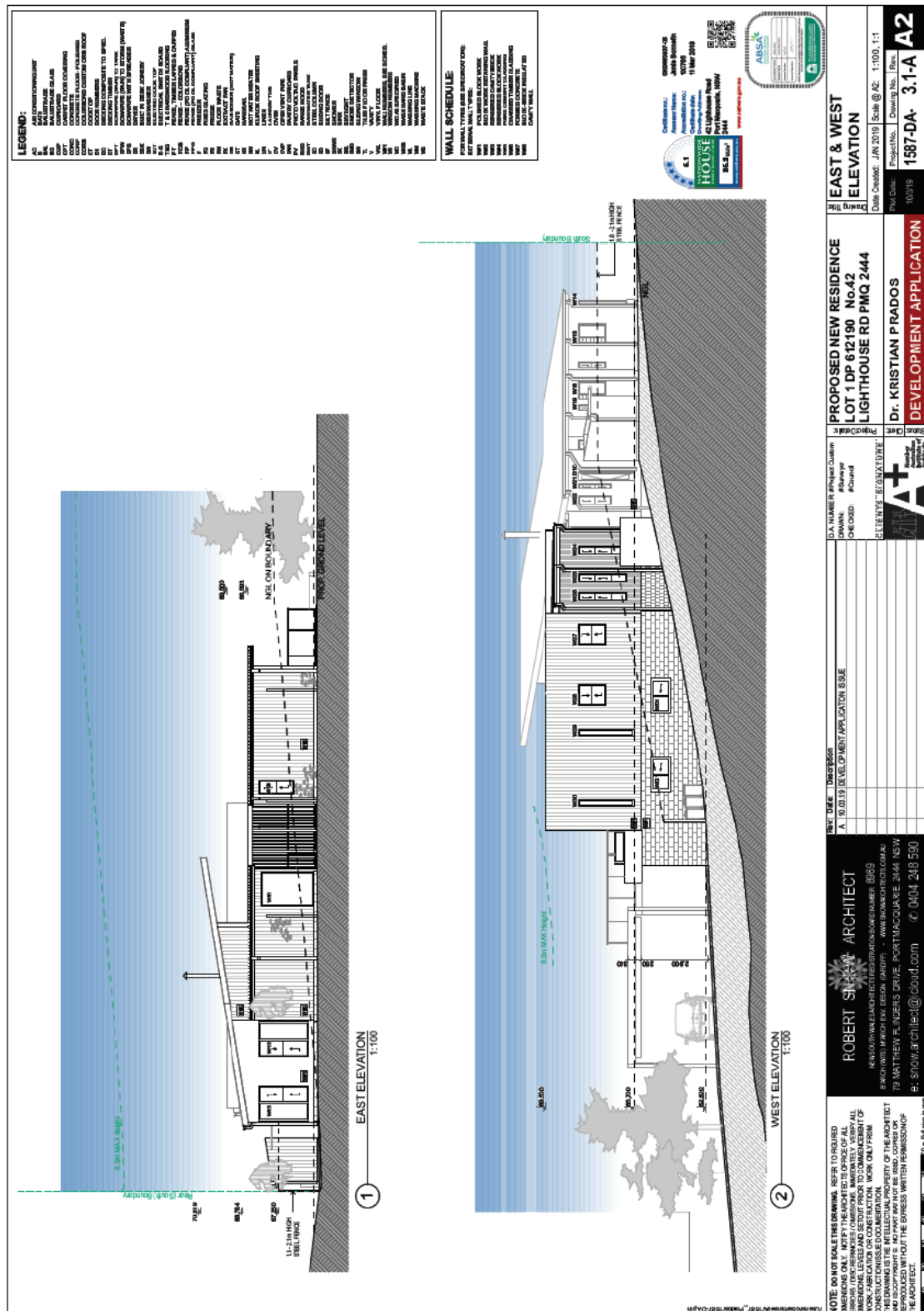
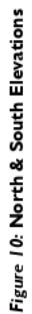


Figure 9: East & West Elevations





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 1st 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

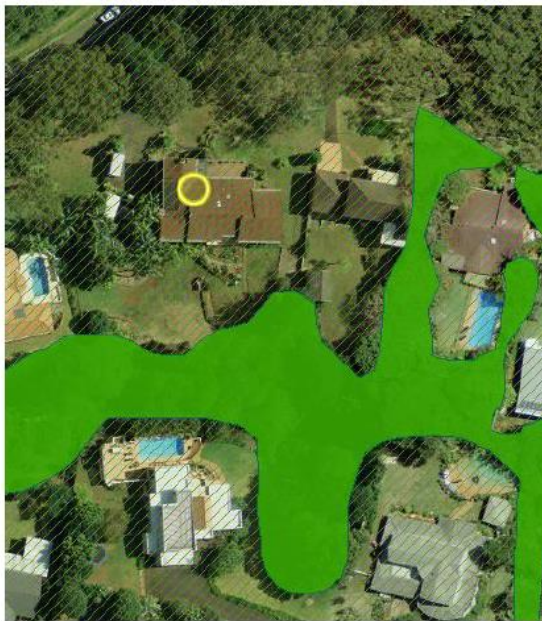
Regulations under the EPA Act 1979 have established the BASIX scheme to encourage sustainable residential development. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme

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

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

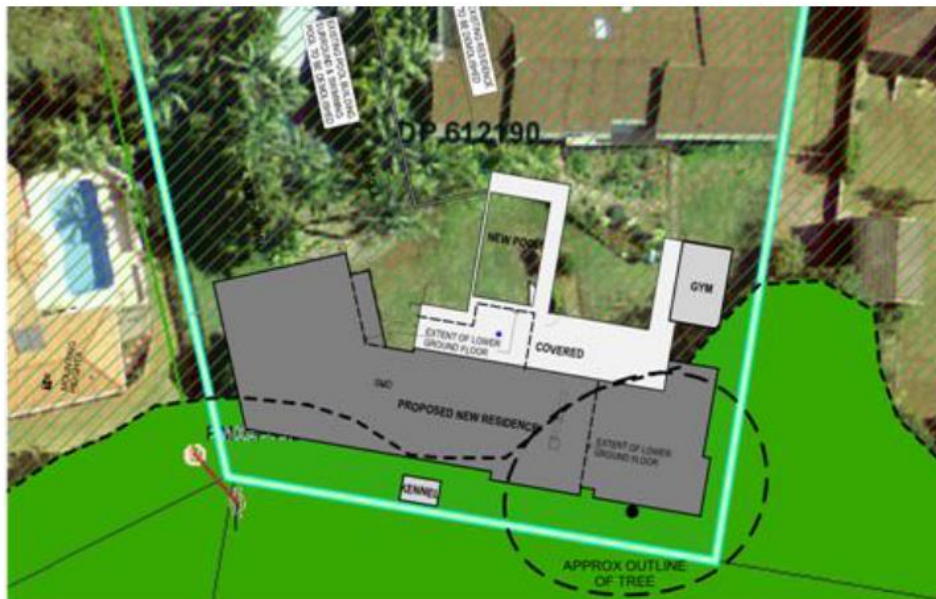


Figure 13: Aerial View overlaid with proposed Development and mapped Littoral Rainforest boundary.
Source: Prados & Snow Architects



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.

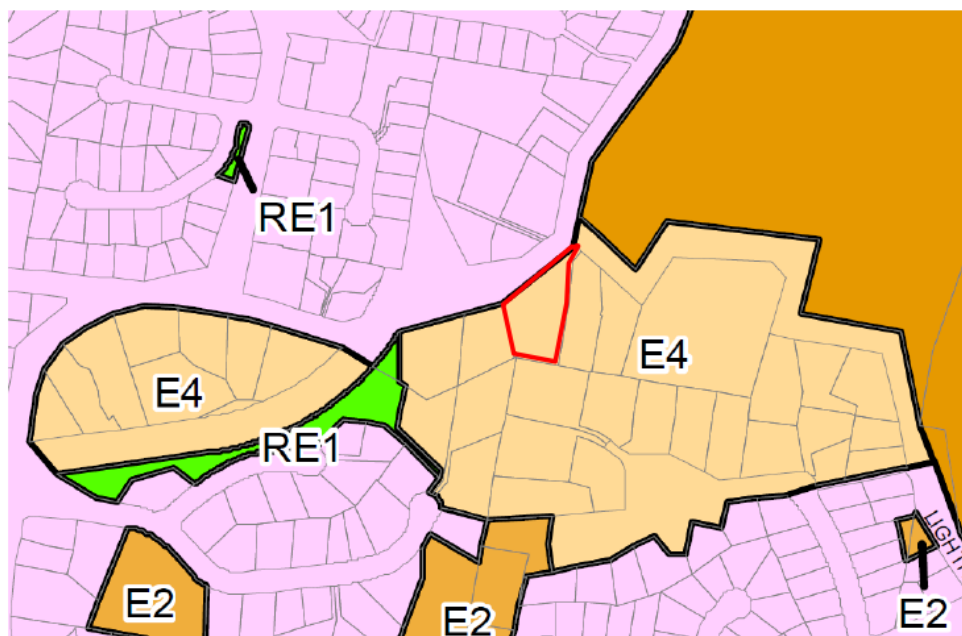


Figure 16: Zone with subject site highlighted. Source PMH LEP 2011 Map LZN_013G

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
2.3.3.1 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	X	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.
2.3.3.2 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.	✓	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.
2.3.3.5 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.	✓	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.
2.3.3.7 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>2.3.3.8 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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Objectives	Development Provisions	Complies Yes/No	Comment
	International Society of Arboriculture) results in a long term rating of more than 10.		
2.3.3.9 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"> 1. Does not have any major structural defects or is suffering from disease that would lead to premature death; and 2. Is from the same vegetation community and same genus; and 3. Are to be located within environmental lands and managed in accordance with a VMP; and 4. Have a DBH of 50cm or greater and do not possess hollows. For Blackbutt Eucalyptus pilularis a DBH of 100cm or greater applies. <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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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>2.4.3.4 Bushfire Hazard Protection - 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>2.4.3.6 Stormwater - 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>2.5.3.3 Parking provision - 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>

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">• an entry feature or portico,• a balcony, deck, patio, pergola, terrace or verandah,• a window box treatment,• a bay window or similar feature,• an awning or other feature over a window,• a sun shading feature. <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	<div>✓</div> <div>✓</div>	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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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>✓</div> <div>✓</div>	the locality.
3.2.2.4 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>

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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>3.2.2.5 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>3.2.2.6 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 35m² 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>3.2.2.7 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"> • A maximum of 1.2m in height, and 	<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"> • Setback 1.0m from the front boundary, and • Suitably landscaped to reduce visual impact, and • Provide a 3m x 3m splay for corner sites. <p>c) Where a front fence is proposed to be more than 1.2m high:</p> <ul style="list-style-type: none"> • be a maximum of 1.8m in height, above existing front property boundary level, and • either: <ul style="list-style-type: none"> • 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 • be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, • have openings which make it not less than 25% transparent; • provide a 3m x 3m splay for corner sites, and • provide a 900mm x 900mm splay for vehicle driveway entrances. 	✓	<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>3.2.2.10 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"> • ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling; • other floor windows are within a 12m radius; • 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. • A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary and is greater than 3m² and more than 1m above ground level. 	✓	<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 3578m² 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.

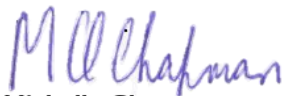
This proposal will not have a significant environmental impact on threatened species, populations or their habitats, and no threatened flora species were detected. The direct impact to the environment to achieve this development will be minimal providing the methods and safeguards as conditioned in Council's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

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

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

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	

STATUS:		C = CONSTRUCTION; CC = CONSTRUCTION CERTIFICATE; CDC = COMPLYING DEVELOPMENT CERTIF. DA = DEVELOPMENT APPLICATION; PA = FOR APPROVAL; P = PRELIMINARY; S68 = S68 SUBMISSION;	
REVISION:		DATE: DATE: 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

SITE LOCATION PLAN
1:1000

GENERAL NOTES & SITE LOCATION PLAN

Project No. 1587-DA-1.1-A
Drawing No. 1.1-A
Scale @ A2: 1:1, 1:1000
Date Created: JAN 2019
Project No. 1587-DA-1.1-A
Drawing No. 1.1-A
Scale @ A2: 1:1, 1:1000

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
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Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

WALL SCHEDULE:

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

ROOF RAINWATER:

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS ACT 2006/REGISTRATION NUMBER 8869
EACH WITH A MEMBER OF THE ARCHITECTS BOARD OF NEW SOUTH WALES
79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE, 2444 NSW
e: snow.architect@cloud.com o: 0404 248 590

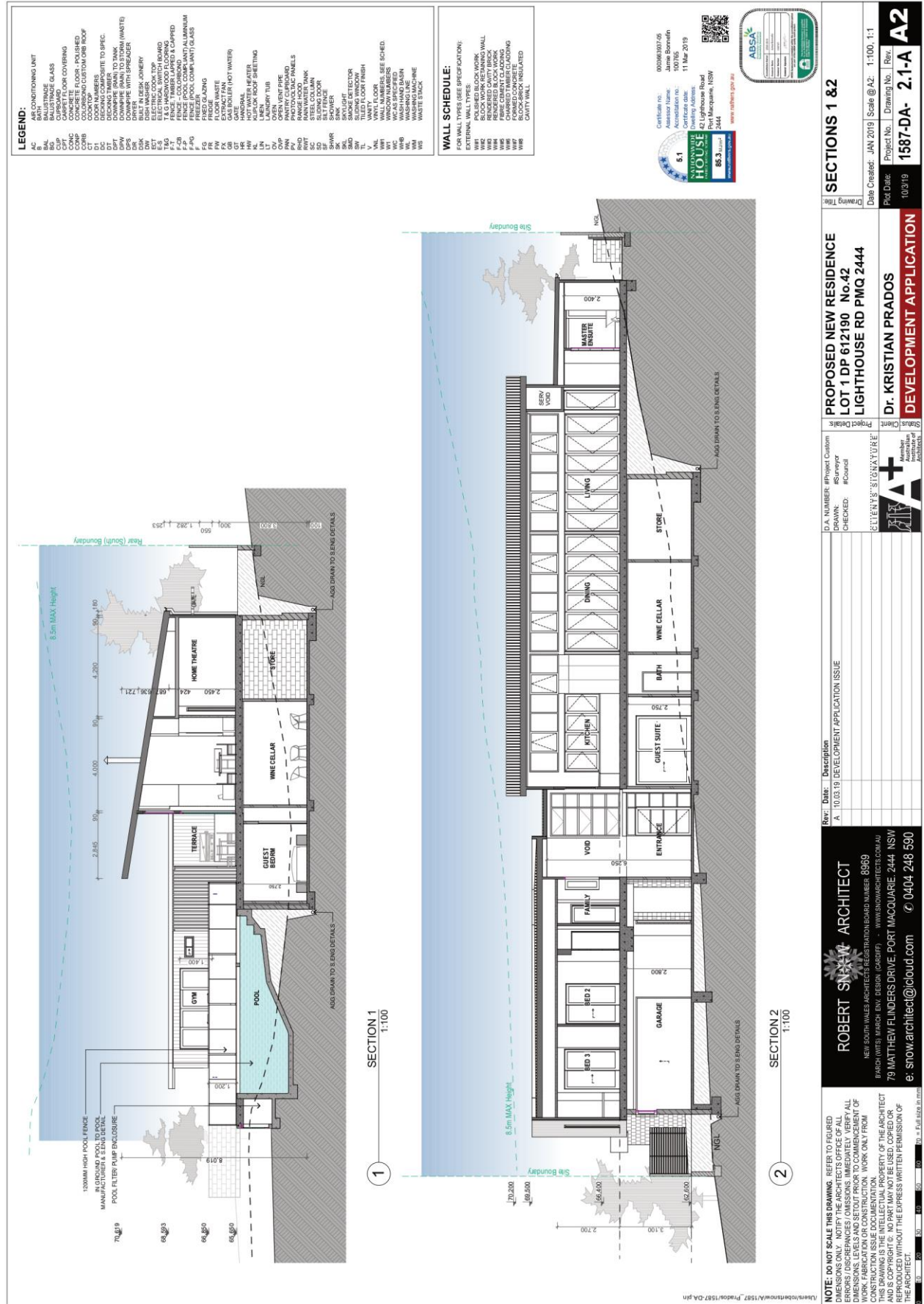
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2	Foundation	1	Lot	1.00
3	Structure	1	Lot	1.00
4	Roofing	1	Lot	1.00
5	Interior Finishes	1	Lot	1.00
6	Exterior Finishes	1	Lot	1.00
7	Landscaping	1	Lot	1.00
8	Services	1	Lot	1.00
9	Other	1	Lot	1.00
10	Total	10	Lot	10.00

Dr. KRISTIAN PRADOS
DEVELOPMENT APPLICATION

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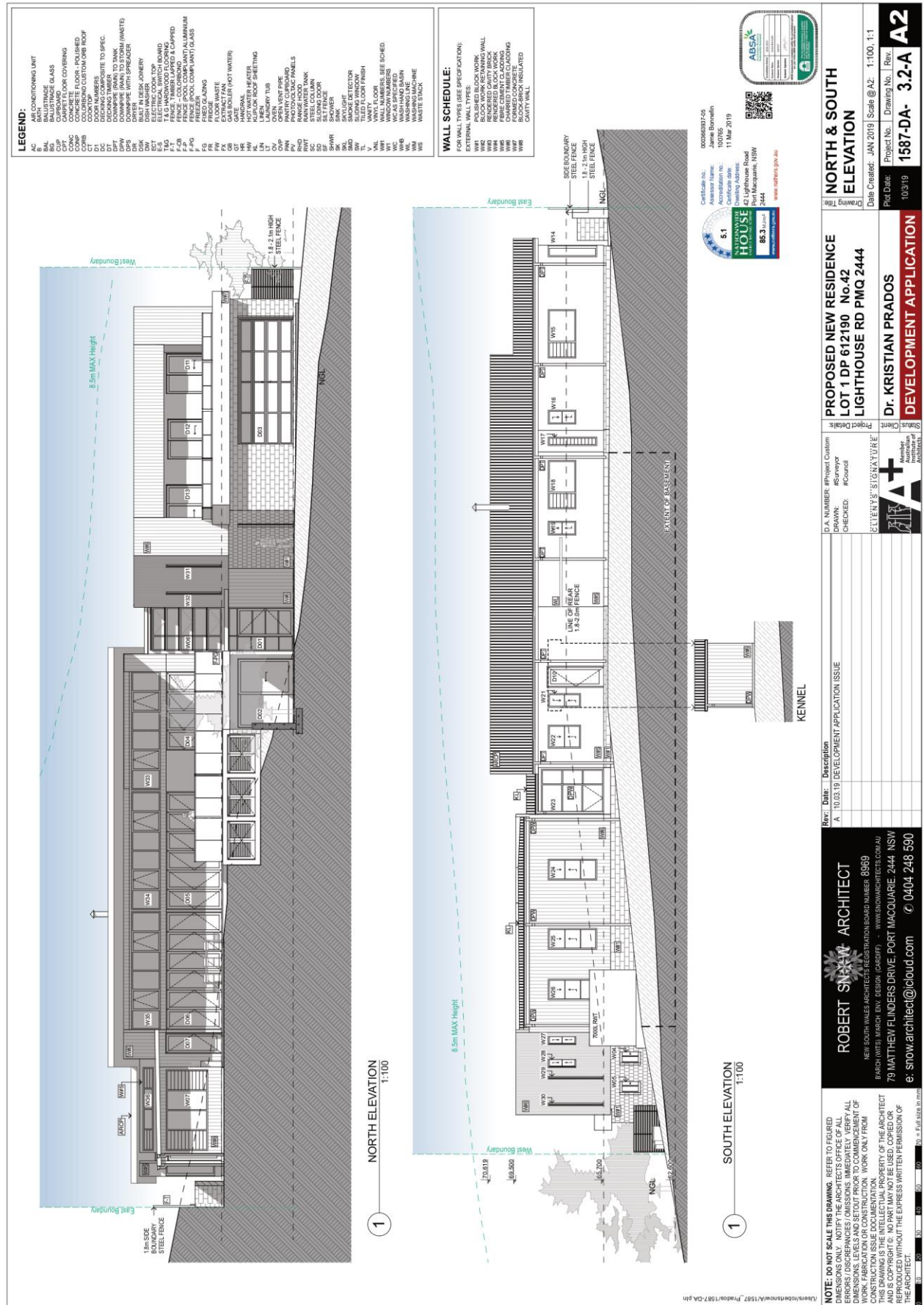




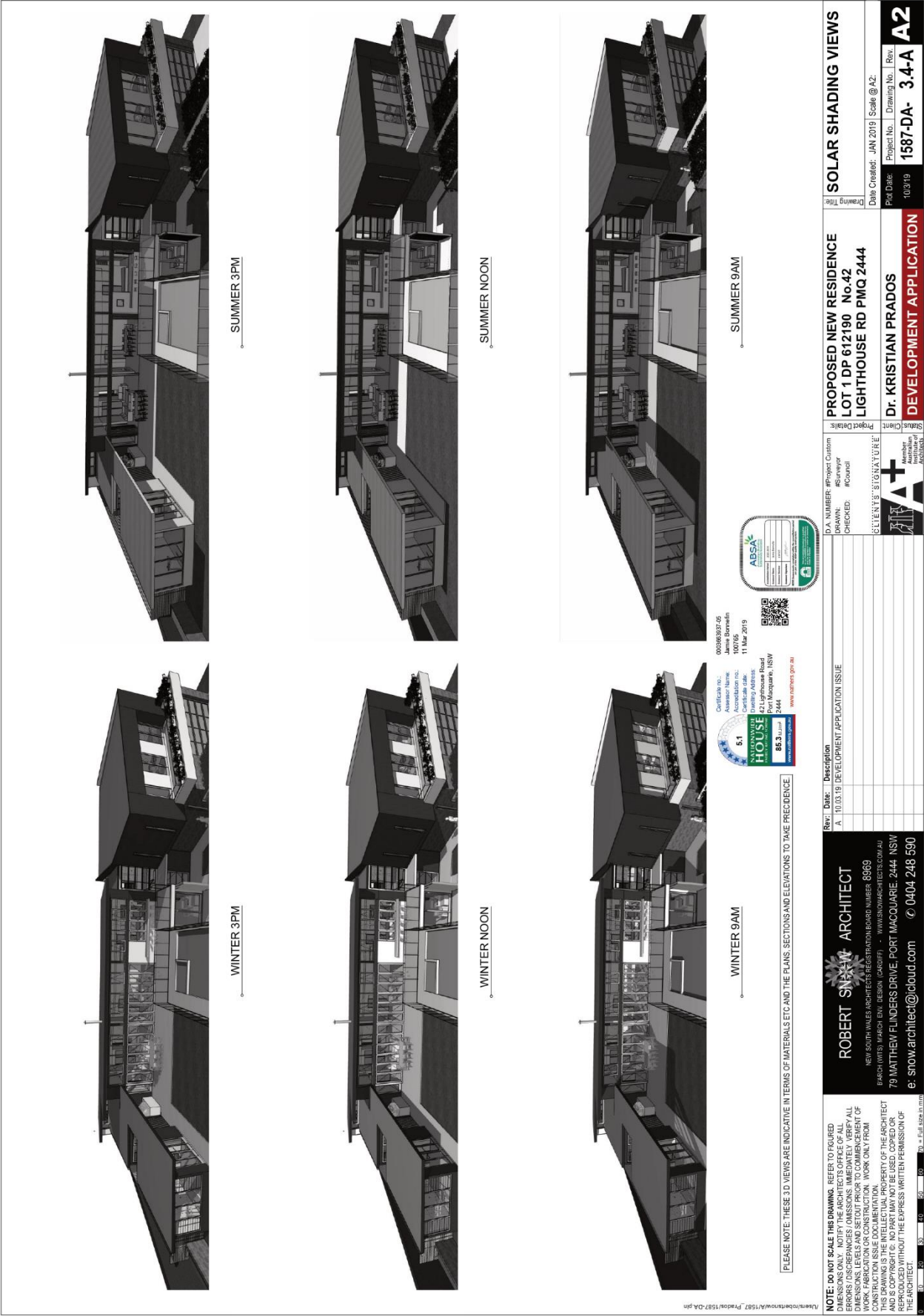












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Attachment 3

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



Sustainable Partners

Friday, 24th 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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QLD 4209

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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 3500m² 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.

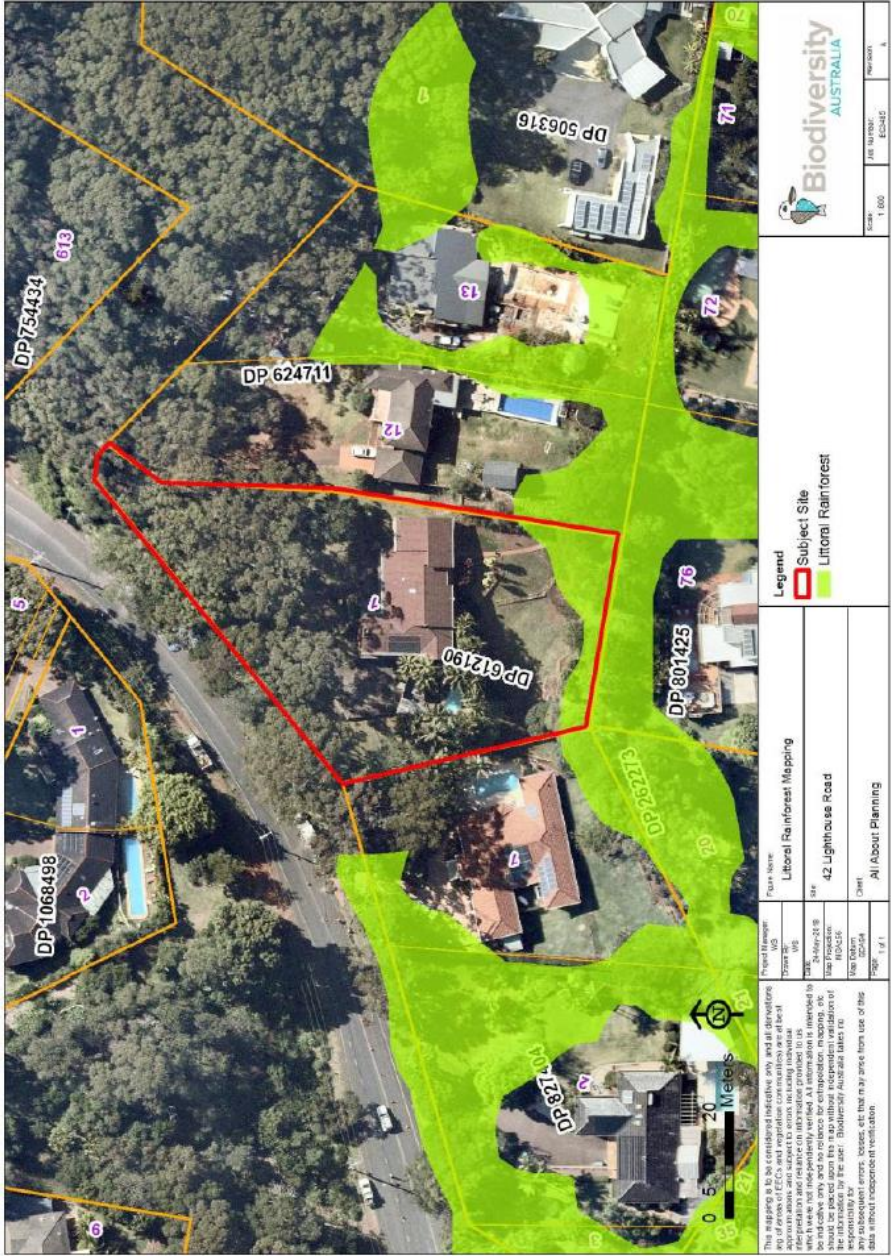
The aim of this report is to provide an accurate representation of the current vegetation present on the site and determine if the Littoral Rainforest mapping on the site and adjoining land to the south is appropriate.

Figure 1: Location of the Subject Site





Figure 2: Coastal Management SEPP Littoral Rainforest mapping on the 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 16th 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

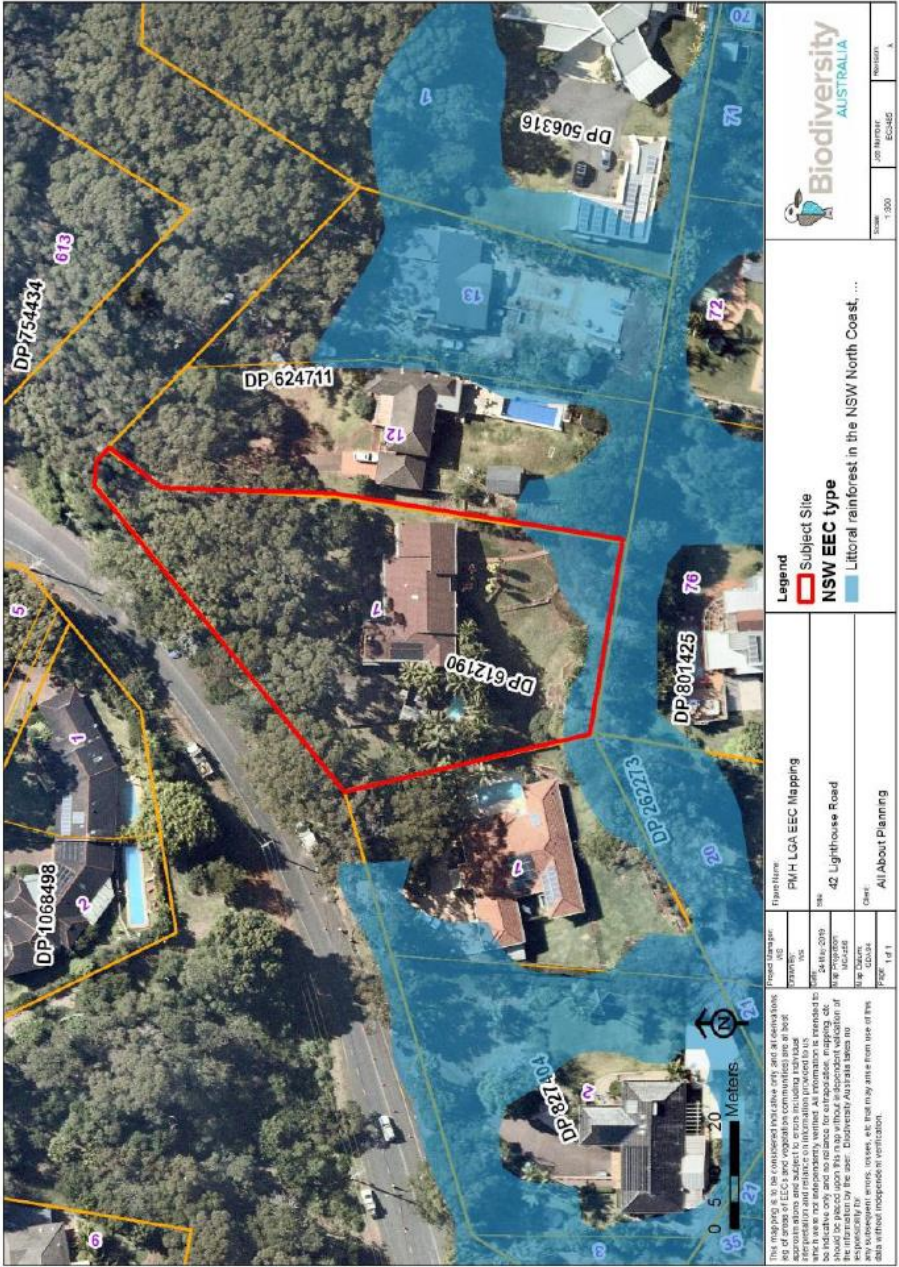
3.1. Desktop Search

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.

Figure 3: PMH LGA EEC mapping





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: 270m²

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.



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

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



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.

DEWHA (2009b). Littoral Rainforest and Vine Thickets of Eastern Australia: EPBCA 1999 – Policy Guide 3.9. Department of Environment, Water, Heritage and the Arts, Canberra.

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	20.06.19	30.08.19	10.09.19	15.09.19
01-B	COVER SHEET		A	B	C	D	E	F
11-A	GENERAL NOTES & SITE LOCATION PLAN		A					A
12-B	SITE PLAN		A	B	C	D	E	
13-B	LOWER GROUND FLOOR PLAN		A	B	C			D
14-A	UPPER GROUND FLOOR PLAN		A					B
15-A	ROOF PLAN		A					B
16-B	LOWER GR. FL. REFLECTED CEILING PL.		A	B				C
17-A	UPPER GR. FL. REFLECTED CEILING PL.		A					B
21-A	SECTIONS 1 & 2		A					B
22-A	SECTIONS 3 & 4		A					B
31-A	EAST & WEST ELEVATION		A				B	
32-A	NORTH & SOUTH ELEVATION		A				B	C
33-A	3D VIEWS		A					A
34-A	SOLAR SHADING VIEWS		A					A
41-A	WINDOW SCHEDULE		A					B
42-A	DOOR SCHEDULE		A					B

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; FA = FOR APPROVAL; P = PRELIMINARY; S68 = S68 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
REV: D	30.08.2019 DA COUNCIL, CLIENT AND DESIGN TEAM
REV: E	10.09.2019 DA COUNCIL, CLIENT AND DESIGN TEAM
REV: F	15.09.2019 DA COUNCIL, CLIENT AND DESIGN TEAM



ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 8869

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

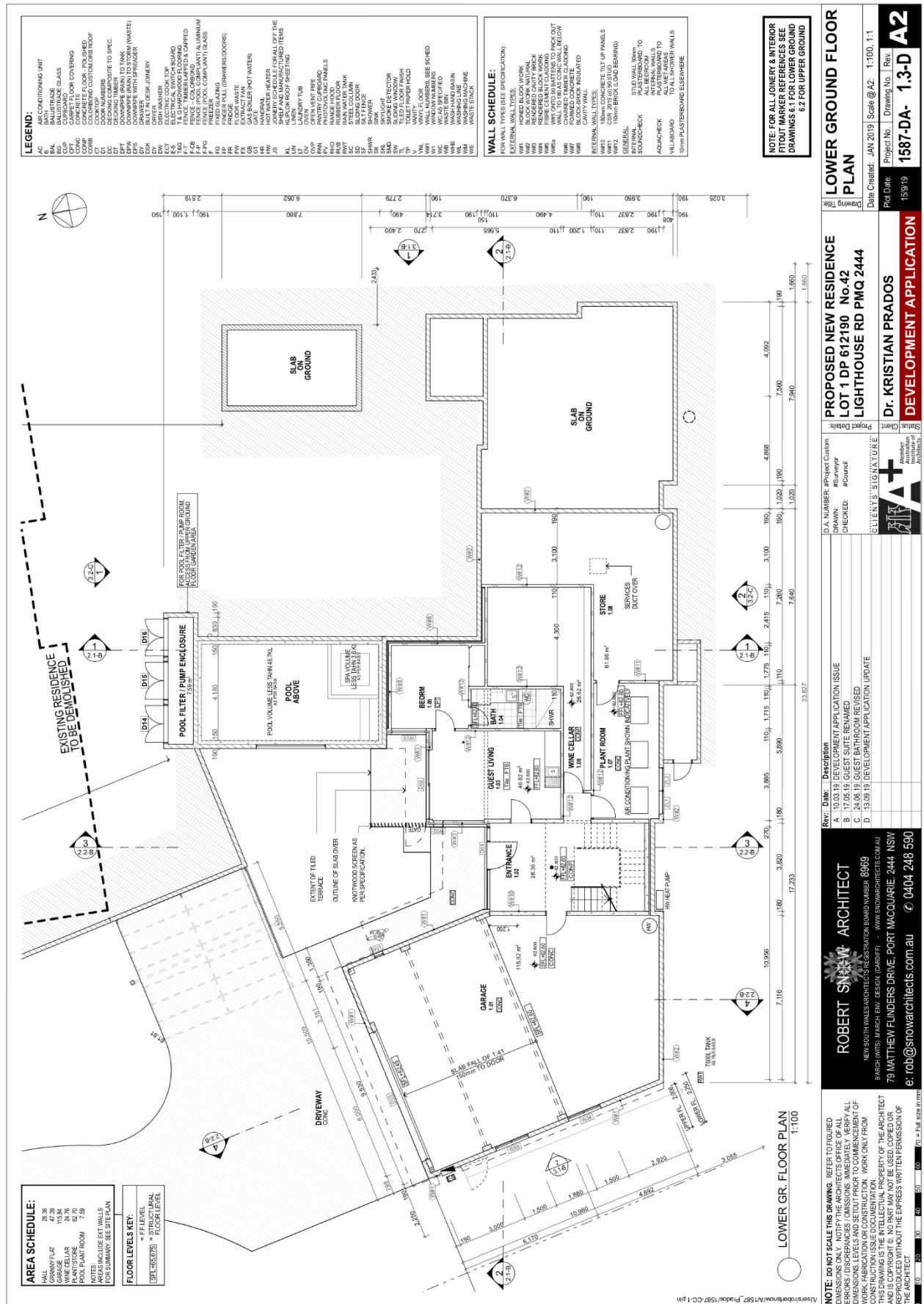
CLIENT: DR. KRISTIAN PRADOS

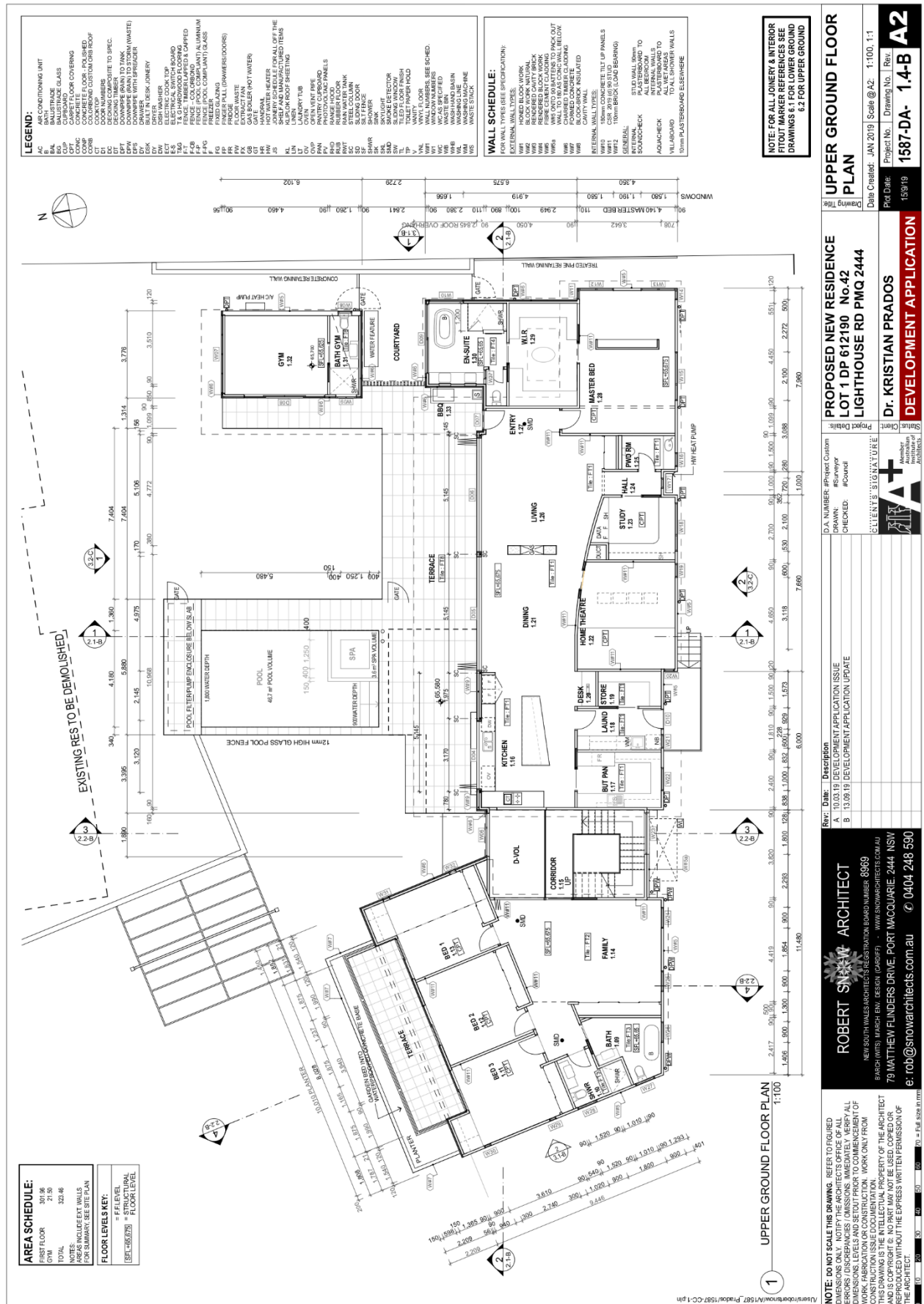
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Proj Date: 15/09/19
Project No: 1587-DA-
Drawing No: 0-1-F
Rev: A2

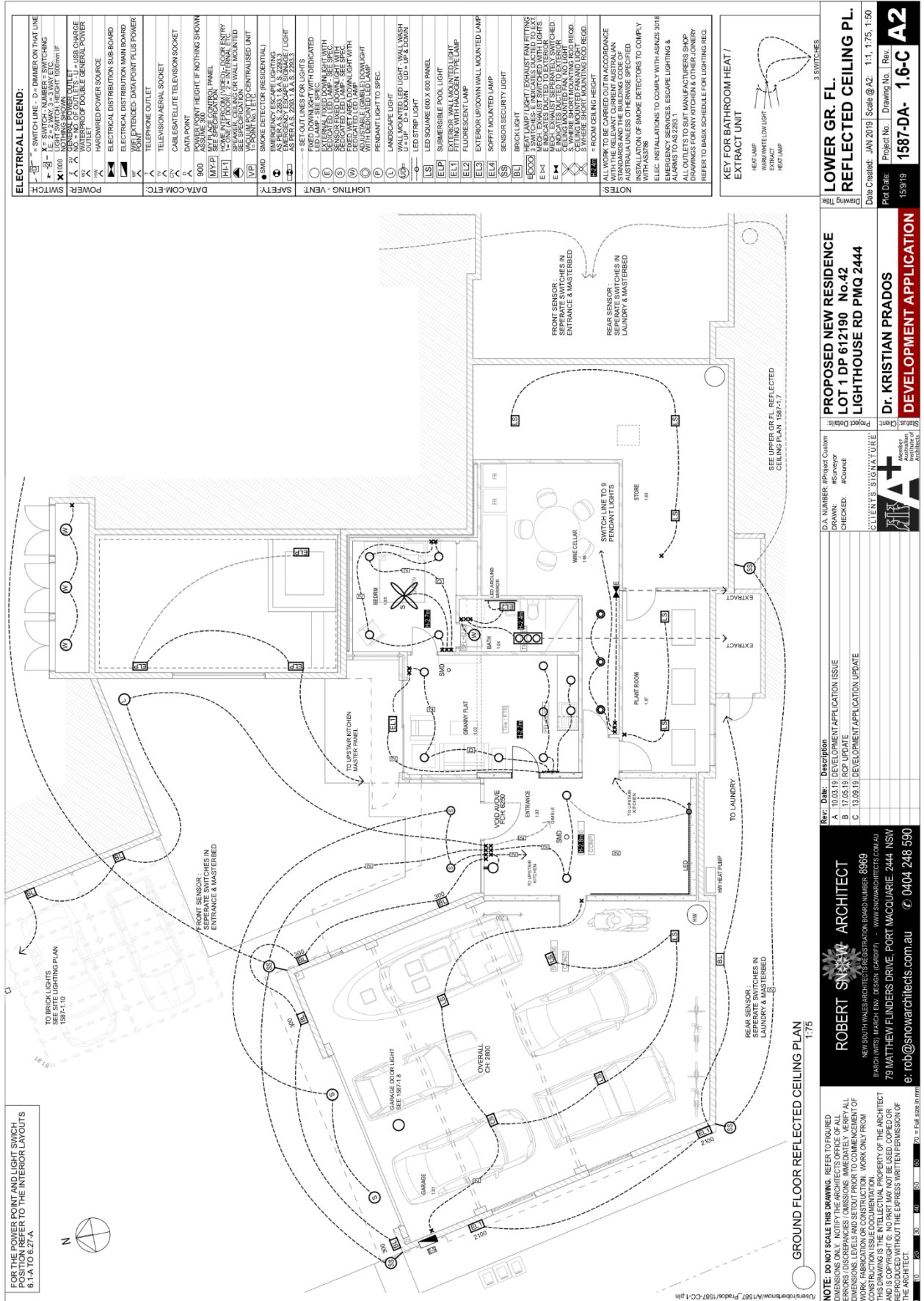
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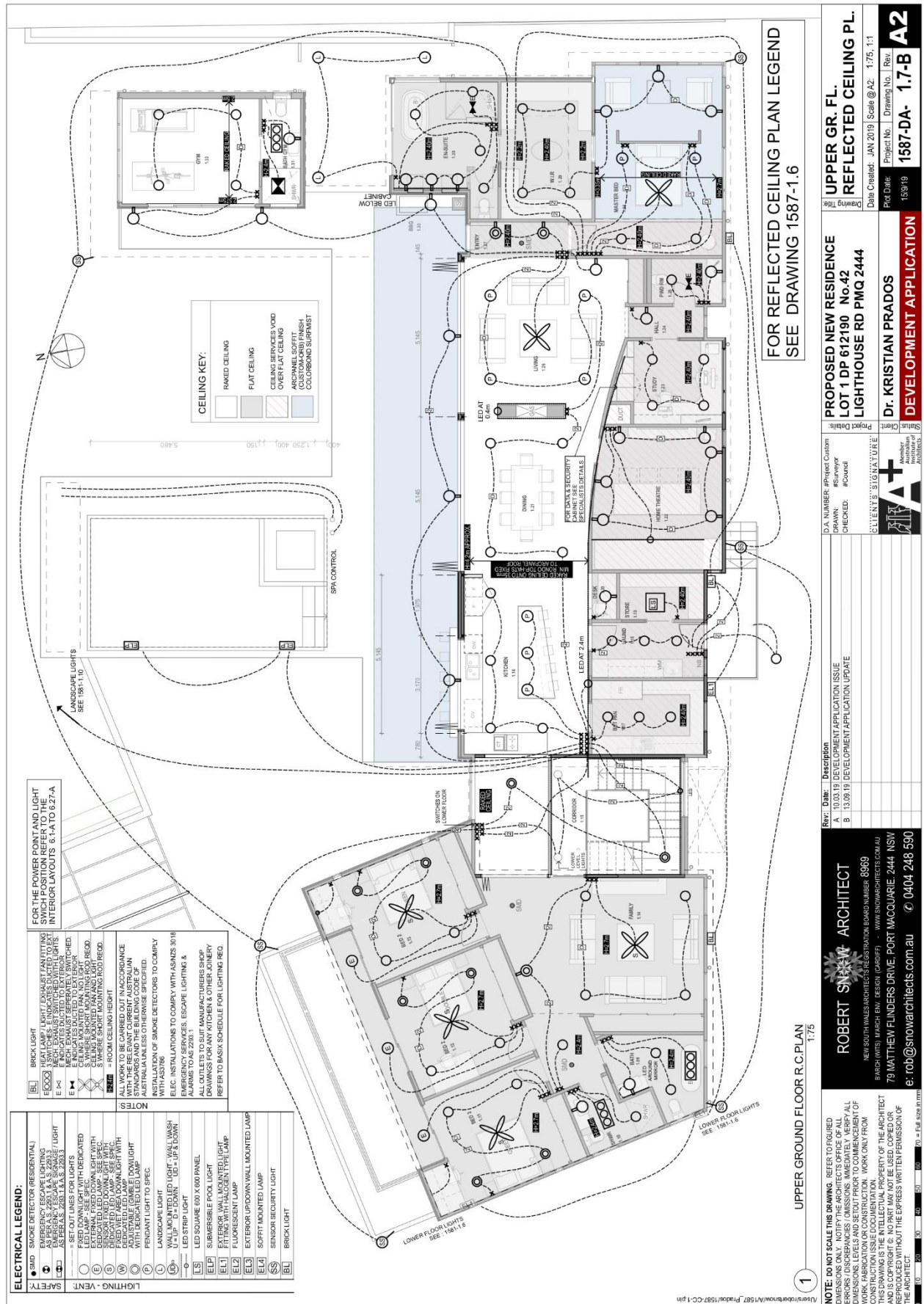
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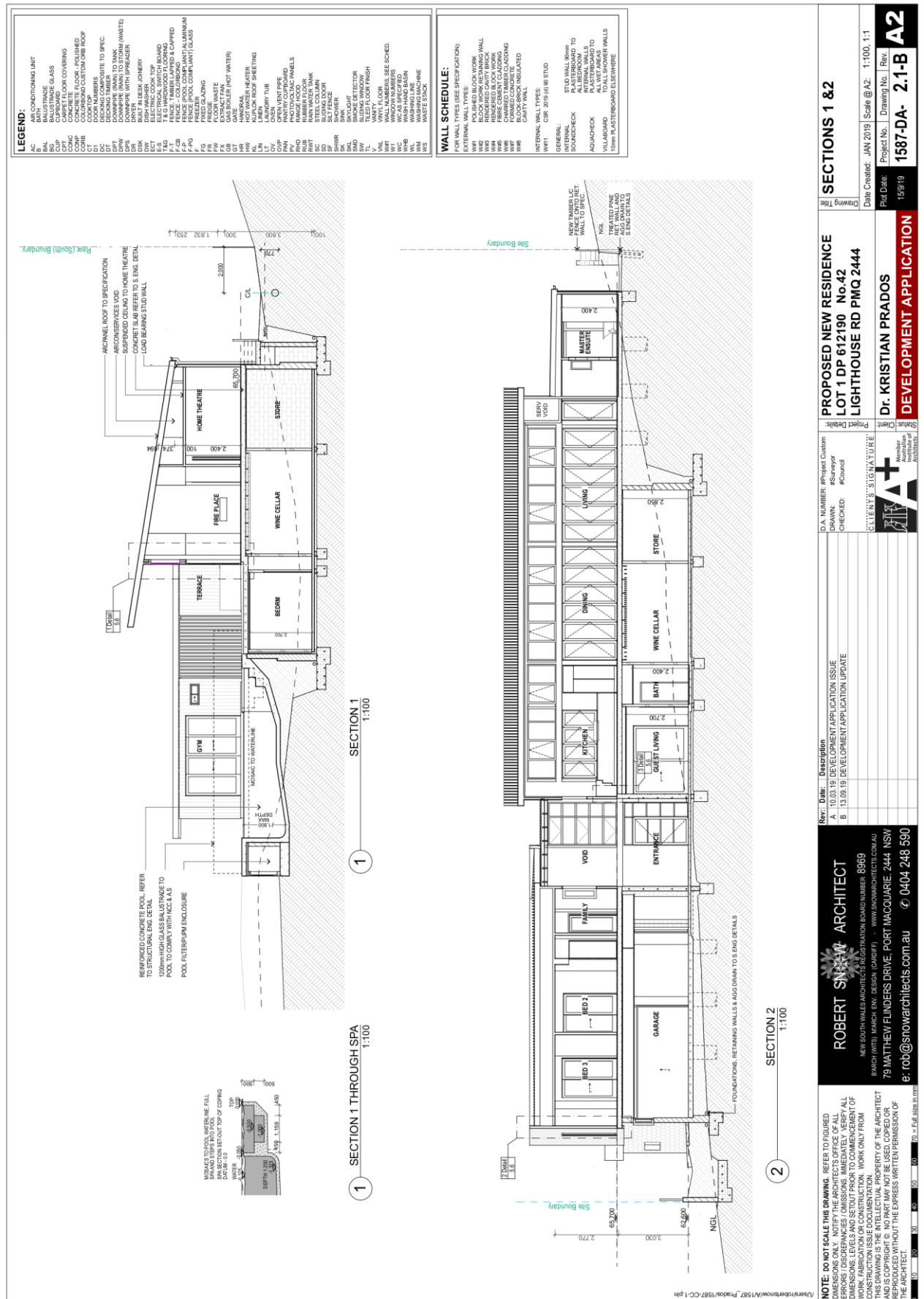


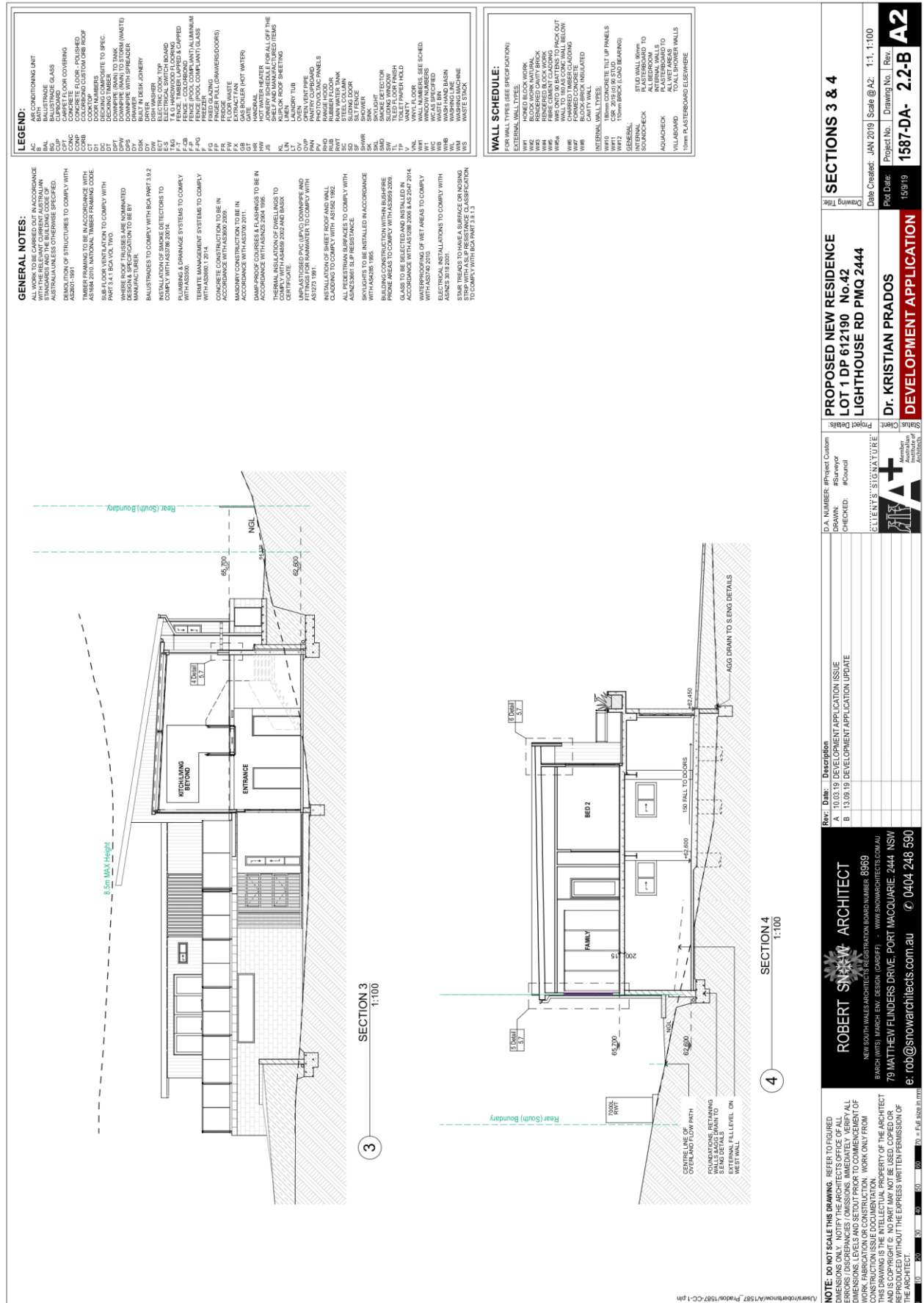


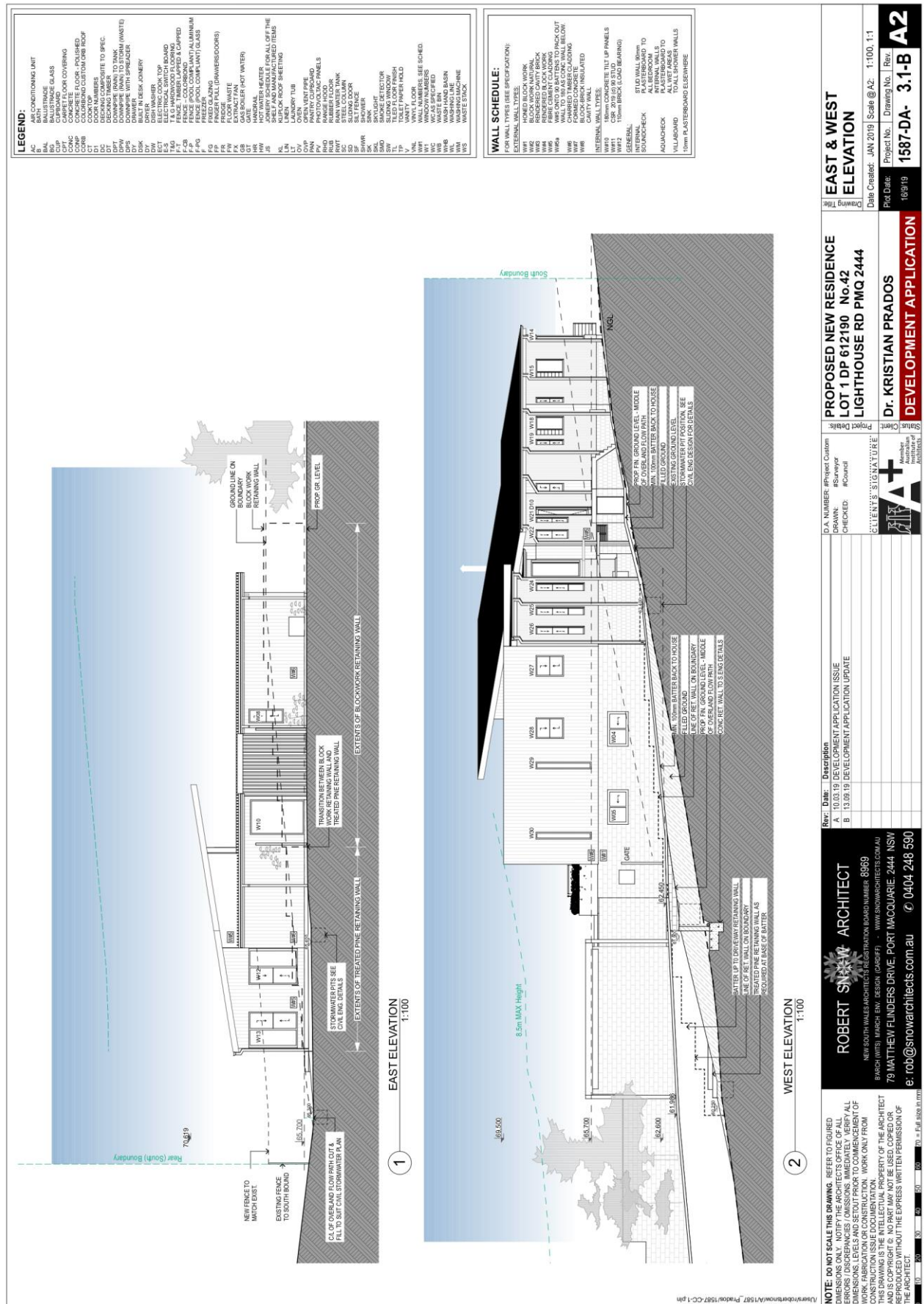











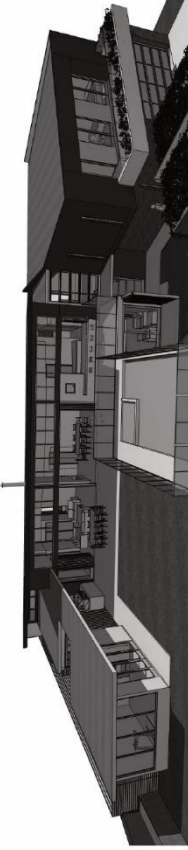




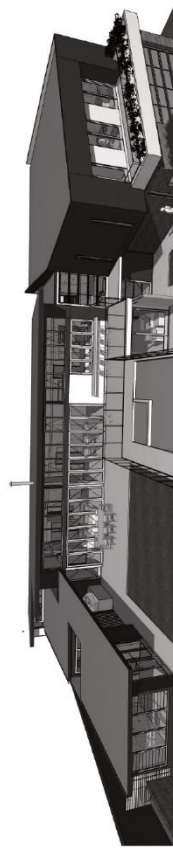




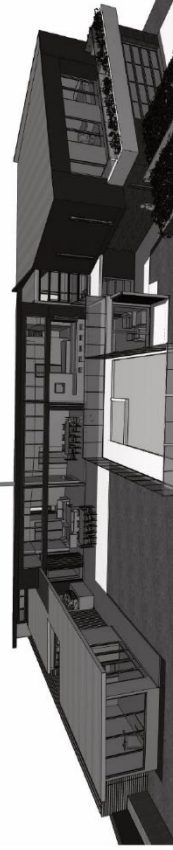
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SUMMER 3PM



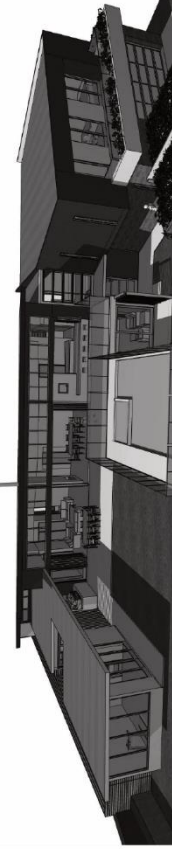
WINTER NOON



SUMMER NOON





WINTER 9AM



SUMMER 9AM

PLEASE NOTE: THESE 3D VIEWS ARE INDICATIVE IN TERMS OF MATERIALS ETC AND THE PLANS, SECTIONS AND ELEVATIONS TO TAKE PRECEDENCE.

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Accreditation no.: 100765
Certificate date: 11 Mar 2019
Address: 42 Macquarie Road
Port Macquarie, NSW 2444
www.snowarchitect.com.au










Rev.	Date	Description
A	10.03.18	DEVELOPMENT APPLICATION ISSUE

ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 8869
SEARCH UNITS, ARCHITECT, ENVIRONMENTAL DESIGN, LANDSCAPE ARCHITECTURE
79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE, 2444 NSW
e: snowarchitect@cloud.com o: 0404 248 590

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D.A. NUMBER: #Project Custom		PROPOSED NEW RESIDENCE		SOLAR SHADING VIEWS	
Drawn:	#Surveyor	LOT 1 DP 612190 No.42			
Checked:	#Council	LIGHTHOUSE RD PMQ 2444			
CLIENT'S SIGNATURE		Dr. KRISTIAN PRADOS			
		DEVELOPMENT APPLICATION			
		1587-DA- 3-4-A			
		A2			

Item 05
Attachment 3
Page 131

DOOR SCHEDULE									
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Observation	N	N	N	N	N	N	N	N	
W	3,400	3,400	3,400	3,400	3,400	3,400	3,400	3,400	
H	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	
Width	3,000	1,275	1,275	1,275	1,275	1,275	1,275	1,275	
									
Door Elevation									
Frame Type	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM
Glazing	4	3	4	4	4	4	4	4	4
								</	

[illegible]

GLASS TYPES:			
Type	U-Value	SHGC	NATHERS CLASS
1	4.8	0.59	ALM-004-01 A
2	6.7	0.70	ALM-002-01 A
3	4.9	0.33	ALM-003-04 A
4	4.9	0.33	ALM-004-04 A
5	4.8	0.34	ALM-005-04 A
6	4.8	0.51	ALM-003-01 A
7	NA	NA	FROSTED

BUSHFIRE CLASS. = BAL 19

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 79 WATTS (WATTS) WAREH. BISSON, (CARPENT) - WWW.SNOWARCHITECTS.COM.AU
 BACH WITHIN FLINDERS DRIVE, PORT MACQUARIE, 2444 NSW
 e: rob@snowarchitects.com.au ☎ 0404 248 590

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

DOOR SCHEDULE

Drawing Title: _____
 Date Created: JAN 2019 Scale @ A2: 1:1
 Project No.: _____ Drawing No.: _____
 Date: 15/9/19
Dr. KRISTIAN PRADOS
DEVELOPMENT APPLICATION

Site No.: _____
 Scale: _____
 Date: _____

A+
 Approved by:
 Architect
 Institute of Architects
 of New South Wales

Rev.	Date	Description
A	10.03.19	DEVELOPMENT APPLICATION ISSUE
B	13.05.19	DEVELOPMENT APPLICATION UPDATE

Drawn	Checked	Project Details
D.A. NUMBER: _____	Project Customer: _____	
DRAWN: _____	CHECKED: _____	



16 September 2019

Our Ref: 7419-001-Rev D
Your Ref:

Dr Kristian Prados
Lighthouse Road
PORT MACQUARIE NSW 2444

Dear Sir/Madam

Re: Proposed New Residence
Lighthouse Road, Port Macquarie
Lot 1/ DP 612190

Directors

MICHAEL S MOWLE

B E Civ (Hons)
Chartered Engineer

GEOFFREY E HILL

B Surv
Registered Land Surveyor

DANIEL J BAKER

B Surv
Registered Land Surveyor

DARREN J BOOTH

B Surv
Registered Land Surveyor

Proposed Development

The development proposal consists of New Residence located in Lighthouse Road.

Site Hydrology

The total stormwater catchment area contributing to the development stormwater calculations is 0.733ha.

The existing overland flow path currently travels across the rear of Lot 1, DP 612190 & front of Lot 1, DP 827404 towards Pacific Drive via a natural gully.

Hydrological modelling of the existing and post-development scenarios has been undertaken to determine peak flow rates in a range of design storm events (20%, 5% & 1% AEP). These peak flow rates have been adopted to determine the site requirements for on-site stormwater detention (OSD).

In order to establish a stormwater quantity strategy, the existing & proposed development catchments were modelled using DRAINS software. Existing percentage pervious and impervious areas for development area were calculated. Proposed development percentage pervious & impervious areas were based on architectural layouts. The stormwater quantity strategy was prepared to satisfy the following criteria:

- Maintain pre development discharge rates post development
- Provide adequate stormwater detention areas
- Safely convey flows via a piped system & overland flow path

Telephone: (02) 6583 6722

Email: admin@hopcon.com.au

Suite 1, 109 William St

PO BOX 1556, Port Macquarie NSW 2444

Hopkins Consultants Pty Ltd

ABN 27 055 060 878

SURVEYORS | CIVIL ENGINEERS | PLANNERS

Liability limited by a scheme approved under
Professional Standards Legislation

The analysis of the site has developed a strategy that achieved the above criteria being underground detention cell (6m (L) x 3.7m (W) x 1.3m (H) with 130mm orifice plate.

1.1 Results

The peak flow rates for the existing and post-development scenarios for the site are presented below.

Peak Flow Comparison

Catchment	Area (ha)	Estimated Peak Flows (m ³ /s)								
		Existing			Post-Development			Peak Flow Reduction		
		20% AEP	5% AEP	1% AEP	20% AEP	5% AEP	1% AEP	20% AEP	5% AEP	1% AEP
1	0.733	0.272	0.377	0.551	0.259	0.372	0.54	0.013	0.005	0.011

The provision of the proposed system would attenuate peak flows and satisfy the objectives maintaining pre-development discharge rates.

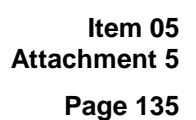
The proposed Stormwater Drainage Model consists of piped system & overland flow paths to cater for all storm events, protect proposed new residence & downstream properties. Maximum depth of flow in 1% AEP storm event at rear of proposed building is 87mm (F5) & across downstream property is 161mm (F8). Maximum overland flow (F1) level RL 65.46 gives proposed residence finished floor level RL 65.70 (AHD) a freeboard of 240mm

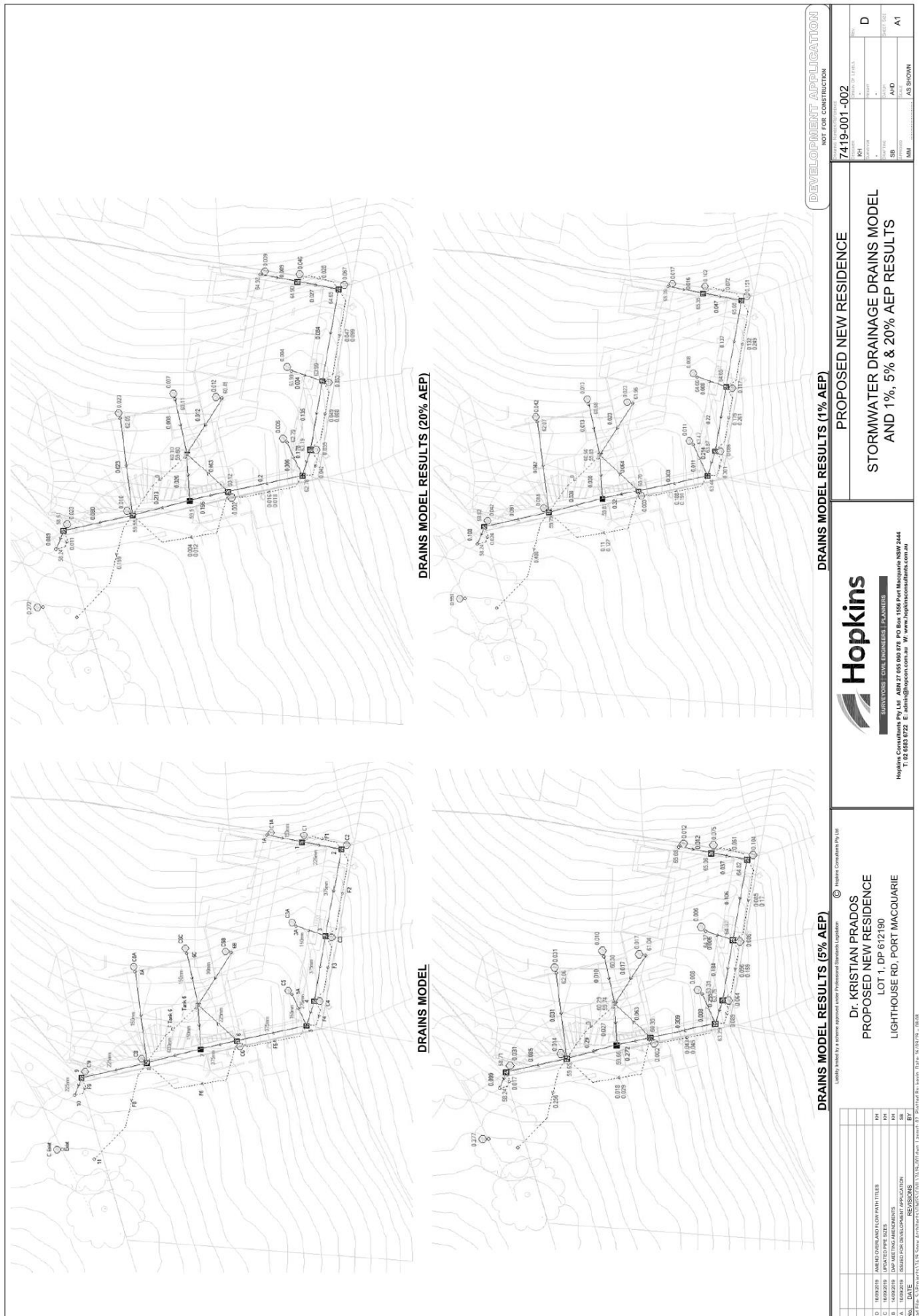
The results show pit No. 8 surcharging in all storm events with overland storm flows less than Pre-Development. These flows travel towards the existing downstream gully.

Yours faithfully,



Kevin Hall
Civil Designer





(1% AEP RESULTS)

Stormwater Calculations - 1% AP (Results)

DETAILED results prepared from 1% AP (2.15")

OVERFLOW DRAINAGE DETAILS

PIPE NAME	AP IN	MAN IN	MAN IN	MAN IN	MAN IN	MAN IN	MAN IN	MAN IN	MAN IN
1	2	3	4	5	6	7	8	9	10
1A	1B	1C	1D	1E	1F	1G	1H	1I	1J
2A	2B	2C	2D	2E	2F	2G	2H	2I	2J
3A	3B	3C	3D	3E	3F	3G	3H	3I	3J
4A	4B	4C	4D	4E	4F	4G	4H	4I	4J
5A	5B	5C	5D	5E	5F	5G	5H	5I	5J
6A	6B	6C	6D	6E	6F	6G	6H	6I	6J
7A	7B	7C	7D	7E	7F	7G	7H	7I	7J
8A	8B	8C	8D	8E	8F	8G	8H	8I	8J
9A	9B	9C	9D	9E	9F	9G	9H	9I	9J
10A	10B	10C	10D	10E	10F	10G	10H	10I	10J
11A	11B	11C	11D	11E	11F	11G	11H	11I	11J
12A	12B	12C	12D	12E	12F	12G	12H	12I	12J
13A	13B	13C	13D	13E	13F	13G	13H	13I	13J
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liability limited by a scheme approved under Professional Standards Legislation

Dr. KRISTIAN PRADOS
PROPOSED NEW RESIDENCE
LOT 1, DP 612190
LIGHTHOUSE RD, PORT MACQUARIE



Hopkins Consultants Pty Ltd ABN 27 055 060 878 PO Box 1556 Port Macquarie NSW 2444
T: 02 6583 6772 E: admin@hopcon.com.au W: www.hopkinsconsultants.com.au

PROPOSED NEW RESIDENCE

SEWER DRAINAGE CALCULATIONS 1% AEP & 5% AEP

DRAWING NUMBER/REFERENCE
7419-001 -003[illegible]

[illegible]

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

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>
Date: 29 May 2019 at 7:36:49 pm AEST
To: 'Dr Kristian Lee Prados' <kprados@iinet.net.au>
Cc: Rob Snow <rob@snowarchitects.com.au>, 'Michelle Chapman' <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

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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>
Cc: Will Steggall <Will.Steggall@biodiversityaust.com.au>; Rob Snow <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



Sustainable Partners

Friday, 24th 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

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Phone 1300 319 954

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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

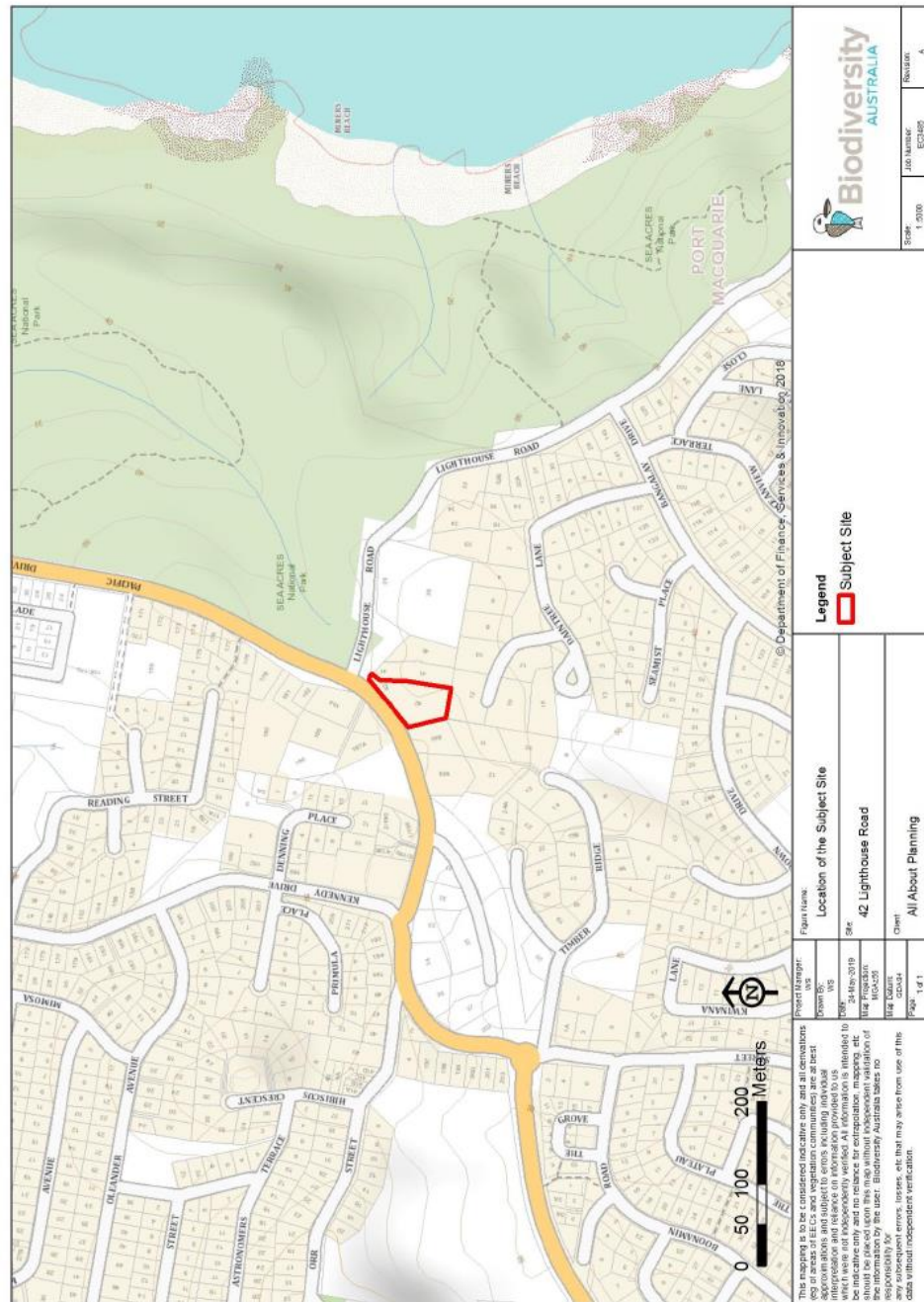
The new Coastal Management SEPP came into force in March 2018. This SEPP has supporting mapping of Coastal Wetlands and Littoral Rainforest. There have been a number of anomalies and inaccuracies with the mapping layers in the Port Macquarie-Hastings LGA.

The subject property comprises a 3500m² 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 16th 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: 270m²

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.



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

Photo 1: Looking east along southern site boundary





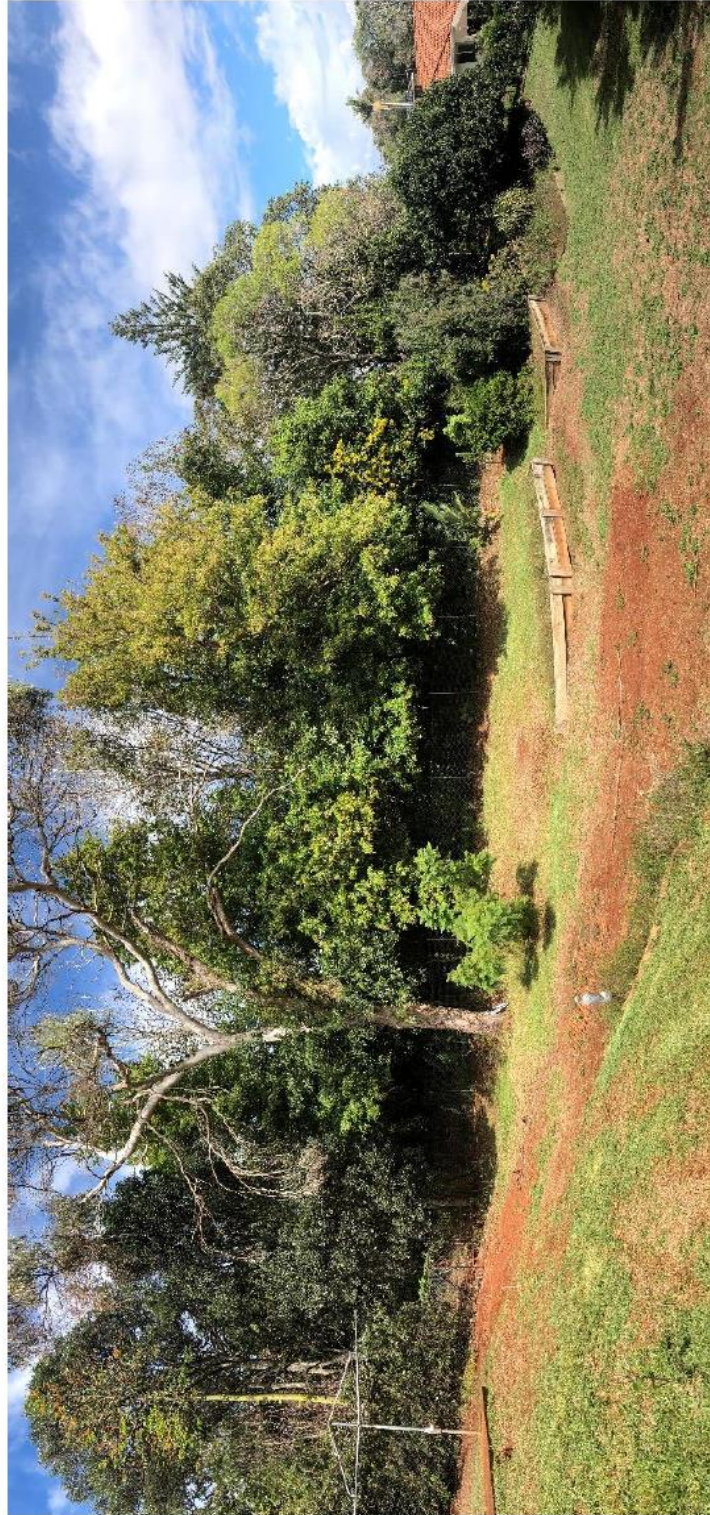
Photo 2: Looking southwest to site boundary





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



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.

DEWHA (2009b). Littoral Rainforest and Vine Thickets of Eastern Australia: EPBCA 1999 – Policy Guide 3.9. Department of Environment, Water, Heritage and the Arts, Canberra.

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

**Industry Assessments**

Contact: John Booth

Phone: (02) 8275 1281

Email: 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

Item: 06

Subject: DA2019 - 200.1 CHANGE OF USE - DWELLING TO MEDICAL CENTRE AT LOT 28 DP 264025, NO. 14 SIREN ROAD, PORT MACQUARIE

Report Author: Development Assessment Planner, Chris Gardiner

Applicant: Encompass Drafting
Owner: J N & P J Cullen
Estimated Cost: \$100,000
Parcel no: 22321

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 - 200.1 for a Change of Use - Dwelling to Medical Centre at Lot 28, DP 264025, No. 14 Siren Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

The proposal has been amended during the assessment of the application.

Following exhibition of the application, 38 submissions have been 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 2193m².

The site is zoned R2 Low Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Change of use from dwelling to medical centre;
- Alterations to existing building;
- Construction of associated access and car parking facilities.

Refer to attachments at the end of this report for further details.

Application Chronology

- 21 March 2019 - Application lodged.
- 1 April 2019 to 15 April 2019 - Neighbour notification.
- 15 May 2019 - Additional information requested from Applicant.
- 8 July 2019 - Additional information and amended plans submitted by Applicant.
- 24 July 2019 to 6 August 2019 - Application re-notified with amended plans and additional 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. 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. 64 – Advertising and Signage

The proposed development includes proposed signage in the form of two business identification signs (a 1.2m x 1.2m sign adjacent to the driveway, and a 1.2m x 1.2m sign fixed to the rear fence facing Lake Road).

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposal is considered to be consistent with the aims and objectives of the SEPP.	Yes
Schedule 1(1) Character of the area.	The area is characterised by low density residential uses and there are no other examples of signage in the immediate area. The signage could be considered	Yes

	<p>to be compatible with the character of the area if it is of appropriate scale and any amenity impacts (such as illumination) can be appropriately managed.</p> <p>In this regard SEPP (Exempt and Complying Development Codes) 2008 permits wall signs up to 2.5m² without consent in a residential zone and this could be used as a guide for what should be considered appropriate.</p> <p>The proposal is for a business identification sign adjacent to the site access and having dimensions of 1.2m x 1.2m (1.44m²) and an additional business identification sign also having dimensions of 1.2m x 1.2m (1.44m²) fixed to the rear fence facing Lake Road. The plans do not specify the height of the sign structure adjacent to Siren Road, and a condition is recommended restricting the height to 1.2m to ensure that the scale of the sign is compatible with the residential character of the locality.</p> <p>Neither sign is proposed to be illuminated.</p>	
Schedule 1(2) Special areas.	The site is located in a residential area. As noted above, the signage is considered to be compatible with the residential setting.	Yes
Schedule 1(3) Views and vistas.	The signage would not adversely affect any views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportions of the signage are appropriate for the streetscape setting. The signs would not protrude above buildings or the tree canopy.	Yes
Schedule 1(5) Site and building.	The scale and proportions of the signage are appropriate to the scale of the building.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	Neither sign is proposed to be illuminated.	N/A
Schedule 1(8) Safety.	The signage is not expected to adversely affect vehicular, cyclist, or pedestrian safety.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 57(1) - Health services facilities are permitted with consent by any person as the land is in a prescribed zone.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - the subject site is zoned R2 Low Density Residential.
- Clause 2.3(1) and the R2 zone landuse table - The proposed development for a medical centre is a prohibited land use in the zone. However, the proposal is permissible in accordance with Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007.

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.

Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

- The proposal provides a medical service to meet the day to day needs of residents.
- The proposal would not increase the density of the existing development on the site.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 6.3m which complies with the standard height limit of 8.5m applying to the site.
- 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, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

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

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services	Sign proposed to identify business name.	Yes

	available on that site.		
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .	No signage proposed outside property boundaries.	Yes
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A
	On-premise signs should not project above or to the side of building facades	N/A	N/A
2.2.2.2	Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	No illumination of signage proposed.	
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline:	The proposed development is unlikely to create any concealment/entrapment areas or crime spots that would result in any	Yes

	<ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	identifiable loss of safety or reduction of security in the immediate area.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	1.2m of cut identified for retaining wall at front of car park. The excavation would not result in any adverse privacy, stormwater, or stability issues, subject to appropriate engineering of the retaining wall. The excavation would assist in reducing the visual impact of the proposed parking area.	No, but acceptable
2.3.3.2	1m max. height retaining walls along road frontages	Retaining wall up to 1.2m high. The retaining wall is proposed to support excavation for the car park and would not be visible from the street. Considered consistent with the objective of the provision.	No, but acceptable
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended requiring engineering certification of retaining wall	
	Combination of retaining wall and front fence height	No retaining wall front fence combination proposed.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint	The proposal includes removal of a number of existing trees that require consent. No Koala food trees are proposed to be removed, and offsets are not required.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or	Access to local road.	Yes

	removed where practical		
	Driveway crossing/s minimal in number and width including maximising street parking	Single driveway of acceptable width. Minimal reduction in existing street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	<p>For medical centres Table 2.5.1 requires 3 spaces per consultant, plus 1 space per 2 employees.</p> <p>The Statement of Environmental Effects indicates that the development would have 5 consultants and 2 employees, which would require a minimum of 16 off street parking spaces.</p> <p>The submitted proposal includes 21 spaces, which satisfies this requirement.</p> <p>Spaces 11 and 12 do not have sufficient aisle width and are not usable without demolition of the existing shed. Even with the loss of these spaces the development would provide 19 spaces, which is in excess of the DCP requirement.</p>	Yes
2.5.3.4	Parking credits to be calculated for redevelopment or change of use	N/A	N/A
2.5.3.5	On-street parking permitted subject to justification	N/A	N/A
2.5.3.6	On street parking will not be permitted unless it can be demonstrated that: <ul style="list-style-type: none"> • that streetscape improvement works, such as landscaped bays and street trees are provided. • parking does not detract from the streetscape; and 	N/A	N/A
2.5.3.7	Visitor parking to be easily accessible	Majority of customer parking located at the front of the site and easily accessible	Yes

		from Siren Road. Signage will be required to identify that additional parking is available at the rear of the site.	
	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	N/A	N/A
	Parking layout in accordance with AS/NZS 2890.1 and AS/NZS 2890.2	See comments under Parking and Manoeuvring later in this report.	
	Parking spaces generally located behind building line	Part of the parking provision proposed forward of the building line. See comments under 2.5.3.12 and 2.5.3.13 below.	
2.5.3.8	Accessible parking provided in accordance with AS/NZS 2890.1, AS/NZS 2890.2 and AS 1428	One accessible space proposed.	Yes
	Additional accessible spaces where development would have high volume of aged or disabled traffic	N/A	N/A
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	None proposed.	N/A
2.5.3.10	Parking concessions possible for conservation of heritage items	N/A	N/A
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	The proposal includes a landscaped strip with a width of between 600mm and 850mm, which is less than the minimum of 3m recommended in the DCP.	No*
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended confirming this requirement.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 allows for steeper grades)	Capable of complying. Details to be submitted with the Section 138 and Construction Certificate applications.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying. Details to be submitted with	Yes

		the Section 138 and Construction Certificate applications.	
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface. Vehicle washing facilities – grassed area etc available. No direct discharge to K&G or swale drain	See comments under Stormwater later in this report.	
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Capable of complying. Detailed design to be submitted at the Section 68/ Construction Certificate application stage.	Yes
2.5.3.19	Commercial development having a floor space less than 500m ² need not provide a loading bay.	The proposal has a floor area of less than 500m ² and does not require a loading bay.	Yes

The proposal seeks to vary Development Provision 2.5.3.12 in relation to the minimum width of landscaping for parking areas located forward of the building line.

The relevant objectives of the provision are as follows:

- Parking areas are visually pleasing and easily accessible;
- Parking areas shall be landscaped to:
 - Provide shade;
 - Improve the visual amenity of large, unrelieved hard stand areas;
 - Provide a buffer between the road and neighbouring land uses.

The proposal is considered to be consistent with the objectives of the control for the following reasons:

- The width of the landscaped area is sufficient to provide visually pleasing landscaping of sufficient scale to soften the visual impact of the parking area.
- The proposal will retain mature shade trees, and the parking area is not of a scale that would warrant planting of additional large trees.
- The parking area would be excavated up to 1.2m below the existing ground level, which would also contribute to reducing the visual impact.

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 of a significance that would justify refusal of the application.

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

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

iv) Any matters prescribed by the Regulations:

Clause 92 - Demolition of buildings

Demolition work on the site is capable of compliance with this Australian Standard 2601 and is recommended to be conditioned.

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

The site has a general northerly street frontage orientation to Siren Road and a southerly orientation to Lake Road. The site and other properties on the southern side of Siren Road are not permitted vehicular access to Lake Road and have been designed with access off Siren Road.

Adjoining the site to the north, east, and west are low density residential uses typically consisting of single dwellings on lots with an area of approximately 2000m².

Adjoining the site to the south is multi dwelling housing and bulky goods premises on the southern side of Lake Road.

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

Roads

The site has road frontage to Siren Road. Adjacent to the site, Siren Road is a sealed public road under the care and control of Council. Siren Road is a local street with a 7.5m wide road pavement within a 19m road reserve. There is SE kerb and gutter present, with on-street parking currently being utilised in the street.

Traffic and Transport

The site is currently approved for residential use and is expected on average to generate 9 daily trips.

The application includes a Traffic Impact Assessment (TIA) from StreetWise Road Safety & Traffic Services Pty Ltd and dated 4 July 2019. The TIA estimates that the development would generate between 26 and 32 daily trips, based on data collected at the current premises where the business is being operated.

An assessment of the intersection of Fernhill Road and Siren Road found that traffic volumes warrant an upgrade to a channelised right turn CHR(s) intersection in accordance with Figure 2.26c of the Austroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings. The traffic consultants consider that the existing intersection is acceptable for the following reasons:

- Sidra Modelling for the existing intersection based on 10 years traffic growth, the re-development of the old Bunnings site, plus the Medical Centre development, found that all scenarios resulted in a Level of Service (LOS) A and the intersection will continue operate within capacity.
- The existing intersection already exceeds the warrants for upgrade to CHR, and the development would only result in a minor increase in traffic.
- Council did not require the intersection to be upgraded as part of the re-development of the former Bunnings site.

It is considered that the traffic generation has been underestimated and the proposal would be more likely to generate in the order of 100 daily trips (based upon 5

consulting rooms, with 1 patient per hour from 8.30am to 5.00pm, and 7 employees). The addition in traffic associated with the development is likely to have some impact on the existing road network within the immediate locality, with some turning movements at the Siren Road / Fernhill Road intersection already impeded at current peak traffic volumes.

The redevelopment of the former Bunnings site at 215 Lake Road, under DA2018 - 1110.1 did not trigger the requirement for any upgrades to the intersection of the site access and Fernhill Road due to the proposed development having lower traffic generation than the existing approved use. There was no increase in traffic turning from Fernhill Road into Siren Road associated with this development.

The current proposal would create a clear increase in traffic turning right and left from Fernhill Road into Siren Road, as noted in the TIA (even with the low traffic generation rates assumed by the traffic consultant). It is considered that there is a clear nexus to require appropriate mitigation of traffic impacts based upon the increased traffic volumes at the intersection. It is recommended that the intersection be upgraded to a channelised right turn CHR(s) intersection in accordance with Figure 2.26c of the Austroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings. The upgrade could be achieved with changes to the existing line marking and would not require widening of the road carriageway in Fernhill Road. A condition has been recommended confirming this requirement.

Siren Road is a local street in the Auspec classification, and has a design volume of up to 2000 vehicles per day. The street has capacity for the additional traffic generation anticipated for the development.

Site Frontage and Access

Vehicle access to the site is proposed through a single 6m wide access driveway to Siren Road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

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

- Concrete footpath paving (minimum 1.2m wide) along the full frontage
-
- Refer to recommended relevant conditions of consent.

Parking and Manoeuvring

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements. There is a non-conformance for the minimum aisle width down the eastern side of the building (AS2890.1 requires 3.6m, while 2.9m is available). This is considered acceptable only on the basis of the proposed staff only usage of the parking area, and the low traffic volumes anticipated.

Due to the restricted aisle width, a condition is recommended to restrict staff parking to the rear car park only with the front parking bays kept free for patients. This would assist in minimising the traffic flow down the side of the building. Convex mirrors and give way signage are also recommended.

The parking spaces numbered 11 and 12 will need to either be deleted, or the existing storage shed demolished to provide adequate aisle width.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is

available and conditions have been imposed to reflect these requirements. The plans submitted with the Construction Certificate application will need to demonstrate the functionality of the turning bay in the front parking area, and also provide for a turning bay in the rear parking area.

Refer to relevant recommended conditions of consent.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection for a medical centre is a Reduced Pressure Zone Device (RPZ) at the boundary.

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

Refer to relevant recommended conditions of consent.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer manhole in the south eastern corner of the development site. The proposed development may discharge all sewage to the existing point of connection to Council's sewer system. No additional loads are to be imposed on the existing sewer main, which runs inside the southern property boundary.

Refer to relevant recommended conditions of consent.

Stormwater

The site naturally grades towards the rear of the property and is currently un-serviced via the public piped drainage system.

The legal point of discharge for the proposed development is defined as either:

- a suitably sized transpiration pit, which can be demonstrated to effectively accommodate the runoff generated by the site; or
- a direct connection to Council's stormwater pit/pipeline, which would involve an extension of the existing network within Lake Road.

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

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

- On site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

Refer to relevant recommended conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

The proposed development is 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 are 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 Biodiversity Offset Scheme doesn't apply for the following reasons:

- The land isn't identified on the Biodiversity Values Map;
- 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.

Waste

Adequate area is available at the rear of the site for storage of waste bins out of public view. The Applicant has indicated that they intend to use Council's kerbside waste collection service for the development. If waste volumes increase in the future a private waste service will be required.

Medical/clinical waste shall be removed from the site by an approved waste contractor for disposal at an appropriately licenced facility and a condition is recommended confirming this requirement.

Standard precautionary site management condition recommended for construction activities.

Energy

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

Noise and vibration

The submitted Statement of Environmental Effects indicates that the proposed hours of operation for the medical centre would be 7.00am to 5.30pm Monday to Friday,

and 9.00am to 12.00pm Saturdays. The application has not been supported by a noise impact assessment.

Given the nature and location of the proposed development, it is considered that noise impacts can be adequately managed through restriction of hours of operation and fencing adjacent to parking and circulation areas. It is noted that the site adjoins Lake Road and has relatively high background noise levels.

A condition has been recommended requiring provision of 1.8m high solid boundary fencing to the eastern and western sides of the parking area and internal access roads prior to the issue of an Occupation Certificate.

As the site is located in a low density residential context and noting significant concerns regarding noise impacts have been raised by nearby residents, it is recommended that the hours of operation be further restricted to 8.30am to 5.00pm Monday to Friday and 9.00am to 12.00pm Saturdays.

A condition is recommended restricting construction to standard construction hours.

Bushfire

The site is identified as being bushfire prone.

In accordance with Planning for Bushfire Protection 2006, construction to the Deemed to Satisfy provisions of the Building Code of Australia is an acceptable construction solution for Class 5 to 8 buildings. The proposal is considered to be consistent with the aims and objectives of Planning for Bushfire Protection 2006 as it provides adequate road access, water supply, and utility services, and a defensible space around the perimeter of the building.

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 expected. 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. Ongoing employment opportunities would also have an economic benefit.

Site design and internal design

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

Construction

No 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

38 written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The proposal is inconsistent with the character of the area.	It is noted that the proposed use is different to the established residential uses in the locality. However, a variety of land uses are permitted in the R2 Low Density Residential zone that are considered capable of being compatible with each other.
The site is large and it is of concern that the business may expand in the future.	Any future expansion would be subject to a separate application.
The site access is located on a blind corner and is not safe for the additional traffic.	The parking layout provides for vehicles to enter and exit the site driving forwards and the driveway location has safe sight distance in both directions.
The proposal does not adequately cater for service vehicles.	The applicant has indicated that the site is not expected to be serviced by a vehicle larger than a commercial van, which would be capable of utilising the parking spaces. Waste collection is proposed via Council's kerbside collection service.
If the application is approved, hours should be restricted to 9.00am to 4.00pm Monday to Friday, with a maximum of 1-2 consultants. This would be more compatible with the residential environment.	More restrictive hours than those proposed by the Applicant have been recommended in the conditions of consent. It is not considered that there is sufficient grounds to further restrict the hours of operation or consultant numbers to those suggested.
The development would result in an increased generation of waste, which will result in amenity and environmental issues.	Waste from the proposed development is expected to be within the capacity of the existing waste service and the site has sufficient area for waste to be

Submission Issue/Summary	Planning Comment/Response
	stored out of public view between collections. Medical waste will need to be collected by an appropriately licenced contractor.
Illumination of signage should not be permitted in a residential area.	The submitted plans have been amended to remove illumination from the signage.
Concern that the estate will turn into another medical precinct similar to Highfields Circuit and the area surrounding the Port Macquarie Private Hospital.	Given that medical centres are permissible in the R2 zone under State legislation, this possibility cannot be ruled out. However, the current examples of clustering of medical uses in Port Macquarie appear to be driven by proximity to the Base Hospital and Private Hospital. There are a number of examples of isolated medical uses in residential areas that have not resulted in similar clustering.
Vehicles parking on both sides of the road would result in a single traffic lane at a blind corner where it is difficult to see a vehicle travelling in the opposite direction.	Parking is already possible on both sides of the street as there are no parking restrictions in place. The proposed development provides off-street parking consistent with the DCP requirements and it cannot be assumed that the development would have a significant impact on street parking.
The poor layout of the proposed car park will result in people parking in the street rather than on the site.	The parking layout has been improved and the public component of the parking area is capable of complying with AS2890.
Patients of the service are likely to suffer from a range of mental health and behavioural issues. Erratic and aggressive behaviour, and inappropriate language would have adverse social impacts on nearby residents.	Considering the separation distance and recommended fencing, it is not considered that there is significant potential for such impacts.
Information provided by the proponent prior to lodging the application was misleading.	Noted.
The Applicant's Statement of Environmental Effects has not adequately considered the likely noise impacts of the development.	Noted. The staff assessment has considered the likely noise impacts and recommended conditions accordingly.
If the development is approved, would there be a need to get further approval for future changes to the activities?	If the development is granted consent, it would be necessary to either modify the consent or lodge a new application for any future expansion, change of the approved use, and changes to conditions of consent.
The Applicant's Statement of Environmental Effects has not characterised the development for the	The proposed use has not been clearly characterised in the Statement of Environmental Effects, but the use is

Submission Issue/Summary	Planning Comment/Response
purpose of determining whether it is a permissible land use in the R2 zone Land Use Table.	<p>considered to be best defined as a medical centre.</p> <p>medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.</p> <p>As noted earlier in this report, medical centres are prohibited in the R2 zone under the LEP Land Use Table, but are permitted with consent under State Environmental Planning Policy (Infrastructure) 2007.</p>
The application does not include any detailed assessment of the expected traffic impacts from the development.	A Traffic Impact Assessment (TIA) has subsequently been submitted by the Applicant. The TIA was included in the re-notification of the proposal.
Community consultation was not carried out by the Applicant prior to lodging the application.	While Council encourages proponents to carry out their own community consultation prior to lodging an application, it is not a statutory requirement for a development of this nature.
There is no established need for the facility in the location proposed. An existing medical centre is available in Jindalee Road within a 5 minute walk for residents in the estate.	<p>The need for the facility and its likely viability are not matters for consideration in the assessment of the application.</p> <p>It is noted that there are a broad range of medical disciplines, and it is generally not possible to provide all relevant services in a single location.</p>
Siren Road was designed and built as a residential road. The width of the road does not for an increased volume of traffic. Two way traffic flow would be restricted if vehicles park in the street at the front of the site.	<p>Siren Road has a 7.5m wide road pavement within a 19m road reserve and is classified under Auspec as a local street. Local streets are designed to accommodate up to 2000 vehicles per day, and the proposed development is well within the design capacity of the road.</p> <p>Parking of vehicles in residential streets provides natural traffic calming and reduces vehicle speeds.</p>
The proposed one-way driveway is inadequate for the development and does	The driveway has been widened to 6.0m wide between the front car park

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not comply with AS 2890.2.	and Siren Road to provide for two-way traffic flow. The single width (and non-compliant) part of the driveway to the eastern side of the building is limited in length and considered suitable for its intended use, as discussed earlier in this report.
The extent of Council's notification was inadequate as the broader estate will be impacted by the proposal.	The extent of notification is considered to be consistent with the DCP requirements.
The stated number of deliveries to the facility is extremely underestimated.	Noted. The staff assessment of traffic impacts has not relied on the Applicant's statement in this regard.
Good town planning should encourage developments of similar nature to concentrate in selected areas and not spread throughout established residential estates.	The planning controls provide for a range of compatible land uses in each zone. State legislation considers that health services facilities (including medical centres) are capable of being compatible with residential land uses.
Proposal will result in destruction of Koala habitat. The submitted plans do not show all existing trees on the site.	The plans have been amended to clearly identify all vegetation proposed to be removed for the development. No Koala food trees are proposed to be removed.
Loss of property value for nearby properties.	This is not a relevant matter for consideration in the assessment of the application.
Loss of neighbourhood connections and sense of community.	The hours of operation are generally outside the key times where social interactions in the community would be expected to occur (before and after work, and on weekends). The proposal would not sever any existing pedestrian or vehicular connections through the estate.
Excavation in the north-west corner of the site could affect the stability of boundary fencing and affect the health of the street tree.	The proposed excavation is outside the Tree Protection Zone of the street tree. A condition has been recommended requiring engineering certification of the proposed retaining wall to ensure that there is no impact on the stability of neighbouring property. The existing fence will be required to be replaced with a 1.8m high fence to manage acoustic and visual privacy impacts of the development.
The proposal is inconsistent with title restrictions registered on the land under DP 264025, which restrict development to a single dwelling only, except with the	In accordance with Clause 1.9A of the LEP any agreement, covenant or other similar instrument that restricts the carrying out of that development does

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consent of Midway Marine Pty Ltd. The application does not include the required consent to release or vary the restriction.	not apply to the extent necessary to allow development to be carried out in accordance the Plan. The consent authority therefore doesn't need to consider this restriction in making a decision on the application.
Loss of privacy to adjoining properties.	Conditions have been recommended requiring appropriate fencing adjacent to the parking areas and internal access to manage potential privacy impacts.
Inadequate amount of off-street parking. Medical practitioners often have multiple patients waiting at a time.	The proposal satisfies the DCP requirements for parking and the consent authority cannot impose a more onerous requirement.
The permeable surface for the rear parking area is not suitable for the proposed use.	Agreed. A condition has been recommended requiring a sealed surface for the rear parking area.
Medical centres should be located where there is a regular bus service to alleviate parking demand.	Given the nature of the medical services proposed, it is not expected that there would be a high utilisation of public transport even if a regular service was available.
Don't want medical waste stored in the area. Concern about smell, vandalism, and needles on the ground.	Medical waste is proposed to be stored in a secure area in the building and collected by a licenced contractor.
The Applicant's Statement of Environmental Effects includes numerous examples of false or misleading information.	The likely impacts of the development have been carefully considered by staff, including aspects of the development that the Applicant stated that there would be no impact.
The submitted traffic assessment significantly underestimates the volume of traffic likely to be generated by the development. The report estimates that the number of visits to the site will equate to between 9 and 12 visits to the site per day (1.8 to 2.5 visits to each consultant per day). Based on 1 hour appointment times, there is expected to be approximately 50 visits to the site each day. The traffic impacts could be even greater if there are shorter appointment times or independent use of the gym.	Staff have considered the traffic generation for the development to be approximately 100 daily trips on weekdays, and made recommendations accordingly. The gym will not be permitted to operate independently of the medical centre, and therefore would not be anticipated to generate any additional traffic.
The design and layout of the car park does not comply with AS2890. Aisle widths are too narrow and some parking spaces require reversing manoeuvres and/or three point turns.	See comments under Parking and Manoeuvring earlier in this report demonstrating acceptability of the proposal.
Given the nature of the proposed use, it is expected that patients will include a high	The proposal provides accessible car parking consistent with the minimum

Submission Issue/Summary	Planning Comment/Response
proportion of children with disabilities. The single accessible parking spaces proposed will be inadequate and lead to people parking off-site.	ratio specified in D3.5 of the National Construction Code. While additional accessible spaces can be encouraged given the nature of the use, it is not considered that the consent authority could require this.
The proposal is out of character with the established landscaped front setbacks in the locality and the visual impact on the streetscape is unacceptable. A minimum 2m wide landscaped buffer between the parking area and the front boundary should be provided.	<p>The existing development in the locality includes a range of different landscape treatments to the front setback area. The majority of properties on the southern side of Siren Road have grassed front yards with limited landscaping and some mature trees (generally located in the road reserve). Other properties in the locality have more substantial landscaping. The overall character of the estate is defined by the retained mature native trees.</p> <p>The proposal involves construction of a parking area forward of the building line and landscaping is required to soften the visual impact of the hard stand area and integrate the development into the streetscape.</p> <p>The parking area forward of the building is proposed to be provided with a landscaped strip having a width of between 600mm and 850mm. This is considered appropriate to accommodate landscaping which will effectively soften the visual impact of the parking area in the streetscape. The parking area will be excavated up the 1.2m below existing ground level adjacent to the western boundary, which will also assist in screening the parking area.</p> <p>Having regard to the many concerns in the submissions regarding the potential impacts of vehicles parking in the street in the site frontage, it is not recommended that dense landscaping screen the parking area entirely from view. Patients are more likely to use the off-street parking if they can see that it is available.</p>
The application includes very limited information in relation to the proposed use of the 'gym' shown on the plans.	The gym is proposed to be used for physiotherapy and occupational therapy, which are part of the

Submission Issue/Summary	Planning Comment/Response
Depending on the proposed use, the gym there could be implications for traffic generation, parking and the permissibility of the development.	proposed medical centre use. A condition is recommended confirming that the gym cannot to operated independently.
The proposal would be better co-located with other medical services.	The benefits of co-location are a matter for the proponent to consider in their site selection. There is no planning requirement for medical services to be provided in clusters.
Concerned about comments in the traffic assessment that the intersection of Siren Road and Fernhill Road does not conform with standards.	A condition has been recommended requiring the intersection of Fernhill Road and Siren Road to be upgraded to provide a channelised right turn treatment into Siren Road.
The traffic assessment does not consider the impacts of the development on properties to the west of the site.	With the exception of any local residents to the west of the site using the service, all traffic will come from the east via Fernhill Road. The parking area provides for vehicles to turn around and exit the site driving forwards. It is considered that there is limited potential for vehicles to miss the site and continue driving west. No significant traffic impacts are expected west of the site.
Lack of street lighting in the locality will result in vehicles potentially colliding with pedestrians after hours.	The recommended hours of operation for the proposal would result in the use generally operating during daylight hours. There may be a short period during winter where the staff would exit the site at 5.00pm while it is dark. There is not considered to be justification to warrant any improvements to existing street lighting.
The estate has characteristics that make it unsuitable for future conversion to a commercial area.	Noted. The proposal relates to a permissible use under the current zoning. The estate is outside the Health and Education Precinct investigation area identified in Council's Urban Growth Management Strategy, and is not identified for future investigation for commercial zoning.
The site is in a bushfire prone area and would be a hazard to clients of the centre.	Planning for Bush Fire Protection 2006 has been considered earlier in this assessment.
The traffic surveys for the existing business were carried out over a period including school holidays and a number of public holidays and are misleading in relation to real traffic volumes.	Refer to assessment comments earlier in this report, including consideration that higher traffic generation rates are anticipated.
The provision of convex mirrors will be inadequate to ensure safety of the access	The proposed treatment is considered satisfactory for the low volume of traffic

Submission Issue/Summary	Planning Comment/Response
to the staff car park.	movements to and from the rear car park. As the parking area is for staff only, it is expected that vehicles would generally be travelling in the same direction (arriving in the morning and leaving at close of business) and there is limited potential for traffic conflicts. Appropriate signage and a give way treatment have been recommended for the access road.
There is only one way in and out of the estate in an emergency.	This is an existing situation and the risk would not be significantly increased by the proposal.
The proposed 1.2m x 1.2m sign at the site frontage would restrict sight distance for exiting vehicles.	The proposed sign would not affect sight distance to vehicles in the road as the driver would be beyond the sign prior to entering Siren Road. To improve pedestrian safety, a condition is recommended requiring the sign to be a minimum of 900mm from the edge of the driveway. This would achieve a similar outcome to the splay requirements for front fences.
The increased hours of operation proposed in the amended Statement of Environmental Effects are not considered acceptable for a residential area.	Agreed. A condition has been recommended restricting hours of operation to what staff consider acceptable for a residential area.

(e) The Public Interest

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

4. 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 - 200.1 Recommended DA Conditions.

2[View](#). DA2019 - 200.1 Plans

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

ABN 11 236 901 601



Our ref: 2019/200
PN: 22321

Encompass Drafting
11 Kooloonbung Close
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	Change of Use – Dwelling to Medical Centre
Property Description	LOT: 28 DP: 264025, 14 Siren Road PORT MACQUARIE
Applicant	Encompass Drafting

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 TBD.
2. The date from which this consent operates is TBD 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

Apply electronic signoff

pmhc.nsw.gov.au

PORT MACQUARIE OFFICE
17 Burrawan Street, Port Macquarie NSW 2444

WAUCHOPE OFFICE
49 High Street, Wauchope NSW 2446

LAURIETON OFFICE
9 Laurie Street, Laurieton NSW 2443

Port Macquarie-Hastings Council
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Change of Use – Dwelling to Medical Centre

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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 2019/200 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
Plans	2010 A00, A001, A001.1, A002, A002.1, A002.2, A002.3, A003, A003.1	Encompass Drafting	9 September 2019
Statement of Environmental Effects	-	Encompass Drafting	8 July 2019
Traffic Impact Assessment	-	StreetWise Road Safety & Traffic Services Pty Ltd	4 July 2019

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:

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1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Siren Road a 1.5 metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawing ASD 208. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for

building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

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

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

- (8) (A069) Trees on the subject land, as marked black on the approved plan, shall be retained.
- (9) (A070) Trees on the subject land, as marked green, red, and orange on the approved plan, shall be removed.
- (10) (A195) The use of the medical centre is restricted to occupational therapy, speech therapy, and physiotherapy only. Further consent shall be obtained for any other medical uses to allow appropriate consideration of traffic and parking impacts.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 2. Stormwater systems.

3. Erosion & Sedimentation controls.
 4. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 5. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 208, Port Macquarie-Hastings Council current version.
 6. Provision of a 1.5m (unless varied in writing by Council) concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (5) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
 - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for a Construction Certificate.
- (6) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (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 a suitably sized transpiration pit, which can be demonstrated through geotechnical investigations to effectively accommodate the runoff generated by the site.

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

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

- b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6), with the exception of the aisle width on the eastern side of the building. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (9) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (10) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority. The plan shall include native plantings to a height of 1m suitable to soften the visual impact of the front parking area when viewed from Siren Road.

- (11) (B071) Prior to the issue of any Construction Certificate, the provision of water services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (12) (B195) Council records indicate that the development site has an existing 20mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection for a medical centre is a Reduced Pressure Zone Device (RPZ) at the boundary.
- (13) (B196) Prior to the issue of a Construction Certificate, a fencing plan shall be submitted for the approval of the Principal Certifying Authority. The plan shall provide for 1.8m high fencing of solid construction along side boundaries adjacent to the parking areas and internal access roads. The eastern side boundary fence shall not extend within 1m of the front boundary.
- (14) (B197) Prior to the issue of a Construction Certificate, an amended parking plan shall be submitted for the approval of the Principal Certifying Authority. The plan shall provide for the following:
 - a. Demonstrate with swept paths that manoeuvring for the turning bay in the front car park will be functional.
 - b. Provision of a turning bay at the end of the aisle in the rear (staff) parking area.
 - c. Deletion of parking spaces 11 & 12, or demolition of the existing shed to provide aisle width consistent with AS 2890.
 - d. Provision of convex mirrors, give way signage, and staff only signage for the rear parking area.
 - e. Provision of a bitumen sealed or concrete surface for the rear car park.
- (15) (B198) The intersection of Siren Road and Fernhill Road shall be upgraded to include a CHR(s) as identified in the approved Traffic Impact Assessment and in accordance with Figure 2.26c of the *Austroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings*. Details are to be submitted with the Section 138 application and approved prior to the issue of a Construction Certificate.
- (16) (B199) Prior to the issue of a Construction Certificate, a detail of the proposed business identification sign shall be submitted for the approval of the Principal Certifying Authority. The plan shall provide for a minimum 900mm setback from the edge of the driveway and demonstrate that the sign (including the structure it is fixed to) will not exceed 1.2m in height.

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.

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

D – DURING WORK

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

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

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

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Asbestos and Code of Practice for the Management and Control of Asbestos in Workplaces.

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

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

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

[Asbestos Awareness](#)

- (5) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Planning, Industry and Environment is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (6) (D040) Wastes including vegetation, demolition waste, and construction waste shall not be disposed of by burning.
- (7) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (8) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (9) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a bitumen sealed or concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

-
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses (with the exception of the aisle width on the eastern side of the building) have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
- all drainage lines have been located within the respective easements, and
 - any other drainage structures are located in accordance with the Construction Certificate.
 - all stormwater has been directed to a Council approved drainage system
 - all conditions of consent/ construction certificate approval have been complied with.
 - Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E050) Prior to Council accepting any new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

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

Port Macquarie-Hastings Council
Development Consent - Development Application 010.2019.00000200.001
Change of Use – Dwelling to Medical Centre

Page 11 of 12

- (10) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (11) (E053) Any works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (12) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of the Occupation Certificate.
- (13) (E061) Landscaped areas and fencing required by this consent shall be completed prior to occupation or the issue of the Occupation Certificate.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (6) (F019) Clinical wastes shall be removed from the site by an approved waste contractor for disposal at an approved facility.
- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F025) Hours of operation of the development are restricted to the following hours:
 - 8.30 am to 5.00 pm – Mondays to Fridays
 - 9.00 am to 12.00 pm – Saturdays

Page 11 of 12

Port Macquarie-Hastings Council
Development Consent - Development Application 010.2019.00000200.001
Change of Use – Dwelling to Medical Centre

Page 12 of 12

- (9) (F030) The number of staff associated with the approved use shall not exceed 5 consultants and 2 support staff at any time.
- (10) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (11) (F195) All staff must park in the rear car park, to ensure that parking is available for patients in the front car park.
- (12) (F196) The use of the gym must remain ancillary to the medical centre and cannot be operated independently.
- (13) (F197) Medical practitioners shall each provide consultations for a maximum of 1 patient per hour.
- (14) (F198) No vehicle larger than a B99 vehicle (in accordance with AS 2890) shall service the premises due to the inadequate manoeuvring area on site.

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 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

Apply electronic signoff

Page 12 of 12



DAMIAN KEEP

Phone: 0490 786 853

Email: damian@encompassdrafting.com.au

PO Box: 5335 Port Macquarie BC NSW 2444

SHEET LIST	
COVER	A00
SITE	A001
SITE DESIGN LEVELS	A001.1
GROUND FLOOR EXISTING	A002
GROUND FLOOR NEW	A002.1
FOOTING PLAN	A002.2
ROOF PLAN	A002.3

SHEET LIST	
ELEVATIONS	A003
ELEVATIONS	A003.1
SECTIONS	A004
DETAILS & NOTES	A005
DETAILS & NOTES	A006

1 COVER SHEET



JAMES & PHILIPPA CULLEN

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

OCCUPATIONAL THERAPY PRACTICE

DA ISSUE

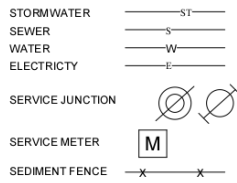
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Checked by	DK

A00

Scale

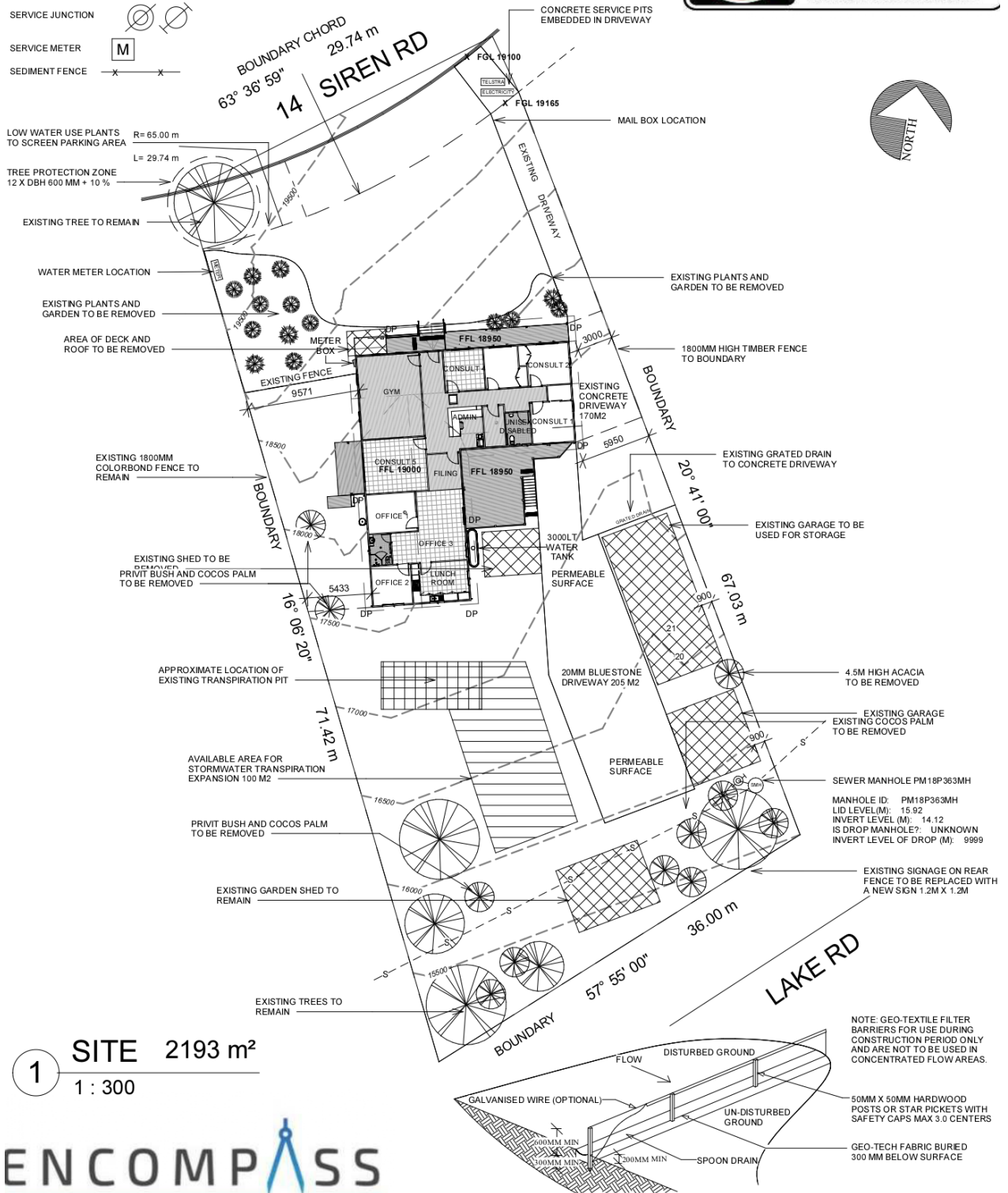
LEGEND



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LEGEND

STORMWATER — S —
SEWER — S —
WATER — W —
ELECTRICITY — E —

SERVICE JUNCTION

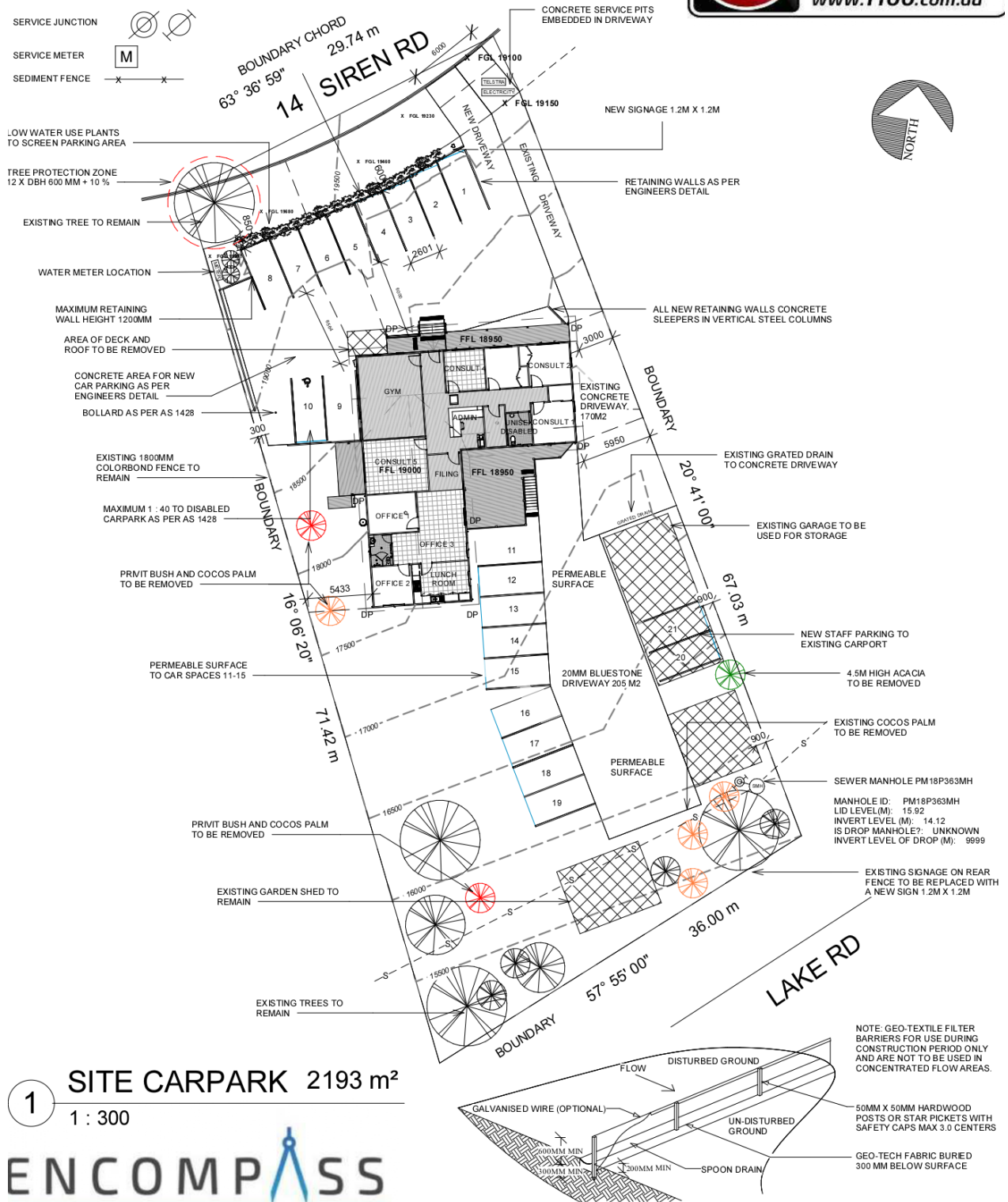
SERVICE METER

SEDIMENT FENCE

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1 SITE CARPARK 2193 m²
1 : 300

ENCOMPASS

JAMES & PHILIPPA CULLEN

OCCUPATIONAL THERAPY PRACTICE

DA ISSUE

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

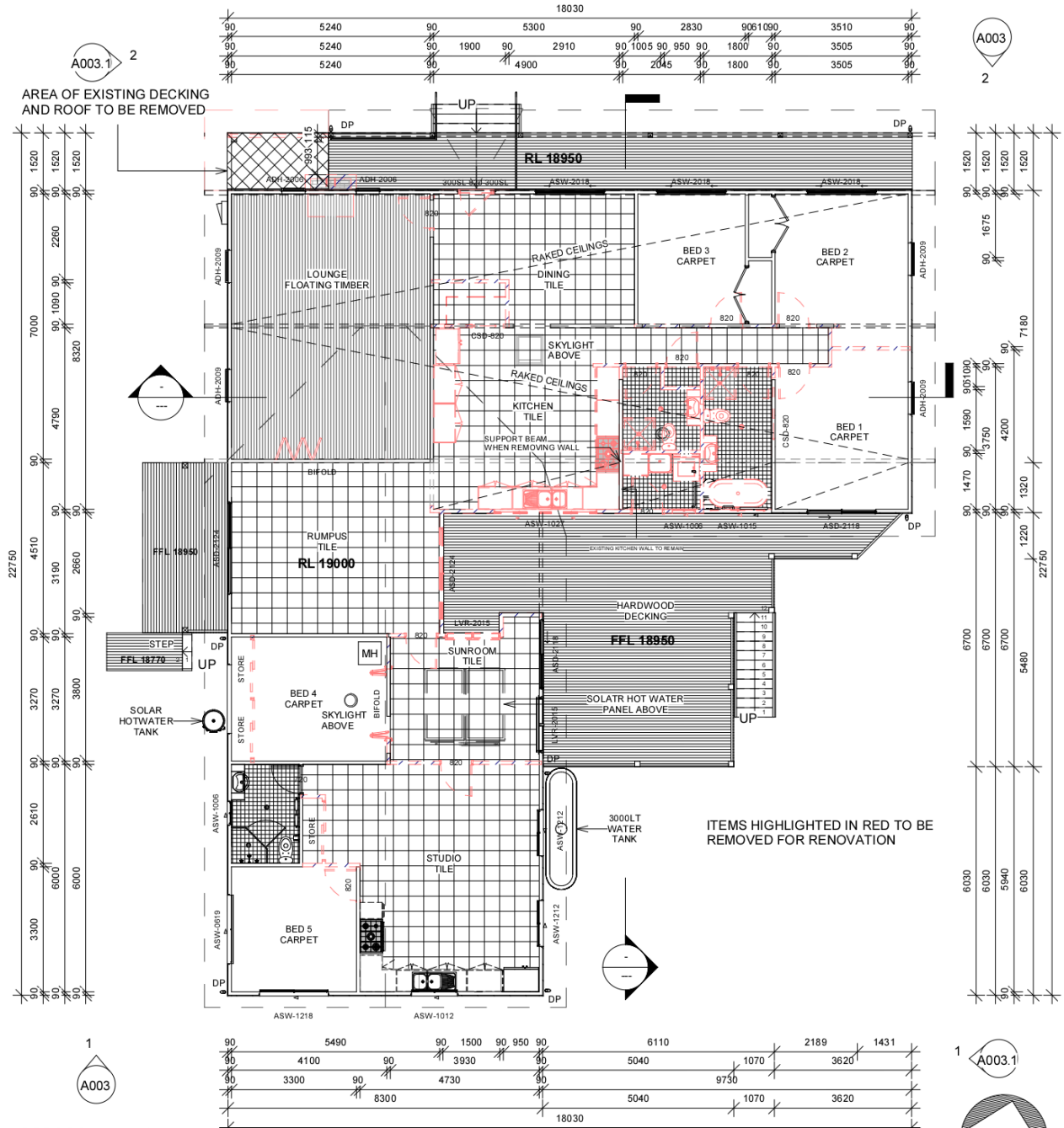
SITE DESIGN LEVELS

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Drawn by	Author	
Checked by	Checker	
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REAR DECK	40 M
INTERNAL AREA	260 M
FRONT DECK	27 M
SIDE DECK	10 M
GRAND TOTAL	337 M

1 : 100



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SMOKE ALARM

GROUND FLOOR EXISTING

Project number	2010
Date	9/09/2019 2:52:28 PM
Drawn by	DK
Checked by	RC

Scale	1 : 100
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NOTES

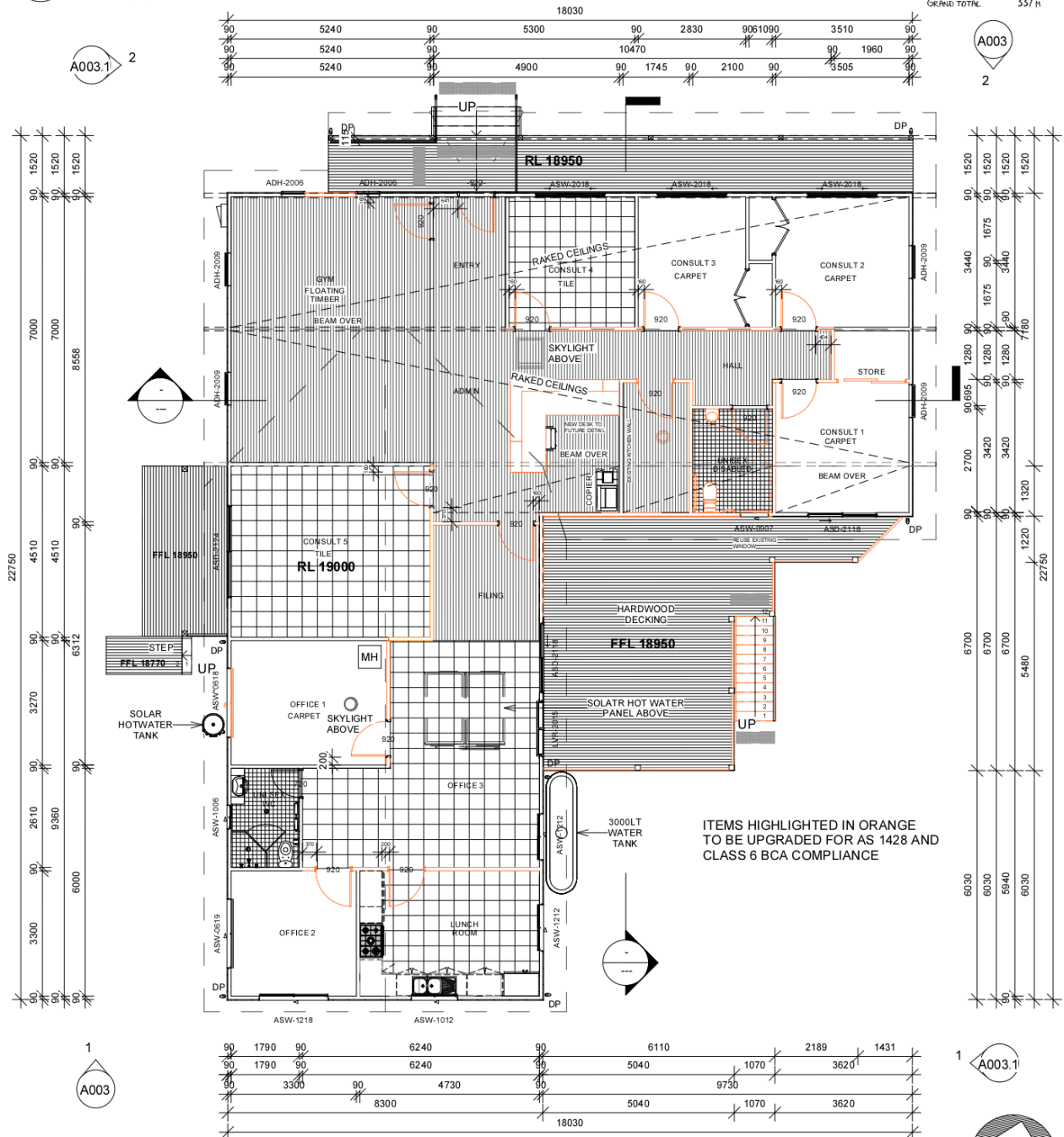
THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON THE JOB PRIOR TO THE COMMENCEMENT OF ANY SHOP DRAWINGS OR FABRICATION. ANY DISCREPANCY, AMBIGUITY, OR INCONSISTENCY SHALL BE REPORTED TO THE DRAFTSPERSON PRIOR TO COMMENCEMENT OF ANY WORK. ALL INTERNAL DIMENSIONS ARE FRAME MEASUREMENTS EXCLUDING LININGS. ALL BUILDING WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. SMOKE ALARMS TO BE INTER CONNECTED AND COMPLY WITH BCA 1 & 10 PART 3.7-2 AND AUSTRALIAN STANDARD AS 3786.

AREA SCHEDULE GROUND FLOOR

1

NEW FLOORPLAN

1 : 100



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SMOKE ALARM

JAMES & PHILIPPA CULLEN

OCCUPATIONAL THERAPY PRACTICE

GROUND FLOOR NEW

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

DA ISSUE

Project number 2010
Date 9/09/2019 2:52:29 PM
Drawn by DK
Checked by RC

A002.1

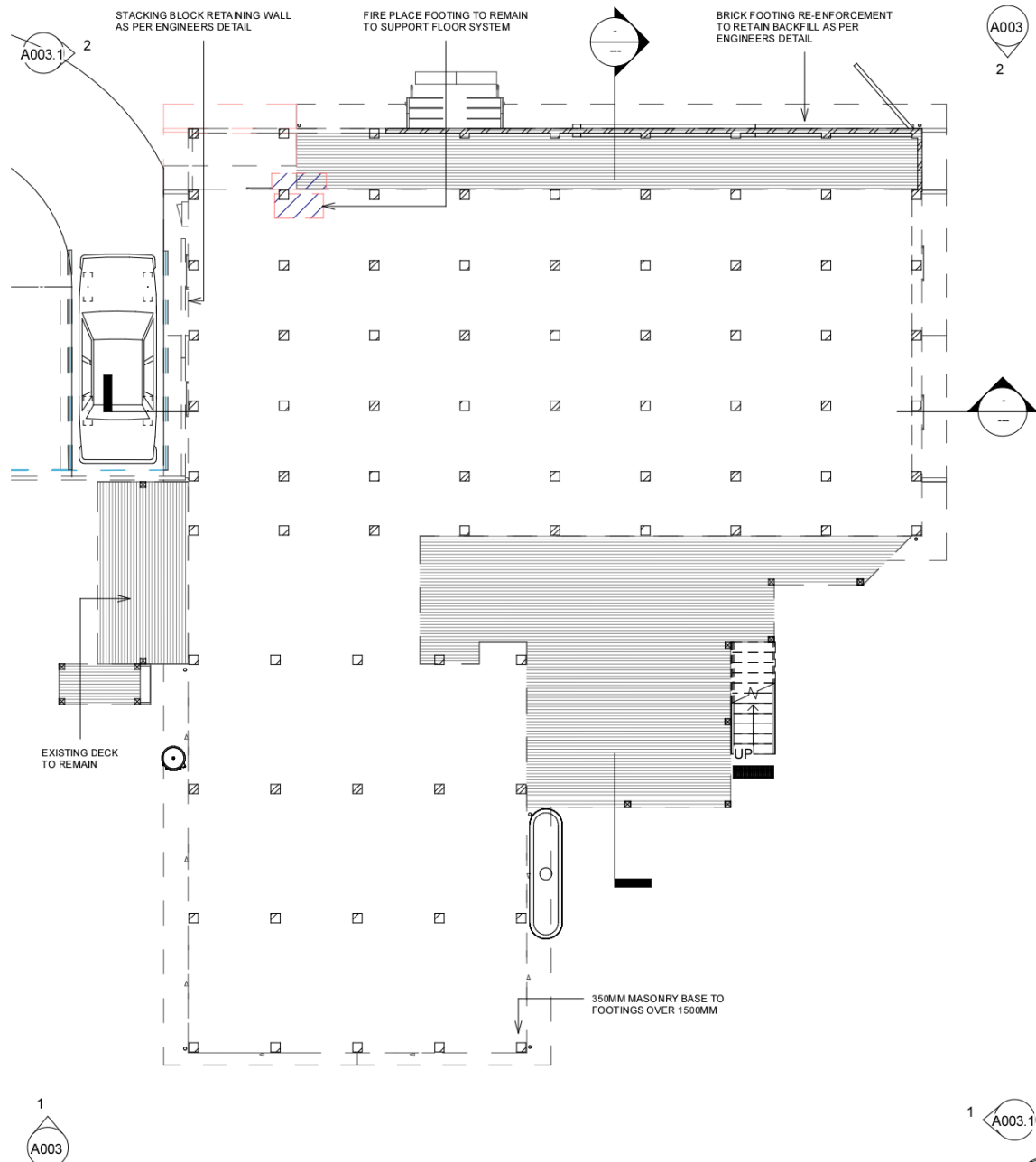
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NOTES

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1 SUB-FLOOR

1 : 100



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SMOKE ALARM

JAMES & PHILIPPA CULLEN

OCCUPATIONAL THERAPY PRACTICE

FOOTING PLAN

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

DA ISSUE

Project number	2010
Date	9/09/2019 2:52:30 PM
Drawn by	DK
Checked by	RC

A002.2

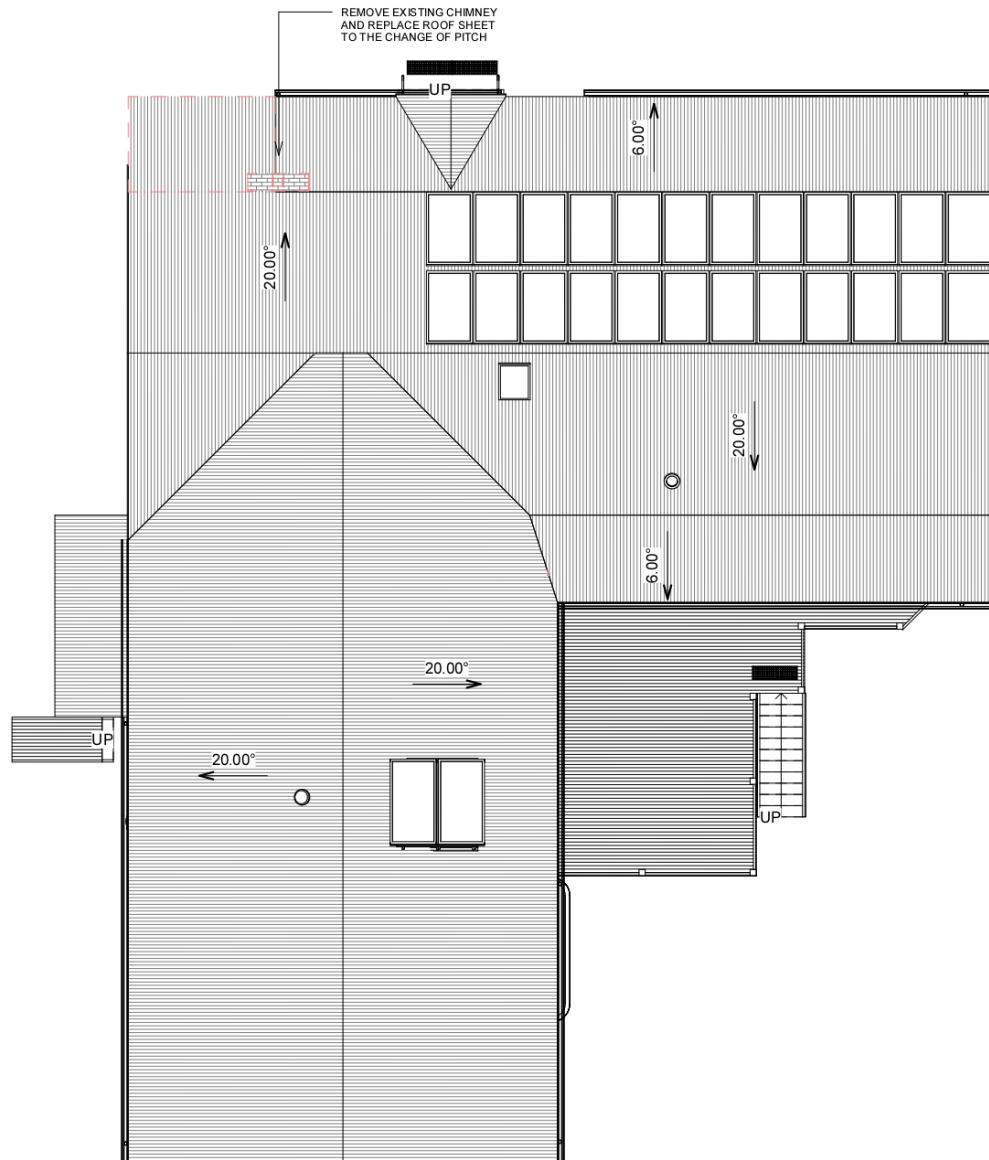
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1 MAX HEIGHT

1 : 100



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SMOKE ALARM

JAMES & PHILIPPA CULLEN

OCCUPATIONAL THERAPY PRACTICE

ROOF PLAN

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

DA ISSUE

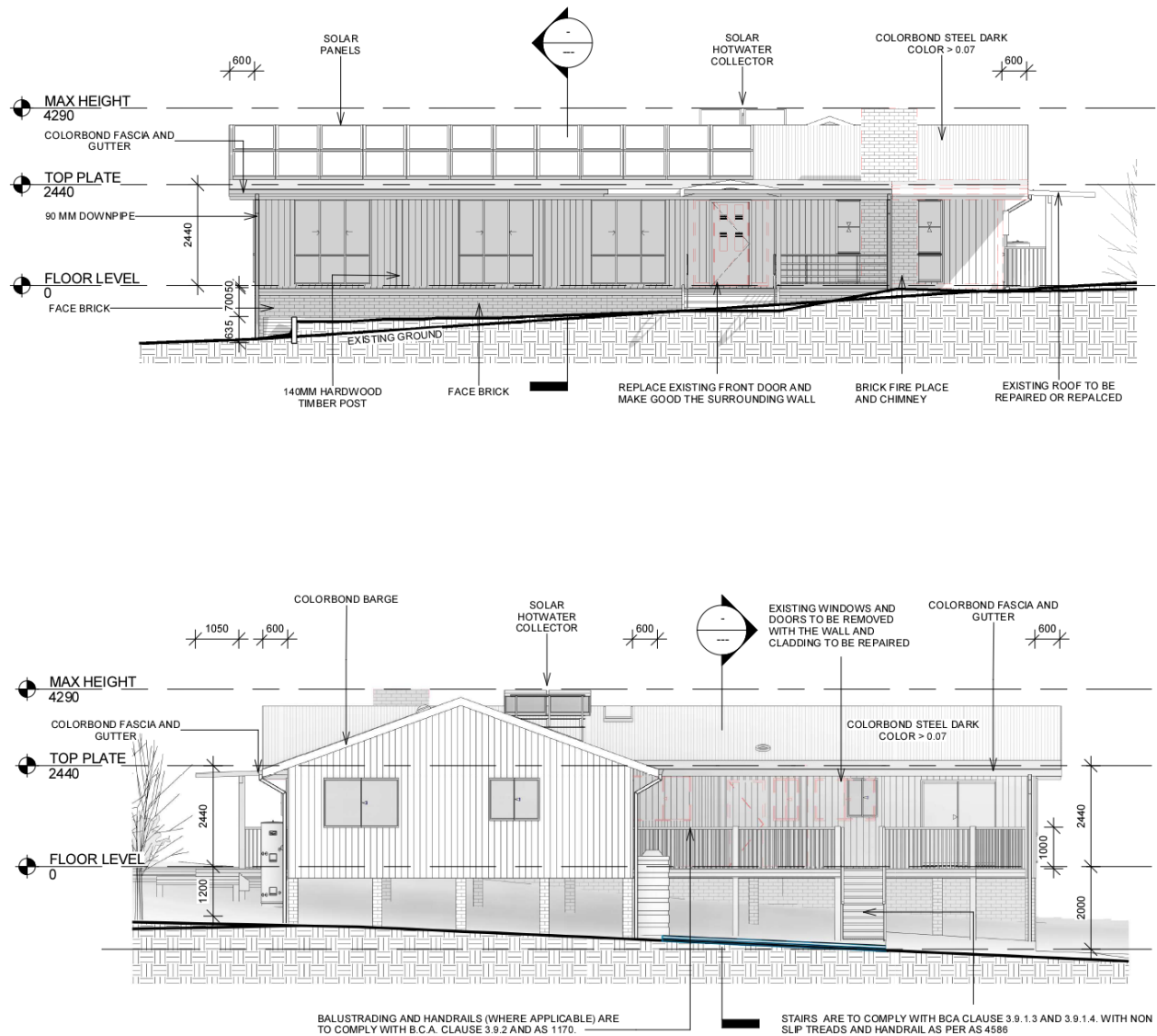
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A002.3

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2 NORTH
1 : 100



1 SOUTH
1 : 100

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OCCUPATIONAL THERAPY PRACTICE

DA ISSUE

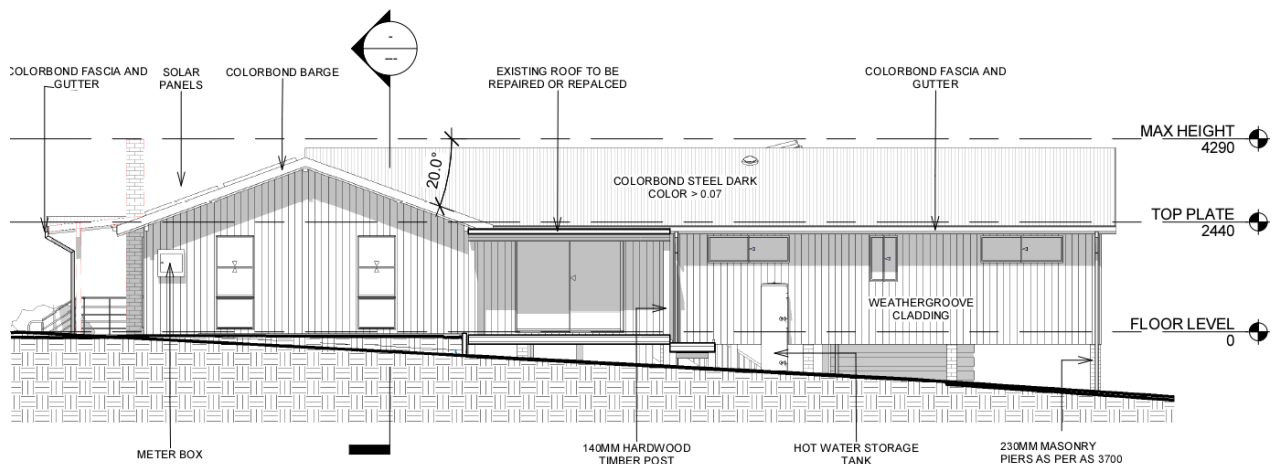
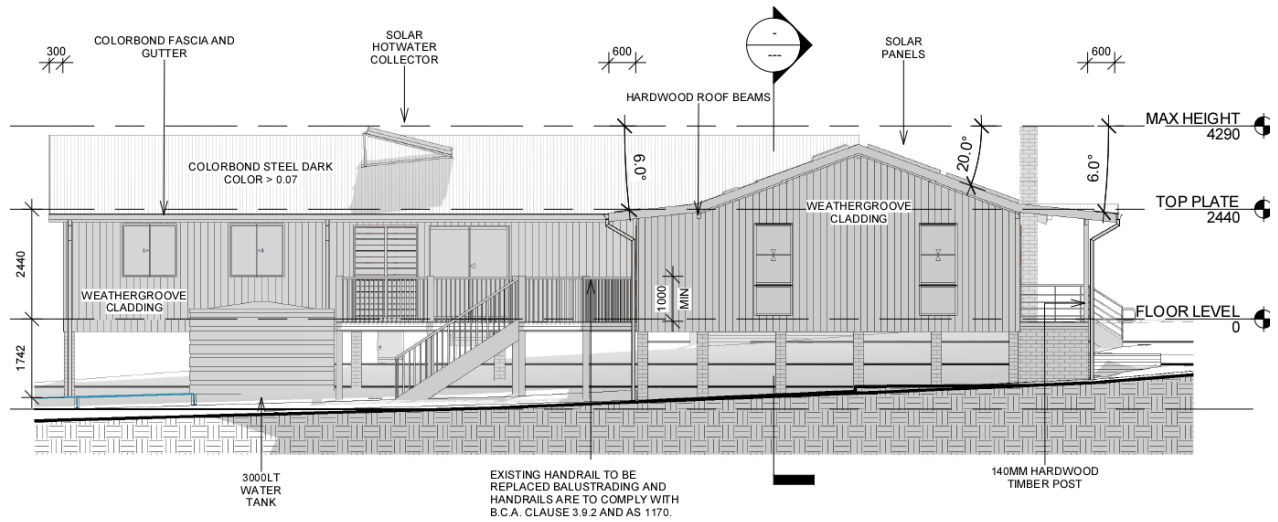
LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

ELEVATIONS

Project number	2010	A003
Date	9/09/2019 2:52:33 PM	
Drawn by	DK	Scale 1 : 100
Checked by	RC	

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1 EAST
1 : 100



2 WEST
1 : 100

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LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

OCCUPATIONAL THERAPY PRACTICE

DA ISSUE

ELEVATIONS

Project number	2010	A003.1
Date	9/09/2019 2:52:35 PM	
Drawn by	DK	
Checked by	RC	
Scale		1 : 100



JAMES & PHILIPPA CULLEN

LOT 28 DP 264025 No 14 SIREN RD
PORT MACQUARIE NSW 244

OCCUPATIONAL THERAPY PRACTICE

DA ISSUE

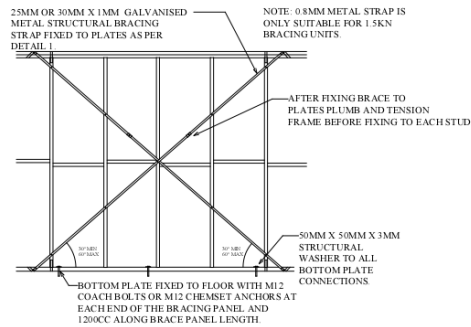
SECTIONS

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Date	9/09/2019 2:52:35 PM	
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Checked by	RC	

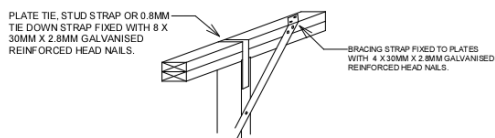
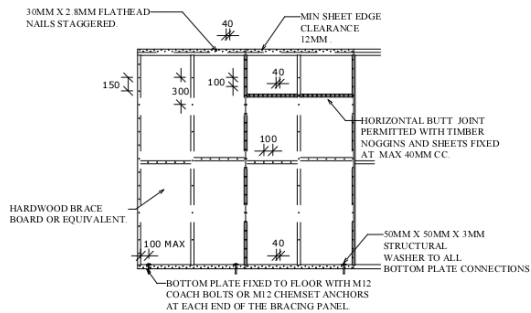
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**CROSS BRACING DETAIL 1.5 KN OR 3KN
WITH TIES & ANCHORS.**



**SHEET BRACING DETAIL HARDWOOD BRACEBOARD
3.4KN OR 6KN WITH ANCHORS.**



STUD STRAP FIXING DETAILS

SPECIFICATIONS & GENERAL NOTES

THESE ARCHITECTURAL DRAWINGS ARE TO BE
READ IN CONJUNCTION WITH THE STRUCTURAL
ENGINEERS DRAWINGS AND ALL OTHER
RELEVANT CONSULTANT DRAWINGS.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA UNLESS OTHERWISE SPECIFIED.

TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1684 2006. NATIONAL TIMBER FRAMING CODE.

SARKING MATERIAL USED MUST COMPLY WITH AS/NZ 4200 PARTS 1 AND 2 AND HAVE A FLAMMABILITY INDEX OF NO GREATER THAN 5.

WHERE PRE FABRICATED WALL FRAMES AND ROOF TRUSSES ARE NOMINATED THE DESIGN AND SPECIFICATION (INCLUDING SPECIFIC HOLD DOWN REQUIREMENTS) ARE TO BE SPECIFIED BY THE FRAME AND TRUSS MANUFACTURER.

BALUSTRADING AND HANDRAILS (WHERE APPLICABLE) ARE TO COMPLY WITH B.C.A. CLAUSE 3.9.2 AND AS 1170.

STAIRS (WHERE APPLICABLE) ARE TO COMPLY WITH BCA CLAUSE 3.9.1.3 AND 3.9.1.4. WITH NON SLIP TREADS AND HANDRAIL AS PER AS 4586

VAPOR BARRIER TO BE INSTALLED IN ACCORDANCE WITH B.C.A CLAUSE 3.2.2.6 AND TO BE 0.2 FORTECON OR EQUIVALENT AND MUST BE MEDIUM IMPACT RESISTANT ON A MINIMUM 50MM BED OF SAND FILL.

WHERE W.C. OR ENSUITE DOORS DO NOT OPEN
OUTWARD
THEY SHALL BE INSTALLED WITH LIFT OFF HINGES.

PLUMBING AND DRAINAGE SYSTEMS ARE TO COMPLY WITH A S3500 WITH TEMPORARY DOWN PIPES TO BE USED TO DISPERSE WATER DURING CONSTRUCTION.

STORM WATER FROM THE ROOF TO BE DISCHARGED TO WATER TANKS, THE STREET KERB OR ONTO OWN PROPERTY WITHOUT NUISANCE TO NEIGHBOURS.

TERMITE MANAGEMENT SYSTEMS ARE TO COMPLY WITH AS 3660 WITH THE PROPERTY OWNERS NOTIFIED AS TO ANY ON GOING MAINTENANCE REQUIREMENTS / OBLIGATIONS.

INSTALLATION OF SMOKE DETECTORS TO COMPLY WITH AS 3786.

CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3600.

MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3700.

DAMP_PROOF COURSES AND FLASHINGS TO BE IN ACCORDANCE WITH AS/NZ 2094.

THERMAL INSULATION OF DWELLINGS TO COMPLY WITH AS3999 AND ANY SPECIFIC BASIX REQUIREMENTS.

**UN-PLASTICISED PVC. (UPVC) DOWN PIPE
AND FITTINGS FOR ANY RAINWATER TO
COMPLY WITH AS 1273.**

**INSTALLATION OF SHEET ROOF AND WALL
CLADDING TO COMPLY WITH AS 1273.**

ALL PEDESTRIAN SURFACES TO COMPLY WITH AS /NZ 3661 SLIP RESISTANCE.

GLAZING, SHOWER SCREENS, BATH ENCLOSURES AND ROBE DOORS ARE TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288 & AS 2074 AND BCA CLAUSES 3.6.6, 3.6.7. AND 3.6.9. WINDOW RESTRICTORS OR SCREENS TO BE FITTED AS PER THE BCA

WATERPROOFING OF WET AREAS TO COMPLY WITH AS 3740 AND B.C.A. CLAUSES 3.8.1.3, 3.8.1.4, 3.8.1.5.

ELECTRICAL INSTALLATIONS TO COMPLY WITH A S/NZ 3018.

**POOL SAFETY FENCES (WHERE APPLICABLE)
ARE TO BE INSTALLED TO COMPLY WITH AS
1926, AND THE SWIMMING POOLS ACT 2008
WITH ACCESS AND FITTING TO COMPLY WITH
AS 1428.1**

IF ANY DISCREPANCY, AMBIGUITY, ERROR OR
INCONSISTENCY IS FOUND IN THIS SET OF
DRAWINGS, REPORT SUCH TO J & E MILLERS
DRAFTING DEPT BEFORE PROCEEDING.

SILT FENCES ARE TO BE 600MM HIGH AND ARE TO COMPLY WITH COUNCIL POLICY

ALL DIMENSIONS ARE TO BE VERIFIED BY THE BEFORE WORK OR FABRICATION COMMENCES.

WINDOW SCHEDULE					
Type Mark	Level	Head Height	Height	Width	Comments
ASW*0618	FLOOR LEVEL	2140	600	1810	NEW WINDOW CONSULT 5

DOOR SCHEDULE				
Type Mark	Level	Height	Width	Comments
-920-	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
920	FLOOR LEVEL	2040	920	NEW DOOR
STORE	FLOOR LEVEL	2134	1524	NEW DOOR
STORE	FLOOR LEVEL	2134	1524	NEW DOOR
STORE	FLOOR LEVEL	2134	1524	NEW DOOR
STORE	FLOOR LEVEL	2134	1760	NEW DOOR



SPECIFIC NOTES

OPENINGS TO BE MEASURED ONSITE BEFORE ORDERING REPLACEMENT WINDOWS OR DOORS

JAMES & PHILIPPA CULLEN LOT 28 DP 264025 No 14 SIREN RD PORT MACQUARIE NSW 244	OCCUPATIONAL THERAPY PRACTICE	DETAILS & NOTES	
	DA ISSUE	Project number	2010
		Date	9/09/2019 2:52:36 PM
		Drawn by	DK
		Checked by	RC
		Scale	A005

Item: 07

Subject: DA2019 - 422.1 MEDICAL CENTRE AT LOT 3 DP827711, CNR OF BOTANIC DRIVE AND SIRIUS DRIVE, LAKEWOOD.

Report Author: Development Assessment Planner, Steven Ford

Applicant: Encompass Drafting
Owner: CDM Futures Pty Ltd
Estimated Cost: \$1,280,000
Parcel no: 22371

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019 - 422.1 for a Medical Centre at Lot 3, DP 827711, Cnr of Botanic Drive and Sirius Drive, Lakewood, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

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

The proposal has been amended during the assessment of the application.

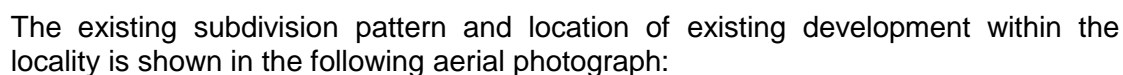
This report recommends that the subject application be approved subject to the attached conditions.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 2870m².

The site is zoned B2 Local Centre in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



- Subject land is currently vacant

- Proposed development is for a Medical Centre
- Unit 1 proposes 9 consultation rooms and 5 treatment rooms shared between 9 consultants
- Unit 2 and 3 proposes a Radiology and X-ray with 3 consultants.
- Access will be via 2 one-way driveways entering from Sirius Dr and exiting at Botanic Dr, as well as maintaining pedestrian links.

Refer to attachments at the end of this report for further details.

Application Chronology

- 15 May 2019 Pre-lodgement Meeting
- 14 June 2019 Application Lodged
- 25 June 2019 to 08 July 2019 Public Notification
- 27 June 2019 Submission received
- 08 August 2019 Traffic Impact Assessment, Engineering Plans and Subdivision Plans submitted
- 12 August 2019 Additional information received from Applicant - regarding assessment and submission concerns
- 14 August 2019 Site inspection
- 19 August 2019 Additional information and amended plans received

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

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The policy does not apply. The land is less than 1 hectare in size and not subject to a Koala Plan of Management (KPoM).

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 64 – Advertising and Signage

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

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Building identification signage only which addressed Schedule 1 criteria	Yes
Schedule 1(1) Character of the area.	Business identification signage is consistent with the B2 Local Centre zoning.	Yes
Schedule 1(2) Special areas.	Proposed signage will not detract from the adjoining developments amenity	Yes
Schedule 1(3) Views and vistas.	Will not impact any views	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposed signage is appropriate for this type of development.	Yes
Schedule 1(5) Site and building.	The proposed signage is appropriate scale to the proposed building.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	N/A	Yes
Schedule 1(7) Illumination.	Appropriate illumination of signage will be conditioned to opening hours as well as avoidance of unacceptable glare/intensity.	Yes
Schedule 1(7) Safety.	No adverse safety impacts apparent	Yes

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area.

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

Having regard to clauses 13 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- any adverse impacts coastal environmental values and natural coastal processes;
- any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- any adverse impact on Aboriginal cultural heritage, practices and places;
- any adverse impacts on the cultural and built environment heritage;
- any adverse impacts the use of the surf zone;
- any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- overshadowing, wind funneling and the loss of views from public places to foreshores;
- 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 the 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 (Infrastructure) 2007

Clause 57(1) - Health services facilities are permitted with consent by any person as the land is in a prescribed zone.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned B2 Local Centre.
- Clause 2.3(1) and the B2 zone landuse table The proposed development for a medical centre is a permissible landuse with consent.
- The objectives of the B2 zone are as follows:
 - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area
 - To encourage employment opportunities in accessible locations
 - To maximise public transport patronage and encourage walking and cycling
 - To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - Provides community services and local employment opportunities
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 5.3m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal complies with the maximum 1:1 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 7.13 - 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 proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(iii) Any Development Control Plan (DCP) in force**Port Macquarie-Hastings Development Control Plan 2013**

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	Proposal includes business identification signs associated with the proposed buildings.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .	None proposed outside property boundary.	Yes
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A
	On-premise signs should not project above or to the side of building facades	Signage does not project above or to the sides of the building.	Yes
2.2.2.2	Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	No information has been provided regarding illumination controls. Providing the design and separation from the proposed building to adjoining dwellings there are no adverse impacts apparent. However, for clarity a condition has been recommended regarding illumination for all signage.	Yes
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design	The proposed development is unlikely to create any concealment/entrapment areas or crime spots that	Yes

	<p>guideline:</p> <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	would result in any identifiable loss of safety or reduction of security in the immediate area.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Less than 1m cut or fill proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed at 1m.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	A condition has been recommended regarding the maximum height of retaining wall.	Yes
	Combination of retaining wall and front fence height	N/A	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	No hollow bearing trees present on the site.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	9 trees to be removed from the proposed entry driveway. No significant trees identified, appropriate condition has been recommended to have a qualified arborist onsite during tree clearing works.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Proposed driveways are rationalised. See Traffic Impact Assessment.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	2 one-way driveways are proposed. Considering the size of the site and frontage, impacts on the street parking are limited.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1. Medical centres = 3 spaces per consultant + 1 per 2 employees	The proposed medical centre is to include 9 consultants and 6 employees, which requires 30 parking spaces in accordance with Table 2.5.1.	Yes

		<p>The X-Ray tenancy will have 3 consultants and 3 admin staff, requiring 10.5 parking spaces in accordance with Table 2.5.1.</p> <p>Minimum number of 41 parking spaces required.</p> <p>42 parking spaces are proposed inclusive of a disabled space.</p> <p>A condition is recommended limiting the number of practicing consultants and staff to reflect the available parking.</p> <p>Stage 2 of the development proposes formalising the easement along the western boundary to have 17 additional car parking spaces benefitting the adjoining Lakewood Shops.</p>	
2.5.3.11	Section 94 contributions	Refer to main body of report.	

(iii) Any planning agreement or draft planning agreement

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

(iv) The regulations

n/a

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

The site has a general north-east street frontage orientation to Botanic and Sirius Drives.

Adjoining the site to the north are residential dwellings.

Adjoining the site to the east are residential dwellings.

Adjoining the site to the south is a service station.

Adjoining the site to the west is a shopping centre and loading bays.

The proposal is not anticipated to have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

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

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

The proposal would not have significant adverse lighting impacts however a condition of consent is recommended to ensure impacts are minimised.

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

There would be 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 between the hours of 9am and 3pm.

Roads

The site has road frontage to Sirius and Botanic Drive. Adjacent to the site, Sirius and Botanic Drive are a sealed public road under the care and control of Council. Both roads are Local roads and includes kerb and gutter, footpath paving/shareways.

Traffic and Transport

The additional traffic associated with the development is unlikely to have any adverse impacts on the existing road network within the immediate locality. Council's development engineering staff have reviewed the application and are satisfied with the finding of the supporting Traffic Impact Statement prepared by StreetWise Road Safety & Traffic Pty Ltd, July 2019.

Site Frontage and Access

Vehicle access to the site is proposed through two (one way) driveways entering at Sirius Drive and exiting on Botanic Drive. A Traffic Impact Assessment was provided. The assessment has determined that Ocean Drive, Sirius Drive and the local road network has the capacity to cater for the current volumes and future traffic volumes generated by the proposed development, with regard to safety, efficiency and with minimal delays and queues. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Parking and Manoeuvring

A total of 42 parking spaces have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

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

Note: Stage 2 will formalise additional 17 car parking spaces over the eastern right of carriageway easement once negotiations with adjoining landowner has been finalised. This is additional car parking to service adjoining developments and is not critical to this assessment, however, is a positive outcome for resolving any potential existing parking issues.

Water Supply Connection

Council records indicate that the development site is not currently serviced with water. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection for a medical centre is a Reduced Pressure Zone Device (RPZ) at the boundary. Plans shall be provided to the Water & Sewer Section for approval. Conditions are recommended to ensure that these requirements are met.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer main which runs inside of the western boundary of the development site. The proposed development is required to discharge all sewage to a new or proposed sewer manhole. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work. Plans shall be provided to the Water and Sewer Section for approval. Appropriate conditions have been recommended in this regard.

Stormwater

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

The legal point of discharge for the proposed development is defined as a direct connection to Council's existing piped stormwater system at northern corner of the site.

Stormwater from the proposed development is planned to be disposed via direct connection to an existing pit along the Botanic Drive frontage. Which is consistent with the above requirements.

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

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

- On site stormwater detention facilities
- Water quality

Appropriate conditions have been recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

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 significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to compliance with the recommended 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 is recommended.

Flora and fauna

The proposed development includes clearing of 9 trees. The Biodiversity Offset Scheme doesn't apply for the following reasons:

- Given the location of the site in an established urban environment, and the nature of the proposal being acceptable by SEPP, LEP and DCP standards, the removal of the trees and their offset to a more suitable location was considered acceptable.
- The land isn't identified on the Biodiversity Values Map;
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017.

Minimum lot size of land (LEP Lot Size Map)	Area of Clearing
Less than 1 hectare	0.25 hectare or more

Waste

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

Energy

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

Noise and vibration

Any development of vacant land will increase noise and vibration. 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 providing the land zoning and potential demand. Standard precautionary site management condition recommended. Hours of operation conditions have been recommended to 8am to 7pm Monday to Saturday.

Bushfire

The site is identified as being bushfire prone. The proposal includes no residential component and is not identified as a special fire protection purpose. The aims and objectives of the RFS Planning for Bushfire Protection 2006 guidelines are satisfied.

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, local employment and specialist medical services to the local area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality.

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 access and traffic generation have been adequately addressed and appropriate conditions of consent recommended.

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

One written submission was received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Traffic issues; there has been numerous near misses and accidents at the Woolworths entry and the Ocean Drive/Sirius Drive intersection, due to the already increased traffic volume from Woolworths & looking at the plans for the Proposed Development, it is only going to worsen.	The Applicant has provided a Traffic Impact Assessment for the proposal, which is attached to this report. The report suggests that increased traffic will not have adverse impacts to Sirius and Botanic Drive, and considers the impact on road safety as a low risk. The report confirms that Ocean Drive, Sirius Drive and Botanic Drive are adequate to cater for the future traffic

Submission Issue/Summary	Planning Comment/Response
	volumes proposed by this development regarding safety, efficiency and queuing. The details submitted are considered acceptable.
There are already issues with speeding vehicles in Botanic Drive/Sirius Drive.	Noted. It is not anticipated that the proposed development will adversely impact existing traffic issues within the vicinity.
There is a Bus Stop adjacent to the proposed Sirius Drive entry where at school drop offs & pickups one lane of Sirius Drive is virtually blocked by the bus, with schoolchildren everywhere.	The proposed entry driveway will be approximately 20m from the existing bus stop. The Traffic Impact Assessment identifies that there may be some sight distance issues when buses are picking up or dropping off passengers but given the small number of bus trips per day, the potential for conflict is low. To further mitigate this, the driveway off Sirius Drive will be an entry only and not allow traffic to exit at this driveway and not turn right.
Botanic Drive entrance, plans indicate that this will be a dual entry for the Medical Centre and Woolworths, Botanic Drive is fully residential housing area, children & elderly residents have been nearly ran over by vehicles using the existing entry (Cars/Trucks exiting this one way only entry) to which the Council ensured residents it would only be used for entry and was noted on the Woolworths Development Application. (No Council enforcement of this, even though complaints have been made)	The proposed Botanic Drive driveway is an exit only. This is proposed to be conditioned to be delineated by appropriate signage and line marking. The traffic impact assessment suggests that the road network is capable of supporting the proposed development and both access points have adequate sight distance available.
Increased vehicle noise to residential area, operating 12 hours a day, 7 days a week.	The subject site is zoned B2 - Local Centre, and Medical Centres are a permissible use in the zone. Vehicle traffic will increase with any appropriate level of development within this zoning. The anticipate demand will not adversely impact the efficiency or safety of the local road network. An appropriate condition regarding noise is recommended including restricting hours of operation.

(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

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.12 contributions 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](#). DA2019 - 422.1 Recommended Conditions.
- 2 [View](#). DA2019 - 422.1 Plans.
- 3 [View](#). DA2019 - 422.1 Engineering Plans
- 4 [View](#). DA2019 - 422.1 Proposed Strata Subdivision Plan
- 5 [View](#). DA2019 - 422.1 Traffic Impact Assessment
- 6 [View](#). DA2019 - 422.1 Contributions Quote

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/422****DATE: 17/09/2019****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	Project Number 2010	Damian Keep	19/08/2019
Engineering Plans	DWG No. 2019-75	David R Johnson Consulting Engineer Pty Ltd	July 2019
Traffic Impact & Car parking Assessment	J/N092019	Streetwise Road Safety & Traffic Service Pty Ltd	31 July 2019
Statement of Environmental Effects		Damian Keep	19/06/2019

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) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1: Construction of Medical Centre Buildings and Car park
- Stage 2: Strata Subdivision

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging

resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (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) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (10) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (11) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

In this regard, whilst you have indicated that trade waste will not be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.

- (12) (A195) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. Formal Trade Waste Approval will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.
- (13) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (14) (A196) Prior to issue of the strata certificate, proposed car parking along the western edge of the building over the existing right of carriage way is to be formalised subject to land owner's consent. This is to include extinguishing the existing right of carriageway and replaced with an easement for car parking. Plans are to show the lowering of this land to allow at grade car parking, details will also need to include stormwater management and pavement sealing for this area.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Road works along frontage
 - 2. Sewerage reticulation.
 - 3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 - 4. Stormwater Systems
 - 5. Erosion & Sediment Control
 - 6. Retaining Walls
 - 7. Utility Services Locations
 - 8. Traffic Management Control Plan
 - 9. Detailed driveway profile in accordance with ASD202, ASD207 & ASD208.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to

be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Footway and gutter crossing
- Functional vehicular access

- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B018) Fire service coverage to the building envelope of each lot to AS 2419 is to be provided wherever there is reasonable prospect of coverage from a street hydrant. The subdivision plans with suitable Section 88B instruments are to show building envelopes that can be covered by street hydrants to AS 2419. This information is to be shown on the engineering plans.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on

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

- (9) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (10) (B048) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:
- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
 - b. Provided with a hose tape connected to the water supply;
 - c. Paved with impervious material;
 - d. Graded and drained to the sewer system, and
 - e. Roofed to prevent the entry rainwater.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as the existing stormwater system, being a direct connection to Council's piped system.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 2019-75 prepared by David R Johnson Consulting Engineer Pty Ltd and dated July 2019.
 - c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - e) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are 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.
 - f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- g) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- h) If it is proposed to utilise the existing stormwater system on Lot 1 of DP1110449 for the drainage of the Stage 2 car parking area, the following is required to occur:
- Detailed modelling of the existing system to confirm if the existing system has adequate capacity. Where it is determined that the existing system is not sufficient, the system shall be upgraded.
 - An easement for the drainage of stormwater and maintenance over those parts where that lot is relied upon for servicing, is required to be obtained and registered.

If the above cannot be achieved and demonstrated, stormwater from the Stage 2 car parking area is to be directed to the legal point of discharge at the Northern corner of the site. Details to be included with the application for approval pursuant to Section 68 of the Local Government Act, 1993.

- (12) (B052) The provision of 3m x 3m splay corners or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (15) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority.
- (16) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Construction Certificate application.
- (17) (B070) If augmentation is required on adjoining property, owner's consent shall be provided to Council with any Section 68 application and/or Construction Certificate application for subdivision works where augmentation is required on adjoining property including:
- Private drainage infrastructure (i.e. interallotment drainage, Council drainage)
- (18) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (19) (B195) Council records indicate that the development site is not currently serviced for water. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection for a medical centre is a Reduced Pressure Zone Device (RPZ) at the boundary. Plans shall be provided to the Water & Sewer Section for approval.

- (20) (B196) Council records indicate that the development site is connected to Sewer via junction to the existing sewer main which runs inside of the western boundary of the development site. The proposed development shall discharge all sewage to a new or proposed sewer manhole. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work. Plans shall be provided to the Water & Sewer Section for approval.
- (21) (B197) The traffic through the site is to be one way, with entry only off Sirius Drive and Exit only onto Botanic Drive. Details of suitable signage and line marking to facilitate this is to be included on drawings with the application for an approval for a Construction Certificate.
- (22) (B198) Signage is to be provided near the exit of the site to warn drivers exiting onto Botanic Drive to check / look for truck movements at the adjacent loading dock entry. Details to be included on drawings with the application for an approval for a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public

Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (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) (D007) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (4) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E026) Occupation of the premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (8) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states: "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow". This plate is to be fixed into position prior to occupation or the issue of the Occupation Certificate.

- (9) (E042) Where stormwater pipelines traverse lots other than those which they benefit appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.

a. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.

Where easements are not associated with a subdivision, the easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to any Occupation Certificate.

- (8) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

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

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

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

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

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

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.

- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (10) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (11) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (12) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (13) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (14) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (15) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (16) (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.

- (17) (E195) Prior to Occupation, internal car park signage and line marking should be installed to clearly delineate one-way movement through the medical centre carpark and prevent vehicles from exiting onto Sirius Drive the wrong driveway.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 42 spaces are to be provided onsite.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F011) Each required fire-isolated exit shall have displayed in a conspicuous position adjacent to each access doorway, a notice in accordance with the Environmental Planning and Assessment Regulation 2000.
- (5) (F012) The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.
- (6) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (7) (F016) Offensive odours shall not be generated by the development, including the process of .
- (8) (F018) Trade waste generating activities, including , shall only be carried out in an approved trade waste area which pretreats all waste waters prior to discharge to the sewer.
- (9) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (10) (F025) Hours of operation of the development are restricted to the following hours:
- 8 am to 7 pm – Mondays to Fridays
- 8 am to 7 pm – Saturdays
- No work is to be carried out on Sundays and Public Holidays
- (11) (F030) Parking onsite is to comply with the parking rates in Port Macquarie-Hastings Development Control Plan 2013 for Medical Centres being 3 spaces per consultant and 1 space per 2 staff. Using the aforementioned parking rates, the ratio of consultants to staff allowed is not to generate the need for more than 42 spaces.
- (12) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed,

installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.

- (14) (F195) Cars are not to exit the site directly onto Sirius Drive.
- (15) (F196) Solid wastes such as hypodermic needles, syringes, instruments, utensils, swabs, dressings, bandages, paper and plastic items of a disposable nature, or human tissues must not be discharged to the sewerage system. Such wastes are to be disposed of in accordance with the NSW Health Policy directive of 2017 *Clinical and Related Waste Management for Health Services*, which advise on the safe handling, storage and disposal of clinical, cytotoxic, pharmaceutical and chemical wastes.

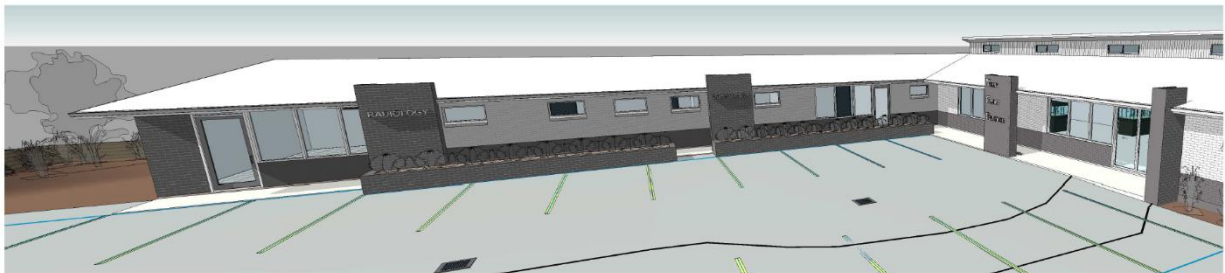
DRAFT



1 COVER SHEET



2 3D View 1



3 3D View 2

SHEET LIST	
COVER	A01
GROUND FLOOR WEST WING	A02
GROUND FLOOR SOUTH WING	A03.1
ROOF PLAN	A03.2
ELECTRICAL LAYOUT	A03.3
ELEVATIONS	A04
SECTIONS	A05
SITE LOCATION	A06
SITE PARKING	A06A
LANDSCAPING	A06B
DETAILS & NOTES	A07
DETAILS & NOTES	A07.1

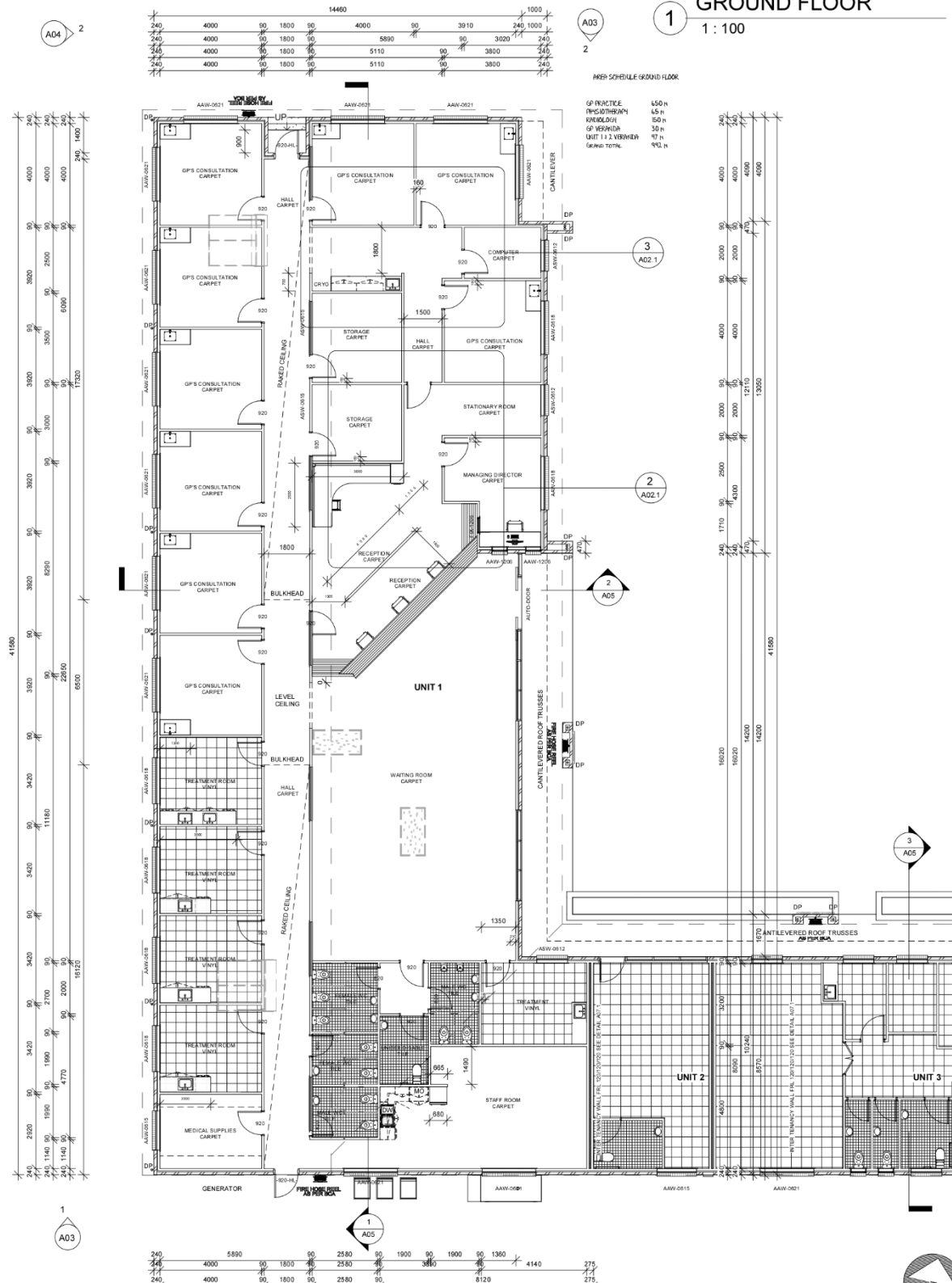
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GROUND FLOOR

1 : 100



19/08/2019 11:08:58 AM

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JM EASTCOAST

GROUND FLOOR WEST WING

Project number	2010
Date	19/08/2019 11:08:58 AM
Drawn by	DK
Checked by	RC

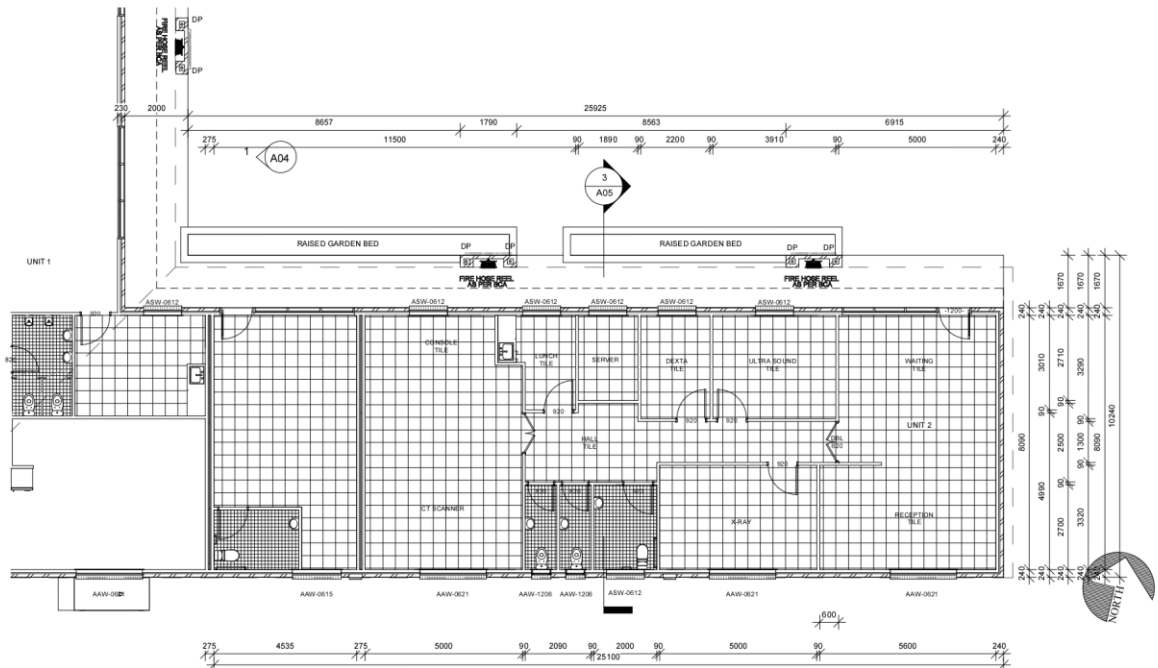
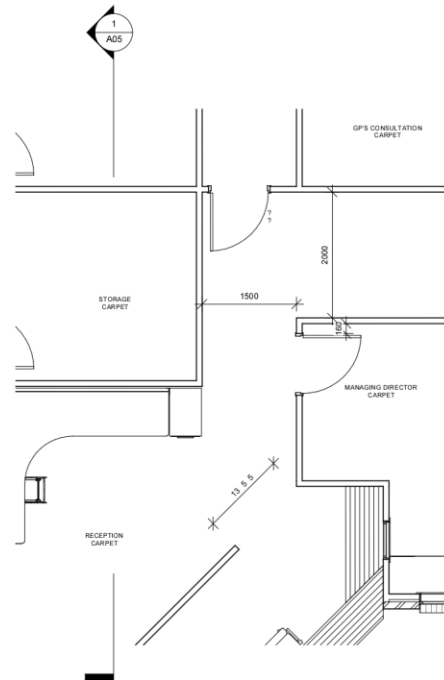
A02

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AREA SCHEDULE GROUND FLOOR.

GP PRACTICE	650 H
PHYSIOTHERAPY	65 H
RADIOLOGY	150 H
GP VERANDA	30 H
UNIT 1 & 2 VERANDA	47 H
GRAND TOTAL	942 H

2 CIRCULATION DETAIL
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1 GROUND FLOOR SOUTH
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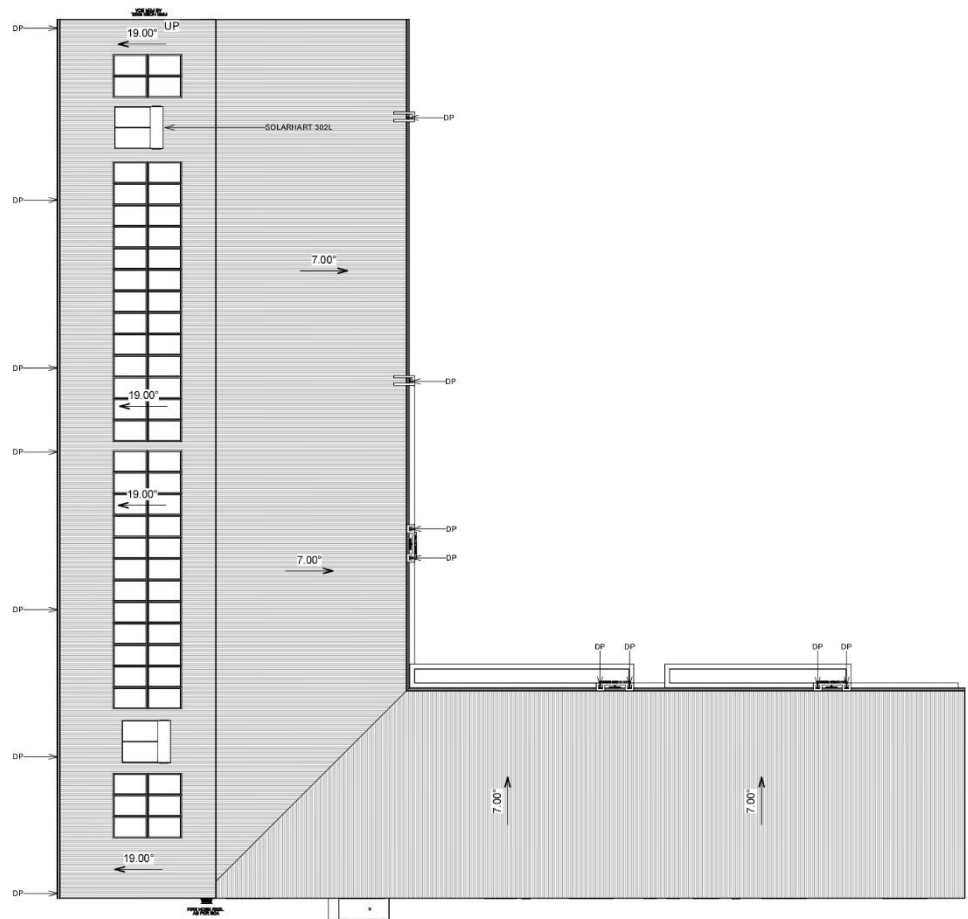
GROUND FLOOR SOUTH WING

A02.1

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1 ROOFLINES
1 : 150



NOTES
THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON THE JOB PRIOR TO THE COMMENCEMENT OF ANY SHOP DRAWINGS OR FABRICATION.
ANY DISCREPANCY, AMBIGUITY, OR INCONSISTENCY SHALL BE REPORTED TO THE DRAFTSPERSON PRIOR TO COMMENCEMENT OF ANY WORK. ALL INTERNAL
DIMENSIONS ARE FRAME MEASUREMENTS EXCLUDING LININGS. ALL BUILDING WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. WRITTEN DIMENSIONS
TAKE PRECEDENCE OVER SCALE. SMOKE ALARMS TO BE INTER CONNECTED AND COMPLY WITH BCA 1 & 10 PART 3.7.2 AND AUSTRALIAN STANDARD AS 3786.



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LOT 3 DP 827711 CNR SIRIUS DR AND
BOTANIC DR LAKEWOOD NSW 2443

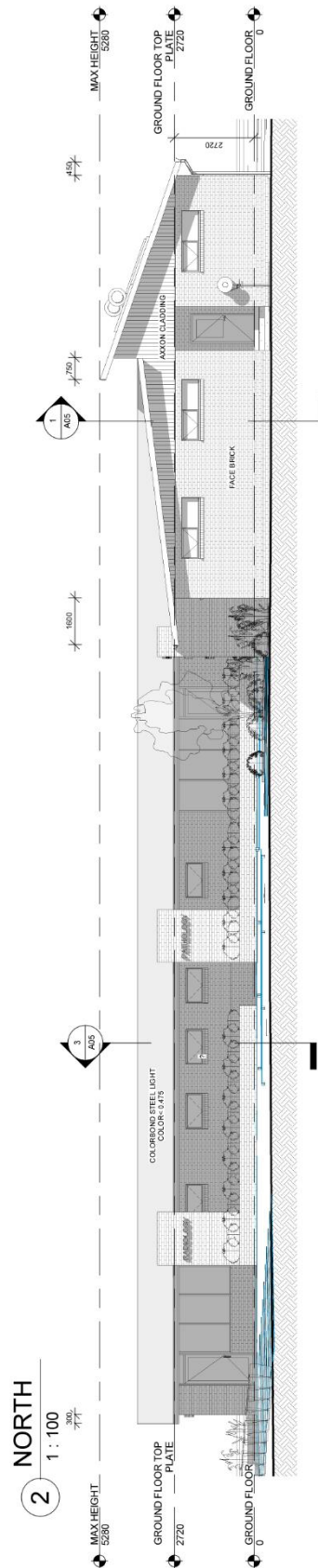
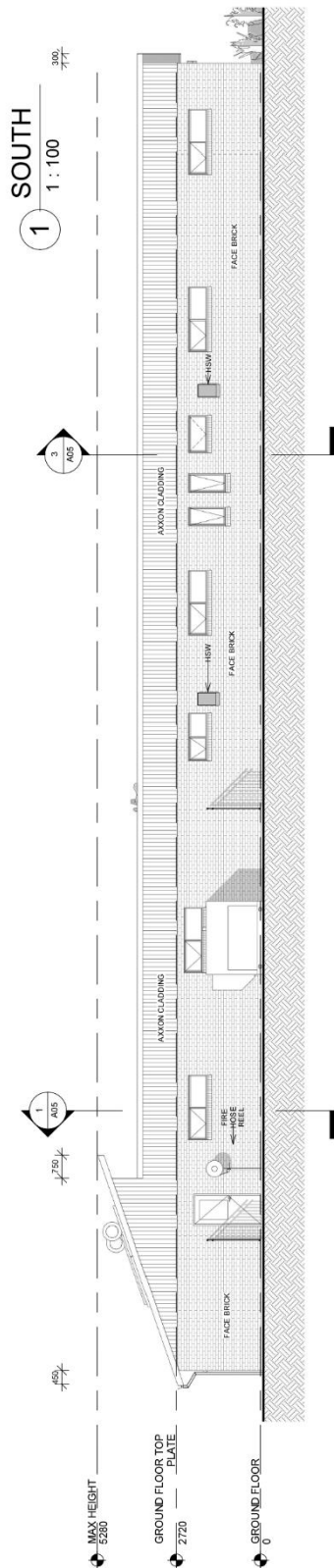
ROOF PLAN

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A02.2

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LOT 3 DP 827711 CNR SIRIUS DR
AND BOTANIC DR LAKEWOOD
NSW 2443

ELEVATIONS

Project number	2010
Date	26/11/10
Drawn by	DK
Checked by	RC

A03

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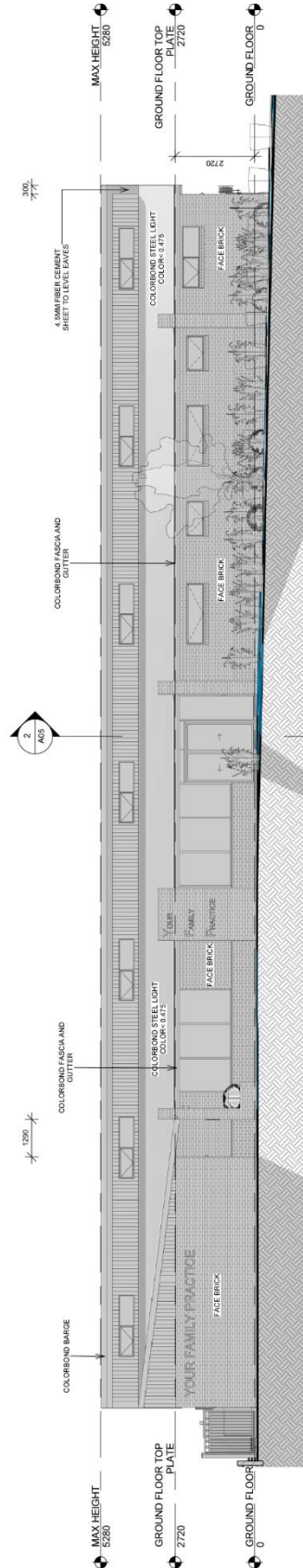
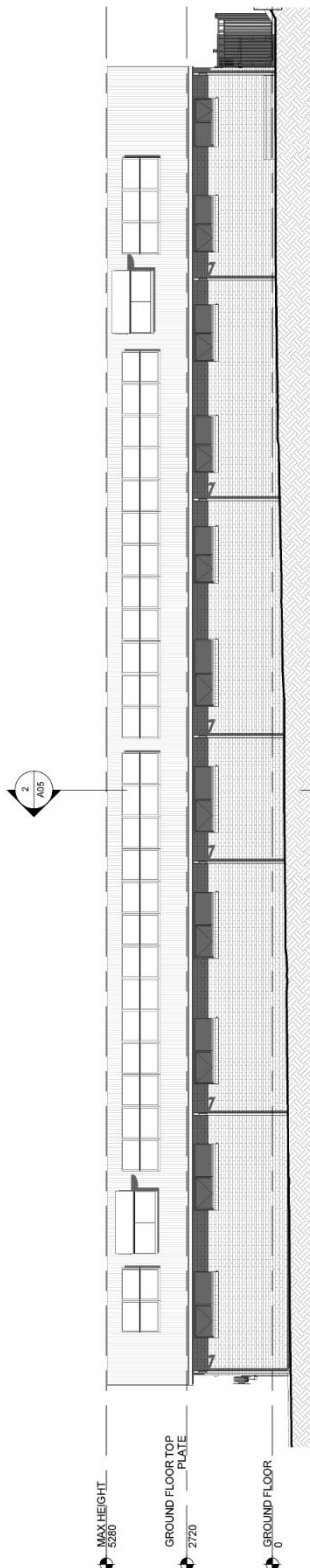


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WEST
2 1:100



EAST
1 1:100

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ELEVATIONS

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Date 26/11/10
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Checked by RC

A04

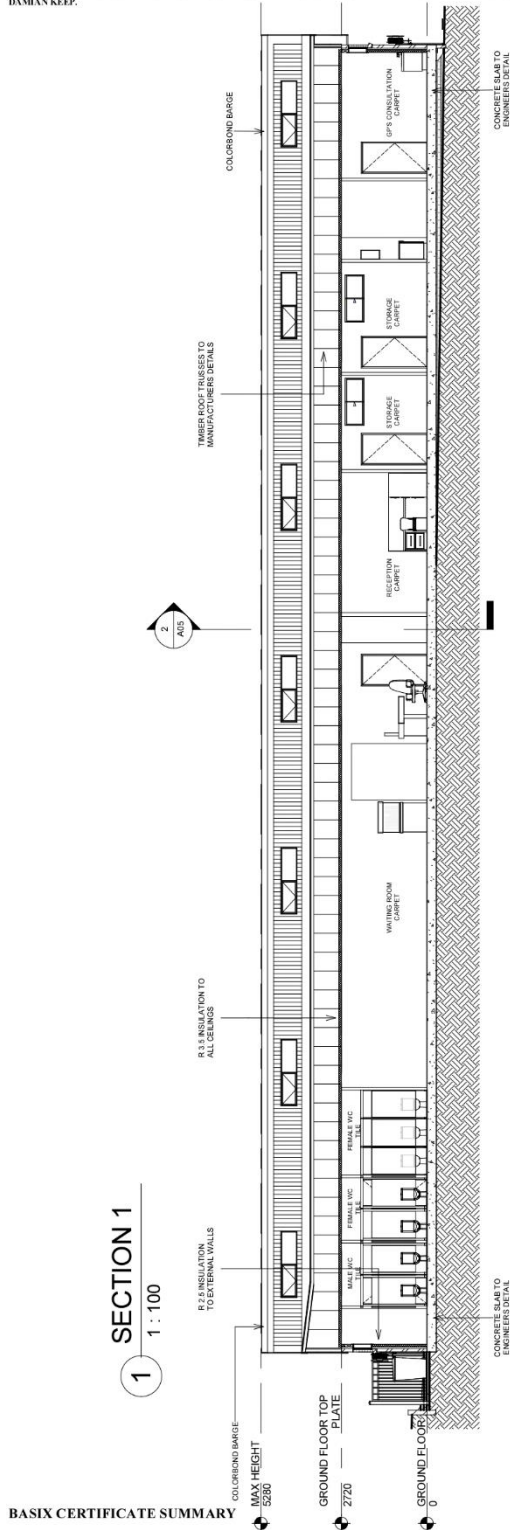
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BASIX CERTIFICATE SUMMARY

THESE NOTES ARE TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE.

ALL SHOWER HEADS INSTALLED ARE TO HAVE A MINIMUM 3 STAR RATING OR BETTER.

ALL TOILET CISTERNS INSTALLED ARE TO HAVE A MINIMUM 4 STAR RATING OR BETTER.

ALL HAND BASIN TAPS INSTALLED ARE TO HAVE A MINIMUM 4 STAR RATING OR BETTER.

A 3000L RAINWATER TANK IS TO BE INSTALLED AND MUST COLLECT DISCHARGE FROM ROOF AREA AS PER BASIX.

ALL TOILETS, COLD WATER TAPS SUPPLYING CLOTHES WASHING MACHINES AND AT LEAST ONE OUTDOOR TAP ARE TO BE CONNECTED TO THE RAINWATER TANK.

THE REFRIGERATOR SPACE IS TO BE WELL VENTILATED.

A FIXED OUTDOOR CLOTHES DRYING LINE IS TO BE INSTALLED AS PART OF THE DEVELOPMENT.

THE HOT WATER HEATER IS TO BE A HIGHLINE SOLAR WITH A PERFORMANCE OF 15 TO 20 REC'S OR BETTER.

THE KITCHEN IS TO BE VENTILATED WITH A MINIMUM OF ONE INDIVIDUAL NON DUCTED FAN.

ALL LIGHTING IS TO BE FLUORESCENT OR LED AS INDICATED IN THE BASIX CERTIFICATE.



JM EASTCOAST

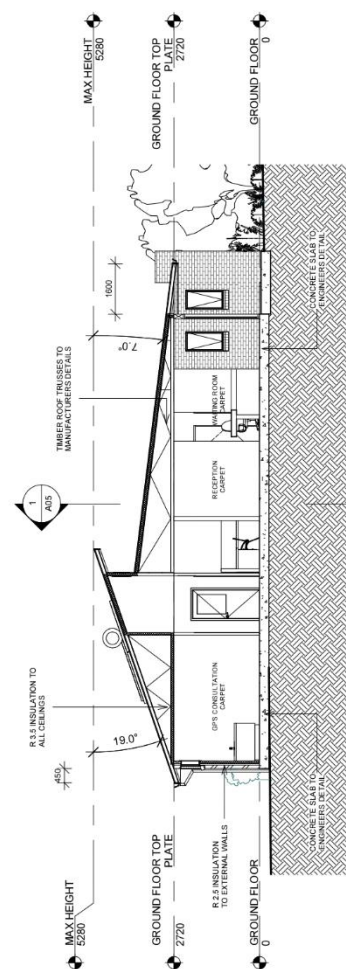
LOT 3 DP 827711 CNR SIRIUS DR
AND BOTANIC DR LAKEWOOD NSW
2443

SECTIONS

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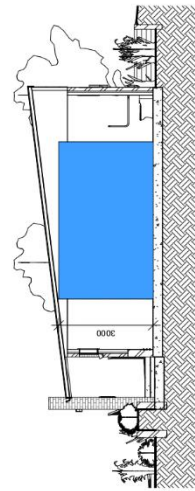
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SECTION 2

2 1:100



SECTION 3

3 1:100

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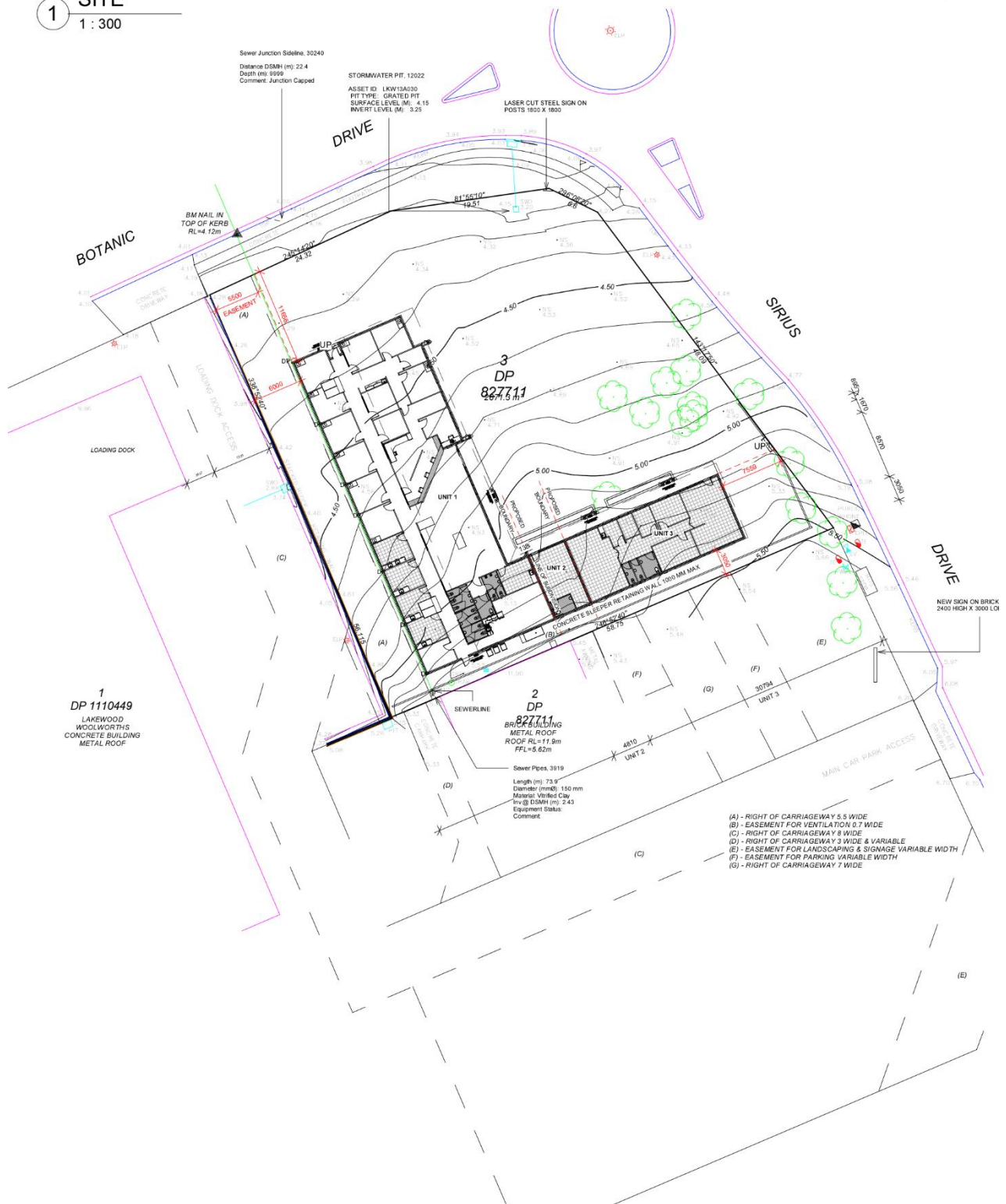
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LEGEND

STORMWATER	—S—
SEWER	—S—
WATER	—W—
ELECTRICITY	—E—
SERVICE JUNCTION	(J)
SERVICE METER	METER

1 SITE
1 : 300



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JM EASTCOAST

LOT 3 DP 827711 CNR SIRIUS DR
AND BOTANIC DR LAKEWOOD NSW
2443

SITE LOCATION

Project number 2010
Date 19/08/2019 11:09:07 AM
Drawn by DK
Checked by RC

A06

Scale 1 : 300 @ A2
19/08/2019 11:09:07 AM

ENCOMPASS
DRAFTING AND DESIGN

DAMIAN KEEF

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LEGEND

STORMWATER	— 51 —
SEWER	— 5 —
WATER	— 10 —
ELECTRICITY	— 6 —
SERVICE JUNCTION	(J)
SERVICE METER	METER

1 SITE PARKING

1 : 300



JM EASTCOAST

LOT 3 DP 827711 CNR SIRIUS DR AND
BOTANIC DR LAKEWOOD NSW 2443

SITE PARKING

Project number	2010	A06A	Scale	1 : 300	19/08/2019 11:09:08 AM
Date	26/11/10				
Drawn by	Author				
Checked by	Checker				



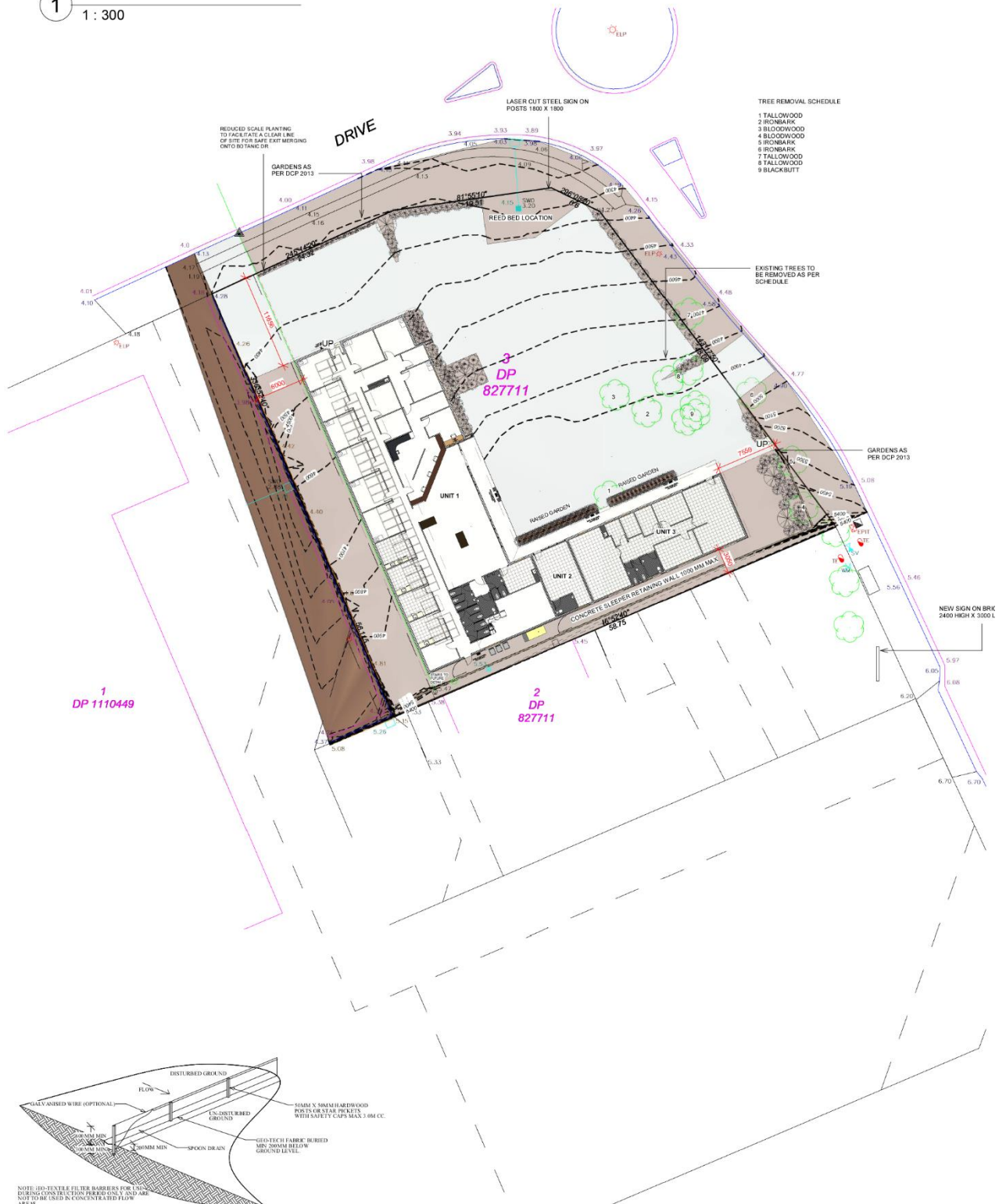
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LEGEND

STORMWATER	— 51 —
SEWER	— 5 —
WATER	— 10 —
ELECTRICITY	— 6 —
SERVICE JUNCTION	(J)
SERVICE METER	METER

1 SITE LANDSCAPING

1 : 300



NOTE: DISTURBED GROUND BARRIERS FOR 100MM X 50MM HARDWOOD POSTS OR STEEL PICKETS WITH SAFETY CAPS MAX 3.0M CC. NOT TO BE USED IN CONCENTRATED FLOW AREAS.

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LOT 3 DP 827711 CNR SIRIUS DR AND
BOTANIC DR LAKEWOOD NSW 2443

LANDSCAPING

Project number 2010
Date 26/11/10
Drawn by Author
Checked by Checker

A06B

Scale 1 : 300
19/08/2019 11:09:10 AM

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Client

JM Eastcoast

Proposed Medical Centre

Cnr. Sirius Dr & Botanic Dr, Lakewood NSW 2443

S00 - General Specifications

S01 - Slab Layout Plan

S02 - Concrete Sections 1.

C01 - Catchment Layouts

C02 - Stormwater Layout - Above Ground

C03 - Stormwater Layout - Below Ground

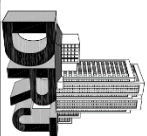
C04 - Detention Layouts

C05 - Water Supply - Cold

C06 - Water Supply - Hot

C07 - Sewer Layout

C08 - Driveway Layout

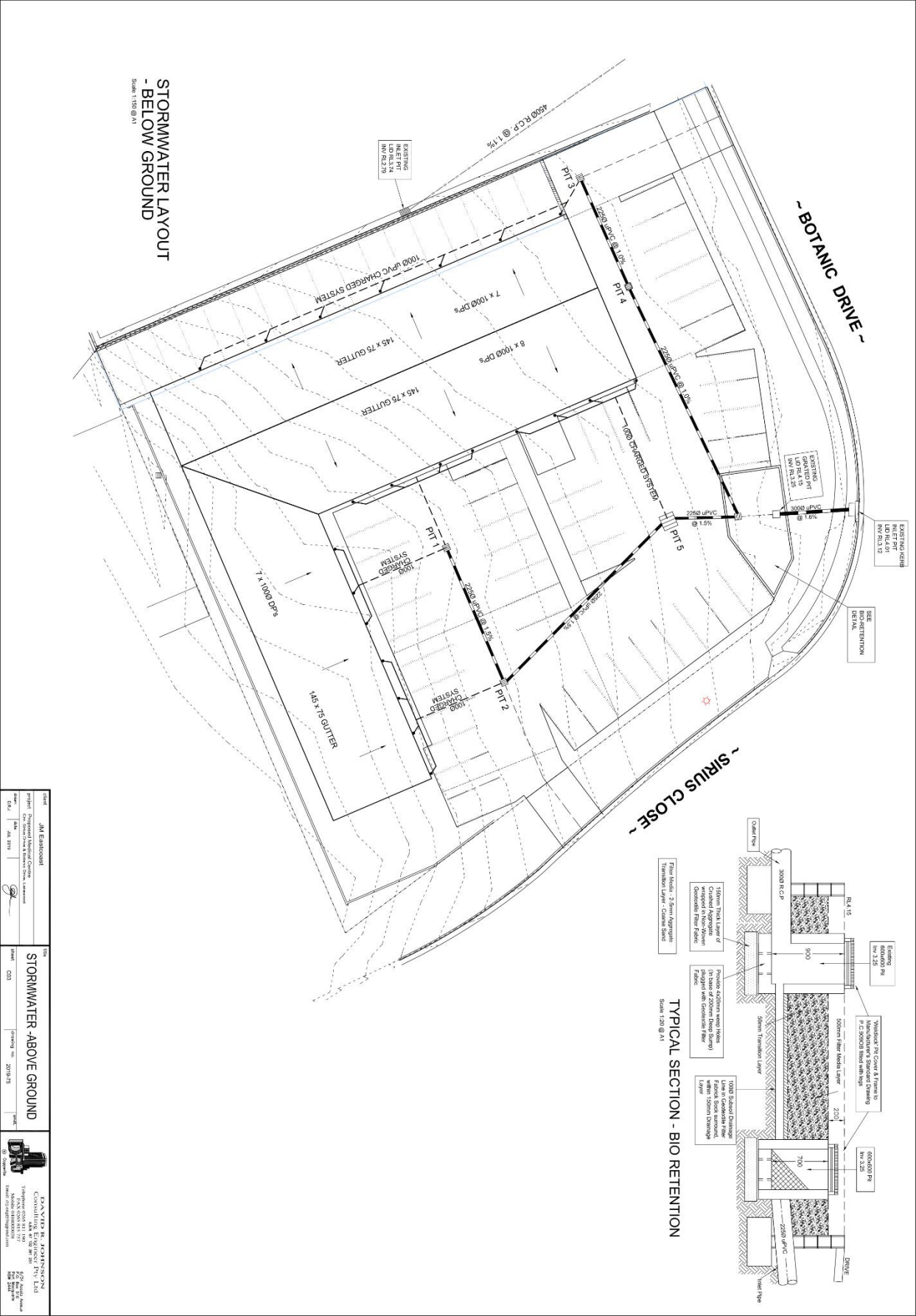


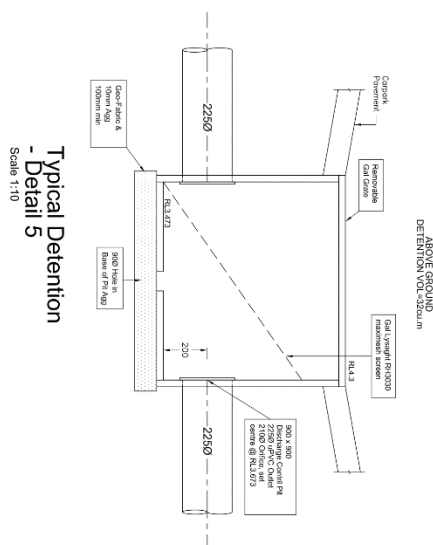
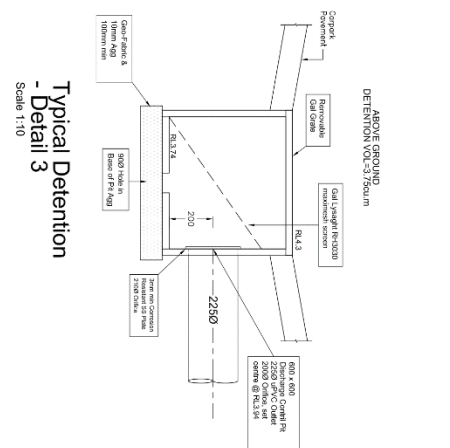
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Consulting Engineer Pty Ltd.

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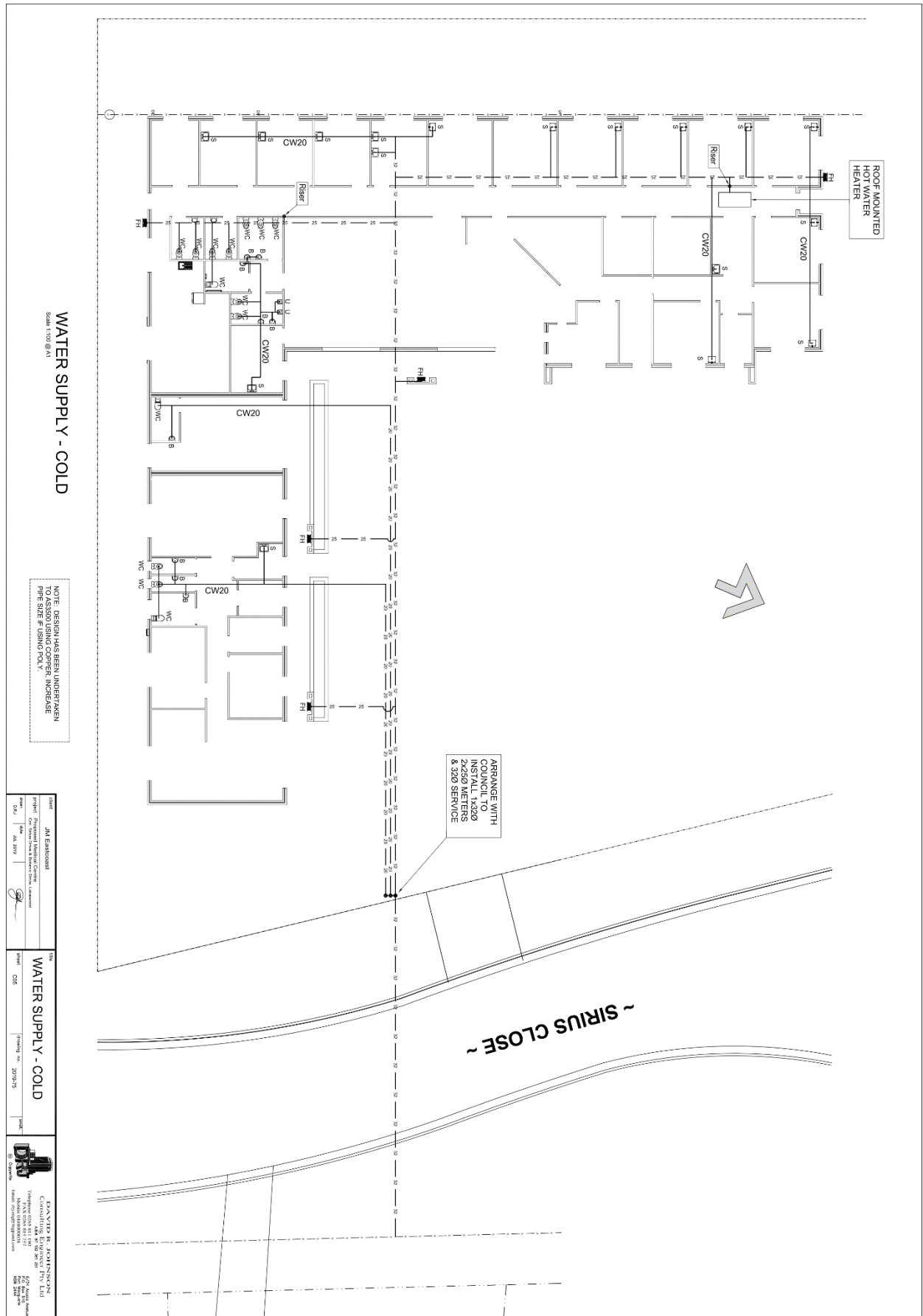
Telephone 0265 811 190
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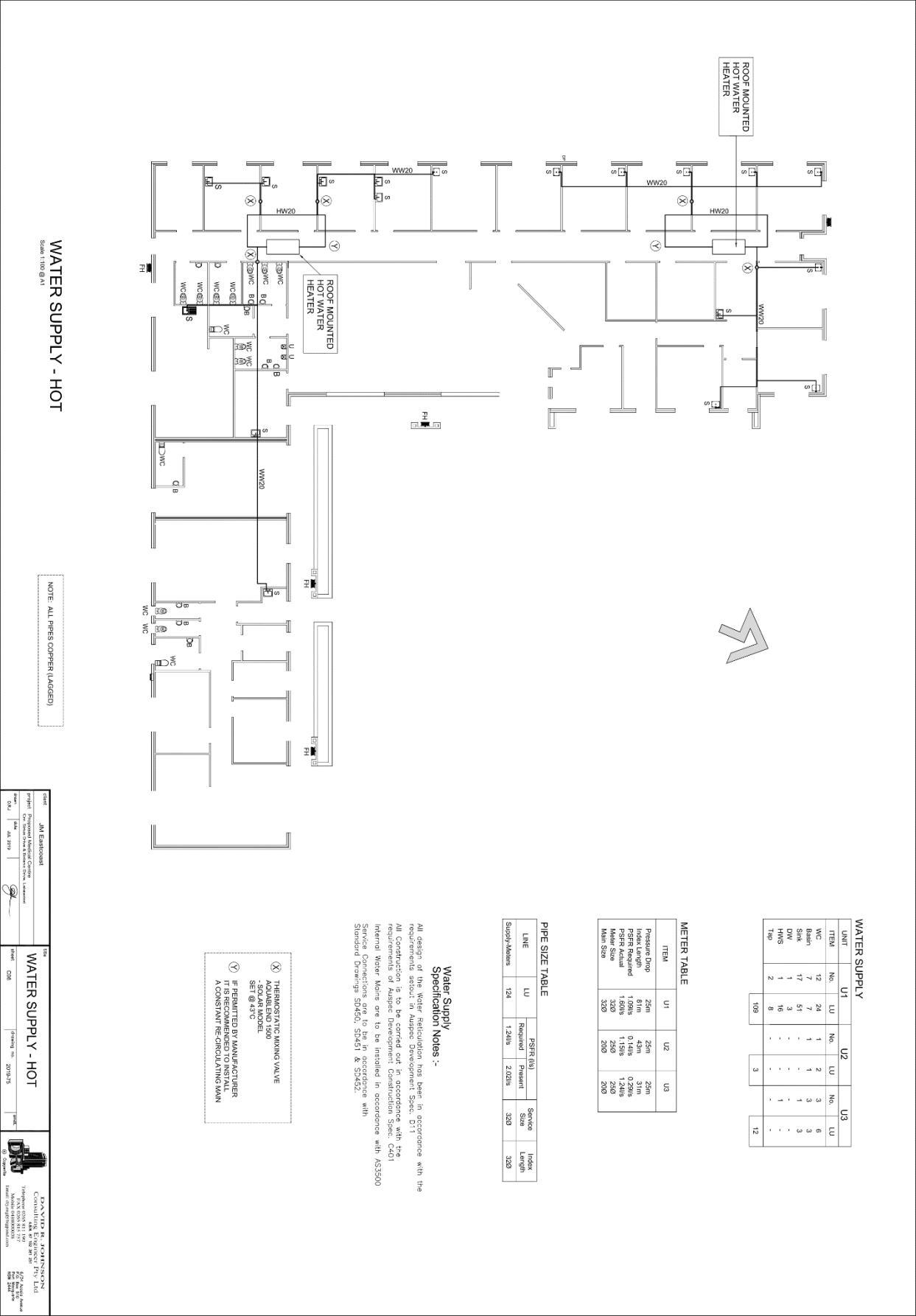
6/34 Acacia Av
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Port Macquarie
NSW 2444





100 Year ARI Storm Durations				
EXISTING		PROPOSED		
Impervious		84% Impervious Site		
Storm Duration	Q	Chickland Q /fs	Outlet Q /fs	Overflow Q /fs
10min	121	171	88	88
20min	176	201	97	99
30min	170	200	97	97
60min	150	193	95	95
120min	164	190	96	96
180min	101	103	83	83

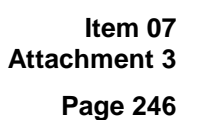












GENERAL

IT IS IMPERATIVE THAT CONTRACTORS OBTAIN, READ AND FULLY UNDERSTAND THE DETAILS DETAINED IN PART 3 AND 2 OF THE CURRENT ADDITION OF THE BCA & ITS REFERENCED AUSTRALIAN STANDARDS. THE DESIGN PROVIDED IS IN ACCORDANCE WITH THESE DOCUMENTS. HOWEVER MATERIALS & CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR.

- All engineering drawings shall be read in conjunction with relevant architectural and other consultant's documents.
- The Engineers drawings shall not have sizes scaled from.
- If there are discrepancies, ambiguities or confusion arising from the drawings, the contractor shall refer to the Engineer for clarification, correction or confirmation before work is commenced.
- Dimensions are only included for the relevant sections and structural requirements of the project. For all other dimensions refer to other consultants documents.

FOUNDATIONS

THE BUILDING AREA IS FIRSTLY TO BE STRIPPED OF ALL VEGETATION & TOP-SOIL. BEFORE THE BUILDING UNDERWAY, POET & INITIAL STAGES, and free from top soil, loose earth, tree roots, mud and stones, AND BE DRY. If rain occurs while foundations are exposed the reinforcing is to be removed & cleaned, and soft wet material removed from foundation, then allowed to dry for atleast 6 hours.

- Should foundation material be (soft, wet, organic or unstable) indicating a lower bearing capacity, the contractor shall refer to the Engineer for instructions from the superintendent before carrying out additional excavations.
- Slab panels, Edge beams, Strip and Pad Footings and Load support thickenings are to be founded on natural soil or controlled fill with on allowable bearing pressure not less than 100kPa.
- Where fill is required, the fill shall be compacted in accordance with AS1288 & AS1289.
- For certifiers inspecting foundations it is imperative that minimum bearing capacity be achieved, for raft slabs this is a stiff clay where the soil can be indented with the thumb but not penetrated. For strip footings it is Very Stiff clay that can be marked but not penetrated with thumb pressure.

LOADING

All loading has been in accordance with AS1170

DEAD LOADING (AS1170.1)

Floor	Internal	2.00kPa
Basement	Basement	2.00kPa
Roof	Trafficable	0.25kPa

LIVE LOADING (AS1170.1)

WIND LOADING (AS1170.2)

Region A Cat 2 Vp=41m/s Vt=50m/s
Earthquake Loading (AS1170.4)
Site S=1.0 Acc g=0.06 Imp I=1.0

CONCRETE

- All concrete & workmanship shall be in accordance with BCA & AS3600.
- Ready-Mix concrete complying with AS1319, shall be used for any structural concrete. The concrete shall be placed and finished in accordance with the instructions from the introduction of water until the concrete is completely de-aired.
- NO ADDITIONAL WATER IS TO BE ADDED to the already mixed concrete, without the consent of the Engineer.
- Fresh concrete is to be properly compacted by a mechanical immersion vibrator.
- Builder to provide & supply results of project control testing in accordance Sec 20.7 AS3600.
- Beams depths include slab thickness.
- Concrete shrinkage to be a max 700 microstrain @ 56 days. To AS1012 Pt 13
- No holes, chases or embedment of pipes other than those shown on the drawings shall be made in concrete members without Engineers approval.
- Construction joints are to be implemented on external slabs which are longer than 6m, contact the Engineer or Architect for specific locations. If not shown, concrete to be placed and all exposed surfaces treated with a COMMERCIAL concrete curing compound. The curing compound shall be applied to the top of slabs as soon after concrete has deployed initial set, but no more than 2 hours after finishing, and on Columns and Walls after forms have been removed.
- All Formwork and Scaffolding is to comply with the requirements of AS3610 and AS1576 respectively. The design shall be the responsibility of the builder.
- Concrete surfaces when stripped shall be true to the shapes and locations shown on the Drawings, free of bony or porous areas and excessive depressions or projections, and within a tolerance of +/- 5mm when tested with a 3m long straight edge.

REINFORCEMENT

Steel reinforcement shall comply with the requirements of AS3600.

Element	Ductility	Type	Configuration	Strength	Example
Beam	N-T-normal	Deformed	S-square R-rectangle	500	N12
Mesh	L-low	Deformed	S-square R-rectangle	500	S182

- Fix reinforcement to comply with AS3600 with clear cover as shown on the drawings or from table below.

Element	F.C.	Internal	External	F.R.L
Footing	N25	50	40	side
Wall	N40	25	40	120/120/120
Filled Block	N15	25	40	90/-/-
Column	N40	25	40	90/90/120
Beam	N40	25	40	90/90/120
Transfer Slab	N40	25	40	90/90/120
Ultra-thor	N40	25	40	90/90/90
Roof Slab	N40	25	40	40

- Assessing support reinforcement to maintain correct position by supporting of plastic chairs and security tied using 125mm Dia. annealed wire at all intersections. Where bending is required by the Drawings, restrict the diameter of the bends to the requirements of AS3600. Bend reinforcement cold with the exception of bars of grade 235S, which may be bent to a maximum of 90 degrees. Bars shall be bent within 20 diameters of original bend. Do not provide reinforcement to be bent.
- Refer to BCA for reinforcement Laps and Splices.

MASONRY**GENERAL**

- All masonry and workmanship shall comply with the current AS3700, AS2699 and BCA requirements, and will be of a quality acceptable to the Supervisor, and have a FRL 120/120/120.
- Concrete block units shall be precast, hollow for groud filling and have a compressive strength of F_c = 12MPa.
- Load bearing bricks shall have a compressive strength of F_c = 20MPa.
- For not less than 28 days before delivery, bricks free and have been cured.
- To provide a good bond between the units and the mortar, refer to the following table formulated by the Concrete Masonry Association of Australia.

Mortar Type	Brickwork Cement	Brickwork Sand	Mortar Cement	Mortar Sand	Where Used
M25	1	0	1	5	General Purpose (All Blockwork above FRL)
M40	1	0	0	5	Below FRL non-aggressive soils

- Mortar should be discarded and not retempered after the initial set of the mortar.
- Control joints should be placed when using lime-sanding additives such as plasticisers or workability agents. They should only be used if specified by the Architect or Engineer and then strictly in accordance with the manufacturer's instructions. Detergents should never be used.
- Load Bricks, blocks, face shells and pendants should be fully bedded in mortar.

CONTROL JOINTS

- Control joints should be built into masonry walls at all points of potential cracking and at locations shown on the drawings. In reinforced masonry, walls less than twice the height of the panel or 5m. Control joints should always be provided at the following locations:
Major changes in wall height.
Changes in wall thickness.
At T-junctions.
- These joints must be sealed to prevent water penetration. Using open cell polyurethane foam backing strip or equivalent, and then Sikaflex 15 LM or equivalent sealant towards the end of construction.
- No masonry walls should be precast or cast in place until all reinforcement is in place and the concrete has been poured.
- Where slabs and beams bear on masonry elements a bond breaking layer is needed. Either 1) a level smooth layer of mortar and 2) layers of Aluminium-Corded Dimplocor. Or 2) on bare masonry place a 2" temale and water-resistant material (eg:tdi-fellex) and 1 layer of Alcor under concrete.

REINFORCING

- Masonry walls shall be tied to return walls or adjacent structural elements using approved wire, size 300mm centers. Free vertical masonry edges to be reinforced with 200mm dia. steel reinforcement bars (RSJ) and 200mm dia. steel reinforcement bars (RSJ) and 200mm dia. steel reinforcement bars (RSJ).
- Chases, holes and recesses shall not be made in load bearing masonry.
- Provide stainless steel wall tie to both skins of loadbearing brickwork from spaced at 900mm horizontal and every fourth course vertical.
- Reinforce load-bearing brickwork with continuous masonry reinforcement (Reck-107) in first foot above floor slab and inside and every fourth course vertical.
- Reinforced Block construction it is imperative that the vertical reinforcement be positioned correctly. THIS CANNOT BE ACHIEVED BY PUSHING THE REINFORCING DOWN THE CORE of the full height wall, before or after grouting has taken place. It can only be accomplished by tapping and securely protruding from the reinforced concrete footing, then to the horizontal reinforcement which will be positioned in the knock-out portion of the unit, as the wall is constructed.

GROUT

- The grout used to fill the cores or blockwork walls should have, Characteristic Compressive Strength 15 MPa (minimum). Cement content not less than 320 kg/m³ coarse aggregate not greater than 4mm. The grout should be placed in the cores by pumping or by using a grout pump. The grout should be placed in the cores by pumping or by using a grout pump. The grout should be placed in the cores by pumping or by using a grout pump.
- Clean out openings are required at the base of all walls, and before placement of the grout. It is important that the cores be clean and free of mortar projecting into the core. In hot weather hoist out the cores is permitted to prevent mortar setting.
- Grouting in lifts of more than three meters should not be attempted in one pour. Where the lift is more than 2.4 meters, it is preferable to fill the cores in two stages about 30 minutes apart.
- The grout once placed should be thoroughly compacted to expel all air voids.
- Competition for and for all other walls, a high frequency pencil vibrator should be used carefully.

DRAINAGE

- The backfilling of the retaining wall shall not commence until 28 days have elapsed after the cores have been grouted.
- The drainage system immediately behind the wall, should consist of a 300mm width of coarse-grained soil without admixture of fine particles, highly permeable (e.g. Gravel).
- The drainage system should be located at the base of the wall. The flow must discharge beyond the ends of the wall or be connected to the stormwater drainage system.
- In basement type construction it is also important to prevent hydrostatic pressure under the floor slab. Where there is the possibility of groundwater under the slab, the slab or drainage system should be installed to prevent ground water seepage. The earth face of the wall should be treated using appropriate sealing techniques such as water-resistant render, water-resistant paint, or tanking with bituminous materials.

STRUCTURAL STEELWORK

- All structural steelwork shall comply with the requirements setout in AS1100 Steel Structures Code.
- All Hot Rolled sections shall comply with AS3679.1 and be a minimum Grade 300.
- All Cold Formed Hollow Sections shall comply with AS1163 and be a minimum Grade 350, unless noted otherwise.
- Welds shall be in accordance with the requirements of AS1554 Welding Procedure EXXX & comply with the requirements of AS1554 Welding Steel Structures.
- All connection plates shall be 10mm unless noted otherwise.
- All structural bolts shall be Commercial Bolts (4.6 Grade) to AS1111 and snug tightened unless noted otherwise.
- Stitching and bracing shall be designed and approved before construction.
- Responsibility of compliance with documentation.
- Roofing and fixing to be carried out to manufacturers specifications.
- Structure Steel Members must be protected against corrosion in accordance with AS1554 Steel Structures Code.
- Where a Point Finish is applied, the surface of the steelwork must be hand or power tool cleaned to remove any dirt and rust immediately prior to painting.
- All Zinc coatings require a barrier coat to stop conventional painting.
- Refer to the paint manufacturer where decorative finishes are required on top of the minimum coating specified in the table for protection of the steel against corrosion.


title

General Specifications

Sheet S00

Drawing no. 2013-

DATE

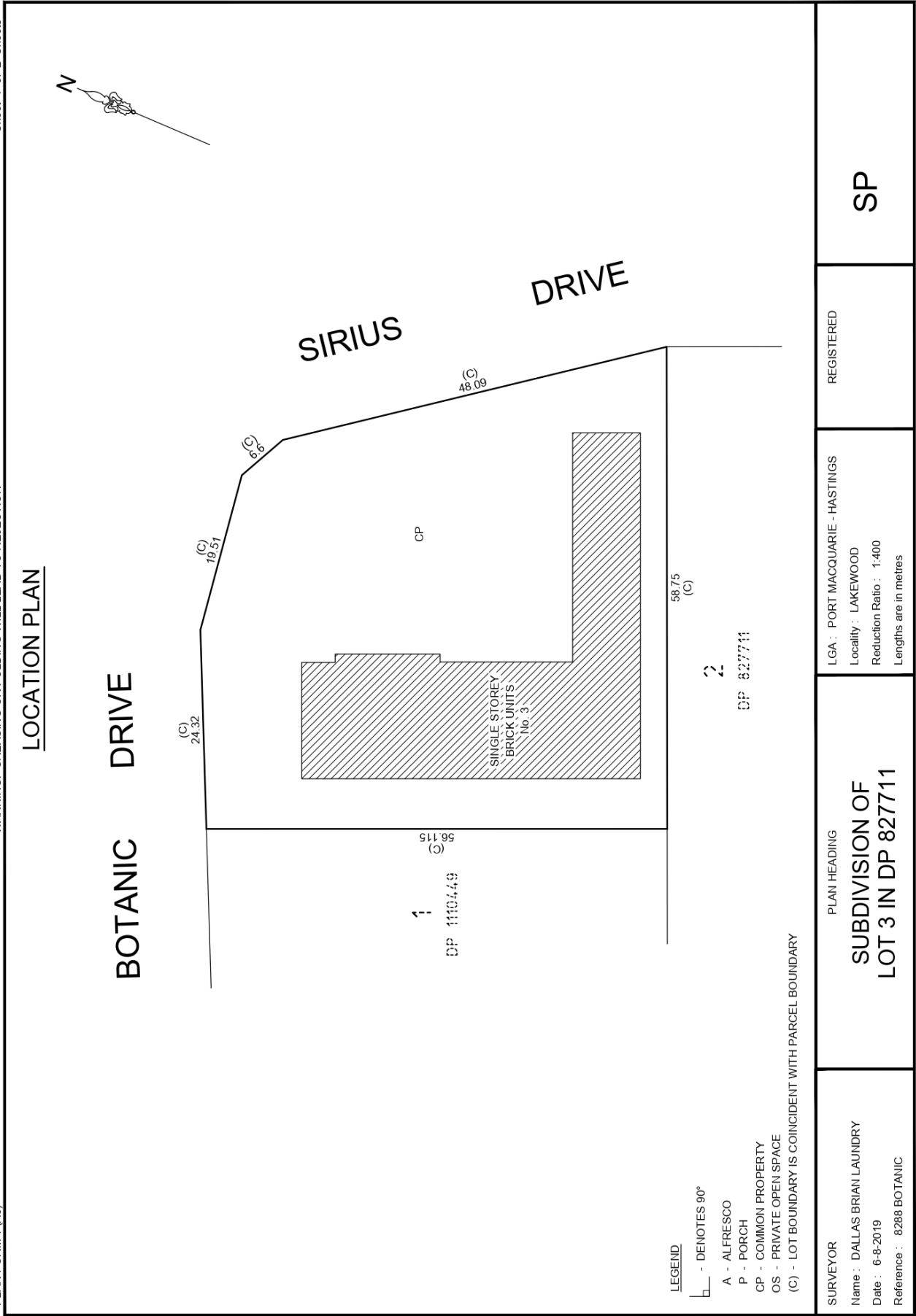


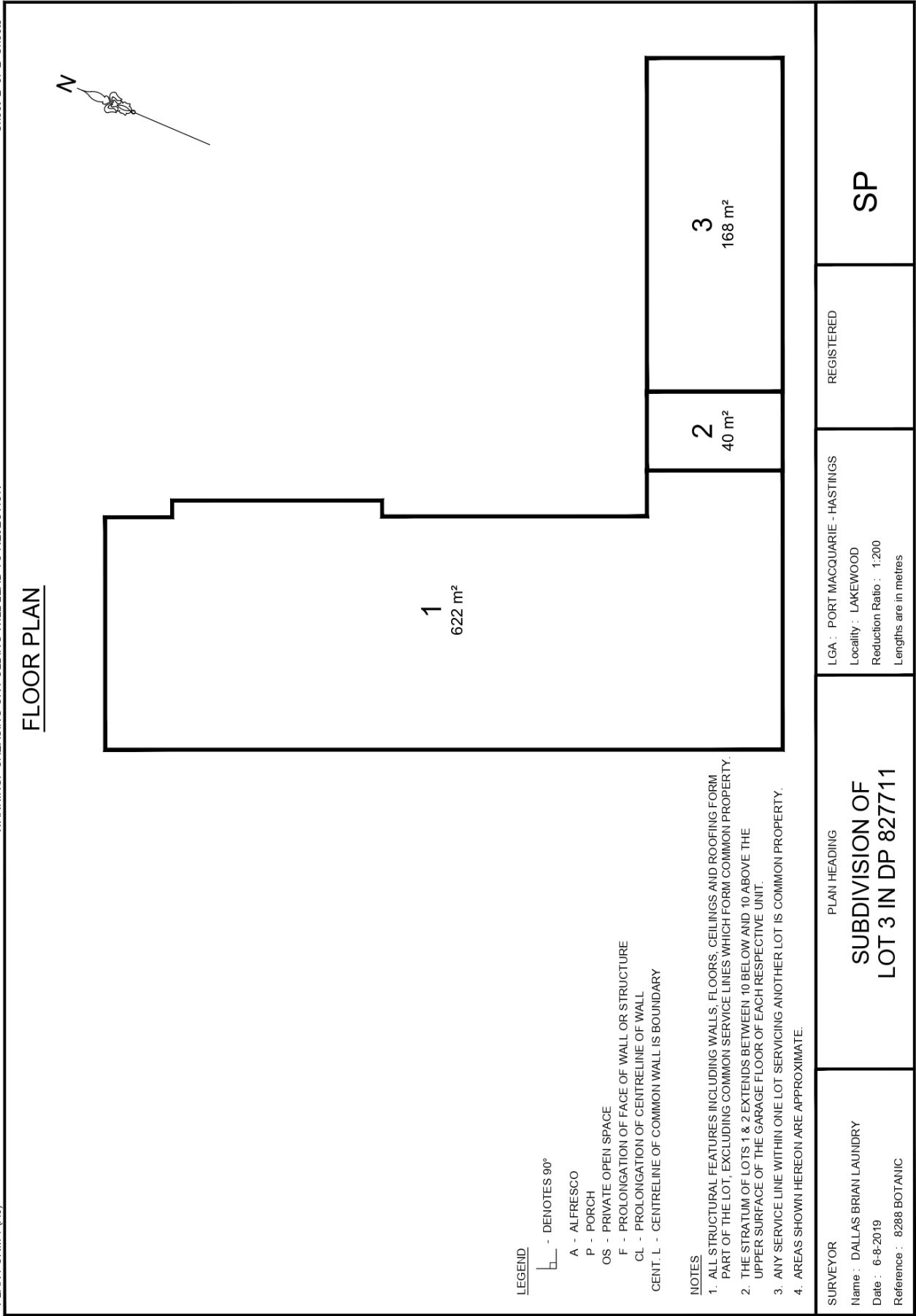
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Proposed Medical Centre

**Traffic Impact & Carparking
Assessment**

**LOT 3 DP 827711 Sirius Drive,
Lakewood**





for



July 2019



Traffic Impact Assessment Details

Edition / Revision No.	1	2	3	
Document Status	Internal Review	DRAFT for Client Comment	Final	
Prepared By	Andy Davis Director 	Andy Davis Director 		
Reviewed By	Craig Nethery Director 	Craig Nethery Director 		
Date	July 2019	July 2019		
Issued To	Internal review	Damian Keen, Encompass Drafting & Design		

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1. INTRODUCTION

1.1 General

StreetWise Road Safety and Traffic Services have been engaged by Encompass Drafting and Design to prepare a Traffic Impact & Parking Assessment for a proposed medical and allied health centre at Sirius Drive, Lakewood. The proposed development involves construction of a new building with a 3-unit strata subdivision. The proposal also includes provision of a 42-lot carpark, as well as adjustment of an existing access easement.

1.2 Location

The proposed medical centre is to be located on a 2871.3m² vacant lot on the south-western corner of the existing roundabout at the intersection of Sirius Drive and Botanic Drive, Lakewood. The site is adjacent to the Lakewood shopping centre, sharing its western and southern boundaries with the shopping complex.

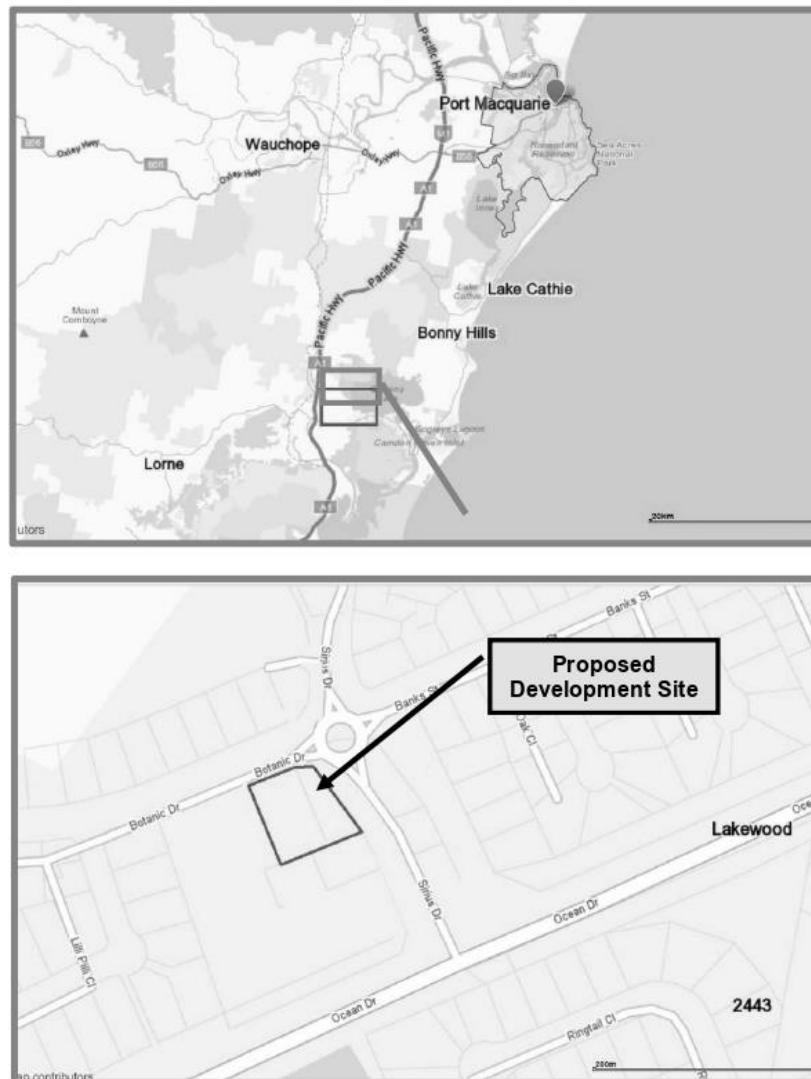


Figure 1.1 – Locality Sketch

1.3 Description of Project

This TIA will assess a proposal to develop a medical centre, divided into 3 separate areas by strata subdivision, on a currently vacant lot on Sirius Drive. The medical centre will include consulting rooms, treatment rooms, as well as X-ray facilities, reception areas and staff rooms. The centre will include rooms for General Practitioners, as well as X-ray, ultrasound and C T scanner rooms.

The site is zoned Business (B2) - *Local Centre under Port Macquarie-Hastings Council LEP 2011*. This classification allows a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area, including business premises and car parks.

The development proposal includes a 42-space carpark at the north-east of the site, with access from 2 driveways – one off Botanic Drive and the other from Sirius Drive. There is adequate width proposed within the driveways and carpark aisles to cater for 2-way movements.

The design plans also indicate an existing 5.5m wide easement for access along the western boundary is to be utilised for carparking. This easement currently benefits adjoining Lot 1 (Lakewood Shopping Centre), and it is proposed to provide 17 carparking spaces adjacent to the existing shopping centre loading bay access.

1.4 Scope of Assessment

Encompass Drafting and Design has provided StreetWise Road Safety & Traffic Services with a Scope of work for the assessment based on a Pre-lodgement meeting held with Port Macquarie Hastings Council staff.

The following scope with references to relevant Pre-Lodgement Meeting Advice (PLMA) will form the basis of this assessment.

Assessment Requirement	Report Reference
Quantify daily and peak hour traffic generation impacts. When possible, the TIA should obtain data from an existing similar facility to accurately define impacts with a breakdown of types of vehicle users (e.g. residents' cars, staff cars, service trucks). When data is not available, generation should be defined using industry standard practices.	Sections 2
Determine time of day traffic distribution using modelling and peak hour travel patterns within the area using industry practices.	Section 2
Determine the extent of the study area using industry practices (e.g. development's area of significance).	Section 2
Obtain recent traffic counts at critical intersections within the study area. Where existing data is not available, counts shall be collected.	Section 2
Study existing and future conditions for critical driveways and intersections evaluating capacity (level of service) and operational	Sections 4 & 5

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

(queuing and safety) impacts. At a minimum, the study shall evaluate: i) Any proposed driveway intersecting with the public road network ii) Sirius Drive RAB and Ocean Drive intersection	
Consider connectivity for public transport facilities and active transport modes such as walking and cycling. At a minimum, pathways to be provided on both sides of Collector Roads, and on one side of all smaller local roads. Details shall match Council's standard drawing ASD 100 series.	Sections 2 & 5
Evaluate on-site parking demand requirements associated with the use.	Section 7
Address access and manoeuvring in accordance with AS 2890. Internal access aisles and parking bays will be assessed for conformance with AS 2890, and in particular part 1 for cars, part 2 for garbage and delivery trucks, and part 6 for disabled parking (if required by the BCA or other standards). Specific comments on the plans provided: i) Show the AS 2890 turning templates on drawings to demonstrate the below criteria have been achieved. ii) For any entrance proposed, ensure there is adequate distance for vehicles to queue without backing up into public road (2890.1 Clause 3.4)	Section 5

2. EXISTING CONDITIONS

2.1 Existing Landuse

The proposed development site is located at Lakewood, which is approximately 4.5 kms west of the township of Laurieton. The site is currently vacant and is located adjacent to the Lakewood Shopping centre. The site shares a boundary with a service station within the shopping site, and a service lane to the shopping centre loading dock. On the opposite of Sirius Drive and Botanic Drive, the landuse is predominantly residential.

2.2 Road Network

The proposed development site is located at Lakewood, which is approximately 3 kms west of the township of Laurieton. The site is adjacent to an existing roundabout and has frontage to both Sirius Drive and Botanic Drive, Lakewood. Access to the medical centre carpark is proposed from both roads. Sirius Drive connects with Ocean Drive, a major road which connects the Camden Haven with Port Macquarie in the north and the Pacific Motorway approximately 2 kms to the west.

2.2.1 Sirius Drive

Sirius Drive is a local collector road that connects the residential area of Lakewood with Ocean Drive. The 8m wide road is the only access in & out of the Lakewood precinct which

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

includes existing residential subdivisions, relocatable housing estates and Lakewood shopping centre, as well as future residential estates.

The existing sealed road, with upright kerb & gutter both sides, includes a footpath on the western side which connects the existing shared path on Ocean Drive to a footpath on Botanic Drive.

The posted speed limit of Sirius Drive is 50km/h (urban default).



Figure 2.1 – Sirius Drive, looking north at roundabout

2.2.2 Botanic Drive

Botanic Drive runs east-west from the existing roundabout at Sirius Drive. The 8m wide sealed road connects a number of residential estates to the west with Sirius Drive and then Ocean Drive. A footpath along the southern side of Botanic Drive connects with Sirius Drive and also provides access to the Lakewood shopping centre.

The posted speed limit of Botanic Drive is 50km/h urban default.



Figure 2.2 – Botanic Drive, looking east at roundabout

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

2.2.3 Ocean Drive

Ocean Drive is an arterial road that generally bounds the Area 15 study area, and is the primary arterial road providing access from the Camden Haven area to the Pacific Highway (west) and Port Macquarie via Bonny Hills and Lake Cathie (to the north).

The width and standard of Ocean Drive varies along its length. In the vicinity of Lakewood, Ocean Drive is generally one lane in either direction, with gravelled shoulders and grassed tabledrains. At the intersection with Sirius Drive, the road widens to provide auxiliary turn lanes and a centre median island on the western side. Kerb & gutter is also provided on the northern side of the intersection.

The pavement condition of Ocean Drive from Glen Haven Drive to Sirius Drive is fair to good with some sections of rough surface.

The posted speed limit of Ocean Drive in the vicinity of Lakewood is 70km/h.

2.2.4 Intersection of Ocean Drive & Sirius Drive

The intersection of Ocean Drive and Sirius Drive is Channelised T-intersection, which provides:

- A sheltered right turn from Ocean Drive into Sirius Drive (approx. 70m)
- A short left turn from Ocean Drive into Sirius Drive
- A painted centre median to the east
- A raised centre median to the west, with sheltered pedestrian facilities.
- Raised centre median island in Sirius Drive

An assessment of the intersection's operation and efficiency, based on current and future traffic volumes, is included later in this report.



Ocean Drive – Looking west to Sirius Drive



Sirius Drive, looking south to Ocean Drive



Figure 2.3 – Existing layout of Ocean Drive & Sirius Drive intersection

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The intersection of Botanic Drive and Sirius Drive is single lane roundabout, with adequate size to allow a bus to undertake a U-turn. The roundabout provides safe and efficient movement through the intersection for local traffic, as well as acting as a traffic calming device. SIDRA modelling results (discussed in Section 2.7 and included in Appendix B) indicates all current movements through the roundabout operate at a LoS of 'A'.



Figure 2.4 – Existing roundabout at Botanic Dr & Sirius Drive intersection

2.3 Background Traffic Volumes**2.3.1 Botanic Drive and Sirius Drive**

StreetWise Road Safety & Traffic Services undertook a manual intersection count to determine the AM and PM peak traffic periods at the 2 adjacent intersections. The first count was at the adjacent roundabout at the intersection of Botanic Drive and Sirius Drive,

The counts indicated the AM Peak to be between 8.00 and 9.00am with the PM Peak being between 3.00 and 4.00pm.

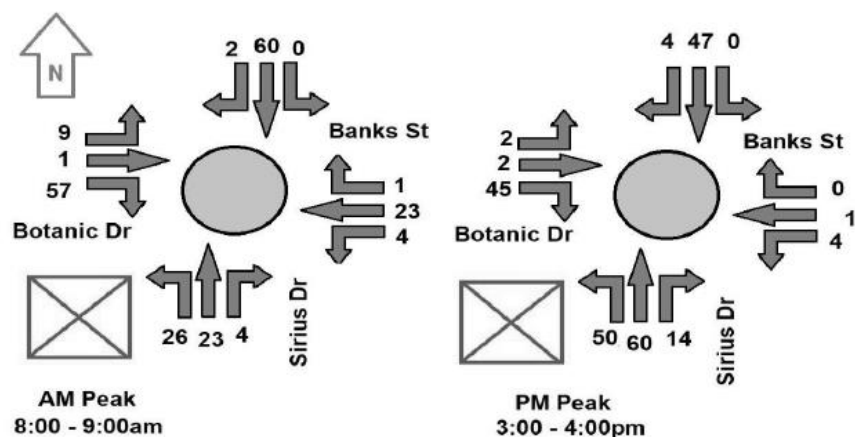


Figure 2.5 – Existing peak period traffic flows Sirius Drive roundabout

2.3.2 Ocean Drive and Sirius Drive.

The other manual traffic count was conducted at the intersection of Sirius Drive and Ocean Drive, approximately 150m south of the proposed development.

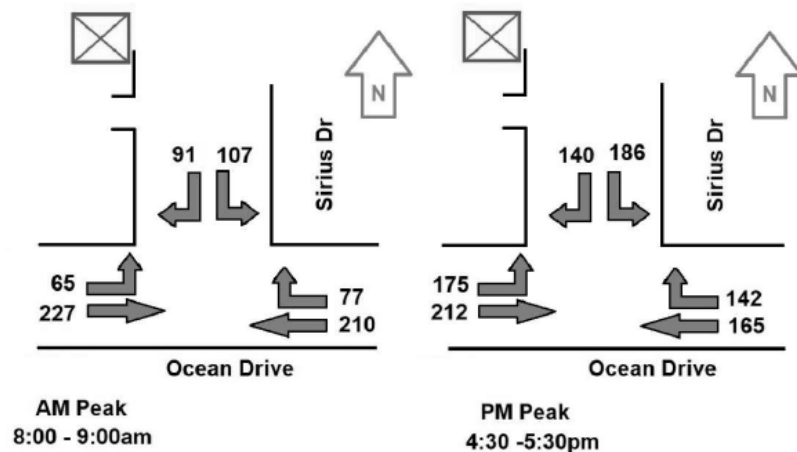
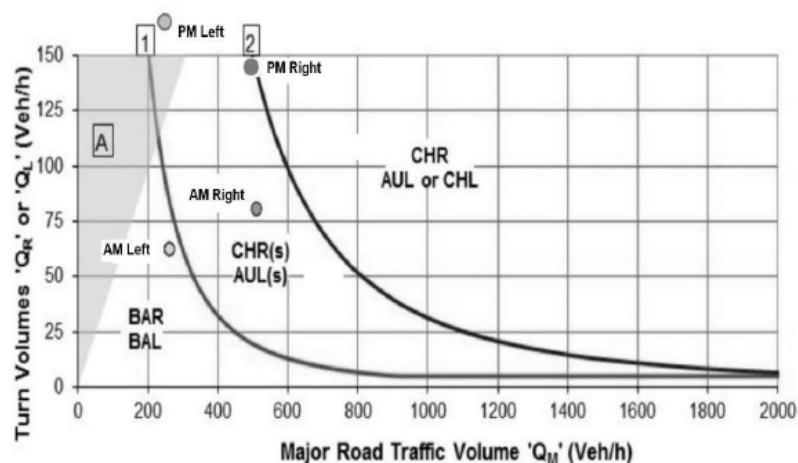


Figure 2.6 – Existing peak traffic flows at Ocean Dr & Sirius Drive intersection

A summary of the intersection counts is provided in Appendix B of this report.

Figure 2.7 summarises the existing intersection configuration requirements based on Figure 2.26c of the Austroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings. The warrant assessment, based on the existing traffic volumes at the time, indicates the intersection configuration is justified as a channelised intersection layout.



(c) Design Speed < 100 km/h

Figure 2.7 – Existing peak hour traffic flows in Ocean Dr at Sirius Dr intersection

2.4 Existing Site Access

The proposed development site is currently vacant, with no formal vehicle access provided.

2.5 Public Transport

Busways Port Macquarie is the main bus company in the Port Macquarie, Hastings & Camden Haven areas. Busway services the Lakewood area, with a bus stop in Sirius Drive adjacent to the proposed development site. Route 334K utilises Ocean Drive, then turns into Sirius Drive, before turning at the Botanic Drive roundabout and returning to Ocean Drive. The Busways timetable indicates buses stop in Sirius Drive approximately every hour during the day, with more services provided at peak times. In the Lakewood area, the bus service is a 'hale and ride' i.e. if there are no patrons at the stop the bus continues on its route without stopping.

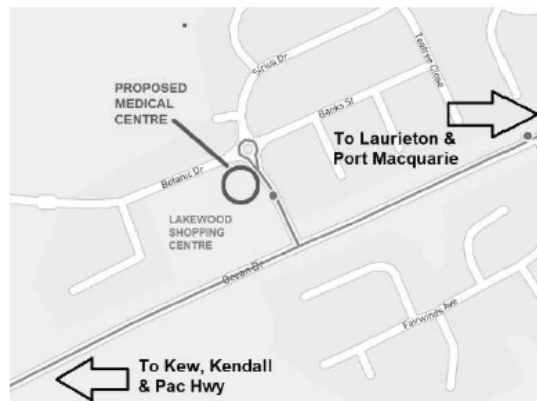


Figure 2.8 – Busways bus routes in the vicinity of the proposed development

2.6 Walking & Cycling

A shared cycleway/footpath exists on the northern side of Ocean Drive and connects with a footpath across the frontage of the Lakewood shopping centre i.e. western side of Sirius Drive and the southern side of Botanic Drive. The current footpath network (as seen in Figure 2.9 below) will provide access to the future medical centre and connect the development to bus services, shopping centre, parking and nearby residential areas.

There are minimal cycling facilities provided in the vicinity of the proposed development. However, the number of cycling trips expected to be generated by the development is likely to be minimal.



Figure 2.9 – Looking north on Sirius Drive at existing bus stop and footpath network

2.7 Intersection & Network performance

2.7.1 Ocean Drive & Sirius Drive intersection

Bretts Traffic Engineering undertook SIDRA analysis of the existing intersections in the vicinity of the proposed development, based on the current peak hour traffic volumes recorded by StreetWise in a manual traffic count. The following tables show the average delays, average length of queues and the Level of Service for each movement through the intersection for both the AM and PM peak hours. As can be seen from the summary below, the existing channelised intersection easily caters for the current volumes and movements with minimal delays and queues.

Ocean Drive & Sirius Intn - 2019 AM Peak		Delay (s)	Queue (m)	LoS
5	Ocean Dr (Westbound) - Through	0.0	0.0	A
6	Ocean Dr (Westbound) – Right turn	7.8	2.2	A
7	Sirius Drive – Left turn out	6.4	4.0	A
9	Sirius Drive – Right turn out	10.7	5.2	A
10	Ocean Dr (Eastbound) – Left turn	6.4	0.0	A
11	Ocean Dr (Eastbound) - Through	0.0	0.0	A

Ocean Drive & Sirius Intn - 2019 PM Peak		Delay (s)	Queue (m)	LoS
5	Ocean Dr (Westbound) - Through	0.0	0.0	A
6	Ocean Dr (Westbound) – Right turn	8.6	4.8	A
7	Sirius Drive – Left turn out	6.4	7.3	A
9	Sirius Drive – Right turn out	13.2	11.4	A
10	Ocean Dr (Eastbound) – Left turn	6.4	0.0	A
11	Ocean Dr (Eastbound) - Through	0.0	0.0	A

Figure 2.10 – Summary of SIDRA analysis of existing Ocean Dr & Sirius Dr intersection

Austrroads Guide To Traffic Management (Part 3: Traffic Studies And Analysis) states the Level of Service of 'A' equates to *'A condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.'*

2.7.2 Botanic Drive & Sirius Drive intersection

Ocean Dr & Sirius Dr Intn - 2019 – AM Peak		Delay (s)	Queue (m)	LoS
1	Sirius Drive (northbound) – Left turn	4.3	1.5	A
2	Sirius Drive (northbound) – Straight	4.6	1.5	A
3	Sirius Drive (northbound) – Right turn	8.6	1.5	A

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4	Banks Dr (Westbound) – Left turn	4.8	0.9	A
5	Banks Dr (Westbound) – Straight	5.1	0.9	A
6	Banks Dr (Westbound) – Right turn	9.1	0.9	A
7	Sirius Drive (Southbound) – Left turn	4.5	1.8	A
8	Sirius Drive (Southbound) – Straight	4.8	1.8	A
9	Sirius Drive (Southbound) – Right turn	8.8	1.8	A
10	Botanic Dr (Eastbound) – Left turn	4.4	1.8	A
11	Botanic Dr (Eastbound) – Straight	4.6	1.8	A
12	Botanic Dr (Eastbound) – Right turn	8.6	1.8	A

Ocean Drive & Sirius Intn - 2019 – PM Peak		Delay (s)	Queue (m)	LoS
1	Sirius Drive (northbound) – Left turn	4.2	3.0	A
2	Sirius Drive (northbound) – Straight	4.5	3.0	A
3	Sirius Drive (northbound) – Right turn	8.5	3.0	A
4	Banks Dr (Westbound) – Left turn	4.7	0.2	A
5	Banks Dr (Westbound) – Straight	4.9	0.2	A
6	Banks Dr (Westbound) – Right turn	8.9	0.2	A
7	Sirius Drive (Southbound) – Left turn	4.5	1.5	A
8	Sirius Drive (Southbound) – Straight	4.9	1.5	A
9	Sirius Drive (Southbound) – Right turn	8.9	1.5	A
10	Botanic Dr (Eastbound) – Left turn	4.7	1.4	A
11	Botanic Dr (Eastbound) – Straight	5.0	1.4	A
12	Botanic Dr (Eastbound) – Right turn	9.0	1.4	A

Figure 2.11 – Summary of SIDRA analysis of existing Botanic Dr & Sirius Dr intersection

As can be seen from the summary of the SIDRA modelling results above, both the Ocean Drive intersection and the Botanic Drive roundabout operate efficiently at peak times, with every movement indicating a Level of Service of 'A' i.e. 'a condition of free flow....' Each of the movements through both existing intersections experiences minor delays and minimal queuing at peak times.

2.8 Prevailing Traffic Safety Issues

As with any intersection where judgement of oncoming traffic vehicle speeds and gaps between vehicles is required, the existing T-intersection of Ocean Drive and Sirius Drive will likely experience occasional crashes and other traffic incidents.

Similarly, the access to Lakewood shopping centre off Sirius Drive would also experience occasional incidents due to poor judgment by drivers. However, most are likely to be low

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speed crashes and therefore result in minor damage and minimal injuries. The proximity of the existing bus stop on the western side of Sirius Drive may occasionally reduce sight distance for vehicles exiting the shopping centre if a bus is stopped at the bus stop. However, the bus stops at Lakewood approximately once every hour most days.

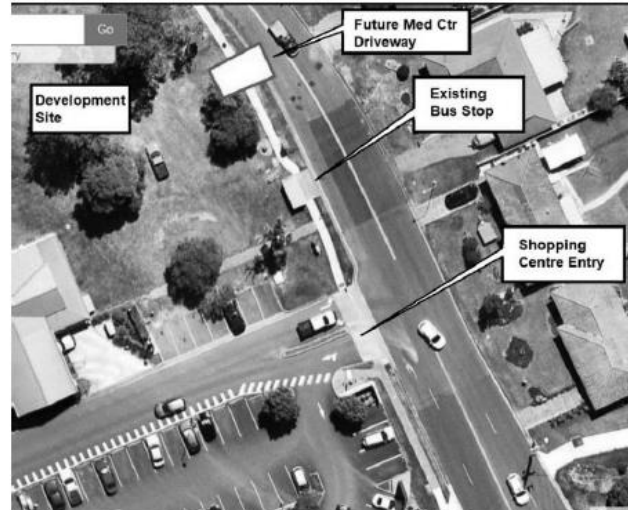


Figure 2.12 – Aerial photo of Sirius Dr showing existing entry to Lakewood shopping centre

The existing roundabout at Sirius Drive and Botanic Drive is a low speed environment and caters for a relatively low number of vehicles, even at peak times. Any crashes at this location is likely to result in minor damage.

The existing loading dock at the Lakewood shopping centre is located adjacent to the proposed medical centre. As can be seen from Figure 2.13 below, the heavy vehicles enter the site via a driveway off Botanic Drive, access the loading dock then exit via the shared driveway at Sirius Drive. The access lane is currently one-way. Trucks are currently separated from light vehicles at the entry and manoeuvring areas but sharing the exit driveway with the general public may create conflict, particularly near the entry to the service station. It should be noted that many large delivery vehicles access the shopping centre outside of peak traffic periods.

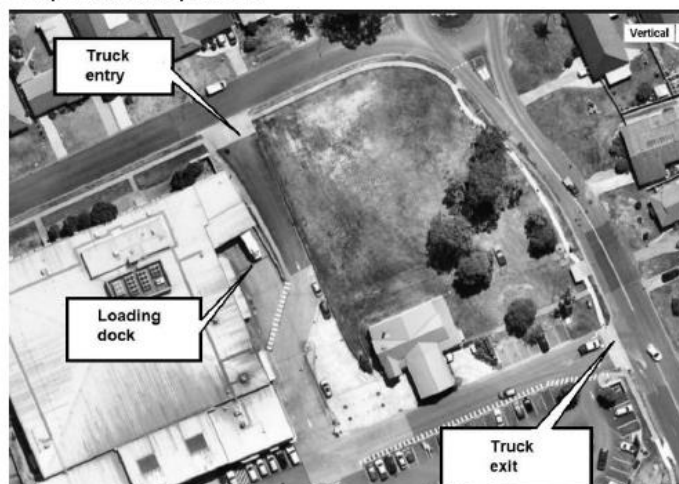


Figure 2.13 – Aerial photo showing existing shopping centre loading dock

3. PROPOSED DEVELOPMENT DETAILS

3.1 Development Site Plan

See Appendix A

3.2 Operational Details

It is proposed that the future medical centre is open 12 hours a day (8am – 8pm), 7 days a week. The medical centre will include 9 consultation rooms and 5 treatment rooms which will be shared between 9 consultants. The medical centre will also require 6 ancillary / admin staff.

The X-ray section of the future complex will have 3 consultant radiologists and a further 3 admin staff.

3.3 Access & Parking

It is proposed to access the site from a new driveway off Sirius Drive and exit via a driveway to Botanic Drive i.e. movement through the site will be generally one-way. The proposal will provide 42 parking spaces (including 2 disabled) within the main carpark, and an additional 17 spaces within the adjacent easement for access.

4. DEVELOPMENT GENERATED TRAFFIC

4.1 Traffic Generation

4.1.1 General

The primary reference documents used to determine the traffic flow generated by the developments are the "RMS Guide to Traffic Generating Developments" and PMHC Development Control Plan 2013.

4.1.2 RMS Guidelines

The RMS Guide to Traffic Generating Developments does not provide trip generation rates for Medical Centres as the variance of generation rates for this land use indicates that satisfactory prediction rates cannot be recommended. The guide recommends an assessment of a similar like land use needs to be completed.

4.1.3 Port Macquarie Hastings Council Guidelines

Port Macquarie Hastings Council (PMHC) does not prescribe traffic generation rates. As part of the pre-lodgement minutes PMHC has indicated a similar assessment as that recommended by the RMS to undertaken to determine the traffic generation for the proposed development.

4.1.4 Existing Use Traffic Generation Offset

As this proposed development is located on a currently vacant lot, there is no claim for offset / reduction in the traffic being generated by the development.

4.1.5 Survey of Like Land Use (Operation)

This development is a relocation of an existing business (in Laurieton) and the client has provided data based on the number of consultants / rooms at the existing location. As can be seen from the data below, the number of rooms, doctors and staff is similar, and the expected turnover of patients per hour is expected to be similar.

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It is assumed that the medical centre will be busy around opening time and generate high traffic volumes between 7:30 & 8:30am when staff and doctors arrive for work, as well as the first patients. It is also likely that other patients will also arrive early for appointments in the first half hour. Therefore, the hour between 7:30 – 8:30 will generate approximately:

	<u>In</u>	<u>Out</u>
Doctors:	8	
Staff:	9	
Radiographers:	3	
GP patients:	16	16
X-Ray patients:	3	
Other patients	6	

Total opening hour movements = 61 vph (45 in & 16 out)Potential peak hour

During normal operating hours, at peak capacity, the medical centre could cater for the following patients:

GP: 8 in and 8 out every 15 minutes = 64 movements per hour

X-ray: 3 in and 3 out per hour = 6 movements per hour

Staff movements + deliveries = 10 movements per hour

Total movements = 80 (40 in & 40 out) at full capacity

Therefore, for the purposes of this assessment, it is assumed the proposed medical centre can cater for 70 patients an hour at peak capacity. However, it is unlikely that at any given time, that every doctor will be on duty, every 15-minute GP appointment will be filled, or that the radiography facilities will operate at 100% usage.

Also, not every patient will arrive by car, or generate a parking requirement. It is likely that many patients will live in the neighbourhood and walk to the site. Others will utilise the local bus and taxi services or be dropped to the site by Community Transport or mini-bus services provided by nearby retirement homes. It is also likely that some patients will combine a shopping trip with a doctor's appointment, and therefore park within the adjacent Lakewood Shopping Centre carpark.

Case Study:

Traffix Group previously undertook a traffic and parking assessment of an existing medical centre known as the Thompson Road Medical Centre at 2 Woodbine Road, Cranbourne

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North. The centre includes 11 general practitioners and the surveys were undertaken on Thursday 22 September 2011 between 8:30am – 5:30pm.

	Av. hourly	AM Traffic peak 8am – 9am	PM Traffic peak 5pm – 6pm	Patient Peak 8:45 - 9:45am
Total trips per hour	66	65	22	100
No. of trips per GP	6.0	5.9	2.0	9.1

Adopting a similar profile and rate of demand for the proposed 7 practitioner medical centre, the following movements can be expected.

	Av. hourly	AM Traffic peak 8am – 9am	PM Traffic peak 5pm – 6pm	Patient Peak 8:45 - 9:45am
No. of trips per GP	6.0	5.9	2.0	9.1
Total number of trips	42	42	14	64

Based on the above, the proposed medical centre will generate 720 trips per day (12 hours @ 42 trips per hour). If we adopt the peak hour rate above (**64 trips per hour**) for the Lakewood medical centre for both the AM and PM peak hours, we can expect 64 trips an hour between 8 and 9am, as well as between 4:30 – 5:30pm (32 in and 32 out).

4.2 Traffic Distribution & Assignment

4.2.1 Proposed Medical Centre

While the number of movements in and out during the day will be approximately 50% in and 50% out, we can assume a slightly different split early and late in the day: i.e. AM peak (say) 60 in & 40% out, and PM peak (say) 40% in & 60% out.

Also, it is expected that many patients will live locally i.e. within the Lakewood area, and therefore not need to pass through the Ocean Drive/Sirius Drive intersection.

The site will also include 2 driveways for entry and exit from the carpark. It is likely that the driveway off Sirius Drive will cater for a greater percentage of movements than the proposed Botanic Drive driveway. The following diagram indicates the estimated peak hour movements in and out of the future medical centre.

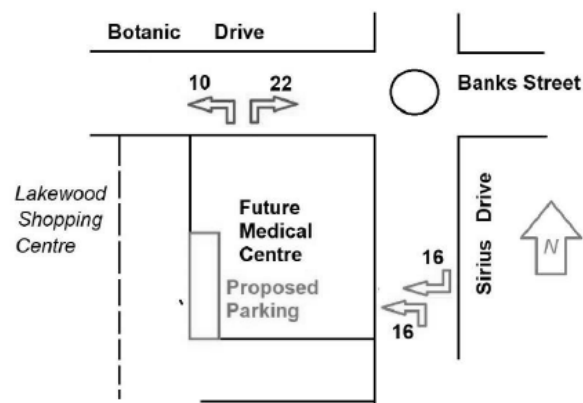


Figure 2.3 – Future peak hour traffic flows generated by future medical centre

4.2.2 Adjoining Shopping Centre – proposed parking

The design plans of the proposed development includes provision of 17 car parking spaces within the existing easement for access which is currently located between the development site and the adjoining shopping centre. These carparking spaces are proposed to be utilised by staff of the medical centre and/or shopping centre. It is likely that these spaces will be 'long-term' (i.e. 1 work shift) and therefore generate only a few movements a day, many of which will occur during peak times. It is likely that most inwards movements will occur between 7 – 9am and outwards movements between 3 – 5pm (say 10 max per hour). We can also assume that the movements will be generally split evenly between the shopping centre access and the Botanic Drive access (5 and 5 per hour). Therefore, the additional movements to be generated by the proposed 17 parking spaces during peak times will be approximately:

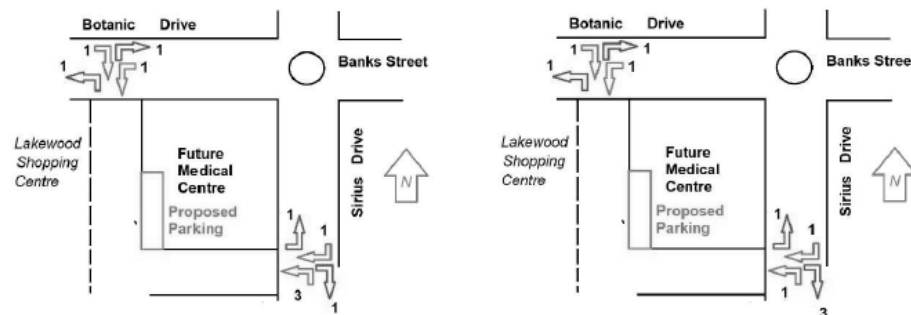


Figure 2.4 – Future peak hour traffic flows generated by extra 17 parking spaces (AM & PM)

4.3 Traffic Distribution & Assignment

The following traffic distribution and assignment is provided for the assumptions made in this report with regard to the generated traffic impacts.

5. IMPACT ASSESSMENT

5.1 Future Background Traffic volumes

This assessment is based on the Traffic Generation, Traffic Growth Distribution and Traffic Assignment calculations included previous sections of this report. Figure 5.1 below indicates what predicted traffic volumes will be generated by the future medical centre development in comparison to the overall 10 years traffic growth in the Area 13 precinct. A previous traffic report by RoadNet (2019) indicated that:

'Area 15 is a future residential area in the West Haven area, bounded by Sirius Drive in the east and Glen Haven Drive in the west. The area will have the potential to provide for up to 875 dwellings plus an industrial precinct by 2029. This study also incorporates the proposed 'Chevron Veld' development, plus growth areas south of Ocean Drive, in addition to full development of existing residential developments off Lakeridge Drive, Glen Haven Drive and Mountain View Drive – a total of approximately 1750 future lots. Traffic volumes existing on Ocean Drive in the Area 15 are in the order of 6,000 to 8000 AADT, with the projected volumes to increase to over 15,000 AADT by 2029.'

There has been a large amount of residential development with the surrounding Lakewood and larger Area 15 growth area over the past 10 years. The Lakewood shopping centre is the largest generator of traffic movements, but there is ongoing residential development within a 1km radius of Sirius Drive, including 'Chevron Veld', retirement villages and relocatable housing estates. Also, ongoing development at Kew, Kendall and other precincts west of Lakewood results in annual increases of traffic volumes on Ocean Drive.

A factor of 2% has been adopted as an annual increase in traffic volumes on the local road network.

5.2 Future Total Background Volumes

The proposed medical development is located within the Lakewood precinct, which is within Council's Area 15 growth area. The development will add additional traffic through the two intersections assessed in this report. However, the impacts of the development-generated volumes will be minor compared to the future residential, industrial and commercial growth in Area 15.

Based on RoadNet's projections (5.1 above), the current volumes through the Ocean Drive/Sirius Drive intersection will double over the next 10 years i.e. from approximately 7000 vpd (as per recent traffic count to over 15,000 AADT by 2029. Therefore, the estimated 40 trips per hour (at peak times) to be generated by the future medical centre will not have a significant impact on the existing intersection of Ocean Drive and Sirius Drive.

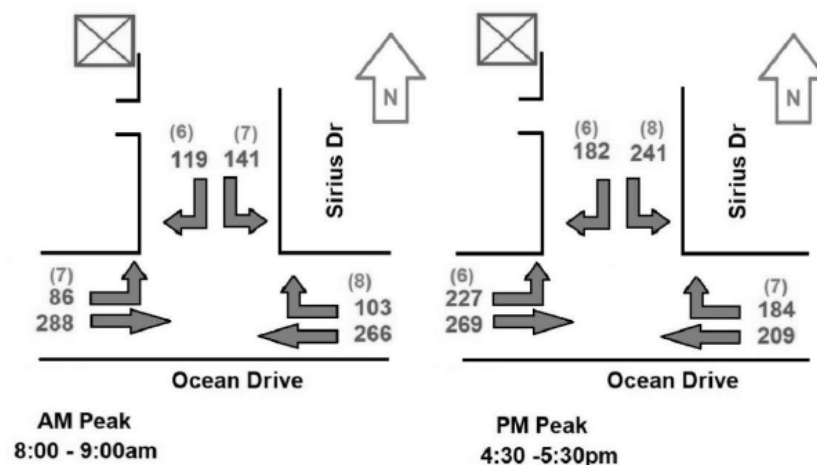


Figure 5.1 – Future (2030) AM & PM peak traffic flows (showing medical centre traffic in brackets)

5.3 Future Intersection & Network Performance

Bretts Traffic Engineering Pty Ltd undertook the SIDRA modelling of both intersections as part of this assessment. The modelling was based on StreetWise's manual traffic counts, the predicted traffic generation from the future development discussed elsewhere in this report and the assumptions:

- HV % of 5% on all legs;
- SIDRA default values for Peak Flow Factor (95%) and Peak Period (30 minutes per hour); and
- Model Type = New South Wales.

StreetWise's manual traffic count also noted that 2 vehicles was the general maximum queue at the Ocean drive intersection, with occasional increases to 4 vehicles waiting to turn.

5.3.1 Ocean Drive & Sirius Drive intersection

The existing channelised intersection at Ocean Drive and Sirius Drive was assessed using SIDRA modelling for current and future (2030) traffic volumes for both AM and PM peak periods. The future volumes utilised StreetWise's recent manual traffic count data, adjusted all movements for a 2% annual network increase and also added the traffic to be

generated by the proposed medical centre. The full SIDRA report is included in the appendix, but the assessment summary is shown in Figure 5.2 below:

Ocean Drive & Sirius Intn - 2030 – AM Peak		Delay (s)	Queue (m)	LoS
5	Ocean Dr (Westbound) - Through	0.0	0.0	A
6	Ocean Dr (Westbound) – Right tun	8.4	3.3	A
7	Sirius Drive – Left turn out	7.2	5.9	A
9	Sirius Drive – Right turn out	15.5	11.0	B
10	Ocean Dr (Eastbound) – Left turn	6.4	0.0	A
11	Ocean Dr (Eastbound) - Through	0.0	0.0	A

Ocean Drive & Sirius Intn - 2030 – PM Peak		Delay (s)	Queue (m)	LoS
5	Ocean Dr (Westbound) - Through	0.0	0.0	A
6	Ocean Dr (Westbound) – Right tun	9.9	7.9	A
7	Sirius Drive – Left turn out	7.5	11.8	A
9	Sirius Drive – Right turn out	22.1	24.1	B
10	Ocean Dr (Eastbound) – Left turn	6.4	0.0	A
11	Ocean Dr (Eastbound) - Through	0.0	0.0	A

Figure 5.2 – SIDRA summary – Ocean Dr & Sirius Dr intersection AM & PM Peak (2030)

Austrroads Guide To Traffic Management (Part 3: Traffic Studies And Analysis) states the Level of Service of 'B' equates to *'In the zone of stable flow where drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is a little less than with level of service A.'*

In accordance with Figure 2.26c of the Austrroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings, the following warrant is provided in Figure 5.2. As can be seen from the graph, the existing channelised intersection appears to be suitable for the projected 2030 traffic volumes and movements. Given the high percentage of future vehicles potentially turning into Sirius Drive from Ocean Drive during the afternoon peak period, further assessment of the intersection may be required. However, the SIDRA analysis indicates the current intersection will cater for the 2030 volumes with minimal queues or delays.

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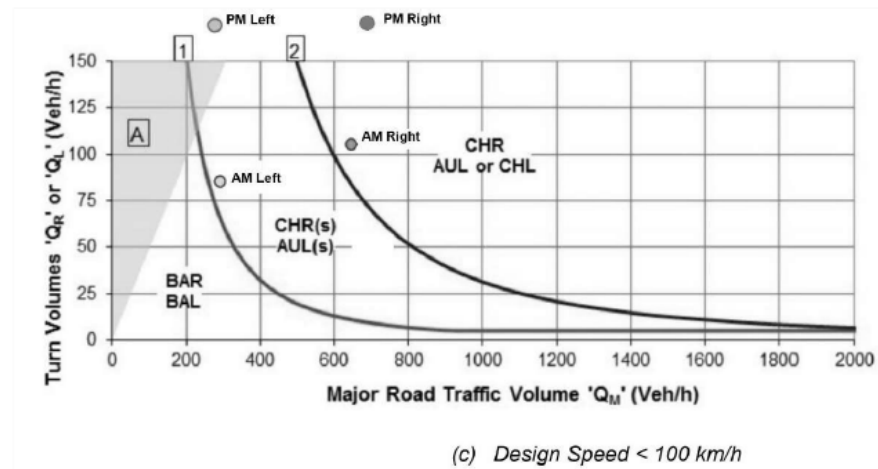
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Figure 5.3 – Austroads warrant for turn treatments – Ocean Dr & Sirius Dr intn (2030)

5.3.2 Botanic Drive & Sirius Drive roundabout

The existing roundabout at the intersection of Botanic Drive and Sirius Drive was assessed using SIDRA modelling for current and future (2030) traffic volumes for both AM and PM peak periods. The future volumes utilised StreetWise's recent manual traffic count data, adjusted all movements for a 2% annual network increase and also added the traffic to be generated by the proposed medical centre. The full SIDRA report is included in the appendix, and the assessment summary is shown in Figure 5.3 below:

Ocean Drive & Sirius Intn - 2030 – AM Peak		Delay (s)	Queue (m)	LoS
1	Sirius Drive (northbound) – Left turn	4.4	2.3	A
2	Sirius Drive (northbound) – Straight	4.6	2.3	A
3	Sirius Drive (northbound) – Right turn	8.6	2.3	A
4	Banks Dr (Westbound) – Left turn	5.0	1.2	A
5	Banks Dr (Westbound) – Straight	5.3	1.2	A
6	Banks Dr (Westbound) – Right turn	9.3	1.2	A
7	Sirius Drive (Southbound) – Left turn	4.7	2.5	A
8	Sirius Drive (Southbound) – Straight	4.9	2.5	A
9	Sirius Drive (Southbound) – Right turn	8.9	2.5	A
10	Botanic Dr (Eastbound) – Left turn	4.4	2.6	A
11	Botanic Dr (Eastbound) – Straight	4.6	2.6	A
12	Botanic Dr (Eastbound) – Right turn	8.6	2.6	A

Ocean Drive & Sirius Intn - 2030 – PM Peak		Delay (s)	Queue (m)	LoS
1	Sirius Drive (northbound) – Left turn	4.2	4.1	A

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2	Sirius Drive (northbound) – Straight	4.5	4.1	A
3	Sirius Drive (northbound) – Right turn	8.5	4.1	A
4	Banks Dr (Westbound) – Left turn	4.8	0.2	A
5	Banks Dr (Westbound) – Straight	5.1	0.2	A
6	Banks Dr (Westbound) – Right turn	9.1	0.2	A
7	Sirius Drive (Southbound) – Left turn	4.6	2.2	A
8	Sirius Drive (Southbound) – Straight	4.9	2.2	A
9	Sirius Drive (Southbound) – Right turn	8.9	2.2	A
10	Botanic Dr (Eastbound) – Left turn	4.7	2.0	A
11	Botanic Dr (Eastbound) – Straight	5.0	2.0	A
12	Botanic Dr (Eastbound) – Right turn	9.0	2.0	A

Figure 5.4 – SIDRA summary – Botanic Dr & Sirius Dr roundabout AM & PM Peak (2030)

As can be seen from the SIDRA analysis results above, the existing roundabout can cater for current and future traffic volumes with minimal delays and queues.

5.4 Access Impacts

The development site is located at the intersection of Botanic Drive and Sirius Drive. It is proposed to access the internal carpark via two driveways i.e. one off Sirius Drive and the other off Botanic Drive. The future medical centre will be close to the existing roundabout, which acts as a traffic calming structure i.e. traffic speeds across both frontages of the future development are relatively low.

Each of the roads across the frontage is 8m wide, and therefore wide enough to allow passing traffic to safely pass around any vehicle turning into the medical centre.

Both of the proposed driveways will be adjacent to existing driveways. The future 4.8m wide driveway off Sirius Drive will be approximately 40m away from the existing main entry driveway to Lakewood Shopping Centre. The location of this driveway was selected to minimise impacts on the adjacent bus stop, but also provide maximum clearance from the shopping centre driveway and the Botanic Drive roundabout. There may be some sight distance issues when buses are picking up or dropping off passengers but given the small number of bus trips per day, the potential for conflict is low. It is proposed to install signage at this location to warn exiting vehicles about the potential hazard created by parked buses. Consideration should also be given to encouraging patients to turn left as they leave the site and utilise the adjacent roundabout.

The 5.5m wide driveway off Botanic Drive will be adjacent to the existing shopping centre loading dock entry driveway. Signage should be installed at this location to warn drivers exiting the site to look for turning trucks and any other vehicles using the loading dock access.

It is proposed to encourage one-way movement through the future carpark, with entry to be from Sirius Drive and exit via the Botanic Drive access. This will be managed via signage (ENTRY / NO ENTRY) at each driveway and arrows painted on the carpark surface, and will result in:

- Reduced vehicle movement conflict within the carpark
- One-way movements across the footpaths at both driveways

- Increased manoeuvring space within both driveways
- Minimal conflict between vehicles entering the site and bus movements at Sirius Drive
- Remove any sight distance issue for vehicles exiting via Sirius Drive when a bus is stopped at the bus stop

If 2-way movements are ever proposed at each driveway, consideration should be given to only allowing left turn out of the carpark onto Sirius Drive – vehicles can then utilise the adjacent roundabout to safely undertake a U-turn.

5.5 Impacts on Public Transport

The site is located adjacent to an existing bus stop in Sirius Drive. It is likely that some patients will utilise the bus service to access the medical centre. However, the number of additional bus-users generated by the development is not likely to have a significant impact on the existing service.

5.6 Walking & Cycling

It is likely that many patients of the future medical centre will live in the neighbourhood and will walk to the site using the existing footpath network. Others may use the local bus service and walk the short distance from the Lakewood bus stop to the proposed medical centre via the existing footpath. It is unlikely that the development will generate many bicycle movements, and therefore have minimal impact on the local bike network.

5.7 Impacts on Road Safety

As discussed previously, there are a number of existing minor safety issues within the Lakewood precinct, generally relating to turning movements and vehicle conflict points. The proposed medical centre will include 2 additional driveways within this precinct, which will result in 2 more potential conflict locations.

The medical centre will also generate additional traffic volumes within the precinct, which will result in additional turn movements through the adjacent intersections. However, the SIDRA analysis indicated the intersections currently operate efficiently and will continue to do so for at least the next 10 years.

The proximity of the proposed medical centre entry driveway off Sirius Drive to the bus stop may result in minor risk for vehicles turning into the site if a bus is waiting at the bus stop i.e. reduced sight distance or queuing to turn. However, the number of bus movements each day is minimal, and the risk is considered low.

5.8 Parking Supply

The development requires 38 spaces according to Council's DCP and proposes 42 parking spaces – an excess of 4 spaces. The development also proposes a further 17 spaces within the existing easement for access.

6. IMPACT MITIGATION

This assessment has assumed the medical centre will operate at full capacity at all times, and the traffic volumes are based on this assumption. However, it is unlikely that all doctors will be onsite at the one time, and that all appointments will be filled every hour. Therefore, the traffic volumes to be generated by the normal operations of the medical centre are likely to be significantly less than those assessed – and the associated impacts will also be less.

It is proposed to have one-way movement through the future carpark, with entry off Sirius Drive and exit to Botanic Drive. This will reduce confusion within the carpark, and also reduce the number of conflicting movements across the adjacent footpaths. The entry only off Sirius Drive will also reduce the potential conflict with the occasional bus movements at the bus stop. The one-way movement will be delineated by signage and linemarking.

The following measures are also proposed:

- Signage at the main entry to easily identify the medical centre and entry location
- Signage to denote 'ENTRY ONLY' and exit via Botanic Drive
- Signage at the Botanic Drive exit warning drivers to watch for truck movements into the loading dock entry lane.
- Staff to utilise the proposed parking spaces within the easement for access. This will free up spaces within the main carpark, and also minimise movements within the loading dock lane.

7. CARPARKING ASSESSMENT

7.1 Geometric Carpark Design Assessment

The design of the carparking layout is specified in the 'Australian/New Zealand Standard, Parking Facilities Part 1; Off Street Carparking (AS/NZS 2890.1) of 2004 and Australian/New Zealand Standard, Parking Facilities Part 6: Off street parking for People with Disabilities of 2009.

7.2 Carparking Classification

Part 1 of AS2890 classifies this development as a Class 3 off-street car parking facility requiring a category 1 driveway. Table 10.2 provides a comparison on the requirements of AS/NZS 2890.1 and AS/NZS 2890.6 applicable to the car parking proposal to be provided for the development.

Design Component	AS / NZS 2890.1 & AS / NZS 2890.6 Requirement	Proposed	Conformance with Standard
Parking Space	5.4m x 2.6m car space Additional 300mm when adjacent a wall	5.4m x 2.6m car space	YES
	5.4m x 2.4m plus 5.4m x 2.4m shared zone disabled	5.4m x 2.6m plus vacant space adjacent to both disabled spaces	TBC
Aisle Width	5.8m min	Varies 6.14 - 5.40m (generally greater than 5.8m)	NO
Blind Aisle	1.0m	Minimal near space No. 31	NO
Driveway Width	Category 1 d/w = 3m - 5.5m	Double width driveway 4.80m at Sirius Dr & 5.5m at Botanic Drive	Yes

Table 7.1 – SUMMARY OF AUSTRALIAN STANDARD GEOMETRIC DESIGN REQUIREMENTS

Table 7.1 shows this development proposal generally adheres to the above Australian Standard Requirements. However, there are non-conformances with regard to the aisle width and blind aisle width which will be detailed further in this assessment.

The footpath crossing / driveway design are to comply with Port Macquarie Hastings Council's standard drawings ASD 201 and ASD 208.

7.3 Carparking Requirement

Council's Development Control Plan (Port Macquarie Hastings Council Development Control Plan 2013) specifies the following car parking requirements:

- Off-street parking shall be provided in accordance with Table 2.5-1 of the DCP.
- Parking design and layout to be completed in accordance with AS2890.1 & 6 for this development.
- Bicycle and motorcycle parking to be considered.

Community land uses		
child care centres		1 per 4 children and set down and pick up area.
health services facilities		
medical centres		3 per consultant + 1 per 2 employees
health consulting rooms		3 per consultant + 1 per 2 employees + any dwelling requirement.

Figure 7.2 – Extract of Table 2.5-1 from PMHC DCP 2013

DCP Table 2.5-1 (Figure 7.2) above indicates that 3 parking spaces per 1 consultant (i.e. GP or radiographer) + 1 per 2 employees are required for this type of development land use.

Based on Council's DCP rates above, the following carparking calculation is provided for this development.

	No.	Ratio	Parking Spaces
GPs	8	3	24
GP Staff	6	0.5	3
Radiographers	3	3	9
Admin	3	0.5	2

Total carparking spaces required is **38**

As shown in the development is proposing to provide 42 parking spaces within the carpark, including 2 disabled parking close to the main building entry.

There is no requirement to provide on-street parking as part of this development as adequate off-street parking will be provided in accordance with Council DCP.

7.4 Carpark Layout

The layout of the carpark generally conforms to the AS2890.1 design requirements. However, there is a non-conformance with regard to the aisle width to be provided. AS2890.1 requires a minimum aisle width of 5.80m to be provided for this type of category carparking. The aisle width in the northern section of the carpark (as provided in the design plans) is variable, and only 5.40m wide at its narrowest section. The carpark layout at this area is constrained by the northern boundary and the future building footprint.

The plans do not show any dimensions for the two disabled spaces. However, it is assumed these spaces conform with the minimum requirements (i.e. 5.4m x 2.6m) with a vacant area adjacent to the carpark suitable for manoeuvring a disabled person, wheelchair etc. The disabled spaces are also located adjacent to the main entry to the future medical centre.

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

The plans also indicate space No. 31 is adjacent to a future wall, which may restrict turning manoeuvres. However, it should be noted that the carpark provides more spaces than required by Council's DCP, and this space could be deleted, if required.

It should also be noted that the development plans to provide 17 additional parking spaces within the existing easement for access at the western boundary of the property i.e. adjacent to the current loading dock access of the Lakewood shopping centre.

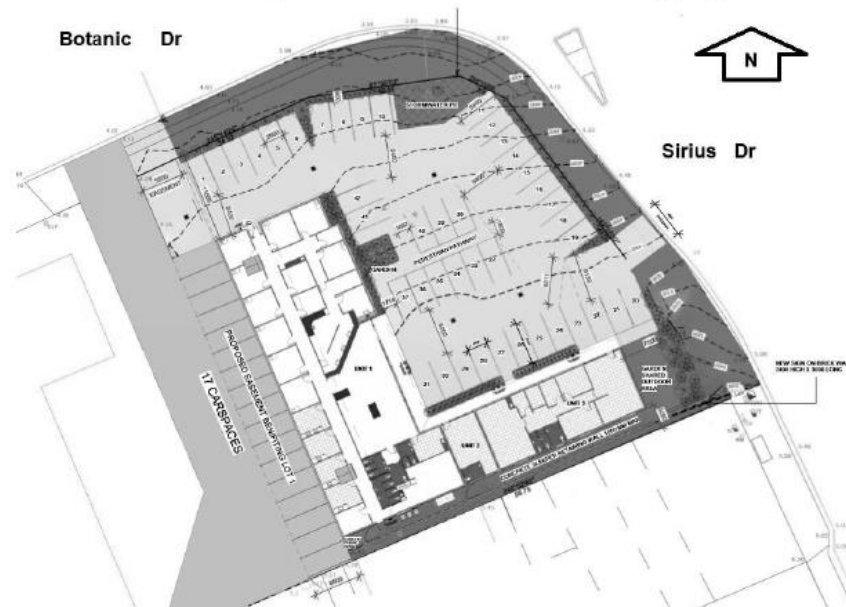


Figure 7.3 – Proposed medical centre carpark layout

7.5 Bicycle and Motorcycle Parking

Council's DCP 2013 requires the consideration of off-street parking for bicycle and motorcycles for all developments.

Given the clientele (medical centre) it is unlikely patients will arrive by bicycle or motorcycle. Therefore, there will be no provision of this type of parking use in this proposed development.

7.6 Disabled Parking

Council's DCP does not have a formal requirement for the provision of disabled parking for this type of development.

The development is proposing to provide 2 parking spaces for disabled parking plus adjacent vacant area for loading/manoeuvring of disabled patients.

7.7 Driveway Access

In accordance with section 3.2.2 of AS2890.1 the driveway access for this development can be a minimum width of 3.0m as the proposed peak hour movements will be under 30 (2.5 trips) in and out movements. The two proposed driveway accesses will connect directly to the road frontage where there is adequate sight distance in both directions. As discussed elsewhere in this report, sight distance at the Sirius Drive access may be

reduced due to the proximity of the adjacent bus stop. However, given the small number of bus movements each day, the likelihood of any conflict is minimal. Also, traffic speeds on both Sirius Drive and Botanic Drive are low, due to the proximity of the existing roundabout.

These sight distances adequately meet the entering sight distance requirements in accordance with Figure 3.2 of AS2890.1. (i.e. 55m desirable and 35m minimum)

It should be noted that one-way movements through the carpark will be encouraged, with entry from Sirius Drive and exit via Botanic Drive. Therefore, the double-width driveways shown on the design plans are satisfactory for easy turning in & out of the future carpark.

7.8 Summary of carparking & vehicle access requirements

The development is required to provide a total of 38 off –street parking spaces in accordance with Council's DCP. The development is providing a total of 42 spaces for patients (able and disabled) and employees. An additional 17 spaces are also proposed within the existing easement for access.

7.9 Parking Assessment Summary

This assessment has revealed the following:

- The access driveways proposed to serve the development is suitably located and will provide good sight distance.
- The proposed development generally satisfies the related geometric design specifications contained in the Australian Standards for off street parking. However, some sections of the proposed aisle widths are non-conforming but should not cause any issues with regard to access based on the minor turnover numbers and one-way movements proposed through the carpark.
- The off-street parking provided in the proposed development satisfies the requirements specified by Council's Development Control Plan 2013.

8. SUMMARY

StreetWise Road Safety and Traffic Services has been engaged by Encompass Drafting and Design to complete a Traffic Impact Assessment for a 3-unit medical centre that includes 9 consulting rooms, a radiology centre and associated reception and administration areas at the intersection of Sirius Drive and Botanic Drive, Lakewood.

An assessment of 2 intersections were completed to determine the impacts the development would have on the intersections of Sirius Drive and Botanic Drive, as well as Sirius Drive and Ocean Drive. Traffic volumes obtained for Medical Centre assessment indicate the 2 intersections currently cater for relatively low volumes, and operate efficiently, based on Figure 2.26c of the Austroads Guide to Traffic Management, Part 6 – Intersections, Interchanges and Crossings.

SIDRA modelling for both existing intersections found that all turn movements currently operate at a Level of Service of 'A', and they both operate well within capacity.

The proposed medical centre will generate 64 trips per hour (32 in & 32 out) at peak times, based on similar developments within the area operated by the client, and also traffic data collected by Traffix' on a further medical centre.

The SIDRA modelling, and assessment in accordance with Figure 2.26c of the Austroads Guide to Traffic Management, Part 6 –Intersections, Interchanges and Crossings, has indicated that both adjacent intersections have the capacity to cater for current and future

traffic volumes (including 10 years local growth and the traffic to be generated by the proposed development). The SIDRA modelling resulted in LoS 'A' for all but one movement with marginal increase in Degree of Saturation, with the intersection operating well within capacity for all scenario's for at least 10 years into the future. The only turn movement which is predicted to increase to LoS 'B' is the right turn out of Sirius Drive during the afternoon peak period.

The development is proposing to provide adequate on-site carparking in accordance with PMHC DCP 2013. The configuration of the carparking layout is generally provided in accordance with the Australian Standard (2890.1) requirements. However, there is a non-conformance for the minimum aisle width which will not have a major impact on access to and from the carpark.

The entry access proposed will utilise a double-width driveway from Sirius Drive and then an exit onto Botanic Drive via a double-width driveway. Both access points have adequate sight distance available, and the adjacent roads have relatively low traffic volumes at low speeds, due to the calming effects of the adjacent roundabout.

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

9. RECOMMENDATIONS

- This assessment has determined that Ocean Drive, Sirius Drive and the local road network has the capacity to cater for the current volumes and future traffic volumes generated by the proposed development, with regard to safety, efficiency and with minimal delays and queues.
- In relation to future development along the Ocean Drive corridor, the proposed development will not generate significant traffic volumes. The majority of future increased traffic volumes will be generated by residential subdivisions, relocatable housing estates and commercial development within the Area 15 growth precinct, including Lakewood Estate, Chevron Veld, Lakewood shopping centre etc. While the proposed Lakewood medical centre will not trigger any required upgrades of roads, intersections or other infrastructure in the Lakewood area, regularly monitoring of developments and traffic volumes should be undertaken by Council in line with the recommendations of the RoadNet's Area 15 Traffic Study (2009).

i.e. any future requirement to upgrade the intersection of Ocean Drive and Sirius, as well as the roundabout at Botanic Drive and Sirius Drive, should not be conditioned solely on the Medical Centre development, as the additional traffic movements to be generated are relatively minor, will not have any significant impacts on these intersections.

- The proposed 17 parking spaces within the existing easement for access should be designated for all-day staff parking, which will result in additional spaces within the main carpark for patients. Also, utilising the 17 spaces within the easement for staff will minimise vehicle movements adjacent to the loading dock, and also minimise any potential conflict between heavy vehicles and patients' vehicles.

LOT 3 DP 827711 Sirius Drive, Lakewood

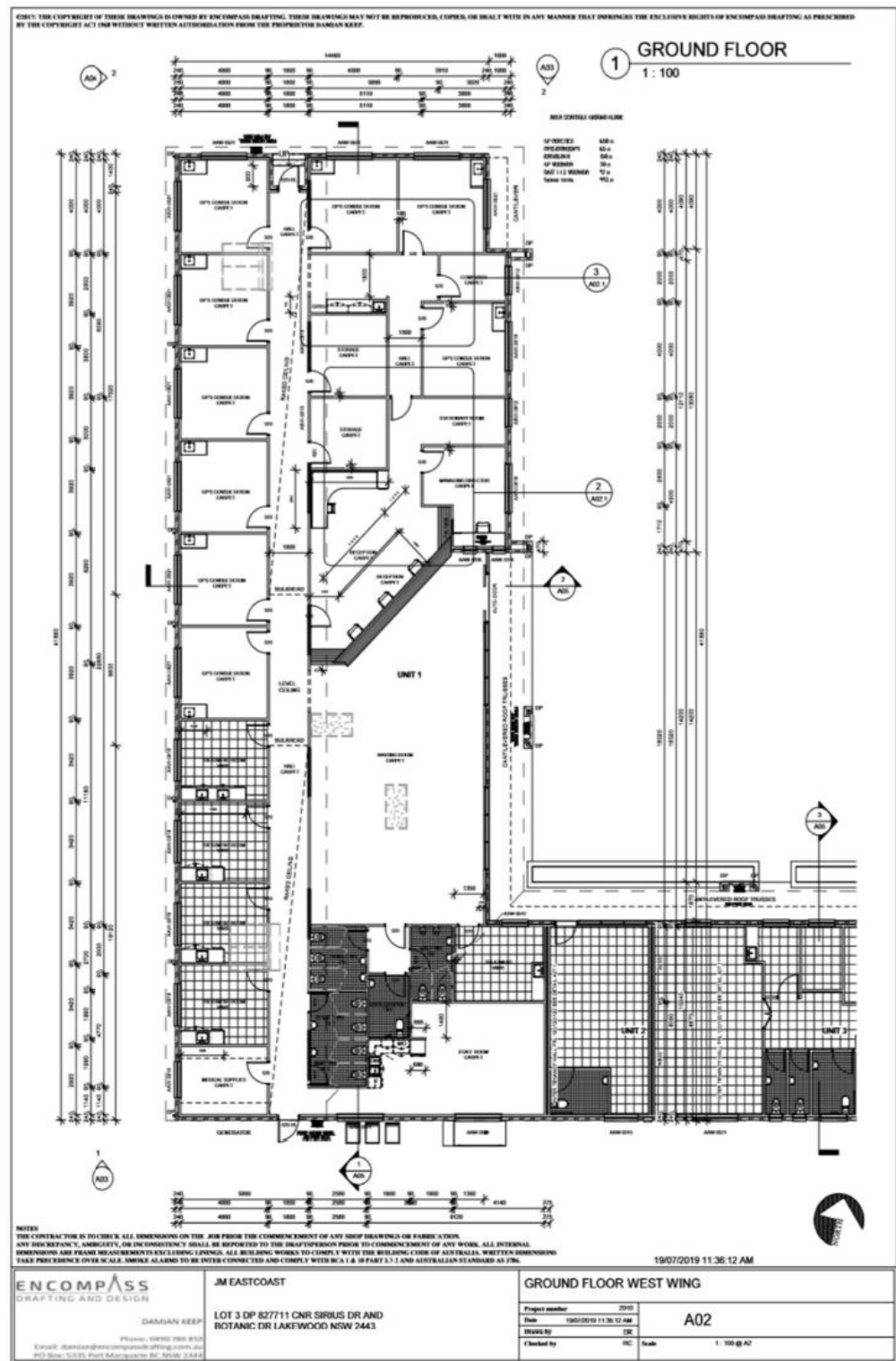
Traffic Impact & Carparking Assessment
Proposed Medical Centre

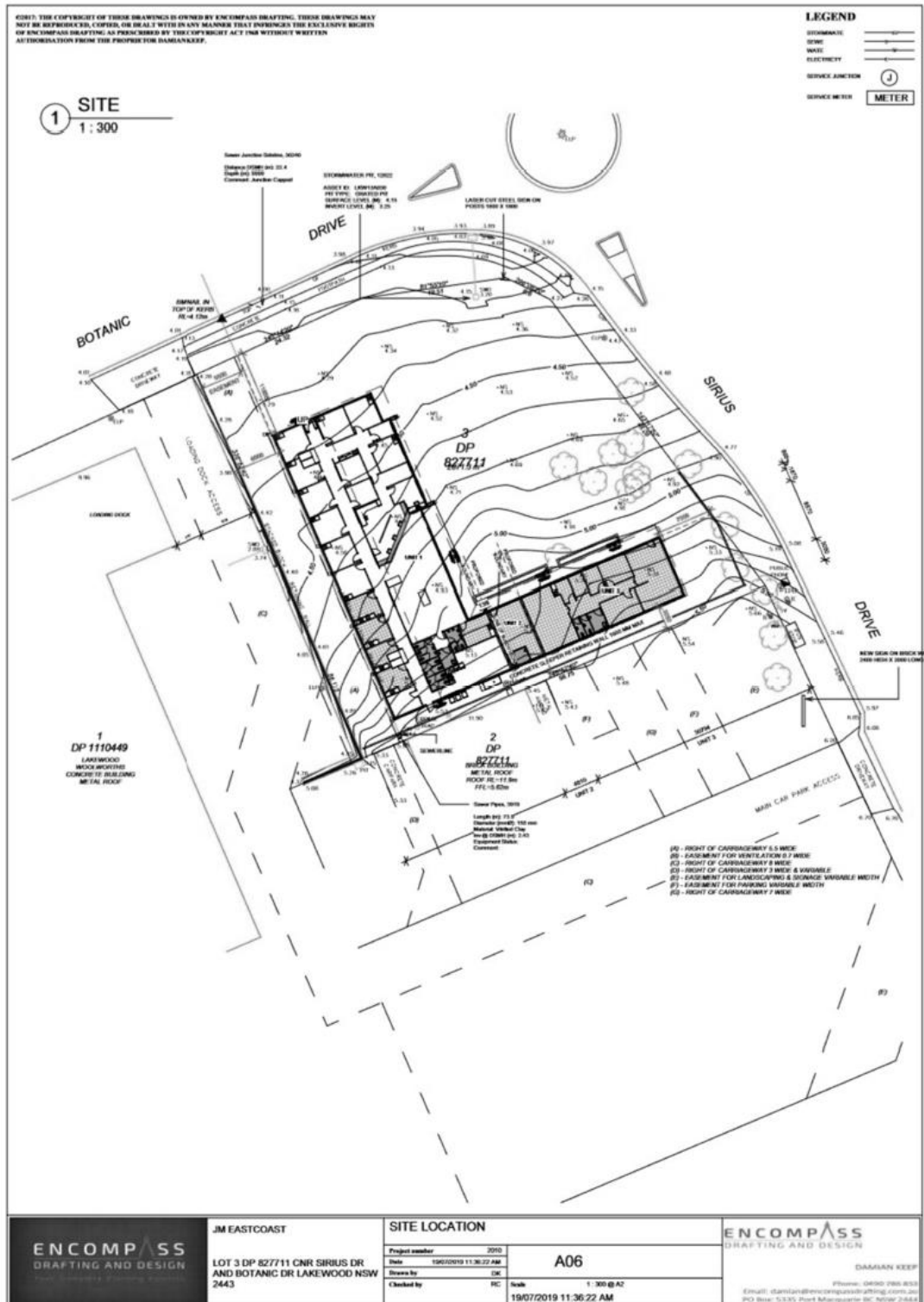
- No kerbside parking should be permitted across both frontages of the proposed medical centre. This restriction will maximise sight distance and provide maximum lane width for vehicles in the vicinity of the Botanic Drive roundabout.
- Signage and linemarking should be installed to delineate one-way movement through the medical centre carpark and prevent vehicles from entering and exiting the wrong driveway.

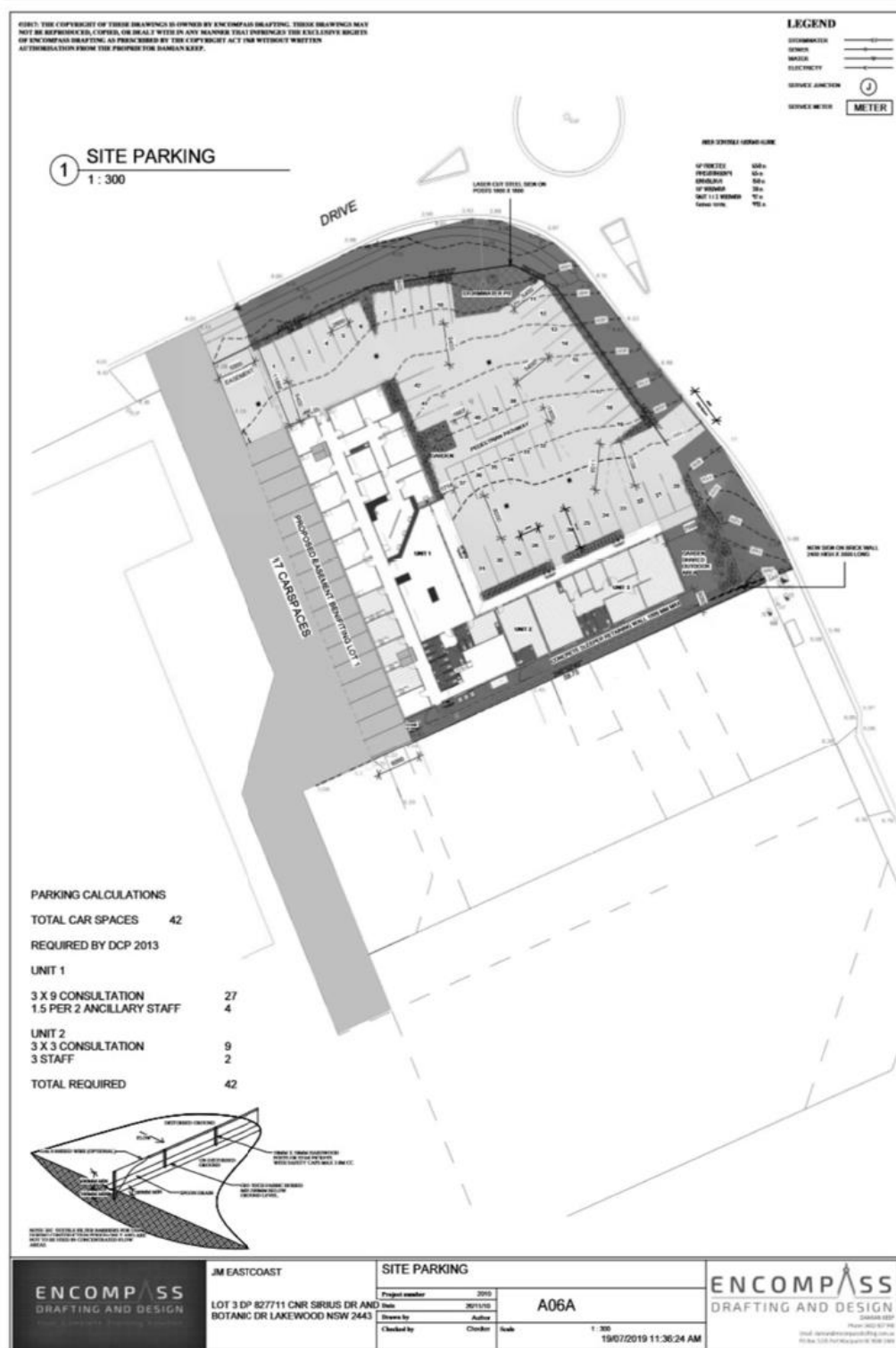
LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

APPENDIX A
DEVELOPMENT PROPOSAL







LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

APPENDIX B
SIDRA MODELLING

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical Centre

Bretts Traffic Engineering Pty Ltd
ABN 67 438 709 188
44 Marquise Circuit
BURDELL, QLD, 4818
Ph: 0429 069 069

StreetWise Road Safety & Traffic Services Pty Ltd
PO Box 1395
PORT MACQUARIE NSW 2444
Attention: Andy Davis

28 July 2019

SIRIUS DRIVE MEDICAL CENTRE: SIDRA MODEL OUTPUTS AND REPORT (Rev 01).

Dear Andy,

The following is a summary of the Sidra Model assumptions and results for the above project.

Inputs

- Intersection volumes as per email 26 July 2019, copied in Appendix A;
- Posted speed limits, all legs 50km/h, except Ocean Drive 70km/h;
- SIDRA default values used unless noted otherwise; and
- Gap acceptance as per Calibration section.

Assumptions and/or changes to Sidra model defaults

- HV % of 5% on all legs;
- SIDRA default values for Peak Flow Factor (95%) and Peak Period (30 minutes per hour); and
- Model Type = New South Wales.

SIDRA Model Calibration

GAP acceptance for sign-controlled intersections was originally manually edited using mid-range values from Appendix E of RMS Traffic Modelling Guidelines v1.0 (2013), however the existing queue lengths were well below observed queue lengths.

The upper range of values in the RMS modelling guidelines were then adopted, as summarised in the table below. The revised existing base case model 95th percentile queue lengths (1.6 cars for right out in PM) were close to observed queue lengths, (2 cars for right out in PM) and thus the gap acceptance parameters below were adopted to calibrate the model to observed conditions.

The gap acceptance figures below are at the upper end of the range within the RMS modelling guidelines, with exception of right turn from minor road which is 1.0 second larger than the upper range of 6.0 seconds in the RMS guidelines. This is reflective of the regional nature of the site with more cautious drivers than other parts of the state, such as those in larger cities.

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SIRIUS DRIVE MEDICAL CENTRE: SIDRA MODEL OUTPUTS AND
REPORT (Rev 01).

The figures below for gap acceptance are used for all modelled scenarios for sign-controlled intersections.

Movement	Gap Acceptance (s)	Follow Up Headway (s)
Right turn from Major Rd	4.5	3.0
Left Turn from Minor Rd	6.0	3.5
Right Turn from Minor Rd	7.0	4.0

SIDRA Model Output Summary

Detailed outputs are following, however a summary of outputs is in the table below. The outputs are direct from SIDRA Intersection and have not been analysed or verified.

Table 1 - SIDRA output Summary SIRIUS DRIVE & OCEAN DRIVE INTERSECTION

	2019		2030	
	Existing		10 years growth	
	AM	PM	AM	PM
Worst Movement (Right Out) Average Delay	10.7s	13.2s	15.5s	22.1s
Worst Movement (Right Out) LOS	A	A	B	B
Worst Movement (Right Out) 95% percentile queue	6m	12m	11m	24m
Overall Intersection Average Delay	3.4s	5.3s	4.3s	6.9s
Intersection Degree of Saturation	0.200	0.338	0.341	0.588

Table 2 - SIDRA output Summary SIRIUS DRIVE & BANKS STREET ROUNDABOUT

	2019		2030	
	Existing		10 years growth	
	AM	PM	AM	PM
Overall Intersection Average Delay	5.9	5.7	5.9	5.7
Overall Intersection Level Of Service	A	A	A	A
Intersection Degree of Saturation	0.053	0.084	0.073	0.110

LOT 3 DP 827711 Sirius Drive, Lakewood

Traffic Impact & Carparking Assessment
Proposed Medical CentreSIRIUS DRIVE MEDICAL CENTRE: SIDRA MODEL OUTPUTS AND
REPORT (Rev 01).

For Ocean Drive Intersection, there is a small increase in average delay and queue length, though the intersection in 2030 will operate well within capacity with PM peak hour being the worst case resulting in a modest degree of saturation of 0.588. (59%)

For the Banks Street roundabout, all scenarios result in LOS A with only marginal increase in Degree of Saturation in 2030 scenarios. This intersection will operate well within capacity for all scenario's with a maximum degree of saturation in the 2030 PM peak hour of 0.110 (or 11%).

Both intersections operate adequately and within capacity for both existing AM and PM peak hours, and for the modelled 2030 scenarios for both AM and PM peak hours.

Should you require any further information please contact the undersigned on 0429 069 069.

Yours faithfully

Brett Franklin
B.Eng.(hons) MIEAust CPEng NER MIPWEAQ RPEQ

Developer Charges - Estimate

Applicants Name: CDM Futures Pty Ltd Care Encompass Drafting
Property Address: Sirius Drive, Lakewood
Lot & Dp: Lot(s):3,DP(s):827711
Development: Medical Centre



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

Levy Area	Units	Cost	Estimate
1 Water Supply	3.244	\$10,190.00 Per ET	\$33,056.30
2 Sewerage Scheme Camden Haven	3.244	\$3,866.00 Per ET	\$12,541.30
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 1,288,896	\$12,888.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$58,485.60

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

DATE OF ESTIMATE:

18-Sep-2019

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

Pty Ltd Care Encompass Drafting, Sirius Drive, Lakewood, 18-Sep-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 08

**Subject: DA2019 - 440.1 - DWELLING AT LOT 613 DP 1228345, NO. 30
RICHWOOD RIDGE, PORT MACQUARIE**

Report Author: Development Assessment Planner, Steven Ford

Applicant: Pycon Homes & Construction Pty Ltd
Owner: P F & C C Mare
Estimated Cost: \$430,000
Parcel no: 66267

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019 - 440.1 for a single dwelling at Lot 613, DP 1228345, No. 30 Richwood Ridge, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Single 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, 3 submissions have been received.

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

1. BACKGROUND

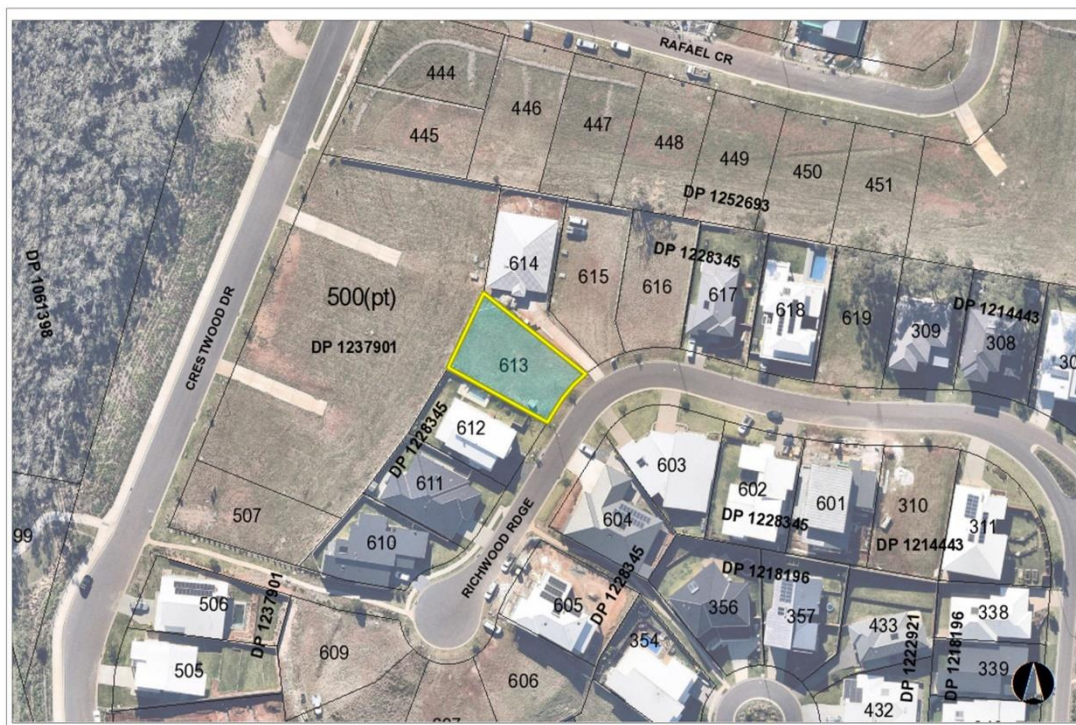
Existing Sites Features and Surrounding Development

The site has an area of 600.3m².

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:

- DA originally proposed a Dwelling, swimming pool and maximum 1.25m retaining wall above the existing retaining wall along the north-west corner boundaries.
- Applicant has deleted the swimming pool and proposed north-east retaining walls
- DA is only for a single dwelling

Refer to attachments at the end of this report for details.

Application Chronology

- 24 June 2019 - Application Lodged
- 27 June 2019 to 10/07/2019 - Public Notification with 3 submissions received
- 16 July 2019 - Request for Information sent to Applicant (Assessment and Submission issues)
- 14 August 2019 - Revised plans and response received from Applicant. (deleted proposed swimming pool and lowered proposed retaining walls)
- 25 August 2019 - Objection to revised plans received
- 05 September 2019 - Revised Plans received by Applicant. (deletion of proposed retaining walls to along north-east boundary)

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 proximity to a coastal wetland to the west.

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;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is 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.

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.
- Clause 2.3(1) and the R1 zone landuse table - 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 contributes to the range of housing options in the locality.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is approximately 6.2 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4 - The floor space ratio of 0.45:1 for the proposal complies with the maximum 0.65:1 floor space ratio applying to the site.
- 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 proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(iii) Any Development Control Plan (DCP) in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Water tank along southern boundary location is behind the building line and is acceptable.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	The dwelling contains a portico in front of the building line. The portico does not exceed 25% of the articulation zone and is setback over 3.6m from the front boundary. This is consistent with other dwellings within the vicinity.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback is 4.97m , which is compliant with the minimum 4.5m front setback requirements.	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 5.56m and behind the front building line. Garage door recessed.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door are compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing 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	Minimum 5.55m rear setback. The rear setback requirements are complied	Yes

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

	Requirements	Proposed	Complies
	private open space	with.	
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The minimum side setback requirements are complied with a minimum 1.2m to the south and minimum 1.5m side setback to the northern boundary. The building wall articulation is compliant and satisfactory to address the objective intent of the development provision.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains a total of 170m ² with >35m ² open space in the one location including a useable 4m x 4m space.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	No fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	N/A	
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy 	No direct views between living areas of adjacent dwellings. Direct views are adequately screened or obscured when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. Proposed primary living areas	Yes

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

	Requirements	Proposed	Complies
	<p>screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>do not directly adjoin or overlook existing living areas. No privacy screens are recommended. Boundary fencing will provide adequate screening and privacy.</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 outside the perimeter of the external building walls	<p>Proposed fill greater than 1m has been deleted from plans.</p> <p>No cut and fill greater than 1.0m change 1m outside the perimeter of the external building walls</p>	Yes
2.3.3.2	1m max. height retaining walls along road frontage	<p>Proposed retaining walls over 1m have been removed from the proposed plans.</p> <p>No retaining wall greater than 1 m proposed.</p>	Yes
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall proposed greater than 1m.	N/A
	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	No trees proposed to be	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	trees	removed	
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 is 5m and will not impact available street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	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.	N/A
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	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 with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Based on the above assessment, cumulatively, there are no adverse impacts or a significance that would justify refusal of the application.

(iii) Any planning agreement or draft planning agreement

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

(iv) The Regulation

Nil

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

Context and Setting

The proposal will 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 any identifiable 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. Appropriate condition recommended.

Sewer Connection

Service available – details required with S.68 application. Appropriate condition recommended.

Stormwater

Proposed impacts of stormwater for the development can be managed, with roof water and landscaping diverted to either onsite water tanks or stormwater drainage.

Service available – details required with S.68 application. Appropriate condition recommended.

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 recommended 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 identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a Certified Consultant.

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. The increase in housing density will improve natural surveillance within the locality and openings from the dwelling overlooking common and private areas.

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.

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 have been adequately addressed and appropriate conditions of consent recommended.

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

Three (3) Objectors written submissions were received following public exhibition of the application and during the assessment period.

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

Submission Issue/Summary	Planning Comments/Response
Final height of dividing fence and retaining wall on the original DA plans was 3960mm, being a 1.25m retaining wall extension and 1.8m boundary fence above the existing boundary retaining wall along the north-east corner. Concerns with are overshadowing, reduction of views/natural light, structural concerns and visually prominent from adjoining properties and the streetscape.	<p>Concerns have been acknowledged by the Applicant and revised plans submitted deleting the proposed retaining wall extensions along the rear boundary and the north west corner of the site.</p> <p>It is noted that the 1.8m high fence has been constructed above the existing retaining wall and will not be changed by the proposed development. A 1.8m high dividing fence above the existing retaining wall is considered reasonable as it will ensure adequate screening</p>

	<p>and privacy to adjoining properties from the developments elevated position, or adversely impact solar access to adjoining properties.</p> <p>Concerns regarding the north-west corner and rear boundary have been satisfied.</p>
Excessive cut and fill, no engineering plans or consent from adjoining landowners.	<p>Noted. Structural engineering plans are usually conditioned to be supplied before the release of the Construction Certificate.</p> <p>However, there is no proposed cut or fill greater than 1m shown on the latest revised plans. The cut and fill greater than 1m has been deleted from the plans. The remaining retaining wall proposed at the front of the northern boundary is maximum 600mm high and approximately 3m in length. No apparent adverse impacts other than the proximity to the boundary are anticipated. This can be resolved on engineering plans for clarity and can be conditioned as part of the consent.</p> <p>Concerns regarding excessive cut and fill has been satisfied by the revised plans.</p>
The proposed development does not comply with the Contract for the Purchase and Sale of Land 2016 dated 22 December 2016 over Lot 613	<p>Noted.</p> <p>Notwithstanding, the extension to the rear retaining wall has been removed and has satisfied the Developer's concerns. This concern has been resolved.</p>
The proponents design is not consistent with Fence Detail Plan by the Developer either in design, height or material.	<p>Noted. This issue has been resolved by removing the proposed block retaining wall extension at the rear boundary and north-east corner, as well as, including timber building materials.</p>
The wall of the house to the boundary is only setback 900mm to the southern boundary and contains the air conditioning unit which is loud and noisy. Concerns with overshadowing of pool at No. 32 and it requires full sun.	<p>The proposed setback is a minimum 1.2m and stepped to 1.9m. Additionally, the proposed development is a single storey dwelling and is not elevated along the southern boundary elevation meeting the objectives of the DCP 2013 with regards to side setbacks, articulation, solar access and height controls of the LEP 2011. Therefore there does not appear to be any adverse impacts to adjoining private open space.</p>

There is no southern elevation plan to see any plans for the perimeter fence adjoining lot 613. There is currently a 1800mm fence. Concerns if there were any plans to alter this fence in any way and object to any increase in height from the existing 1800mm.	Noted. The Applicant has confirmed that no changes to the existing southern boundary fence height are proposed.
The proposed elevation and fill at the rear of their house is significant and such that privacy to adjoining properties will be impacted and the integrity of my fence may be impacted if fill is placed over the existing fence. Occupants will effectively be able to look over into my yard and the noise will also carry over	Noted. The proposed rear fill has been removed from the revised plans. The existing boundary fence along the southern elevation will satisfactorily provide adequate screening and privacy within the context of adjoining properties and private open space.

(e) The Public Interest

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Single dwelling only, therefore additional contributions do not apply.

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 - 440.1 Plans

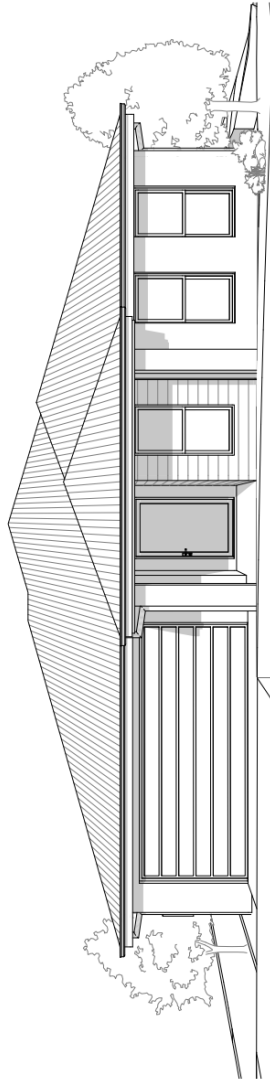
2 [View](#). DA2019 - 440.1 Recommended Conditions

Preliminary Drawings - B**Sheet Index**

- 1 Cover Sheet
- 2 Site Plan
- 3 Landscaping Plan
- 4 Floor Plan
- 5 Elevations 1 of 2
- 6 Elevations 2 of 2
- 7 Electrical Plan
- 8 Floor Covering Plan
- 9 Basix / Schedules
- 10 3D Perspectives



Email: enquiries@pycon.com.au
 Location: First Floor, 2 Horton Street
 Port Macquarie, NSW 2444
 Phone 02 6583 3799
 Web www.pycon.com.au
 Licence: 55958c

**PROPOSED RESIDENCE FOR:**

Pieter Franciscus & Claudia Mare
Lot 613 No. 30 Richwood Ridge
 Port Macquarie NSW 2444



MULTI-AWARD WINNING RESIDENTIAL BUILDING DESIGNERS | IWANTTHATDESIGN.COM.AU | 07 5591 7658

Images are diagrammatic only, refer to elevations for details. Any errors or measurements or omission of information found in this plan is to be resolved before the onsite work is started. I WANT THAT DESIGN is not responsible for any errors or omissions in this plan. I WANT THAT DESIGN is not responsible for any errors or omissions in this plan.





PLEASE READ CAREFULLY
 This plan is intended for use by the owner and is not to be used for any other purpose. It is the owner's responsibility to ensure that the plan is used in accordance with the relevant building codes and regulations. The plan is provided as a guide only and does not constitute a contract. The owner is responsible for obtaining all necessary permits and approvals. The plan is not to be used for any other purpose without the written consent of the architect.

Owner's Name: _____
Owner's Address: _____
Owner's Phone: _____
Owner's Email: _____

Architect's Name: _____
Architect's Address: _____
Architect's Phone: _____
Architect's Email: _____

Date: _____
Date: _____

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Owner's Phone: _____
Owner's Email: _____

Architect's Name: _____
Architect's Address: _____
Architect's Phone: _____
Architect's Email: _____

Date: _____
Date: _____

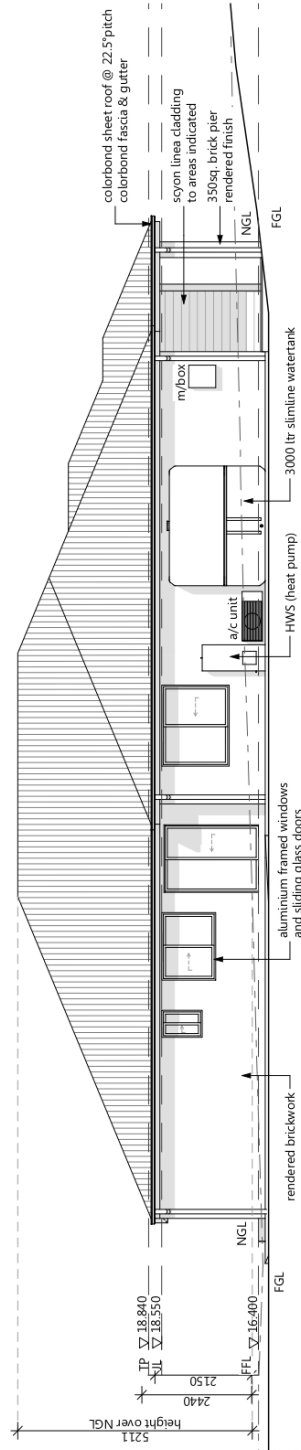
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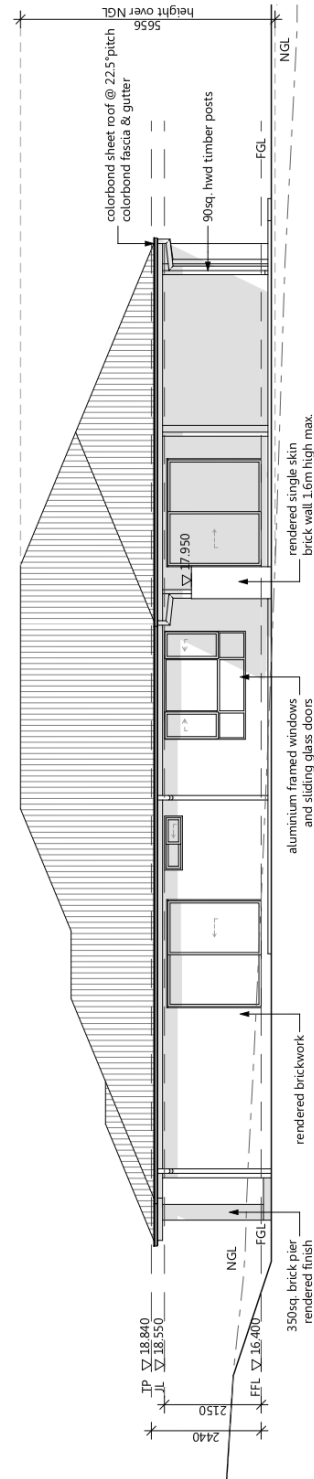
Architect's Name: _____
Architect's Address: _____
Architect's Phone: _____
Architect's Email: _____

Date: _____
Date: _____

All construction to comply with
BAL 12.5 as per AS3959-2009



Elevation 3



Elevation 4



PLEASE READ CAREFULLY
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Owner's Signature: _____
Date: _____

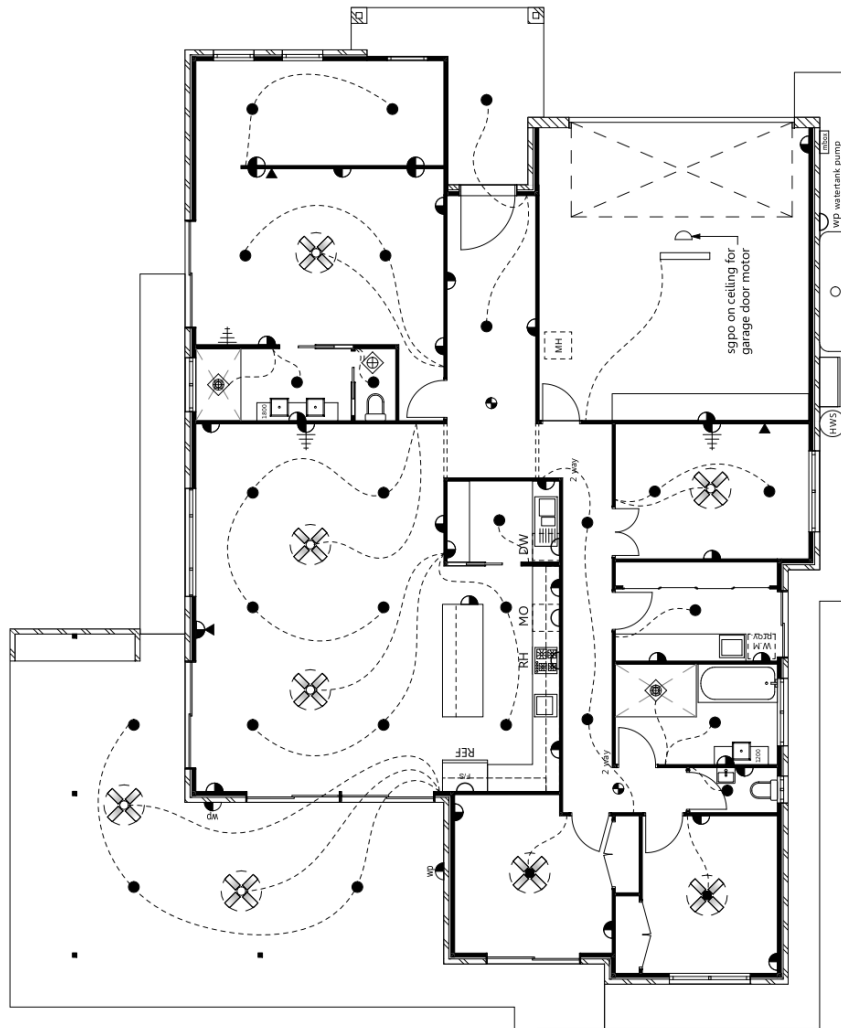
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Owner's Name: _____
Owner's Address: _____
Owner's Phone: _____
Owner's Email: _____
Owner's Signature: _____
Date: _____

Preliminary Drawings - NOT FOR CONSTRUCTION



Electrical Legend

Single Power Outlet	Heater / Light / Fan
Double Power Outlet - Weather Proof	T.V Point
Double Power Outlet	Smoke Alarm
Ceiling Down Light Point	Phone / Data Point
Low Voltage Down Light Point	Skylight
Pendant Light Point	Ceiling Fan
Ceiling Circ. Fluro Light Point	Ceiling Fan / Light
Flood Light Point	Air Conditioner - Internal Unit
Up & Down Light Point	Air Conditioner - External Unit
Single Fluro Light Point	Gas Connection Point
Sensor Light Point	NBN
Ceiling Exhaust Fan (vented to ceiling space)	
Ceiling Exhaust Fan (vented externally)	

Electrical Notes

Light Switches	@ 1150 AFL
Wall Mounted Lights	@ 2000 AFL
Power Outlets (Standard)	@ 300 AFL
Power Outlets (Other)	@ 1800 AFL
Microwave Oven (Over Tower)	@ 300 AFL
Microwave Oven (Under Bench)	@ 1000 AFL
Kitchen Bench	@ 1500 AFL
Refrigerator	@ 1800 AFL
Rangehood	@ 300 AFL
Dishwasher	@ 1000 AFL
Vanity Basins	@ 1000 AFL
Laundry Bench	@ 1500 AFL
Washing Machine	@ 1500 AFL

Important Note

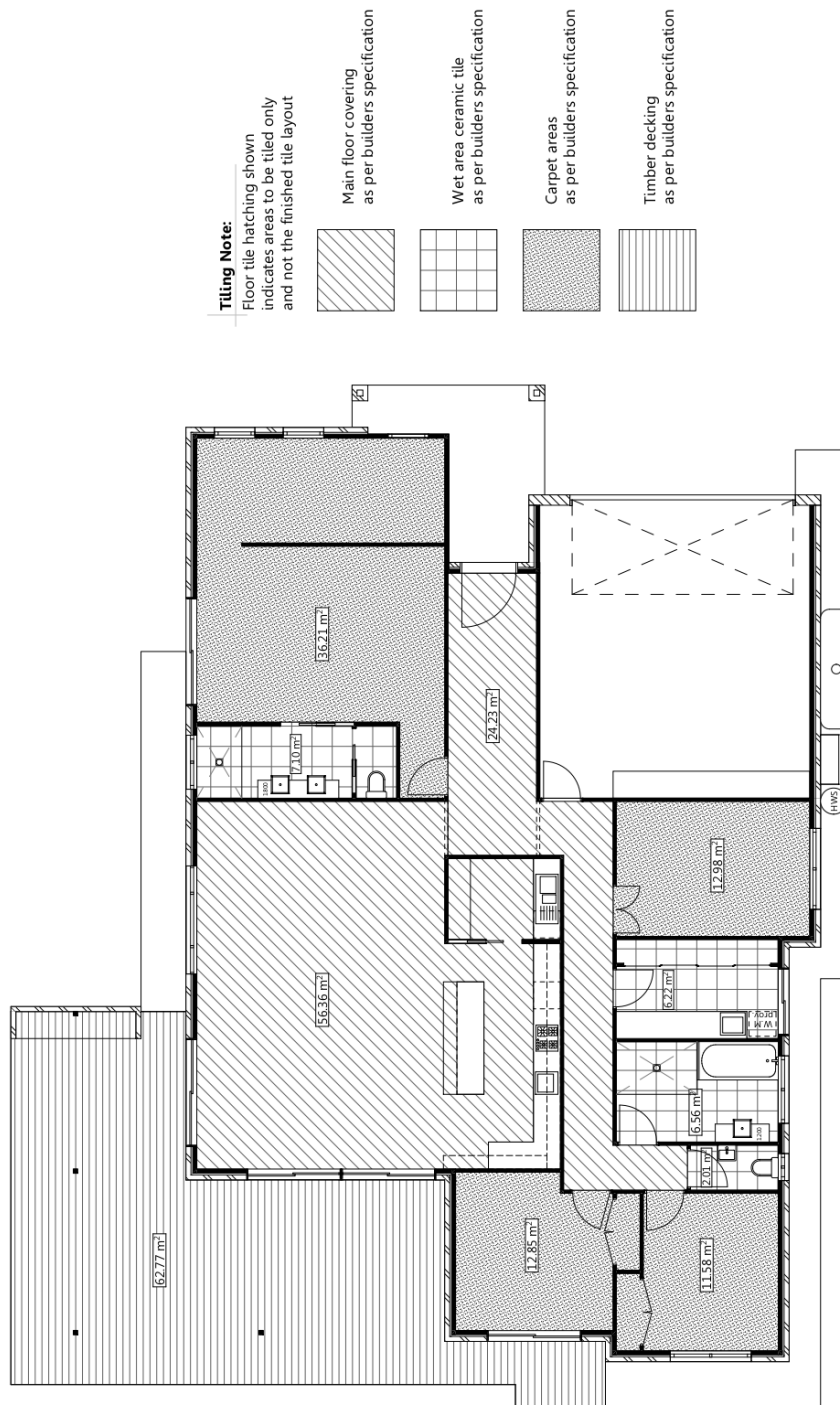
Ventilation to internal wc, bath, ensuite to be an exhaust fan in accordance with BCA 3.8.5 & 3.8.7 & AS - 1668.2

Smoke alarms to be hard-wire installed & inter-connected in accordance with BCA 3.7.5

Ducted air-conditioning throughout as per builders specifications

PLEASE READ CAREFULLY This plan verified correct is the one referred to in the contract & specifications and undated charge transfer may not be used for any other purpose without the written consent of the designer.		Owner / s Date: _____		Owner / s Date: _____	
Scale 1:100 @ A3 Drawn By: _____ Checked By: _____ Job No: 71615M		Area Calculations (m²) Living: 203.68 Dining: 42.72 Kitchen: 42.72 Porch: 10.16 Total: 319.03 m²		Title: Electrical Plan Design Name: Custom	
Client: Pieter Francis & Claudia Mare Lot 613 No. 30 Richmond Ridge Port Macquarie NSW 2444		Builder: P. Francis 02 6552 3799 www.pfrancis.com.au		Job No: 71615M	

Preliminary Drawings - NOT FOR CONSTRUCTION



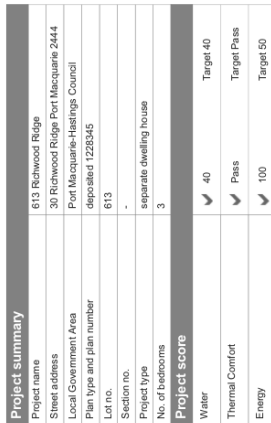
PLEASE READ CAREFULLY This plan certified correct is the one referred to in the contract & specifications and no alterations or amendments may be made without the written consent of the Designer. The Designer is not responsible for any errors or omissions in the plan or for any damage or loss of any kind resulting from the use of the plan. The Designer is not responsible for any damage or loss of any kind resulting from the use of the plan. The Designer is not responsible for any damage or loss of any kind resulting from the use of the plan.	Client: Pieter Franciscus & Claudia Mare Lot 613 No. 30 Richmond Ridge Port Macquarie NSW 2444	Builder: P. FRANCIS 10/10/19 02 6552 3799 www.pfrancis.com.au	Area Calculations (m²) Living: 203.68 Kitchen: 42.42 Dining: 10.16 Total: 319.03 m²	Job No: 71615M
	Title: Floor Covering Plan Design Name: Custom	Scale: 1:100 @ A3	Drawing No: 8 of 10	Job No: 71615M



Certificate number: 1022446S

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

Date of issue: Wednesday, 12 June 2019
To be valid, this certificate must be lodged within 3 months of the date of issue.



Name / Company Name: I Want That Design
(if applicable): 89135124775

Window schedule shown is for Basis data input only. NOT to be used for window ordering purposes.

For window details refer to floor plan and elevations.

Suite 200/3, Level 3, Tower 3
Southport Central Commercial
Building
Southport, Queensland Australia 4215

PLEASE READ CAREFULLY

This plan certified correct is the one referred to in the contract & specifications and unintended change hereafter may not be specified. These plans supersede all other previous plans or sketches.

Owner's / s _____ Date _____
Owner's / s _____ Date _____

order @ bill@hathingsign.com.au
www.hathingsign.com.au
ABN 8031124775 QCC-C 1312206

[illegible]

Client: Pieter Franciscus & Claudia Mare

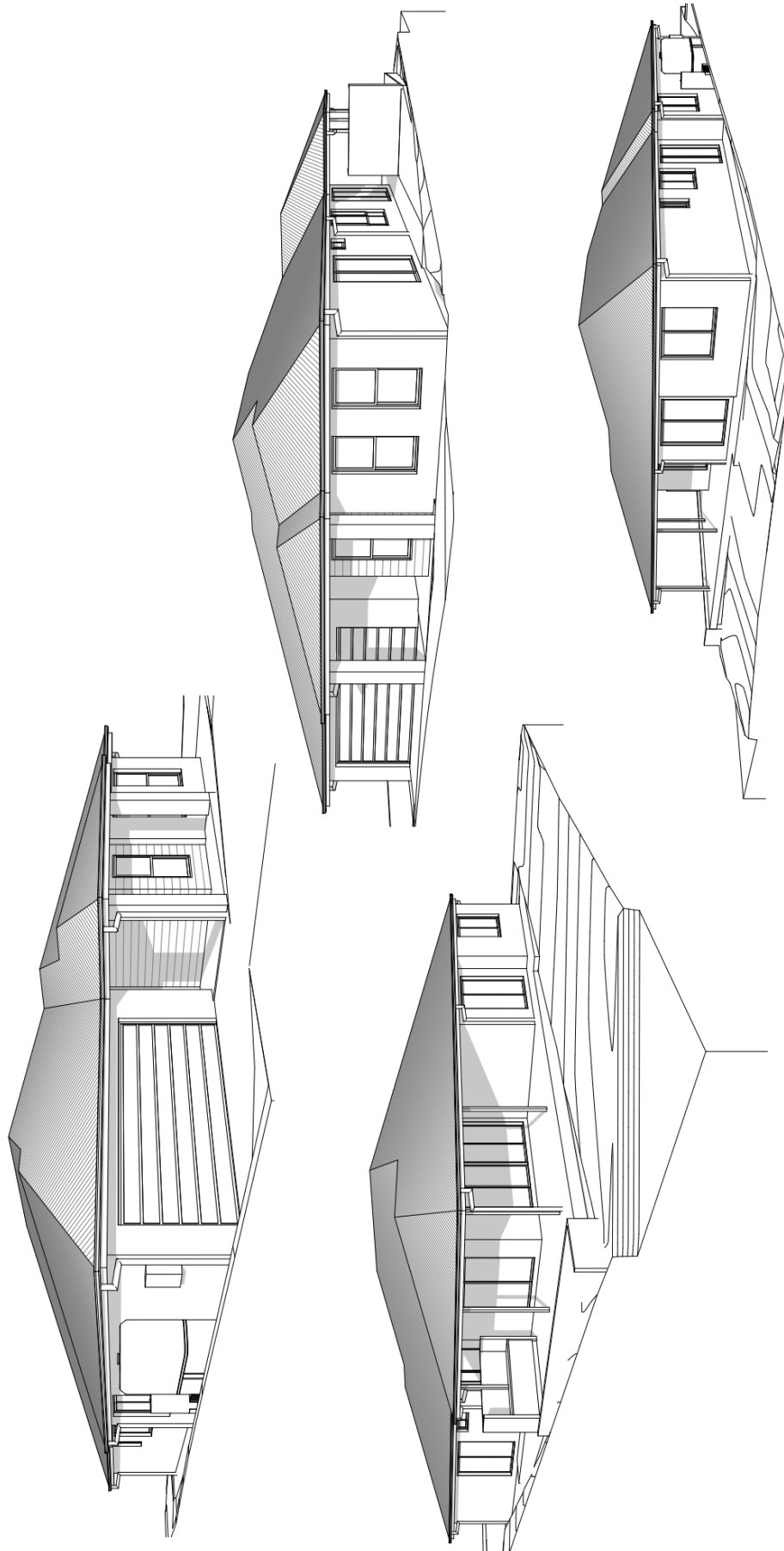
Title: **Basix / Schedules**


Area Calculations (m ²)	
Living	203.68
Alfresco	62.77
Garage	42.42
Porch	10.16
Total	319.03 m²

Scale	N/A
Client	Designed By:
KI	Drawing By:
CY	Checked By:
7161SM	

241 240 Byron Contreras, Port Macquarie Specific Lot 613 No. 10 Blidwood Bldg. Port Macquarie 7

Preliminary Drawings - NOT FOR CONSTRUCTION

Images Are Diagrammatic Only Refer
To Elevations For Details

PLEASE READ CAREFULLY This plan certified correct is the one referred to in the contract & specifications and no variation or change transfer may not be made without the written approval of the architect. Owner / s Date Owner / s Date	Builder:  PACON Builders - Port Macquarie - Port Macquarie Phone: 02 6552 3799 Web: www.pacon.com.au	Client: Pieter Franciscus & Claudia Mare Lot 613 No. 30 Richmond Ridge Port Macquarie NSW 2444	Title: 3D Perspectives Design Name: Custom	Area Calculations (m²) Living: 203.68 Terrace: 42.12 Garage: 10.16 Porch: 319.03 m ² Total	Issue No: PA13 Date: 09/09/2019	Description: Proposed walls removed, etc., roof	Drawing No: 10 of 10	Scale: As Shown	Job No: 71615M



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/440****DATE: 17/09/2019****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*.

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	7161SM	Pycon Homes and Construction	04/09/2019
BASIX Certificate	1022446S	I Want That Design	12 June 2019
Bushfire Attack Level Certificate	Lot 613 of DP 1228345	Krisann Johnson	22 January 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

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) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;are to be submitted to the Principal Certifying Authority with the application for Construction Certificate

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D000) Any excess fill is to be disposed of at an approved location or taken to an approved waste management facility.
- (2) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

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

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) (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.

Item: 09

Subject: DA 2019 - 388.1, BOARDING HOUSE AT LOT 334 DP 216093, NO. 14
THE JIB, PORT MACQUARIE

Report Author: Development Assessment Planner, Beau Spry

Applicant: Mr Matthew Morris & Mr Nathan Shields C/- King & Campbell
Pty Ltd
Owner: Matthew Morris and Nathan Shields
Estimated Cost: \$350,000
Parcel no: 23590

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019-388.1 for a Boarding House at Lot 334, DP 216093, No. 14 The Jib, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a boarding house 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 was received.

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

1. BACKGROUND

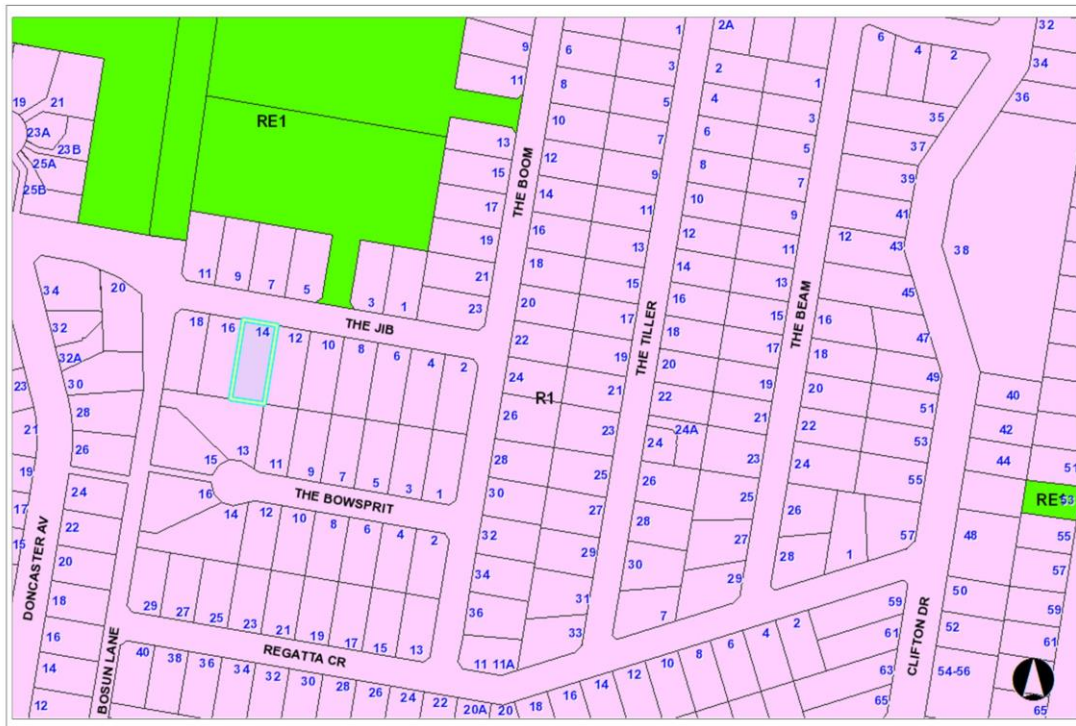
Existing Sites Features and Surrounding Development

The site has an area of 767.8 m².

The site has frontage to The Jib and slopes gently towards the north.

There are existing dwellings to the north, east and south and a vacant block and existing dwellings to the west.

The site is traversed at the southern end by an existing stormwater pipeline. There is an existing stormwater junction towards the south-eastern corner of the site. 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:



The area surrounding the site comprises a mix of single and two storey residential development with a small number of medium density developments (two-storey units) occurring within the locality.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Tree removal and proposed offset planting on a Council reserve; and
- Construction of a single-storey boarding house including 7 boarding rooms

Refer to attachments at the end of this report for further details.

Application Chronology

- 30 May 2019 - Application lodged with Council
- 5 - 21 June 2019 - Neighbour Notification
- 26 June 2019 - Site inspection
- 19 July - 20 August 2019 - Additional information requested and received

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required. Fourteen (14) koala food trees are proposed to be removed and offset as part of the proposal, the detail of which are discussed elsewhere in this report.

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 not located within a coastal use area or coastal environment area.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal includes a seven (7)-bedroom boarding house and Division 3 of the SEPP applies. The following assessment table provides an assessment checklist against the Division 3 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 26 Land to which Division applies	The land is zoned R1 General Residential and the Division applies.	Yes
Clause 27 Development to which Division applies	In accordance with subclause (1) the land is in an R1 zone and the development is a boarding house.	Yes
Clause 28	Consent is required for the boarding house and has been sought in this application.	Yes
Clause 29(1)(a) Standards that cannot be used to refuse consent – density and scale	(a) The maximum floor space ratio specified for the site under the PMH LEP 2011 is 0.65:1. The proposed floor space ratio at 0.47:1 is compliant with this requirement. (b) Not relevant – the site is zoned R1 General Residential.	Yes
Clause 29(2)(a) Standards that cannot be used to refuse consent – building height	<i>Consent cannot be refused on the grounds of building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land. The LEP Height of Buildings Map identifies a maximum building height of 8.5m above existing ground level for the site.</i> A maximum building height of 8.5m applies to the site under the PMH LEP 2011. The proposed boarding house is single storey with max 5.4m building height. Accordingly, the proposed development will not exceed the maximum building height of 8.5m permitted under the PMH LEP 2011.	Yes
Clause 29(2)(b) Standards that cannot be used to refuse consent – landscaped area	<i>Consent cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</i> The proposal includes a stepped, decorative front entry wall, which is setback 1m from the front boundary. On the street-side of this will be landscape plantings. This setback treatment will provide an attractive visual screen for the car park and bin storage area. Additionally the proposed front entry wall will be consistent in scale and character to the front fence on adjoining Lot 335 DP216093 (12 The Jib).	Yes

	On this basis, the proposed landscape treatment is considered to be compatible with the streetscape.	
Clause 29(2)(c) Standards that cannot be used to refuse consent – solar access	<p><i>Consent cannot be refused on the grounds of solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</i></p> <p>The proposed boarding house provides one communal living room within the south-western corner that is directly accessible to the rear yard and drying area, and will receive adequate solar access.</p>	Yes
Clause 29(2)(d) Standards that cannot be used to refuse consent – private open space	<p><i>Consent cannot be refused on the grounds of private open space if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>(i) one area of at least 20 square meters with a minimum dimension of 3 meters is provided for the use of the lodgers,</i></p> <p><i>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square meters with a minimum dimension of 2.5 meters is provided adjacent to that accommodation,</i></p> <p>The proposed private open space (POS) is provided to the rear of the Boarding House, directly accessible from the internal common room. The POS has minimum dimensions of 5.5m x 18m and an area of approximately 99m². An on-site manager is not proposed.</p>	Yes
Clause 29(2)(e) Standards that cannot be used to refuse consent – parking	<p><i>Consent cannot be refused on the grounds of parking if:</i></p> <p><i>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</i></p> <p><i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</i></p> <p>The proposed boarding house is not being carried out by or on behalf of a social housing provider. Therefore, 0.5 parking spaces are required to be provided for each boarding room (bedroom).</p>	Yes

	<p>The proposal is for 7 boarding rooms and requires 3.5 (rounded to 4) spaces.</p> <p>The application proposes 4 car parking spaces (including 1 accessible space), and 1 motorcycle parking space. The development therefore satisfies the minimum parking requirements and consent cannot be refused on this basis.</p>	
<p>Clause 29(2)(f) Standards that cannot be used to refuse consent – accommodation size.</p>	<p><i>Consent cannot be refused on the grounds of accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i></p> <p><i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i></p> <p><i>(ii) 16 square metres in any other case.</i></p> <p>The proposed boarding rooms are proposed to permit use by a maximum of 2 adult lodgers at any one time. Each unit has a gross floor area (GFA) of greater than 41m² including kitchen and bathroom facilities or 23m² excluding the private kitchen and bathroom facilities (as a restrictive requirement of this SEPP). The accommodation therefore exceed the minimum size for two adult lodgers. Consent cannot be refused on the basis of accommodation size.</p>	Yes
<p>Clause 29(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each proposed boarding room has private bathroom and kitchen facilities.</p>	Yes
<p>Clause 29(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Noted.</p>	n/a
<p>Clause 30 - Standards for boarding houses</p>	<p>(a) The proposal includes 7 bedrooms and provides 1 communal living area satisfying the minimum dimensions of 29(2)(d).</p>	Yes

<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p><i>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</i></p> <p><i>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</i></p> <p><i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i></p> <p><i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i></p> <p><i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i></p> <p><i>(f) (Repealed)</i></p> <p><i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes</i></p>	<p>(b) The proposed boarding rooms have a GFA of approximately 23m², with this area excluding the private kitchen and bathroom areas, thus not exceeding the 25m² GFA limit.</p> <p>(c) The Statement of Environmental Effects indicates that not more than two adult lodgers are proposed per room. A condition is recommended confirming this restriction.</p> <p>(d) Private bathroom and kitchen facilities are proposed for each boarding room. The facilities are considered satisfactory for the number of lodgers proposed.</p> <p>(e) The proposal includes 7 bedrooms, each with a maximum capacity of 2 adult lodgers, or 14 lodgers in total.</p> <p>(g) The site is not on land zoned for commercial purposes.</p> <p>(h) A suitable area has been set aside within the parking area to enable 2 bicycle and 1 motorcycle spaces to be accommodated.</p>	
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<i>unless another environmental planning instrument permits such a use, (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i>		
<p>Clause 30A - Character of local area</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>The area surrounding the site comprises a mix of single and two storey residential development with a small number of medium density developments occurring within the locality (two storey units at 4 The Jib and 30 The Boom).</p> <p>The proposed building has been limited to single storey construction and provided within an articulated frontage that includes a front entry wall, similar in height to the front fence on the adjoining site (12 The Jib). The front elevation also includes a mix of building materials to ensure visual interest. Landscaping is proposed in front of the proposed entry wall as well as the front of the boarding house.</p> <p>In addition, the proposal is consistent with the floor space ratio requirements for the residential locality and is permissible with consent in the zone.</p> <p>Based on the above, it is submitted that the proposed boarding house is sufficiently compatible with the character of the surrounding locality.</p>	Yes
<p>Clause 52 – No subdivision of boarding houses</p> <p>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</p>	<p>The application does not propose strata or community title subdivision of the boarding house.</p>	Yes

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

A BASIX certificate is not required for the proposed boarding house as it has an area greater than 300m². Accordingly, the proposed Boarding House is a Class 3 building. Building Classes 3 and 5 to 9 buildings are not subject to BASIX, BCA sub-section

J(B) applies the provisions of the national BCA Section J relevant to class 3 and Class 5 to 9 buildings.

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.
 - 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 having regard to the following:
 - the proposal is a permissible landuse;
 - Clause 4.3 - The maximum overall height of the building above ground level (existing) is 6.30m which complies with the standard height limit of 8.50m applying to the site.
 - Clause 4.4 - The floor space ratio of the proposal is 0.47:1.0 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 6.2 - Satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development within an urban release area.
 - Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan (DCP) in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines 	The proposed building design includes access to boarding rooms from ground level to each unit which would minimise opportunities for entrapment and concealment. Good	Yes

	<ul style="list-style-type: none"> • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	<p>casual surveillance is available for the car park and communal open space areas from the boarding rooms and communal living rooms.</p> <p>Boundary fencing is proposed to be well defined and would limit access to the driveway and pedestrian path from The Jib.</p> <p>Lighting is proposed within the development to improve safety at night and a condition is recommended to ensure that the lighting does not cause nuisance to neighbouring property.</p>	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The proposed cut and fill will not exceed 1m.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	No retaining walls proposed along road frontage.	n/a
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended requiring certification of retaining walls.	Yes
	Combination of retaining wall and front fence height	No retaining wall and front fence combination proposed.	n/a
2.3.3.8 onwards	Removal of hollow bearing trees	The Arborist report did not identify any Hollow Bearing Trees.	n/a
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	<p>Proposal includes removal of 19 Trees surveyed on lot 334, including:</p> <p>13 Melaleuca quinquenervia (Secondary koala browse spp.)</p> <p>1 Melaleuca linariifolia</p> <p>1 Eucalyptus tereticornis (Primary koala browse spp.)</p> <p>High ISA Risk/ TPZ SRZ incursion.</p> <p>1 Casuarina glauca</p> <p>2 Corymbia intermedia</p> <p>1 Ficus elastic</p> <p>Compensatory replanting is required at a minimum 1:1 ratio for Primary and Secondary trees removed</p>	Yes

		at proposed Council owned sites at Lot 30 DP 263203 Lady Nelson Drive and Lot 46 DP 733281 The Jib. Refer to more specific details later in this report.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	No access to arterial or collector road proposed.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing of acceptable width with maximised retention of street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1.	Table 2.5.1 requires boarding houses to have a minimum of 1 space per 2 bedrooms. This is the same rate as required by SEPP (Affordable Rental Housing) 2009 and adequate parking is proposed.	Yes
2.5.3.7	Visitor parking to be easily accessible	Parking for residents and visitors considered to be easily accessible.	Yes
	Parking in accordance with AS 2890.1	Parking capable of complying with AS2890. Conditions recommended requiring design and certification of parking areas to this standard.	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	Bicycle and motorcycle parking proposed as part of the development. Conditions recommended requiring design and certification of parking areas to this standard.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12	Landscaping of parking areas	Landscaping of the proposed car park has been provided to the front of the car park and around the edges.	Yes

2.5.3.14	Sealed driveway surfaces unless justified	Driveway and parking areas proposed to be sealed.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Driveway grades capable of complying. Condition recommended requiring details with the Construction Certificate and Section 138 applications.	Yes
2.5.3.16	Transitional grades min. 2m length		
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface. No direct discharge to K&G or swale drain	Details of proposed stormwater management have been submitted with the application. See comments under 'Stormwater' later in this report.	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas		

(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

None prescribed

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

Context and Settings

The site has a frontage to The Jib. Adjoining the site are further R1 residential uses. The proposal is considered to be sufficiently compatible with other residential development in the locality and adequately addresses planning controls for the area. The proposal does not have significant adverse lighting impacts.

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 and tenancy is proposed/existing.

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 between the hours of 9am and 3pm.

Access, Traffic and Transport

The site has road frontage to The Jib. The Jib is a sealed public collector road under the care and control of Council. The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Parking and Manoeuvring

A total of 4 parking spaces, including 1 accessible space, have been provided on-site in a carpark to the front of the proposal. Additionally motorcycle and bicycle parking is also provided. Parking and driveway widths on site are capable of complying with relevant Australian Standards (AS 2890) and conditions are recommended to reflect these requirements.

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

Water Supply Connection

Council records indicate that the development site has no existing metered water service. The site is fronted by a 100mm AC water main on the same side of street.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development. Fire service and backflow protection requirements must be addressed in accordance with AS 3500.

A condition has been recommended to reflect these requirements.

Sewer Connection

Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs outside the northern property boundary. The proposed development must discharge sewage to an existing or proposed sewer manhole.

A condition has been recommended to reflect these requirements.

Stormwater

The site naturally grades towards the street and is currently unserviced.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pipeline within the proposed stormwater easement.

Stormwater from the proposed development is planned to be disposed mainly to the existing stormwater pipe (with easement to be created over) and the front portion to drain to a kerb outlet.

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

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

- On site stormwater detention

- As the site is traversed by an existing stormwater pipeline, a dilapidation report is required to be undertaken pre and post works to ensure that the structural integrity of the public stormwater infrastructure is not impacted upon by the proposed development. In this regard an easement will be required to be created over this pipe.

Appropriate conditions have been recommended in this regard to reflect these requirements.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

Soils

The proposed development will not have any significant 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 require removal/clearing of nineteen (19) trees as detailed on the Arborists Report dated 14 May 2019 attached to this report. The following comments are provided to justify the appropriateness of recommending support to the removal of the subject trees:

- The site is zoned residential and surrounded by existing urban development.
- The existing vegetation is an isolated patch and is not mapped in biodiversity values mapping.
- Given the location of the site in an established urban environment, and the nature of the proposal being acceptable by SEPP, LEP and DCP standards, the removal of the trees and their offset to a more suitable location was considered acceptable.
- It is considered more appropriate to require planting of appropriate habitat plantings in a more suitable location as detailed shown below. The recommended condition is to require:
 - *(B195) Prior to the issue of a Construction Certificate, a suitably experienced Bush Regeneration Contractor shall arrange for planting of fourteen (14) trees across Lot 30 DP 263203 Lady Nelson Drive and Lot 46 DP 733281 The Jib, Port Macquarie to the satisfaction of*

Council. Evidence of plantings being completed shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. Eucalyptus robusta and/or Eucalyptus microcorys can be planted in the eastern end at 8m centres, with stems no closer than 20m to private property boundaries to the east. Trees are to be mulched and deer-proof guarded.

- The location of the proposed offset on Council land is detailed below:



Subject to requiring the offset planting to be completed prior to construction commencing, the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna subject to the recommended consent condition. 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 Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

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.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

Given the nature of the proposed development and its location the proposal is 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.

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.

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

One (1) written submission has been received following neighbour notification of the application.

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

Submission Issue	Planning Comment/Response
Impact on character of the street, noise and disturbance to all existing homes along the street are single / double family per house.	For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

	<p>In this regard the proposed building height is compliant with the maximum building height of 8.5m and the front and side setbacks satisfy the planning controls. Satisfactory landscaping is proposed, and the frontage has been designed to complement existing neighbouring frontages.</p> <p>It should be noted that the area surrounding the site also comprises a mix of single and two storey residential development with a number of medium density developments occurring within the locality (two storey units at 4 The Jib and 30 The Boom).</p>
<p>Parking and traffic:</p> <ul style="list-style-type: none"> • Traffic increase if 14 adults do move in. Where will the residents park their cars? • Where will visitors / maintenance workers park? • The street is a very narrow street that already has trouble accommodating the bus that runs through the Jib, especially when there are cars parked out on the street; • Addition to the already current congestion of traffic in the street, which is another potential safety hazard. 	<p>The proposed parking complies with the minimum required by parking requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009.</p> <p>The existing street has capacity for the anticipated additional traffic having regard to Council's AUSPEC road design requirements.</p> <p>The street is considered wide enough to park cars on either side of the driveway, should it be necessary.</p>
<p>The Removal of mature trees:</p> <ul style="list-style-type: none"> • Concerns around the amount of tree clearing with no attempt to retain any trees; • Potential impact on birdlife; 	<p>The site is zoned residential and surrounded by existing urban development. The existing vegetation is an isolated patch not having any identifiable significant ecological value.</p> <p>The proposal includes a significant amount of tree offset planting on Council land. Council's Natural Resources Section have reviewed and supported the proposal on the basis of the tree offset proposal.</p> <p>Given the location of the site in an established urban environment, and the nature of the proposal being acceptable by SEPP, LEP and DCP standards, the removal of the trees and their offset was considered acceptable.</p>
<p>Social and safety concerns:</p> <ul style="list-style-type: none"> • Capacity and supervision concerns; • Need for manager to be onsite; 	<p>Given the proposed capacity of the boarding house, a manager is not required as per the Affordable Rental</p>

	<p>Housing SEPP.</p> <p>The proposal has identified a maximum of 2 adults per room and this is reflected in the conditions.</p>
--	---

(e) The Public Interest

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

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and in this case, the need to appropriately offset the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. 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.

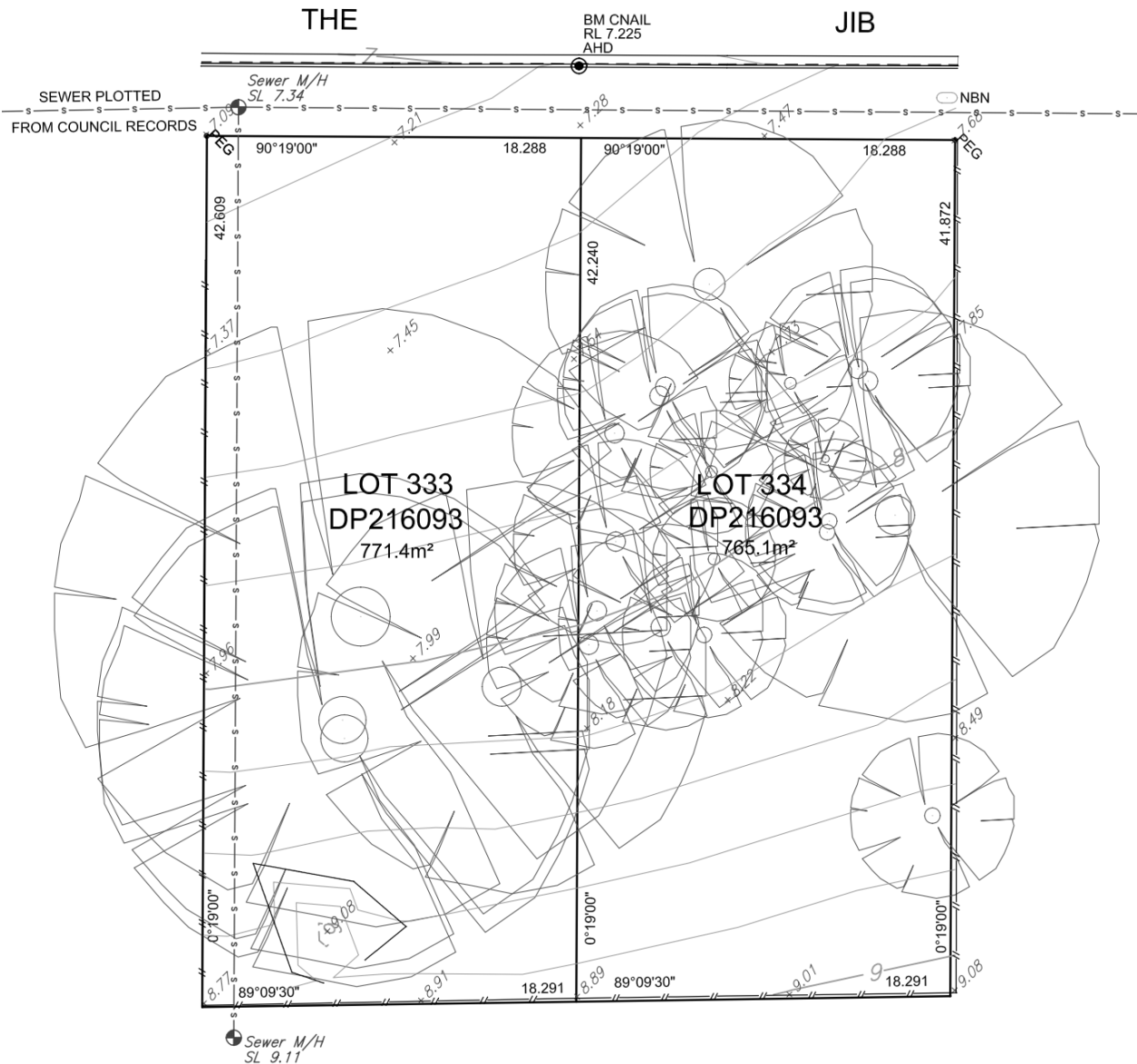
Attachments

1 [View](#). DA2019 - 388.1 Plans

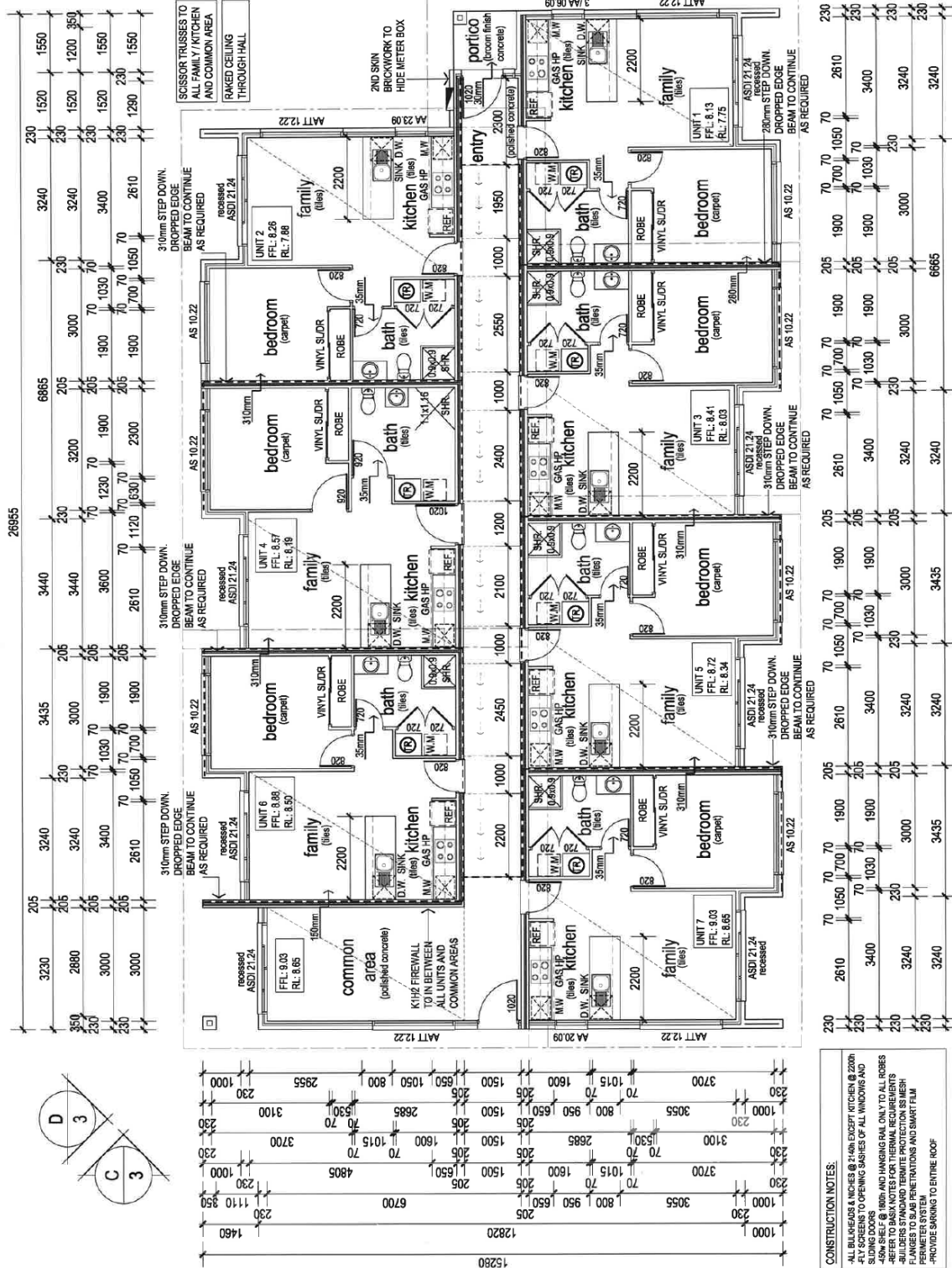
2 [View](#). DA2019 - 388.1 Recommended DA Conditions

**NOTES:-**

- i) SERVICE PITS SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. LOCATION OF SERVICE LINES WHERE SHOWN ARE APPROXIMATE
- ii) PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE THE RELEVANT SERVICE AUTHORITIES SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATION OF ALL SERVICES
- iii) CADASTRAL BOUNDARIES SHOWN HEREON HAVE BEEN COMPILED FROM PLANS ON PUBLIC RECORD AND DETERMINED FROM LIMITED SURVEYED CONNECTIONS. A COMPLETE SURVEY REDEFINITION HAS NOT BEEN DONE.
- iv) SEWER HAS NOT BEEN SURVEYED



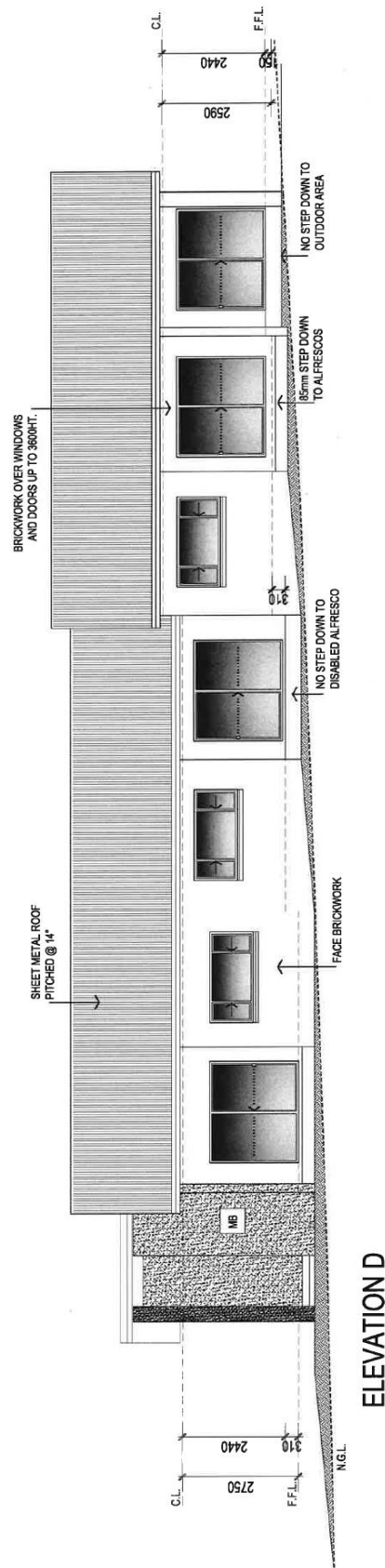
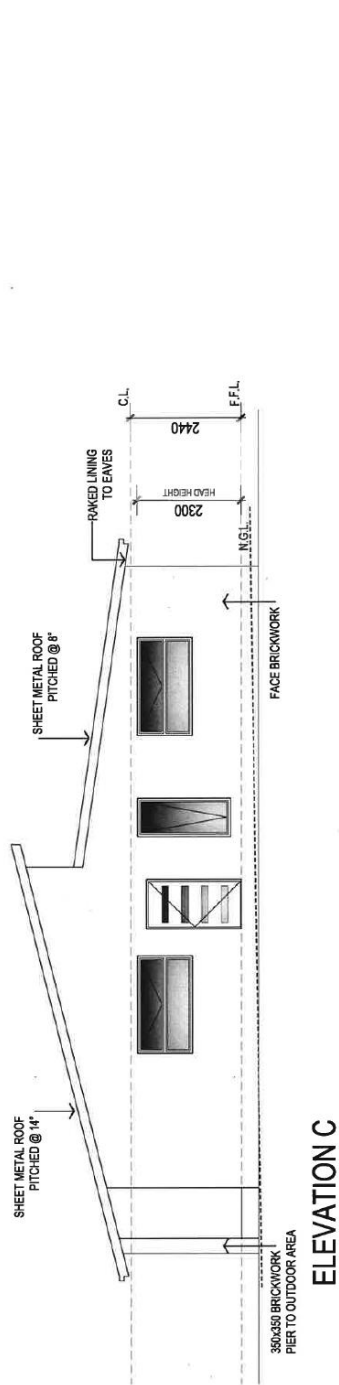
SCALE: 1:200		ORIGINAL SHEET SIZE: A3	COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS AND PLANNERS 7 WILLOW PLACE PORT MACQUARIE NSW 2444 PO BOX 2223 PMQ	DETAIL AND CONTOUR SURVEY LOT 334 & 334 DP 216093 PORT MACQUARIE	ROAD NO: 9044	SHEET NO: N01	NO. OF SHEETS: N01	COUNCIL PLAN NO:
DRAWN: AHD	JOB No: 9044	DESIGNED: NA		Ph: 65 837574	COORD NO:	CLIENT: ADENBROOK	REF: 9044	
ORIGIN: SSMB/786	DATE: 27/02/2019	DRAWN: LE	Ph: 65 837574	Mobile 0488 464 844				
RAJ: 7.21	SURVEYED: LE	CHECKED: MC	PO BOX 2223 PMQ	mars@coastalsurveysolutions.com.au				

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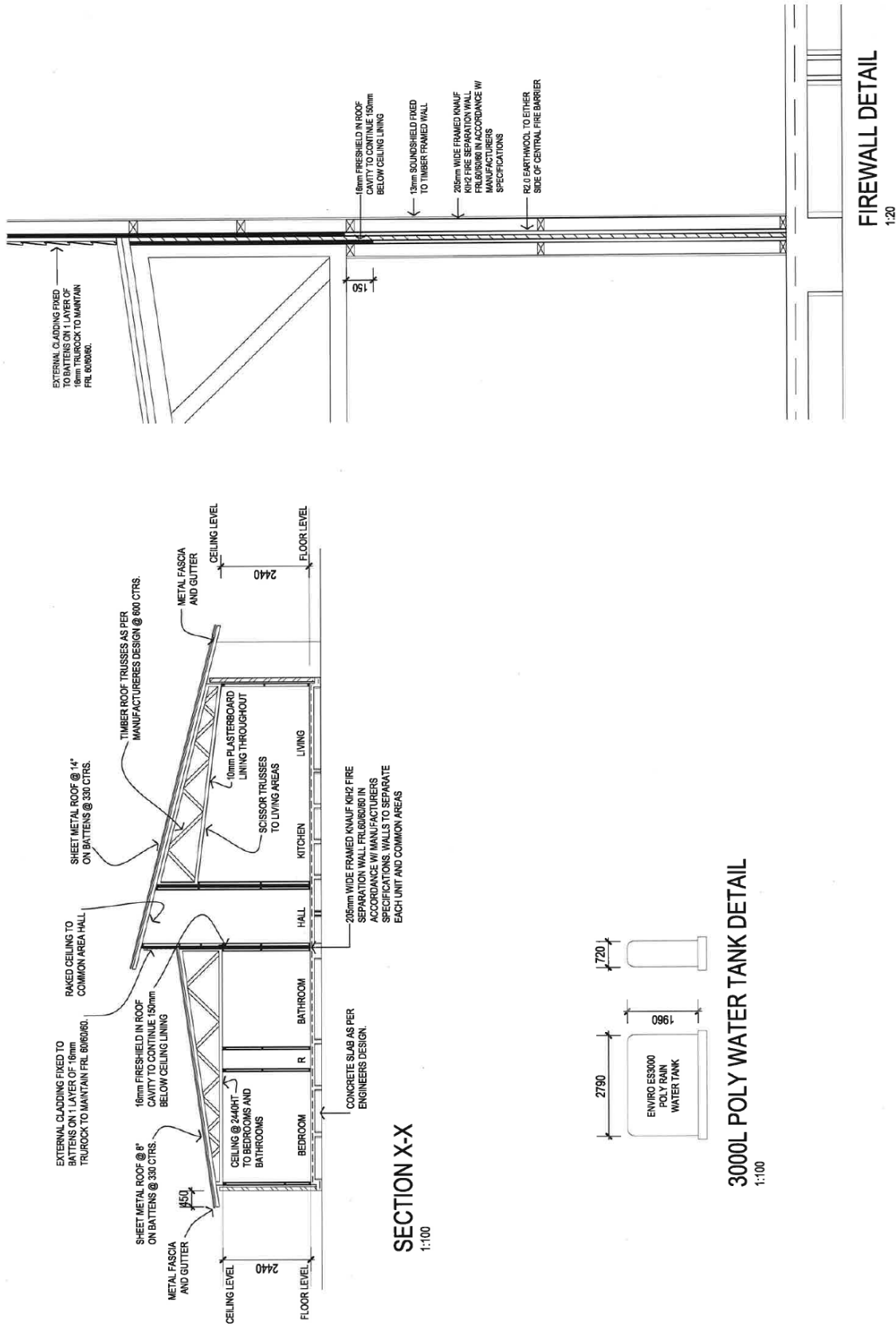




PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL WHERE THE SILL HEIGHT IS UNDER 100mm FROM F.F.L. TO HAVE RESTRICTED OPENING OF 125mm OR APPROVED BARRIER SCREENS TO BE PROVIDED TO PREVENT FALLS FROM OPENING.	DATE	REVISION	INITIAL	adnbrookhomes	M/R M MORRIS AND M/R N SHIELDS	HOUSE	custom	TITLE:
PROVIDE 1.8x2.4m TALL BATTENS TO INTERNAL WALLS WITH 50% COMB CLADDING.	27/02/19	TENDER ISSUE	K.B.	288 LOAN RD, WOOLCONGHER QLD 4122	LOT 334 THE JIB	custom	elevations	
PROVIDE 4MM TIMBER BATTENS TO WALLS WITH FC OR TIMBER CLADDING	06/05/19	PERMIT ISSUE	K.B.	288 LOAN RD, WOOLCONGHER QLD 4122	PORT MACQUARIE	HOUSE	SCALE 1:100	
F.F.L. IS DEFINED AS THE FINISHED SILL LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LING FOR 2 STOREY				CECIDE NO. 4189562	SIGNATURES:	HOUSE	JOB NO. PMW160	3/5
IF THE PROPOSED FLOOR IS TO BE CONCRETE, THE FLOOR MUST BE FINISHED TO THE SAME LEVEL AS THE FINISHED SILL LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LING FOR 2 STOREY				WWW.ADNBROOKHOMES.COM.AU		HOUSE	JOB NO. PMW160	



adenbrookhomes				elevations	
M/R M MORRIS AND MR N SHIELDS				HOUSE	custom
LOT 334 THE JIB				HOUSE	custom
288 LOON RD, WOOLLOONGABBA QLD 4102				PLAN OPTION	
PH: 07 3228 5500				HOUSE	
WWW.ADENBROOKHOMES.COM.AU				JOB NO. PM160	4/5
LICENCE NO. 212596C					
This work is exclusively owned by AB (Adenbrook Homes Pty Ltd) and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written					
SIGNATURES:					
K.B.					
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TENDER ISSUE					
PERMIT ISSUE					
DATE					
27/02/19					
TENDER ISSUE					
PERMIT ISSUE					
06/05/19					
PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL WHERE THE SILL HEIGHT IS UNDER 1000mm FROM F.F.L TO HAVE RESTRICTED OPENING OF 100mm OR APPROVED BARRIER SCREENS					
PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL WHERE THE SILL HEIGHT IS UNDER 1000mm FROM F.F.L TO HAVE RESTRICTED OPENING OF 100mm OR APPROVED BARRIER SCREENS					
PROVIDE R1.5 INSULATION BATS TO EXTERNAL WALLS WITH FIRE RESISTANT CLADDING					
PROVIDE R1.5 INSULATION BATS TO EXTERNAL WALLS WITH FIRE RESISTANT CLADDING					
F.F.L IS DEFINED AS THE FINISHED FLOOR LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LINING FOR 2 STOREY AND DOES NOT INCLUDE FLOOR FINISH					



HOUSE: custom		TITLE: details	
JOB NO: PM180		SCALE 1:100	
SIGNATURE:		M.R. MORRIS AND M.R. N. SHIELDS	
LOT 334 THE JIB		adenbrookhomes	
215390		LICENCE NO. 215390	
WWW.ADENBROOKHOMES.COM.AU		208 LOGAN RD, WOOLLOONGABBA QLD 4132	
PORT MACQUARIE		PH: (07) 3038 8500	
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		K.B.	
		REVISION	
		TENDER ISSUE	
		PERMIT ISSUE	
		DATE	
		27/02/19	

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



ABN 11 236 901 601

30 August 2019

Our ref: 2019/388
PN: 23590

N C Shields & M P Morris
CARE King & Campbell Pty Ltd
PO Box 243
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	Boarding House
Property Description	LOT: 334 DP: 216093, 14 The Jib PORT MACQUARIE
Applicant	N C Shields & M P Morris

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

PORT MACQUARIE OFFICE
17 Burrawan Street, Port Macquarie NSW 2444

WAUCHOPE OFFICE
49 High Street, Wauchope NSW 2446

LAURIETON OFFICE
9 Laurie Street, Laurieton NSW 2443

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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 2019/388 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
Plans	Ref: PM160, LOT: 334 DP: 216093, 14 The Jib Port Macquarie. Sheets 1, 3, 4, 5.	Adenbrook Homes	6 May 2019
Floor Plans	Ref: PM160, LOT: 334 DP: 216093, 14 The Jib Port Macquarie. Sheet 2.	Adenbrook Homes	6 May 2019
SoEE	Ref: PM160, LOT: 334 DP: 216093, 14 The Jib Port Macquarie. Sheet 2.	King and Campbell	May 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.

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- (4) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (5) (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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For The Jib a 1.2 metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A031) Approval 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 obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access

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

- (9) (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.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B195) Prior to the issue of a Construction Certificate, planting in accordance with Councils Koala Food Tree Offset Planting Agreement. This planting agreement identifies:
 - a) The specific locations of planting with Lot 30 DP 263203 Lady Nelson Drive and Lot 46 DP 733281 The Jib, Port Macquarie;
 - b) The fourteen (14) trees species to be planted
 - c) Details of planting and appropriate tree protection, including mulch and deer-proof guards;
 - d) A schedule of care and maintenance as outlined in the agreement.

All work shall be carried out by a Council approved contractor at the developer's cost following consultation with Council's Environmental Services Section.

- (2) (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
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current

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AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 2. Stormwater systems.
 3. Provision of a 1.2m (unless varied in writing by Council) concrete footpath along The Jib.
- (4) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access

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

- (5) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted

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quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as the kerb and gutter of a public road and Council's piped system.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6286_Plan DA prepared by King and Campbell and dated 9/03/2019.
 - c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - d) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (9) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (10) (B195) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development. Fire service and backflow protection requirements must be addressed in accordance with AS 3500.

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- (11) (B196) Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs outside the northern property boundary. The proposed development must discharge sewage to an existing or proposed sewer manhole.
- (12) (B197) The primary point of discharge shall be to the existing Council pipeline at the rear of the Lot. Remaining area stormwater discharge where levels do not permit adequate fall to the existing Council piped system shall discharge via a single Council approved kerb adapter to The Jib. Discharge rates to the kerb shall not exceed pre-development Greenfield discharge rates for the whole lot, for all storm events up to and including the 1% AEP.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. at completion of installation of traffic management works
 - c. prior to the pouring of concrete for sewerage works and/or works on public property;All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
 - a. notify Council immediately when the breakage occurs, and
 - b. repair the damage at no cost to Council
- (4) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:

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- a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
- b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
- c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (3) (E043) Creation of easement in favour of Council:
An easement in favour of Council must be obtained over Lot 334 DP216093 traversed by the stormwater drainage pipeline located in the southern portion of the Lot, which flows to the west. The easement width must be the pipe diameter plus 1200mm, with a minimum width of 3000mm and the pipeline should be generally located central to the easement.
The easement shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application with Council prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be provided to Council prior to any Occupation Certificate.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of

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development for use by both occupants and visitors. A total of at least 4 car spaces and 1 motorcycle space are to be provided onsite.

- (2) (F004) The dwellings are not to be used for short term tourist and visitor accommodation.
- (3) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (4) (F195) The boarding rooms shall not be occupied by more than 2 residents per room.

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 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