

Development Assessment Panel

Business Paper

date of meeting: Wednesday 12 February 2020

Iocation: Function Room

Port Macquari-Hastings Council

17 Burrawan Street Port Macquarie

2:00pm

time:

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 &n 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

	09/10/19	23/10/19	13/11/19	27/11/19	11/12/19	22/01/20
Member						
Paul Drake	✓	✓	Cancelled	✓	✓	✓
Robert Hussey	✓					
David Crofts		✓		✓	✓	✓
(alternate member)						
Dan Croft	Α	✓		✓	✓	
(Group Manager Development Assessment)						
(alternates)	✓					✓
- Development Assessment Planner						

Key: ✓ = Present
A = Absent With Apology
X = Absent Without Apology

Meeting Dates for 2020

22/01/2020	Function Room	2:00pm
12/02/2020	Function Room	2:00pm
26/02/2020	Function Room	2:00pm
11/03/2020	Function Room	2:00pm
25/03/2020	Function Room	2:00pm
8/04/2020	Function Room	2:00pm
22/04/2020	Function Room	2:00pm
13/05/2020	Function Room	2:00pm
27/05/2020	Function Room	2:00pm
10/06/2020	Function Room	2:00pm
24/06/2020	Function Room	2:00pm
8/07/2020	Function Room	2:00pm
22/07/2020	Function Room	2:00pm
12/08/2020	Function Room	2:00pm
26/08/2020	Function Room	2:00pm
9/09/2020	Function Room	2:00pm
30/09/2020	Function Room	2:00pm
14/10/2020	Function Room	2:00pm
28/10/2020	Function Room	2:00pm
11/11/2020	Function Room	2:00pm
25/11/2020	Function Room	2:00pm
16/12/2020	Function Room	2:00pm



Development Assessment Panel Meeting Wednesday 12 February 2020

Items of Business

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06	DA2019 - 425.1 Residential Flat Building and Strata Subdivision including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie Hastings Local Environmental Plan 2011,at Lot 12 DP122329, No. 50 William Street, Port Macquarie	<u>49</u>
07	DA2019 - 506.1 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113 DP 754405, No. 2 Arnott Street, Laurieton	<u>219</u>
80	DA2019 - 744.1 Part Change of Use (Pharmacy to Take Away Food and Drink Premises) and Internal Fit out at Lot 1 DP 831145, No.140 Pacific Drive, Port Macquarie	<u>263</u>
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10	General Business	



AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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 22 January 2020 be confirmed.





PRESENT
Members:
Paul Drake David Crofts Melissa Watkins (for Item 5 only) Patrick Galbraith-Robertson (excluding Item 5)
Other Attendees:
Fiona Tierney Jon Power Ben Roberts
The meeting opened at 2:01pm.
01 ACKNOWLEDGEMENT OF COUNTRY
The Acknowledgement of Country was delivered.
02 APOLOGIES
CONSENSUS:
That the apology received from Dan Croft be accepted.

CONSENSUS:

03

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

CONFIRMATION OF MINUTES



04 DISCLOSURES OF INTEREST

Patrick Galbraith-Robertson declared a Non-Pecuniary - Significant Interest in Item 05 - DA2019 - 513.1 Demolition Of Existing Buildings and Construction Of New Service Station - Lots 5, 6 and 7 DP 18259, 34 and 36 Munster Street and 59 Gordon Street, Port Macquarie, as he has a daughter who attends Port Macquarie Community Pre-School who have lodged a submission raising objections to the proposal.

David Crofts declared a Non-Pecuniary - Less Than Significant interest in Item 05 - DA2019 - 513.1 Demolition Of Existing Buildings and Construction Of New Service Station - Lots 5, 6 and 7 DP 18259, 34 and 36 Munster Street and 59 Gordon Street, Port Macquarie, as he:

- Never consulted to intersect.
- Previous involvement as sub-consultant with interest consultants.
- Have previously contracted intersect on behalf of another Council.
- Only occasional interaction.

05 DA2019 - 513.1 DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW SERVICE STATION - LOTS 5, 6 AND 7 DP 18259, 34 AND 36 MUNSTER STREET AND 59 GORDON STREET, PORT MACQUARIE

Patrick Galbraith-Robertson declared a Non-Pecuniary - Significant Interest in this item, left the meeting and took no part in the discussion or voting thereon.

David Crofts declared a Non-Pecuniary - Less Than Significant Interest in this item, and remained in the meeting.

Speakers: Megan Jones (O) Beth Todd (O) Steven Moore (applicant)

CONSENSUS:

That DA2019 - 513.1 for demolition of existing buildings and construction of new service station at Lots 5, 6 and 7, DP 18259, No. 34 and 36 Munster Street and 59 Gordon Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

06	DA2019 - 761.1 DWELLING AND SWIMMING POOL INCLUDING CLAUSE 4.6
	OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT
	MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 60 DP
	261991, NO 14 PHOENIX CRESCENT, PORT MACQUARIE

Speake	ers:
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Neil Dickson (O) Luke Morris (A)

CONSENSUS:

The determination by the Development Assessment Panel of DA2019 - 761 for a dwelling and swimming pool including clause 4.6 objection to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at 14 Phoenix Crescent, Port Macquarie be deferred to:

 Allow the Applicant to submitted amended plans for Council Officer reassessment and re-exhibition. The amended plans are to mitigate the view loss of the Tacking Point Lighthouse from the primary living areas of the dwelling at No.42 Oceanview Terrace, Port Macquarie.

07 DA2019 - 713.1 TORRENS TITLE SUBDIVISION 2 LOTS INTO 3 - LOTS 705 AND 706 DP 1228141, NOS. 41 AND 43 YALUMA DRIVE, PORT MACQUARIE

Speakers:

Joanne Border (O) Jody Kerry (O) Michelle Love (A)

CONSENSUS:

That DA 2019 - 713.1 for a 2 into 3 lot Torrens Title Subdivision at Lot 705 and 706, DP 1228141, No. 41 and 43 Yaluma Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

08 DA2019 - 694.1 HOME BUSINESS - HAIR SALON, LOT 108 DP 1214480, NO. 4 SUNRISE PLACE, KING CREEK

CONSENSUS:

That DA 2019 - 694.1 for a Home Business - Hair Salon, at Lot 108, DP 1214480, No. 4 Sunrise Place, King Creek, be determined by granting consent subject to the recommended conditions.

09 DA2019 - 673.1 MODIFICATION TO GENERAL STORE (ALDI) - ALTERED DELIVERY HOURS - LOT 701 DP 1151916,NO 3 HUGHES PLACE, PORT MACQUARIE

Speakers:

Therese Dunford (O)



Pam Hodge (O) Brendan Prosnord (A) Nicole Seldon (A)

CONSENSUS:

That DA 2019 - 673.1 for a change to delivery hours at an existing general store at Lot 701, DP 1151916, No. 3 Hughes Place, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

Amend condition E(1) to state:

- The noise control measures indicated in the acoustic report are to be installed prior to any deliveries occurring between 10pm and 12 midnight. An acoustic lining/treatment to Rw28 is also to be provided to the existing fence along the full length and height of the western boundary. There are to be no gaps below this section of fence with the upgrades.
- Prior to any deliveries occurring between 10pm and midnight, an acoustic screen between the metal waste bin and loading area is to be installed unless Council Officers are satisfied with the validation report.

Amend condition F(3) to state:

• Truck deliveries of a night time are to be no later than 12 midnight and delivery trucks are to leave the site by 12 midnight. Aldi is to keep record of the delivery arrival and departures during this time, and make it available to Council on request.

Amend condition F(4) to state:

 The predicted noise measurements are to be validated by an appropriately qualified person within 6 months of consent, and a report sent to council confirming that it meets or is lower than the predictions. If the predicted noise levels cannot be met, additional attenuation is to be added and no deliveries between 10pm and 12 midnight can be made until it is at or below the predicted noise levels in the MAC Report.

Add new condition F(5) to state:

• No waste removal is to occur of a night time after 10.30pm daily.

10	GENERAL BUSINESS
Nil.	
	The meeting closed at 3:41pm.

Item: 04

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name o	Name of Meeting:			
Meeting	g Date:			
Item Nu	ımber:			
Subjec	i:			
I, the u	ndersigned, hereby declare the following interest:			
	Pecuniary:			
	Take no part in the consideration and voting and be out of sight of the meeting.			
	Non-Pecuniary – Significant Interest:			
	Take no part in the consideration and voting and be out of sight of the meeting.			
	Non-Pecuniary – Less than Significant Interest:			
May participate in consideration and voting.				
For the reason that:				
Name: Date:				
Signed	Signed:			
Please submit to the Governance Support Officer at the Council Meeting.				

(Refer to next page and the Code of Conduct)



AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - your interest, or
 - 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. For the purposes of clause 4.3:
- 4.4
 - Your "relative" is any of the following: (a)
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or ii)
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i) "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
 - 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
 - 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. A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be
- 5.2 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.
- 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.
- 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. 5.5

Managing non-pecuniary conflicts of interest

- 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. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be
- 5.7 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.
- How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant. 5.8
- 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 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
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such b) 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. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable
 - c) 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.
 - 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
 - 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:
 - 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
 - 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
- 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.
- 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.
- 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. 5.13
- Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with 5.14 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 [insert full name of councillor]	
In the matter of	
[insert name of environmental	
-	
planning instrument] Which is to be considered	
at a meeting of the	
[insert name of meeting]	
Held on	
[insert date of meeting]	
PECUNIARY INTEREST	
Address of the affected principal place of	
residence of the councillor or an	
associated person, company or body	
(the identified land)	
Relationship of identified land to	☐ The councillor has interest in the land
councillor	(e.g. is owner or has other interest arising
[Tick or cross one box.]	out of a mortgage, lease, trust, option or
, , , , , , , , , , , , , , , , , , , ,	contract, or otherwise).
	☐ An associated person of the councillor
	has an interest in the land.
	☐ An associated company or body of the
	councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY	INTEREST ¹
Nature of land that is subject to a	☐ The identified land.
change	☐ Land that adjoins or is adjacent to or is
in zone/planning control by proposed	in proximity to the identified land.
LEP (the subject land ²	
[Tick or cross one box]	
Current zone/planning control	
[Insert name of current planning instrument	
and identify relevant zone/planning control	
Proposed change of zone/planning	
proposed change of zone/planning control	
Effect of proposed change of	☐ Appreciable financial gain.
zone/planning control on councillor or	☐ Appreciable financial loss.
associated person	Approciable ilitaticiai 1033.
	1
[Tick or cross one box]	
applying to the subject land] Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	

[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:
Councillor 3 Ciunature.	 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.

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



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.

Item: 05

Subject: DA2018 - 837.1 ALTERATIONS AND ADDITIONS TO DWELLING AT

LOT 373 DP 236950, NO 39 VENDUL CRESCENT, PORT MACQUARIE

Report Author: Development Assessment Planner, Chris Gardiner

Applicant: M R Nocelli
Owner: M R Nocelli
Estimated Cost: \$60,000
Parcel no: 24370

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 - 837.1 for Additions to Dwelling at Lot 373, DP 236950, No. 39 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to a 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 on three occasions, seven (7) submissions were received.

Through the assessment process, the proposal has been amended significantly from a first floor addition above the garage, to the conversion of ground floor area within the existing garage.

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.

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

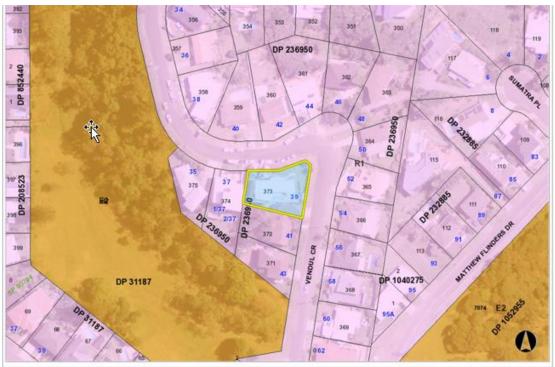
1. BACKGROUND



Existing Sites Features and Surrounding Development

The site has an area of 714.5m².

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

The original proposal submitted included a first floor addition above the existing detached garage. However, through the assessment process the development has been amended to the conversion of part of the existing detached garage to a studio.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 11 October 2018 Application lodged.
- 18 October 2018 to 31 October 2018 Neighbour notification.
- 2 January 2019 Additional information requested.
- 27 February 2019 Additional information submitted.
- 21 March 2019 Further additional information including amended plans and Clause 4.6 objection submitted.
- 27 March 2019 to 9 April 2019 Application re-notified with additional information and amended plans.
- 29 April 2019 Applicant requested that the item be withdrawn from the agenda
 of the Development Assessment Panel meeting scheduled for 8 May 2019 to
 allow for consideration of a re-design.
- 3 December 2019 Amended plans and additional information submitted by Applicant.
- 9 December 2019 to 23 December 2019 Application re-notified with additional information and amended plans.
- 28 January 2020 Further minor amendments made to plans.

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. 62 – Sustainable Aquaculture

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



State Environmental Planning Policy (Coastal Management) 2018

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

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

Having regard to clause 11 of the SEPP, the proposal is not considered likely to significantly impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest.

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

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

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

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

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

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

Noting that the plans show a sink and bench area that could potentially be converted to a kitchen, a condition is recommended requiring the sink to be deleted from the Construction Certificate plans and prohibiting the use of the studio as a secondary dwelling.

The objectives of the R1 zone are as follows:

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



- Clause 2.3(2) The proposal is consistent with the zone objectives as it is a
 permissible landuse and consistent with the established residential locality.
- Clause 2.7 The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 The maximum overall height of the new building work above ground level (existing) is 5.52m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 The proposal relates to the conversion of existing floor area within the garage and would not result in any increase in the existing floor space ratio.
- Clause 4.6 The original submitted application included a first floor addition above the garage, which resulted in the floor space ratio (FSR) exceeding 0.65:1. A written request was submitted by the Applicant with the original application. The Applicant's case was that compliance with the standard is unnecessary in the circumstances of the case as the proposed development is consistent with the objectives of the standard in Clause 4.4 of the LEP for the following reasons:
 - The development would be compatible with the bulk and scale of existing development in the locality;
 - The development would not result in any significant increase in vehicular or pedestrian traffic;
 - The major bulk and scale of the existing development is located towards the north of the site and a first floor addition in the south-east corner would not substantially alter the perceived bulk and scale of the overall development;
 - Site amalgamation for increased building height is not contemplated in this particular location;
 - The proposed addition is obscured from view from a number of nearby properties and parts of the public road by existing topography, buildings, and vegetation;
 - The design approach and materials proposed to be used will provide for a high quality development for the foreseeable future;
 - The proposal is consistent with relevant bulk and scale controls in DCP 2013.

The written request also submitted that compliance with the development standard is unreasonable in the context that the development standard does not respond to the particular geographical, physical and historical characteristics of the subject site and adjoining and adjacent land.

However, the proposal has been significantly amended through the assessment process and no longer involves any increase in the existing FSR. The application no longer relies upon the provisions of Clause 4.6.

- Clause 5.10 Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.



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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development				
	Requirements	Proposed	Complies	
3.2.2.1	Ancillary development: • 4.8m max. height • Single storey • 60m2 max. area • 100m2 for lots >900m2 • 24 degree max. roof pitch • Not located in front setback	None proposed.	N/A	
3.2.2.2	Articulation zone: • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature	No works proposed in articulation zone.	N/A	
	Front setback (Residential not R5 zone): • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway	Front wall of addition minimum 3.9m from secondary road boundary.	Yes	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Not applicable. The site is a corner lot.	N/A	
3.2.2.5	Side setbacks: • 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	The minimum side setback requirements are complied with for the additions. The upper floor side setback is proposed to be less than 3m and the Applicant has submitted	Yes	



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

	Requirements	Proposed	Complies
	every 12m by 0.5m	shadow diagrams demonstrating that building additions would not overshadow primary living areas or private open space for more than 3 hours between 9.00am and 3.00pm on 21 June. The articulation of the new section of building wall is compliant.	
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	The existing dwelling contains 35m² open space in one area including a useable 4m x 4m space. The proposed alterations and additions would not compromise this area.	Yes
3.2.2.7	Front fences: • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances	No new front fences proposed.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No new front fences proposed.	N/A
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has	The development will not compromise privacy in the area. The southern ground floor wall has no openings and the window in the southern wall of the addition is to a void space where there would be no potential views into neighbouring property.	Yes



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DEVELOPMENT ASSESSMENT PANEL 12/02/2020

	Requirements	Proposed	Complies
	25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m		
2.2.11	Roof terraces	N/A	
.2.2.13 nward	Jetties and boat ramps	N/A	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m.	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed.	N/A



DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line). Parking for secondary dwelling optional.	More than 1 parking space behind the building line has been provided within the existing dwelling. The proposal includes retention of a double garage forward of the proposed studio.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveways existing.	Yes

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

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

(iv) Any matters prescribed by the Regulations

Clause 92 - Demolition of buildings to AS 2601

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

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

The site has northerly and easterly street frontage orientation to Vendul Crescent. Adjoining the site are a mix of two and three storey dwellings.

View Sharing

The highest part of the proposed roof space addition is predominantly below the level of the existing retaining wall around the pool and courtyard area, and would not adversely impact any existing significant views.

Access, Traffic and Transport

The proposal will be unlikely to have any adverse impacts in terms of access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply Connection

The site has an existing water supply connection. New plumbing and drainage work associated with the proposal will require Section 68 approval. An appropriate condition is recommended.



AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

Sewer Connection

The site has an existing sewer connection. New plumbing and drainage work associated with the proposal will require Section 68 approval. An appropriate condition is recommended.

Stormwater

The proposal is an addition above an existing roofed area and is capable of being connected to the existing stormwater drainage system.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.



AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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

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. An appropriate condition is recommended.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Seven (7) written submissions were received following public exhibition of the application on three occasions. Copies of the written submissions have been provided separately to members of the DAP.

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



Submission Issue/Summary	Planning Comment/Response
Loss of visual amenity for	The highest part of the proposed roof space
residents of No. 37 Vendul	addition (as amended) is predominantly below the
Crescent.	level of the existing retaining wall around the pool
	and courtyard area, and would not adversely
	impact any existing significant views.
A previous approval for	If the development is granted consent, any
additions to the dwelling	subsequent changes would be subject to further
resulted in subsequent	assessment through a modification application.
changes that impacted No 37	
Vendul Crescent. Concern	
that similar changes would	
occur if this development is	
approved.	
The eastern elevation setback	The plans have been amended and the new
is non-compliant.	building work now complies with the minimum 3m
	setback to a secondary street. The garage within
	the front setback area is an existing approved
	building and is not proposed to be altered by the
	development.
Existing parking spaces within	Noted. The proposal includes retention of a double
the residence are not used	garage in addition to the garage within the main
and vehicles park on the	building, and exceeds the minimum parking
street.	requirements of the DCP.
Why was the floor plan	At the time of notification it was Council practice
redacted on the exhibited	not to provide residential floor plans for privacy
plans?	and security reasons. However, amended plans
	including floor plans have been re-notified.
The studio has been designed	The scale of the studio has been significantly
as a small home for	reduced from the original proposal, and conditions
permanent habitation and	have been recommended prohibiting the use of
would not comply with	the building as a secondary dwelling, or as short-
Council's requirements for	term holiday accommodation.
medium density dwellings.	T
The house is situated on a	The proposal would not alter existing driveway
blind corner and backing out	locations or street parking. The proposal provides
of nearby driveways is difficult	off-street parking in excess of the DCP
with cars parked in the street.	requirements.
Loss of privacy to dwellings on the lower side of the street.	The proposal has been amended and does not include any windows or balcony facing the street.
The scale of the building is imposing and it will be of out	The proposal has been scaled back significantly and now only includes minor alterations to the roof
character in the street.	space above the existing garage to create a void
Grianacier in the Street.	for light and ventilation to the proposed studio and
	opportunities for hanging storage above vehicles
	parked in the garage. This work is setback from
	the street frontage and sits generally below the
	existing retaining wall supporting the swimming
	pool and courtyard. It is not considered that the
	scale of the work will be imposing in the
	streetscape.
Impacts on solar access to	There is no record of an approval to convert part
adjoining dwelling at No 41	of the garage at No 41 Vendul Crescent to a
Vendul Crescent. Part of the	habitable room. It is therefore considered that the



Submission Issue/Summary	Planning Comment/Response
garage has been converted to an art and craft space and the	approved use of the space remains as a garage.
development would reduce sunlight to the north-facing window during winter.	The relevant test in the DCP is that adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3 hours between 9am and 3pm on 21 June. As the affected window is a garage window, the proposal satisfies the DCP provision.
The height of the garage was originally restricted in response to a submission made on a previous development application in 2002.	A new proposal can be considered on its merits having regard to the current DCP provisions.
A previous proposal for a granny flat above the garage (part of DA2008 - 533) was not supported by Council due to the overshadowing of the multi-purpose space at No 41 Vendul Crescent and this creates a precedent to refuse the current proposal. The existing floor space of the dwelling is not shown in the application plans.	The assessment report for DA2008 - 533 has been reviewed and the reason that this part of the proposal was not supported was due to the construction of the first floor addition at a zero side setback, and the associated visual impacts of the structure on the adjoining property. The assessment noted that the overshadowing impacts were acceptable due to the affected room at No 41 Vendul Crescent being a garage. Amended plans have been submitted detailing this information.
Compliance with the 0.65:1 floor space ratio standard needs to be addressed in the application.	The existing dwelling slightly exceeds the 0.65:1 floor space ratio (FSR) standard. However, the proposal has demonstrated that the development would not result in any increase in the existing FSR.
Increased noise impacts on neighbouring property.	The proposal has been amended to remove the first floor addition, and the studio is now proposed within the rear part of the existing garage at ground floor level. There are no ground floor windows in this part of the building.
Loss of privacy to residents of No 41 Vendul Crescent.	The southern ground floor wall has no openings and the window in the southern wall of the addition is to a void space where there would be no potential views into neighbouring property.
Part of the existing dwelling is being used as AirBnB accommodation. If the addition is also used for a similar purpose, it will result in further demand for parking.	A condition has been recommended prohibiting the use of the building for short-term/holiday accommodation.
A whole floor of the existing dwelling is currently being rented for holiday accommodation. Why is additional residential floor area necessary when there is	The proposal has been amended to utilise existing floor space within the garage. There would be no overall increase in floor area on the site.



Submission Issue/Summary	Planning Comment/Response
space within the dwelling that is being used for commercial	
purposes?	
The proposal exceeds the LEP floor space ratio (FSR) standard and the Clause 4.6 objection does not adequately justify the merits of the variation.	The application has been amended and no longer involves the creation of any additional gross floor area. The Clause 4.6 objection to the FSR development standard is no longer necessary.
Concerned that there might be an intention to internally modify the studio to enable people to sleep in the upper	The proposal has been further amended to make the upper section a void.
section.	

(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 not be required under S64/S7.11 as the proposal is for alterations and additions to an existing dwelling.

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. DA 2018 - 837.1 Recommended Conditions

2. DA2018 - 837.1 Plans



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/837 DATE: 31/01/2020

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	D1142 Sheet 1 - 8 Issue T	Collins W Collins Pty Ltd	24 January 2020
BASIX Certificate	A327081_02	Collins W Collins Pty Ltd	3 February 2020

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
 - Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2. 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 an appropriate receptacle;
- Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

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 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) (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.
- (3) (B195) Prior to the issue of a Construction Certificate, amended plans shall be submitted to the Principal Certifying Authority deleting the sink within the Studio.

C - PRIOR TO ANY WORK COMMENCING ON SITE

(1) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D - DURING WORK

- (1) (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.
- (2) (D029) Any demolition work shall be carried out in accordance with Australian Standard AS 2601-1991: The Demolition of Structures. No demolition materials

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

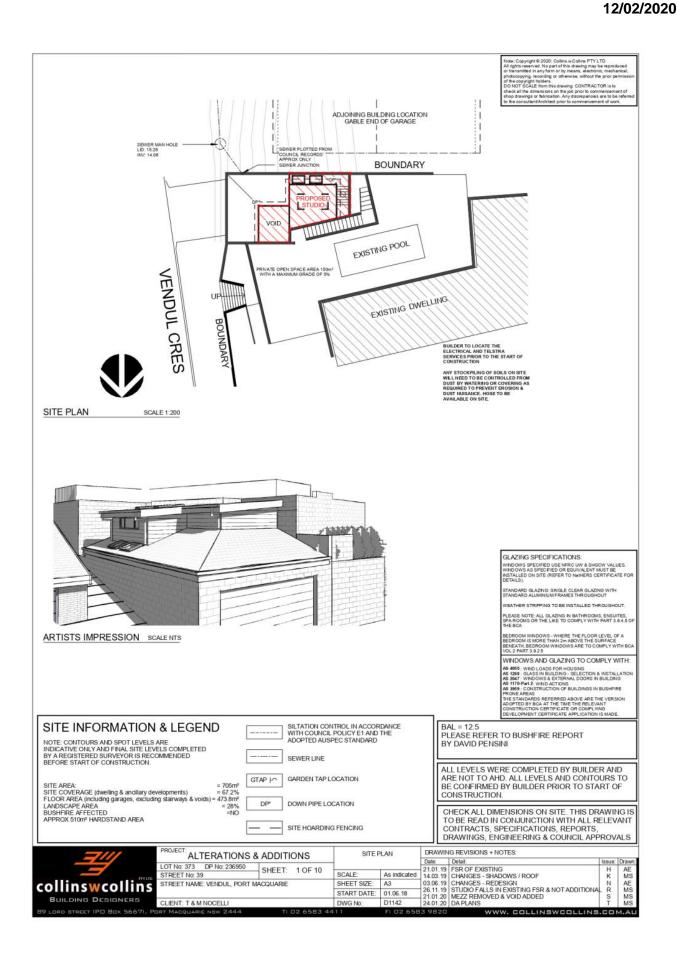
Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – Code of Practice for Safe Removal of Asbestos and Code of Practice for the Management and Control of Asbestos in Workplaces.

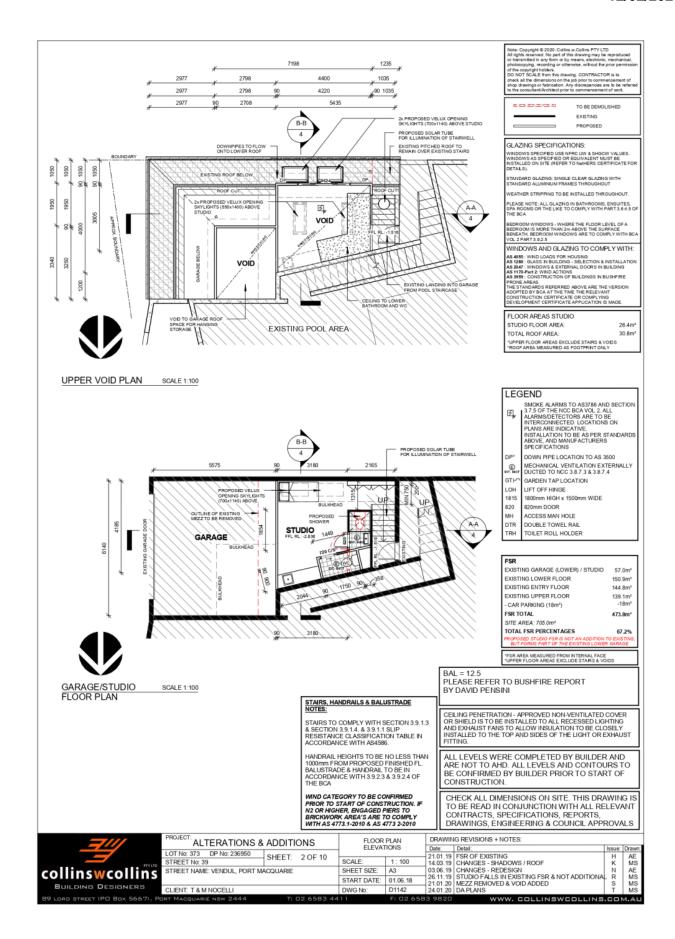
E - PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

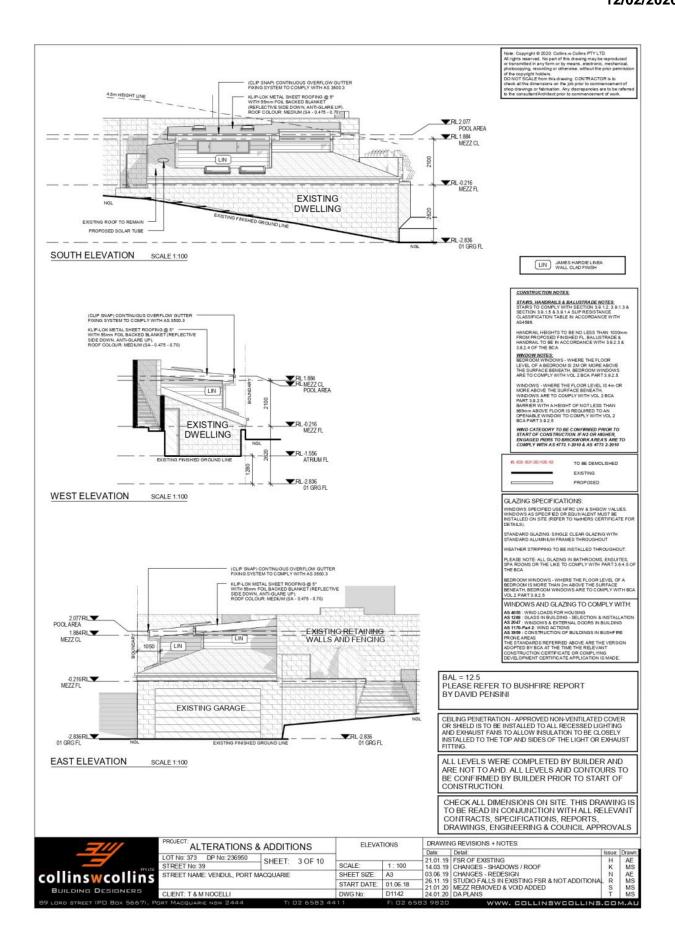
- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (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.

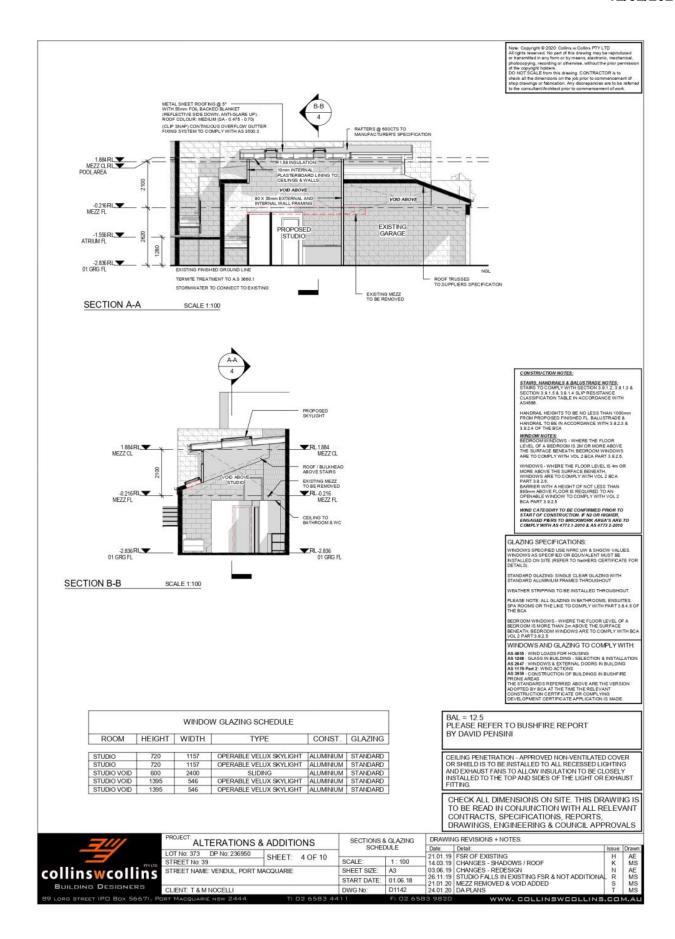
F - OCCUPATION OF THE SITE

- (1) (F004) The dwelling (as altered) 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 premises (as altered) as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

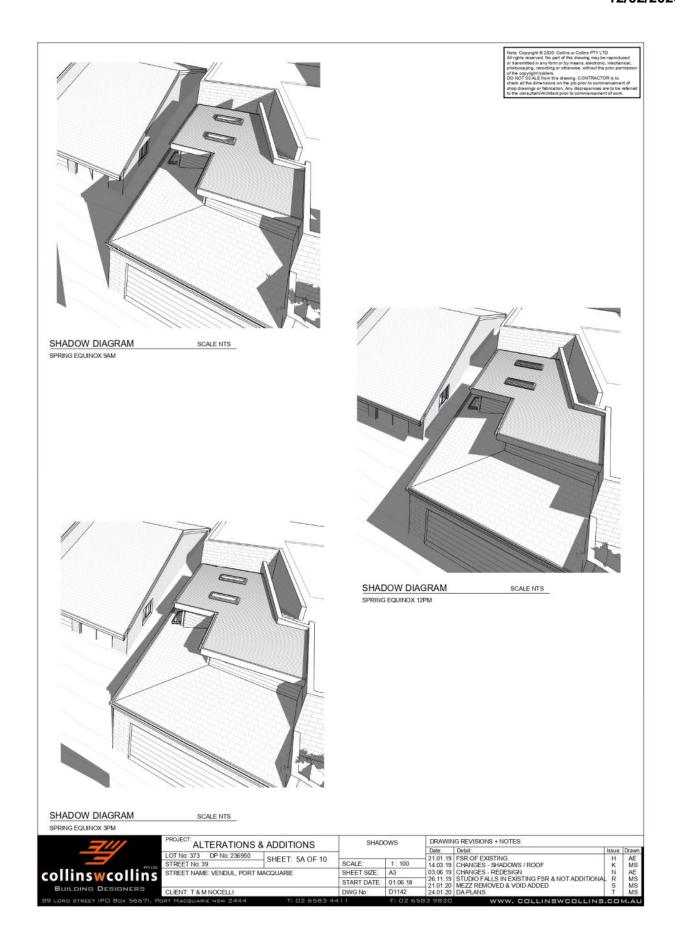


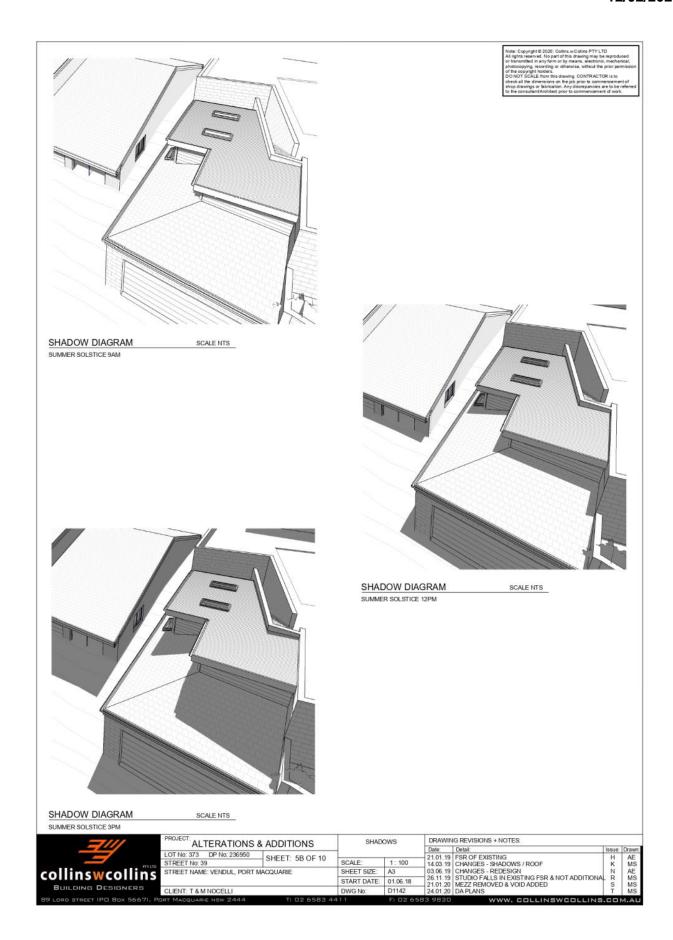


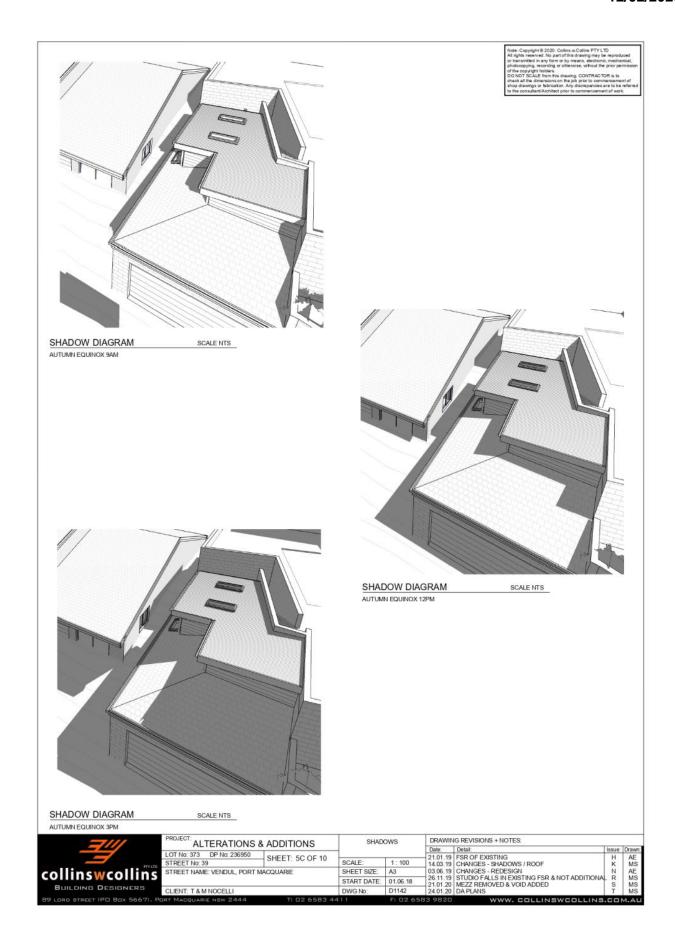


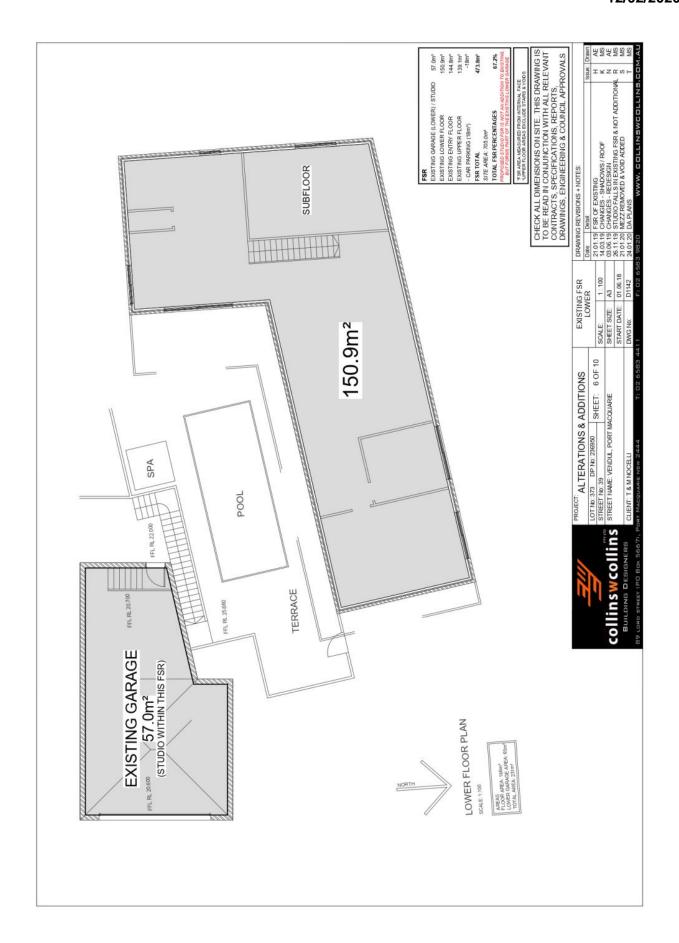


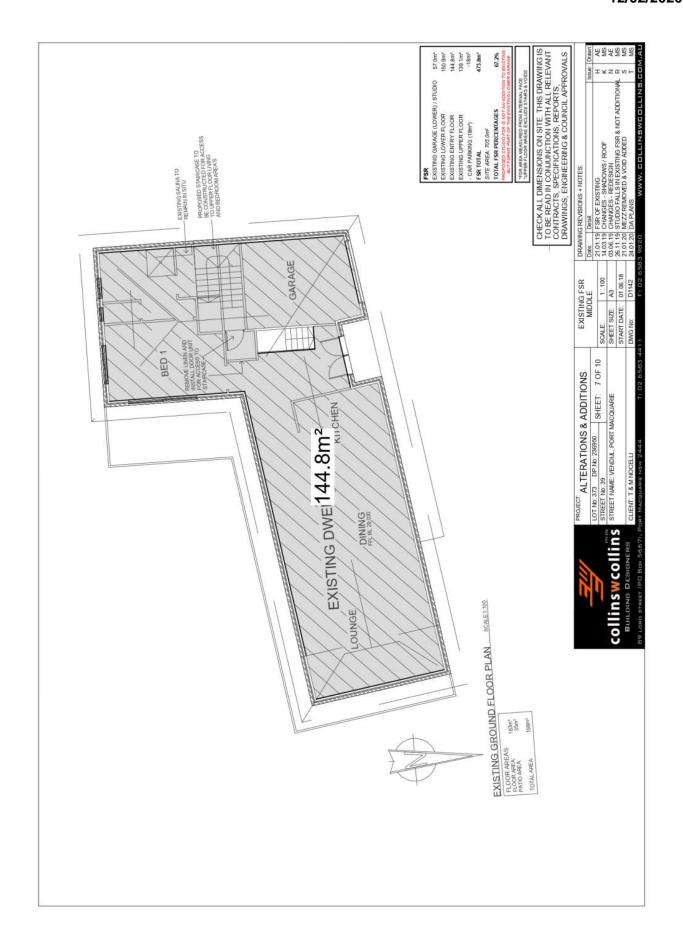












THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS All works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of Australia (BCA), Volume 2 and the Plumbing Code of Australia (PCA), Volume 3 as applicable. All Australian Standards listed are the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Certificate or Complying Development Certificate Application.

STRUCTURAL PROVISIONS
Structural Design Manuals — is satisfied by complying with:
a) 3.0.3, 3.0.4, 3.0.5 of the BCA; or
b) the relevant provisions of other Parts of Section 3 of the
Housing Provisions of the BCA retailing to structural elements; or
c) any combination thereor.
3.0.5 – Structural Software — Must comply with the Australian
Building Codes Board (ABCB) Protocol for Structural Software
and Part 3.4.0.2 of the BCA.

SITE PREPARATION

SITE PREPARATION
Batthworks - Earthworks are to be undertaken in accordance
with Part 3.1.1 of the BCA.
Earth Retaining structures (ie. retaining waits & batter) to be in
accordance with ASA678.
Drainage - Stormwater drainage is to be undertaken in
accordance with ASA/BC3 500.3 or, the Acceptable
Construction Practice as detailed in Part 3.1.3 of the BCA.
Termite Risk Management - Where a primary building element is
considered susceptible to termite attack the building shall be
protected in accordance with the following:
a) AS 3600.1, and
b) A durable notice is permanently fixed to the building in a
prominent location, such as in a meter box or the like, including
the details listed in Part 3.1.4.4 of the BCA.
c) The Acceptable Construction Practice as detailed in nent is

c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.4 of the BCA.

FOOTINGS AND SLABS FOOTINGS AND SLABS
The footing or sab is to be constructed in accordance with AS 2870, except that for the purposes of Clause 5.3.3.1 of AS 2870, a camp-proofing membrane is required to be provided, or, the Acceptable Construction Practice detailed in Part 3.2 of the BA.
Piled footings are to be designed in accordance with AS 2159.

MASONRY
Unreinforced Masonry – to be designed and constructed in accordance with;

a) AS 3700; or b) AS 4773 Parts 1 and 2 Reinforced Masonry – to be designed and constructed in accordance with; a) AS 3700; or b) AS 4773 parts 1 and 2

Masonry Accessories – to be constructed and installed in accordance with:

a) AS 3700; or b) AS 4773 Parts 1 and 2 Weatherproofing of Masonry This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1

Building.
This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class

1 building.
The weatherproofing of masonry is to be carried out in

a) AS 3700; except as provided for by Part 3.3.2.0 (a), or b) AS 4773 Part2 1 and 2

FRAMING
Sub-Floor Ventilation — is to comply with the Acceptable
Construction Practice of Part 3.4.1 of the BCA.
Steel Framing — is to be designed and constructed in
accordance with the Acceptable Construction Practice of Pra
3.4.2 of the BCA, or, ore of the following manuals:
a) Steel structures: AS 4100.
b) Coll-formed steel structures: AS/NZS4600.
c) Residential and low-rise steel framing: NASH Standard.
Timber Framing — is to be designed and constructed in
accordance with the following, as appropriate:
a) AS 1684.2. e of Part

accorance with the following, as appropriate:
a) AS 1684.2
b) AS 1684.5
tructural Steel Members – is to be designed and constructed in
accordance with the Acceptable Conshirution Practice of Part
3.4 of the BCA, or, one of the following manuals:
a) Steel Structures: AS 4100.
b) Cold-formed steel structures: AS 400.

ROOF AND WALL CLADDING

ROOF AND WALL CLADDING
ROOf Cladding – is to comply with the Acceptable Construction
Practice of Part 3.5.1 of the BCA, or, one of the following:
a) Roofing ties: Part 3.5.1 BCA - AS2650.
b) Metal Roof Cladding: Part 3.5.1 BCA - AS1562.1.
c) Plastic sheet roofing: ASAIZS 4266 Parts 1, 2, 3 and 5; and
AS/NZS 1562.3.

ASINUS 1562.3.

Gutters and Downpipes – are to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.3 of the BCA, or, AS/NZS 3500.3 – Stormwater detailance.

drainage.
Timber & Composite Wall Cladding – to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.4 of the Acceptable Acceptable Construction Practice of Part 3.5.4 of the Acceptable Construction Williams and Conding to be designed and constructed in accordance with AS 1562.1.

GLAZING
Glazing – to be designed and constructed in accordance with
the Acceptable Construction Practice of Part 3.6.1 of the BCA,
or, one of the following manuals as applicable under Part 3.6.0
BCA

FIRE SAFETY

Fire Hazard properties of materials to comply with Part 3.7.1 of

the BCA.
Fire Separation of external walls to comply with Part 3.7.2 of the BCA.
Fire Separation of separating walls & floors to comply with Part

Fite Separation of separating waits a 1000's to comply with Part 3.7.3 of the BCA. Fite Separation of gaage top dwelling to comply with Part NSW 1.1 of the BCA. Smoke Alarms & Evacuation lighting to comply Part 3.7.5 of the BCA.

BUSHFIRE AREAS
Bushfire Areas – This section relates to:

a) A Class 1 building; or
 b) A Class 10a building or deck associated with a Class 1

Alpine Areas – to be constructed in accordance with the Acceptable Construction Practice of Part 3.10.4 of the BCA if

Acceptable Construction Practice of Part 3.10.4 of the BCA if located in an alpine area. HEALTH AND AMENITY.

Wet Areas and External Waterproofing – building elements in wet areas within a building must:
a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA, and b) Compty with AS 3740.

Room Heights – are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA Facilities – are to be constructed in accordance with exceptable Practice of Part 3.8.3 of the BCA Light – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.3 of the BCA Vertilation – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.3 of the BCA Sound Insulation – (only applies to a separating wall between Sound insulation – (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

Condensation Management to be provided in accordance with

Condensation Management to be provided in accordance with ACP Part 3.8 7.8 GA. SAFE MOVEMENT AND ACCESS SIAT Construction – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9 1 of the SCA. Barriers and Handralis – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the SCA.

accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.
Protection of openable windows to Part 3.9.2 of the BCA.
ANCILLARY PROVISIONS & ADDITIONAL.
CONSTRUCTION REQUIREMENTS
3. 10.1 - Swimming Pools
Swimming Pool Access – to be designed and installed in accordance with the Swimming Pools Act 1992. Swimming Pool Access – to be designed and installed in accordance with the Swimming Pool Regulation 2018 and AS 1926 Parts 1 and 2.
Swimming Pool Water recticulation Systems – is to be designed and constructed in accordance with AS 1926.3.
High Wind Areas – Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA).
To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA
3.10.2 - Earthquake Areas subject to "seismic activity" to be constructed in accordance with Part 3.0 BCA
3.10.3 - Broot Hazard Areas – applies to areas on a site (weather or not mapped) encompassing the land lower than the food hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be construction of Buildings in Flood Hazard Areas.
3.10.4 - Construction in Rushings Proposition of the Part of the

3.10.4. - Construction "Alpine Areas" III accordance with Part 3.10.5.
3.10.5. - Construction in Bushfire Prone Areas in accordance with Part 3.10.5.
3.10.6. - Attachment of Decks & Balconies to external walls of buildings to be in accordance with the acceptable construction practice of Part 3.10.6 of the BCA, or alternatively be engineer designed in accordance with Part 3.0 of the BCA.
3.10.7 - Boilers, Pressure Vessels, Heating Applicances, Fire Places, Chimneys & Flues to be in accordance with Part 3.10.7 of the BCA.

of the BCA. ENERGY EFFICIENCY Energy Efficiency – to comply with the measures contained in the relevant BASIX certificate, and the requirements of NSW parts 3.12.1, 3.12.3 & 3.12.5 of the BCA.

7///	PROJECT: ALTERATIONS &	ADDITIONS	BUILDING		DRAWING REVISIONS + NOTES:			
		ADDITIONS	SPECIFICA		Date:	Detai:	issue:	Drawn:
	LOT No: 373 DP No: 236950	SHEET: 10 OF 10			21.01.19	FSR OF EXISTING	н	AE
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collinswcollins STREET NAME: VENDUL, PORT MACQU		ACQUARIE				N	AE	
COIIIIISWCOIIIIIS			START DATE:	01.06.18		STUDIO FALLS IN EXISTING FSR & NOT ADDITIONAL	L R	MS
BUILDING DESIGNERS	CLIENT: T & M NOCELLI		DWG No:	D1142		MEZZ REMOVED & VOID ADDED DA PLANS	T	MS MS
89 LORD STREET (PO Box 5667), Po		T: 02 6583 44		F: 02 658		www.collinswcollins	CON	

AS 3959-2009 - CONSTRUCTION OF BUILDINGS IN **BUSHFIRE PRONE AREAS (BAL - 12.5)**

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

PAGE 42 SECTIONSCONSTRUCTION FOR BUSHFIRE ATTACKLEVEL 12.5 (BAL — 12.5)

ssed in Section 2 as being BAL—12.5 shall comply with

5.1 GENERAL
A building assessed in Section 2 as being BAL—12.5 shall comply with
Section 3 and
Clauses 5.2 to 5.8
NOTE: There are number of Standards that specify requirements for
construction; however, where this Standard does not provide
construction requirements for a particular element, the other

Standards application of patients in the particular element, at our day. Standards application or system that satisfies the test criteria of AS 1530.8. I may be used in less of the applicable requirements contained in Clauses 5.2 to 5.8 (see Clause 3.8). NOTE: BAIL—125 is primarily connerted with protection from ember attack and radiant heat up to and including 12.5 kWim2 where the site is less than 100 m from the source of bushfire attack.

NSW RURAL FIRE SERVICE ADDENDUM: APPENDIX 3 "7.2 SUBFLOOR SUPPORTS

This Standard does not provide construction requirements for subfloor supports where the subfloor space is enclosed with—
a. a wall that complies with (Clause 5.4 or 6.4 as appropriate);

or b. a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion resistant steet, bronze or aluminium; or c. a combination of Items (a) and (b) above.

Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and police shall be(i) of non-combustble material; or
(ii) of bushfire-resisting timber (see Appendix F); or
(ii) a combination of fitems (i) and (ii) above.

NOTE: This requirement applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 7.7)."

NSW RURAL FIRE SERVICE ADDENDUM: APPENDIX 3 "7.3.2 Elevated floors 7.3.2.1 Enclosed subfloor space

7.3.2.2 Unenclosed subfloor space

Materials that comply with the following: (i) Bearers and joists shall be—

| Bearers and plats shall be—
A non-combustible; or
B bushfre-resisting timbe; (see Appendix F); or
C a combination of ferms (A) and (B) above.
A non-combustible; or
A non-combustible; or
C bushfre-resisting timber (see Appendix F); or
C bushfre-resisting timber (see Ap

b. A system complying with AS 1530.8.1

This Standard does not provide construction requirements for elements of elevated floors, including bearers, joists and flooring, if the underside of the element is 400 mm or more above finished ground level."

above finished grouno ever.

5.4 (NTEINAL WALLS

6.4 (NTEINAL WALL

(c) a unious appeals as a power of in Fide (a), (b), (c) or (c) above.

There are no requirements for external wall surfaces 400 mm or more from the ground of for external vall surfaces 400 mm or more above decks, carport roofs, awnings and similar elements or fittings having an angle leas than 16 degrees to the hortoutal and extending more than 110 mm involved from the wall (see Figure D3, Appendix D).

than 10 mm in width from the wall (see Figure D3. Appendix D). 5.4.2 Joints
All joints in the external surface material of walls shall be covered,
All joints in the external surface material of walls shall be covered,
sealed, overlapped, backed or bushported to prevent gaps greater
the outer face of the frame prior to fixing any external dadding.
5.4.3 Vertis and everpholes
Vertis and weepholes in external walls shall be excepted with a metalVertis and weepholes in external walls of the common state of the control of the c

5.5 EXTERNAL GLAZED ELEMENTS AND ASSEMBLIES AND EXTERNAL

EXTENTION
DOORS
5.5.1 Bushfire shutters
Where fitted, bushfire shutters shall comply with Clause 3.7 and be made from—
Indian advantage of the complete shall be material; or the complete shal

made from—
(a) an o-combusble material; or (b) a timber species as specified in Paragraph E1, Appendix E; or (b) a timber species as specified in Paragraph E1, Appendix E; or (c) a combination of any of thems (a), (b) or (c) above.

55. (a Screen for windows and doors shall have a mesh or perforated share which a maximum agenture of 2 mm, made of the perforated share which a maximum agenture of 2 mm, made of the perforated share which a maximum agenture of 2 mm, made of the screen assembly and the building element to which it is fifted

perimeter of the screen assembly and the busining defined to signified shall not exceed 3 mm.

The frame supporting the mesh or perforated sheet shall be made

(d) metal; or (e) bushfire-resisting timber (see Appendix F); or a timber species as specified in Paragraph E2, Appendix E. \$5.5.2 Windows Window assessed shall comply with one of the following: (or possible of the protected by a bushfire shutter that complets with Clause 5.5.1.

(b) They shall be completely protected externally by screens that comply with Clause 5.5.1A.

PAGE 44

(c) They shall comply with the following:
(d) For window assembless less than 400 mm from the ground or less than 400 mm above decks, carport roots, awrings and smilar elements or fittings having an angle isses than 18 degrees the window and the shall be shall be

in contact with the door (see Figure DA, Appendix D.)

(G) Welvide access doors shall not include ventilation slobs.

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(G) Metal.

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restriction on gazing memoria.

NOTE: Where double glazed units are used the above requirements apply to the external face of the window assembly only. ((ii) Where glazing is other than that specified in filem (iii) above, annealed glass may be used. (iii) the production of windows shall be screened internally or (v) The operables portions of windows shall be screened internally or (v) The operables portions of windows shall be screened internally or (5.5.3 boxm.—Side-hung external doors (including French doors, panel fold and bifold doors), shall be producted by a bushfree shutter that complex with Cduzer 5.5.1.

(b) They shall be completely protected externally by screens that comply with Clause 5.5.1A.

or (c) They shall comply with the following: (i) Doors shall be— (A) non-combustible; or (B) as odd timber door, having a minimum thickness of 35 mm for the first 400 mm above the threshold; or

PAGE 45
(C) a door, including a hollow core door, with a non-combustible kickplate on the outside for the first 400 mm above the threshold;

sickpiste on the outside for the first 400 mm above the threshold, (D) a fully framed glazad door, where the framing is made from materials required for busifier a furthers (see Clause 5.5.1), or from a limber species as specified in Pragnaghe E.2, Appendix E. (ii) Where abors incorporate glazing, the glazing shall comply with the glazing requirements for windrows. (iii) Doors shall be bightfalling to the door frame and to an windrow shall be bightfalling to the door frame and to an (iv) Where any past of the door frame is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, avanings and similar elements or fittings laving an angle less than 16 degrees to the horizontal and extending more than 110 of the door frame shall be made from one of the following: (A) Bushfire-resisting timber (see Appendix E).

or (B) A timber species as specified in Paragraph E2, Appendix E.

(C) Netal: (O) Metal-reinforced PVC-U. The reinforcing members shall be made from aluminum, stainless steet, or corrosion-resistant sete and the door saembly shall satisfy the design load, performance and structural strength of the member. It is not shall be resisted at the base of side-hung external doors. Staffing doors also shall be resisted at the base of side-hung external doors. Skring doors shall comply with one of the following: (a) They shall be protected by a bushfire shuffer that complies on Claims 6.5.1.

or (c) They shall comply with the following: (i) Any glazing incorporated in sliding doors shall be Grade A safety glass complying with AS 1288. (ii) Both the door frame supporting the sliding door and the framing surrounding any glazing shall be made from one of the following:

following: (A) Bushfire-resisting timber (see Appendix F).

ORD STREET (PD Box 5667), PORT MACQUARIE NSW 2444 T: 02 6583 4411

(O) Netal enriforced PVC-U. The reinforcing members shall be made from aluminum, stainless steel, or convosion-resistant steel and the frame and the same hast stailty the design load, performance and structural strength of the member, stainless steel and the stainless steel that the stainless state of the strength of the stainless stainless stainless stainless state of the strength of the stainless stainless stainless stainless stainless stainless stainless state stainless state stainless state stainless state stainless state st

5.5.5 Doors—Vehicle access doors (garage doors)
The following apply to vehicle access doors:
(a) The lover priors of a vehicle access doors:
(a) The lover priors of a vehicle access door that is within 400 mm of the ground when the door is closed (see Figure D4, Appendix D1) and be made from—(i) non-constustible material; or (i) non-constustible material; or (i) some constitution of the min of the constitution of the min of the constitution of the min of the constitution of the constitution of the min of the constitution of the constitution

or (v) a combination of any of Berns (i), (ii), (ii) or (iv) above, (b) Panel iff, tilt doors or side-hung doors shall be titted with suitable weather stripe, draught excludes, draught seals or guide tracks, as appropriate to the door type, with a maximum gap no greater than 3 mm.
(c) Relief doors shall have guide tracks with a maximum gap no greater than 15 mm and shall be fired on a nyion broath that is understand to the stripe of the shall have guide tracks with a maximum gap no greater than 15 mm and shall be fired on a nyion broath that is (d) Vehicle access doors shall not include ventilation slots.

PAGE 47
5.6.2 Tiled roofs
Tiled roofs shall be fully sarked. The sarking shall—
(a) have a flammability index of not more than 5;
(b) be located directly below the root battens;
(c) cover the entire roof area including the ridge, and
(d) be installed so that there are no gaps that would allow the
entiry of embets where the sarking meets fascius, gutters,
valleys and the list.
5.6.3 Sheet roofs
(a) the fully sarked in accordance with Clause 5.6.2 except the

to be only stated in fundation that when may be installed over the batterns, or
(b) have any gaps greater than 3 mm, under corrugations or ribs of sheet roofing and between not components, sealed at the
of sheet roofing and between not components, sealed at the
of sheet roofing and between not components, sealed at the
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PAGE 48 (e) Flashing elements of tubular skylights may be of a fre-retardant material, provided the noof integrity is maintained by an under-flashing of a material having a flammability index no vii). Evaporative cooling units shall be fitted with butterly closers at or rear the ceiling level or, the unit shall be fitted with uncombustible covers with a mesh or perforated sheet with combustible covers with a mesh or perforated sheet with the combustible covers with a mesh or perforated sheet with the construction of the construction

consistence of the second period and the second period and the second period between the process of a common second period between the process of the second period between the second period period bet

NSW RURAL FIRE SERVICE ADDENDUM: APPENDIX 3 7.7 VERANDAS, DECKS, STEPS, RAMPS AND LANDINGS 7.7.1 General

Decking may be spaced.

7.7.2 Enclosed subfloor spaces of verandas, decks, steps, ramps and landings 7.7.2.1 Materials to enclose a subfloor space

The subfloor spaces of verandas, decks, steps, ramps and landings are considered to be 'enclosed when — arrival used to enclosed when — arrival used to enclose the subfloor space a proportialet, in used to enclose the subfloor space appropriate). (Clause 5.4 or 6.4 as appropriate) and but all openings greater than 3 mm are screened with a mesh or perbristed sheet with maximum steel, bronze or alluminum.

7.7.2.2 Supports

This Standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.

This Standard does not provide construction requirements for the framing of verandas, decks, ramps or landings (i.e., bearers and joists).

7.7.2.4 Decking, stair treads and the trafficable surfaces of ramps and landings

Decking, stair treads and the trafficable surfaces of ramps and landings shall be—
a. of non-combustible materials or
b. of bushfire-resisting timber (see Appendix F);
or
or
o. a combination of Items (a) and (b) above.

7.7.3 Unenclosed subfloor spaces of verandas, decks, steps, ramps and landings 7.7.3.1 Supports

Support posts, columns, stumps, stringers, piers and poles shall be—
a. of non-combustible malterial; or
b. of bushfire-resisting timber (see Appendix F); or

or c. a combination of Items (a) and (b) above.

7.7.3.2 Framing

Framing of verandas, decks, ramps or landings (i.e., bearers and joists) shall be—
a of non-combustible makerial; or b, of bushfire-resisting timber (see Appendix F); or c, a combination of items (a) and (b) above.

7.7.3.3 Decking, stair treads and the trafficable surfaces of ramps and landings

Decking, stair treads and the trafficable surfaces of ramps and landings shall be—a of non-combustible material; or b, of bushfire-resisting timber (see Appendix F); or c, a combination of items (a) and (b) above.

7.7.4 Balustrades, handralls or other barriers

Those parts of the handrails and balustrades less than 125 mm from any glazing or any combustible wall shall be— a of non-combustible material; or a b. bushfre-resisting timber (see Appendix F); or c. a combination of items (i) and (ii) above.

Those parts of the handrails and balustrades that are 125 mm or more from the building have no

SARKING
Any santing used shall be:
a. Non-combusitible; or
b. Breather-type sarring complying with ASNZS
4200.1 and with a farmmability index of not more
than 5 (see AS1530.2) and sarked on the outside of
the flame; or

An insulation material conforming to the appropriate Australian Standard for that material.

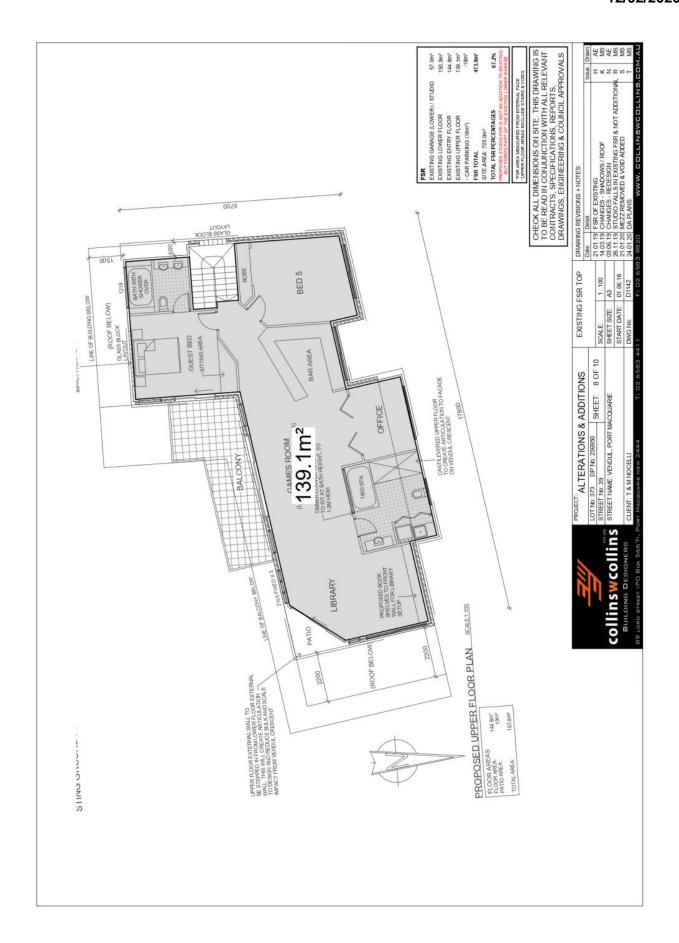
GAS NOTES FOR COMPLYING DEVELOPMENT
Retoculated or bottled gas on the lot a installed and
retoring and handling of LP Gas* and the requirements of
retevant authorities (metal pion in must be used).
Any gas cylinders on the lot that are within 10m of a
dwelling house:
have the retease valves directed away from the
dwelling house;
and are endoted on the hazard side of the installation,
and

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PROJECT: ALTERATIONS & ADDITIONS DRAWING REVISIONS + NOTES: BUSHFIRE CONSTRUCTION NOTES LOT No: 373 DP No: 236950 SHEET: 9 OF 10

STREET No: 39 SPRING AND ADDRESS OF THE PORT MACQUARIE Issue: Drawn SCALE: 1:100 SHEET SIZE: A3 collinswcollins STREET NAME: VENDUL, PORT MACQUARIE START DATE: 01.06.18

DWG No: D1142 BUILDING DESIGNERS CLIENT: T & M NOCELLI



Item: 06

Subject: DA2019 - 425.1 RESIDENTIAL FLAT BUILDING AND STRATA

SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011,AT LOT 12 DP122329, NO. 50

WILLIAM STREET, PORT MACQUARIE

Report Author: Development Assessment Planner, Steven Ford

Applicant: Stewart Architecture

Owner: William Street Developments PM Pty Ltd

Estimated Cost: \$19,936,272

Parcel no: 65700

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019-425.1 for a Residential Flat Building and Strata Subdivision including Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 12, DP 1222329, No. 50 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Residential Flat Building including Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 4 submissions were received.

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. 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.

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

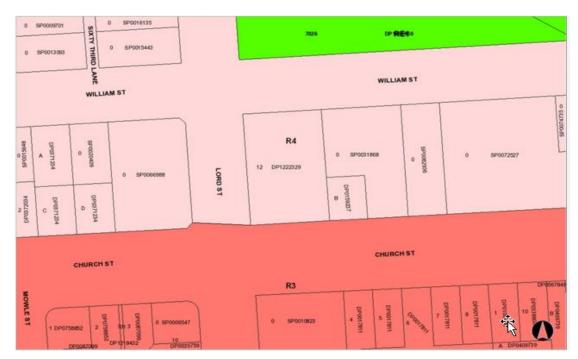


1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 2525m².

The site is zoned R4 High 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:

- Part 8 Storey and Part 3 storey residential flat building including a variation to the Height of Building standard
- Total of 36 residential dwellings, 85 space basement carpark, elevated platform and ancillary structures
- Vehicle access is proposed off Lord Street.

The site has an existing approved DA (DA2006 – 593.3). The new proposed design is a reduction in scale.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 14 June 2019 Application Received
- 24 June to 8 July 2019 Public exhibition via neighbourhood notification
- 11 September 2019 Additional information and Amended plans received (Rev E)
- 17 October 2019 Correspondence sent to Objectors
- 23 October 2019 Additional Information and Amended Site Plan (Rev F)
- 18 December 2019 Additional Information and Amended Plans relating to electricity substation location and Essential Energy assessment feedback.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area.



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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 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; and
- 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 No. 65 – Design Quality of Residential Apartment Development

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

Based on the above, the SEPP must be considered.

In accordance with clause 28, the proposal has adequately addressed the design principles, contained in the Residential Flat Design Code. The following table provides an assessment against the design quality principles:



of the street and

Good design also

surrounding buildings.

achieves an appropriate

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Requirement **Proposed** Comments **Principle 1: Context and** neighbourhood character The proposal is for an Yes. The proposed Good design responds eight storey residential flat building design is and contributes to its building facing William compatible with existing context. Context is the key street and three storey development and the town houses on Church desired future character natural and built features of the area as stated in of an area, their street with shared relationship and the driveway access on Lord the relevant planning character they create and design policies. It is street to basement car when combined. It also parking. The area is considered the building includes social, economic, characterised by a mixture will contribute to the health and environmental of low rise and high rise quality and identity of the conditions. developments. A number area. The balconies of similar scale residential contribute to an active Responding to context flat buildings exist in the frontage and desired involves identifying the immediate area. lifestyles. The design desirable elements of an Encouraging higher responds to future urban characterisation of the area's existing or future density in areas with close character. Well designed proximity to the CBD or precinct and is in buildings respond to and business zones is keeping with enhance the qualities and desirable for the area. neighbouring developments and the identity of the area including the adjacent The design responds to objectives of the R4 sites, streetscape and the site's slope and steps high density residential neighbourhood. down in height to the north zonina. of the site. The design Consideration of local also provides for the context is important for all majority of apartments to sites, including sites in benefit north aspect. established areas, those undergoing change or The site serves as the identified for change. interface on William Street between the CBD to the West, less dense residential areas to the South and the more densely desired northern urban precinct. This density is clearly visible to the East of the proposal; where a range of similar scale residential and tourist facilities exist. Principle 2: Built form The height and scale of and scale The proposal incorporates the building is Good design achieves a a minor variation to the scale, bulk and height LEP controls for building considered to be appropriate to the existing height, of a maximum appropriate having or desired future character 1.3m over the maximum regard to the desired

26.5m datum height plane

mechanical plant and roof

parapet. Refer to clause

for the lift overrun,

4.6 of LEP 2011



future character of the

scale is considered to be

with existing buildings in

area. The height and

sufficiently compatible

built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

comments for consideration of the proposed variations.

The height and bulk of the proposed building are considered to be acceptable in the streetscape and future desired character of the area.

The 8-storey residential tower is oriented to address the street, provide optimal solar access for residents, and facilitate expansive views across the park and beach. Landscaped zones are satisfactorily implemented into the streetscape and building entrances to define the public domain and formalise the proposal's streetscape.

The southern zone of the proposal serves to mitigate the relationship between the density of William Street, and the surrounding properties. The surrounding buildings are much lower than the allowable height of building and floor space ratio and compatible with the existing developments along church street.

Satisfactory articulation and variation in building colours and materials are proposed (see drawing No. DA701 for Finishes Schedule).

The site is visible from public space on the Observatory Park and Town Beach, as well as areas to the south and would provide a satisfactory contribution to

the locality.

The building is considered to achieve an appropriate built form and incorporates interesting building elements and treatments that will complement the streetscapes. The central garden zone addresses Lord Street through a series of terraced landscaped zones. This strengthens the planted corridor of the proposal; alleviating the built impact to Lord Street and adjoining developments.

The proposed internal unit floorplans provide for internal amenity. The orientation of the block takes advantage of the northern outlook and townhouses towards the internal/communal courtyard. The Design limits any lateral views/vistas over side boundaries to the east.



	the existing vistas from	
	these locations.	
	Impacts on existing views	
	from nearby properties are considered in detail later in	
	this report under 'View	
	Sharing'.	
Principle 3: Density	The Proposed	The design has adopted
Good design achieves a	Development reduces the	an appropriate density
high level of amenity for residents and each	number of dwellings from the currently approved 77	that is sustainable and consistent with
apartment, resulting in a	apartments to 36	surrounding densities.
density appropriate to the	apartments and 6	carroanianing deficitions.
site and its context.	townhouses, and reduces	
	the height from 9 storeys	
Appropriate densities are	to 8 storeys, providing	
consistent with the area's existing or projected	increased setbacks and more visual landscaping	
population. Appropriate	from the adjoining streets.	
densities can be sustained	, 3	
by existing or proposed	The proposal has a floor	
infrastructure, public	space ratio (FSR) of	
transport, access to jobs, community facilities and	1.94:1, which complies with the maximum 3:1	
the environment.	(northern portion of site)	
	and 2:1 (southern portion)	
	FSR adopted in the LEP.	
	The adopted FSR for the	
	site is consistent with the	
	objectives of the R4 High	
	Density Residential zone	
	and the height of buildings	
	envisaged for the area.	
	The proposed	
	development is consistent	
	with surrounding densities	
	of the existing buildings within the precinct.	
	within the product.	
	The proposed density is	
	also considered to be	
	sustainable having regard to availability of proximity	
	to infrastructure, and	
	public transport, services	
	and community facilities	
	and the environmental	
Principle 4: Sustainability	quality of the area.	
Good design combines		
positive environmental,	The north orientation of	BASIX certificate has
social and economic	the block has been	been provided



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outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

adequately responded to. All apartments contain a north facing balconies/aspect. As stated by the Applicant, 86% of dwellings achieve the minimum of three hours direct sunlight between 9am and 3pm in mid-winter. This exceeds the minimum standard in the Apartment Design Guide (ADG).

All dwellings are naturally cross-ventilated, and exceeds the minimum 60% as stipulated in SEPP 65. All dwellings are designed with more than one aspect.

The proposed materials of the building have been selected to both ensure robustness and longevity, as well as the potential of material recycling. Material selection has also been considered to minimise maintenance requirements.

demonstrating that the design satisfies acceptable energy and water efficiency measures.

Suitable landscaping areas are proposed.

Principle 5: Landscape
Good design recognises
that together landscape
and buildings operate as
an integrated and
sustainable system,
resulting in attractive
developments with good
amenity. A positive image
and contextual fit of well
designed developments is
achieved by contributing to
the landscape character of
the streetscape and
neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the A satisfactory landscaping plan has been submitted which includes substantial landscaping details.

The proposal's street interfaces are softened by extensively landscaped courtyards and garden zones. The interface with the neighbouring properties to the east is alleviated by a range of landscaped strategies: including zones for deep soil planting. Entry areas have appropriate key planting strategies.

The communal garden and recreational areas of the proposal facilitates

Landscaping of non deep soil zone areas (i.e. on the hard stand areas of the building) may become an issue for building construction and long term maintenance. However, the technique is common and proven successful on other buildings throughout the world. The soil depth and area available is consistent with the objectives of the Residential Flat Design Code.



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local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

varying landscaped opportunities to be enjoyed by residents. Further, ground-level units and townhouses have the opportunity to create their own landscaped spaces within their private courtyards.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The building incorporates generous unit layouts and design which optimise the northern orientation, ventilation, privacy etc.

The design achieves requirements of SEPP 65 pertaining to solar access, natural ventilation, private open space and privacy.

Accessibility is possible via a mixture of ramps, stairs and lifts.

The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation via extensive north facing windows, balconies and an open central courtyard.

The design and layout will provide a good level of amenity.

All units are accessible via lifts.

All units include a sufficient amount of private open space.

Communal space is available via a large, useable, communal central courtyard and recreation facilities. In addition, the applicant has more clearly defined an open space area off the lower ground floor level with access coming via the internal courtyard open space.

All units have a range of

All units have a range of expansive views; across Rotary Park and Town Beach, or vistas across



Principle 7: Safety
Good design optimises
safety and security within
the development and the
public domain. It provides
for quality public and
private spaces that are
clearly defined and fit for
the intended purpose.
Opportunities to maximise
passive surveillance of
public and communal
areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

A range of appropriate strategies/design elements have been included to optimise safety and security. The various array of windows, doors and balconies throughout the building provide surveillance of the site and also the public domain.

Access to the site is predominately controlled via secure access to carparks, lobbies and residential zones will be provided in the form of keys, swipe cards or remote controllers. Residents will have direct access to their residential floors via lift access.

The interface between public and private/communal space is clearly defined at the site frontage.

Port Macquarie.

The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.

Where potential exists for concealment areas, surveillance is provided from within the building.

Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for The unit mix is:

- 2 Bedroom Apartments -17%
- 3 Bedroom Apartments 66%
- 3 Bedroom Townhouses
- 17%

This proposal encourages market diversity and will cater to the changing population dynamics. Additionally, the inclusion of townhouses to the proposal provides an alternative for family living.

Each apartment has open plan living with access to large private balconies which provides for flexibility and is The proposal adequately addresses social dimensions and housing affordability.



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social interaction among residents.	additionally supported by large communal areas and facilities.	
Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The plans (See drawing No. DA701) provide examples of the colours, textures and finishes.	The colours and materials provided on the plans indicate a contemporary high quality design and finish. The aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality.

Clause 28(2) - The proposal has adequately addressed the NSW Planning Apartment Design Guide requiring consideration. The following table provides an assessment against the Apartment Design Guide with assessment comments considering the design criteria and design objectives where applicable:

Design Guidance/Design Criteria (Italics)	Proposed	Complies
Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG)	Suitable site analysis completed.	Yes
-	<u> </u>	
Buildings along the street frontage define the street,	Orientation acceptable.	Yes
incorporating direct access from the street (see figure 3B.1).	Main building designed to face the primarily to William Street and	
	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG) Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG) Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1). Suitable site analysis completed. Orientation acceptable. Main building designed to face the primarily to William Street and



development.	is to the east or west, rear buildings should be orientated to the north. Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	Church street. Living areas are orientated to the north with shared access from Lord Street. Buildings have been designed to achieve north aspect. All dwellings have satisfactorily street outlook, solar access and views to the public domain.	
3B - 2 Overshadowing of neighbouring properties is minimised during mid winter.	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access. Solar access to living rooms, balconies and private open spaces of neighbours should be considered. Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy. Overshadowing should be minimised to the south or down hill by increased upper level setbacks. It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to	The proposal minimises overshadowing of neighbouring properties during mid-winter (refer drawing DA007). To the east (46-48 William Street), all apartments are orientated to the northern sea views with principal living spaces and private open space (courtyards or balconies) to the north. The proposal does not impact solar access to these spaces between 9am and 3pm (Objective 4A). There is some impact to communal open space at the rear of the property after midday, but the proposal maintains current solar access for greater than 3 hours each day between 9am and 3pm (Objective 3D). To the south east (15 Church Street) the proposal maintains current solar access for	Yes

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minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.

A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings. greater than 3 hours each day between 9am and 3pm. The proposed development overshadows the proposed development after midday (Objectives 3D and 4A).

3C Public domain interface

3C - 1 Transition between private and public domain is achieved without compromising safety and security Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.

Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).

Upper level balconies and windows should overlook the public domain.

Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.

Length of solid walls should be limited along street frontages.

Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.

In developments with multiple buildings and/or entries, pedestrian entries Ground floor areas and fence design is consistent with ADG.

Balconies and windows overlook public domain.

Communal areas, entrances, courtyards and fencing provide for privacy as well as opportunities for casual interaction between residents and public domain.

Yes



and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: architectural detailing changes in materials plant species colours Opportunities for people to be concealed should be minimised 3C - 2 Amenity of Planting softens the edges Yes Satisfactory the public domain of any raised terraces to landscaping has the street, for example been incorporated is retained and above sub-basement car into the design to enhanced. parking. soften the built form. Mail boxes should be Mailbox design and located in lobbies. location acceptable. Mailboxes are perpendicular to the street alignment or integrated located within openinto front fences where air lobbies. Each individual street entries lobby is secured by are provided. a gate with electronic access. The visual prominence of Townhouses have underground car park individual street vents should be minimised mailboxes which are and located at a low level lockable. where possible. Car park design Substations, pump rooms, garbage and other garbage storage areas services create no and other service identifiable adverse requirements should be amenity impacts. located in basement car parks or out of view. The design does not detract from the Ramping for accessibility adjoining public should be minimised by open space. Building building entry location and entries are clearly setting ground floor levels defined, landscaping in relation to footpath and articulation levels. delineates Durable, graffiti resistant communal private and easily cleanable open space and materials should be used. public. There is minimal use of blank Where development walls and adjoins public parks, open unarticulated

space or bushland, the

design positively

elements.



addresses this interface and uses a number of the following design solutions:

- street access, pedestrian paths and building entries which are clearly defined
- paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space
- minimal use of blank walls, fences and ground level parking.

On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking Note: Due to the size requirements from Essential Energy for the proposed substation due to requirements for Church Street, the substation could not be located within the basement.

3D Communal and public open space

3D - 1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Design Criteria

- 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)
- 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).

Communal open space should be consolidated into a well designed, easily identified and usable area.

Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.

Communal open space should be co-located with

Due to orientation of the building to maximise the apartments solar access and views, the central garden will not receive 2 hours of solar access to 50% of the principal communal open space in midwinter. For this reason, an indoor pool is provided to allow use throughout the year, and the outcome is considered appropriate having regards to when the site's aspect.

Noted balconies are larger and north facing for 83% of the proposed dwellings.

Acceptable as the design meets the objectives of this clause and alternative solutions allowing all year usage of the communal areas.



deep soil areas. Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies. Where communal open space cannot be provided at ground level, it should be provided on a podium or roof. Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: provide communal spaces elsewhere such as a landscaped roof top terrace or a common room provide larger balconies or increased private open space for apartments demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 3D - 2 Communal Yes Facilities are provided The nominated within communal open open space is communal area is designed to allow spaces and common capable of being for a range of spaces for a range of age used for barbeques, activities, respond groups (see also 4F seating and to site conditions Common circulation and recreation, allowing and be attractive spaces), incorporating a mixture of and inviting some of the following opportunities to elements: enjoy the area. The communal area seating for individuals satisfactorily or groups responds to the barbecue areas microclimate and site conditions by play equipment or play allowing the areas apartments to enjoy swimming pools, gyms, the northern aspect

	tennis courts or common rooms. The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	and the communal area to be based around shade and ventilation, the enclosed swimming pool pavilion allows all weather recreation. Proposed landscaping will adequately screen any services visible from the communal areas.	
3D - 3 Communal open space is designed to maximise safety	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: • bay windows • corner windows • balconies. Communal open space should be well lit. Where communal open space/facilities are provided for children and young people they are safe and contained	The communal open space areas are satisfactory in regards to safety. All Apartments and townhouses have a window or living area that overlooks the communal area. Landscaping is proposed to include satisfactory lighting. The communal area is also fenced for security.	Yes
3D - 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	The public open space should be well connected with public streets along at least one edge. The public open space should be connected with nearby parks and other landscape elements. Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid. Solar access should be provided year round along	Central communal area and adjoining private open space is approximately 800m² of landscaped area adjoining the pedestrian path along Lord Street with a gated entrance. Communal area is connected to the north and west street frontages, creating an active	Yes



with protection from strong winds.

Opportunities for a range of recreational activities should be provided for people of all ages.

A positive address and active frontages should be provided adjacent to public open space.

Boundaries should be clearly defined between public open space and private areas

interface the street.

Public open space can be viewed from each apartments private open space and the communal area is visible from Lord Street.

Boundaries are clearly identifiable.

3E Deep soil zones

3E - 1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design Criteria

- 1. Deep soil zones are to meet the following minimum requirements:
- a) < 650m², no min dimension, 7% site area deep soil zone.
- b) 650-1500m², 3m dimension, 7% site area deep soil zone.
- c) >1500m², 6m dimension, 7% site area deep soil zone.

On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:

- 10% of the site as deep soil on sites with an area of 650m² -1,500m²
- 15% of the site as deep soil on sites greater than 1,500m².

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may

The site is 2527m² and therefore requires 7% of site area to be deep soil zones with a minimum width of 6m.

A deep soil zone area of 108m² complies with a minimum 6m dimensions and equal to 4.2% of the site area. However, when including the non-compliant area due to width, it equals approximately 20% deep soil zone for the site.

It should be noted that there are no existing trees within the site.

The location and typology of the site has been utilised by locating a strip of Deep soil zone along the entire frontage of William street and a area of deep soil zone adjacent to Lord Street for solar

No But acceptable as detailed beside.



include:

- basement and sub basement car park design that is consolidated beneath building footprints
- use of increased front and side setbacks
- adequate clearance around trees to ensure long term health
- co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.

Achieving the design criteria may not be possible on some sites including where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
- there is 100% site coverage or nonresidential uses at ground floor level.

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure. access and providing attractive connections/interfac e to the street.

Acceptable stormwater management and alternative platform plantings have been provided to create suitable landscaping for areas open areas that do not achieve standard numerical deep soil requirements.

3F Visual privacy

3F - 1 Adequate building separation distances are shared equitably between neighbouring

Design Criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from

The proposal includes 19m interface between apartments and townhouses within the site, which exceeds the

Acceptable



sites, to achieve reasonable levels of external and internal visual privacy buildings to the side and rear boundaries are as follows:

- a) Building height up to 12m (4 storey) need 6m setback to habitable and 3m to non habitable.
- b) Buildings up to 25m (5-8 storeys) need 9m to habitable and 4.5m to non habitable.
- Buildings over 25m (9+ storeys) need 12m to habitable and 6m to non habitable.

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.

For residential buildings next to commercial buildings, separation distances should be measured as follows:

- for retail, office spaces and commercial balconies use the habitable room distances
- for service and plant

requirements and complies with the ADG.

Up to four storeys the proposal has a 4.5m setback to the eastern boundary. Note the adjoining building has nonhabitable (bathroom) windows and therefore satisfies the ADG objectives (noting the balcony has screening to the boundary and no direct lines of sight between windows and balconies).

At levels 4 to 6 the proposal has 4.5m setback to some habitable (bedroom) windows and an unscreened balcony at level 7. This is less than the recommended 9m setback but is proposed on the basis that the neighbouring property has no habitable windows facing the site, and the windows / balconies allow easterly ocean views and solar access. There is no detrimental impact to the neighbouring development. Between four to eight storeys the proposal has 4.5m setback to nonhabitable (bathroom) windows and is therefore satisfies the objective.

Note the orientation maximises visual



	areas use the nonhabitable room distances. New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4). Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5). Direct lines of sight should be avoided for windows and balconies across corners.	privacy and does not detract from the adjoining apartment buildings existing visual privacy.	
	No separation is required between blank walls		
3F - 2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms	Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: • setbacks	Communal areas are satisfactorily separated from private open space areas with landscaping, planter boxes and raised private open space above the public domain.	Yes



and private open space

- solid or partially solid balustrades to balconies at lower levels
- fencing and/or trees and vegetation to separate spaces
- screening devices
- bay windows or pop out windows to provide privacy in one direction and outlook in another
- raising apartments/private open space above the public domain or communal open space
- planter boxes incorporated into walls and balustrades to increase visual separation
- pergolas or shading devices to limit overlooking of lower apartments or private open space
- on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies.

Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.

Balconies and private terraces should be located in front of living rooms to increase internal privacy.

Windows should be offset from the windows of

- Balconies and terraces adjoin internal living areas providing separation and privacy.
- Windows do not directly adjoin other units or windows of adjoining apartments.
- Screening has been used on lower levels to provide privacy from communal areas.
- Privacy to adjoining properties' private open space is provided by satisfactory design layout to ensure attractive and appropriate boundary interface;
- at the apartment building a satisfactory courtyard wall adjoins the neighbouring apartment building as requested by the neighbours;
- the pool pavilion has a satisfactory wall facing the boundary over a stone base and landscaped interface
- at the townhouses an existing timber fence adjoins the neighbouring



	adjacent buildings.	dwelling.	
	Recessed balconies and/or vertical fins should be used between adjacent balconies	windows in the proposal facing the eastern boundary are limited and those that do are positioned to avoid overlooking of private open space.	
3G Pedestrian acc	ess and entries		
3G - 1 Building entries and pedestrian access connects to and addresses the public domain	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. Entry locations relate to the street and subdivision pattern and the existing pedestrian network. Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	Development provides pedestrian access on three frontages, with the apartment building having access via two foyers both accessible from the William Street and Lord Street or the basement car park. The Townhouses each have a front entrances facing Church street and access from the basement car park. All entrances will be identifiable from the street and considered satisfactory.	Yes
3G - 2 Access, entries and pathways are accessible and easy to identify	Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces. The design of ground floors and underground car parks minimise level	Access is visible. No major level changes along proposed pathways and entry points. Steps and ramps are integrated to the building design.	Yes
	changes along pathways and entries. Steps and ramps should be integrated into the overall building and landscape design.	Electronic access is proposed for the apartments and garage.	



	ı	T	
	For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3). For large developments electronic access and audio/video intercom should be provided to manage access		
3G - 3 Large sites provide pedestrian links for access to streets and connection to destinations	Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport. Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate	Clear line of site is provided to and from entries, lobbies which allow views from the street to the central communal area.	Yes
3H Vehicle access	S		
3H - 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Car park access should be integrated with the building's overall facade. Design solutions may include: • the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. Car park entries should be located behind the building line. Vehicle entries should be located at the lowest point	Standard car park access provided, which dips below the road/out of site. Satisfactory landscaping provided around the entry to help soften the entry. Entry located on secondary frontage adjoining landscaping. Access has been provided on the north to help maintain solar access/setback to the north. Headlight glare will focus on secondary frontages and not directly on ground level habitable living areas.	Yes



of the site minimising ramp lengths, excavation and impacts on the building form and layout.

Car park entry and access should be located on secondary streets or lanes where available.

Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.

Access point locations should avoid headlight glare to habitable rooms.

Adequate separation distances should be provided between vehicle entries and street intersections.

The width and number of vehicle access points should be limited to the minimum.

Visual impact of long driveways should be minimised through changing alignments and screen planting.

The need for large vehicles to enter or turn around within the site should be avoided.

Garbage collection, loading and servicing areas are screened.

Clear sight lines should be provided at pedestrian and vehicle crossings.

Traffic calming devices such as changes in paving material or textures should be used where appropriate.

Pedestrian and vehicle access should be separated and distinguishable. Design

The proposed basement driveway off Lord Street is provided suitable separation to intersections and assessed as acceptable.

Pedestrian and vehicle access points have been separated.

Signage has been added to the proposal to improve the safety of pedestrians and exiting vehicles.

Garbage collection and loading zones has been addressed by Applicant. Further development of the waste management strategy, by Sellicks 03/09/19, confirms off-site collection is an appropriate solution for this proposal without impact to the public realm and maintaining significant landscaping within the site.



solutions may include:

changes in surface materials

level changes

the use of landscaping for separation

3J Bicycle and car parking

3J - 1 Car parking

Design Criteria

The site is in a

Acceptable

3J - 1 Car parking is provided based on proximity to public transport in metropolitan

metropolitan
Sydney and
centres in
regional areas

<u>Notes</u>

Port Macquarie is a nominated regional centre.

In terms of using Guide to Traffic Generating Developments, Port Macquarie is a "sub-regional centre" as by definition it does not have access to rail.

Medium density is 2 - <20 dwellings.

High Density is 20 or more dwellings

- 1. For development in the following locations:
- a) on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- b) on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street.

Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.

Where less car parking is provided in a development, council should not provide on street resident parking permits

The site is in a nominated regional centre.

Site is within 400m of a B4 zone.

30 Apartments and 6 townhouses

- 6 x 2 bed units
- 24 x 3 bed units
- 6x 3 bedroom Townhouses.
- 6 x 2 bedroom unit = 6 spaces
- 24 x 3 bedroom units = 36 spaces
- 6 x 3 bedroom high density residential = 9 spaces

36/5 = 7.2 visitor spaces.

Total required is 6 + 36 + 9 + 7.2 = 58.2 spaces

Total of 79 residential car spaces and 4 visitor car spaces.

The basement car park provides greater than the minimum car parking requirements for the site.

The visitor parking strategy has been revised to provide 4 visitor parking Acceptable, as the justification has met the criteria of this clause.



	Guide to Traffic Generating Developments Medium density residential flat buildings require: - 1 space per unit + - 1 space for every 5 x 2 bedroom unit + - 1 space for every 2 x 3 bedroom unit + - 1 space for 5 units (visitor parking). High density residential flat buildings for metropolitan sub-regional centres require: - 0.6 spaces per 1 bedroom unit - 0.9 spaces per 2 bedroom unit - 1.40 spaces per 3 bedroom unit + - 1 space per 5 units (visitor parking)	spaces within the site and an additional 11 parking spaces located on Church Street will be delineated with formalised line marking, note this location on Church Street is currently unmarked and will assist with formalising public on street car parking and public amenity. These spaces will not be dedicated or owned by the proposed development. This is considered acceptable, as the required car parking spaces have been provided within the basement. The only short fall is dedicated onsite visitor spaces. Additionally, providing delineated on street car parking will provide improved street amenity compared to the existing informal parking.	
3J - 2 Parking and facilities are provided for other modes of transport	Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters. Secure undercover bicycle parking should be provided that is easily	The basement car park allows for vehicle spaces to be used for motorbikes etc. Storage areas are available for bicycles.	Yes
	accessible from both the public domain and common areas.		
	Conveniently located charging stations are provided for electric vehicles, where desirable		

			1
3J - 3 Car park design and access is safe and secure	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces. Direct, clearly visible and well lit access should be provided into common circulation areas. A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards	Support facilities available and carpark design satisfactory. The proposal does not include a car wash bay as there is no requirement under the PMHC DCP or the Apartment Design Guide. Commercial car wash facilities are available in close proximity to the site.	Yes
3J - 4 Visual and environmental impacts of underground car parking are minimised	Excavation should be minimised through efficient car park layouts and ramp design. Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles. Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites. Natural ventilation should be provided to basement and sub basement car parking areas. Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	Excavation minimised to that practical given the desired density for the site. Layout is well organised with a logical layout and design has utilised a split level layout with ground level entry to townhouses. Basement car parking is discretely ventilated by integrating supply air with a garden pavilion and ducting exhaust air to the rooftop of the apartment building. This avoids grilles within the ground plane and allows soft landscaping to predominate.	Yes
3J - 5 Visual and environmental impacts of on-	On-grade car parking should be avoided.	None proposed.	N/A



grade car parking are minimised	Where on-grade car parking is unavoidable, the following design solutions are used:		
	parking is located on the side or rear of the lot away from the primary street frontage		
	cars are screened from view of streets, buildings, communal and private open space areas		
	safe and direct access to building entry points is provided		
	 parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space 		
	stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate		
	light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving		
3J - 6 Visual and environmental impacts of above ground enclosed car parking are minimised	Exposed parking should not be located along primary street frontages Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design	Above ground parking on Southern elevation is screened by the ground floor of the 6 townhouses and not visible from the street, which satisfies the ADG.	Yes



- car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)
- car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9).

Positive street address and active frontages should be provided at ground level

4A Solar and daylight access

4A - 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

Design Criteria

- 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.
- 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.
- 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

The proposal orientates all living rooms and private open spaces to the north. Living rooms and private open spaces of 86% of apartments and townhouses receive greater than 3 hours direct sunlight between 9am and 3pm on the winter solstice.

Northern aspects have been maximised in the design.

No single aspect apartment or townhouses proposed.

More than 1m² sunlight for 15min achieved to living areas.

Yes



The design maximises north aspect and the number of single aspect south facing apartments is minimised.

Single aspect, single storey apartments should have a northerly or easterly aspect.

Living areas are best located to the north and service areas to the south and west of apartments.

To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:

- dual aspect apartments
- shallow apartment layouts
- two storey and mezzanine level apartments
- bay windows

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.

Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
- on south facing sloping sites
- where significant views

The Design has achieved desired criteria under this clause.



	are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.		
4A - 2 Daylight access is maximised where sunlight is limited	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms. Where courtyards are used: • use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls	Where townhouses do not achieve 3 hours of sunlight at mid-winter, they still receive access to daylight due to the wide 20m interface to the apartment building. The proposal maintains each end of the central garden entirely open to maximise daylighting and solar access. Note, this also allows solar access to adjoining	Yes
	 courtyards are fully open to the sky access is provided to the light well from a communal area for cleaning and maintenance acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are 	properties. No need to incorporate design solutions to achieve of daylight access.	
	achieved. Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on		

4A - 3 Design incorporates shading and glare control, particularly for warmer months	neighbouring sites or within the site) that will reflect light integrating light shelves into the design light coloured internal finishes A number of the following design features are used: balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting horizontal shading to north facing windows vertical shading to east and particularly west facing windows vertical shading to east and particularly west facing windows high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)	The design incorporates appropriate passive sun control elements. Most of the northern façade includes deep balconies (apartments) or pergolas (townhouses). Glazing is minimised to eastern and western facades and where it is used the majority is screened with vertical louvres angled to maintain ocean views.	Yes
4B Natural ventila	,	<u> </u>	I
4B - 1 All habitable rooms are naturally ventilated	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. Depths of habitable rooms support natural ventilation. The area of unobstructed window openings should be equal to at least 5% of	Design and location of openings make use of natural ventilation.	Yes



	the floor area served.		
	Light wells are not the primary air source for habitable rooms.		
	Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:		
	adjustable windows with large effective openable areas		
	a variety of window types that provide safety and flexibility such as awnings and louvres		
	windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors		
4B - 2 The layout and design of single aspect apartments	Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)	Depth of units is acceptable given multiple aspect to allow light and	Yes
maximises natural ventilation	Natural ventilation to single aspect apartments is achieved with the following design solutions:	ventilation.	
	primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)		
	stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries		
	 courtyards or building indentations have a width to depth ratio of 		



2:1 or 3:1 to ensure effective air circulation and avoid trapped smells		
apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-	100% of apartments and townhouses are naturally cross ventilated and have dual aspects, which exceeds the minimum ADG recommendation of 60%. Cross through depth of apartments does not exceed 18m and designed with limited number of corners, doors and rooms that might obstruct airflow.	Yes



4C - 1 Ceiling height achieves sufficient natural ventilation and daylight access	Design Criteria 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for	Units have 2.7m ceiling heights in habitable rooms and 2.4m for nonhabitable rooms. Development not	Yes
	Minimum ceiling height for apartment and mixed use buildings	located in mix use area.	
	Habitable rooms = 2.7m		
	Non-habitable = 2.4m		
	For 2 storey apartments = 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area		
	Attic spaces = 1.8m at edge of room with a 30 degree minimum ceiling slope		
	If located in mixed use areas = 3.3m for ground and first floor to promote future flexibility of use		
	These minimums do not preclude higher ceilings if desired.		
	Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.		
4C - 2 Ceiling height increases the sense of space in	A number of the following design solutions can be used:	Ceiling heights are acceptable throughout the development.	Yes
apartments and provides for well proportioned rooms	the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces		
	well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings		



	ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist		
4C - 3 Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	Development is not located in a commercial or mixed use zone.	N/A
4D Apartment size	and layout		
4D - 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Design Criteria 1. Apartments are required to have the following minimum internal areas: Studio = 35m² 1 bedroom = 50m² 2 bedroom = 70m² 3 bedroom = 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other	The development provides 6 x 2 bedroom units, 24x 3 bedroom units and 6x 3 bedroom townhouses (all with 3 bathrooms) The 2 bedroom units exceed 75m² (factors in extra 5m² for additional bathroom) and the 3 bedroom exceeds 100m² (factors in extra 10m² for additional 2 bathrooms). Every habitable room has access to a window with compliant glass area. Kitchens are not part of hallways etc.	Yes



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	rooms. Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space). A window should be visible from any point in a habitable room. Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the		
4D - 2	space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits	All units include an	Yes
Environmental performance of the apartment is maximised	Design Criteria 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	open plan layout and generally complies with the maximum habitable room depth of 8m. Living areas and bedrooms are located on the external face of the building.	res
	Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	Dulluling.	
	All living areas and bedrooms should be located on the external face of the building.		
	Where possible:		
	bathrooms and laundries should have an external openable window.		
	main living spaces should be oriented		

	toward the primary outlook and aspect and away from noise sources		
4D - 3 Apartment layouts are designed to accommodate a variety of	Design Criteria 1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m²	Master bedrooms comply with the 10m² minimum standard and other bedrooms comply	Yes
household activities and needs	(excluding wardrobe space). 2. Bedrooms have a minimum dimension of 3m	with the 9m² standard. Bedrooms comply	
	(excluding wardrobe space). 3. Living rooms or	with 3m minimum dimension. Living rooms comply with 4m minimum	
	rooms have a minimum width of: • 3.6m for studio and 1	dimension. Suitable separation of rooms and	
	bedroom apartments • 4m for 2 and 3 bedroom apartments	bathrooms exists. Robes in bedrooms considered	
	4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	acceptable. Layouts contain flexibility for adaptable uses.	
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.		
	All bedrooms allow a minimum length of 1.5m for robes.		
	The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.		
	Apartment layouts allow flexibility over time, design solutions may include:		
	dimensions that facilitate a variety of furniture arrangements and removal		



•	spaces for a range of activities and privacy levels between different spaces within the apartment
•	dual master apartments
•	dual key apartments Note: dual key apartments which are

- Note: dual key
 apartments
 Note: dual key
 apartments which are
 separate but on the
 same title are regarded
 as two sole occupancy
 units for the purposes
 of the Building Code of
 Australia and for
 calculating the mix of
 apartments
- room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))
- efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms

4E Private open space and balconies

4E - 1
Apartments provide
appropriately
sized private
open space and balconies to
enhance
residential
amenity

Design Criteria

- 1. All apartments are required to have primary balconies as follows:
- a) Studio apartments = 4m²
- b) 1 bedroom apartments= 8m² and 2m min depth.
- c) 2 bedroom apartments = 10m² and 2m min depth.
- d) 3+ bedroom apartments = 12m² and 2.4m min depth.

The minimum balcony depth to be counted as

balconies and primary open space that exceeds minimum ADG dimensions (Minimum 35m2). Yes

All units have

All townhouses have podium private open space area exceeding 15m²

PORT MACQUARII

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			<u> </u>
	contributing to the balcony area is 1m.		
	2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.		
	Increased communal open space should be provided where the number or size of balconies are reduced.		
	Storage areas on balconies is additional to the minimum balcony size.		
	Balcony use may be limited in some proposals by:		
	 consistently high wind speeds at 10 storeys and above 		
	 close proximity to road, rail or other noise sources 		
	 exposure to significant levels of aircraft noise 		
	 heritage and adaptive reuse of existing buildings 		
	In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated		
4E - 2 Primary private open space and balconies are appropriately located to	Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.	Private open space areas adjoin living areas and are not located on southern elevations.	Yes



AGENDA

enhance liveability for residents	Private open spaces and balconies predominantly face north, east or west. Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.	Balconies contain suitable access.	
4E - 3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred. Full width full height glass balustrades alone are generally not desirable. Projecting balconies should be integrated into the building design and the design of soffits considered. Operable screens, shutters, hoods and pergolas are used to control sunlight and wind. Balustrades are set back from the building or balcony edge where overlooking or safety is an issue. Downpipes and balcony drainage are integrated with the overall facade and building design. Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design. Where clothes drying,	Suitable mixture of solid and glass balustrades used to provide views and privacy. Balconies on level 1 to 4 have partially solid balustrades and levels 5 to 8 have predominately glass. Balconies suitably comply with requirements.	Yes



	storage or air conditioning units are located on balconies, they should be screened and integrated in the building design. Ceilings of apartments below terraces should be insulated to avoid heat loss. Water and gas outlets should be provided for primary balconies and private open space		
4E - 4 Private open space and balcony design maximises safety.	Changes in ground levels or landscaping are minimised. Design and detailing of balconies avoids opportunities for climbing and falls.	Balcony design will need to comply with the Building Code of Australia for safety reasons.	Yes
4F Common circu	lation and spaces		
4F - 1 Common circulation spaces achieve good amenity and properly service the number of apartments	1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors. Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	Maximum number of units off a circulation core is 2, which is less than the ADG recommendation of 8. Design complies with natural light and ventilation requirements. Corridors have allowed dual aspect apartments. Living areas do not directly access core area. Additional design mitigation elements are not recommended for visual or acoustic privacy.	Yes
	Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the		



ends of corridors.

Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:

- a series of foyer areas with windows and spaces for seating
- wider areas at apartment entry doors and varied ceiling heights

Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.

Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:

- sunlight and natural cross ventilation in apartments
- access to ample daylight and natural ventilation in common circulation spaces
- common areas for seating and gathering
- generous corridors with greater than minimum ceiling heights
- other innovative design solutions that provide high levels of amenity

Where design criteria 1 is not achieved, no more than 12 apartments should



	be provided off a circulation core on a single level. Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled		
4F - 2 Common circulation spaces promote safety and provide for social interaction between residents	Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. Tight corners and spaces are avoided. Circulation spaces should be well lit at night. Legible signage should be provided for apartment numbers, common areas and general wayfinding. Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided. In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space. Where external galleries are provided, they are more open than closed above the balustrade along their length.	Common areas are short in length and contain suitable width to allow access. Tight corners and spaces have been avoided. Circulation area are provided with daylight access and able to be well lit at night. Communal open space is available for residential meetings.	Yes
4G Storage			



4G - 1 Adequate, well designed storage is provided in each apartment	Design Criteria 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: a) Studio apartments = 4m³. b) 1 bedroom apartments = 6m³. c) 2 bedroom apartments 8m³. d) 3+ bedroom apartments 8m³. At least 50% of the required storage is to be located within the apartment. Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street. Left over space such as under stairs is used for	The 2 bedroom apartments comply with the 8m³ additional storage and the 3 bedroom apartment complies with the 10m³ additional storage. At least 50% is provided in the unit. Refer to drawing DA004 for summary of provision for each dwelling type in both internal and in basement.	Yes
4G - 2 Additional storage is conveniently located, accessible and nominated for individual apartments	Storage not located in apartments is secure and clearly allocated to specific apartments. Storage is provided for larger and less frequently accessed items. Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible. If communal storage rooms are provided they should be accessible from common circulation areas	Storage has been integrated into the design of the basement car park and not visible to the public.	Yes

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	of the building. Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.		
4H Acoustic priva	су		
4H - 1 Noise transfer is minimised through the siting of buildings and building layout	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy). Window and door openings are generally orientated away from noise sources. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. The number of party walls (walls shared with other apartments) are limited and are appropriately insulated. Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	The use of separation, screening and location of high use living areas ensures no adverse acoustic issues. Living areas are also grouped through the levels of the building and townhouses. Noisy areas such as entries and corridors grouped together. Number of party walls have been limited to an extent. Internal noise sources are located at least 3m away from bedrooms. Other acoustic provisions of ADG have been suitably implemented.	Yes
4H - 2 Noise impacts are mitigated within apartments	Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following	Apartments are typically mirrored so avoiding shared walls between	Yes



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through layout and acoustic treatments

design solutions:

- rooms with similar noise requirements are grouped together
- doors separate different use zones
- wardrobes in bedrooms are co-located to act as sound buffers

Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:

- double or acoustic glazing
- acoustic seals use of materials with low noise penetration properties
- continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements

conflicting residential uses. The design is considered to have met the criteria of this clause.

4J Noise and pollution

4J - 1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings To minimise impacts the following design solutions may be used:

- physical separation between buildings and the noise or pollution source
- residential uses are located perpendicular to the noise source and where possible buffered by other uses
- non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces
- non-residential uses

Development implements and has regard for ADG requirements.

The building includes deep balconies and landscaped frontage to the more active William Street frontage to mitigate any noise concerns. This allows for a balance between providing solar access and views, which is an alternative solution within the criteria of this clause.

There are no nonresidential uses Yes



are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources

proposed within the development or adjoining the subject site.

- buildings should respond to both solar access and noise.
 Where solar access is away from the noise source, nonhabitable rooms can provide a buffer
- where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4)
- landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.

Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:

- solar and daylight access
- private open space and balconies
- natural cross ventilation



	,		
4J - 2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	 Design solutions to mitigate noise include: limiting the number and size of openings facing noise sources providing seals to prevent noise transfer through gaps using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits 	Development implements and has regard for ADG requirements.	Yes
4K Apartment mix	(
4K - 1 A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types is provided The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	A suitable apartment mix is provided. The units provide for a diverse household makeup.	Yes
4K - 2 The apartment mix is	Different apartment types are located to achieve	Location of apartments provides	Yes

distributed to suitable locations within the building	successful facade composition and to optimise solar access (see figure 4K.3). Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	acceptable compliance with ADG.	
4L Ground floor a	partments		
4L - 1 Street frontage activity is maximised where ground floor apartments are located	Direct street access should be provided to ground floor apartments. Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street Retail or home office spaces should be located along street frontages. Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.	All ground floor units and townhouses have direct street access, through active landscaping and private open space located next to the street. Townhouse design is consistent with Figure 4L.3 of the ADG. No commercial uses proposed. The provision of an additional access in this case is not necessary in this case. Design has adequately addressed the ADG.	Yes
4L - 2 Design of ground floor apartments delivers amenity and safety for residents	Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:	The use of appropriate fencing, screening and landscaping provides a suitable mixture of privacy	Yes



•	elevation of private
	gardens and terraces
	above the street level
	by 1-1.5m (see figure
	4L.4)

- landscaping and private courtyards
- window sill heights that minimise sight lines into apartments
- integrating balustrades, safety bars or screens with the exterior design

Solar access should be maximised through:

- high ceilings and tall windows
- trees and shrubs that allow solar access in winter and shade in summer

and surveillance by ground floor units. Orientation to the north and large windows have been incorporated in the design to achieve solar access, which complies with the ADG.

4M Facades

4M - 1 Building facades provide visual interest along the street while respecting the character of the local area

Design solutions for front building facades may include:

- a composition of varied building elements
- a defined base, middle and top of buildings
- revealing and concealing certain elements
- changes in texture, material, detail and colour to modify the prominence of elements

Building services should be integrated within the overall façade.

Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: The building façade contains suitable elements that comply with ADG requirements creating visual interest.

Yes

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	well composed horizontal and vertical elements		
	variation in floor heights to enhance the human scale		
	elements that are proportional and arranged in patterns		
	 public artwork or treatments to exterior blank walls 		
	grouping of floors or elements such as balconies and windows on taller buildings		
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.		
	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.		
4M - 2 Building functions are	Building entries should be clearly defined.	Entries are clearly defined.	Yes
expressed by the facade	Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	The building provides suitable articulation and apartment layout expressed externally through façade	
	The apartment layout should be expressed externally through facade features such as party walls and floor slabs	features.	
4N Roof design			
4N - 1 Roof treatments are integrated into the	Roof design relates to the street. Design solutions may include:	Roof design is acceptable. Bulk of the roof has	Yes
building design and positively respond to the	special roof features and strong corners	been minimised by using architectural details.	



street	use of skillion or very	Service elements	
	low pitch hipped roofs	are located away from the street	
	 breaking down the massing of the roof by 	frontage.	
	using smaller elements to avoid bulk	The Townhouses have steeply pitched	
	using materials or a pitched form complementary to adjacent buildings	roofs to clearly identify each dwelling and create interesting streetscape.	
	Roof treatments should be integrated with the building design. Design solutions may include:		
	 roof design proportionate to the overall building size, scale and form 		
	 roof materials compliment the building 		
	service elements are integrated		
4N - 2 Opportunities to use roof space for residential accommodation	Habitable roof space should be provided with good levels of amenity. Design solutions may include:	Top floor apartments proposed with large balcony. Acceptable privacy levels achieved.	Yes
and open space are maximised	penthouse apartments		
	 dormer or clerestory windows 		
	 openable skylights 		
	Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.		
4N - 3 Roof design incorporates sustainability features	Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:	Roof design provides suitable shading and solar access.	Yes
	the roof lifts to the north		
	 eaves and overhangs 		



40 Landscape des	shade walls and windows from summer sun. Skylights and ventilation systems should be integrated into the roof design sign Landscape design should	Suitable landscape	Yes
design is viable and sustainable	be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting - green roofs or walls Ongoing maintenance plans should be prepared. Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)	plan provided. The landscape has been designed with great diversity in planting stock and size reinforcing pedestrian ways and communal open space. Trees and shrub selection has considered size and roots, as well as microclimates and Town Beach Masterplan under the PMHC-LEP. Small size trees are proposed within deep spoil zones and podium planting.	



	1		
	Table 4 requires		
	For site area up to 850m² = 1 medium tree per 50m² of deep soil zone		
	Between 850 - 1,500m² = 1 large tree or 2 medium trees per 90m² of deep soil zone		
	Greater than 1,500m² = 1 large tree or 2 medium trees per 80m² of deep soil zone		
40 - 2 Landscape design contributes to the	Landscape design responds to the existing site conditions including:	Suitable landscaping provided.	Yes
streetscape and amenity	changes of levels		
j	• views		
	significant landscape features including trees and rock outcrops		
	Significant landscape features should be protected by:		
	tree protection zones (see figure 40.5)		
	appropriate signage and fencing during construction		
	Plants selected should be endemic to the region and reflect the local ecology		
4P Planting on str	uctures		
4P - 1 Appropriate soil profiles are provided	Structures are reinforced for additional saturated soil weight Soil volume is appropriate for plant growth, considerations include: • modifying depths and widths according to the planting mix and	Planting zones over the basement have been designed to achieve 600-800mm soil depth where planting is proposed. Turf areas over the basement are designed with the required 200mm soil	Yes
	irrigation frequencyfree draining and long soil life span	depth and larger trees in these areas are to be in pots. This complies with	



		the ADG.	
	tree anchorage	Engineering plans to	
	Minimum soil standards for plant sizes should be provided in accordance with Table 5.	be supplied prior to Construction Certificate.	
	Table 5 requires		
	Large trees 12-18m high, up to 16m crown spread at maturity = need 150m³ of soil at a depth of 1,200mm and area of 10m x 10m or equivalent.		
	Medium trees 8-12m high, up to 8m crown spread at maturity = need 35m³ of soil at a depth of 1,000mm and area of 6m x 6m or equivalent.		
	• Small trees 6-8m high, up to 4m crown spread at maturity = need 9m³ of soil at a depth of 800mm and area of 3.5m x 3.5m or equivalent.		
	Shrubs need soil depth of 500-600mm		
	Ground cover needs soil depth of 300- 450mm		
	Turf needs soil depth of 200mm		
4P - 2 Plant growth is optimised with appropriate selection and maintenance	Plants are suited to site conditions, considerations include:	Landscaping plans have included adequate plant selection for the proposal.	Yes
	drought and wind tolerance		
	seasonal changes in solar access		
	modified substrate depths for a diverse range of plants		
	 plant longevity 		
	A landscape maintenance plan is prepared.		



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	Irrigation and drainage systems respond to:		
	changing site conditions		
	soil profile and the planting regime		
	whether rainwater, stormwater or recycled grey water is used		
4P - 3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over	Design contains adequate plantings within the site such areas above the basement car park to form the ground level landscaping.	Yes
40 Universal desi	time		
4Q Universal desi			
4Q - 1 Universal design features are included in apartment design to promote flexible housing for all community members	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	Liveable Housing Guideline's Compliance Report by Indesign Access dated 30/05/2019, has been provided to support the proposal. It states that greater than 20% of the dwellings in the development have been designed to achieve the Liveable Housing Guideline's Silver Level design features so is	Yes



		compliant with ADG recommendations.		
4Q - 2 A variety of apartments with adaptable designs are provided	Adaptable housing should be provided in accordance with the relevant council policy Design solutions for adaptable apartments include:	Building design allows adaptability.	Yes	
	convenient access to communal and public areas			
	high level of solar access			
	minimal structural change and residential amenity loss when adapted			
	larger car parking spaces for accessibility			
	 parking titled separately from apartments or shared car parking arrangements 			
4Q - 3 Apartment layouts are flexible and accommodate a	Apartment design incorporates flexible design solutions which may include:	Apartment design allows for flexible room usage and living space.	Yes	
range of lifestyle needs	rooms with multiple functions			
	dual master bedroom apartments with separate bathrooms			
	larger apartments with various living space options			
	open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom			
4R Adaptive reuse				
4R - 1 New additions to existing buildings are contemporary and	Design solutions may include: new elements to align with the existing	No additions proposed.	N/A	
complementary and enhance an	buildingadditions that			



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area's identity and sense of place	complement the existing character, siting, scale, proportion, pattern, form and detailing		
	use of contemporary and complementary materials, finishes, textures and colours		
	Additions to heritage items should be clearly identifiable from the original building.		
	New additions allow for the interpretation and future evolution of the building.		
4R - 2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:	Not an adapted building.	N/A
	 generously sized voids in deeper buildings 		
	alternative apartment types when orientation is poor		
	using additions to expand the existing building envelope		
	Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:		
	where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access		



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	to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) alternatives to providing deep soil where less than the		
	minimum requirement is currently available on the site		
	building and visual separation – subject to demonstrating alternative design approaches to achieving privacy		
	common circulation		
	car parking		
	 alternative approaches to private open space and balconies 		
4S Mixed use			
4S - 1 Mixed use developments are provided in appropriate	Mixed use development should be concentrated around public transport and centres.	Not a mixed use development.	N/A
locations and provide active street frontages that encourage pedestrian	Mixed use developments positively contribute to the public domain. Design solutions may include:		
movement	development addresses the street		
	active frontages are provided		
	diverse activities and uses		
	avoiding blank walls at the ground level		
	live/work apartments on the ground floor level, rather than commercial		
4S - 2 Residential	Residential circulation	Development	Yes



levels of the building are integrated within the development, and safety and amenity is maximised for residents	areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided	contains limited concealment/entrap ment areas and provides suitable surveillance to ensure safety to occupants.	
	Landscaped communal open space should be provided at podium or roof levels.		
4T Awnings and s	ignage		
4T - 1 Awnings are well located and complement and integrate with the building design	Awnings should be located along streets with high pedestrian activity and active frontages. A number of the following design solutions are used:	The development does not front a high pedestrian street or provide an active/commercial frontage.	Yes
	continuous awnings are maintained and provided in areas with an existing pattern	Awnings are provided to identify the entry areas and lobbies on William Street and Lord	
	height, depth, material and form complements the existing street character	Street. Front fences and gates will delineate entrances to the	
	protection from the sun and rain is provided	proposed townhouses on	
	awnings are wrapped around the secondary frontages of corner	Church Street.	

frontages of corner sites



	awnings are retractable in areas without an established pattern		
	Awnings should be located over building entries for building address and public domain amenity.		
	Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.		
	Gutters and down pipes should be integrated and concealed.		
	Lighting under awnings should be provided for pedestrian safety.		
4T - 2 Signage responds to the context and desired streetscape character	Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	No Signage is proposed, however capable of complying if required.	N/A
	Legible and discrete way finding should be provided for larger developments.		
	Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.		
4U Energy efficier	псу		
4U - 1 Development incorporates passive environmental design	Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be	Location of balconies and open space on the northern elevation ensures quality solar access.	Yes
	provided for clothes drying	Where townhouses do not receive 3hrs solar access at midwinter, all habitable rooms receive satisfactory natural light (daylighting) to both rooms which face north into the central garden and rooms which face	



		south to provide address and passive surveillance to Church Street. The large private open space to both apartments (balconies) and townhouses (courtyards) ensures ample screened outdoor area for clothes drying.	
4U - 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	Provisions provided in the design or can be retrospectively applied. Design satisfies BASIX requirements.	Yes
4U - 3 Adequate natural ventilation minimises the need for mechanical ventilation	 A number of the following design solutions are used: rooms with similar usage are grouped together natural cross ventilation for apartments is optimised 	All the units are provided with satisfactory amount of openings and allowances for ventilation.	Yes



	natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible		
	ment and conservation	5.000	.,
4V - 1 Potable water use is minimised	Water efficient fittings, appliances and wastewater reuse should be incorporated.	BASIX certificate provided. Landscaping can be managed/replanted	Yes
	Apartments should be individually metered.	to suit. Landscaping plan drawn by	
	Rainwater should be collected, stored and reused on site.	suitably qualified person.	
	Drought tolerant, low water use plants should be used within landscaped areas		
4V - 3 Flood management systems are integrated into site design	Detention tanks should be located under paved areas, driveways or in basement car parks. On large sites parks or open spaces are designed to provide temporary on site detention basins.	Basement flood management system and detention has been designed by a suitably qualified professional. Stormwater and drainage documentation has been prepared by Sellick Consultants. Runoff from roofs, balconies and through porous paving materials over the basement is collected and fed into the stormwater tanks below ground to the south west corner of the site. Large area of gardens and planting will maximise the use of all collected water. Refer to Civil Engineering plans attached to this	Yes



		report.	
4W Waste manage	ement		
4W - 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. Waste and recycling storage areas should be well ventilated. Circulation design allows bins to be easily manoeuvred between storage and collection points. Temporary storage should be provided for large bulk items such as mattresses. A waste management plan should be prepared	Suitable sized basement garbage storage proposed. Garbage area has been integrated within the basement out of sight and accessible to occupants. Communal bulk waste enclosure has been updated after consultation with private waste collection service JR Richards & Sons, to ensure waste collection can be appropriately serviced by a waste vehicle. Ventilation has been integrated into the	Yes
4W - 2 Domestic waste is minimised by providing safe and convenient source separation and recycling	All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling. Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses. Alternative waste disposal methods such as composting should be provided	designed. Bin storage areas available within dwellings.	Yes



4X Building maintenance			
4X - 1 Building design detail provides protection from weathering	 A number of the following design solutions are used: roof overhangs to protect walls hoods over windows and doors to protect openings detailing horizontal edges with drip lines to avoid staining of surfaces methods to eliminate or reduce planter box leaching appropriate design and material selection for hostile locations 	Design contains suitable weather protection measures.	Yes
4X - 2 Systems and access enable ease of maintenance	Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade. Design solutions do not require external scaffolding for maintenance access. Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems. Centralised maintenance, services and storage should be provided for communal open space areas within the building.	Except for several southern windows, the majority of windows could be accessed via balconies/extension poles. Remainder would need scaffolding or abseiling equipment. Adequate storage and maintenance storage available.	Yes
4X - 3 Material selection reduces ongoing maintenance costs	A number of the following design solutions are used: sensors to control artificial lighting in common circulation and spaces	Generally robust and modern materials and finishes will be selected. Majority of the building can be accessed for maintenance from	Yes



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natural materials that weather well and improve with time such	time to time.	
as face brickworkeasily cleaned surfaces that are graffiti resistant		
 robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors 		

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

A BASIX certificate (number 1016830M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Development in proximity to electricity infrastructure – referral to Essential Energy required for any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out:
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line.

Pursuant to Clause 45 the application was referred to Essential Energy. The proposed development is located adjacent to overhead power lines along Church Street frontage and a new substation is proposed within the property boundary. The nearby overhead electricity lines will be carefully planned around during the excavation and construction works. Essential Energy is satisfied that compliance can be achieved and final approval of the substation site will be provided as part of the design certification process. Essential Energy has provided concurrence and general comments.

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the RMS is not required.

Based on the above, the proposed development addresses relevant clauses in the SEPP and will not to create any significant adverse conflicts that are identifiable.

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 R4 High Density Residential.
- Clause 2.3(1) and the R4 zone land use table The proposed development for a residential flat building is a permissible land use with consent.

The objectives of the R4 zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high 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 tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels.
- To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.

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

- o The proposal is a permissible land use;
- The development will provide appropriate high density residential apartments and medium density townhouses to meet the housing needs of the community;
- The proposal has regard to the desired character of the street and supports safe use at the pedestrian level.
- Clause 4.3 This clause establishes the maximum "height of a building" (or building height) that a building may be built to on any parcel of land. The term "building height (or height of building)" is defined in the LEP to mean "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like". The term "ground level (existing)" is also defined in the LEP to mean "the existing level of a site at any point".

The subject site has three applicable maximum building heights identified on the Height of Buildings Map of:

- 26.5 metres to the northern portion of the site,
- 19.0 metres to the south-western portion of the site, and,
- 17.5 metres to the south-eastern portion of the site.

The maximum height of building is 27.8m. The majority of the proposed development complies with the standard. The height variation proposed is considered minor, being approximately 0.5 - 1.3m where the building steps down the sloping site and is lower than the current DA, DA2006/593, as modified, approved building height. Refer to drawing DA006 and DA203 by Stewart Architects, which demonstrates the areas of the building that exceed the height limit and the currently approved building envelopment.

In considering the height variation, compliance with the objectives of Clause 4.3 of the LEP have been considered below:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,



Comment:

The variation is for the lift overrun, mechanical plant height and southern roof parapet of the multi-unit residential building, the habitable spaces of the building sit wholly beneath the 26.5m height limit to William st, with limited visibility of the variation from William and Lord Street.

The southern portion of the site proposed 6 townhouses, well below the permissible building heights of 19m and 17.5m.

It should be noted that the proposed building height is below the current active approval for the site by 2.4m (DA2006/593).

The locality is characterised by a number of other residential flat buildings ranging in height from three to eight storeys above ground level. Examples of existing residential flat buildings include 46 - 48 William Street, 44 William Street, 40 William Street, 18 Lord Street, 12 - 24 William St and 67 William Street.

Based on the above, the proposed height, bulk and scale of the development is considered compatible with the existing and desired future character of the locality.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment:

The visual impact of the building is considered satisfactory for the following reasons:

- The application generally complies with SEPP 65 and the Apartment Design Guide. See comments earlier under SEPP 65 - Design Quality of Residential Flat Development.
- The main variations are located behind the facades of the building and will not be identifiable at street level or disrupt any existing views.
- The variations are minor equating to 0.5m to 1.3m over the 26.5m Height of Building, equating to <5% variation being sort.
- With the variation only being lift overrun, mechanical plant height and southern roof parapet. The exceedance of the apartments represents 4.6% of the overall roof area.
- The building height is of a comparable scale to others in the area and will therefore not be visually dominant.
- The southern portion of the development is well under the Height of Building levels.
- The variation is not seeking additional development yield.

View impacts and solar access are considered in detail later in this report under 'View Sharing' and 'Overshadowing'. The proposed variation is unlikely to create any adverse view loss or overshadowing.

Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design. The height variation has no adverse impacts on privacy of adjoining developments.



(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,

Comment:

The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics. The Height variation does not adversely affect any Heritage items within the site or adjoining.

(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.

Comment:

The height limits for the area were recently reviewed via Amendment 31 of LEP 2011 with 26.5m, 19m and 17.5m height limits being nominated over the site. The proposed height is compatible with other buildings in the area and is lower than the currently active development approval on the site for a Residential Flat Building. Therefore, the proposed height is considered to be consistent with other buildings in the area and transitions well into the future strategic heights for the locality. The minor variations do not compromise this intent.

In addition to the above, the applicant has lodged a written request in accordance with Clause 4.6 of the LEP objecting to the 26.5m building height standard applying to the site which is established under Clause 4.3 (see Clause 4.6 comments below).

- Clause 4.4 the floor space ratio of the proposal is approximately 2:1 which complies with the maximum 3:1 (Northern portion) and 2:1 Southern Portion) floor space ratio applying to the site.
 - The northern portion of the proposal has a gross floor area (GFA) of 3662.5m², whilst the southern portion of the site has a proposed GFA of 1227.5m², a total site GFA of 4888.0m² and has a total site land area of 2525m² therefore satisfactorily complying with this clause by achieving a 1.94:1 floor space ratio. Refer to the architectural documentation, drawing DA010 area plan, for further information.
- Clause 4.6, consent must not be granted for a proposal that contravenes a
 development standard unless the consent authority has considered a written
 request from the applicant that justifies the variation by showing that the subject
 standard is unreasonable or unnecessary and that there are sufficient
 environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the building standard based on the following reasons:

 The proposed development achieves the objectives of the set out by the R4 High Density Residential Zone, and the objectives of both Clause 4.3 Height of Buildings, and Clause 4.4 Floor Space Ratio. (See above)

Having considered the application and Clause 4.6 variation, the proposal will have limited impact on the environment as per the reasons identified by the Applicant. In addition, it is also considered that the development satisfies a clause 4.6 variation by the following:



- The variations are 0.5m to 1.3m over the 26.5m Height of Building, equating to <5% variation being sort.
- The variation are limited to the lift area and roof parapet, which is central to the site and not visible from William St.
- There are similar sized buildings within 500m of the site. As a result, the proposed height and minor variation is not unreasonable within the context of the area.
- o There will be no identifiable public domain impacts due to the variation.
- In comparison to the current approved plans DA2006.593, the development proposes a reduced height, as well as provides greater front and side setbacks, which further reduces the bulk of the building. It also aids in more of the units achieving solar access, and natural ventilation.
- The development is well articulated which further reduces the bulk of the building.
- The height complies along the William Street elevation points, being the primary street frontage.
- Through the use of screening and separation, there will be no loss of privacy between adjoining developments.
- Height is increased to reduce excavation and minimise steep car parking areas (i.e. making car parking more accessible). It also helps reduce cost and allow for better detail in other aspects of the design.
- The height contributes to the ability to provide adaptable housing and a range of units types to meet the desired demographic of the area.
- The overall design and height meets the existing and proposed future character of the area.
- The development contains significant sections of compliance with the maximum building height across the development.
- No habitable areas above the permissible height limit. Therefore no adverse privacy concerns are apparent due to the variation.
- The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.
- o The floor to ceiling heights are not excessive.
- The variation will not obstruct views to the Hastings River, Town Beach, Ocean and broader Port Macquarie from any existing buildings within the locality of the subject site. However, it should be noted that the loss of views will occur from components of the building considered compliant with the building height and footprint standards.
- There is public interest in the efficient use of land within proximity to existing services and infrastructure. Such development encourages walking, cycling and use of public transport and decreases ongoing maintenance costs for public infrastructure compared to lower density residential development. The height of the building has helped maximise the FSR and true development potential of the property.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director's Concurrence for variations to height limits. In addition, the variation approximately 5% over the height limit and variations less than 10% can be determined by the Development Assessment Panel, which provides transparency to the decision.

 Clause 5.9 – no listed trees in Development Control Plan 2013 are proposed to be removed. Trees on Church Street frontage have been recently removed by Council.



- Clause 5.10 The subject site is identified as being within a heritage item –
 archaeological site zone. Schedule 5 of the Port Macquarie-Hastings LEP
 identifies this to be an archaeological zone of early European settlement. The
 site was assessed under a previous development consent (The Charles) and
 no further actions were required and therefore no further investigations are
 proposed. The development application was referred to the Heritage Council of
 New South Wales and appropriate conditions have been recommended.
- 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: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development				
DCP Objective	Development Provisions	Proposed	Complies	
3.3.2.2	Satisfactory site analysis plan submitted.	Relevant information shown on submitted documentation.	Yes	
3.3.2.3	Statement addressing site attributes and constraints submitted.	Relevant information shown on submitted documentation. Topography and current active approvals for the subject site have been appropriately considered.	Yes	
3.3.2.4	Streetscape and front setback: Within 20% of the average setback of the adjoining buildings. The adjoining development. The adjoining development. The adjoining development. The adjoining development by setback for tourist development to allow for swimming pool.	Minimum 3m front setbacks have been achieved on William, Lord and Church St.	Yes	
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	Balconies facing Lord Street of the northern building encroach 1.5m of the setback. This is approximately 50% of the building line to Lord street. The objectives have been	Yes	



	Puildings generally sligned	achieved by promoting balcony articulation has increased usable private open space to dwellings and activation of the street frontage.	Yes
	Buildings generally aligned to street boundary.	Building line along William street is setback 3m, which generally complies with the with the existing street character.	Yes
	Primary openings aligned to street boundary or rear of site.	There are primary opening and aspects from dwellings addressing all boundaries, which meet the objectives of this clause.	Yes
3.3.2.6	 Side setbacks comply with Figure 3.3-1: Min. Side setback 1.5m for 75% of building depth. Windows on side walls min. 3m from side boundary. 3m minimum where adjacent to existing strata titled building. 	Development is setback 3m from side boundaries. Windows and building line of primary living areas are a further 3m from the side boundaries.	Yes
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Building articulation satisfactory. Windows have been offset and/or screened to maintain both acoustic and visual privacy.	Yes
	Min. 6m rear setback (including sub basements)	Being a dual frontage property, the site does not have a rear setback.	Yes
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	Not required.	N/A
3.3.2.8	Exposed party walls should be finished in a quality comparable to front facade finishes.	Not required.	N/A
3.3.2.9	Corner sites should be consolidated with adjacent sites, so that the building should turn the corner.	Adjoining lots have been consolidated and the proposed development addresses the street appropriately by utilising balconies, windows and landscaping.	Yes
3.3.2.11	Buildings should be sited	The development	Yes



	across the frontage of the site (not down the length of the site). Refer to Figure 3.3-3.	addresses all 3 road frontages. Areas providing Deep Soil zones have been provided for the full length of William and Church Street.	
3.3.2.12	 Deep soil zones: Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). 	Deep soil zones run for the entire length of William and Church Street. An area meeting the minimum depth is located at the entrance of the communal area and adjoining Lord Street. The Objectives have been satisfied, see landscaping plan for further planting detail.	Yes
3.3.2.13	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	No existing trees within the site boundary. Refer to above comments and landscaping plans.	Yes
3.3.2.14	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.	Neighbouring private open space of adjacent properties is not reduced to less than 2 hours due to this development. See shadow diagram on plan DA007.	Yes
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	The proposal does not reduce the sunlight available to the windows of north facing living areas.	Yes
3.3.2.15	Internal clothes drying space provided (not mechanical).	Sufficient area provided for clothes drying.	Yes
	Ceiling fans provided in preference to air conditioning.	Can be installed retrospectively.	Yes
	Solar hot water systems (or equivalent technology) provided.	Energy efficiency requirements covered by BASIX.	Yes
	Photovoltaic arrays installed where practical.	Not nominated but can be installed retrospectively if required for certain aspects of the building. Energy efficiency	Yes



		requirements also covered by BASIX.	
3.3.2.16	 Landscape plan provided including: 35% soft landscaping with minimum width of 3m. Existing vegetation and proposed treatment. Details of hard landscaping. Location of communal recreational facilities. Species not to obscure doors, paths, etc. Street trees in accordance with Council's list. 	Communal areas and deep soil zones is slightly below the 35% soft landscaping requirements. However, there is above the minimum private open space as hard landscaping proposed for each unit, which allows for pots and other moveable landscaping opportunities. Communal shelters, seatings and pool is centrally located.	Acceptabl e
3.3.2.19	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Landscaping is acceptable and includes a range of suitable species to be planted.	Yes
3.3.2.20	All dwellings at ground floor level have minimum 35m² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	Ground floor units have 35m2 private open space and landscaping. All units receive private open space in one area of 4x4m or a minimum of 3.6m x 6m, however, for the majority of units total open space is in separate areas. All primary private open space is directly adjoining living areas. This generally meets the objectives of this clause.	Acceptabl e.
	Dwellings not at ground level have balconies with minimum area 8m² and minimum dimension 2m.	All apartments above ground level include a minimum area of 24m² including at least one balcony with minimum dimension 3m.	Yes
3.3.2.22	Fencing or landscaping defines public/communal and private open space.	Fencing, gates and mail box structure help define public and private spaces.	Yes
3.3.2.23	Solid fences should be: Max. 1.2m high, Setback 1m, Suitably landscaped, Provide 3m x 3m splay.	Front fences are predominately 1.2m height along street frontages and setback to allow for landscaping reducing visual impact. Fences above basement carpark wall will be transparent.	Yes



3.3.2.25	Fencing materials	Proposed fencing	Yes
3.3.2.23	consistent with or	considered complimentary	162
	complimentary to existing	to others in the street and	
	fencing in the street.	what is expected into the	
3.3.2.26	Building to be designed so	future. Being a corner lot, there is a	Yes
3.3.2.20	that:	mixture of busy areas facing	163
	Busy, noisy areas face	the street and internally. All	
	the street.	bedrooms are located	
	 Quiet areas face the 	greater than 3m from a	
	side or rear of the lot.	vehicle entry or circulation	
	Bedrooms have line of	area. Due to design of surrounding development	
	site separation of at least 3m from parking	and screening, no loss of	
	areas, streets and	privacy will occur.	
	shared driveways.		
	Openings of adjacent	The proposal has been	Yes
	dwellings separated by at	designed to ensure rooms	
	least 3m.	are appropriately located in	
		relation to the street and common open spaces to	
		ensure appropriate acoustic	
		privacy.	
3.3.2.27	Building designed so noise	Groupings of living areas,	Yes
	transmission between	separation and offsetting of	
	apartments is minimised.	doorways will address noise	
		transmission. Party walls between dwellings are	
		limited and appropriately	
		insulated.	
		Landscaping and screening	
		will protect units from	
		communal open space areas.	
		The proposal will meet the	
		requirements of	
		AS/NZS2107:2000	
	Uses are to be coupled	Apartment floorplans are	Yes
	internally and between apartments i.e. noisy	typically mirrored, removing undesirable shared walls	
	internal and noisy external	between bedrooms and wet	
	spaces should be placed	areas or primary living	
	together. (See Figure 3.3-	zones. Refer to above	
0.0.00	6).	comment.	\/a-a
3.3.2.28	Development complies with AS/NZS2107:2000 <i>Acoustic</i>	Capable of complying. Details to be provided at	Yes
	- Recommended design	Construction Certificate	
	sound levels and	stage.	
	reverberation times for		
	building interiors for		
2 2 2 22	residential development.	No odvoros imposts sus	Voc
3.3.2.39	Impact of noise from key public places to be	No adverse impacts are identifiable to the	Yes
	considered.	adjoining public open	
L	201101001001	a a join in ig parono opon	<u> </u>



		space.	
3.3.2.30	Direct views between living room windows to be screened where: • Ground floor windows are within 9m of windows in an adjoining dwelling. • Other floors are within a 12m radius. • Living room windows are within 12m radius of the principal area of private open space of other dwellings.	Combination of screens, fencing and separation will ensure privacy is retained both to and from the development. Living rooms are positioned to facilitate views outwards to key views to avoid overlooking of other private open spaces.	Yes
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.	Refer to above comment. Adequate screening has been proposed to ensure privacy.	Yes
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	Yes, habitable are adequately screened with sill heights greater than 1.5m, balcony balustrades or privacy screening in strategic locations. All building lines achieved a greater than 3m setback from the property boundaries.	Yes
	Balconies, decks, etc screened if <3m from boundary and floor area >3m² and floor level >1m above ground level.	For the most part, all balconies are setback 3m or more from side boundaries. Balconies potentially overlooking adjoining living areas are screened to ensure privacy.	Yes
3.3.2.31	Developments to be designed in accordance with AS 1428.	Development capable of complying. Details will be required at Construction Certificate stage.	Yes
3.3.2.32	Barrier free access to at least 20% of dwellings provided.	The proposal is capable of applying.	Yes
3.3.2.33	Developments located close to open space, recreation, entertainment and employment. Where LEP permits FSR > 1:1, FSR not less than 1:1	Located opposite to Observatory Park and 200m Town Beach reserve. FSR of approximately 2:1 achieved	Yes
3.3.2.34	should be achieved. Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	Development provides a mix of 2 and 3 bedroom apartments and	Yes



		townhouses.	
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	None proposed.	N/A.
	Mix of 1 and 3 bedroom apartments at ground level.	2 bedroom apartments provided on ground floor, and 3 bedrooms townhouses which provides a good range of housing types and accessibility needs.	Yes
3.3.2.36	Lift over-runs and plant integrated within roof structures.	Yes, see notes earlier in this report regarding Height of Building	Yes
	Roof design to generate interesting skyline.	The stepped design creates an interesting façade and roof. The lift overrun will be integrated into the roof design.	Yes
3.3.2.37	 Facade composition should: Have balance of horizontal and vertical elements. Respond to environmental and energy needs. Incorporate wind mitigation. Reflect uses within the buildings. Include combination of building elements. 	Development provides mixture of articulation and materials to create an interesting façade with regard to the environment. The design has met the desirable criteria for building elements of the Apartment Design Guide.	Yes
3.3.2.38	Building elements, materials and colours consistent or complimentary to those existing in the street.	Proposed colours and materials considered satisfactory and suitable for the desired character. See Materials and Finishes on drawing DA701.	Yes
3.3.2.39	Entrances clearly identifiable from street level.	Entries off William Street and Lord Street provides pedestrian identifiable access to the building. Townhouses have individual entries fronting Church Street.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	The entrances have been designed to transition people into the building. Mailboxes, materials and the opening within the building define the public/private interface.	Yes
	Entries avoid ambiguous and publicly accessible	Entrances are clear. The entrance to the communal	Yes



	omall angest in autor area.	area has been missingle at	1
	small spaces in entry areas.	area has been minimised	
		and screened to reiterate	
		that it is more for occupants	
		of the building.	
	Entries sheltered and well lit.	Entries sheltered and can be well lit by lighting.	Yes
	Entries and circulation	The design allows for	Yes
	spaces sized for movement	movement of furniture	
	of furniture.	throughout.	
	Corridors minimum 2.5m	Majority of corridors on	Acceptabl
	wide and 3.0m high.	habitable levels are 1.7m	е
		wide, have no tight corners	
		and only have two units	
		accessible from each	
		corridor. The width is	
		considered suitable height	
		and width to accommodate	
		only 2 units on each level.	
	Corridor lengths minimised	There are limited corridors	Yes
	and avoid tight corners.	proposed. All corridors are	
	_	generally short in length,	
		allows for natural light and	
		ventilation.	
3.3.2.40	Minimum 1 balcony per	At least 1 balcony per	Yes
	apartment.	apartment has been	
		provided.	
	Main balcony accessible	Balconies accessible from	Yes
	from living area.	living areas	
	Balconies take advantage	Each unit has north facing	Yes
	of favourable climatic	balcony providing solar	
	conditions.	access.	
	Balconies and balustrades	Mixture of glass and	Yes
	balance privacy and views.	screened balconies	
		proposed.	
3.3.2.41	Balconies include	Majority of balconies	Yes
	sunscreens, pergolas,	include sheltered	
	shutters and operable walls.	components, sliding doors	
		to create an indoor/outdoor	
		living area and privacy	
		screens.	
	Balconies recessed to	Majority of balconies are	Yes
	create shadowing to facade.	recessed or contain shade	
		structures to create shadow	
		elements over the façade.	
	Solid balustrades	All balconies have a glass	Yes
	discouraged.	balustrade component.	
		Lower levels have a mix of	
		solid and glass balustrades	
		to allow for privacy	
		achieving the objectives of	
		the clause.	
	Air conditioning units not	All air conditioning units	Yes
	visible from the street.	screened.	
3.3.2.42	Secure open air clothes	Sufficient area available on	Yes



	drying facilities that are:	apartment balconies for	
	 easily accessible, screened from public domain and communal spaces, 	clothes drying.	
	 located with high degree of solar access. 		
3.3.2.43	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Mailbox area has been incorporated into the entrance lobbies and street frontages.	Yes
3.3.2.44	Public and private space clearly defined.	Private and public space appropriately defined.	Yes
	 Entrances: oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby 	The entrances are orientated towards street frontages and has been designed as a large opening particularly for the William and Lord Street entry points. The lobby area contains lifts and stairs to transport people to and from units, car parking and the street. Openings from units face the internal lobby as well as the lobby area being visually open to the street for security. Entrances are clearly defined.	Yes
	 Surveillance facilitated by: views over public space from living areas, casual views of common internal areas, provision of windows and balconies, separate entries to ground level apartments. 	Casual surveillance of communal open space and public street available from apartments. Separate entries haven't been provided for ground floor units. No adverse impacts identified.	Yes
	 Concealment avoided by: preventing dark or blind alcoves, providing lighting in all common areas, providing graded car parking illumination (greater at entrances). 	Building design limits concealment opportunities. All communal and basement car parking areas are capable of being lit	Yes
	Access to all parts of the building to be controlled.	Access to the building and throughout can be controlled via various electrical security systems and keys.	Yes
3.3.2.45	Accessible storage provided for tenants in basement car	Storage areas provided in basement adjoining car	Yes



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	park or garages.	spaces which will be	
	pair of galages.	suitably allocated to each unit.	
	One bike storage space per dwelling provided.	Objectives have been satisfied with bicycle storage area available within each unit and in the basement.	Yes
	Communal bulk waste required where: > 6 dwellings, or Number of bins wouldn't fit in street frontage, or Topography would make street collection difficult.	Communal bin storage area identified in basement car park. Concurrence has been provided by JR Richards, regarding the waste storage located and accessibility is capable of meeting their requirements.	Yes
	Communal bulk waste facilities integrated into development and located at ground or sub-basement level. Not visible from street, Easily accessible, Can be serviced by collection vehicles, Not adjoining private or communal space, windows or clothes drying areas, Has water and drainage facilities for cleaning, Maintained free of pests.	Bin storage area identified in basement car park and complies with development provision under this clause.	Yes
	Evidence provided that site can be serviced by waste collection service.	Waste strategy provided. Condition recommended requiring private waste collection service for the development.	Yes
3.3.2.47	Common trenching of utility services where possible.	Can be conditioned. Details at Construction Certificate stage.	Yes
	Above ground utility infrastructure integrated with building design.	Area exists onsite to incorporate infrastructure within garden beds or the building design.	Yes
	Site and individual units numbered.	Entrance and building identification signage satisfies this development provision.	Yes
	Common aerials and satellite dishes provided.	None proposed	Yes

DCP 2013: General Provisions



DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations	Casual surveillance of communal open space available from apartments. Private and public space appropriately defined. Casual surveillance of street and communal space available from apartments. Lighting and CCTV cameras can be installed retrospectively. CPTED report provided.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut >1m, but generally contained within external walls of the building/basement car park footprint.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	No retaining wall greater than 1m proposed on road frontages	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical Driveway crossing/s	Development does not front an arterial or distributor road. Vehicle access limited a one crossover adjoining Lord Street. A standard width dual lane	Yes
	minimal in number and width including maximising street parking	driveway is proposed off Lord Street. Traffic Impact and Parking Assessment provided confirming no adverse impacts to the existing infrastructure.	
2.5.3.3	Off-street parking in accordance with Table 2.5.1: • 1 per 1 or 2 bed unit, 1.5 per 3-4 bed unit + 1 visitor per 4 units	Required: 30 Apartments and 6 townhouses - 6 x 2 bed units - 24 x 3 bed units - 6x 3 bedroom Townhouses. 6 x 2 bedroom unit = 6 spaces 24 x 3 bedroom units = 36 spaces 6 x 3 bedroom Townhouse = 9 spaces 36/4 = 9 visitor spaces. Total required is 6 + 36 + 9 + 9 = 60 spaces required	Yes



	T	T	
		Total of 79 residential car spaces proposed and 4 visitor parking spaces within the basement. Proposed: The applicant has provided 79 spaces within the basement car park in total. Only 4 visitor spaces will be marked, however, it is proposed to line mark 11 spaces on the Church Street frontage to soften any impact on the public	
		amenity. There is also turning areas within the basement in case	
		the car park is full. Condition requiring on street line marking proposed, and will satisfy the objectives of this clause.	
2.5.3.5	On-street parking permitted subject to justification	The proposal has provided sufficient basement car parking to cater for the proposed developments demands. However, additionally it is proposed to line mark 11 spaces along Church Street frontage to mitigate for the new driveway crossover and create better amenity for on street parking. Note that the development only has one shared driveway crossover.	Acceptable
2.5.3.7	Visitor parking to be easily accessible	Four dedicated spaces within the building, which will be accessible via a code. Delineating currently unmarked on-street car parking will assist with any additional impacts to public amenity.	Yes
	Parking in accordance with AS 2890.1	Compliance with the standard achievable and to be required through standard conditions.	Yes
2.5.3.10	Parking concessions possible for conservation of	No concession sought on this basis.	N/A



	heritage items		
2.5.3.14	Sealed driveway surfaces unless justified	Driveway areas to be concrete.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade.	Driveway grades acceptable	Acceptable
2.5.3.16	Transitional grades min. 2m length	Compliance possible.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Basement car park will not generate stormwater runoff.	Yes
	No direct discharge to K&G or swale drain	Connection to stormwater system to be conditioned.	Yes

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

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

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing noting a minor variation of the maximum height limit for the site.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to William Street, Lord Street and Church Street.

Adjacent to the site, William Street is a sealed public road under the care and control of Council. William Street is a Sub Arterial road with a 11m formation within a 30m road reserve Width. There is angle parking to the frontage of the site within William Street.



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Adjacent to the site, Lord Street is a sealed public road under the care and control of Council. Lord Street is a Sub Arterial road with a 22.5m formation within a 30m road reserve Width. Lord Street is s 2 lane 2 way road.

Adjacent to the site, Church Street is a sealed public road under the care and control of Council. Church Street is a local road with a 8.5m formation within a 40m road reserve Width. There is nose in parking to the frontage of the site within Church Street.

Traffic and Transport

The application includes a Traffic Impact Assessment from Sellick Consultants dated 7/5/2019. Findings of the study determined:

Based on the assumed existing traffic load 1000 veh per hr per lane maximum the generated traffic by the development (avg 19 trips in the AM peak) is less than 2% of the overall maximum per lane. Noting that both Lord and Gordon Streets are 2 lanes the traffic generated by the development would have an effect of less than 1%. It is considered that any impact calculated at less than 5% is within the margin error of the measured traffic data and the fluctuations in the traffic within the network and thus it is considered that the development has minimal impact on the existing road network regarding traffic. The traffic impact has been assessed as being acceptable.

Site Frontage & Access

Vehicle access to the site is proposed though an individual driveway to Lord Street, being a Council-owned public 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 1.5m wide) along the full frontage of Lord Street and Church Street.
- concrete footpath paving (full width) along the full frontage of William Street. In this regard appropriate landscaping shall be included in the blister areas adjacent to the pedestrian crossing.

Parking and Manoeuvring

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

Water Supply Connection

Council records indicate that the development site has two existing 20mm metered water service from the 300 AC water main on the same side of William Street.

Each individual unit shall be individually metered with the meters either located at an easily accessible location or there's the option for utilizing remotely read electronic meters. Details are to be provided on the hydraulic plans.

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.



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Appropriate conditions are recommended to address these requirements.

Sewer Connection

Council records indicate that the development site is currently connected to sewer via a junction to the sewer line that runs inside the subject lot. The proposed development shall drain all sewage to a new or proposed sewer manhole approved by the Water & Sewer Planning Manager. Details are to be provided on the engineering plans.

The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

Appropriate conditions are recommended to address these requirements.

Stormwater

The site naturally grades towards Church Street frontage and is currently (un)serviced with the nearest public piped system at the frontage of 11 Church Street, and another service at the frontage of 30 Lord Street.

In 2017, PMHC completed a concept stormwater remedial works design for the Eastport area to allow for future augmentation of the existing pipe system to alleviate known stormwater issues in the area. The design allowed for the extension of the existing network on Church Street (11 Church Street is current termination point) to extend approx. 110 metres west to accommodate private lot discharge (including 50 William Street) and street drainage.

DA2019 - 425 proposed stormwater point of discharge to kerb on Lord Street is inconsistent with the Eastport future stormwater upgrade, however, the intent to direct stormwater away from the Church Street system is considered beneficial for existing downstream stormwater issues between 8-10 Church Street and 13-15 Gordon Street. A pipe extension from 30 Lord Street to the development site frontage will be required as a legal point of discharge, which has an approximate length of 118m. Further benefit from discharging stormwater to the Lord Street system is a more direct route, as the Church Street system flows east, then south, then back west towards Kooloonbung Creek. A reduction in the proposed future upgrade pipe / culvert sizing from Church Street to Gordon Street may also be of benefit, as the 2525m² development site discharge flows will be removed from this system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline on Lord Street, which will require extension to the development frontage.

Stormwater from the proposed development is planned (demonstrated in DA submitted Civil Plans) to be disposed via kerb adapters to Lord Street, which is inconsistent with the above requirements.

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:



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- On site stormwater detention facilities (Comment for new commercial and industrial development PLUS residential developments including the creation of greater than 2 homes / units).
- Water quality controls (**Comment -** where development results in greater than 2500m2 impervious area).

Appropriate conditions are recommended to address these requirements.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

An archaeological assessment of the potential heritage significance of the site of a proposed residential development, William, Church & Lord Streets, Port Macquarie, Mid-North Coast, N.S.W., prepared by John Appleton, Archaeological Surveys & Reports Ltd for First National Real Estate Port Macquarie on behalf of Mr K. Dick, August 1998.

A brief review of this report indicates that it does comply with current assessment guidelines and requirements under the Heritage Act 1977. The Application was referred to the Heritage Council and recommended conditions have been included in the recommended conditions.

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 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.



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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 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. No adverse impacts likely.

Construction

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

Cumulative impacts

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

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development. The site has an existing approved DA (DA2006 – 593.3). The new proposal offers a substantially reduced scale and design outcome which reduces impacts on the local community and improves amenity for new residents and neighbours.

Site constraints of building height, over shadowing, privacy and car parking have been adequately addressed and appropriate conditions of consent recommended.



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

4 written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission	Planning Comment/Response
Issue/Summary	
No details are provided on the proposed swimming pool pavilion in relation to its height and external configuration.	Pool pavilion is to be a lightweight steel structure with full height glazing to the communal area of the development, and light weight cladding with high line windows to the East boundary will provide suitable privacy to adjoining properties. Details are provided for the proposed swimming pool pavilion with relation to its height and external configuration. Refer to Drawing DA004 (Floor Plan), DA006 (Elevation).
No impact statement provided in relation to proposed elevated swimming pool pavilion, hours of operation and proposed use controls. Is the pavilion considered an assembly building for residents or it is recreational space.	Pool pavilion and associated landscape facilities are recreational spaces for the use of residents and their guests only. Secure access will be provided to the pool pavilion ensuring it is accessed by residents and guests only. In this case, the pavilion is not considered an assembly building for the purposes of the Building Code of Australia. Appropriate condition can be applied restricting use to residents and guests.
Plans fail to indicate all side setbacks in relation to structures and other buildings on the site, including the basement levels.	The site plans have been amended to clearly demonstrate all side setbacks on site plans. It is understood that the main concern is regarding the eastern boundary setbacks as this boundary adjoins existing residential development at 46-48 William Street. Minimum eastern boundary side setback for the Apartments; • 3m Ground level • 3.05m level 1 terrace • 4.65m Building line Basement; • 250mm within boundary Townhouses; • 1.75m Ground level • 1.85m First floor and above
	Windows and building line of the proposed building achieve the objectives of Clause 3.3.2.6 and Figure 3.3-1 of the DCP 2013.
Details on what materials and finishes are to be used in the construction	Materials and finishes schedule details the use of modern materials consistent with existing and future character of the area. Refer to Drawing DA701 - materials & finishes schedule.



Submission	Planning Comment/Response
Issue/Summary	
No details are provided regarding proposed drainage, including stormwater drainage and subsurface.	Details regarding the proposed drainage design, including stormwater drainage and subsurface drainage have been reviewed by Council's Development Engineers and considered acceptable for the proposed development. Appropriate conditions have been recommended. See Civil Engineering Document attached to this report for details (Ref: 190128 Revision D).
Visual impact of the open	Details of the communal areas are depicted on
space, transitional areas, pavilions and additional pavilion are not depicted on the plans. Elevated swimming pools have been addressed in the Land & Environment Court	drawing DA103 and DA206. The pool pavilion is designed with solid wall with high line windows to the adjacent eastern boundary, this will minimise any potential noise disturbance or privacy concerns to adjacent communal open space.
previously, i.e. King -V- Gosford City Council, where Commissioner Hussey's judgement identified visual	The pool pavilion wall is setback 1.65m from the boundary, total length is 8.6m, 3m in height and will be approximately 2.5m above existing ground level.
noise emanating from such a structure being detrimental to the occupants of the adjoining allotments.	The elevated communal open space area design has limited the total excavation depth of the site for basement car parking.
	The platform level and ancillary structures are well under the building height controls for the site and achieves minimum side setback objectives, discussed earlier in this report.
	The pool pavilion allows for all weather use and mitigate solar access issues to the proposed communal open space, as well as buffering any anticipated noise concerns.
	All pool equipment is within the basement which will assist with containing any potential noise emissions.
	Additionally, the position of the pool pavilion will buffer noise to the eastern boundary that may be generated by users of the central garden/communal areas as well as provide privacy screening.
The proposed development	The design has of the proposal meets the objectives of
is out of character with	the Port Macquarie-Hastings LEP 2011 and
similar residential flat	Development Control Plan 2013.
buildings (RFBs) in the area, in that the RFB and	Removing the elevated platform would require deeper
	excavation to accommodate the basement car park
elevated concrete common	and services. The platform is well under the height
area which provides access	controls for the site and provides separation and
to the townhouses at the first	ventilation between buildings. The wide interface
floor level from the swimming pool pavilion and	between the apartments and townhouses maintains excellent amenity for neighbouring properties.



Submission	Planning Comment/Response
Issue/Summary	
additional pavilion. A more	
 be to; Remove the elevated concrete platform Lower the pool pavilion & additional pavilion Increase green space around these structures Provide access to the townhouses from the ground floor Provide garages access to the townhouses via Church Street 	The landscaped podium provides level and accessible access for all residents to the central garden, stepping down to deep soil zones adjoining Lord Street, and the eastern boundary. The integration of parking including townhouse garages within the landscaped podium ensures an attractive and pedestrian focussed streetscape to Church Street. Each townhouse has a front door and yard facing Church Street, which provides identification and individuality. Additional driveway crossovers to Church Street are considered unnecessary. Imposition of potentially 6 double garages and a total of 7 driveways across the site would not be supportive of the current amenity of Church Street. The single shared driveway crossover along Lord Street is a
	favourable outcome for the amenity of the area and consistent with many other developments in the area with a single access.
associated with Unit 2, 46-48 William Street, adjoining the development. Overlooking from the elevated swimming pool pavilion and common areas is a concern and needs to be addressed.	In response to these concerns, the Applicant has updated the adjoining courtyard wall of apartment G04 to the eastern boundary interfacing Unit 2, from battens to solid masonry wall. As well as, updated Eastern façade of the pool pavilion adjacent the property boundary to be solid wall with high line windows. As discussed earlier in this report, adequate design elements and screening has been proposed to protect privacy.
does not seem to comply with the necessary car wash bay requirements.	The Apartment Design Guide (ADG) refers to access to supportive facilities within car parks which includes car wash bays. There is no strict requirement to provide such facilities within the DCP 2013 or the ADG.
dividing wall on the common boundary to ensure	The Applicant has updated the adjoining courtyard wall of apartment G04 to the eastern boundary interfacing Unit 2, from battens to solid masonry wall. As well as, updated Eastern façade of the pool pavilion adjacent the property boundary to be solid wall with high line windows. This is considered consistent with other developments and provides adequate screening. Stormwater and Subsoil drainage plans were
	submitted as part of the civil engineering



Submission Issue/Summary	Planning Comment/Response
application. The proposed development is to be raised	documentation set for the development application. The ground floor finished floor level is 1m above the adjacent property at the boundary, the entire block will be captured by roof drainage and hardstand drainage. All of which will be piped to the OSD tank. Stormwater engineering plans have been assessed as satisfactory by Council's Development Engineers.
Is sufficient deep soil zone on the Eastern boundary between the carpark wall and the land boundary to allow suitable drainage given that the LEP minimum is apparently meant to be 3 metres.	The site is 2527m2 and therefore requires 176m² (7%) of site area to be deep soil zones. An area of 108m2 complies with the deep soil provisions which is equal to 4.2% of the site area. However, when including the non-compliant area due to width, it equals approximately 20% deep soil zone for the site.
	The location and typology of the site has been utilised by locating a strip of deep soil zone along the entire frontage of William Street and an area of deep soil zone adjacent to Lord Street for solar access and providing attractive connections/interface to the street. Acceptable stormwater management and alternative platform plantings have been provided to create suitable landscaping for open areas that do not achieve adequate deep soil requirements.
	It should be noted that stormwater management plan for the proposed development has been submitted to support the application. All stormwater should be managed from within the site. No overland flow from the subject site across the Eastern boundary should occur.
Residence at 46-48 William Street request that a dilapidation report should be prepared both before and after construction of the buildings. Also a wash down of our building to remove dust etc. will be required on completion of construction.	The Developer has confirmed that a dilapidation report will be undertaken prior to commencement of construction and made available for the adjoining residence. Appropriate condition has been included in draft consent.
Privacy of both the proposed building and the 46-48 William Street could be managed with screening.	The Applicant has demonstrated that adequate screening and design elements have been included to mitigate any privacy concerns. The updated Eastern façade of the pool pavilion
	adjacent the property boundary to be solid wall with high line windows to limit residents using the pool to overlook adjoining communal open space.
	Windows of upper level units do not directly adjoin



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Submission	Planning Comment/Response	
Issue/Summary		
	other units or windows of primary living areas of adjoining apartments.	
	Privacy from the upper levels are managed with angled louvres and building elements within the developments design.	
	This is considered consistent with other developments	
	and provides adequate screening.	
	As discussed earlier in this report. The Applicant has	
	demonstrated the suitability of the proposed	
_	development to the subject site, with no adverse	
loss of privacy.	overshadowing or privacy impacts.	

(e) The Public Interest

The proposed development satisfies relevant planning controls as justified 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 in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as Attachment 3.

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. DA2019 - 425.1 Recommended Conditions



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2<u>1</u>. DA2019 - 425.1 Plans

3. DA2019 - 425.1 Contributions Estimate



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/425 DATE: 22/01/2020

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
Architectural Plans	Project 1823; DA004 – REV H DA010 – REV F DA101 to DA105 – REV G DA200 – REV E DA204 to DA205 – REV F	Stewart Architecture	17.12.2019
Architectural Plans	Project 1823; DA006 - REV D DA007 - REV E DA008 - REV F DA009 - REV E DA106 to DA111 - REV F DA201 - REV E DA202 to DA203 - REV F DA206 - REV B DA301 to DA302 - REV E - DA401 to DA405 - REV E DA701 - REV C	Stewart Architecture	13.11.2019
Civil Engineering Document	Project 190128; GN001 & GN003 - Rev D, AL0101 & AL0102 - Rev E, PV0301, PV0302& PV0321 - Rev D, DR0400, DR0402 & DR0411 - Rev D, UT0502 & UT0511 - Rev D,	Sellick consultants	18.11.2019 and 19.11.19

	TC0701 - Rev C WS2101 - Rev D TP2201 - Rev D WM3201 - Rev F		
BASIX Certificate	1016830M	Evergreen Energy Consultants	23.05. 2019
Landscape and lighting Plan	Job No. 12688.5; L00 to L010 - Rev D	Terras Landscape Architects	21.05.2019

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 building or subdivision work shall commence until a Construction Certificate or Subdivision Works 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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
 - Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2. Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via appropriate receptacles into separate waste streams;
 - 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.
 - Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - NSW Office of Environment and Heritage The General Terms of Approval, Reference DOC19/543252 and dated 25 July 2019, are attached and form part of this consent.
- (8) (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.
- (9) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (12) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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,
 - remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (13) (A053) The required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any costs associated with these works shall be the responsibility of the proponent.
- (14) (A195) Prior to any ground disturbance works occurring on the site, the Applicant shall engage a suitably qualified historical archaeologist to undertake a detailed historical archaeological assessment of the site. The Assessment shall comply with Heritage Council of NSW guidelines including but not limited to, Assessing Significance for Historical Archaeological sites and Relics 2009 and Archaeological Assessments 1996. That assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource.
- (15) (A196) In the event the Historical Archaeological Assessment identifies the proposal will impact archaeological relics, the Applicant will need to obtain an approved s140 permit under the NSW Heritage Act 1977 prior to any ground disturbing activities commencing. The Permit application would need to be made to the Heritage Council of NSW and should clearly outline what mitigation measures are proposed to avoid harm to any significant deposits.

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 Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Road works along the frontage of the development.
 - 2. Functional vehicular access;
 - 3. Footway and gutter crossing;
 - 4. Public parking areas including;
 - a. Parking bays
 - Delivery vehicle service bays & turning areas in accordance with AS 2890.
 - Sewerage reticulation.
 - 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.
 - 7. Retaining walls.
 - 8. Stormwater systems.

- 9. Erosion & Sedimentation controls.
- 10. Location of all existing and proposed utility services including:
 - Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
- 11. Erection of hoardings and buildings in and/over the public road space in accordance with buildings in and/over the public road verge.
- Provision of a concrete footpath along full road frontage of William Street (full width), Lord Street (1.5m) and Church Street (1.2m).
- (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
- Functional vehicular access

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

- (4) (B009) The applicant shall surrender the consent relating to DA No. DA2006.593 for Residential Flat Building containing a mix of permanent and serviced units and ground floor restaurants and commercial, at 50 William Street, 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 Construction Certificate.
- (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 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, 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) (B021) A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.
- (8) (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.
- (9) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (10) (B034) Prior to release of the Subdivision Works Certificate or Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
 - The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

- (11) (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.
- (12) (B041) Prior to the issue of the Construction Certificate, a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (13) (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, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
 - The legal point of discharge for the proposed development is defined as Council's piped drainage system.
 - In this regard, Council's piped drainage system Lord Street, Port Macquarie 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.
 - 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 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum) Alternative is to submit an electronic model in DRAINS format for electronic review. 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 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.
- (14) (B064) The applicant's landscape consultant shall consult with service authorities regarding the selection and placement of street trees near services. The location of all proposed and existing overhead and underground service lines shall be indicated on the Detailed Landscape Plan to be submitted with the Construction Certificate application.
- (15) (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.
- (16) (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.
- (17) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (18) (B195) Each individual unit shall be individually metered for water with the meters either located at easily accessible locations or there's the option for utilizing remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (19) (B196) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.
- (20) (B197) Council records indicate that the development site is currently connected to sewer via a junction to the sewer line that runs inside the subject lot. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
- (21) (B198) Hydraulic modelling must be submitted demonstrating that 300mm freeboard or greater is provided relative from the top water level reached in road reserve during a 1% AEP storm event and the driveway access crest to basement car parking areas.
- (22) (B199) The Stormwater Management Plan must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted with discharge directed to the OSD storage tanks(s).
 - Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.
 - Where subsurface waters are permitted to be pumped from the basement, discharge must be connected directly to Councils piped drainage system via the OSD storage.
- (23) In accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a Construction Certificate for the development unless the certifying authority has received the statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

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) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (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.
- (5) (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.
- (6) (C195) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

D - DURING WORK

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

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

- (2) (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) (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.
- (5) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (6) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (7) (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.
- (8) (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.
- (9) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (10) (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.
- (11) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
- (12) (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 concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

- (5) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part 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.
- (6) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) (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.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) 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.
- (9) (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.
- (10) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (11) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
 - "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
 - This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (12) (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").
- 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.

- (13) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.
 - Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.
- (14) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
 - A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (15) (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.
- (16) (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.
- (17) (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.
- (18) (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.
- (19) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.

- (20) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams
- (21) (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:
 - 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
- (22) (E195) Prior to the issue of the occupation certificate by Council and/or the Principal Certifying Authority, the Applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under any Heritage Act 1977 approval have been satisfied.
- (23) (E196) Prior to the issue of the occupation certificate by Council and/or the Principal Certifying Authority, at no cost to Council, due to the limited number of dedicated onsite visitor car parking spaces, on street car parking spaces are to be delineated, by line marking, consistent with DA004 and TC0701 of the approved plans.
- (24) In accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received the statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

F - OCCUPATION OF THE SITE

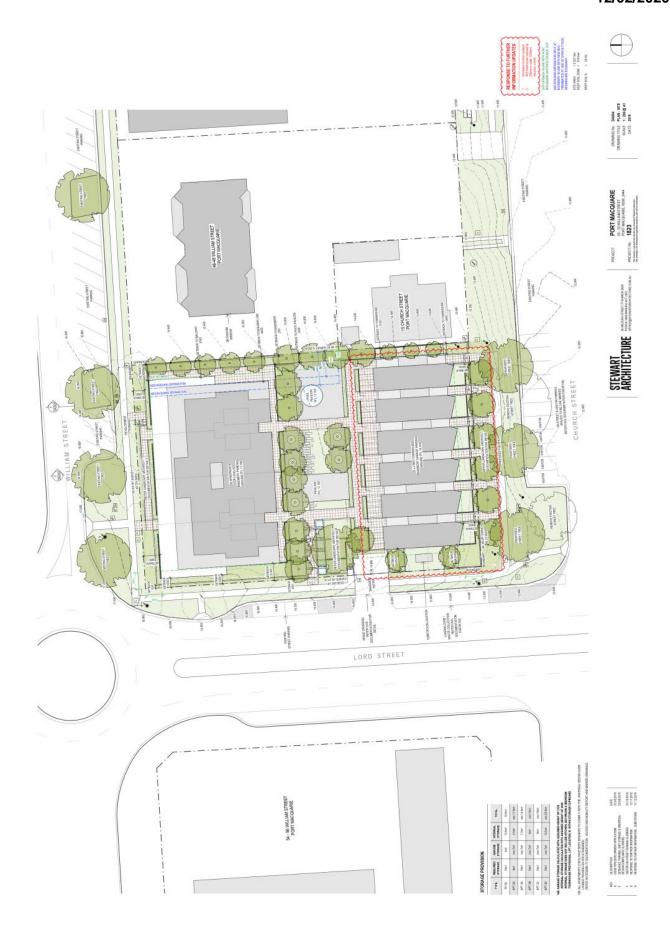
- (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (F027) The swimming pool filtration motor shall be operated between the following hours only:

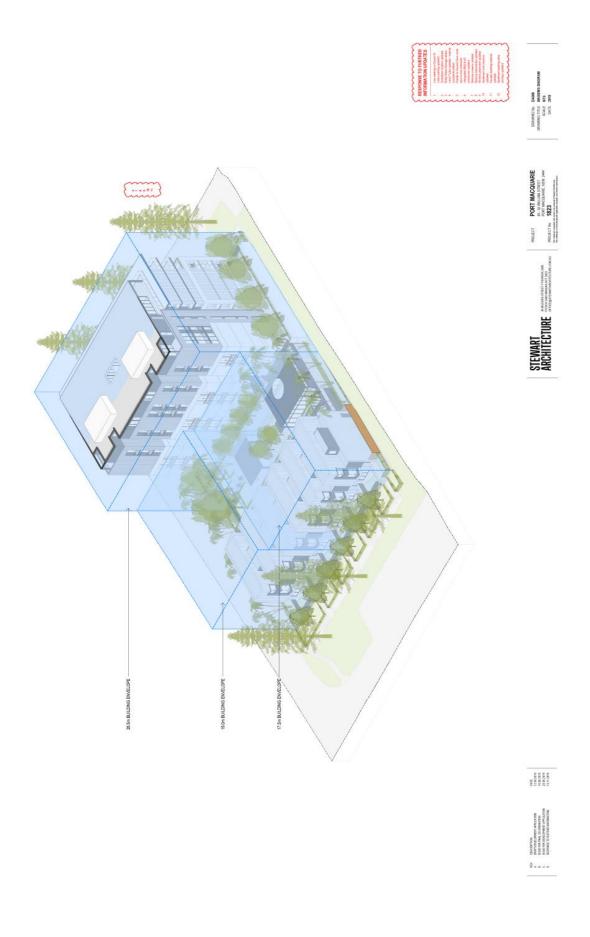
Monday to Friday (other than a public holiday) 7.00 am - 8.00 pm

Saturday to Sunday and Public Holidays 8.00 am - 8.00 pm

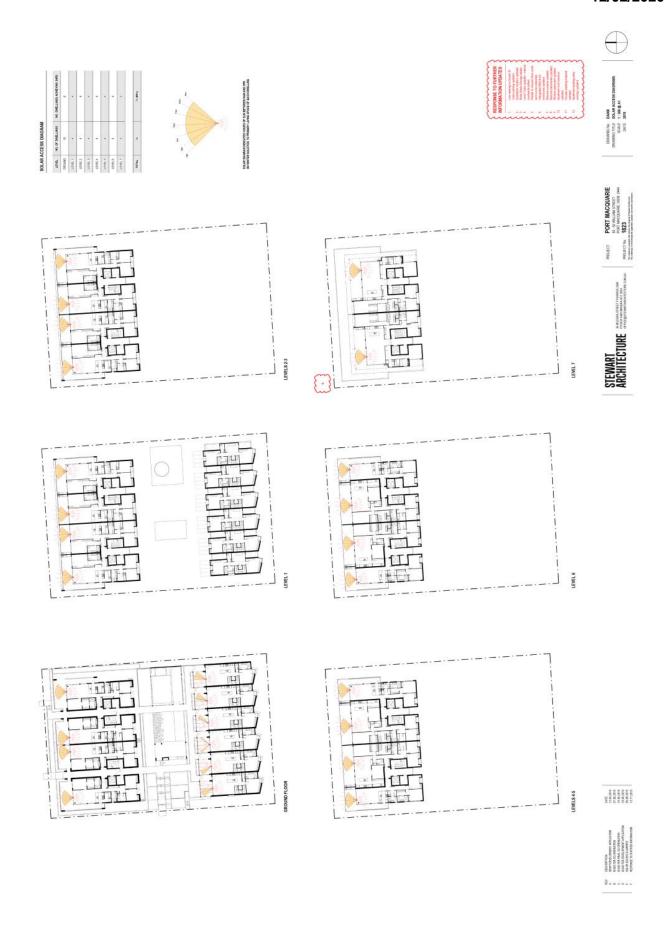
- The pool filtration motor shall be enclosed with an effective soundproof unit.
- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) (F195) Use of the pavilions, pool and recreational facilities in communal areas are for residents and guests only.

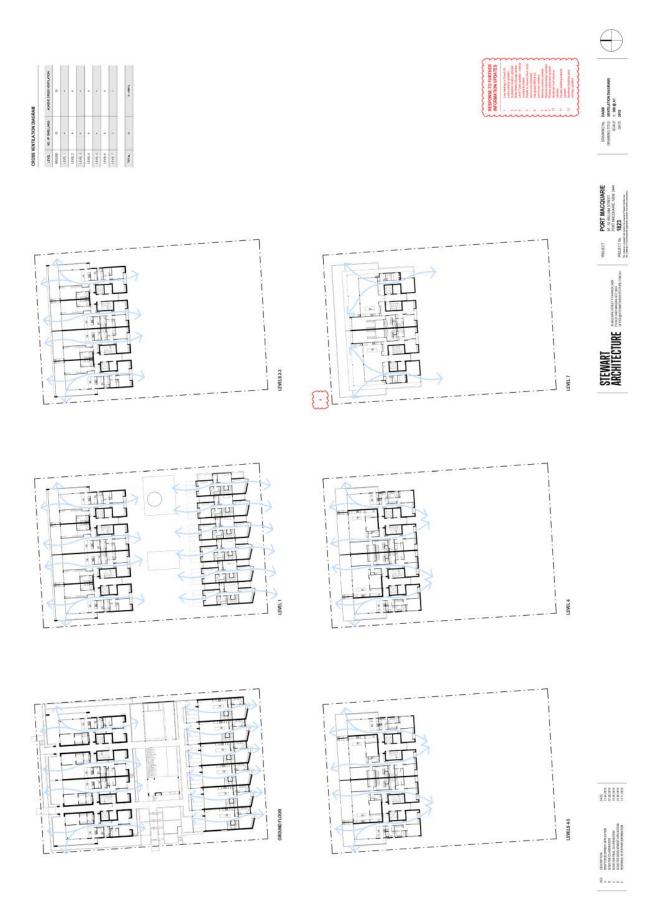


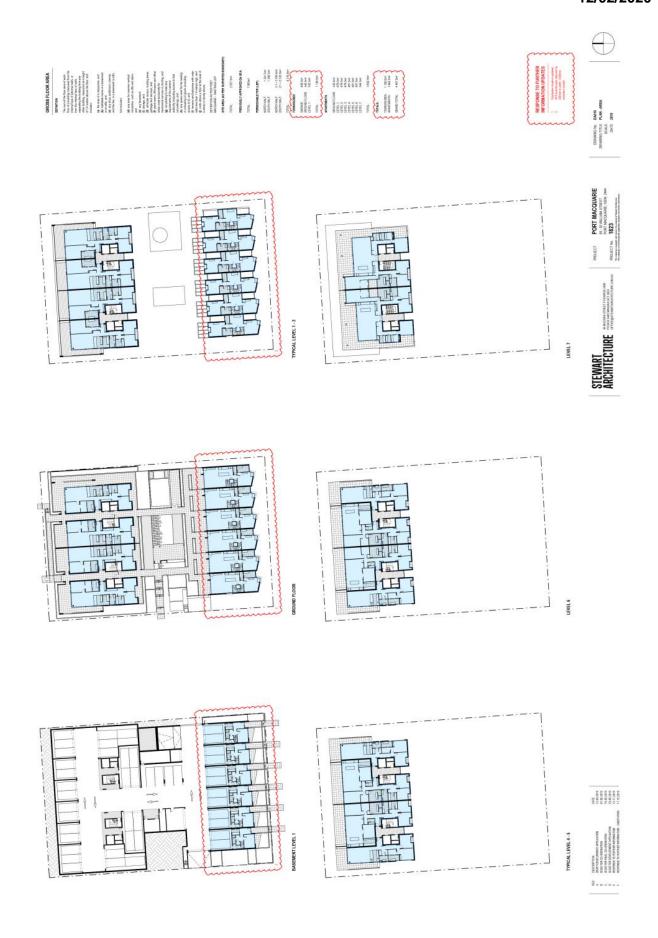




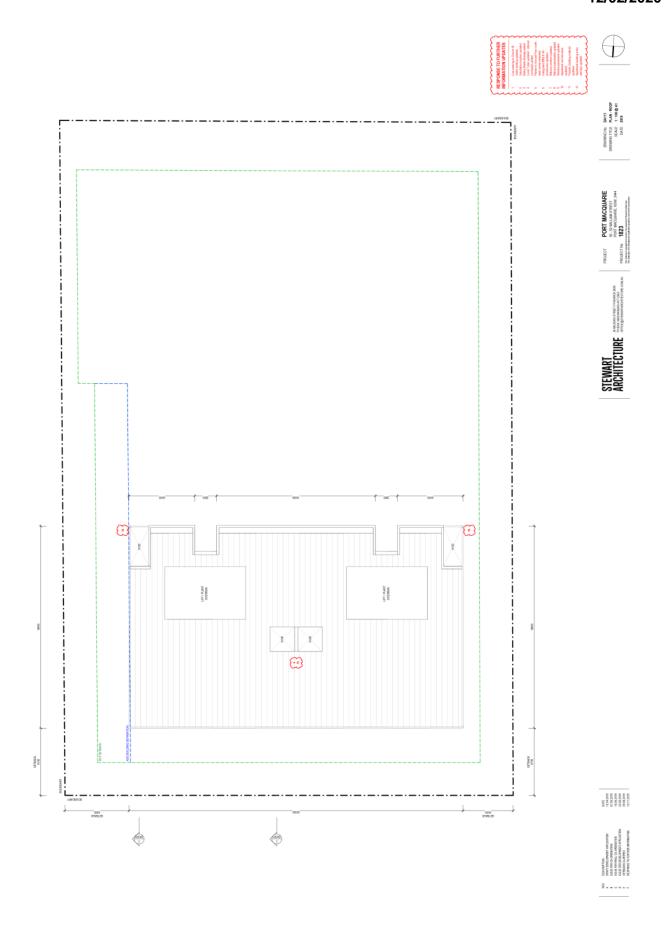




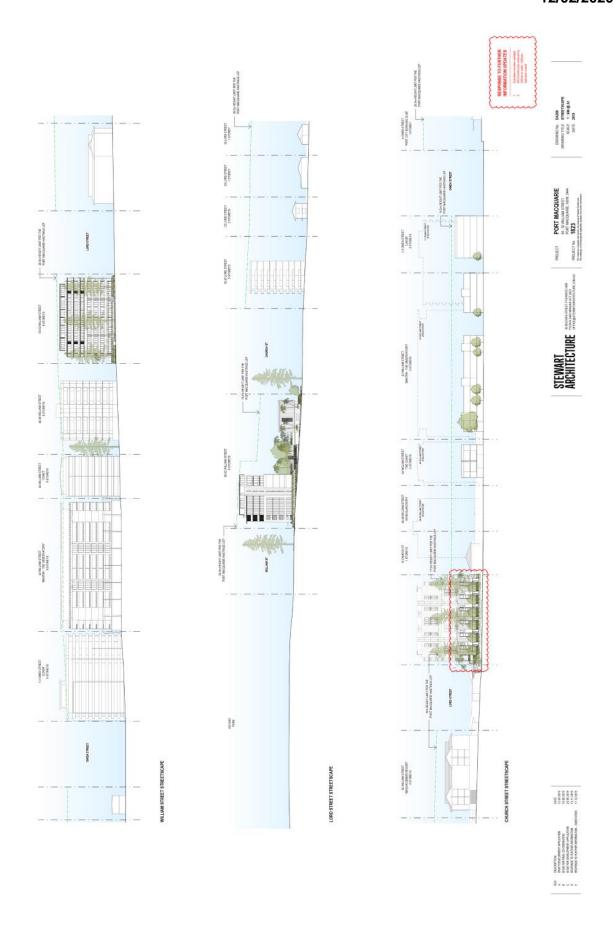




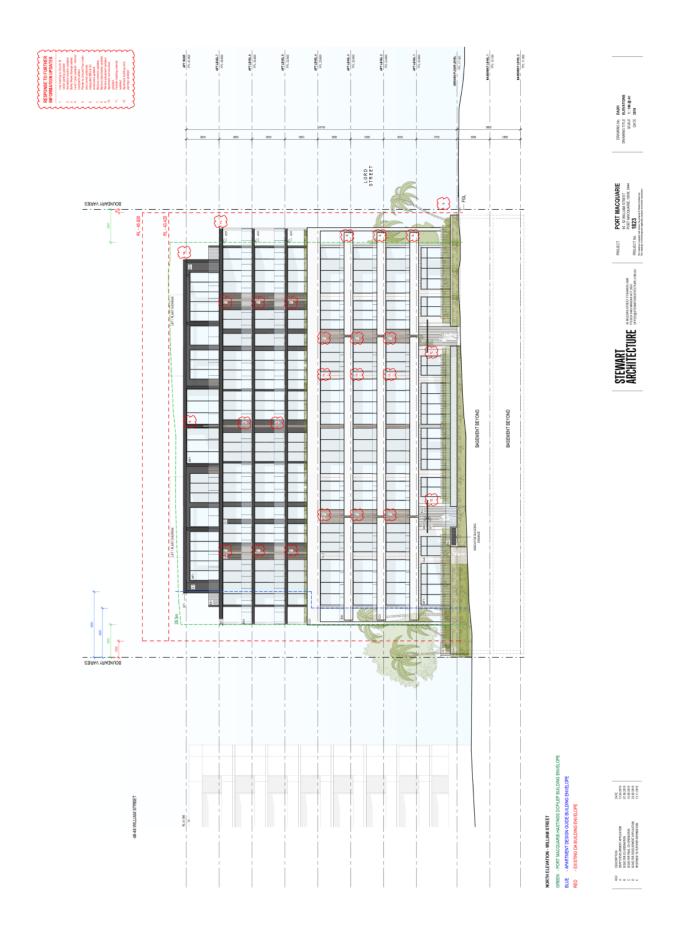
Item 06 Attachment 2

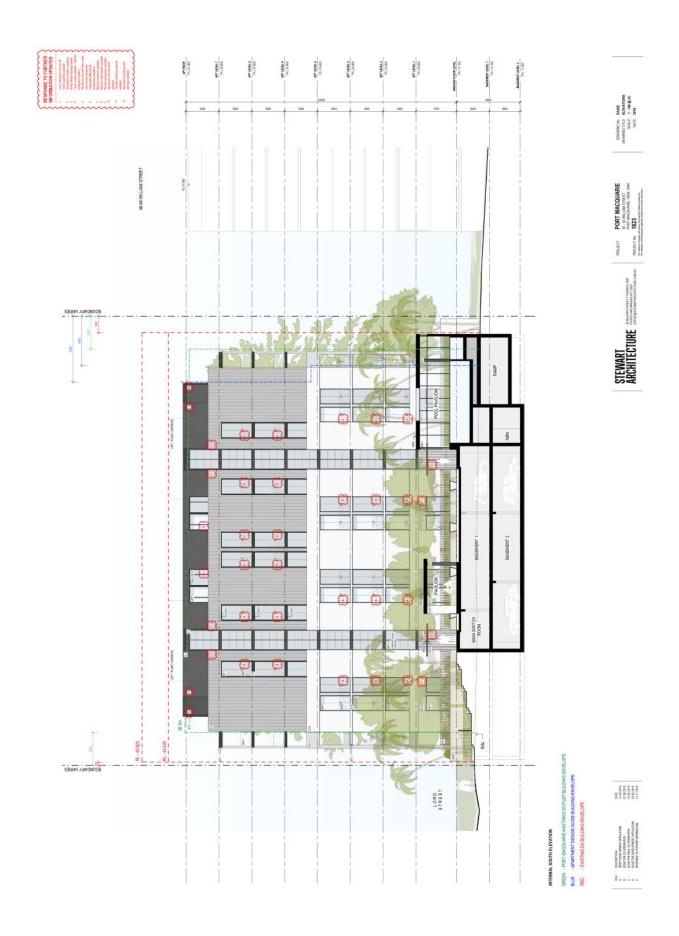


Item 06 Attachment 2



Item 06 Attachment 2





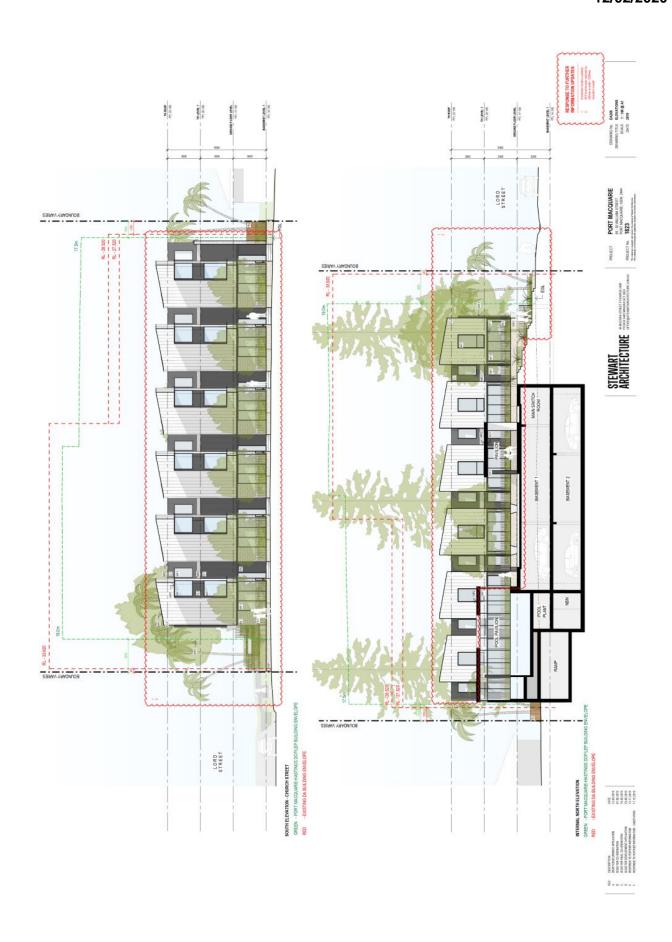
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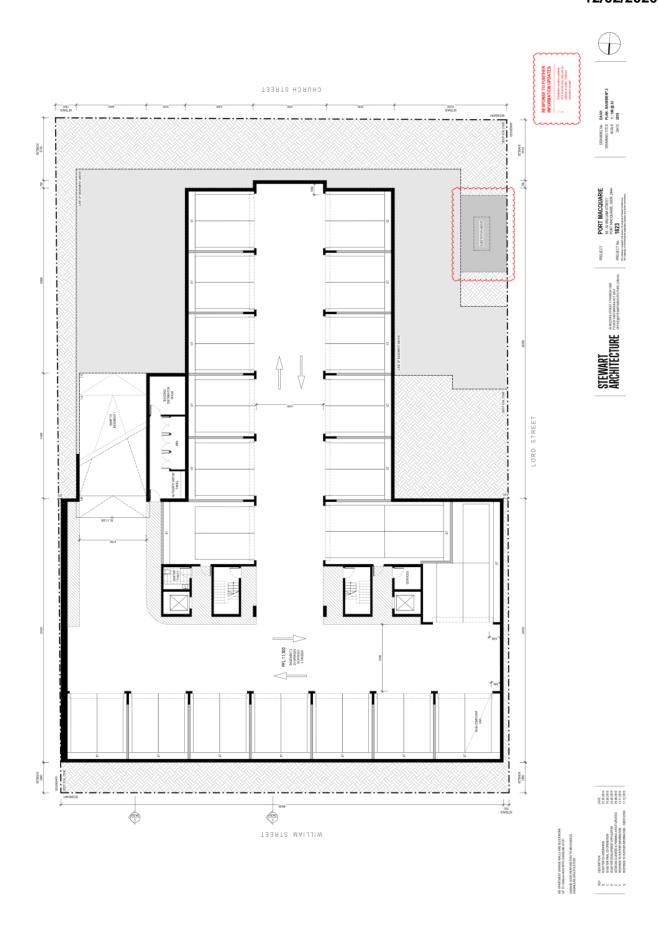












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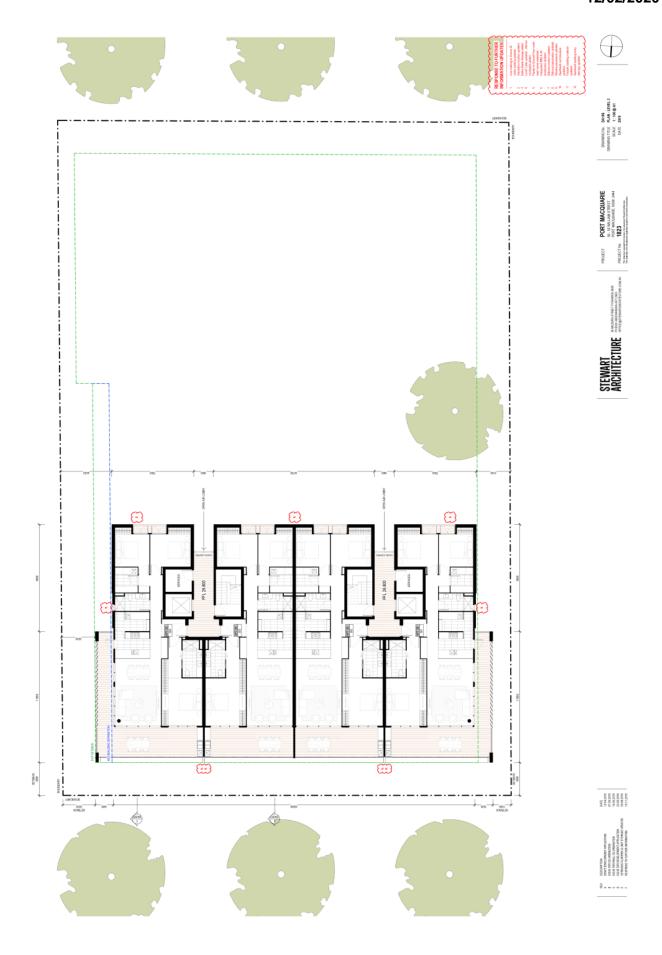
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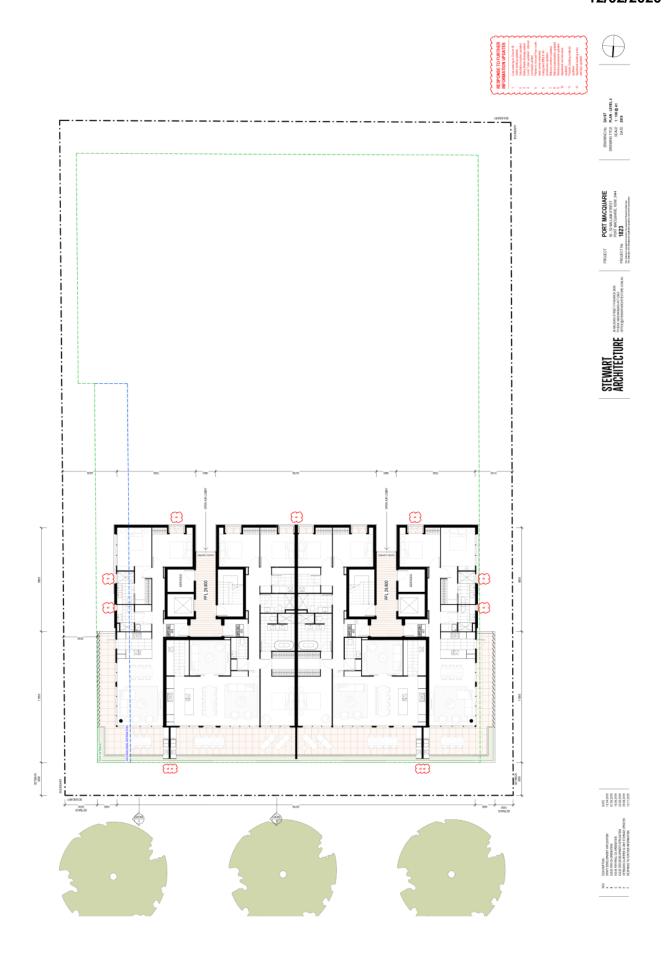
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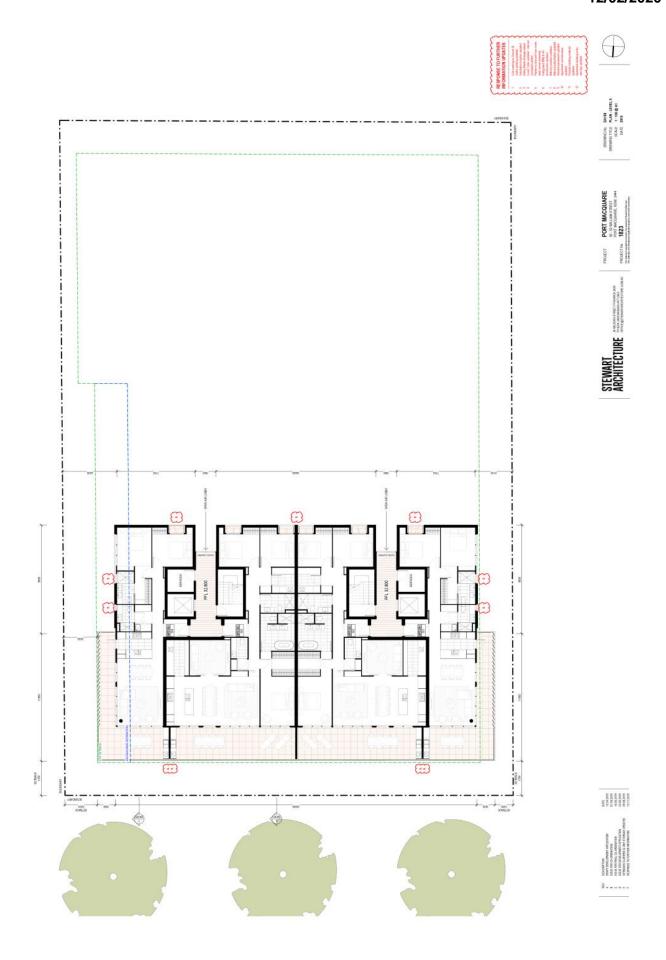
Item 06 Attachment 2



Item 06 Attachment 2



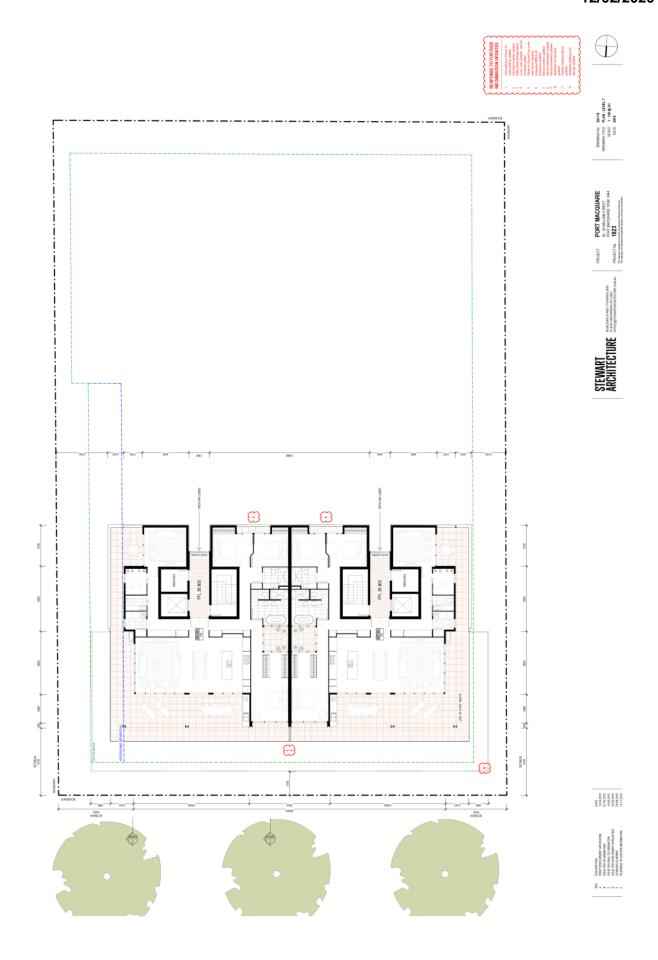
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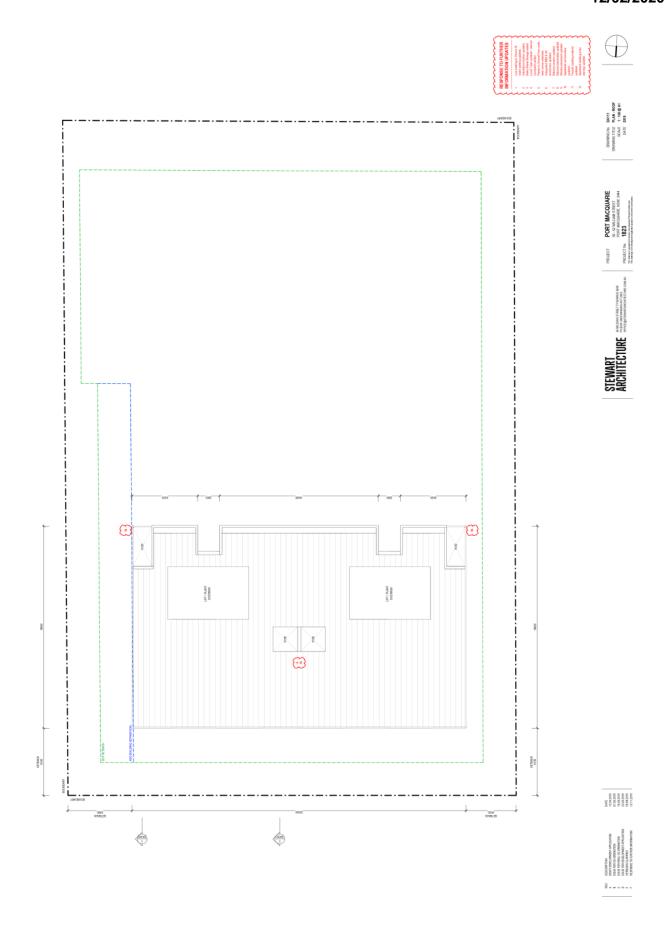
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landscape development application



				SHEEL NAME	REV. NO.	1 P. C.
12688.5	A	0	901	andscape cover page	٥	21/05/2019
12688.5	DA	0	107	site and sis plan	۵	21/05/2019
12688.5	DA	0	102	shadow diagrams	۵	21/05/2019
12688.5	DA	0	103	landscape concept plan - site plan	۵	21/05/2019
12688.5	DA	0	104	landscape concept plan - basement 1	۵	21/05/2019
12688.5	DA	0	501	landscape concept plan - ground level	۵	21/05/2019
12688.5	DA	0	907	landscape defail plan	۵	21/05/2019
12622.5	DA	D	201	model study - water feature	O	21/05/2019
12688.6	DA	0	108	plant palette	Ω	21/05/2019
12688.5	DA		607 G	plantpalette	۵	21/05/2019
12688.5	DA		0101 0	lighting design	a	21/05/2019

DESIGN REGISTER

site analysis plan | L0

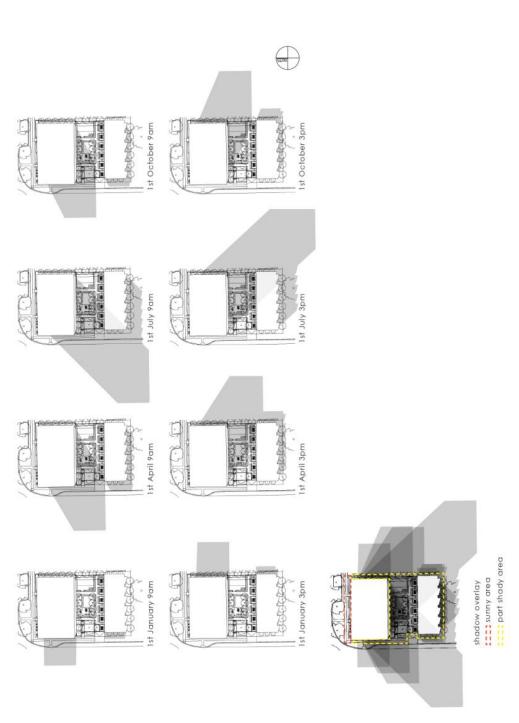






shadow diagrams | L(so-52 William Street, Port Macquarie







garden area (reter to planting palette shrubs and groundcovers) - - boundary by surve territas landscape architects transcini inchant and anno and screening plantin 12688.5 DA 104 D DRAWIN DATE: 3CALE TY 21/05/2019 1:200 8A3 round planter - deep soil zone str. 50-52 William Street, Port Macquarie, NSW 2444 LEGEND 50-52 William Street, Port Macquarie landscape concept plan - basement * III FR.14.100 FR.14.100 FR.14.100 1 1 1 LORD STREET FR. 14.100 IMMENT I IN OWNERS STRUCKS 6 THACKS NON-COUNTRIES CORP.

landscape concept plan - ground level

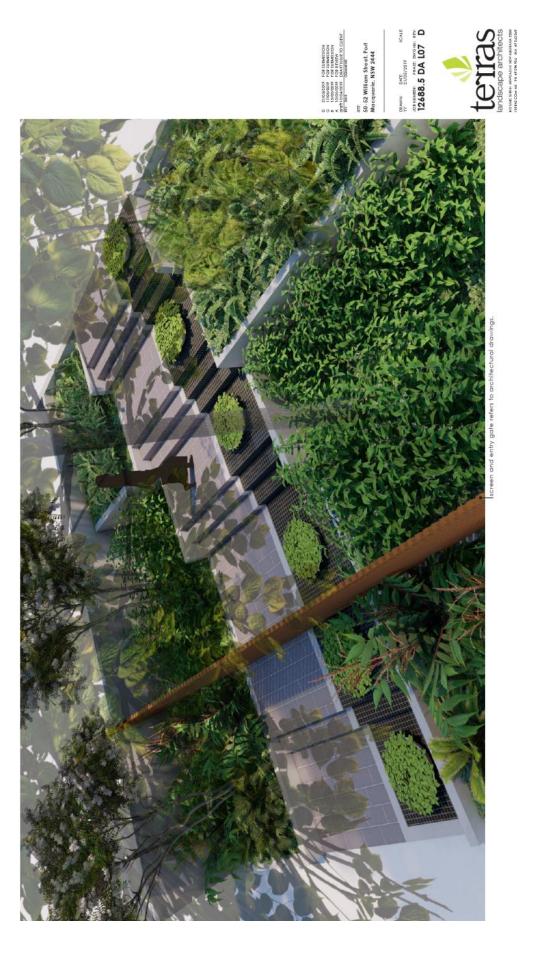


landscape detail plan | L06

garden area (reter to planting palette f - boundary by surve landscape architects trace and reveals we written are existing tree to be retained. proposed street free (refer to planting pideth roposed free screening planting 12688.5 DA LO6 D 21/05/2019 1:100/8A3 round planter I round planter 2 imber decking - deep soil zone pavement 1 pavement 2 Str. 50-52 William Street, Port Macquarie, NSW 2444 LEGEND

railing plants to the edge of the planter to soften the visual impact of etaining wall. medium sized shrubs and groundcovers to the planter box at front of balcony. garden steppers (refer to image 5) water feature with pots (refer to image 1a); with shallow water and dark tiles (refer to image 1b), feature trees with shrubs and groundcovers in deep soil zone to soften the visual impact of retainin bamboo to the planter box to provide screening and privacy. BASEMENT ENTRY BELOW SERVICES

model study - water feature



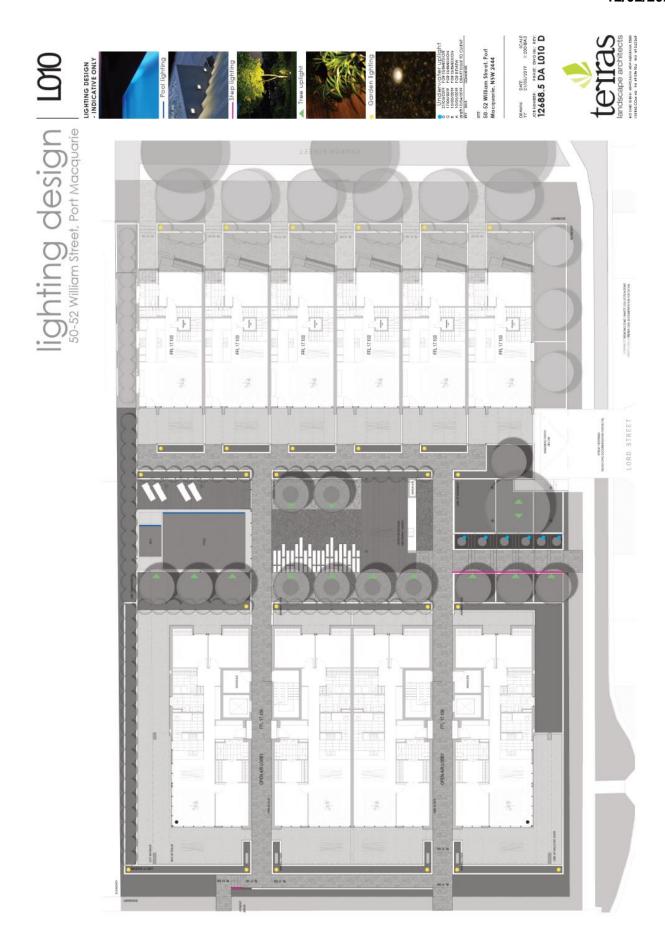
plants palette 50-52 William Street, Port Macquarie

MATURE HEIGHT × WIDTH

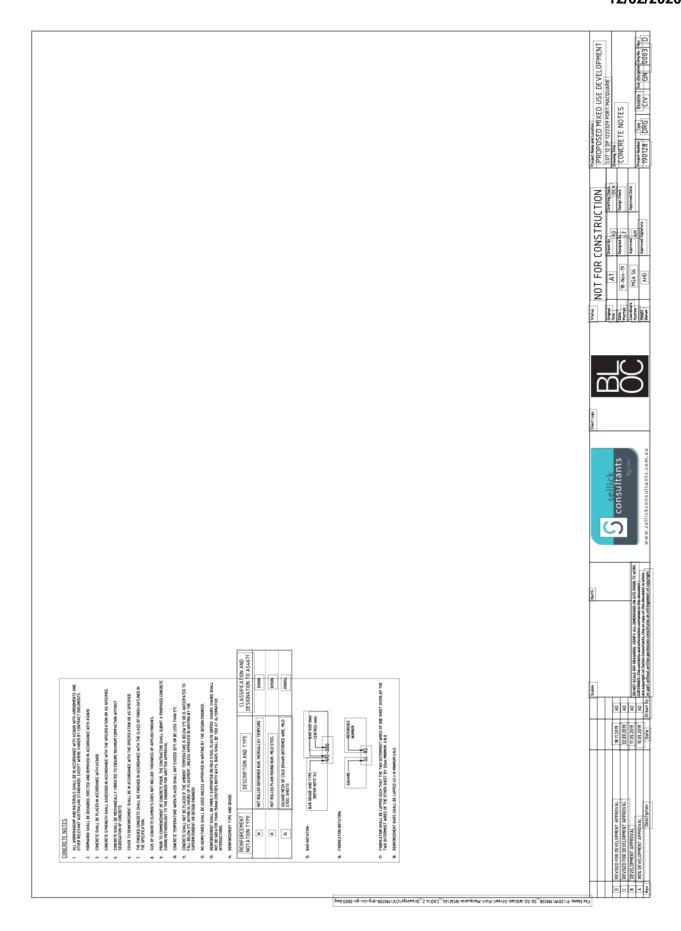
POT SIZE

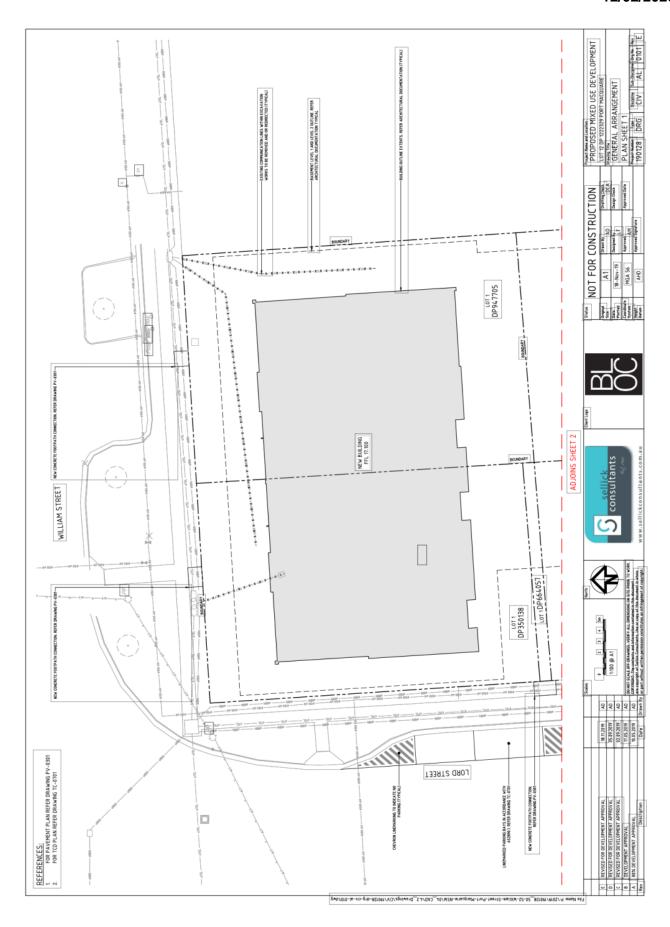


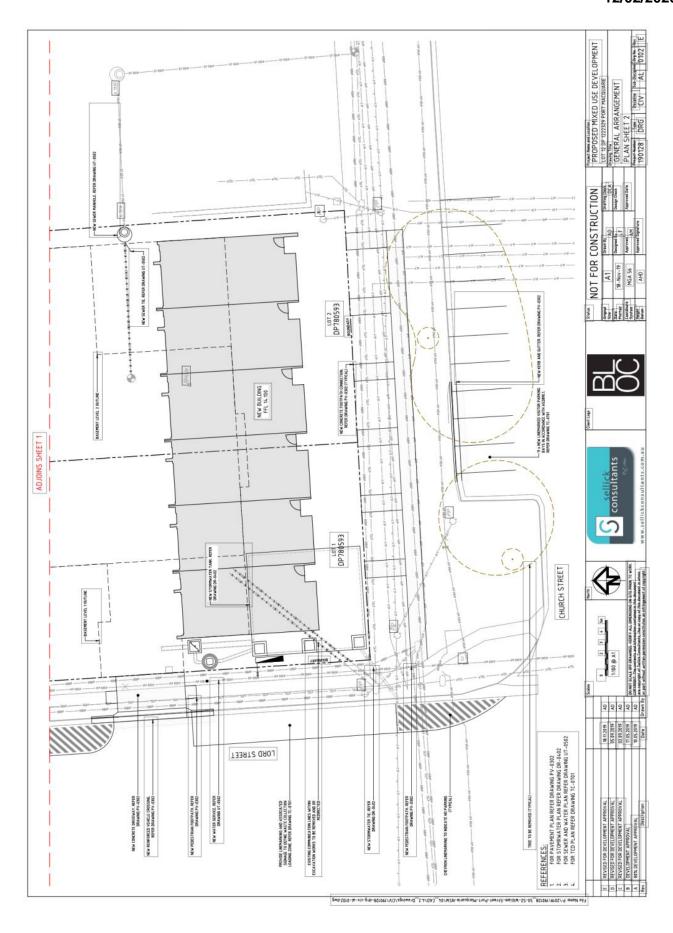
Calatheaze	Crinum pedi
Stenanthe 'Grey Star'	Cordyline stricta
Casuarina glauca 'Cousin II' Cl	
osama sunbum. "Angara"	Babingtonia virgata 'Howie's Blechnum 'Sliver Lady
shrubs & groundcovers	eucophyla Brownii

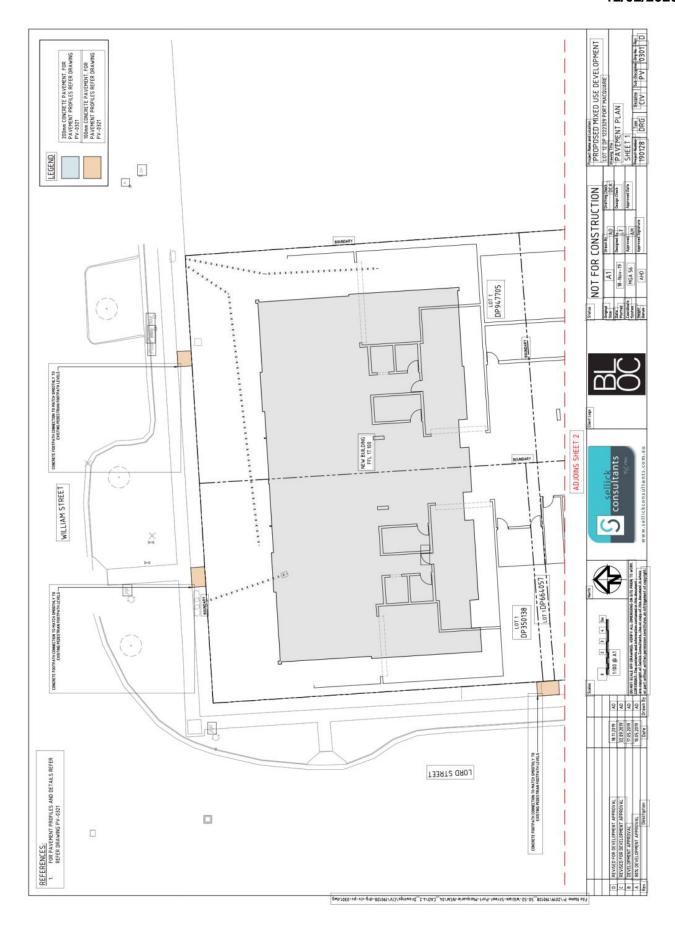


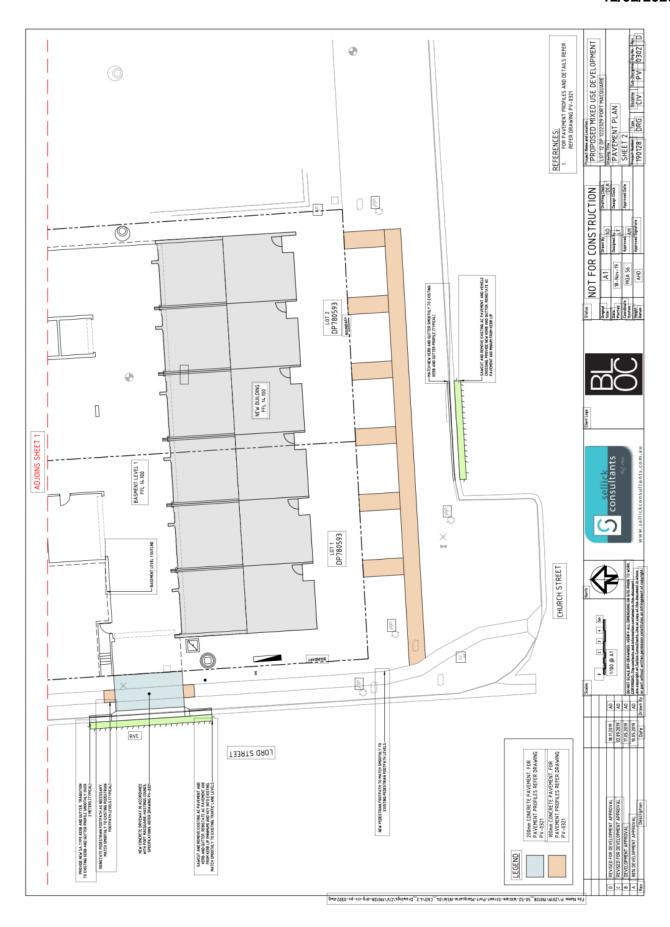


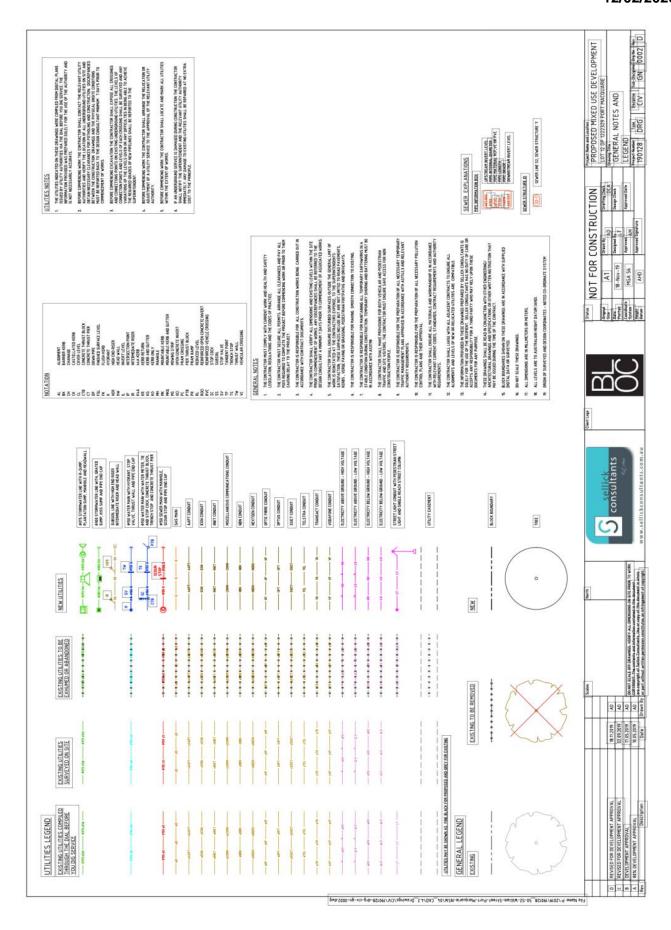


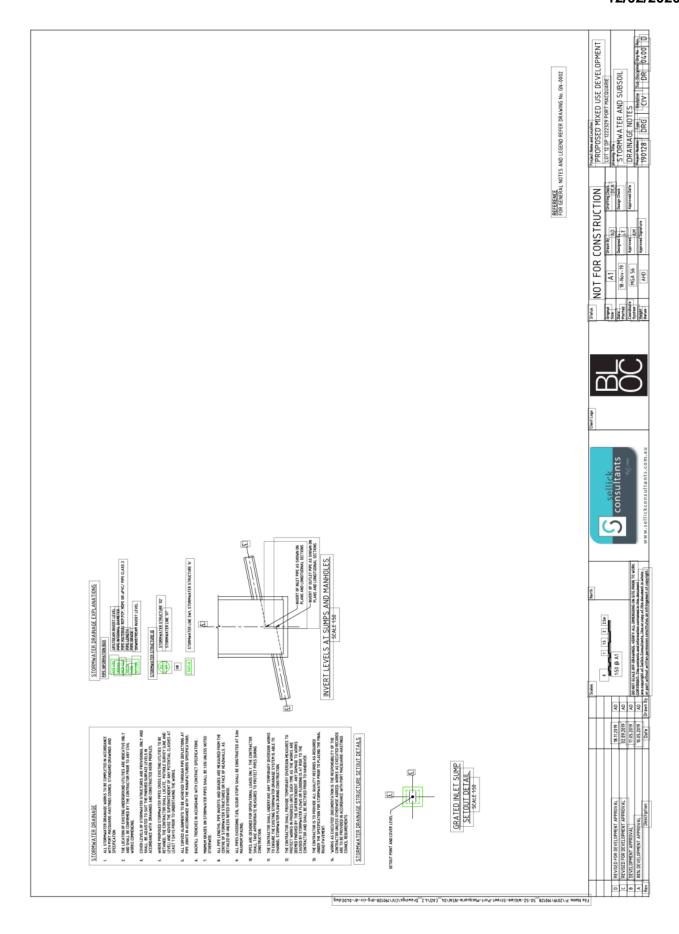


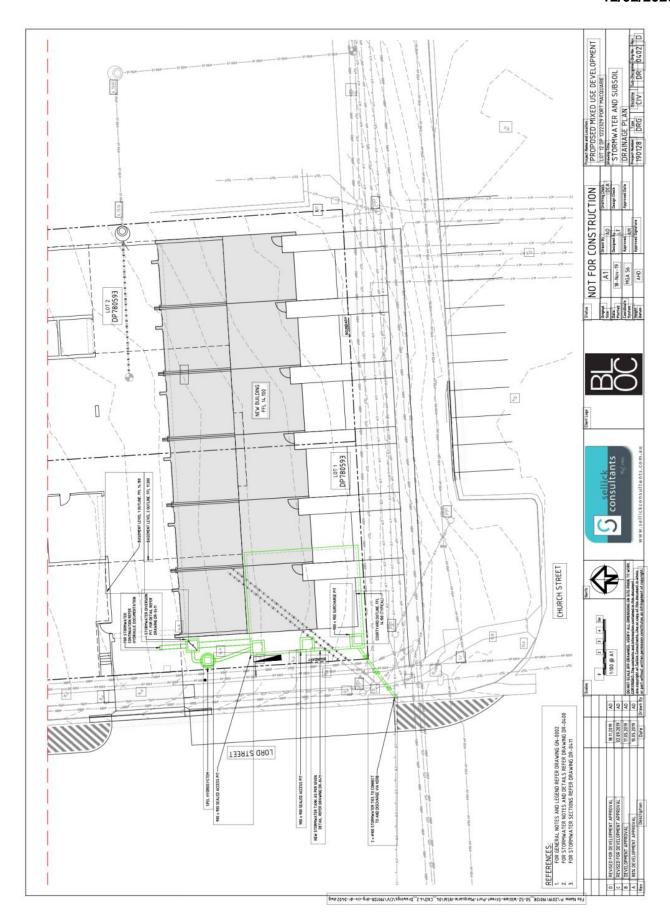


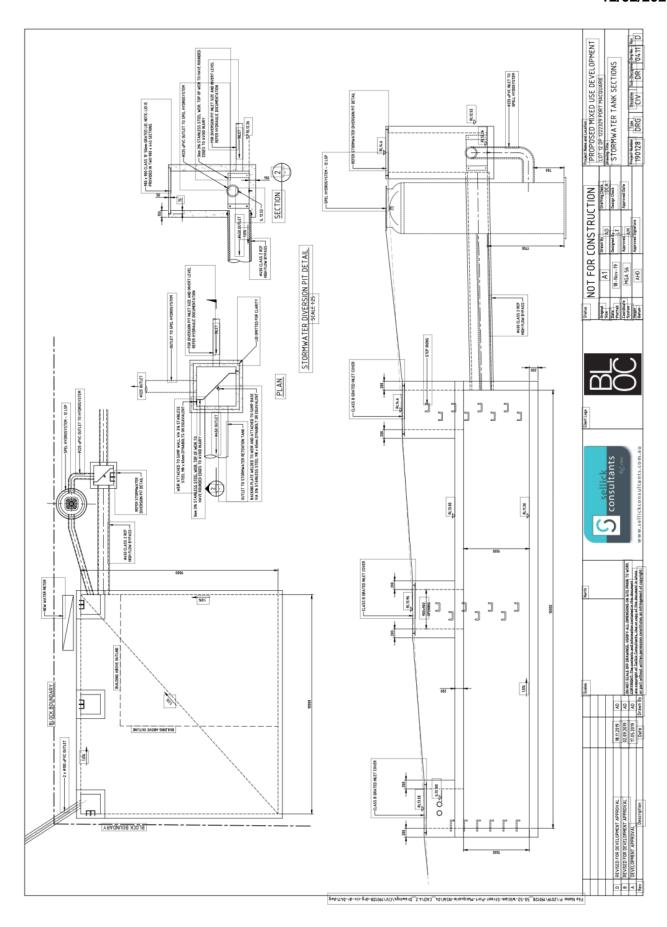


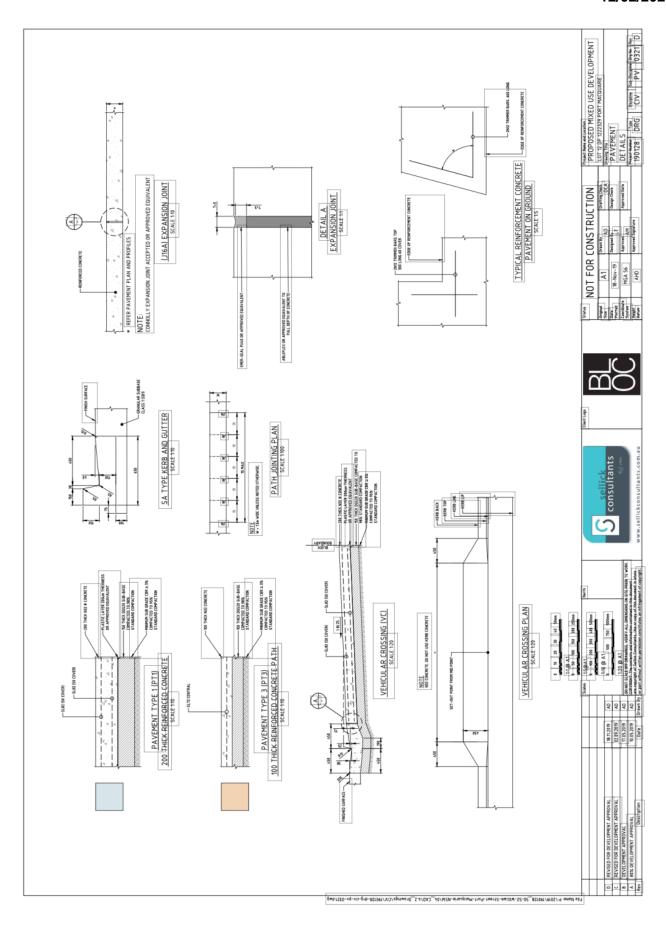


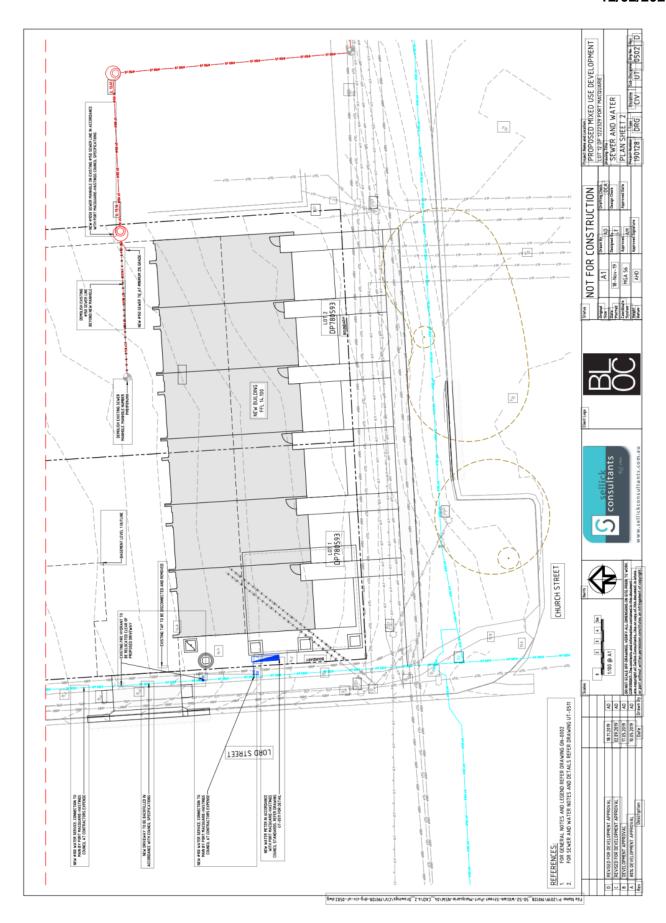


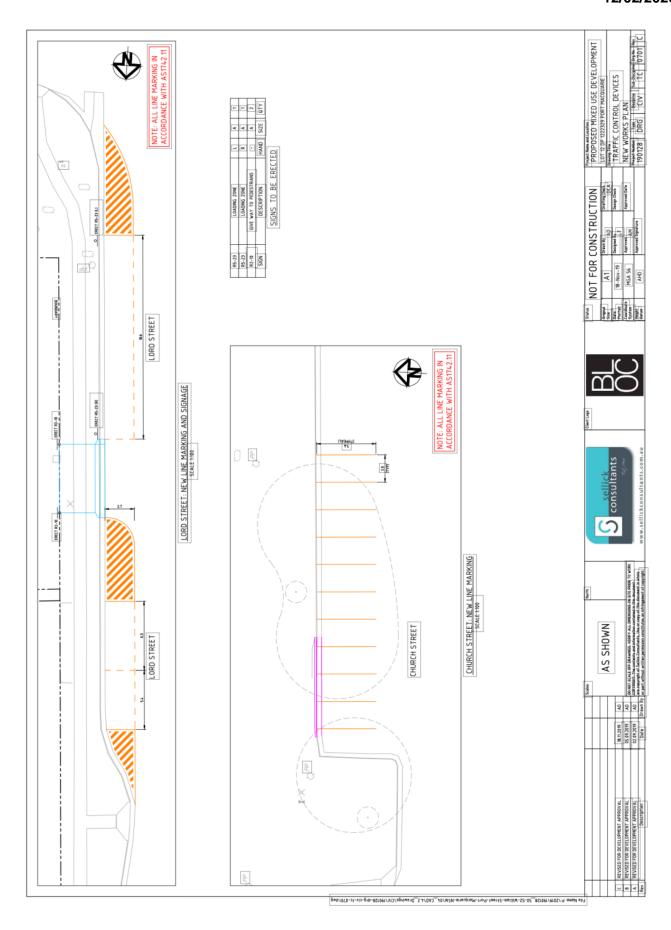


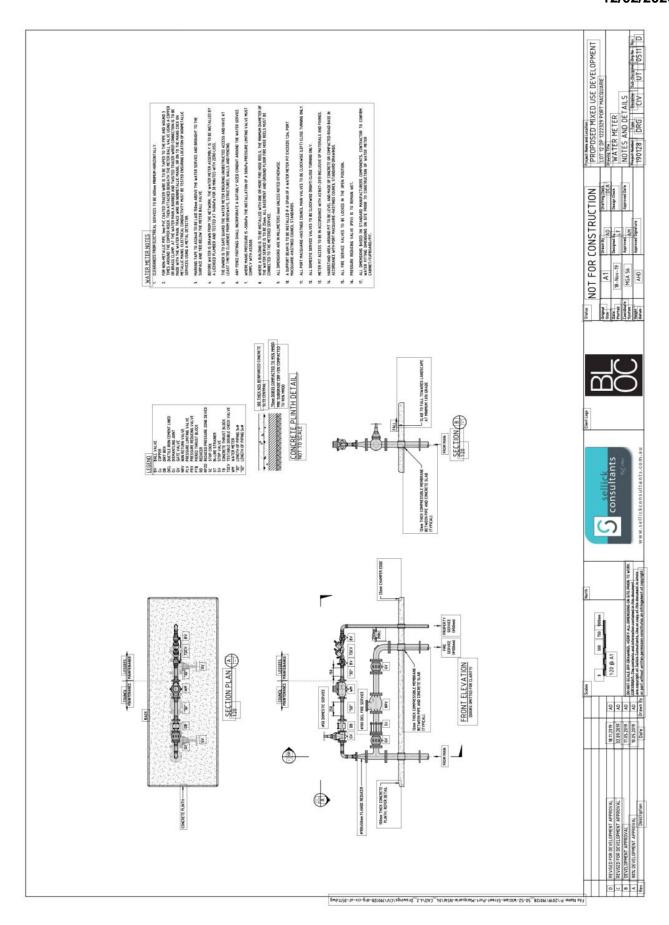


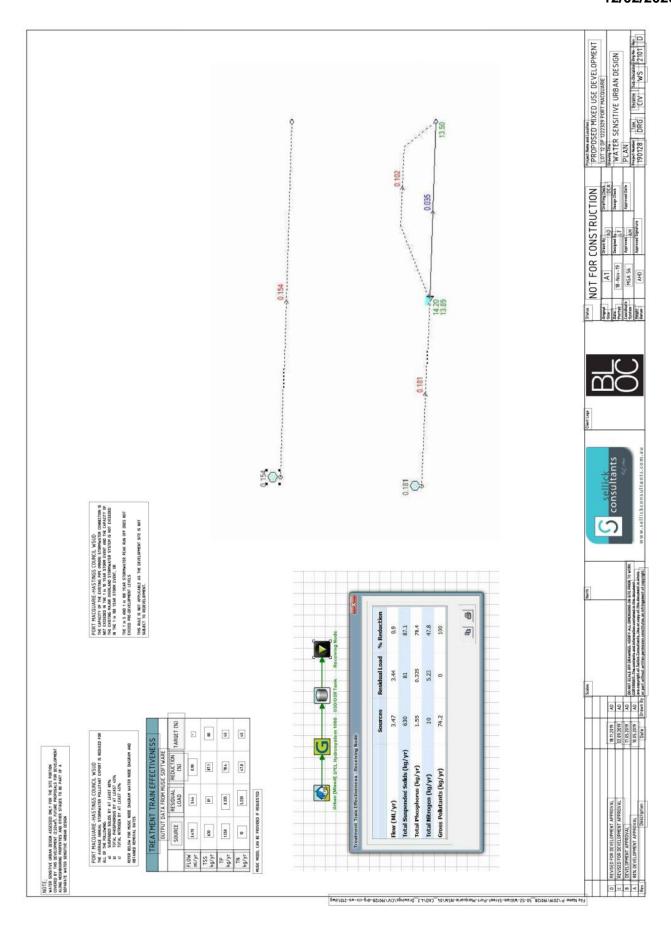


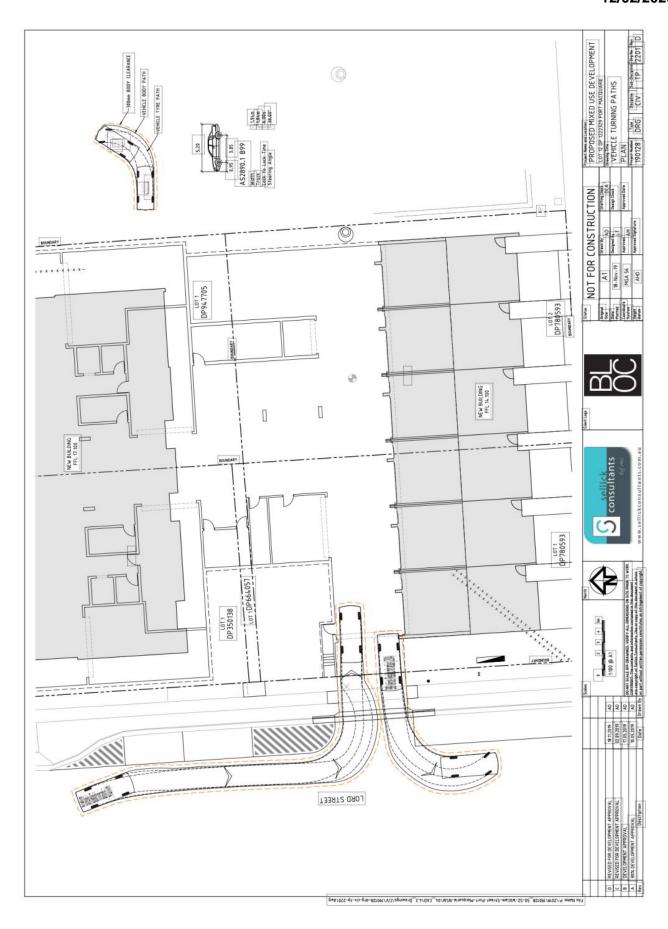


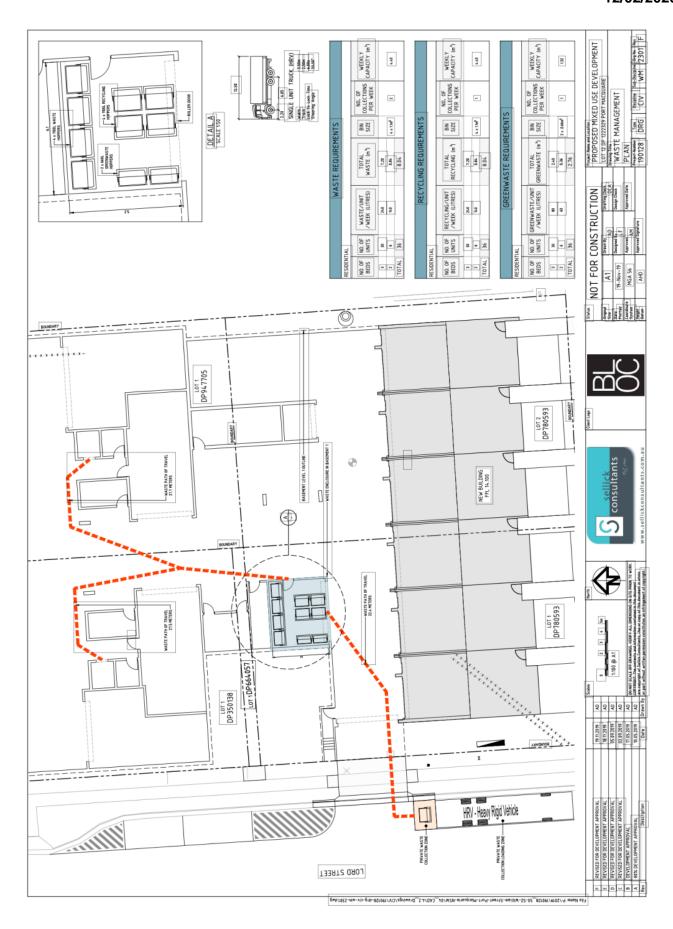












Developer Charges - Estimate

Applicants Name: Stewart Architecture
Property Address: 50 William Street Port Macquarie
Lot & Dp: Lot(s):12,DP(s):1222329



Development: Residential Flat Building including Clause 4.6 Objection to Clause 4.3 (Height of Building)

	Levy Area	Units	Cost		Estimate
	Water Supply	17.1	\$10,296.00	Per ET	\$176,061.60
2	Sewerage Scheme Port Macquarie	27.75	\$3,906.00	Per ET	\$108,391.50
3	Since 1.7.04 - Major Roads - Port Macquarie - Per ET	25.47	\$7,718.00	Per ET	\$196,577.40
4	Since 31.7.18 - Open Space - Port Macquarie - Per ET	25.47	\$5,686.00	Per ET	\$144,822.40
5	Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	25.47	\$4,669.00	Per ET	\$118,919.40
6	Com 1.3.07 - Administration Building - All areas	25.47	\$919.00	Per ET	\$23,406.90
7	N/A				
8	N/A				
9	N/A				
10	N/A				
11	N/A				
12	N/A		4 PI	JIM	oses
13	N/A Not for Paymo		-ر-ی		
14	N/A				
15	Admin General Levy - Applicable to Consents approved after 11/2/03	2.	2% S94 Contribu	ution	\$10,641.90
16					
7					
18					

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:

4-Feb-2020

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

art Architecture, 50 William Street Port Macquarie, 4-Feb-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 07

Subject: DA2019 - 506.1 2 LOT SUBDIVISION INCLUDING CLAUSE 4.6

OBJECTION TO CLAUSE 4.1 (LOT SIZE) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT LOT 113 DP 754405, NO. 2 ARNOTT

STREET, LAURIETON

Report Author: Development Assessment Planner, Chris Gardiner

Applicant: All About Planning

Owner: Secure Home Parks Pty Ltd

Estimated Cost: \$57,000 Parcel no: 737

Alignment with Delivery Program

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

RECOMMENDATION

That it be recommended to Council that DA2019 - 506.1 for a 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113, DP 754405, No. 2 Arnott Street, Laurieton, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a 2 lot subdivision and alterations and additions to the existing 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, no submissions were received.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel.

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.



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 1.012 hectares.

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:

- 2 lot Torrens title subdivision to excise manager's residence from existing caravan park;
- Alterations and additions to dwelling to make it suitable for independent occupation.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 11 July 2019 Application lodged.
- 18 July 2019 to 31 July 2019 Neighbour notification.
- 26 July 2019 Additional information requested from Applicant.
- 17 September 2019 Bush Fire Safety Authority issued by NSW Rural Fire Service.
- 21 October 2019 Additional information submitted by Applicant.
- 4 December 2019 Further additional information submitted by Applicant.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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



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

State Environmental Planning Policy No. 21 - Caravan Parks

8 Development consent required for caravan parks

- (1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.
- (2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine:
 - (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and
 - (b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.
- (3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.
- (4) The holder of an approval under Part 1 of Chapter 7 of the <u>Local Government</u>
 <u>Act 1993</u> to operate a caravan park or camping ground on land must not,
 without the development consent of the Council, allow a person to occupy a
 site within that land:
 - (a) for a continuous period of more than 3 months, except as provided by paragraph (b), or
 - (b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the <u>Environmental Planning</u> and Assessment Act 1979 when this Policy commenced.
- (4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.
- (5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to <u>State Environmental Planning Policy No 36—Manufactured Home Estates</u> or dedicated or reserved under the <u>National Parks and Wildlife Act 1974</u>.

The proposal does not seek any change to the number of approved long and short-term sites. The proposed manager's residence and office that are proposed to be excised from the caravan park are not located on a long or short term site.

10 Matters to be considered by Councils

A Council may grant a development consent required by this Policy only after it has considered the following:

(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence.
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
- (e) any relevant guidelines issued by the Director, and
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

The site is an existing caravan park and the proposal would not result in any changes to the character of the area, or result in any impacts on the provision of tourist accommodation or affordable housing.

The below table considers the applicable provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

CLAUSE	REQUIREMENT	COMMENT/COMPLIANCE
Part 3, Division	I Operation of caravan parks	s and camping grounds
71 Factors for consideration before approval is granted	(1) Council must be satisfied that the estate will be designed in accordance with Division 3; and (2) Council must have regard to the Floodplain Development Manual.	(1) Yes- refer to comments on Division 3(2) Site is flood prone. See comments under clauses 7.3 of LEP.
72 Matters to be specified in approval	Any approval must specify the number, size and location of the dwelling and camping sites.	An updated Section 68 approval to operate will need to specify these matters due to the reduction in the caravan park size.
73 Conditions of approval	The consent must be conditioned to ensure the design, construction, maintenance and operation of the estate is in accordance with Division 3.	An updated Section 68 approval to operate will need to specify these matters due to the reduction in the caravan park size.
	3 Caravan parks and campin	g grounds
83 Minimum size of caravan park or camping ground	Estate must have an area of not less than 1 hectare.	Proposal will result in the caravan park being reduced to an area of slightly less than 1 hectare (9725.5m²). The Applicant has submitted a draft Section 82 objection to this standard, which has been reviewed in the assessment of the development application. No objection in principle is raised to the variation and the Section 82 objection will



		need to be submitted and formally determined with the next approval to operate the caravan park.
85 Size of dwelling sites and camp sites	 (1) A long-term site must have an area of at least 80 square metres. (2) A short-term site must have an area of at least 65 square metres. (3) A camp site must have an area of at least: (a) 40 square metres, in the case of a camp site for which a separate parking space is provided within 30 metres of the camp site, or (b) 50 square metres, in any other case. 	The proposal would not affect the size of any of the existing approved sites.
89 Setbacks of dwelling sites and camp sites from road frontages	(1) A dwelling site or camp site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the caravan park or camping ground unless the approval for the caravan park or camping ground so allows. (2) The approval for a caravan park or camping ground for a caravan park or camping ground must not allow a lesser distance unless the council is satisfied that the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.	The proposed subdivision will result in the eastern and southern boundaries of Lot 1 becoming the boundaries of the caravan park. Site 63 of the caravan park will have a setback of less than 3m from the side boundary. The application proposes erection of a 1.8m high boundary fence on the boundary, which is considered sufficient to provide adequate visual and acoustic privacy between the dwelling site and the residential lot. A condition is recommended requiring the construction of the boundary fence prior to the issue of the Subdivision Certificate.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

The vegetation on the site does not meet the definition of potential koala habitat and further consideration of the policy is not required.

State Environmental Planning Policy No. 55 - Remediation of Land

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



State Environmental Planning Policy (Coastal Management) 2018

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

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

Having regard to clause 11 of the SEPP, the proposal will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, and would not affect the quantity and quality of surface and ground water flows to the adjacent coastal wetland.

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;
- 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 predominately cleared and located within an area zoned for residential purposes.

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

A BASIX certificate is not required as the proposal meets the definition of 'BASIX excluded development' in the Environmental Planning and Assessment Regulation 2000.

Port Macquarie-Hastings Local Environmental Plan 2011

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

• Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a dwelling house and caravan park is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- o 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 for permissible land uses;
 - The development would provide for a variety of housing types and densities to meet the housing needs of the community.
- Clause 4.1 The lot sizes within the proposed subdivision are 407.1m² and 9725.5m². Proposed Lot 1 is smaller than the minimum lot size of 450m² identified in the Lot Size Map relating to the site (9.5% variation). See comments under Clause 4.6 regarding the Applicant's request to vary the minimum lot size provisions.
- Clause 4.3 The maximum overall height of the new building work (entry porch) above ground level (existing) is 3.69m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 This clause establishes the maximum "floor space ratio" for development. 'Floor space ratio' is defined as 'the ratio of the gross floor area of all buildings within the site to the site area'. 'Gross floor area' is defined as 'the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
 - (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.'

The proposal would result in the existing dwelling on proposed Lot 1 having a floor space ratio of 0.82:1, which does not comply with the 0.65:1 floor space ratio applying to the site. The variation exceeds the standard by 26%.

The proposed variation to the floor space ratio development standard is addressed under the following clause 4.6 section of this report.

- Clause 4.6 This clause establishes a degree of flexibility for certain development standards in certain circumstances which have demonstrated that a better planning outcome will occur from that flexibility. In this regard, the proposal seeks a variation to the Minimum lot size (Clause 4.1) and floor space ratio (Clause 4.4) development standards. Assistance on the approach to variation to this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:
 - Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);



- o Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and
- o Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245

Having regard to specific requirements of clause 4.6(3) and 4.6(4) the following assessment comments are provided:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comments: The Applicant has submitted a request in writing to justify the contravention of the floor space ratio standard for the following reasons (as summarised):

- The proposed variations will not result in any actual change to existing built form on the site or unacceptable impact on adjoining properties or public areas including the surrounding street.
- The proposal is consistent with the objectives of the R1 General Residential zone in that it will continue to provide a variety of housing types and densities to meet the needs of the community.
- The proposal is consistent with the objectives of Clause 4.1 (Minimum Lot Size) of the LEP as the subdivision would retain an existing dwelling and caravan park and continue to facilitate the efficient use of residential land.
- The proposal is consistent with the objectives of Clause 4.4 (Floor Space Ratio) as the subdivision relates to existing buildings and would not result in any increase in bulk and scale in the existing streetscape.
- The degree of variation will not result in an increase in the overall site density or the intensity of the uses.
- The proposed demolition of the existing shed at the rear of proposed Lot 1 would result in a reduction in the current site coverage.
- The proposed variations would not erode the public interest.
- Land immediately adjoining the site has a permitted FSR of 1:1, and the density on Lot 1 is not out of character in the area.
- The potential lot size is constrained by the existing caravan park.
- The contravention does not raise any matters of significance for State or regional planning.
- The approval of the variations would not create any undesirable precedent.
- The proposed lot size is sufficient for the existing dwelling and could accommodate a future dwelling in the event that the existing dwelling was demolished.
- The proposal will have a public benefit to the Laurieton and wider Port Macquarie-Hastings community by maintaining affordable housing.
- Compliance with the development standards is therefore unreasonable and unnecessary in the circumstances of the case, for the reasons above.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

Comments:

In *Wehbe* 'five methods' have been developed to test whether a non-compliance with the standard is unreasonable or unnecessary. In this case the Applicant is relying upon the below method:

• The objectives of the lot size and floor space ratio standard are achieved notwithstanding the non-compliance with the numerical standard, and compliance with the standard is therefore unnecessary.

The Applicant's written submission is considered to adequately demonstrate that compliance with the standard is unnecessary in the circumstances of the case.

The Applicant's written request has also adequately demonstrated that there is sufficient environmental planning grounds for the variation on the following basis:

- The subdivision relates to land containing existing buildings and would not result in any increase in the bulk and scale of the buildings in the streetscape.
- The application has demonstrated that the size and dimensions of proposed Lot 1 is sufficient to accommodate the existing dwelling, parking and open space areas consistent with the DCP provisions.
- The development would not result in any intensification of the land uses.
- The proposed lot boundaries provide for a sensible definition of the boundary between the caravan park and the proposed separate dwelling house.
- The variations to the development standards would not result in any adverse amenity issues.

On the basis of the above, it is considered that the Applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comments:

The proposal is considered to be consistent with the zone objectives as noted earlier under Clause 2.3. Consideration of the proposal's consistency with the objectives of the lot size and floor space ratio standards is provided as follows:

Lot Size:

(a) to ensure that lot sizes are compatible with local environmental values and constraints.

Comment

The proposal relates to an existing site that has been developed for the purpose of a caravan park. The site does not contain and particular environmental values that need to be protected, and the proposed lot size is compatible with the bushfire and flooding constraints applicable to the site.



(b) to facilitate efficient use of land resources for residential and other human purposes,

Comment

The land has been efficiently developed for the purpose of a caravan park. The proposed subdivision would not compromise the use of the land for residential purposes.

(c) to minimise the fragmentation of rural land suitable for sustainable primary production,

Comment

Not applicable.

(d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.

Comment

Not applicable.

Floor Space Ratio:

(a) to regulate density of development and generation of vehicular and pedestrian traffic,

Comment

The proposal relates to an existing developed caravan park and manager's residence. The proposed subdivision would not result in any additional generation of vehicular or pedestrian traffic.

(b) to encourage increased building height and site amalgamation at key locations,

Comment

Not applicable. Amalgamation and increased building height not envisaged for the site.

(c) to provide sufficient floor space for high quality development for the foreseeable future,

Comment

The existing buildings (including the dwelling on proposed Lot 1) are currently within the adopted floor space ratio when considered in the context of the overall site. The non-compliance in this instance arises from the proposal to accommodate the existing floor space of the manager's residence on a smaller lot. The proposal is therefore not considered to be inconsistent with this objective.

(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

Comment

The proposed subdivision relates to existing buildings within an approved caravan park. The proposed subdivision which is creating the FSR variation



would not result in any changes to the existing gross floor area of the building. With the exception of the addition of an entry porch, the development would not alter the built form, or bulk and scale of development. It is also noted that directly adjoining land to the east of the site permits a 1:1 floor space ratio and the proposed development will not be out of character in this context.

The development is consistent with the zoning, lot size, and floor space ratio objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.

(b) the concurrence of the Secretary has been obtained.

Comments: As per the Planning Circular PS 18-003, Council can assume the Director's Concurrence for variations to lot size in residential zones and floor space ratio. In this instance, the variation to the floor space ratio development standard exceeds 10% and the application must be determined by the elected Council. A public register of decisions on variations must be maintained and reported quarterly to the NSW Department of Planning, Industry & Environment.

- Clause 5.10 Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 The north-east corner of the site is mapped as potentially containing class 2 acid sulfate soils (see below). The proposed development does not include any excavation in this part of the site and therefore no adverse impacts are expected to occur to the acid sulfate soils found on site.





- Clause 7.3 the site is land within a mapped "flood planning area" (land subject
 to flood discharge of 1:100 annual recurrence interval flood event, plus the
 applicable climate change allowance and relevant freeboard). In this regard the
 following comments are provided which incorporate consideration of the
 objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's
 Flood Prone Lands Policy and the NSW Government's Floodplain Development
 Manual (2005):
 - The proposal does not result in any increase in the number of bedrooms in the dwelling that are located below the flood planning level;
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Clause 7.13 Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

	Requirements	Proposed	Complies
3.2.2.2	Articulation zone: • Min. 3m front setback	Porch to 3.48m front setback.	Yes
	Front setback (Residential not R5 zone): • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway	6.08m setback to front wall. Porch in articulation zone as noted above.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs	6.08m to garage.	Yes



	DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development (Dwelling on proposed Lot 1 only)			
	Requirements	Proposed	Complies	
	provided 6m max. width of garage door/s and 50% max. width of building	5.4m wide and 63% of the width of the building.	No*	
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5.0m wide and 39% of site frontage (12.77m).	No*	
	Garage and driveway provided on each frontage for dual occupancy on corner lot	N/A	N/A	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	4.7m to wall.	Yes	
3.2.2.5	 Side setbacks: 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 	Minimum 1.18m ground and first floor side setback. Given the site orientation the building would not overshadow neighbouring living room windows or private open space for more than 3 hours between 9am and 3pm on 21 June. The proposal relates to an existing building with non-compliant wall articulation and would not increase the impact.	Yes	
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	Approximately 130m ² of private open space including 4m x 4m area accessible from living area.	Yes	
3.2.2.7	 Front fences: If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances Front fences and walls to have complimentary materials to 	None proposed.	N/A	



DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development (Dwelling on proposed Lot 1 only)				
	Requirements	Proposed	Complies	
	context			
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	None proposed.	N/A	
3.2.2.10	 Privacy: Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	Privacy adequately addressed with fencing, screening and building separation. A condition is recommended requiring construction of a 1.8m high boundary fence on the southern and eastern boundaries to provide privacy to the ground floor living area and private open space.	Yes	
3.2.2.11	Roof terraces	N/A	N/A	
3.2.2.13 onwards	Jetties and boat ramps	N/A	N/A	

DCP 2013: Chapter 3.6 - Subdivision				
DCP Objective	Development Provisions	Proposed	Complies	
3.6.3.1	A site analysis is required for all development and shall illustrate: microclimate; lot dimensions; north point; existing contours and levels to AHD; flood affected areas; overland flow patterns, drainage and services; any contaminated soils or filled areas, or areas of unstable land; easements and/or connections for drainage and utility services; identification of any existing trees and other significant	Satisfactory site analysis submitted in plans and Statement of Environmental Effects.		



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	 vegetation; any existing buildings and other structures, including their setback distances; heritage and archaeological features; fences; existing and proposed road network, including connectivity and access for all adjoining land parcels; pedestrian and vehicle access; views to and from the site; overshadowing by neighbouring structures; and any other notable features or characteristics of the site. 		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	Lot 1 - 12.77m wide. Lot 2 - 88.005m wide. Lot 1 contains the existing manager's residence and it has been demonstrated that the building can achieve the DCP requirements for a single dwelling. The width of the lot is therefore considered acceptable.	No, but acceptabl e
	Minimum width of 7m when boundaries are extended to kerb line. Minimum depth of 25m.	Both lots greater than 7m wide when boundaries extended to the kerb line (edge of road pavement in this instance). Both lots greater than	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	25m deep. N/A	N/A
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m² if: • Each lot to be created is part of a community or	N/A	N/A



	 strata title scheme, or Is part of an integrated Torrens title housing development. 		
3.6.3.3	Battleaxe lots discouraged in greenfield development.	No battleaxe lots proposed.	Yes
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	Lots are relatively flat and contain an existing dwelling and caravan park.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Kerb and guttering is not considered practical in this instance due to the existing street drainage and the small scale of the proposal.	No, but acceptabl e
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	N/A	N/A
3.6.3.8	All new roads are to be dedicated to Council designed in accordance the Council's adopted AUSPEC design specification documents. All applications to subdivide land should include a road layout plan that meets the Council's design requirements including providing connectivity and access for all land parcels consistent with Council's road hierarchy.	N/A	N/A
3.6.3.20	Water supply to meet Council's design specifications.	See comments later in this report under Water Supply Connection.	
3.6.3.21 - 3.6.3.22	All lots connected to reclaimed water if available.	N/A	N/A
3.6.3.24	Separate sewer junction provided for each lot. Extension of sewer infrastructure	See comments later in this report under Sewer Connection.	
	at cost of developer.		
3.6.3.26 - 3.6.3.27	Erosion and sediment control plan to be provided.	Standard condition recommended requiring erosion and sediment control plan.	Yes



3.6.3.28	Saving and re-using top soil and the incorporation of additives to improve existing soils is preferred to the importation of soils for landscaping.	N/A	N/A
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council. All service infrastructure should be installed in a common trench. Conduits for the main technology network system should be provided in all streets. Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'. Access pits are to be installed at appropriate intervals along all streets.	Standard condition recommended requiring confirmation of satisfactory arrangements for electricity and telecommunication infrastructure.	Yes

DCP 2013: General Provisions				
DCP Objective	Development Provisions	Proposed	Complies	
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations	The proposal would not result in any increased risk of crime.		
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	None proposed.	Yes	
2.3.3.2	1m max. height retaining walls along road frontages	N/A	N/A	
	Any retaining wall >1.0 in height to be certified by structural engineer	N/A	N/A	
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	N/A	
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint	None proposed to be removed.	N/A	



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2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access from local road.	
2.5.3.11	Section 94 contributions	Refer to main body of report.	

The proposal seeks to vary development provision 3.2.2.3 in relation to the garage and driveway widths.

The relevant objectives of the provision are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.

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

- The dwelling is two storeys at the street frontage and the upper floor will contribute to reducing the visual dominance of the garage.
- The proposed garage will replace an existing hardstand area forward of the dwelling that is visually dominant when vehicles are parked.
- The proposal will rationalise access and avoid a shared driveway with the caravan park.
- A reduction in the width of the driveway would not provide any increase in street parking due to the location of existing driveways on adjoining properties.

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

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

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

iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

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

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

Context and Setting

The site has a general northerly street frontage orientation to Arnott Street.



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Adjoining the site to the north, west, and south are residential uses.

Adjoining the site to the east is Stingray Creek.

The proposal will not have any significant 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 proposal relates to an existing building used for residential purposes.

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.

Roads

The site has road frontage to Arnott Street, a sealed public road under the care and control of Council, with a 6m wide carriageway within a 30m road reserve. There is no footpath or kerb and gutter in the street. Arnott Street is a local street under the AUSPEC standard, and is a cul-de-sac with access to Ocean Drive via George Street.

Traffic and Transport

The site is currently approved for residential use as The Haven Caravan Park. As this development does not propose to add or remove any of the existing dwellings, the traffic associated with the development is unlikely to change and will have no adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

Vehicle access to proposed Lot 1 via an individual driveway with direct frontage to Arnott Street. A new vehicle crossover will be required, in accordance with Council's AUSPEC Standard Drawing 201.

Vehicle access to proposed Lot 2 (caravan park) is proposed to be maintained though the existing single access driveway on Arnott Street. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Parking and Manoeuvring

The existing residence is proposed to be modified to incorporate a new double garage. No changes have been proposed to the existing parking arrangements within the caravan park.

Parking and driveway widths on site are capable of complying with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements. The internal roads within the caravan park provide for adequate circulation, to enable vehicles to enter and exit the site in a forward manner.

Water Supply Connection



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Council records indicate that the development site has an existing 20mm metered service and an existing 40mm metered service. The site is fronted by a 100mm diameter AC water main on the opposite side of Arnott Street. Each lot shall require an individual metered water service. Engineering plans are required to show all proposed water services to the lot.

Conditions have been recommended confirming these requirements.

Sewer Connection

Council records indicate that the development site has a number of existing sewer junctions to Council's main. Torrens title subdivision shall require provision of a sewer service to each lot. The manhole in the proposed new driveway will also need to be modified to provide a trafficable lid and integrate with the finished levels of the driveway.

Engineering plans shall be required as part of the Subdivision Works Certificate application.

Stormwater

The site naturally grades towards Stingray Creek to the east and is currently unserviced. The subdivision will require stormwater from proposed Lot 1 to be drained to Arnott Street via a surcharge pit at the property boundary. The existing drainage for Lot 2 will not be altered, but confirmation will be required that no part of the existing caravan park on proposed Lot 2 drains across Lot 1.

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 Subdivision Works Certificate.

Other Utilities

Telecommunication and electricity services are available to the site.

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

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is considered to be disturbed land.

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 a standard condition



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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

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 identified as being bushfire prone.

In accordance with Section 100B - Rural Fires Act 1997 - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire assessment in the Statement of Environmental Effects. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority subject to conditions, which will be incorporated into the consent.

Safety, security and crime prevention

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

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.

Site design and internal design

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



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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

No written submissions were received following public exhibition of the application.

(e) The Public Interest

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 as the contribution rate for a dwelling within a caravan park is the same as for a dwelling on a Torrens title lot smaller than 450m².

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. DA2019 506.1 Recommended Conditions
- 2<u>J</u>. DA2019 506.1 Plans
- 3<u>U</u>. DA2019 506.1 Bushfire Safety Authority NSW Rural Fire Service



4<u>U</u>. DA2019 - 506.1 Clause 4.6 Objection



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/506 DATE: 3/02/2020

PRESCRIBED CONDITIONS

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

A - GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	19-1447 Sheet 2 - 5	Robert Smallwood Building Plans	October 2019
Site Plan	19-1447 Sheet 1	Robert Smallwood Building Plans	12 December 2019
Amended Community Plan	19-1447	Robert Smallwood Building Plans	9 October 2019
Draft DP	-	Mark Ross Cornish	Undated
Statement of Environmental Effects	2018-004	All About Planning	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 building or subdivision work shall commence until a Construction Certificate or Subdivision Works 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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of

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

- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
 - Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2. Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via 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.
 - Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - NSW Rural Fire Service The General Terms of Approval, Reference D19/2477 DA19072319706 DC and dated 17 September 2019, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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,
 - remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

i.deposit with the Council, or

ii.an unconditional bank guarantee in favour of the Council.

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

(9) (A091) All parts of the structure below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document Reducing Vulnerability of Buildings to Flood Damage (2007).

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS 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 Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Sewerage reticulation.
 - Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 - 3. Stormwater systems.
 - Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 201, Port Macquarie-Hastings Council current version.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

Civil works

- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- · Footway and gutter crossing
- Functional vehicular access

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

- (4) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.
 - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Works Certificate.
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (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) (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.
- (10) (B195) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Subdivision Works Certificate or Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as discharge to the existing table drain in Arnott Street via a surcharge pit located inside the property boundary.
 - b) The design shall provide details of all components of the existing stormwater drainage system servicing the site that are to be retained in addition to any modifications required by the works/subdivision. The design shall also detail the extent of all existing/modified drainage servicing adjacent structures and works located in the remnant lot. Where any drainage is shown to be traversing lots other than which they benefit, an easement for drainage must be created over such drainage in conjunction with the Subdivision Certificate.

c) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

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.
- (3) (C195) Prior to works commencing an application being made to the electricity and telecommunications service providers.

D - DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - b. before pouring of kerb and gutter;
 - 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) (D029) Any demolition work shall be carried out in accordance with Australian Standard AS 2601: The Demolition of Structures. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee - Code of Practice for Safe Removal of

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

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

Safely disposing of asbestos waste from your home

Fibro & Asbestos - A Renovator and Homeowner's Guide

Asbestos Awareness

(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 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 SUBDIVISION CERTIFICATE

- (1) (E001) The alterations to the dwelling on Lot 1 shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete 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) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (6) (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.
- (7) (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.

- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate.
- (9) (E068) Prior to the issue of a Subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings (including street lighting and fibre optic cabling where required).
- (10) (E195) Prior to the issue of a Subdivision Certificate or Occupation Certificate, a 1.8m high solid boundary fence shall be constructed on the rear (southern) and eastern side boundary of proposed Lot 1. The eastern side boundary fence shall not extend beyond the building line.



ROBERT SMALLWOOD

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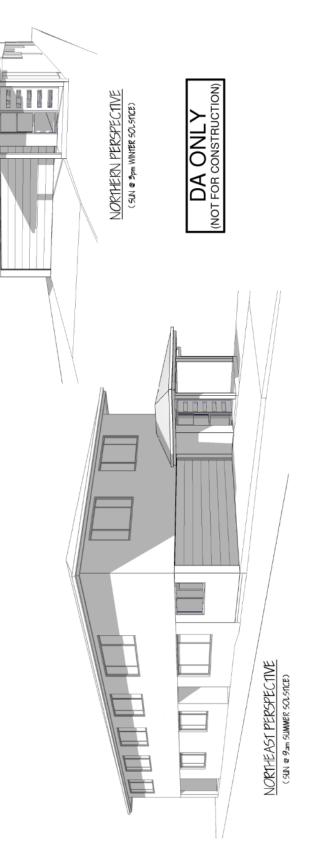
PROPOSED ALTERATIONS **≉** ADDITIONS

AT: NO. 2 ARNOTT STREET, LAURIETON

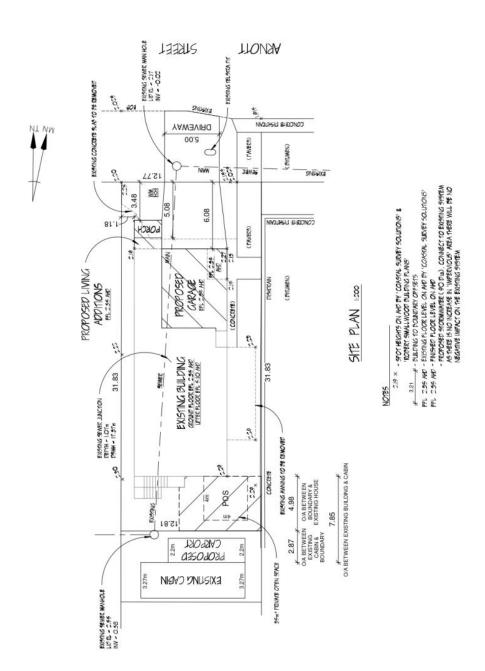
FOR: SECURE HOME PARKS

REF: 19-1447

DATE: OCTOBER 2019



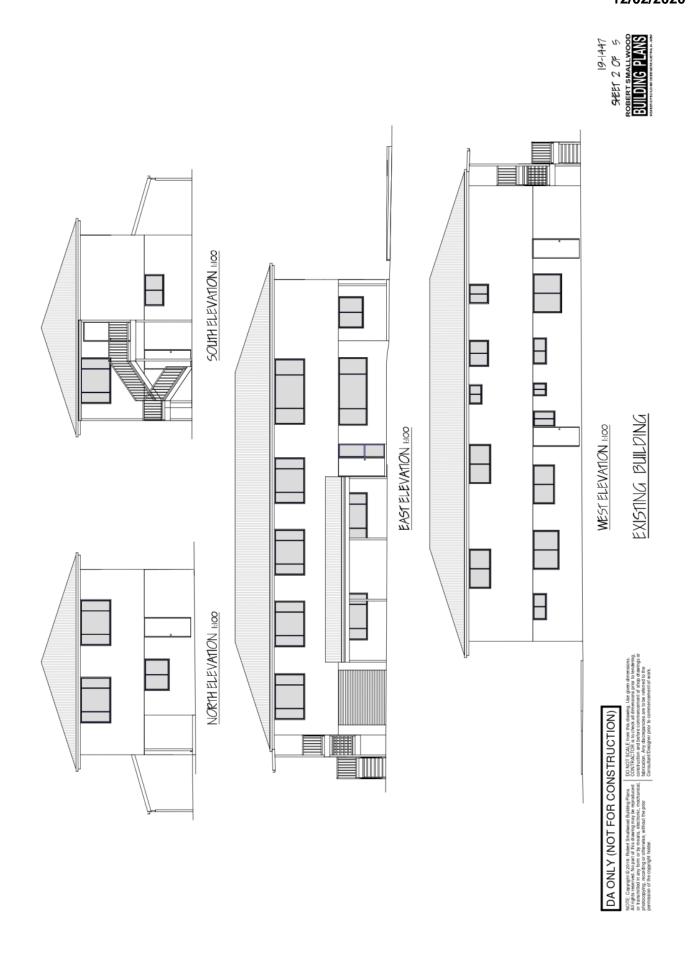




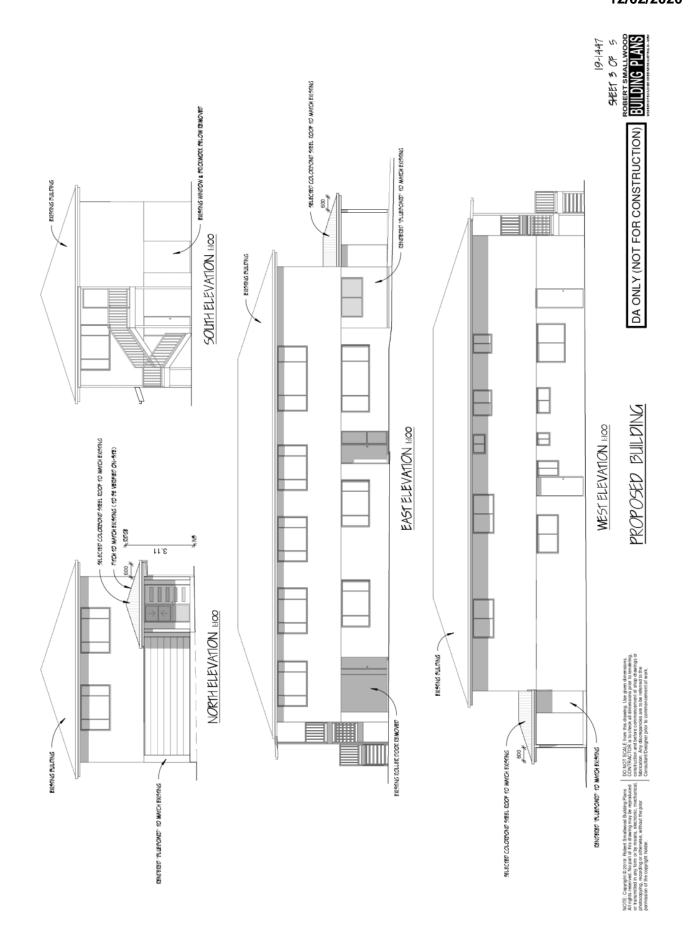
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(AMENDED 12-12-19)

OR CONSTRUCTION)



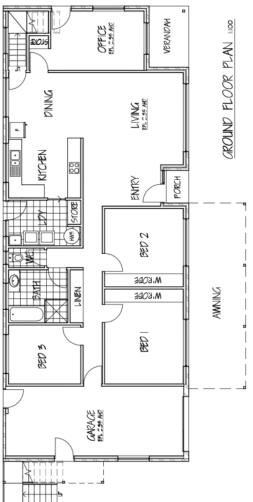
Item 07 Attachment 2 Page 252

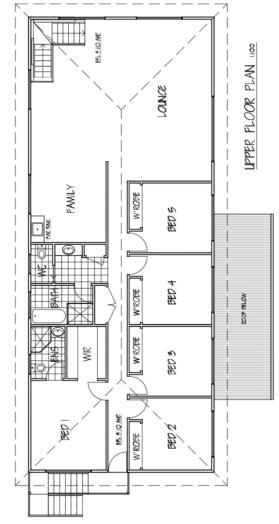


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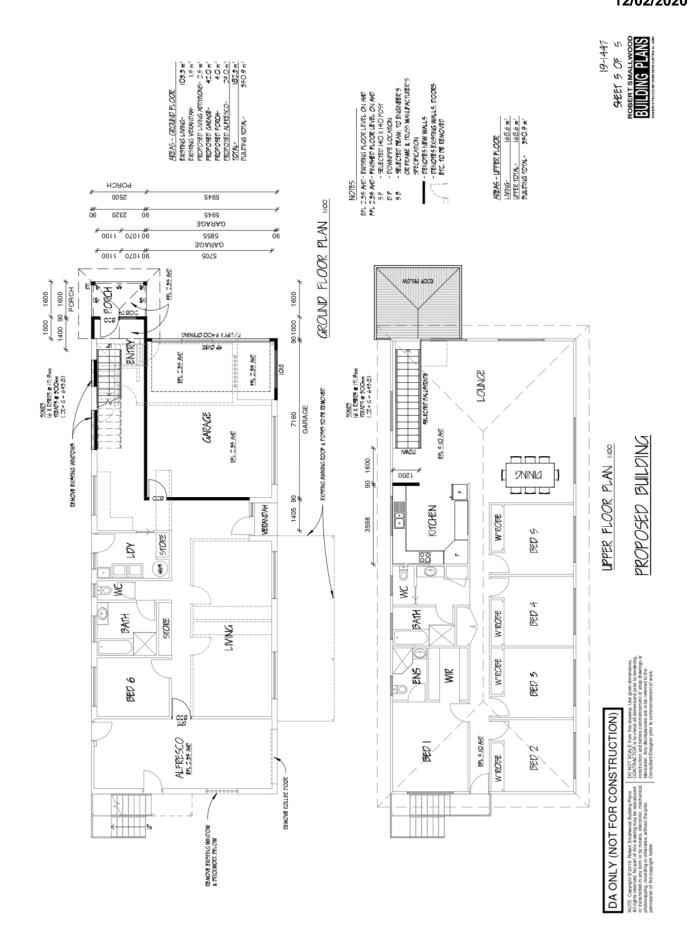
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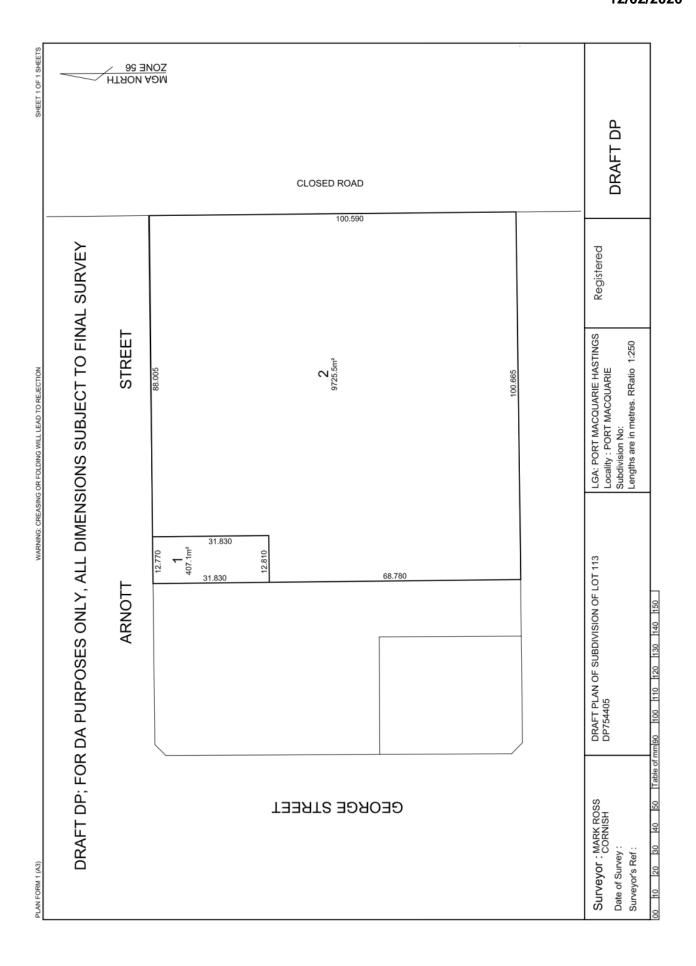
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Consultant to Consultant Consu







ATTACHMENT

All communications to be addressed to:

Headquarters 4 Murray Rose Ave Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS e-mail: records@rfs.nsw.gov.au

Headquarters Locked Bag 17 Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref. 2019/506 Our Ref. D19/2477 DA19072319706 DC

ATTENTION: Christopher Gardiner 17 September 2019

Dear Mr Gardiner

Integrated Development Application - 113//754405 - 2 Arnott Street Laurieton

I refer to your correspondence dated 15 July 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

 At the issue of subdivision certificate and in perpetuity the entire property of proposed Lot 2 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

General Advice - consent authority to note

The above conditions are based on the unreferenced and undated subdivision layout prepared by Mark Ross Cornish as submitted in the 'Statement of Environmental Effects Report' prepared by All About Planning dated July, 2019.

ID:119706/113664/5 Page 1 of 2

Should you wish to discuss this matter please contact Danette Cook on 1300 NSW RFS.

Yours sincerely

Tim Carroll

Manager, Planning & Environment Services (North)

For general information on bush fire protection please visit www.rfs.nsw.gov.au

Statement of Environmental Effects
Proposed 2 x Lot Torrens Title Subdivision and New Garage, Nos. 2-10 Arnott Street, Laurieton

Clause 4.6 Exceptions to Development Standards

Clause 4.6 – Exceptions to Development Standards aims to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for, and from development by allowing flexibility in particular circumstances. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard. For the subject DA this is applicable to the proposed variation to the Clause 4.1, 450m² Minimum Lot Size control and the Clause 4.4, 0.65:1 Floor Space Ratio Control both from the PMH LEP 2011.

The Standard to be Varied

It is noted that the subject PMH LEP 2011, clause 4.1, 450m² Minimum Lot Size control and the clause 4.4, 0.65:1 Floor Space Ratio Control from the PMH LEP 2011 are not excluded from consideration of a variation under sub-clauses (2) or (8) of Clause 4.6, or elsewhere in the LEP.

With reference to subclauses (3) and (4) of Clause 4.6:

The variation for the Lot I, with proposed site area of 407.1m² to the 450m² Minimum Lot Size control of Clause 4.1 of the PMH LEP 2011, and the proposed variation by the Lot I FSR of 0.82:1 to the 0.65:1 FSR control of Clause 4.4 of the PMH LEP 2011 – variations of 43m² (or 9.56% of the standard), and 0.17:1 (or 26% of the standard) respectively,

these variations are justified on the following basis, which demonstrate that requiring compliance with the PMH LEP 2011 Minimum Lot Size and the Floor Space Ratio controls are both unreasonable and unnecessary in the circumstances and that the variations are in the public interest:

- Both of the proposed variations in PMH LEP 2011 to Minimum Lot Size and the Floor Space Ratio
 controls are minor to moderate at 9.56% and 26% respectively, and will not result in any actual
 change to existing built form on the site or unacceptable impact on adjoining properties or public
 areas including the surrounding street as detailed in this report and this Clause 4.6 assessment,
- The proposed development including the proposed variations to the PMH LEP 2011 Minimum Lot Size and the Floor Space Ratio controls meets the objectives of the R1 General Residential zone. The proposed subdivision provides for the housing needs of the community, will continue to provide a variety of housing densities and types, and maintains the facilities and services to meet the day to day needs of residents of the dwelling and The Haven Village.
- The proposal is consistent with the objectives of the subject Minimum Lot Size development standard (being Clause 4.1 Minimum Subdivision Lot Size, PMH LEP 2011) as follows:

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Statement of Environmental Effects
Proposed 2 x Lot Torrens Title Subdivision and New Garage, Nos. 2-10 Arnott Street, Laurieton

- 4.1 Minimum subdivision lot size
- (1) The objectives of this clause are as follows:
- (a) to ensure that lot sizes are compatible with local environmental values and constraints,
- (b) to facilitate efficient use of land resources for residential and other human purposes,
- (c) to minimise the fragmentation of rural land suitable for sustainable primary production,
- (d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection

Comment: As outlined in the submitted SEE and elsewhere in this submission, the proposed subdivision facilitates the continued use of the dwelling and The Haven Village which by their existing nature are evidence that they are reasonable and compatible with their context, and thus continue to facilitate the efficient use of land.

- The proposal is also consistent with the objectives of the subject FSR standard (being Clause 4.4 Floor Space Ratio, PMH LEP 2011) as follows:
 - 4.4 Floor space ratio
 - (1) The objectives of this clause are as follows:
 - (a) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (b) to encourage increased building height and site amalgamation at key locations,
 - (c) to provide sufficient floor space for high quality development for the foreseeable future,
 - (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

Comment: As outlined in the submitted SEE and elsewhere in this submission, the proposal will not impact or have an unmitigated impact on the amenity of the adjoining and nearby properties nor have a detrimental impact on any of the surrounding land uses. As also stated earlier the proposal will be in keeping with the existing character of the area and will also be consistent with aims and objectives of the PMH LEP 2011.

- On the basis that the dwelling is existing and has been in place for some time, (with only a small 2.8m x 6.3m garage addition proposed), the subject reduced minimum Lot Size and additional FSR will demonstrably not create any unreasonable unmitigated impacts on adjoining properties in regard to bulk and scale, privacy and overshadowing.
- The degrees of variation in Minimum Lot Size and FSR (as outlined in this submission) do not result
 in an increase in overall site density or intensification of use.
- The future demolition of the rear shed will reduce the site coverage on proposed lot I thereby reducing the intensity of development on the Lot and compensating for the minor front garage addition proposed.

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 $Statement\ of\ Environmental\ Effects$ Proposed 2 x Lot Torrens Title Subdivision and New Garage, Nos. 2-10 Arnott Street, Laurieton

- The proposed development will not erode the public interest and there is no benefit in maintaining the development standards given the variations represent existing non-compliances to the standard not new proposed non-compliances. The subject land already has an existing dwelling and The Haven Village sites and an established development form which is not proposed to be varied as a result of the proposed subdivision.
- The subdivision will create a residential allotment with a reduced FSR compared to the immediate adjacent neighbouring lot which has a permitted FSR of 1:1 under the LEP.
- The contravention to the minimum lot size development standard is a result of the proposed lot boundary sizes which are restricted by the historic development of The Haven Village. Proposed Lot I already contains an existing two-storey dwelling which has been constructed many years ago now, and which is also immediately adjacent to the higher density The Haven Village. The lot boundaries reflect the restrictions of the existing dwelling footprint, the existing driveway egress, internal driveway access throughout the park and the existing Village sites behind the dwelling all of which are required to remain independent of the dwelling, but are important to the continued functions of The Haven Village.
- The contravention does not raise any matters of significance for State or regional planning as they
 are localised matters relating to residential development.
- The approval of the proposal with the subject variations will not create an undesirable precedent or cumulative effect as the development is related to the existing The Haven Village unlike other general private development,
- The proposed size of Lot 1 is of a suitable dimension that if the existing dwelling on the site were ever to be demolished, a suitable new dwelling could be designed and constructed on the lot.
- The proposal will have a clear and significant public benefit to Laurieton and wider Port Macquarie-Hastings Community in facilitating and maintaining affordable residential housing options in the area.

The content and number of considerations outlined above demonstrate that adherence to the subject development standards ie, PMH LEP 2011 Clause 4.1, 450m² Minimum Lot Size control and Clause 4.4, 0.65:1 Floor Space Ratio Control in respect of the proposed Lot 1 and its existing dwelling are both unreasonable and unnecessary in the circumstances of the subject case and a variation to the adopted standards is in the public interest.

The proposed variation of PMH LEP 2011 Clause 4.1, 450m² Minimum Lot Size control and Clause 4.4, 0.65:1 Floor Space Ratio Control is thus commended to Council for support to enable the proposed two-lot subdivision to proceed.

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Item: 08

Subject: DA2019 - 744.1 PART CHANGE OF USE (PHARMACY TO TAKE

AWAY FOOD AND DRINK PREMISES) AND INTERNAL FIT OUT AT LOT 1 DP 831145, NO.140 PACIFIC DRIVE, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: Collins W Collins

Owner: Wei Chen Superannuation Pty Ltd

Estimated Cost: \$45,000 Parcel no: 45161

Alignment with Delivery Program

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

RECOMMENDATION

That DA2019 - 744.1 for a part change of use (pharmacy to take away food and drink premises) and internal fit out at Lot 1, DP 831145, No. 140 Pacific Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a part change of use (Pharmacy to Take Away Food and Drink Premises) and internal fit out 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 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.

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 1189m² and is located on the corner of Pacific Drive and Shelley Beach Road.



The site contains an existing building, which contains a mixture of land uses. These comprise a service station, pharmacy, take away food and drink premises and manager residence.

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:

- Part change of use of the pharmacy component of the building by extension of the take away food and drink premises.
- Internal building and food premises fit out works.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 14 October 2019 Application lodged.
- 25 October 2019 Request for additional fees.
- 28 October 2019 Additional information clarify if existing use rights.
- 30 October 12 November 2019 Public exhibition via neighbour notification.
- 1 November 2019 Additional fees paid.
- 6 November 2019 Additional information and revised SOEE provided.
- 7 November 2019 Additional information request re waste management.
- 8 November 2019 Additional information response re waste management.

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

State Environmental Planning Policy No. 55 – Remediation of Land

The site is mapped as a potentially contaminated site based on current and historic use as a service station.

In accordance with clause 7 of this policy the site is in its current state is considered suitable for the intended use. Specifically the change of use to the area within the existing building from a pharmacy to take away food and drink premises remains commercial in nature and does not involve any residential or sensitive land use that would warrant preliminary investigation or remediation.



State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a mapped coastal use. For context, see map image below.



The site is partly located within the mapped proximity area to littoral rainforest. For context, see map image below.





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

Having regard to clauses 11 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes:
- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funnelling and the loss of views from public places to foreshores:
- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

In accordance with clause 15, the proposal will not cause increased risk of coastal hazards on that land or other land.

The development is compatible with the surrounding coastal and built environment.

State Environmental Planning Policy No 64 - Advertising and Signage

The proposed development does not include any new signage.

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 land use table Takeaway food and drink premises are a prohibited land use in the R1 zone. Refer to comments below surrounding existing use rights.
- The following land use in the LEP is relevant to determine and characterise the proposed use:
- take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

The proposal is reliant upon existing use rights. Part 5 of the Environmental Planning and Assessment Regulation 2000 applies. Clause 41 of the Regulation provides that an existing commercial use may be changed to another commercial use (including a commercial use that would otherwise be prohibited). In this clause, a commercial use means the use of a building, work or land for the purpose of office premises, business premises or retail premises (as those terms are defined in the Standard Instrument). The area subject to change in use was previously approved as a pharmacy (DA2010/227). A



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

pharmacy is best characterised as a shop which is a form of a business premises to which falls under the broader commercial premises land use term.

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- Clause 41 of the Regulation also provides that the existing use must not be changed unless that change:
 - (a) involves only alterations or additions that are minor in nature, and
 - (b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
 - (c) does not involve the rebuilding of the premises associated with the existing use, and
 - (d) does not involve a significant intensification of that existing use.

The proposal does not include any increase to approved floor space or would result in a significant intensification of the existing use.

Clause 45 of the Regulation specifies that development consent is required for changes of existing uses including within parts of a building that are used for different existing uses. Consistent with this clause development consent is being sought.

- The objectives of the R1 zone are as follows:
 - To provide for the housing needs of the community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is reliant upon existing use rights and does not contain any residential housing component. The proposal will provide for extension of the existing takeaway food and drink premises that will provide a facility for residents in the immediate area. Having regard to the existing use the proposal is not inconsistent with the zone objectives.

 Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.

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- Clause 7.13 Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, storm water 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

There is no external building work proposed. The following relevant provisions of the plan are addressed as follows:

Car parking



Parking calculations are as follows:

- Existing parking demand for the pharmacy component was applied at a rate of 1 space per 30m² of floor area. This equates to 1.4 spaces based on the pharmacy floor area of 42m².
- The applicable parking demand rate for takeaway food and drink premises is 1 space per 5 seats, as both internal and external seating will be available to the premises. The proposed extension of the takeaway food and drink premises into this area incorporates 7 internal seats. No change to existing external seating is proposed. The proposed parking demand is 7 seats/5 = 1.4 spaces
- There is therefore no increase in parking demand generated from the proposed partial change of use.

The off-street parking illustrated on the plans is consistent with previous approvals. While this proposal is not reliant on any on street parking it is noted that 7 angled line marked spaces exist along the Shelley Beach Road frontage and 2 informal parallel parking spaces exists along the Pacific Drive frontage.

Crime Prevention

The expansion of the takeaway food and drink use into this area of the building will improve casual surveillance of the immediate area. Specifically a new window to the indoor seating area is proposed on the southern corner of the building fronting Shelley Beach Road.

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

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

iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

The part internal demolition work is capable of compliance with the Australian standard and a condition has been recommended to ensure compliance.

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

Context and Setting

The site is a corner block with street frontages to Pacific Drive and Shelley Beach Road. The site is located within an established area and adjoins residential land to the north, south and west, which primarily comprises a mixture of single and two storey dwellings. Adjoining the site to the east is rainforest vegetation.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal does not have a significant adverse impact on existing view sharing.
- The proposal does not have significant adverse lighting impacts. Specifically no exterior lighting is proposed under this application.



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

There are no significant adverse privacy impacts.

Roads, Traffic and Transport

The site has road frontage to both Pacific Drive and Shelley Beach Road. Both roads are under the care and control of Council.

Access to the site is via the existing crossover from Pacific Drive. Egress is via the existing crossover in Shelley Beach Road. No change to existing access arrangements are proposed or required.

Parking and Manoeuvring

No change to existing parking and manoeuvring arrangements are proposed or required.

Water Supply

No change to existing supply or connections proposed. Suitable conditions of consent have been recommended for any plumbing or drainage work.

Sewer Supply

No change to existing supply or connections proposed. Suitable conditions of consent have been recommended for any plumbing or drainage work.

Stormwater

All work is internal and no change to the existing stormwater arrangements is proposed.

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. The site is considered to be disturbed land and no earthworks are proposed.

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

No earthworks or ground disturbance is proposed. The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

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.



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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

Concerns were raised during exhibition from an adjoining property owner surrounding the current waste bin storage and collection arrangements at the site. During assessment, the applicant via the owner has proposed to relocate the bin storage area central to the site and initiate a private waste collection arrangement.

Consent conditions have been recommended to ensure these additional measures are applied. Subject to implementation, it is considered that satisfactory arrangements will be in place for storage and collection of waste and recyclables.

Standard precautionary site management condition recommended for management of building waste.

Energy

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

Noise and vibration

The construction and/or operations of the proposal will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

The proposed hours of operation would be the same to which the current takeaway food and drink premises operates which is 7am to 7pm seven days a week. These hours are considered sympathetic and appropriate having regard to the surrounding residential area.

The hours of operation are proposed to be reinforced via a recommended consent condition.

Bushfire

The site is identified as being bushfire prone. The proposal is for internal building work to commercial components only. No residential element or change to the existing manager's residence is proposed. Therefore, no increased risk from bushfire will result and no further assessment is necessary.

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 proposed window treatments to be corner of the building will improve natural surveillance of the street and immediate area.

Social impacts in the locality

Given the location and nature of the development in conjunction with the proposed hours of operation, the proposal is not considered to have any significant adverse social impacts.

Economic impact in the locality



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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 was received following public exhibition of the application. Copies of the written submission have been provided separately to members of the DAP.

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

Relocation of the bin storage central to the site is proposed. A private waste collection arrangement is also proposed. Conditions of consent have been recommend to reinforce hese undertakings.
A new range hood is proposed which is intended to be connected to the existing mechanical ventilation system. A condition has been recommended requiring certification of installation to the relevant Australian standard. Subject to installation and maintenance, no significant adverse smoke or odour impacts would result.
Appropriate waste storage and collection arrangements are proposed. It is also noted hat a public bin is located immediately out ront of the premises on the Pacific Drive rontage.
Adequate bin storage and collection is proposed. A condition has been
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Submission Issue/Summary	Planning Comment/Response
collection arrangements.	recommended requiring bunding, covering and connection of drainage to sewer for the relocated waste storage area.
Adverse social impact if hours of operation are proposed to extend beyond 7:30pm.	The proposed hours of operation are 7am to 7pm, which is reasonable given the context and location of the site.
Adverse impact to dwelling from signage and illumination.	There is no additional signage or lighting proposed under this application.
Lack of off-street parking on the site. In addition, no parking should occur alongside the northern boundary of the site consistent with prior decisions of Council.	No additional parking demand is generated from the partial change of use. Refer to parking calculations earlier within report. The off-street parking illustrated on the plans is consistent with previous approvals issued by Council, including the two staff spaces alongside the northern boundary behind the air hose facility.
Asbestos hazards during construction.	A consent condition has been recommended requiring demolition work to be undertaken in accordance with the relevant Australian standard and measures for asbestos handling and removal if present.

(e) The Public Interest

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

4. DEVELOPMENT CONTRIBUTIONS

- The proposal qualifies for the current exemption from water and sewer headwork charges that do not exceed \$2000. Specifically the calculated charges equate to \$675.50. Development contributions are therefore not required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- The development does not involve the creation of any additional residential component and therefore development contributions are not 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.



DEVELOPMENT ASSESSMENT PANEL 12/02/2020

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. DA2019 744.1 Recommended Conditions
- 2. DA2019 744.1 Plans
- 31. DA2019 744.1 Proposed Bin Storage Relocation Plan
- 4<u>U</u>. DA2019 744.1 Statement of Environmental Effects



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/744 DATE: 30/01/2020

PRESCRIBED CONDITIONS

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

A - GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date					
Statement of Environmental Effects	D4241 140 Pacific Drive	Collins W Collins	October 2019					
Development Plans	Sheets 1 to 4 Issue B	Collins W Collins	17 October 2019					
Bin storage relocation plan	D4241 Sheets 1 and 2	Collins W Collins	24 January 2020					

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 building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
 - 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;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

- Building waste is to be managed via 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.
- Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

- (4) (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.
- (5) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (6) (A063) The disposal of wastewater from the premises to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

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
 - · Grease trap capacity, location and connections
- (2) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (3) (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.
- (4) (B048) Prior to the issue of a Construction Certificate, the following shall be clearly illustrated on the Construction Certificate plans for the relocated waste storage area:

- a. Bunding 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.

C - PRIOR TO ANY WORK COMMENCING ON SITE

nil

D - DURING WORK

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

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

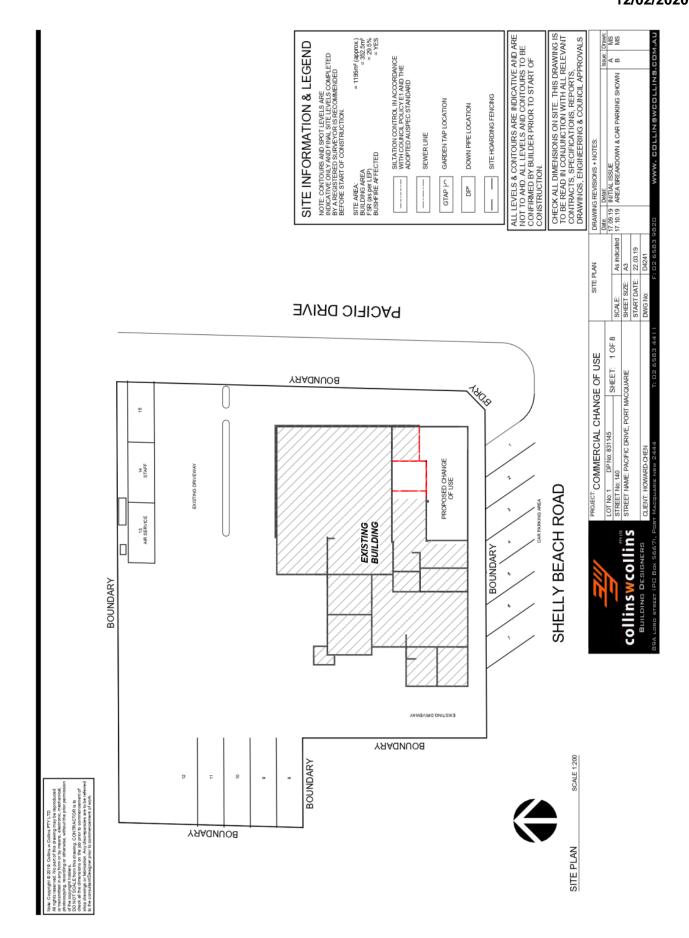
E - PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

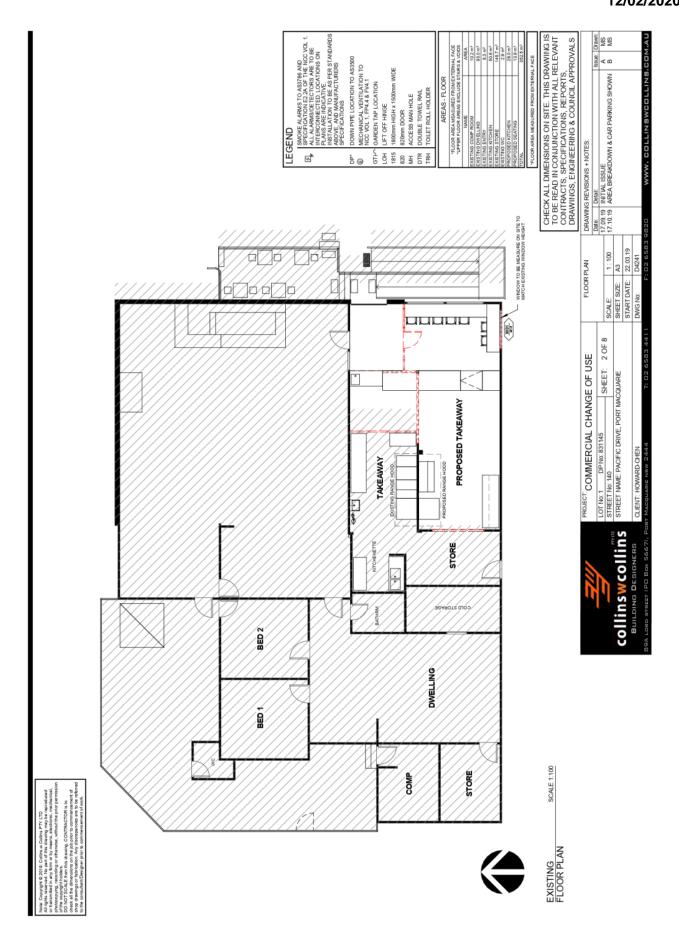
- (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (E024) Occupation of the food and drink premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.
- (4) (E025) Prior to occupation or the issue of an Occupation Certificate a certificate from the installer certifying that the mechanical ventilation system has been installed to the requirements of AS 1668 Parts 1 & 2 shall be provided to the Principal Certifying Authority. The certificate must include:
 - a. Inspection, testing and commissioning details
 - b. Date of inspection, testing and commissioning
 - c. The name and address of the individual/company, who carried out the test
 - d. Statement that the service has been designed, installed and is capable of operating to AS 1668.

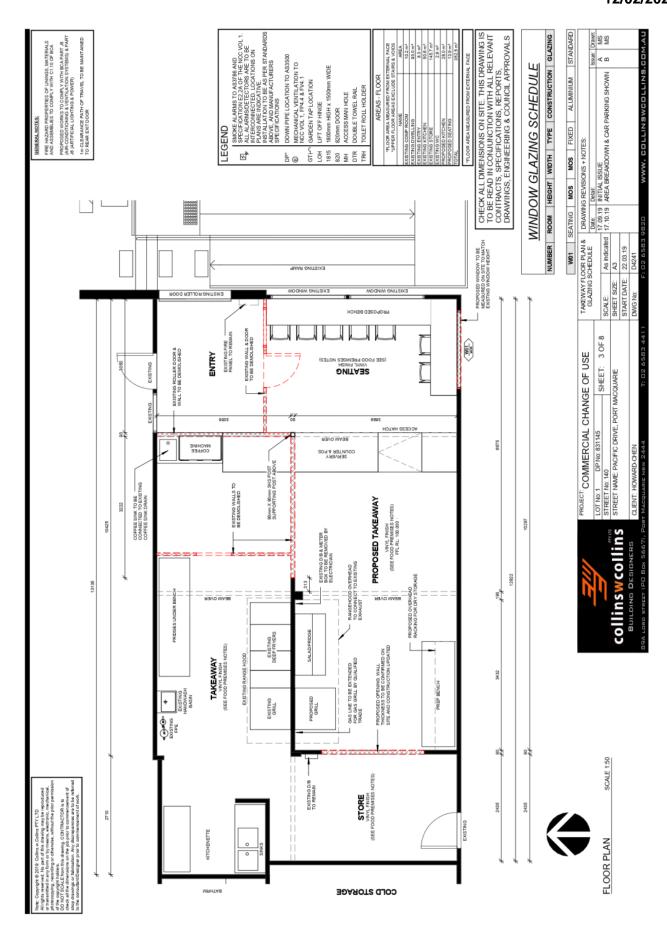
- (5) (E027) A final site inspection relating to the works carried out on the food premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (6) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (7) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.

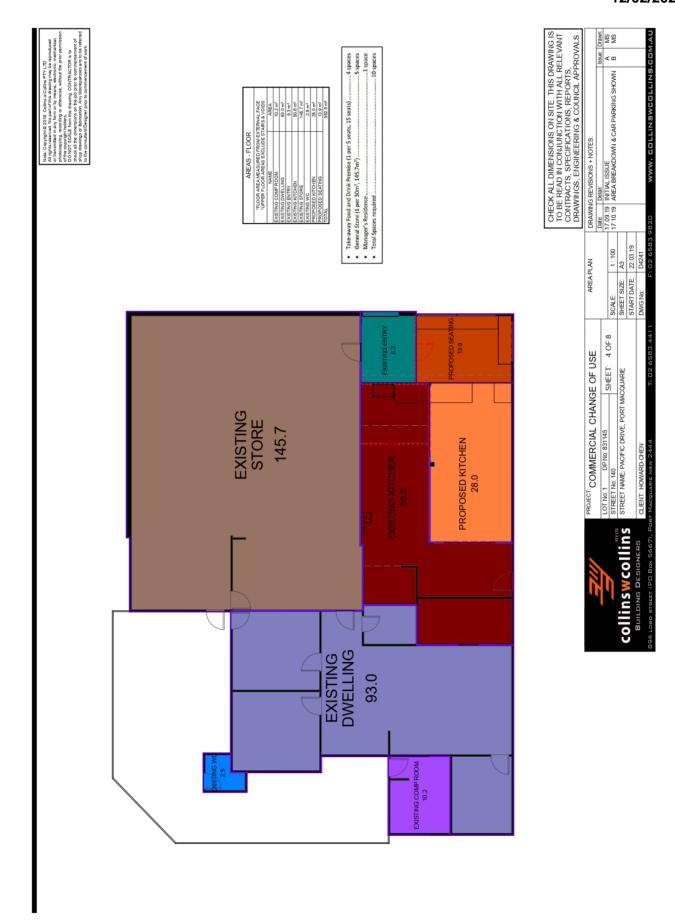
F - OCCUPATION OF THE SITE

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties or the public way.
- (2) (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.
- (3) (F016) Offensive odours shall not be generated by the development.
- (4) (F025) Hours of operation of the development are restricted to the following hours:
 - 7am to 7pm Seven days a week
- (5) (F026) The associated outdoor dining area and immediate surrounds are to be maintained free of litter at all times.
- (6) (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.









TO ASSIST YOUR KITCHEN PROPOSAL IN SATISTYING AS4614.2004, DESIGN, COMSTRUCTION AND THOUT OF FOOD PREMISES, THE FOLLING CONSTRUCTION STANDARDS ARE INDICATED FOR.

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4.4. PROPOSED STOLD PRAME WALLS.

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MS DRAWING REVISIONS + NOTES:
Date: Dete: DATA: ISSUE
17.10.19 INITIAL ISSUE
17.10.19 AREA BREAKDOWN & CAR PARKING SHOWN FOOD PREMISES FITOUT NOTES SCALE: 1:100
SHEET SIZE: A3
STARTDATE: 22.03.19
DWG No. DA241 SHEET: 5 OF 8 PROJECT: COMMERCIAL CHANGE OF USE LOT No. 1 DP No. 831145
STREET No. 140
STREET NAME: PACIFIC DRIVE, PORT MACGUARIE CLIENT: HOWARD-CHEN

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

business is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where examinating is

For houses or other low-rise buildings where examinating of or

other components of this building will require persons to be

situated where a fall from a height is excess of two enteres is

possible. Where this type of activity is required, scaffolding,
ladders or treates should be used in accordance with relevant

codes of practice, regulations or legislation. For buildings where

examination of visionious, walls, not or other components for any

height in excess of two meters is possible. Where this type of

activity is required, scaffolding, fall barriers or Personal Productive

Equipment (PPE) should be used in accordance with relevant

codes of practice, regulations or legislation.

HORAGE POINTS or orage points for portable scaffold or fall arrest devices have included in the design for use by maintenance workers. Any one sengaged to work on the building after completion of truction work should be informed about the anchorage points.

B) SLIPPERY OR UNEVEN SURFACES FLOOR FINISHES Specified

FLOOR FINISHES Specified
If Intinhe have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming alippery when net or when waked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner
If designer has not been involved in the selection of surface
finishes, the owner is responsible for the selection of surface
finishes in the pedestrain trafficable areas of this building. Surfaces
should be selected in accordance with AS HB 197:1999 and
ASNIX 4586-2018.

ASNIZ 45862004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps as included in the building which may be a hazard to workers carry to building which may be a hazard to workers carry with both visual and tacfiels warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routiently carried out to resture that surfaces have not moved or cracked so that they become uneven and present at line brazard. Spile, loose material, stay objects or deamed or removed from access ways. Contractors should be required to maintain a tidy work is de ultrag construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should stored in designated areas away from access ways and work areas.

- Prevent or restrict access to areas below where the work is being carried out.
 Provide teeboards to scaffolding or work platforms.
 Provide protective structure below the work area.
 Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, pass or and barriers:

maintained through the structure including fatricitated steelwork, heavy panels and many either components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary branchs or other required support is in place at all times when collapse without your price of the required support is no place as all miss when collapse without your price of the place at all times when collapse without your younger parts on the ware is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the loads is prevented or restricted.

3. TRAFFIC MANAGEMENT
For building on a major rand, narrow road or steeply sloping road:
Parking of vehicles or loading brinoading of vehicles on this roadway
areas et all the house? During construction, marthermance or
loading areas should be provided. Trained traffic management
personnel should be responsible for the supervision of these areas.
For building where on-afte loading/unloading in restricted.
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4. SERVICES
GENERAL
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are boated on or around this afte. Where known, these services may vary from that indicated. Services should be becated using an appropriate service (such as Dial Before You Dig), appropriate services may vary from that indicated. Services should be becated using an appropriate service (such as Dial Before You Dig), appropriate services may vary from that indicated. Services should be located uning an appropriate service (such as Dial Before You Dig), appropriate services and services are services and services and services are services and services and services are services. Services are services and services are services. Services are services and services are services and services are services and services are services. Services are services and services are services and services are services and services are services. Services are services and services are services and services are services and services are services. Services are services and services are services and services are services and services are services and services are services. Services and services are services are services and services are serv

OPERATORS, MAINTENORS, DEMOLISHERS.

1. FALLS, SLIPS, TRIPS

A WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-alle or all ground level to minimise the fills of breaking with regime workers to be sowing at heights where a fail in excess of two metres is possible and rijury is likely to result from the component mass. All material packaging under the prefabrication of the component mass and material packaging under the prefabrication of the component mass. All material packaging publicing and material packaging under the prefabrication of the solid prefabrication of the s

6. HAZARDOUS SUBSTANCES

6. HACARCHOUS SUBLIANCES ASBESTOS For after allows to suiting constructed prior to 1990. If this pair for after allows to suiting constructed prior to abbestox 1990. - 4 therefore no contain abbestos 1996. - 1 therefore as takely to contain either in cladding material or in fire relardant insulation material. In either the builder should check and, if necessary, take appropriate acti-before demolshing, cutting, sanding, drilling or otherwise disturt easting structure.

POWDE RED MATERIALS

Many materials used in the construction of this building can cause hard

if inhabed in powdered form. Persons working on or in the building duri

construction, operational maintenance or demolitions should ensure go

against thinkish while suring powdered materials or when sadding,

dilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER
The design of this building may include provision for the inclusion of construction operational maintenance or demolition should ensure good ventilation and were Personal Protective Equipment funding protection against mishable on it in a property of the inclusion of the inclusio

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and sidentificatins have dangerous emissions. A variet hese are used should be kept well versitated white the material being used and for a period after initialization. Personal Protective Equipment may also be required. The manificationer's recommend for use must be centrally considered at all times.

SYNTHETIC MINERAL FIBRE
Fibreglass, rockwool, ceramin and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used whe installing, removing or working near bulk insulation materials.

TIMBER FLOORS
This building may contain simber floors which have an applied finith. Areas where finishes are applied should be kept well ventilated of sanding and application and for a period after installation. Person Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all time.

7. CONFINED SPACES

7. CONTINED SPACES EXCANATION Construction of this building and some maintenance on the building will require excavation and installation of items within excavations Where practical, installation should be carried out using methods which do not require workers to entire the excavation. Where this not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and burriers to preve accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

SMALL SPACES

For buildings with small spaces where maintenance or other acoss may be required:

Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warring signs and beariers to unsurbionred access to the small signs and beariers to unsurbionred access to when the substitution of the short of the building. Where scheduled so that access is for short periodic. Manual litting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully

This building has been designed as a residential building. If is a later date, it is used or intended to be used as a workplace provisions of the Work Health and Safety Act 2011 or subser replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS

10.OTHER HIGH RISK ACTIVITY

Code All electrical work should be carried out in accordance with of Practice of Practice

EXCAVATIONS

Exercisions

The part of the alte to be covered by the proposed building or buildings and an area at least 1000mm wide around that part of the site or to bundings and the site or to bundiers of the site, whichever is the isset, shall be cleaned or graded as indicated on the site works plan. Top soil shall be cut to a ceight sitellinent to remove all suggestions are considered to the site of the site

FOUNDATIONS AND FOOTINGS

Underfloor Fill
Underfloor Fill
Underfloor fill shall be in accordance with the BCA.
2. Termite Risk Management
Termite treatment shall be carried out in accordance with the

Jemide treatment shall be carried out in accordance with the 3. Mpoor Barrier installed under slab-o-ground construction. The vapour barrier installed under slab-o-ground construction shall be 0.2mm normal thickness, high impact resistance polyethylene film installed in accordance with the BCA. Perilibrocement shall our Based in accordance with the Engineer's Recommendation and the BCA. Support to all renforcement shall be used to correctly position and avoid any undue displacement of reinforcement during the 5. Concrete.

and avoid any undue displacement is reminiscent.

5. Concrete

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6. Sub-Floor

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position where indicated on prain.

EFFLUENT DISPOSAL/DRAINAGE

1. Storm Water Drainage

Stormwater drainage shall be carried out in accordance with
the BCA. The Builder will allow for the supplying and laying of
stormwater drains where shown on the site plan.

TIMBER FRAMING

1. Generally
All triber framework sizes, spans, spacing, notching, checking
and fixing to all floor, wail and roof structure shall comply with the
BCA or AS 1964. Alternative structural farming shall be to
structural engineer's details and certification. In the structural residence of the structural reside

the taxincasin a mercaling racking cing units shall be determined and installed in accordance in AS 1684 as appropriate for the design wind velocity for the Bracing shall be evenly distributed throughout the building.

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A Flooring half be evenly distributed throughton.

A Flooring horizontal browned with a property of the property o

listed in Schedule of Works, floors shall be sanded to le an even surface and shall be left clean throughout.

When listed in Schedule of Works, floors shall be sanded to provide an even surface and shall be list clash throughts. 5. Timber Tosts

Posts supporting the carports, verandas and porches shall be imber saidable for extensi luse, or as otherwise specified, some shall be contained to the said of the shall be coherwise specified. Posts shall be obtated to all adjoining bear as required by AS 1684 for the wind speed classification as seasoned for the said.

6. Corrosion Protection

All metal brackets, facing plates and other associated fixings used in structural timber joints and bracking must have appropri corrosion protects.

STEEL FRAMING

Generally
 Steel floor, wall or roof framing shall be installed in accor with the manufacturer's recommendations and the BCA.

ROOFING
ROOFING
All noof clading is to comply with the relevant structural
performance and weathering requirements of the BCA and be
performance and weathering requirements of the BCA and be
performance in manufacturer's recommendations.

1.Tiled Roofing
The Butder will cover the not of the dwelling with approved tiles
as selected. The tiles are to be fixed (as required for appropriate
design and with appeal to butters of sixes appropriate to the
recommendations. The Butder will cover hips and ridges with
capping and all necessary accessories including starters and
apex caps. Capping and verge tiles are to be well bedded and
metally possible. Roofing adjacent to valleys should be fixed so as
are made of natural products slight variation in colour is
acceptable.

4. Sarking and the first of the first of

i. Plashing
Rashings shall comply with, and be installed in accordance with
the BCA.

masonry member in wrich is a purce was a second and applied coatings, medier of the like.

1.2 Cardy Verification
1.2 Cardy Verification
1.3 Cardy Verification
1.4 Cardy Verification
1.5 Cardy Verification

emirrorment and location of the lintels in the structure.

S. Cleaning
The Builder will clean all exposed brickwork with an approved cleaning
system. Care should be taken not to damage brickwork or joints and
other fittings.

CLADDING AND LININGS

LEADUNG AND LININGS

1. External Cladding
Sheet materials or other external cladding shall be fixed in accordance
with the manufacture's recommendations and any applicable special
details.
Where required in open verandas, porches and eave soffits, materials

ith the manufacturer's recommendations and any applicable special trades equired in open verandas, proches and eave soffits, maherials indicated on the dans shall be installed. Internal Wall and Cellings Linings of the Bulletines of the processed region of the date of the processed regions and selection of the selected coales of the processed regions and selection of the processed regions and the processe

ceiling.

3. Weterproofing
All internal wet area and balconies over internal habitable rooms are to be waterproof in accordance with the BCA.

JOINERY

JONERY

1. General

balconies as per the BCA.
SERVICES
1.Plurshing
All journibing shall comply with the requirements of the relevant supply
authority and AS 3500. The work is to be carried out by a licensed
olumber.

authority and AS 3500. The work is to be carried out oy a numero plumber. Fittings, as listed in the Schedule of Works, shall be supplied and installed to manufacturer's recommendations. Fittings, hot water system and any rainwash harvesting facilities shall be supported to describe the results of the state of the state of the state of the results of the Conficulation. The Builder will provide all labour and materials necessary for the proper installation of the electricity service by a licensed electrician in accordance with ASNLSS 3000 and the requirements of the relevant supply authority. Unless otherwise specified, the electrical service shall be 240 volt, single phase supply.

A linstallation (including LPG) shall be carried out in accordance with the rules and requirements of the relevant supply authority.

A linstallation (including LPG) shall be carried out in accordance with the rules and requirements of the relevant supply authority.

The Bullder will provide and install smoke alarms manufactured in accordance with AS 7586 AS specified or as indicated on the plans and in accordance with the BCA.

S. Thermail Insulation

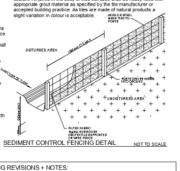
Where thermal insulation is used in the building father, it shall be such as air conditioning ducting or hold water systems, it shall be such as air conditioning ducting or hold water systems, it shall be achieve the R.Values required by the BCA or as outlined in the relevant BASIX Certificate.

TILING

TILING

1.Materials
Cement mortar and other adhesives shall comply with AS 3958.1 or title manufacturer's recommendation.

2.hastallation
Installation of tiese shall be in accordance with AS 3958.1 installation installation of tiese shall be in accordance with AS 3958.1 installation of tiese shall be in accordance with AS 3958.1 installation of tiese shall be in accordance with AS 3958.1 installation of the production of t





PROJECT: COMMERCIAL CHANGE OF USE		WORK SAFETY NOTES - COMMERCIAL		DRAWING REVISIONS + NOTES:			
				Date:	Detail:	Issue:	Drawn:
LOT No: 1 DP No: 831145	SHEET: 8 OF 8			17.09.19	INITIAL ISSUE	Α	MS
STREET No: 140	SHLLI. O OF 0	SCALE:	As indicated		AREA BREAKDOWN & CAR PARKING SHOWN	B	MS
STREET NAME: PACIFIC DRIVE, PORT MACQUARIE		SHEET SIZE:	A3	!	1	(I	(I
		START DATE:	22.03.19		1		
CLIENT: HOWARD-CHEN		DWG No:	D4241				
MACQUARIE NSW 2444	T: 02 6583 4411		: 02 6583 9	9820	WWW. COLLINSWCOLLINS.	CON	1.AU

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

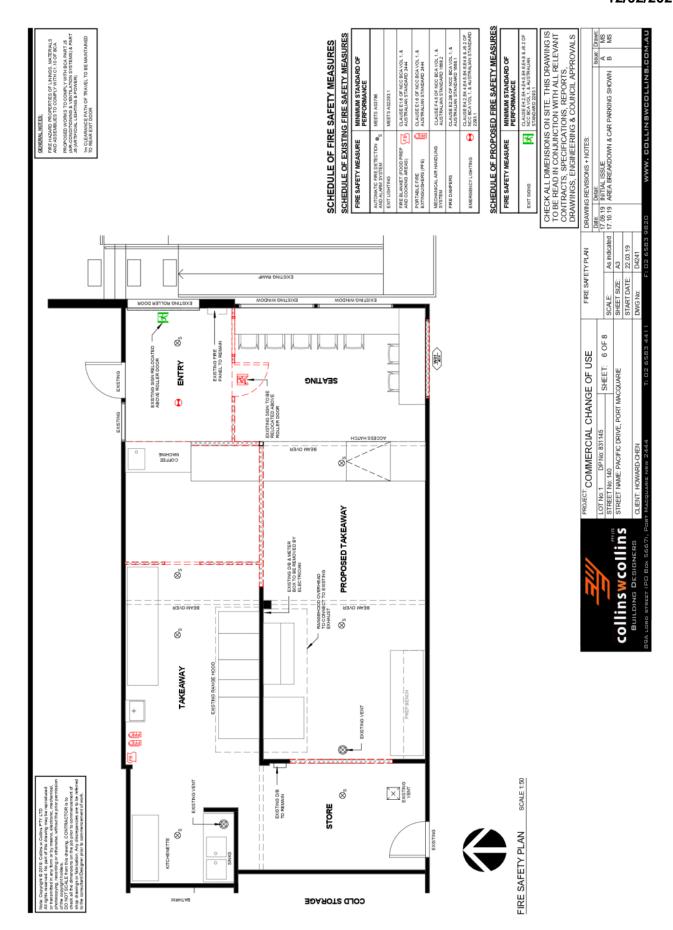
BUILDING SPECIFICATIONS FOR CLASS 2 AND 9 BUILDINGS

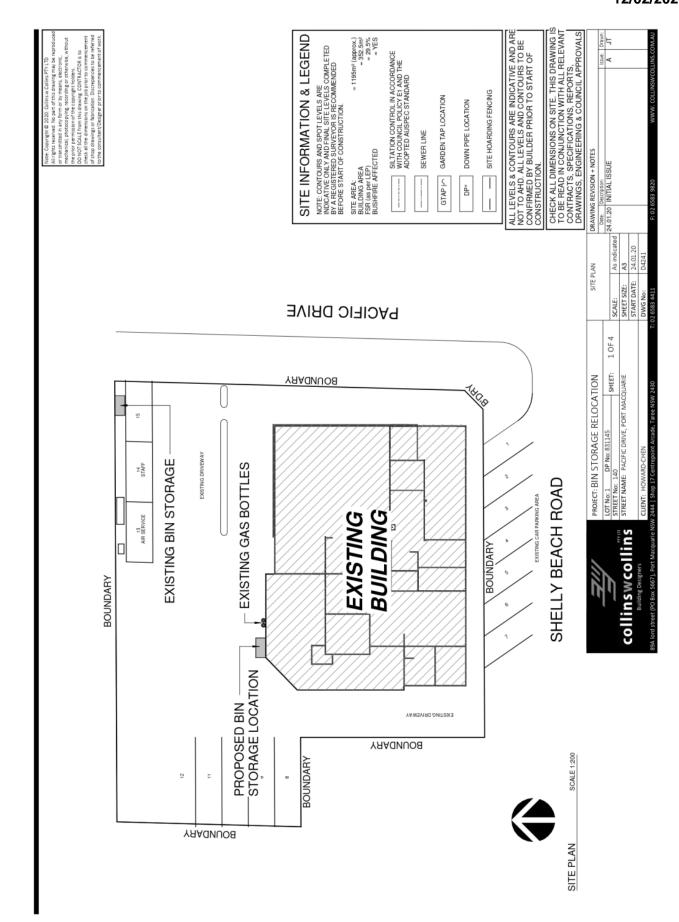
CLASS 2 AND 9 BUILDINGS
All varies to be completed in accordance with the current version of
the National Construction Code Series, including Building Code of
Australia (ECA), Volume 1 and the Purturing Code of Australia
(PCA), Volume 3 as applicable.

All Australian Standards listed are the versions that have been
adopted by the relevant version of the National Construction Code
Series at the time of Construction Certificate or Complying
Development Certificate Application.

Development Certificate Propersion of Volume 1 and Volumes 3, as
applicable, of the Building Code of Australia.

7///	PROJECT: COMMERCIAL CHANGE OF USE		BUILDING SPECIFICATIONS		DRAWING REVISIONS + NOTES:				
				SPECIFIC	AHONS	Date:	Detail:	Issue:	Drawn:
	LOT No: 1 DP No: 831145	SHEET: 7 OF 8				17.09.19	INITIAL ISSUE	Α	MS
PTV LTD	STREET No: 140	SHEET. 7 OF 0		SCALE:	1:100	17.10.19	AREA BREAKDOWN & CAR PARKING SHOWN	В	MS
collinswcollins	STREET NAME: PACIFIC DRIVE, PORT MACQUARIE			SHEET SIZE:	A3				
				START DATE:	22.03.19				
Building Designers	CLIENT: HOWARD-CHEN			DWG No:	D4241				
89A LORD STREET (PO Box 5667), POR	T MACQUARIE NEW 2444	T: 02 6583 4	4411	F	02 6583 9	9820	WWW. COLLINSWCOLLINS	.00	M.AU





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1. FALLS, SLIPS, TRIPS

failing more than two metries is a possibility.

DURING OPERATION OF MAINTENANCE
For house or other low-rise buildings where scall diding is appropriate.

For house or other low-rise buildings where scall diding is appropriate.

Cleaning and maintenance of windows, walls, roof or other components or the building will requise persons to be situated where a fail from a height not a height of the process of the building will require persons to be subused where a fail from a height not codes of practice, regulations or legislation. For buildings where scallouds, ideate, seekes are not appropriate. Cleaning and maintenance or persons to be situated where a fail from a height in excess of two metries to possible. Where the type of activity is required, scall didging, fail barriers or Personal Protective Equipment (IPPE) should be used in accordance with relevant codes of partice, regulations or highlighting, fail barriers.

In SLAPERY OF INISHES Specified BIS LIPERY OF INISHES Specified If finishe have been specified by designer, these have been selected to minimize the risk of floors and paved areas becoming slippery when well or when willed on with well shootshet. Any changes to the specified finish should be made in consultation with the designer or, if this is not particult, surfaces with an equivalent to bette sign resistance should be

FLOOR FINISHES By Owner
If designer has not been involved in the selection of surface finishes, the
owner is responsible for the selection of surface finishes in the pedestrian
trafficable areas of his building. Surfaces should be selected in
accordance with AS HB 19171998 and AS/NZ 4586 2004.

accordance with AS HB 197-1998 and ASNZ 45862004.

STEPS, LOOSE OBJECTS AND UNEVEN SURPACES
Due to design nestrications for this building, steps a model ramps are
ortherwise occupied. Steps should be clearly marked with both visual
and tactile warring during construction, maniferance, demolition and stall
marked warring during construction, maniferance, demolition and stall
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marked the marked produced and the stall produced and the stall produced after installation. Personal Protection
access to areas where maintenance is routinely carried out to ensure that
starting construction. So to the stall produced to the sta

- Prevent or restrict access to areas below where the work is being carried out.
 Provide teoboards to scaffolding or work platforms.
 Provide protective structure below the work area.
 Ensure that all persons below the work area have Personal
 Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fatherizated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors shauld ensure that temporary branching or other required support is in place at all times when collapse which may injuse persons in the east as a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

GENERAL

Replare of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are founded on or sarroad this site. Where shown, these are determined on the included on the including or the control of the

1. FALLS, SLIPS, TRIPS
A) WORKING AT HEIGHTS
DURNO CONSTRUCTION

AN OPPOSE TO STRUCTION

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In a distance of a distance where the six of workers falling more than two constructions of the working at heights where a stall in excess of two metres is possible and the workers for the working at heights where a stall in excess of two metres is possible with the components mass. All material plackaging, building and the workers for the workers of the workers for the work

6. HAZARDOUS SUBSTANCES

TREATED TMBER
The design of this building may include provision for the inclusion. The design of this building may include provision for the mental provision for the provision from the matter building during construct operational maintenance or demolition should ensure good verifialt war Personal Policitorite Caugiment Including profession against treated inteller and yeary that the provision of the provision o

TIMBER FLOORS This building may co TIMBER FLOORS
This building may contain timber floors which have an applied finish.
Areas where finishes are applied should be kept well verifitated duri sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

7. CORFINED SPACE

EXCAVATON

Construction of this building and some maintenance on the building will

construction of this building and some maintenance on the building will

require excavation and installation of items within exavations. Where

practical, installation should be carried out using methods which do not

require workers to enter the excavation. Where this is not practical,

adequates support for the excavated area should be provided to prevent

collapse. Warming gives and barriers to prevent accelerate, or

unauthorised access to all excavations should be provided.

ENCLOSED SPACES

She but the small spaces where maintenance or other access may 1, Genet be required:

Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls accordant for warming signs and barriers to anauthressed access. These should be the BCA required to near small spaces by spound be scheduled to that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

9. OPERATIONAL USE OF BUILDING NON-RESIDENTIAL BUILDINGS

10.OTHER HIGH RISK ACTIVITY

Code Al electrical work should be carried out in accordance ware or practice:

Managing Electrical Risks at the Workplace, AS/NZ and all licensing requirements, 3012 All work using plant should be carried out in formation of the property of the property of the property of the Managing Risks of Plant at the Workplace, Code of All work should be carried out in accordance with Projectics at Work. Dust to the Managing Note and Preventing Hearing Loss at Work. Dust to the seemiced when understaking work involving steet construction and concrete placement. All the above applies.

EXCAVATIONS

Life available.

Life available to be covered by the proposed building or buildings and an area at least 1000mm wide around that part of the site or to boundaries of the site, whichever is the lessable be cleared or graded as indicated on the site works plan. To go sit shall be or to a depth sufficient to remore all vegetation. Executions for all footings shall be in accordance with the Dropines's Recommendations or the SOA requirements.

FOUNDATIONS AND FOOTINGS

. Underfloor Fill
Underfloor III shall be in accordance with the BCA
2. Termite Tisk Management
Termite treatment shall be carried out in accordance with the

Discourse, undus displacements.

5. Concrete
Structural shall not be less than Grade N20 except otherwise structural shall not be less than Grade N20 except otherwise structural shall not be less than Grade N20 except otherwise.

6. Current exists shall be cured in accordance with A5 5000.

7. Footings and Slabs on Ground
Dour concrete is given by 1 he engineer or the Local Authority,

8. Sub-Floor Verifilation
Where required adequate cross verifilation will be provided to the Where requirements of the BCA. No section of the under floor area wall be constructed in such manner has with hot possible of still are not such a sub-Floor Access.

EFFLUENT DISPOSAL/DRAINAGE

EFFLUENCE Orainage
Stormwater Orainage shall be carried out in accordance with
the BCA. The Builder will allow for the supplying and laying of

TIMBER FRAMING

TIMBER FORMATION.

I Generally
All timber binnework sizes, spans, spacing, notiching, checking
and lamp to all lote, well and roof structure shall comply with the
structure eight of the control of the control of the control
structural engineer's obtains and certification.

The work shall be carried out in a poper and trades personal like
manner and shall be in accordance with recognised and accepted

Bracing Bracing units shall be determined and installed in accordance with AS 1684 as appropriate for the design wind velocity for the site. Bracing shall be evenly distributed throughout the building.

AS 158.4 as appropriate for the design wind velocity for the site fiscing shall be everyl distributed froughout the building.

4. Flooring

4. Flooring

1. Floor

STEEL FRAMING

1. Generally
Steel floor, wall or roof framing shall be installed in
accordance with the manufacturer's recommendations and

ROOFING

ROOFING

ROOFING

All roof cladding is to comply with the relevant shuctural performance and weathering requirements of the BCA and be installed as per the manufacturer's recommendations.

The Roofing The Roofing of the Roofing with approved ties as selected. The ties are to be fixed tax required for appropriate design and with speed to battern of sixes appropriate to the specing of rathers thrusses in accordance with the manufacturer's recommendations. The Buildew flower hips and ridges with our commendations. The Buildew flower hips and ridges with our commendations. The Buildew flower hips and ridges with our commendations. The Buildew flower hips and ridges with our commendations. The Buildew flower hips and ridges with our capit. Capting and vergo files are to be well bonded and readily pointed. Roofing adaptent to valleys should be fixed on as to minimize water penetration as far as practicable. As not files are made of industry products slightly restrict in colours acceptable.

The Builder will provide and install a metal roof together with accessories all in accordance with meanufacturer's recommendations.

recommendations. Except where design prohibits, sheets shall be in single lengths from fascia for dige. Fixing sheets shall be strictly in accordance with the manufacture's recommendation as required for the appropriate design and wind speed, incompatible materials shall not be used for training, statemers or deverpex.

3. Gutters and Downpipes
Gutters and downpipes shall be manufactured and installed in accordance with the BCA cutters and downpipes are to be

compatible with other materials used.

4. SarVing on A. SarVing on Covering must compty with and be fised in accordance with manufacturer's recommendations.

5. Sealants

Appropriate scalants shall be used where necessary and in accordance with manufacturer's recommendations.

Fisabilities with manufacturer's recommendations.

Fisabilities shall compty with, and be installed in accordance with the BCA.

MASONRY

MASONRY

1.0 Jamp Proof Courses
All dump proof ocurses shall comply with the BCA and Clause 1,0.10.
The damp proof membrane shall be visible in the external face of the
masoning member in which it is placed and shall not be bridged by any
applied coatings, under or the file.
Open vertical joints rerespiness must be created in the course
immediately above any DPC or lisatings at centers not exceeding 1.2m
and must be in accordance with the BCA.
3.1 Mortar and Jointing
Mortar shall comply with the BCA. Joint tolerances shall be in
accordance with A3 3700.

Romal swar of the support brickwark opening in walls must be suitable for accordance with AS 3700. Linids used to support brickwark opening in walls must be suitable for the purpose as required by the BCA. The Builder will provide one linited to each wall set. The Builder will provide composino protection in accordance with the BCA Part 3.4. As appropriate for the site accordance with the BCA Part 3.4. As appropriate for the site accordance with the BCA Part 3.4. As appropriate for the site of the

External Cladding
 The transition of the external cladding shall be fixed in accordance with the manufacture's recommendations and any applicable special details.

Where required in open varianches are considered.

with the manufacturer's recommendations and any applicable special details, as the object of the second sec

JOINERY

JOINERY

1, General

All joinery work (inebit and timber) shall be manufactured and installed according to accepted building practices.

2 Door Frames

2 Door Frames

2 Door Frames

3 Door Frames

1 Door Frames

1 Door Frames

2 Door Frames

1 Door Frames

2 Door Frames

1 Door Frames

2 Door Frames

1 Door Frames

1 Door South Control of the Contro

1.Plumbing All plumbing shall comply with the requirements of the relevant supply authority and AS 3500. The work is to be carried out by a licensed

plumber. Filtings, as listed in the Schedule of Works, shall be supplied and installed to manufacturer's recommendations. Fittings, hot water system and any rainwater harvesting facilities shall be appropriate to satisfy any commitment outlined in the relevant BASIX Certificate. system and any rainwaker harvesting facilities share exportanear to satisfy any cominiment cultimed in the reviewal BASIX Certificate.

2.Electrical

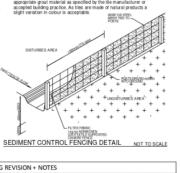
The Bulber will sporked all Bulbour and materials recessary for the The Bulber will sporked all Bulbour and materials recessary for the Certificate of the Section of the S

TILING

Thaterials
Cement mortar and other adhesives shall comply with AS 3958.1 or tile manufacturer's recommendation. Cement motter and other adhesives shall comply with AS 3998.1 or the manufacture's recommendation.

Zinstalhation

Instalhation





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BUILDING SPECIFICATIONS FOR CLASS 2 AND 9 BUILDINGS

At works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of National (FCA), Volume 3 as applicable, Pumbing Code of Australia (FCA), Volume 3 as applicable, the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Cortificate or Complyment Certificate Application.

Development Certificate Application.

Development Certificate Application.

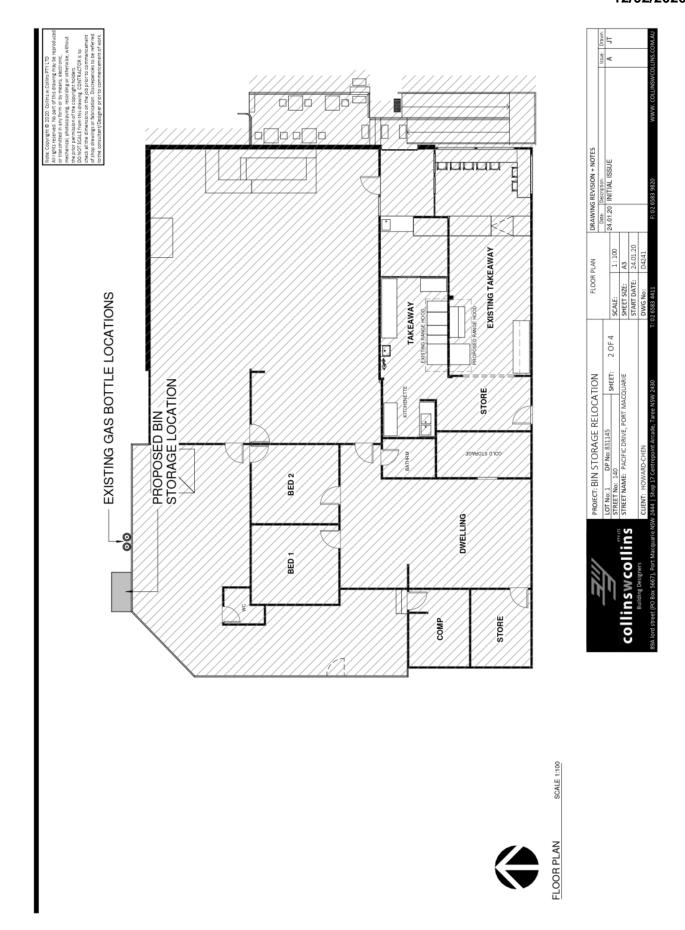
Development Certificate Application.

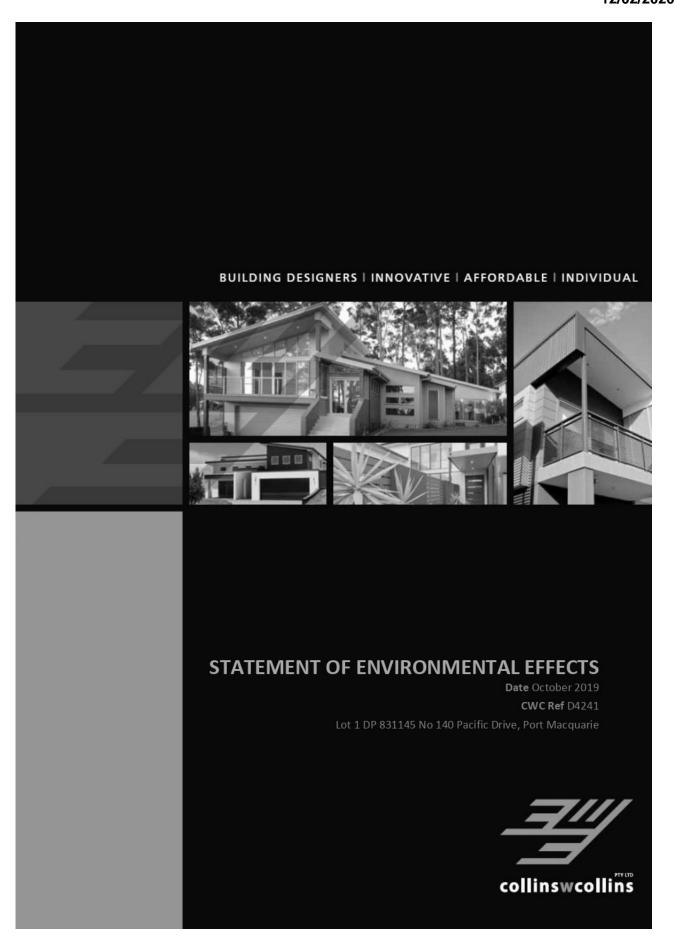
AB building design.nesting/construction/installation is to occur in accordance with the relevant sections of the following standards:

Structural Design Actions – 1170
Pressure Equipment – AS.NZS 1200
Acoustics – AS.NZS 1278
Alternation structures – AS.NZS 1660
Alternation and acousticioning in buildings – AS.NZS
Free Detection. variancy, corridor and intercom systems – AS 1670
Interior lighting – AS.NZS 1680
Acoustics – AS.NZS 1680
A

4596 Cold-formed steel structures — AS/NZS 4600 Materials for the thermal insulation of buildings — AS/NZS 4859 Reaction to fire tests for flooring — AS ISO 9239 Fire tests — AS ISO 9705

7///	PROJECT: BIN STORAGE RELOCA	TION		BUILDING SPE	CIFICATIONS	DRAWIN	REVISION + NOTES			
	LOT No: 1 DP No: 831145	CHEET.	3 OF 4				Revision Description: INITIAL ISSUE			Drawn:
PTYLIC	STREET No: 140	SHEET:	3 UF 4	SCALE:	1:100	24.01.20	INTIAL IGGOL		^	01
collinswcollins	STREET NAME: PACIFIC DRIVE, PORT MAG	CQUARIE		SHEET SIZE:	A3					
				START DATE:	24.01.20	1				
Building Designers	CLIENT: HOWARD-CHEN			DWG No:	D4241	1				
89A lord street (PO Box 5667), Port Macquarie nsw	2444 Shop 17 Centrepoint Arcade, Taree NSW	2430		T: 02 6583 4411		F: 02 658	3 9820	WWW. COLLINSWO	OLLINS	COM.AU





Collins W Collins pty ltd

D4241_Statement of Environmental Effects_RevA

CWC Reference – D4241 October 2019

Statement of Environmental Effects

Change of Use and Internal Fit-Out (Pharmacy to Take-Away Food and Drink Premise) on Lot 1 DP 831145 No 140 Pacific Drive, Port Macquarie

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Phone: 02 6583 4411 PO Box 5667, Port Macquarie NSW 2444 Page 2 of 11 Fax: 02 6583 9820 Email: design@collinswcollins.com.au Collins W Collins pty ltd

D4241_Statement of Environmental Effects_RevA

CWC Reference – D4241 October 2019

1.0 Introduction

Collins W Collins Pty Ltd has been engaged to prepare a development application for a change of use from pharmacy to take-away food and drink premise and internal fit-out. This Statement of Environmental Effects is to accompany the plans and specifications, and forms part of the application.

2.0 Property Details

Lot	1	Section No	N/A	DP No	831145
Stree	et No	140	Street Name	Pacific Drive	е
Subı		Port Macquar	ie	Post Code	2444

The area is characterised by existing residential developments and is within close proximity to schools, childcare, medical facilities, beaches, recreational facilities and Town Centre.



Figure 1: Aerial View, image from Six maps (sourced: October 2019)

D4241_Statement of Environmental Effects_RevA

CWC Reference – D4241 October 2019



Figure 2: Street View, image from Six maps (sourced: October 2019)

2.1 Site Characteristics

The subject site has a dual street frontage to Pacific Drive and Shelly Beach Road. There is an existing building on the site that is currently approved for mixed uses, including service station, pharmacy, refreshment room with external seating (now referred to as a "take-away food and drink premise" under the current LEP) and manager's residence.

The proposal seeks continuation of the "refreshment room" use under existing use rights, refer to Section 5.0 below. The premise has an existing approval for a refreshment room, as per DA 2010.223 — Alterations & Additions to Existing General Store and Refreshment Room.

The neighbouring properties comprise of a mix of residential developments including single dwellings and a motel.

The subject site has an approximate area of 1,195m² with street frontages to the east and south. The site is relatively flat and has existing driveway entrances off both street frontages with car parking to the rear and on Shelly Beach Road.

2.2 Existing and Proposed Services

Water

The existing building has existing connections to Council's mains for water supply and the proposal does not alter the existing connections.

It is proposed to utilise the existing connections for the proposed addition to the take-away food and drink premise.

Sewer

The existing building has existing connections to Council's sewer mains. There is an existing grease arrestor that was installed for the existing takeaway food and drink premise as part of DA 2010/223.

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It is proposed to utilise the existing connections for the proposed addition to the take-away food and drink premise.

Stormwater

There are existing stormwater drainage connections to the site and the proposal does not affect these existing connections. The proposed works are internal and as such, will not impact on stormwater.

Telecommunication and Electricity

The existing building has telecommunication and electricity connections via the street frontage.

3.0 Proposal Overview

The proposal is for the change of use to alter the floor area currently used by the pharmacy to be an extension of the existing take-away food and drink premise.

The proposal includes internal fit-out works comprising of the removal of internal walls as shown on plans and fit-out of the food premise.

The proposed change of use includes the creation of internal seating for the takeaway food and drink premise, resulting in eight (8) external seats (existing) and seven (7) internal seats (proposed).

Car Parking

Car Parking calculations, as per DA 2013/756:

•	Pharmacy (40.84m²)	. 2 spaces
•	Take-away Food and Drink Premise (1 per 5 seats, 8 seats)	. 2 spaces
•	General Store (1 per 30m², 144.86m²)	. 5 spaces
•	Manager's Residence	1 space
•	Total Spaces required	10 spaces

Car Parking calculations based on the proposed change of use:

•	Take-away Food and Drink Premise (1 per 5 seats, 15 seats).	4 spaces
•	General Store (1 per 30m², 145.7m²)	5 spaces
•	Manager's Residence	1 space
•	Total Spaces required	10 spaces

The existing car parking facilities are adequate for the proposed change of use.

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4.0 General Information

Site Suitability	
Will the development:	NI-
 Affect any neighbouring residences by overshadowing or loss of privacy? 	No
Result in the loss or reduction of views?	No
 Impact on any item of heritage or cultural significance? 	No
 Result in land use conflict or incompatibility with neighbouring premises? 	No
Be out of character with the surrounding areas?	No
 Be visually prominent with the existing landscape/streetscape? 	No
 Require excavation or filling in excess of 1 metre? 	No
Require the erection or display of any advertising	As per existing
signage?	signage locations
Will the proposal:Result in any form of air pollution (smoke, dust, odour)?	No
 Have the potential to cause any form of water pollution? 	No
 Emit noise levels that could affect neighbouring properties? 	No
 Be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? 	No
Affect native or aquatic habitat?	No
Have an impact on a threatened species or habitat?	No
Involve the removal of any trees?	No
Access, Traffic & Utilities ■ Are electricity and telecommunications services available to the site?	Yes
Is lawful and practical access available to the site?	Yes
Will the development increase local traffic movements and volumes?	Yes
 Are appropriate manoeuvring, unloading and loading facilities available on site? 	Yes
Social & Economic Impacts	
 Will the proposal have any social or economic impacts in the area? 	No
Have you conducted any community consultation	No
 Have you considered Council's Social Impact Assessment Policy? 	No

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Waste Disposal Provide details of waste management, including reuse and recycling: As per existing arrangement	Existing
How and where will the wastes be stored: As per existing arrangement	
 Does the proposed use generate any special wastes? 	No
 Will the use generate trade wastes (ie greasy or medical wastes)? 	Yes – existing grease arrestor installed

5.0 Environmental Planning and Assessment Regulation 2000

The proposal includes a change of use from Commercial Premise (Pharmacy) to Commercial Premise (Take-Away Food and Drink Premise) under existing use rights.

The Commercial Premise (Pharmacy) use was approved under DA 2010.227. There is an existing Take-Away Food and Drink Premise (previously referred to as a Refreshment Room) that was approved under DA 2010.223.

Under the current zoning of the site, R1 – General Residential, the Commercial Premise use is a prohibited use. However, as the existing premises are currently approved for commercial premises, the proposal seeks to continue to utilise the premises in a commercial nature.

Part 5 Clause 41 (1)(e) of the *Environmental Planning and Assessment Regulation 2000* allows for an existing commercial use to be changed to another commercial use under existing use rights, including a commercial use that would otherwise be prohibited under the Act.

Part 5 Clause 41 (2) of the Environmental Planning and Assessment Regulation 2000 identifies when an existing use must not be changed under Clause 41 (1) (e) or (f):

- Clause 41 (2)(a): Alterations and additions are to be minor in nature
 - The proposed alteration works are internal fit-out works only and would be considered to be minor in nature
- Clause 41 (2)(b): Floor space cannot increase by more than 10% of the floor space associated with the existing use
 - The proposal does not seek to increase the floor space associated with the commercial use

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CWC Reference – D4241 October 2019

- Clause 41 (2)(c): Works do not involve the rebuilding of the premises associated with the existing use
 - Proposed works are for internal fit-out works only and do not involve the rebuilding of the premises
- Clause 41 (2)(d): Does not involve a significant intensification of that existing use
 - The proposal does not increase the floor space associated with the commercial use, and as such, the proposal will not result in a significant intensification of the commercial use of the existing premise

It is our opinion that the proposal is consistent with the provisions contained in Part 5 of the *Environmental Planning and Assessment Regulation 2000*.

6.0 Port Macquarie-Hastings Local Environment Plan 2011

Land Zoning

The subject site is zoned R1 – General Residential. The objectives of this zoning are as follows:

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

The proposed take-away food and drink premise is a permissible land use and provides a facility that meets the day to day needs of nearby residents. In this regard, the proposal is consistent with the R1 zone objectives.

Minimum Lot Size

The proposal does not affect the existing lot size.

Height of Building

The proposal does not alter the existing building height.

Floor Space Ratio

The proposal does not alter the current floor space ratio.

Other

The subject site is not mapped as having Acid Sulphate Soils, affected by Flood or within a Koala Habitat zoning.

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7.0 State Environmental Planning Policy

7.1 Building Sustainability Index: BASIX 2004

The proposed works are not subject to BASIX.

7.2 No 62 – Sustainable Aquaculture

Given the nature of the proposed development and the proposed stormwater controls, it is unlikely that the proposal will have any adverse impact on existing aquaculture industries.

7.3 Coastal Management

The subject site is not mapped as being a Littoral Rainforest or Coastal Wetlands and is not within the proximity area for Littoral Rainforests or Coastal Wetlands.

However, the subject site is on the fringe of the proximity area for a Littoral Rainforest. Given the nature of the proposed works, the proposal is unlikely to have any impact on the quality of ground water flows or the adjacent littoral rainforest or coastal wetland.

8.0 Development Control Plan

8.1 Port Macquarie-Hastings Development Control Plan 2013

	DCP Requirements	Proposal	Complies Yes/No
2.2 Advertising and Signage	Compatible with desired amenity and visual character of the area	No additional signage proposed	Existing
	High quality design and finish		
	Does not obscure or limit the view of motorists or pedestrians		
2.3 Environmental	Cut and Fill	No cut/fill proposed	N/A
Management	Environmental Management Areas and Buffers	Proposed works are internal	

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CWC Reference – D4241 October 2019

2.4 Hazards Management	Airspace Protection Bushfire Hazard Management	Proposed works will not impact on airspace Proposed works are	N/A
	Flooding	internal and will not impact on bushfire management	
	Troounig	mapped as being flood prone	
2.5 Transport, Traffic Management, Access and Car Parking	Parking Provisions	Car parking is existing and adequate to accommodate the proposed change of use (refer Section 3.0 above)	Existing
	Driveway	Access driveways off both street frontages are existing and will not be affected by the proposed works	
2.6 Tree Management	Tree Management	The proposed works are internal	N/A
2.7 Social Impact Assessment and Crime Prevention	Social Impact Assessment	The proposal is for an extension to an existing take-away shop, in this regard, a Social Impact Assessment is not deemed necessary	N/A
	Crime Prevention	The proposal includes a new window to the south of the proposed internal seating which will allow for increased street surveillance. Externally, the building and lighting will remain as per existing.	Existing

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CWC Reference – D4241 October 2019

8.2 Non-Compliances

There are no non-compliances identified in the above table.

8.3 Additional Information

Hours of Operation

Hours of Operation are to remain consistent with the approval under DA 2010.223, which are as follows:

 $\begin{array}{lll} \mbox{Monday} - \mbox{Friday:} & 7\mbox{am} - 7\mbox{pm} \\ \mbox{Saturday:} & 7\mbox{am} - 7\mbox{pm} \\ \mbox{Sunday:} & 7\mbox{am} - 7\mbox{pm} \\ \end{array}$

Details of any deliveries

As per existing arrangement

9.0 Conclusion

The above assessment has been completed and the proposed change of use (pharmacy to take-away food and drink premise) and internal fit-out works complies with:

- the State Environmental Planning Instruments;
- Port Macquarie-Hastings Local Environmental Plan 2011; and
- Port Macquarie-Hastings Development Control Plan 2013.

The proposal will not adversely impact on the natural or built environment.

The proposal will benefit the community, both socially and economically.

The proposal is suitable for the site.

This Statement of Environmental Effects is submitted to Port Macquarie-Hastings Council for review.

Item: 09

Subject: DA2019 - 796.1 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6

VARIATION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 1 DP 331765, 5071 OXLEY HIGHWAY AND LOT 1

DP 434372, 39 HENRY STREET, LONG FLAT

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: Hopkins Consultants Pty Ltd

Owner: M W & L M Newman and A J Hoad

Estimated Cost: N/A

Parcel no: 16088, 16048

Alignment with Delivery Program

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

RECOMMENDATION

That it be recommended to Council that DA 2019 - 796.1 for a boundary adjustment including clause 4.6 variation to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 331765, No 5071 Oxley Highway and Lot 1 DP 434372, No. 39 Henry Street, Long Flat, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a boundary adjustment 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, no submissions were received.

The application includes a variation to the minimum lot size development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. 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.

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

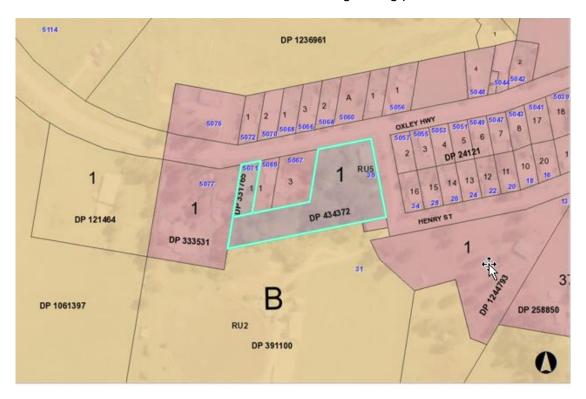


1. BACKGROUND

Existing Sites Features and Surrounding Development

The site comprises two lots typically identified as 5071 Oxley Highway and 39 Henry Street, Long Flat. Lot 1 DP 331765 (5071 Oxley Highway) is 1,011.37m² in area and contains an existing dwelling with frontage and direct access to Oxley Highway. Lot 1 DP434371 (39 Henry Street) is 8,087.53m² in area and contains an existing dwelling positioned on the corner of the Oxley Highway and Henry Street.

The site is zoned RU5 Village in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Boundary adjustment between existing lots.
- Variation to the minimum lot size standard.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 30 October 2019 Application lodged.
- 14 November 2019 Integrated referral to NSW Rural Fire Service.
- 19 November to 2 December 2019 Public exhibition via neighbour notification.
- 11 January 2020 NSW Rural Fire Service Bushfire Safety Authority 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

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

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

State Environmental Planning Policy No. 55 - Remediation of Land

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

 Clause 2.2 - The subject site is zoned RU5 Village. In accordance with clause 2.6 and 2.3(2) the proposed development for a subdivision (boundary adjustment) is a permissible landuse with consent.

The objectives of the RU5 village zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

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

o the proposal is a permissible land use.

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- Clause 4.1 The minimum subdivision lot size standard applicable to the site is 8000m². The lots as they currently exists are 1012m² and 8094m² in area. The proposed adjustment between boundaries would create lots of 1618m² and 7488m² in area. The proposed lots do not comply the minimum 8000m² lot size provision applying to the site and a clause 4.6 variation supports the application.
- Clause 4.6 This clause establishes a degree of flexibility for certain development standards in certain circumstances which have demonstrated that a better planning outcome will occur from that flexibility.
 - In this regard, the proposal seeks a variation to the minimum lot size standard identified under clause 4.1 of this report. Specifically the proposal will result in lots being 1618m² and 7488m² in area, being a deviation of 79.8% and 6.4% respectively from the 8000m² lot size standard.

Assistance on the approach to variation to this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:

1. Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);



- 2. Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and
- 3. Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245

Having regard to specific requirements of clause 4.6(3) and 4.6(4) the following assessment comments are provided:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comments: The applicant has submitted a request in writing to justify the contravention of the lot size standard for the following reason (as summarised):

- 1. the objectives of the minimum subdivision lot size development standard are achieved notwithstanding non-compliance with the standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comments: The applicant has provided a written request that adequately addresses the matters identified in subclause 3.

Having regard to: 3(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

In *Wehbe* 'five methods' have been developed to test whether a compliance with the standard is unreasonable or unnecessary. Having regard to the 'five methods', any of which could support consideration of the variation, the following comments are provided:

- 1. The objectives of the lot size standard are achieved notwithstanding the non-compliance with the numerical 8000m² lot size standard.
- Noting the existing lot sizes and specifically that the smaller lot is well below the lot size standard the underlying object or purpose would not be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

Having regard to 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard:

- 1. The proposed development will meet the objectives of minimum lot size standard as discussed above and below.
- 2. The proposed variation will not result in a development that is out of character with that envisioned for the immediate locality.



On the basis of the above, it is considered that the applicant's clause 4.6 variation has adequately addressed the matters required to be demonstrated by clause 4.6(3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comments: The objectives of the RU5 Village zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The proposal will continue to provide for a range of land uses associated with a rural village. The development is appropriate in scale and consistent with the rural village character. There will be no identified land use conflicts with adjoining land uses or zones as a result of the boundary adjustment.

Consideration of the proposal's consistency with the objectives of the minimum subdivision lot size standard is provided as follows:

- (a) to ensure that lot sizes are compatible with local environmental values and constraints.
 - Comments: The surrounding area contains a mix of lot sizes, the majority of which do not comply with the 8,000m² minimum lot size. There are 57 lots in the 8,000m² minimum lot size area in Long Flat Village. Of these, only seven (12%) have a lot size of over 8,000m² and one of those compliant lots is Long Flat Primary School. Compliance with the 8,000m² minimum lot size is not characteristic of Long Flat village.
 - The proposed boundary adjustment between two existing lots, one of which currently complies and one of which does not comply, will result in lot sizes which are compatible with the local environmental values of Long Flat village. 5071 Oxley Highway will increase in size but retain a lot size generally consistent with the average of other lots in the Long Flat village and 39 Henry Street will remain one of the largest lots in Long Flat village.
 - There will be no apparent change to the appearance or character of Long Flat as the boundary adjustment is not visible from the street and no new lots are proposed.
- (b) to facilitate efficient use of land resources for residential and other human purposes,

PORT MACQUARIE HASTINGS

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AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

- Comments: The area of 39 Henry Street which is proposed to be transferred to 5071 Oxley Highway is at the end of the narrow part of the L-shaped lot. The area subject to the boundary adjustment is currently not used for any active purpose by the occupants of 39 Henry Street. The proposal will improve the efficiency of land use and improve the amenity of 5071 Oxley Highway without impacting on the amenity of any other property in the vicinity. 39 Henry Street retains a more than adequate area for use by a single residential dwelling.
- (c) to minimise the fragmentation of rural land suitable for sustainable primary production,
- Comments: The proposed boundary adjustment will not fragment rural land suitable for sustainable primary production. The lots are located in Long Flat village in a location where primary production would not be suitable. The lots are directly east of Long Flat Primary School and bordered to the south by Long Flat Community Hall, football fields and other public uses. Beyond this is land used for agricultural purposes which will not be impacted. To the north and west of the site are residential uses.
- (d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.
 - Comments: The site does not contain any ecologically significant values and there is no such land in the vicinity of the site that would be impacted by the proposal.
 - The development is consistent with the minimum subdivision lot size objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.
 - (b) the concurrence of the Secretary has been obtained.

Comments: As per Planning Circular PS18-003 issued by NSW Planning and Environment, dated 21 February 2018, Council can assume the Director's concurrence for clause 4.6 variations to the minimum lot size. In addition, the variation contravenes the numerical standard by more than 10% and needs to be determined at an Ordinary meeting of Council.

Having regard to the above consideration and comments it is recommended that the lot size variation be supported.

- Clause 5.10 Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, 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

The proposal is for an adjustment between existing lot boundaries only. There is no change to the existing service or access arrangements proposed or required. No further provisions of the plan are considered applicable.

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

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

iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations apply.

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

Context and setting

Adjoining the site to the north is Oxley Highway. Adjoining the site to the east is Henry Street. Adjoining the site to the south is rural land. Adjoining the site to the west is the Long Flat School.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties.
- The proposal is considered to be consistent with other development in the locality and adequately addresses planning controls for the area as justified.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts.

Roads

The properties have road frontage to Oxley Highway and Henry Street. Oxley Highway is a sealed arterial main road under the care and control of Roads and Maritime Services with no kerb & gutter, table drains both sides and footpath paving on the southern side of the road. Henry Street is sealed local road under the care and control of Council with no kerb and gutter and table drains both sides. There is no works proposed or required to any roads fronting the lots.

Traffic and Transport

As the application is for a boundary adjustment only and traffic associated with the development will not change.

Site Frontage & Access

There are no proposed changes to vehicle access with the development.

Water Supply Connection



AGENDA

DEVELOPMENT ASSESSMENT PANEL 12/02/2020

A water service is currently provided to both lots. Boundary adjustment has no impact on existing water service locations.

Onsite Sewage Management and Sewer Connection

Sewerage will be available to both lots as part of the village sewer scheme works, which is currently under construction. The proposed boundary adjustment has no impact upon intended junction locations.

The lots and dwellings are currently serviced by onsite sewage management systems. The dwelling at 5071 Oxley Highway has a pump out system with tank located in the front setback to the Oxley Highway. The boundary adjustment will not impact on this arrangement. The dwelling at 39 Henry Street is currently serviced by a septic tank with absorption trench located behind the dwelling. The boundary adjustment will not impact on this arrangement and adequate setbacks will be retained to this system.

Stormwater

The sites naturally grade towards the Oxley Highway and Henry Street frontages. No changes to current stormwater management is proposed or required.

Other Utilities

Telecommunication and electricity services are available to the site. As no changes are proposed along the boundary of Oxley Highway, existing satisfactory arrangements currently in place will remain.

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 semi-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.

Air and microclimate

The proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

The proposed development does 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

No adverse impacts anticipated. No change to existing service arrangements for dwellings.

Energy



No adverse impacts anticipated.

Noise and vibration

No building work is proposed and therefore the proposal will not result in any significant adverse impacts on the existing air quality or result in any pollution.

Bushfire

The site is identified as bushfire prone land. In accordance with Section 100B - Rural Fires Act 1997 - the application proposes subdivision of bush fire prone land. As a result, the applicant has submitted a bushfire report. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent. The conditions include upgrading for ember protection to the existing dwellings located on the lots.

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.

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

No written submissions were received following public exhibition of the application.

(e) The Public Interest

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



4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- The development does not include any increased demand on the water or sewer supply network. A dwelling currently exists on each lot and this will not change as a result of the boundary adjustment. Development contributions are not required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- The development does not involve the creation of any additional residential component. A dwelling currently exists on each lot and this will not change as a result of the boundary adjustment. Development contributions are therefore not required in accordance with 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 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. DA2019 796.1 Recommended Conditions
- 2. DA2019 796.1 Plan
- 3. DA2019 796.1 SOEE
- 4<u>U</u>. DA2019 796.1 Clause 4.6 Minimum Lot Size objection.



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/796 DATE: 31/01/2020

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
Draft Subdivision Plan	7425-01	Daniel Baker	Undated
Statement of Environmental Effects	7425	Hopkins Consultants Pty Ltd	October 2019
Amended Clause 4.6 Objection	5071 Oxley Highway and 39 Henry Street, Long Flat	Hopkins Consultants Pty Ltd	Undated

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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (3) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - NSW Rural Fire Service The General Terms of Approval, Reference DA20191123001204-Original-1 and dated 11 January 2020, are attached and form part of this consent.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

ni

C - PRIOR TO ANY WORK COMMENCING ON SITE

nil

D - DURING WORK

nil

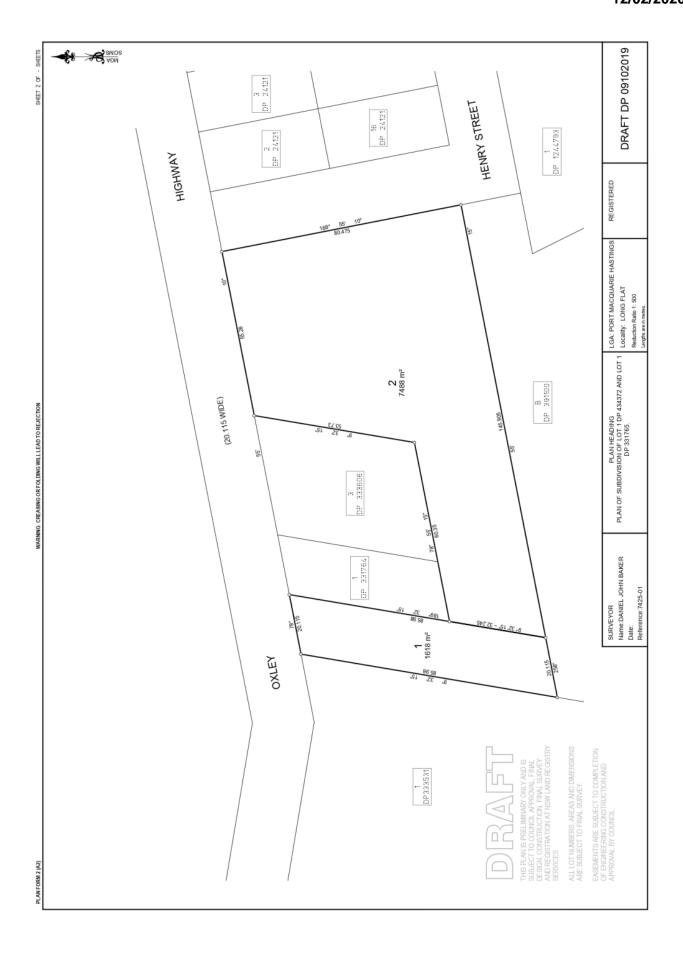
E - PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

(1) (E015) Prior to issue of the Subdivision Certificate, details to the satisfaction of the Certifying Authority shall be provided demonstrating compliance with the bushfire safety authority conditions dated 11 January 2020.

F - OCCUPATION OF THE SITE

nil







Statement of Environmental Effects
Boundary Adjustment
5071 Oxley Highway and 39 Henry Street, Long Flat
Lot 1 DP 331765 and Lot 1 DP 434372
October 2019



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> Hopkins Consultants Pty Ltd ABN 27 055 060 878

SURVEYORS | CIVIL ENGINEERS | PLANNERS

Item 09 Attachment 3



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Figure 5	Zoning Map
Figure 6	Minimum Lot Size Map

Appendices

Appendix A	Proposed Plan
Appendix B	Bushfire Report
Appendix C	Clause 4.6 Variation Request to Clause 4.1 Minimum Lot Size



1 INTRODUCTION

Hopkins Consultants have been engaged by the owner of 5071 Oxley Highway, Long Flat to prepare a Development Application for a boundary adjustment between 5071 Oxley Highway and 39 Henry Street, Long Flat. This town planning justification report has been prepared to accompany the development application.

This report contains a description of the subject site and the proposed development. The report also addresses the relevant provisions of the applicable planning framework as required by the Environmental Planning and Assessment Act 1979 (the Act).

The site and surrounding area is appropriate for the proposed boundary adjustment and will not have any adverse impact on the natural or built environment.

1



2 SUBJECT SITE

2.1 Site Description

The site is known as 5071 Oxley Highway and 39 Henry Street Long Flat and is composed of two lots legally described as Lot 1 DP 331765 and Lot 1 DP 434372. The site is shown in **Figure 1**.

5071 Oxley Highway (Lot 1 DP 331765) is regular in shape and approximately 1,012m² with a frontage to Oxley Highway of 20.115m. Existing on site is a single dwelling and ancillary structures.

39 Henry Street (Lot 1 DP 434372) is an L-shaped lot approximately 8,094m² with a frontage to Oxley Highway of 55.28m and a frontage to Henry Street of 80.475m. Existing on site is a single dwelling, ancillary structures and several large trees.



Figure 1: Site Plan Source: NSW Six Maps

2.2 Site Context

The site is approximately 48km west of Port Macquarie. The site is located at the western end of Long Flat Village near Long Flat Primary School. Immediately surrounding the site are residential lots of varying sizes. Further afield are cleared paddocks and steep sites with dense vegetation. To the west is Ellenborough and to the east is Pipeclay. The site context is shown in **Figure 2**.

2



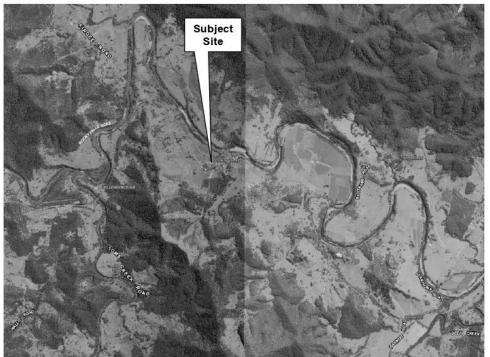


Figure 2: Location Plan Source: NSW Six Maps

2.3 Site History

Development History

Council's DA tracking contains the following history in relation to the site:

- DA 1988/34 for a tennis shelter shed at 39 Henry Street.
- DA 1996/1167 for additions at 5071 Oxley Highway.
- Section 68 2010/5028 to install/alter OSM serving existing dwelling at 5071 Oxley Highway.



3 PROPOSAL

The proposal is for a boundary adjustment to increase the size of 5071 Oxley Highway. There are no physical works and no new dwelling entitlement proposed. An extract of the proposed plan is shown in **Figure 3**.



Figure 3: Proposed boundary adjustment plan



4 STATUTORY MATTERS

Clause 4.15(1)(a) of the Act requires Council to take into account certain matters which are considered throughout Section 4 of this report.

4.1 Rural Fires Act 1997

The site is identified as bushfire prone land (refer **Figure 4**). The proposal is Integrated Development and a Bushfire Safety Authority is required under Section 100B of the Rural Fires Act 1997. A Bushfire Assessment Report has been prepared and is held at **Appendix B**.

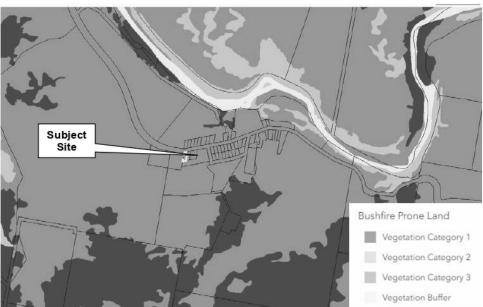


Figure 4: Bushfire Prone Land Map Source: NSW Planning Portal

4.2 State Environmental Planning Policies

State Environmental Planning Policy No 44 - Koala Habitat Protection

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44) applies to any development where the site has an area in excess of one hectare. No vegetation removal is proposed and no further consideration of SEPP 44 is required.

State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) Clause 7 requires that:

"(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

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Job Ref. 7425



- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

The site is not located within an investigation area and there are no known previous uses of the site that would have resulted in contamination of the site. The provisions of SEPP 55 are satisfied and the continued residential use of the land is appropriate.

4.3 Port Macquarie Local Environmental Plan 2011

Zoning and Permissibility

Pursuant to the Port Macquarie Local Environmental Plan 2011 (LEP 2011) the site is zoned RU5 Village. An extract of the relevant zone map is included below in **Figure 5**.

The objectives of the RU5 zone are as follows:

- "• To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- · To minimise conflict between land uses within the zone and land uses within adjoining zones."

The proposal for boundary adjustment satisfies the objectives as follows:

- The use of the sites for residential dwellings will not change.
- The scale and type of development will not be altered.
- The proposed boundary adjustment will not create a conflict between land uses.

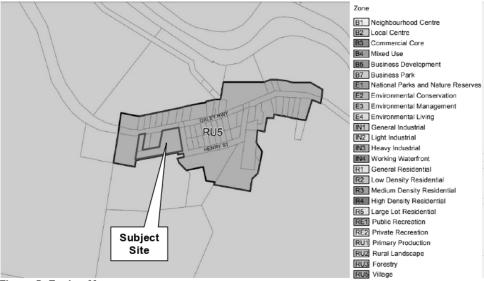


Figure 5: Zoning Map Source: LEP 2011

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Subdivision

Subdivision is permissible with consent subject to Clause 2.6 of LEP 2011. The definition of subdivision includes boundary adjustments.

Minimum Lot Size

Pursuant to Clause 4.1 of LEP 2011 the minimum lot size for the site is $8,000\text{m}^2$ as shown in **Figure 6**. The existing lot sizes are $1,012\text{m}^2$ and $8,094\text{m}^2$. The proposed lot sizes are $1,618\text{m}^2$ and $7,488\text{m}^2$. The proposed lot sizes are below the minimum and do not comply with Clause 4.1. A Clause 4.6 Variation Request is submitted with this DA.

The objectives of Clause 4.1 are as follows:

- "(a) to ensure that lot sizes are compatible with local environmental values and constraints,
- (b) to facilitate efficient use of land resources for residential and other human purposes,
- (c) to minimise the fragmentation of rural land suitable for sustainable primary production,
- (d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones."

The proposal will satisfy the objectives of Clause 4.1 as follows:

- The surrounding area is a mix of lot sizes (most are non-compliant with Clause 4.1) and the proposed lot sizes are compatible with the local environment.
- The proposed boundary adjustment will not reduce the efficiency of the use of land for residential purposes.
- The proposed lots do not result in fragmentation of rural land, the site is in the village and not suitable for primary production.
- The site is not located in an environment protection zone.



Figure 6: Minimum Subdivision Lot Size Map

Source: LEP 2011

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Heritage Conservation

The site is not identified on LEP 2011 maps as a heritage item under Clause 5.10.

Flood Planning

The site is not identified as flood prone in LEP 2011 maps.

Essential Services

Clause 7.13 of LEP 2011 requires the provision of essential services to the proposed development. All essential services will remain on each respective lot.

4.4 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the proposal.

4.5 Port Macquarie Development Control Plan 2013

The specific sections of Port Macquarie Development Control Plan 2013 (DCP 2013) which are relevant to the proposal are addressed below.

Section 2.4 Hazards Management

A Bushfire Report has been prepared and is submitted with this DA.

Section 2.5 Transport, Traffic Management, Access and Car Parking

The proposed development will not increase traffic to the site.

Section 2.6 Tree Management

No tree clearing is proposed however some clearing may be required to establish the recommended APZs.

Section 3.6 Subdivision

Chapter 3.6 of DCP 2013 contains controls for subdivision, however due to the minor nature of the proposal the controls are not relevant.

4.6 Planning Agreements

There are no planning agreements relating to the site.

4.7 Environmental Planning and Assessment Regulation

The proposal is capable of complying with the Regulations including all Australian Standards and the BCA.

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5 MATTERS FOR CONSIDERATION

Clause 4.15(1)(b) of the Act requires the consent authority to take into consideration the following matters when determining a development application:

5.1 The Likely Impacts of the Development

Social and Economic Impacts

The proposal will have a positive social and economic impact by subdividing land in a permissible and sensible manner.

Access, Transport & Traffic

No alteration will be made to the existing road access to the lots, nor will any increase in traffic occur as a result of the proposal.

Utilities

No alteration to utilities is required as a result of the proposal.

Flora and Fauna

No impact on flora and fauna will occur as a result of the proposal.

Amenity Impacts

No amenity impacts will occur to any existing dwelling.

Bushfire

A bushfire report is held at **Appendix B** which indicates that the site is capable of complying with PBP.

5.2 Suitability of the Site for Development

The suitability of the site for a boundary adjustment is established by the compliance with the LEP 2011 and DCP 2013 controls and the lack of impacts to surrounding properties.

5.3 Any Submissions Made

Notification of the proposal is required in accordance with Section 1.3 of DCP 2013. The proponent will respond to any submissions made as a result of the notification.

5.4 The Public Interest

A minor boundary adjustment is proposed which does not create any new dwelling entitlement or impact to surrounding properties. This is considered to be in the public interest.

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6 CONCLUSION

The proposed boundary adjustment at 5071 Oxley Highway and 39 Henry Street, Long Flat will have no detrimental impact on the sites or surrounding areas. No new dwelling entitlement is proposed. The proposed development is permissible pursuant to LEP 2011 and is consistent with the relevant objectives and provisions of the planning framework. The subdivision pattern surrounding the site is not uniform and altering the size of two existing lots will have minimal impacts upon the surrounding area.

It is considered that the proposal is worthy of Council's support accordingly.

APPENDIX A Proposed Plans

APPENDIX B Bushfire Report

APPENDIX C

Clause 4.6 Variation Request to Clause 4.1 Minimum Lot Size



AMENDED

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS - CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

5071 OXLEY HIGHWAY AND 39 HENRY STREET, LONG FLAT

1. Introduction

The proposal is for a minor boundary adjustment between 5071 Oxley Highway and 39 Henry Street, Long Flat. The proposal includes a variation to Clause 4.1 Minimum Subdivision Lot Size of Port Macquarie Local Environmental Plan 2011 (LEP 2011). The lot size of 39 Henry Street is proposed to decrease by $606m^2$ from $8,094m^2$ to $7,488m^2$, a breach of 6.4%. The lot size of 5071 Oxley Highway, Long Flat is proposed to increase by $606m^2$ from $1012m^2$ to $1618m^2$.

The proposal seeks to utilise Clause 4.6 Exceptions to Development Standards of to vary the development standard under Clause 4.1 Minimum Subdivision Lot Size of LEP 2011.

2. Clause 4.1 Minimum Subdivision Lot Size

The site has a minimum subdivision lot size of 8,000m² pursuant to LEP 2011 as shown in **Figure 1** below.



Figure 1: Minimum Subdivision Lot Size Map

Source: LEP 2011

It is intended to vary Clause 4.1 (Minimum Subdivision Lot Size) of LEP 2011 which states:

- (1) The objectives of this clause are as follows-
 - (a) to ensure that lot sizes are compatible with local environmental values and constraints,
 - (b) to facilitate efficient use of land resources for residential and other human purposes,
 - (c) to minimise the fragmentation of rural land suitable for sustainable primary production,



- (d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.
- (4) This clause does not apply in relation to the subdivision of any land-
 - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 1989.

In reference to Clause 4.1(2) the proposal is subdivision of land shown on the Lot Size Map and requires development consent. The existing and proposed lot size of 5071 Oxley Highway and the proposed lot size of 39 Henry Street are below is below the minimum shown on the lot size maps as per Clause 4.1(3) and as a result this Clause 4.6 variation request has been submitted with the DA.

Clause 4.1(3A) and 4.1(4) are not relevant to this proposal.

3. Proposed Breach

The lot size of 39 Henry Street is proposed to decrease by 606m² from 8,094m² to 7,488m², a breach of 6.4% or 512m². The proposal creates a new breach where the existing lot complies with Clause 4.1.

The lot size of 5071 Oxley Highway, Long Flat is proposed to increase by $606m^2$ from $1012m^2$ to $1618m^2$, a breach of 79.8% or $6,382m^2$. The existing lot breaches Clause 4.1. Although the breach will be reduced by the proposal a request under Clause 4.6 is still required.

The proposal is shown in Figure 2 below.





Figure 2: Proposed Boundary Adjustment Plan

Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances

Clause 4.6(3) states:

"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

(b) that there are sufficient environmental planning grounds to justify contravening the development standard."

Compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the minimum lot size standard.

In regard to 5071 Oxley Highway, the existing breach is 79.8% and it would be unreasonable and unnecessary to require the lot to be increased to a complying size. The 8,000m² minimum lot size was imposed on the site after the lot and dwelling were already existing. The proposal will not alter the amenity of the surrounding area by increasing the size of an undersize lot. Relative to compliance with Clause 4.1, 5071 Oxley Highway will be improved as a result of the increase.

Wehbe v Pittwater Council [2007] NSWLEC 827 outlined acceptable justifications for contravention of development standards. In this instance the proposed variation is considered acceptable because the objectives of the minimum subdivision lot size development standard are achieved notwithstanding non-compliance with the standard in Clause 4.1 of LEP 2011.



The objectives of Clause 4.1 are satisfied as follows:

(a) to ensure that lot sizes are compatible with local environmental values and constraints

The surrounding area contains a mix of lot sizes, the majority of which do not comply with the 8,000m² minimum lot size. There are 57 lots in the 8,000m² minimum lot size area in Long Flat Village. Of these, only seven (12%) have a lot size of over 8,000m² and one of those compliant lots is Long Flat Primary School. Compliance with the 8,000m² minimum lot size is not characteristic of Long Flat village. 5071 Oxley Highway is one of the existing non-compliant lots and 39 Henry Street is one of the few compliant lots.

The proposed boundary adjustment between two existing lots, one of which currently complies and one of which does not comply, will result in lot sizes which are compatible with the local environmental values of Long Flat village. 5071 Oxley Highway will increase in size but retain a lot size generally the average of Long Flat village and 39 Henry Street will remain one of the largest lots in Long Flat village.

There will be no apparent change to the appearance or character of Long Flat as the boundary adjustment is not visible from the street and no new lots are proposed.

(b) to facilitate efficient use of land resources for residential and other human purposes

The area of 39 Henry Street which is proposed to be transferred to 5071 Oxley Highway is at the end of the narrow part of the L-shaped lot. The area subject to the boundary adjustment is unused for any active purpose by the occupants of 39 Henry Street. The current use of land for residential purposes is not efficient. The proposal will improve the efficiency of land use and improve the amenity of 5071 Oxley Highway without impacting on the amenity of any other property in the vicinity. 39 Henry Street retains a more than adequate area for use by a single residential dwelling.

(c) to minimise the fragmentation of rural land suitable for sustainable primary production

The proposed boundary adjustment will not fragment rural land suitable for sustainable primary production. The lots are located in Long Flat village in a location where primary production would not be suitable. The lots are directly east of Long Flat Primary School and bordered to the south by Long Flat Community Hall, football fields and other public uses. Beyond this is land used for agricultural purposes which will not be impacted. To the north and west of the site are residential uses. Neither of the existing or proposed lots are suitable for primary production.

(d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones

There is no land in the vicinity of the site which is located in an environment protection zone.

5. Public Interest

Clause 4.6(4)(a) states:



Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

In accordance with Clause 4.6(a)(i) this written request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) in Section 4 of this request.

In accordance with Clause 4.6(a)(ii) the proposed development is in the public interest because it is consistent with the objectives of Clause 4.1 as discussed in Section 4 of this variation request. The proposal is also consistent with the objectives of the RU5 Village Zone which are:

- "To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- To minimise conflict between land uses within the zone and land uses within adjoining zones."

The proposed development is consistent with the objectives of the RU5 Village Zone in that the development will not alter the range of land uses or increase the number of dwellings in Long Flat Village. The proposed boundary adjustment is appropriate in the context of the rural village and will not result in any new physical structures which would be inappropriate in terms of scale or type, only a new fence will result. The proposed boundary adjustment will not cause a conflict between surrounding land uses including residential, education, primary production or community uses.

6. Concurrence of the Secretary

Clause 4.6(4)(b) states that development consent must not be granted for a variation to a development standard unless the concurrence of the Secretary has been obtained. Planning Circular PS 18-003 issued 21 February 2018 states that Council may assume the Secretary's concurrence where the variation to a numerical standard is not greater than 10%. The new breach at 39 Henry Street is 6.4%, however the increase in the lot size of 5071 Oxley Highway still results in a breach of Clause 4.1 of 79.8%. Council have advised that the proposal will need to be considered at DAP and Council as a result.

7. Conclusion

The proposal is for a minor boundary adjustment and represents a 6.4% variation to the minimum subdivision lot size development standard by 39 Henry Street and a breach of 79.8% by 5071 Oxley Highway. The size of 5071 Oxley Highway will be increased from existing but will remain well below the minimum lot size in Clause 4.1. There are no new lots being created and the appearance and character of the area will not be altered. The proposal complies with the objectives of Clause 4.1 and the RU5 Zone and is in the public interest. The proposal is considered to be minor and results in no material impacts. Council is requested to allow the proposed variation in this instance.