#### **ORDINARY COUNCIL**

Wednesday 15 April 2020



### Ordinary Council Meeting Wednesday, 15 April 2020

#### **Items of Business**

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10.04	INVESTMENTS	S - MARCH 2020
	Attachment 1:	Port Macquarie-Hastings Council Monthly Report - March 2020 4
	Attachment 2:	Port Macquarie-Hastings Council Portfolio as at 31 March 2020 22
10.05		ARIE TRANSPORT NETWORK COMMUNITY /E COMMITTEE CHARTER UPDATE
	Attachment :	Port Macquarie Transport Network Community Consultative Committee Charter - adopted 21 August 201927
13.01	A DWELLING I (MINIMUM LOT ENVIRONMEN	TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF NCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 SIZE) OF PORT MACQUARIE-HASTINGS LOCAL TAL PLAN 2011 AT LOT 144, DP 1230897, NO. 4 SHORE CENT, LAKE CATHIE
	APPLICANT: N	NATTO LUKE CORP PTY LTD
	OWNER: W M	OWEN AND S A LIEVORE
	Attachment 1:	DAP Report 11 March 202032
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# Leadership and Governance

#### What we are trying to achieve

A community that works together in decision making that is defined as ethically, socially and environmentally responsible.

#### What the result will be

#### We will have:

- A community that has the opportunity to be involved in decision making
- Open, easy, meaningful, regular and diverse communication between the community and decision makers
- Partnerships and collaborative projects, that meet the community's expectations, needs and challenges
- Knowledgeable, skilled and connected community leaders
- Strong corporate management that is transparent

#### How we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders local, state and federal so that they are affective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable





# Monthly Investment Report March 2020



Imperium Markets Pty Ltd ABN: 87 616 579 527 Authorised Representative of Libertas Financial Planning Pty Ltd AFSL 429 718 Phone: +61 2 9053 2987

Email: michael.chandra@imperium.markets
Level 13, 333 George Street, Sydney NSW 2000



#### **Executive Summary**

#### **Compliance**

Compliance Measure	Within Policy Limits (Y/N)	Reason if Not Compliant
Term to Maturity	Yes – Compliant	n/a
Counterparty	Yes – Compliant	n/a
Credit Quality	Yes – Compliant	n/a

#### Performance

As at 31/03/2020	1m (actual)	1m (% p.a.)	FYTD (actual)	FYTD (% p.a.)
AusBond Bank Bill Index	0.10%	1.18%	0.78%	1.04%
Council's Portfolio^	0.21%	2.54%	2.05%	2.73%
Outperformance	0.11%	1.36%	1.27%	1.69%

<sup>^</sup>Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

#### Council's Portfolio

#### **Asset Allocation**

The portfolio is predominately directed to fixed term deposits (95%). The remainder of the portfolio is directed to the overnight cash account with Westpac (4%) and the introduction of the FRN with Bendigo-Adelaide (1%).

With credit securities widening and senior FRNs trading at a discount, we would consider increasing the allocation to liquid senior floating rate notes (FRNs), if there is significant volume in the secondary market. This will not only offer additional upside with regards to the portfolio's investment returns, but also provide additional liquidity (FRNs are saleable – generally accessible within 2 business days). FRNs are also dominated by the higher rated ADIs which allows Council to maintain a bias towards the higher rated banks.

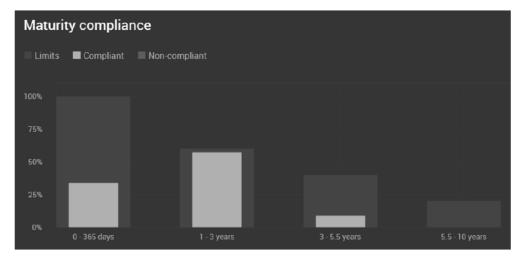
With official interest rates now at the RBA's effective zero bound, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available to address reinvestment risk.





#### **Term to Maturity**

All maturity limits (minimum and maximum) comply with the Investment Policy. Medium-Term (3-5½ years) assets account for around 9% of the total investment portfolio, with capacity of around \$94m at month-end.



Where there is (counterparty) capacity to invest in attractive 3-5½ year investments, we recommend this be allocated to new any remaining attractive fixed term deposits (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
<b>√</b>	0 - 365 days	\$102,470,493	33.94%	0%	100%	\$199,455,549
✓	1 - 3 years	\$172,500,000	57.13%	0%	60%	\$8,655,625
✓	3 - 5.5 years	\$26,955,549	8.93%	0%	40%	\$93,814,868
✓	5.5 - 10 years	\$0	0.00%	0%	20%	\$60,385,208
		\$301,926,042	100.00%			



#### Counterparty

As at the end of March, Council did not have an overweight position to any single ADI. Overall, the portfolio is diversified across the investment grade credit spectrum (rated BBB- or higher), with no exposure to unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	NAB	AA-	\$46,000,000	15.24%	30.00%	\$44,577,813
✓	WBC (St George)	AA-	\$63,970,493	21.19%	30.00%	\$26,607,319
✓	Rabobank	A+	\$13,000,000	4.31%	20.00%	\$47,385,208
✓	ICBC Sydney	Α	\$57,500,000	19.04%	20.00%	\$2,885,208
✓	ING Bank Aus.	Α	\$33,500,000	11.10%	20.00%	\$26,885,208
✓	AMP Bank	BBB+	\$9,000,000	2.98%	10.00%	\$21,192,604
✓	BOQ	BBB+	\$28,000,000	9.27%	10.00%	\$2,192,604
✓	Bendigo	BBB+	\$4,955,549	1.64%	10.00%	\$25,237,055
✓	Auswide	BBB	\$29,000,000	9.61%	10.00%	\$1,192,604
✓	Newcastle PBS	BBB	\$17,000,000	5.63%	10.00%	\$13,192,604
			\$301,926,042	100.00%		

On 27<sup>th</sup> August 2019, AMP Bank was downgraded by ratings agency S&P to BBB+ (negative watch), from A- (negative watch). Their short-term rating was unchanged at A-2. This was a result of AMP Group selling its life insurance arm at a revised deal earlier in the month. S&P believed that the group's profits will be less diversified going forward due to this sale. We have no issues with Council's exposure to AMP Bank given they continue to have a robust balance sheet with their level of capital remaining above the minimum regulatory requirement set by APRA.

We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

APRA's Chairman affirmed that the banks had satisfactorily moved towards an 'unquestionably strong' capital position and that bank's stress testing contingency plans were now far better positioned that was previously the case years ago. APRA's stress test in 2018 showed that if there were a 35% correction in house prices and the unemployment rate was to rise to 11%, all ADIs would remain above the minimum capital levels required (and this was without the RBA's unconventional easing policies, as well as the Federal government's stimulus packages).

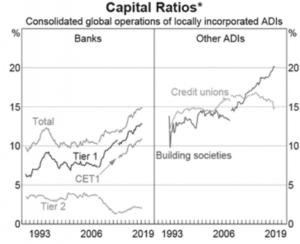
Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position then they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be continued going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns.

Monthly Investment Report: March 2020



In the current environment of high regulation and scrutiny, all domestic ADIs continue to carry high levels of capital, particularly amongst the lower ("BBB") and unrated ADIs. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC. APRA's mandate is to "protect depositors" and provide "financial stability".

The biggest single risk that depositors face in the current low interest rate environment is not capital or credit risk, but reinvestment risk. <u>Interest rates are now at their effective lower bound of 0.25%.</u>



 Per cent of risk-weighted assets; break in March 2008 due to the introduction of Basel II for most ADIs; break in March 2013 due to the introduction of Basel III for all ADIs

Source: APRA



#### **Credit Quality**

The portfolio remains lightly diversified from a credit ratings perspective. The portfolio is entirely directed to the investment grade ADIs (BBB- or higher), with zero allocation to unrated ADIs. There is high capacity to invest in the higher rated ADIs (A or higher), particularly after the downgrades of BoQ and Bendigo-Adelaide Bank in May 2017, as well as AMP Bank in August 2019, which are all now in the "BBB" rated category.

Conversely, the "BBB" rated ADIs is now close to capacity limits, approximately ~\$2.6m remaining at month-end.

Given the large number of "BBB" rated ADIs issuing deposits currently in the market (and conversely, the low number of "A" or higher rated ADIs), we suggest Council direct new funds into this sector, where attractive and where there is capacity. We note that it is within this category where the most value is currently experienced. The difference in pricing can amount up to 10-30bp on any day.

Should Council continue to exclude investments amongst the unrated ADI sector, we recommend the 10% allocation be directed to the "BBB" rated sector. Council is currently examining the Investment Policy as part of its annual review.

All ratings categories are within the current Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$109,970,493	36.42%	100%	\$191,955,549
✓	A Category	\$104,000,000	34.45%	60%	\$77,155,625
✓	BBB Category	\$87,955,549	29.13%	30%	\$2,622,264
✓	Unrated ADIs	\$0	0.00%	10%	\$30,192,604
		\$301,926,042	100.00%		



#### Performance

Council's performance for the month ending 31 March 2020 is summarised as follows:

Performance	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.02%	0.14%	0.33%	0.58%	0.94%
AusBond Bank Bill Index	0.10%	0.26%	0.49%	0.78%	1.23%
Council's T/D Portfolio	0.21%	0.64%	1.32%	2.05%	2.81%
Council's FRN Portfolio	0.13%	0.44%	0.92%	-	-
Council's Portfolio^	0.21%	0.64%	1.32%	2.05%	2.81%
Outperformance	0.11%	0.38%	0.82%	1.27%	1.57%

 $<sup>\</sup>verb|^ATotal| portfolio| performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.$ 

For the month of March, the portfolio (excluding cash) provided a solid return of +0.21% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.11% (actual). The strong performance continues to be driven by the handful of deposits still yielding above 3% p.a. However, some of these individual deposits are approaching maturity and will be reinvested at much lower prevailing rates.

Over the past 12 months, the portfolio returned +2.81% p.a., outperforming bank bills by 1.57% p.a. and around 3 times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.

We are pleased that PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, more than \$1,100,000 in additional interest income compared to its peers (refer to our January 2020 rankings). We have been pro-active in our advice about protecting interest income and addressing reinvestment risk for many years and encouraged to maintain a long duration position. This is now reflected by the high performance of the investment portfolio. Of the 72 individual deposits PMHC held, 25 are still yielding higher than 3.00% p.a. That is, around 35% of outstanding deposits held is earning an interest rate that is twelve times the prevailing cash rate of 0.25%.

Investors using the Imperium Markets platform have reduced the invisible costs associated with brokerage, and thereby lift client portfolio returns as investors are able to deal in deposits directly with the ADIs and execute at the best price possible. Council has experienced this over the past 2 years, receiving on average, 2-4bp higher for every deposit dealt on the platform.



#### Council's Term Deposit Portfolio & Recommendation

As at the end of March 2020, Council's deposit portfolio was yielding 2.54% p.a. (down 5bp from the previous month), with an average duration of  $^{\sim}1.53$  years. Where possible, we recommend Council extends or at least maintains this average duration. In the low interest rate environment, the biggest collective risk that the local government sector has faced over the post-GFC era has been the dramatic fall in interest rates - from 74% to the historical low levels of 0.25%.

As the past decade has highlighted (post-GFC era), we have seen too many portfolios' roll a high proportion of their deposits between 3-6 months, resulting in their deposits being reinvested at lower prevailing rates. That is, depositors have overpaid for liquidity and generally not insured themselves against the low interest rate environment by diversify their funding across various tenors (out to 5 years) but rather placed all their 'eggs in one basket' and kept all their deposits short. Reinvestment risk has collectively been and continues to be the biggest detriment to depositors' interest income over the post-GFC period.

At the time of writing (early April), we see value in:

ADI	LT Credit Rating	Term	T/D Rate
Police CU SA	Unrated ADI	5 years	2.20% p.a.
Police CU SA	Unrated ADI	4 years	2.15% p.a.
Police CU SA	Unrated ADI	3 years	2.10% p.a.
AMP Bank	BBB+	18 months	^2.05% p.a.
Police CU SA	Unrated ADI	2 years	2.05% p.a.
Warwick CU	Unrated ADI	2 years	2.05% p.a.
Summerland CU	Unrated ADI	2 years	1.95% p.a.
Auswide Bank	BBB	2-4 years	1.90% p.a.
BoQ	BBB+	4 years	1.70% p.a.
Australian Unity Bank	BBB+	2 years	1.70% p.a.
ING Bank Australia	А	2 years	1.65% p.a.

<sup>^</sup> AMP T/Ds – these are grossed up rates which includes a 0.20% p.a. rebated commission from Imperium Markets

The above deposits are suitable for investors looking to provide some income protection and mitigate reinvestment/rollover risk in the low interest rate environment.

For terms under 12 months, we believe the strongest value is currently being offered by a number of lower and unrated ADIs offering above-market specials (dependent on daily funding requirements):



ADI	LT Credit Rating	Term	T/D Rate
Judo Bank	Unrated ADI	6 months	2.15% p.a.
Judo Bank	Unrated ADI	12 months	2.10% p.a.
АМР	BBB+	6-12 months	^2.05% p.a.
Warwick CU	Unrated ADI	12 months	2.05% p.a.
Police CU	Unrated ADI	6-12 months	2.04% p.a.
Bank of Us	Unrated ADI	10-12 months	2.00% p.a.
Summerland CU	Unrated ADI	6-12 months	2.00% p.a.
Warwick CU	Unrated ADI	6 months	2.00% p.a.
BNK Bank	Unrated ADI	12 months	1.90% p.a.
WAW CU	Unrated ADI	6 months	1.90% p.a.
Australian Unity Bank	BBB+	3-12 months	1.80% p.a.
Auswide Bank	BBB	12 months	1.80% p.a.
BankVIC	BBB+	6-9 months	1.75% p.a.
MyState Bank	BBB	6-8 months	1.75% p.a.

<sup>^</sup> AMP T/Ds – these are grossed up rates which includes a 0.20% p.a. rebated commission from Imperium Markets

Amongst the higher rated ADIs ("A" rated or higher), the following deposits remain attractive for terms under 12 months:

ADI	LT Credit Rating	Term	T/D Rate
Macquarie Bank	A+	3-12 months	1.75% p.a.
Suncorp	A+	6 months	1.70% p.a.
ING Bank Australia	Α	12 months	1.65% p.a.
ING Bank Australia	Α	6-9 months	1.60% p.a.
NAB	AA-	5-7 months	1.30% p.a.



#### Senior FRNs & Recommendations

Over March, amongst the senior major bank FRNs, physical credit securities widened significantly, by around 40-50bp at the long end of the curve. The bid/offer spread in the secondary market for senior major bank FRNs was also volatile during the month, with spreads as wide as 50-60bp, compared to 2-5bp experienced over recent years (in the tight credit environment). There has been minimal turnover and liquidity in the secondary market given the large bid/offer spreads. Those investors that require liquidity with a domestic major bank (highly rated) and can roll down the curve should invest in 5 year terms over 3 year terms (or shorter), given the ability to lock in capital gains in subsequent years.

Any 5 year senior major bank FRNs (primary or secondary market) offered above +130bp appears to be relatively attractive in our view. These levels were last experienced around August 2012 (around the time of the European debt crisis). Any secondary market major bank FRNs offered around the same levels (or higher) for 4-5 year terms appear attractive and should be considered. We expect little primary issuance going forward given the RBA's \$90bn lending facility to the ADIs, offering a rate of 0.25% for 3 years. The anticipated lack of supply from new (primary) issuances going forward will favour those investors with the ability to take advantage of the discounted securities currently being offered in the secondary market.

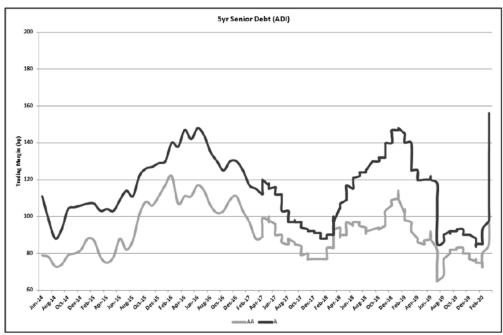
Amongst the "A" rated sector, credit securities (senior level) were marked around 40-55bp wider across the 3 and 5 year part of the curve. Meanwhile, amongst the 3 year "BBB" rated senior sector, they were marked around 35bp wider over the month. There remains very little turnover in the secondary market amongst these sectors (turnover dominated by the major banks).

With the significant widening over recent weeks, credit now appears relatively attractive, although we expect further bouts of volatility. FRNs will continue to play a role in investor's portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment). Investors should be ready to take advantage of any deeply discounted securities amongst the senior ranked assets, particularly amongst the domestic major banks.

Senior FRNs (ADIs)	31/03/2020	28/02/2020
"AA" rated – 5yrs	+130bp	+80bp
"AA" rated – 3yrs	+104bp	+63bp
"A" rated – 5yrs	+150bp	+93bp
"A" rated – 3yrs	+116bp	+78bp
"BBB" rated – 3yrs	+135bp	+100bp

Source: IBS Capital





Source: IBS Capital

We now generally **recommend switches** ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- > On or before mid-2021 for the "AA" rated ADIs (domestic major banks);
- On or before early-mid 2021 for the "A" rated ADIs; and
- Within 12 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last 1-2 years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so.

In late August 2019, Council placed a bid of \$3m into the new Bendigo (BBB+) 5 year FRN at +97bp maturing 06/09/2024 This FRN should be viewed as a 4 year holding period, with the ability to 'roll down the curve', realise capital gains which would boost the overall return of the investment portfolio. With the selloff in March, the security was marked around +133bp or capital price ~\$98.50 at monthend.

We stress that Council's FRN is a senior ranking asset - high in the bank capital structure. We expect that, if held to maturity, the FRN will pay back its original face value (\$100.00), along with its quarterly coupons throughout the life of the security. That is, we do not expect Council to lose any capital or interest payments from its current holding in this FRN given Bendigo-Adelaide Bank continues to maintain high capital buffers as regulated by APRA.

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#### **Economic Commentary**

#### International Market

Global financial markets continue to be impacted by the widespread effects of COVID-19. Equity markets entered a "bear market" correction as investors reacted to the myriad of lockdowns across all continents, causing a surge in unemployment globally. The selloff was temporarily halted following the stimulus packages announced by global central banks and federal governments.

In US equity markets, **the S&P 500 Index plunged -12.51%** while the NASDAQ fell -10.12%. Across the main European markets, France's CAC plummeted -17.21%, Germany's DAX by -16.44% and UK's FTSE by -13.81%. Italy's index nosedived by -22.44% for the month.

During the first weekend in March, US Fed Chairman Powell declared "we will use our tools and act as appropriate to support the economy". A few days later, the Fed delivered via a 50bp "emergency" rate cut – their first emergency cut since the GFC. The Fed then subsequently cut rates by another 100bp in mid-March, down to their emergency level of 0-0.25%, last experienced during the GFC.

The US Senate voted (96-0) to approve the \$US2 trillion fiscal package, which includes providing \$1,200 to individuals and \$2,400 for couples, plus \$500 for each child. There is no phase-in of the benefit, and no minimum income limit. The package also provides money for the states and a huge bailout fund (\$500m) for businesses.

Leaders of the Group of 20 major economies (the G20) pledged to inject \$US5 trillion in fiscal spending into the global economy to ease the economic impact of COVID-19.

The Bank of England (BoE) provided additional stimulus by cutting rates to 0.1%, evidently their previous 50bp cut to 0.25% was not deemed enough. This came alongside their QE debt buying program limits, increasing from £200bn to £645bn. UK Chancellor Sunak outlined a plan to guarantee up to £330b of business loans, representing an eye-popping 15% or so of GDP. Meanwhile, French President Macron declared that no French company would be allowed to collapse, raising the spectre of widespread nationalisation. Germany also gave strong commitments to increase fiscal support with Finance Minister Scholz saying it would deploy a "bazooka" to combat the crisis, saying "we will use it to do whatever it takes".

The Bank of Canada and Norges Bank both cut rates by 50bp. The RBNZ lowered their cash rate by 75bp to 0.25% and announced it would embark on a QE program worth \$30bn, saying it will buy around \$750m each week.

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-12.51%	-20.00%	-8.81%	+3.04%	+4.56%	+8.25%
MSCI World ex-AUS	-13.19%	-21.15%	-11.68%	+0.29%	+1.48%	+4.69%
S&P ASX 200 Accum. Index	-20.65%	-23.10%	-14.42%	-0.56%	+1.39%	+4.92%

Source: S&P, MSCI



#### Domestic Market

The RBA cut the cash rate by 25bp to a new record low of 0.50% in its scheduled meeting on 3<sup>rd</sup> March while retaining an easing bias. The Board said the cut was to "support the economy as it responds to the global coronavirus outbreak", where the outbreak will delay progress in achieving full employment and the inflation target. The Board said it was "prepared to ease monetary policy further".

The RBA's emergency meeting on 19<sup>th</sup> March came with little to no surprise, announcing a further 25bp rate cut, bringing the official cash rate down to 0.25%, their "effective lower bound". Their forward guidance is not to raise rates until there is a sustainable recovery and its economic objectives of full employment and target inflation are back on track.

Q4 2019 GDP rose +0.5%, marginally higher than market expectations, and ahead of an expected contraction in Q1 2020 due to CoVID-19.

The trade surplus edged lower to \$5.2b in January, from an upwardly-revised \$5.4b in December. Both exports and imports fell by 3%. Meanwhile, **retail sales fell -0.3% m/m in January**, against market expectations of a flat outcome.

Preliminary retail sales rose by +0.4% in February according to the ABS, the first rise since November. March sales will capture the surge in virus-driven buying of household essentials ("stockpiling") at supermarkets, as supermarkets account for 35% of total retail trade. This could well overwhelm weakness in spending elsewhere.

Australia joined its global counterparts to impose travel restrictions, with overseas arrivals being forced to self-isolate for 14 days. The government subsequently announced blocking the arrival of all non-citizens (late in the month) and further reduced the size of congregations urging citizens to quarantine in a holistic effort ("social distancing") to prevent the spread of the virus.

The Australian Government announced new social distancing measures, resulting in many businesses across multiple industries to shut down. The unemployment rate unexpectedly fell to 5.1% in February, reversing the previous month's rise to 5.3%, although it is expected to rise sharply following the shutdown of many businesses.

The Government announced multiple stimulus packages throughout March. The Government was quoting a total rescue package of \$189bn (or 9.7% of GDP) for its first two rounds of packages, which includes a term lending facility of at least \$90bn from the RBA to support cheap funding for banks for new lending to business. Late in the month it announced an additional \$130bn worth of stimulus, or 6.5% of GDP, with a wage subsidy ("jobseeker") of \$1,500 per fortnight per employee throughout the "hibernation" period.

Australian banks will defer loan repayments for individuals and small businesses affected by COVID-19 for six months. APRA confirmed this regulatory approach and reporting requirements with regards to the support packages being offered by Australian banks.

The AUD fell by -5.35% in March, down to US61.75 cents, from US65.24 cents the previous month.

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#### **Credit Market**

The main global credit indices widened significantly over March. Spreads were marked between 50-70% wider across the US and European indices, while they almost trebled in Australia over the course of March. The indices now trade at levels last experienced around mid-2012:

Index	March 2020	February 2020
CDX North American 5yr CDS	113bp	68bp
iTraxx Europe 5yr CDS	97bp	64bp
iTraxx Australia 5yr CDS	175bp	67bp

Source: Markit

#### **Fixed Interest Review**

#### **Benchmark Index Returns**

Index	March 2020	February 2020
Bloomberg AusBond Bank Bill Index (0+YR)	+0.10%	+0.08%
Bloomberg AusBond Composite Bond Index (0+YR)	-0.21%	+0.86%
Bloomberg AusBond Credit FRN Index (0+YR)	-0.93%	+0.08%
Bloomberg AusBond Credit Index (0+YR)	-1.46%	+0.58%
Bloomberg AusBond Treasury Index (0+YR)	+0.23%	+1.03%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-5.52%	-0.03%

Source: Bloomberg

#### Other Key Rates

Index	March 2020	February 2020
RBA Official Cash Rate	0.25%	0.75%
90 Day (3 month) BBSW Rate	0.37%	0.81%
3yr Australian Government Bonds	0.25%	0.51%
10yr Australian Government Bonds	0.77%	0.81%
US Fed Funds Rate	0.00%-0.25%	1.50%-1.75%
10yr US Treasury Bonds	0.70%	1.13%

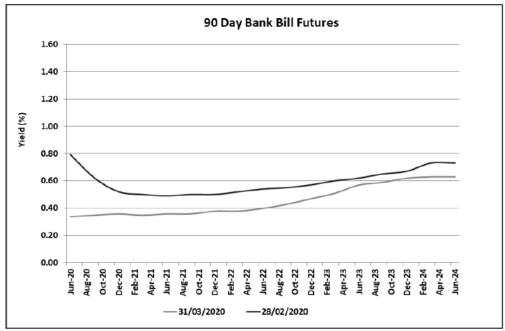
Source: RBA, AFMA, US Department of Treasury

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#### 90 Day Bill Futures

Over March, bill futures fell across the board, following the 50bp of rate cuts delivered by the RBA, down to their effective lower bound of 0.25%. With the RBA suggesting they will keep rates unchanged for the foreseeable future, bill futures are likely to trade in a relatively narrow range, particularly for terms out to 3 years given the RBA's target in keeping the 3 year bond rate at 0.25%.



Source: ASX



#### **Fixed Interest Outlook**

Policymakers around the world are reacting quickly and providing support through any stimulus measures that are feasible, but it is unclear whether that is enough in economies that are likely to be in lockdown for an unknown number of months.

After the US Fed cut rates down to emergency levels of 0.00-0.25%, the US Senate followed up with its own fiscal stimulus, approving a record \$2 trillion bailout package, providing direct payments and jobless benefits for individuals, money for the states and a huge bailout fund (\$500m) for businesses.

After the RBA cut rates to their effective lower bound of 0.25%, their forward guidance is to commit keeping the official cash rate unchanged until there is a sustainable recovery and its economic objectives of full employment (unemployment rate of 4.5%) and target inflation (2-3%) are on track.

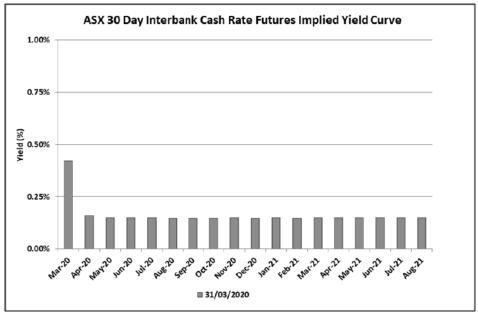
The RBA has also provided a set of objectives through some of the unconventional policies implemented, including:

- Setting a 0.25% target for the 3-year bond yield;
- Buying Commonwealth/semi-government bonds to meet this target and across the curve to address market dislocations; and
- Establishing a term funding facility for bank loans (\$90bn at 0.25% for 3 years), especially to support new loans to small- and medium-sized businesses.

The global key risks for the RBA stem from the impact of ongoing trade and technology disputes, geo-political uncertainty and the ongoing repercussions from the COVID-19 pandemic. In Australia, they are closely monitoring employment, inflation, wage growth, housing and consumption, and the recent impact of the bushfires and floods.

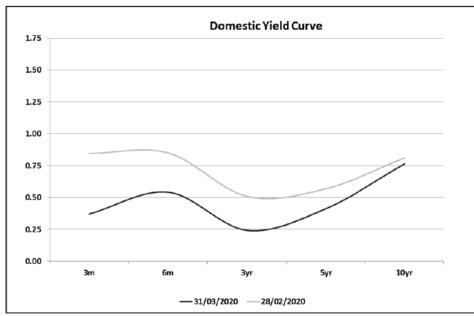
With official rates at 0.25% and the RBA announcing unconventional policies, interest rates are not expected to move from their current policy setting, although there is the possibility for the RBA to cut in smaller increments (less than 25bp) or adopting negative rates if the global economy continues to deteriorate rapidly:





Source: ASX

Over the longer-term, the domestic bond market continues to suggest a 'lower-for-longer' period of interest rates. Over the month, yields fell around -4bp at the longer end of the curve, with 10-year government bond yields trading below 0.8%:



Source: AFMA, ASX, RBA



#### Disclaimer

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Monthly Investment Report: March 2020



# **Monthly Investment Report**

01/03/2020 to 31/03/2020

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# Portfolio Valuation as at 31/03/2020

Rural Bank (Bendigo and Adelaide Bank)         BBB+         TD           Auswide Bank         BBB+         TD           BOQ         BBB+         TD           ING Direct         A         TD           Westpac         AA-         TD           NAB         AA-         TD           ING Direct         A         TD           ING Direct         A         TD           Westpac         A         TD           ING Direct         A         TD           Westpac         A         TD		16010111	raicilase	Matulity	וומוב	Ania		
A A AA- AA- AA- AA- AA- AA- AA- AA- AA-	GENERAL	At Maturity	18/04/2019	14/04/2020	2.5500	2,000,000.00	48,764.38	4,331.51
BBB+ AA-AA-AA-AA-AA-AA-AA-AA-AA-AA-AA-AA-AA-	GENERAL	At Maturity	30/04/2019	29/04/2020	2.4500	5,000,000.00	113,102.74	10,404.11
4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	GENERAL	Annual	19/05/2017	19/05/2020	3.0000	3,000,000.00	78,164.38	7,643.84
Dac AA- AA- Direct A AA- Direct AA- DI	GENERAL	Annual	22/05/2018	26/05/2020	2.9400	4,000,000.00	101,490.41	9,987.95
pac AA- AA- Direct A AA- AA- AA- AA- AA- AA- AA- AA- AA- A	GENERAL	Annual	29/05/2018	09/06/2020	2.8800	3,000,000.00	72,907.40	7,338.08
AA- Nied: A Nied: A AA- AA- AA- AA- AA- AA- AA- AA- AA- A	GENERAL	Quarterly	06/06/2018	16/06/2020	2.9100	5,000,000.00	10,364.38	10,364.38
AA- Direct A Direct A AA- Direc	GENERAL	Annual	03/07/2018	07/07/2020	2.9000	5,000,000.00	108,452.05	12,315.07
4 4 4	GENERAL	Annual	11/07/2018	14/07/2020	2.9200	3,000,000.00	63,600.00	7,440.00
₹ A	GENERAL	Annual	21/08/2018	25/08/2020	2.8500	4,000,000.00	69,961.64	9,682.19
-A A-	GENERAL	Annual	13/09/2018	08/09/2020	2.8700	4,000,000.00	63,218.63	9,750.14
	LOCAL BRANCH	Annual	13/09/2017	14/09/2020	3.1700	3,000,000.00	52,370.14	8,076.99
ING Direct A TD	GENERAL	Annual	13/09/2018	22/09/2020	2.8700	4,000,000.00	63,218.63	9,750.14
NAB AA- TD	GENERAL	Annual	17/10/2018	13/10/2020	2.7800	4,000,000.00	50,877.81	9,444.38
ICBC Sydney Branch A TD	GENERAL	Annual	31/10/2018	27/10/2020	2.9300	6,000,000.00	73,691.51	14,930.96
ICBC Sydney Branch A TD	GENERAL	Annual	13/11/2018	10/11/2020	2.9300	5,000,000.00	56,191.78	12,442.47
ICBC Sydney Branch A TD	GENERAL	Annual	05/12/2018	08/12/2020	2.8600	2,000,000.00	18,492.05	4,858.08
ICBC Sydney Branch A TD	GENERAL	Annual	14/12/2018	15/12/2020	2.8900	6,000,000.00	50,832.33	14,727.12
Westpac AA- TD	GENERAL	Quarterly	17/12/2019	17/12/2020	1.4600	6,000,000.00	3,600.00	3,600.00

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Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
ВОО	BBB+	Œ	GENERAL	Annual	24/01/2017	25/01/2021	3.6500	2,000,000.00	13,600.00	6,200.00
Westpac	AA-	Ð	LOCAL BRANCH	Annual	21/02/2017	22/02/2021	3.3900	2,000,000.00	7,430.14	5,758.36
ICBC Sydney Branch	A	9	GENERAL	Annual	27/02/2020	26/02/2021	1.3900	2,500,000.00	3,236.99	2,951.37
ВОО	BBB+	TD	GENERAL	Annual	10/03/2016	10/03/2021	3.8000	3,000,000.00	6,871.23	6,871.23
ING Direct	٨	TD	GENERAL	Annual	20/02/2019	16/03/2021	2.8200	2,000,000.00	6,335.34	4,790.14
Westpac	AA-	TD	GENERAL	Quarterly	22/03/2018	23/03/2021	3.0200	4,000,000.00	2,978.63	2,978.63
Westpac	AA-	ΩL	GENERAL	Quarterly	22/05/2018	25/05/2021	3.1000	4,000,000.00	12,569.86	10,531.51
AMP Bank	BBB+	TD	GENERAL	Annual	25/11/2019	25/05/2021	1.6000	5,000,000.00	28,054.79	6,794.52
AMP Bank	BBB+	TD	GENERAL	Annual	29/11/2019	27/05/2021	1.6000	4,000,000.00	21,742.47	5,435.62
ВОО	BBB+	DT	GENERAL	Annual	29/05/2019	31/05/2021	2.3000	3,000,000.00	58,224.66	5,860.27
Rabobank Australia Branch	A+	ΔT	GENERAL	Annual	08/06/2017	07/06/2021	3.0200	5,000,000.00	122,041.10	12,824.66
Westpac	AA-	TD	GENERAL	Quarterly	06/06/2018	15/06/2021	3.1000	3,000,000.00	6,624.66	6,624.66
NAB	AA-	TD	GENERAL	Annual	03/07/2018	22/06/2021	3.0000	4,000,000.00	89,753.42	10,191.78
NAB	AA-	TD	GENERAL	Annual	03/07/2018	06/07/2021	3.0000	3,000,000.00	67,315.07	7,643.84
Westpac	AA-	TD	GENERAL	Quarterly	17/07/2018	13/07/2021	3.0400	5,000,000.00	31,232.88	12,909.59
NAB	AA-	DT.	GENERAL	Annual	26/07/2018	20/07/2021	3.0400	4,000,000.00	83,287.67	10,327.67
Westpac	AA-	TD	LOCAL BRANCH	Annual	24/07/2019	23/07/2021	1.7500	4,000,000.00	48,328.77	5,945.21
NAB	AĄ-	ΔT	GENERAL	Annual	02/08/2018	03/08/2021	3.0700	5,000,000.00	102,193.15	13,036.99
ICBC Sydney Branch	٧	TD	GENERAL	Annual	30/08/2019	30/08/2021	1.6200	5,000,000.00	47,712.33	6,879.45
Westpac	AA-	Ð	GENERAL	Quarterly	13/09/2018	14/09/2021	2.8800	5,000,000.00	7,495.89	7,495.89

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Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
NAB	AA-	Œ	GENERAL	Annual	27/09/2018	28/09/2021	3.0500	5,000,000.00	78,130.14	12,952.05
Auswide Bank	888	TD	GENERAL	Annual	30/09/2019	30/09/2021	1.7500	4,000,000.00	35,287.67	5,945.21
Westpac	AA-	2	GENERAL	Quarterly	13/09/2018	12/10/2021	2.8900	5,000,000.00	7,521.92	7,521.92
Auswide Bank	888	D D	GENERAL	Annual	23/10/2019	25/10/2021	1.6500	5,000,000.00	36,390.41	7,006.85
Auswide Bank	888	TD	GENERAL	At Maturity	25/11/2019	25/11/2021	1.7000	5,000,000.00	29,808.22	7,219.18
ICBC Sydney Branch	¥	10	GENERAL	Annual	05/12/2018	07/12/2021	3.0100	4,000,000.00	38,923.84	10,225.75
ICBC Sydney Branch	A	<b>D</b>	GENERAL	Annual	16/12/2019	16/12/2021	1.5700	4,000,000.00	18,409.86	5,333.70
ING Direct	A	TD	GENERAL	Annual	30/01/2020	31/01/2022	1.6500	5,000,000.00	14,013.70	7,006.85
Newcastle Permanent	888	TD	GENERAL	Quarterly	07/02/2019	08/02/2022	3.0500	4,000,000.00	18,049.32	10,361.64
NAB	AA-	D D	GENERAL	Annual	21/02/2017	21/02/2022	3.4600	5,000,000.00	18,958.90	14,693.15
Westpac	AA-	TD	GENERAL	Annual	21/02/2017	21/02/2022	3.6100	2,000,000.00	7,912.33	6,132.05
ING Direct	A	TD	GENERAL	Annual	02/03/2020	02/03/2022	1.5000	5,000,000.00	6,164.38	6,164.38
ВОО	BBB+	TD	GENERAL	Annual	15/03/2017	15/03/2022	3.8000	2,000,000.00	3,331.51	3,331.51
Newcastle Permanent	888	Œ	GENERAL	Quarterly	12/03/2019	22/03/2022	2.9000	4,000,000.00	6,356.16	6,356.16
Newcastle Permanent	888	TD	GENERAL	Annual	27/03/2019	29/03/2022	2.8000	5,000,000.00	1,917.81	1,917.81
Newcastle Permanent	888	DT.	GENERAL	Quarterly	18/04/2019	19/04/2022	2.7000	4,000,000.00	21,304.11	9,172.60
ВОО	BBB+	TD	GENERAL	Annual	28/05/2019	30/05/2022	2.4000	4,000,000.00	81,271.23	8,153.42
Rabobank Australia Branch	+ 4	TD	GENERAL	Annual	08/06/2017	07/06/2022	3.2200	5,000,000.00	130,123.29	13,673.97
NAB	AA-	TD	GENERAL	Annual	02/08/2018	02/08/2022	3.2200	4,000,000.00	85,749.04	10,939.18
NAB	AA-	Ð	GENERAL	Annual	16/08/2018	16/08/2022	3.0500	4,000,000.00	76,542.47	10,361.64

Issuer	Rating	Туре	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
ICBC Sydney Branch	<	ρ	GENERAL	Annual	28/08/2019	29/08/2022	1.6400	5,000,000.00	48,750.68	6,964.38
Auswide Bank	888	2	GENERAL	At Maturity	06/09/2019	06/09/2022	1.8000	3,000,000.00	30,772.60	4,586.30
Westpac	AA-	9	LOCAL BRANCH	Annual	13/09/2017	13/09/2022	3.4100	3,000,000.00	56,335.07	8,688.49
Rabobank Australia Branch	+ +	DT.	GENERAL	Annual	13/09/2017	13/09/2022	3.3800	3,000,000.00	55,839.45	8,612.05
Auswide Bank	888	10	GENERAL	Annual	30/09/2019	30/09/2022	1.7500	4,000,000.00	35,287.67	5,945.21
ICBC Sydney Branch	A	1	GENERAL	Annual	23/10/2019	24/10/2022	1.7000	3,000,000.00	22,495.89	4,331.51
ICBC Sydney Branch	¥	Ф	GENERAL	Annual	31/10/2019	31/10/2022	1.7300	5,000,000.00	36,258.90	7,346.58
ING Direct	¥	9	GENERAL	Annual	27/02/2020	27/02/2023	1.6000	2,500,000.00	3,726.03	3,397.26
ВОО	BBB+	10	GENERAL	Annual	28/05/2019	29/05/2023	2.5500	4,000,000.00	86,350.68	8,663.01
ВОО	BBB+	<b>D</b>	GENERAL	Annual	27/06/2019	27/06/2023	2.2000	5,000,000.00	84,082.19	9,342.47
ICBC Sydney Branch	A	<b>D</b>	GENERAL	Annual	27/11/2019	27/11/2023	1.7600	6,000,000.00	36,453.70	8,968.77
ICBC Sydney Branch	A	Ф	GENERAL	Annual	16/12/2019	18/12/2023	1.8100	4,000,000.00	21,224.11	6,149.04
Auswide Bank	888	Д	GENERAL	Annual	02/03/2020	04/03/2024	1.7500	3,000,000.00	4,315.07	4,315.07
Bendigo and Adelaide	888+	FRN	GENERAL	Quarterly	06/09/2019	06/09/2024	1.5232	2,955,549.00	3,255.06	3,255.06
ВОО	BBB+	DT.	GENERAL	Annual	27/09/2019	27/09/2024	2.0000	2,000,000.00	20,493.15	3,397.26
Westpac	AĄ-	CASH	GENERAL	Monthly	31/03/2020	31/03/2020	0.9500	12,970,493.42	15,957.12	514.75
TOTALS								301,926,042.42	3,144,093.00	578,085.01





## PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE CHARTER

Adopted: Ordinary Council 2019 08 21

#### 1.0 PURPOSE OF THE COMMITTEE

The purpose of the Port Macquarie Transport Network Community Consultative Committee is to provide a forum for discussion between Council and the community on issues directly relating to the investigation of proposed Orbital Road options, planned traffic network improvements and upgrades to the existing Port Macquarie road network, through the development of a Strategic Business Case.

At the 19 June 2019 Council meeting it was resolved:

7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.

#### 2.0 KEY FUNCTIONS

The Committee will:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements & upgrades.
- Provide a forum for the community members and other stakeholders to share / seek
  information on and provide feedback to Council on the development of the Strategic Business
  Case for the proposed Orbital Road, including planned traffic network improvements and
  upgrades to the existing Port Macquarie road network,

#### 3.0 MEMBERSHIP

Membership of the Committee will comprise ten (10) members including:

- One independent Chair
- 2. Two Councillor representatives
- 3. Up to five community and stakeholder representatives (including no more than 2 representatives from any one representative group)
- 4. Two Council staff representatives (Director and Project Manager)

If and when decision-making is required, this will be by consensus.

It is anticipated other Council staff may be present on an as needs basis in support of the project to present information and listen to discussion.

Port Macquarie Transport Network Community Consultative Committee Charter
Page 1 of 4

#### 3.1 Independent Chair

The Independent Chair must be:

- · A convenor, facilitator, mediator and advisor for the Committee
- Independent and impartial
- · The key contact between the Committee and Council

The Chair will be chosen through an Expression of Interest (EOI) process and must be able to demonstrate detailed experience in community relations, facilitation, mediation and / or public advocacy.

The appointment of the Chair to the Committee will be for a period of 12 months at which time the Committee membership will be reviewed; with the option to extend the Independent Chair's tenure for another twelve-month period via a resolution of the Council, without the need to go through a formal EOI process.

The Chair will be responsible for:

- · Convening and running the meetings in a fair and independent way
- Ensuring members comply with the Code of Conduct
- · Resolving disputes between members
- · Liaising with Council staff on minutes, agendas and reports

#### 3.2 Community and Stakeholder representatives

Community and stakeholder representatives will represent a broad cross section of the community in age and gender and will be chosen through an EOI process.

Local community representative's must:

- Be a current resident or landowner in the Port Macquarie-Hastings Local Government Area
- Be able to demonstrate active involvement in local community groups or activities
- Have awareness and knowledge about the projects on which the Committee will be focussed
- · Be able to represent and communicate the interests of the community
- Be willing to adhere to the Council's Code of Conduct at all times, including the need for confidentiality at times.

Representatives of stakeholder groups must:

- Be a member of a stakeholder group with an interest in the projects on which the Committee will be focussed
- Have awareness and knowledge about the projects on which the Committee will be focussed
- Be able to represent and communicate the interests of their group and share information with their respective groups
- Be willing to adhere to the Council's Code of Conduct at all times, including the need for confidentiality at times.

Appointment to the Committee will be for a period of twelve months, at which time a review of the membership of the Committee will take place; with the option to extend the existing Committee for another twelve-month period via a resolution of the Council, without the need to go through a formal EOI process.

Port Macquarie Transport Network Community Consultative Committee Charter
Page 2 of 4

#### 3.3 Obligations of Members

- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of the Committee are to obtain the Mayors agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- A Councillor as a member of the Committee or the Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision-making power rests with Councillors, through formal resolutions of Council.
- The Committee may make recommendations to Director of Strategy and Growth or General Manager who will have the discretion to prepare a report, for consideration by Councillors through a formal meeting of Council. Council will consider recommendations that come from the Committee, however is under no obligation to resolve in favour of such recommendations.
- A Councillor as a member of the Committee or the Committee itself cannot direct staff and must abide by the decisions of Council and the policies of Council.

#### Confidentiality and Conflict Of Interest:

- Councillors, Council staff and members of this Committee must comply with the applicable
  provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is
  the personal responsibility of Council officials to comply with the standards in the Code of
  Conduct and regularly review their personal circumstances with this in mind.
- Committee 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 or invitees at Committee meetings are deemed to have a real or perceived
  conflict of interest, it may be appropriate they be excused from Committee deliberations on the
  issue where the conflict of interest may exist. This does not relate to where a Committee
  member resides.
- All members of the Committee will be required to complete a confidentiality agreement that will
  cover the period of their membership of the Committee.

#### 3.4 Appointment of Members

Council will seek Expressions of Interest for the independent chair and community /stakeholder representatives for an appointment of 12 months by the following means:

- · Advertising in the local paper
- Social media
- · Council Website.

The EOI will be open for no less than 28 days. The EOI submissions will be reviewed and assessed against appropriate selection criteria.

A report will then be prepared for a future Council meeting in relation to the appointment of members to the Committee.

The Committee will be established for the life of the development of the Strategic Business Case.

Port Macquarie Transport Network Community Consultative Committee Charter Page 3 of 4

#### 4.0 TIMETABLE OF MEETINGS

Meetings of the Committee shall be held on a quarterly basis as a minimum, with no more than six meetings in a 12-month period.

#### 5.0 MEETING PRACTICES

#### 5.1 Quorum

A meeting of the Committee shall not proceed unless a quorum of at least one (1) more than half the number of members are present.

#### 5.2 Chairperson

- · The Chairperson shall be the Independent Chair.
- · If the Chair is not available, the most senior staff member at the meeting will act as Chair.

#### 5.3 Secretariat

A Council Staff representative is to be responsible for ensuring that the Committee 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.

#### 6.0 ATTENDANCE BY NON-COMMITTEE MEMBERS

There may be occasions where other attendees are required at Committee meetings, for example; funding partners, other levels of Government, project managers (if applicable), stakeholder engagement specialists and other Council staff. Invitations to Committee meetings will be on an as needs basis and upon the formal request of the Chairperson.

#### 7.0 COMMITTEE INDUCTION

The Independent Chair will ensure that members are given a suitable induction training to equip them for their role in the Committee, in accordance with Council's Code of Conduct and the Council adopted Code of Meeting Practice.

# Your Natural and Built Environment

#### What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

#### What the result will be

#### We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

#### How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



DEVELOPMENT ASSESSMENT PANEL 11/03/2020

Item: 05

Subject: DA2019 - 649.1 TORRENS TITLE SUBDIVISION AND

CONSTRUCTION OF A DWELLING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT
LOT 144, DP 1230897, NO. 4 SHORE BREAK CRESCENT, LAKE

CATHIE

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: Matto Luke Corp Pty Ltd

Owner: W M Owen and S A Lievore

Estimated Cost: \$308,892 Parcel no: 66612

#### 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 - 649.1 for a torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

#### **Executive Summary**

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

The application includes a clause 4.6 objection to the minimum lot size provision of  $1000 \, \mathrm{m}^2$  applicable to the site under Port Macquarie-Hastings Local Environmental Plan 2011. The objection deviates from the minimum lot size standard by more than 10% and therefore the application is to be determined by Council.

Following exhibition of the application, no submissions were received.

The site is considered suitable for the proposed development and the clause 4.6 objection is 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.

Item 05

#### DEVELOPMENT ASSESSMENT PANEL 11/03/2020

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

#### 1. BACKGROUND

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

The site has an area of 493m². An approved dwelling (DA2019/213) is currently under construction on the corner of the lot.

The site is zoned R3 Medium 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 and on the site and locality is shown in the following aerial photograph:

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#### 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Torrens title subdivision including a variation to the minimum lot size standard.
- Construction of dwelling on proposed lot 2.

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

#### **Application Chronology**

- 12 September 2019 Application lodged.
- 23 September 2019 Additional information request re permissibility and lot size standard.
- 27 September to 11 October 2019 Public exhibition via neighbour notification.
- 22 October 2019 Additional information received including a clause 4.6 objection to the lot size standard.
- 24 October 2019 Integrated referral sent to NSW Rural Fire Service.
- 14 February 2010 Bushfire Safety Authority received from NSW Rural Fire Service.

#### 3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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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

This policy aims to encourage proper conservation and management of natural vegetation areas that provide habitat for koalas. The Lake Cathie-Bonny Hills (Area 14) Koala Plan of Management applies to the site.

There are no trees located on this site and the proposal is consistent with the adopted Lake Cathie-Bonny Hills (Area 14) Koala Plan of Management.

#### State Environmental Planning Policy No. 55 - Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

#### State Environmental Planning Policy No. 62 - Sustainable Aquaculture

Given the nature of the proposed development, proximity to waterways 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 within a proximity area to mapped coastal wetlands.

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

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 integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- any adverse impacts coastal environmental values and natural coastal processes;
- any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- 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:

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

#### 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 R3 Medium Density Residential.
- Clause 2.3(1) and the R3 zone land use table The proposed development for a dwelling house is a permissible land use with consent.
- The objectives of the R3 zone are as follows:
  - To provide for the housing needs of the community within a medium density residential environment.
  - To provide a variety of housing types within a medium density residential environment
  - 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:
  - o The proposal is a permissible land use;
  - o The proposal will provide for the housing needs of the community;
  - The proposal will provide for increased housing density on the site and within the medium density residential environment.
- Clause 2.6 Subdivision of the land is permissible with consent.
- Clause 4.1 The stage one subdivision proposes to create two lots being 227.5m² and 265.2m² in area. The minimum lot size standard applicable to the site is 1000m². The proposed lots do not meet the lot size standard. A clause 4.6 objection to the lot size standard supports the application and is addressed under clause 4.6 section of this report.
- Clause 4.3 The overall height of the proposed dwelling is 7.5m which is below the 11.5m maximum building height control applicable to the site.
- Clause 4.4 The floor space ratio of the proposal is 0.78:1, which complies with the maximum 1:1 floor space ratio applicable to the site.
- 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.

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In this regard, the proposal seeks a variation to the minimum lot size standard as identified under clause 4.1 of this report. Specifically, the proposal will result in lots being 227.5m² and 265.5m² in area, being a deviation of 77.25% and 73.45m² respectively form the 1000m² 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:

- Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);
- Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and
- 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 written request seeking justification for contravention of the lot size standard for the following reasons (as summarised):

- Compliance with the minimum lot size of 1000m<sup>2</sup> is unreasonable and cannot be achieved as the site is currently 493m<sup>2</sup> in area.
- The proposal is consistent with the lot size standard objectives and zone objectives notwithstanding non-compliance with the standard.
- A public benefit will arise being a more efficient use of available and serviced residential land.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

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:

 The objectives of the lot size standard are achieved notwithstanding the non-compliance with the numerical 1000m<sup>2</sup> lot size standard.

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- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to the underlying subdivision which created the 493m<sup>2</sup> lot. Hence compliance is unreasonable and unnecessary.

Having regard to: 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard:

- The proposed development will meet the objectives of minimum lot size standard and zone objectives.
- The proposed variation will not result in a development which is out of character with that envisioned for the immediate locality.
- The proposal will provide for a higher yield and more efficient use of the residential land.

On this basis, it is considered that the applicant's clause 4.6 variation has adequately addressed the matter required to be demonstrated by clause 4.6(3).

- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (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: 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 proposal will not impact on any local environmental values or constraints. The site itself is not constrained nor does it contain any environmental values.

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

Comments: The proposal will facilitate a more efficient use of medium density residential land and assist in meeting residential yields anticipated for the area.

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

Comments: The site is located on residential land and the proposal will not result in fragmentation of any rural land.

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

Comments: The site is located on residential land and the proposal will not impact on any environmental zoned land.

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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.

Consideration of the proposal's consistency with the R3 zone objectives is provided as follows:

 To provide for the housing needs of the community within a medium density residential environment.

Comments: The proposal will provide for additional housing needs of the community and in a sense double the current residential yield of the site which will provide for a higher residential density to which the medium density residential zone is trying to achieve.

 To provide a variety of housing types within a medium density residential environment.

Comments: The proposal will provide for a further housing opportunity in the form of a two-storey dwelling. This is consistent with the current mixture of single and two storey dwellings within the immediate area and R3 zone.

 To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comments: The proposal will not inhibit other land uses that may provide facilities or services to meet the day to day needs of residents.

The development is consistent with both the minimum subdivision lot size objectives and R3 zone objectives of LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

4.6(4) (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 The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.9 The site is located within land identified on the acoustic
  controls map. A road traffic noise impact assessment supported the
  original subdivision application. This assessment identified category 2
  building construction on the site in order to reduce road traffic noise to an
  acceptable level. Consistent with that report and the applicable 88B land
  title restriction the proposal nominates category 2 building construction. A
  consent condition has been recommended to reinforce the required
  construction standards.

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 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	No forms of ancillary development proposed.	N/A	
3.2.2.2	Articulation zone: • Min. 3m front setback	The proposed dwelling incorporates an entry portico that is setback 3.5m from the front boundary.	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	Minimum of 4.5m front setback proposed.	Yes	
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage is setback >5.5m and at least 1m behind the building line.	Yes	
	6m max. width of garage door/s and 50% max. width of building	Garage door width complies.	Yes	
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	3.6m wide crossover proposed.	Yes	
	Garage and driveway provided on each frontage for dual occupancy on corner	No dual occupancy proposed however, a garage and driveway will	N/A	

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	Requirements	Proposed	Complies
	lot	be provided to each frontage.	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	3.88m rear setback proposed.	No*
3.2.2.5	Side setbacks:		
	<ul> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	Minimum of 900mm ground floor setbacks proposed.  First floor setback to the north = 900mm  First floor setback to the south = 3.1m	Yes. The reduced first floor north side setback will not result in any adverse overshadowing impact due to the lot orientation.
		Adequate building wall lengths and articulation is proposed.	
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.	>35m2 private open space proposed with directly accessible 4x4m area forma living area. Acceptable grade to the open space proposed.	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 context	No front fencing is proposed.	N/A
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: • Direct views between living	On the southern elevation first floor windows are to	Yes

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Requirements	Proposed	Complies
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	bedrooms and ensuite only. No privacy measures are required. It is noted that the master bed window is a highlight window.  On the northern elevation first floor windows are to a child's retreat and bedroom. Both windows on this elevation are highlight windows.  The proposed highlight windows will provide sufficient privacy protection between adjoining dwellings.  No first floor balconies/verandah/deck are proposed.	

The proposal seeks to vary Development Provision 3.2.2.4 relating to the rear boundary setback. The plan requires a 4m setback. The proposal incorporates a 3.88m setback. The plan also provides that Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback and in that instance one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.

The relevant objectives are:

- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

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

- The ground floor outdoor alfresco and living rooms are orientated to the north to achieve better solar access.
- The variation sought is minor. Specifically, a 120mm deviation from the 4m setback standard. This will not be physically visible on ground.
- The proposal will allow for adequate natural light and ventilation between dwellings and private open space areas.
- The proposal will provide useable yard areas and open space.

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Based on the above assessment, the variation proposed to the provision of the DCP is considered acceptable and the relevant objectives have been satisfied.

The variation does not amount to an adverse impact or a significance that would justify refusal of the application.

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No cut or fill greater than 1m proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	No retaining along road frontage proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls proposed.	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No front fencing and retaining wall combination proposed,	N/A
2.3.3.8	Removal of hollow bearing trees	No tree removal proposed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No tree removal proposed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access to arterial or distributor road proposed.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal and the proposed width acceptable.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1.	Double garage proposed to new dwelling behind the	Yes

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	1 space per single dwelling (behind building line)	building line.	
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Driveway to be sealed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grade capable of compliance. Details to be illustrated on section 138 Roads Act plans.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

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 vegetation; any existing buildings and other structures, including their setback distances; heritage and archaeological	Site plan and details provided adequate.	Yes

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	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		
3.6.3.2	site. Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	Proposed lot 2 is 15.17m wide. Proposed lot 1 is on the corner and if not for the splay would be 17.5m wide.	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	Proposed lot 2 is 15.17m wide. Proposed lot 1 is on the corner and if not for the splay would be 17.5m wide.	Yes
	Minimum depth of 25m.	Proposed lot 2 is 17.5m deep. Proposed lot 1 is 14.8m deep.	No
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	Block is relatively flat. Access and driveway grades to proposed lot 2 capable.	Yes
	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 strata title scheme, or  • Is part of an integrated Torrens title housing development.	Not proposed.	N/A
3.6.3.3	Battleaxe lots discouraged in greenfield development.	Not proposed.	N/A

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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.	Minimal cut and fill proposed. Less than 1m.	Yes
	Lot sizes increased for sloping sites in accordance with Table 3.6.1.	Site is not sloping.	N/A
	Additional information provided for slope categories in accordance with Table 3.6.2.	Site is not sloping.	N/A
3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.	Street layout is already established.	N/A
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Sufficient solar access achievable for dwelling on proposed lot.	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)	Existing.	N/A
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	The subdivision will achieve a higher residential yield within the estate.	Yes
3.6.3.8	All new roads are to be dedicated to Council designed in accordance the Council's adopted AUSPEC design specification documents.	Roads already dedicated.	N/A
	All applications to subdivide		

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3.6.3.16	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.  An application for	Preliminary stormwater	Yes
	subdivision should be accompanied by an Integrated Water Cycle Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted design specification documents.	management plan provided.	
3.6.3.17 - 3.6.3.19	An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design specification documents.  The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.	Preliminary stormwater management plan provided.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	Water supply can be provided in accordance with design specifications.	Yes
3.6.3.21 - 3.6.3.22	All lots connected to reclaimed water if available.	Reclaimed water supply is available and will be provided to each lot.	Yes
3.6.3.24	Separate sewer junction provided for each lot.	Separate sewer can be provided to each lot.	Yes
3.6.3.25	Extension of sewer infrastructure at cost of developer.	Noted.	Yes
3.6.3.26 - 3.6.3.27	Erosion and sediment control plan to be provided.	Standard condition applied.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Services are existing and underground and capable of extension to each lot.	Yes
	All service infrastructure should be installed in a	Services are existing and underground and capable of	Yes

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common trench.	extension to each lot in a common trench.	
Conduits for the main technology network system should be provided in all streets.	Services are existing and underground and capable of extension to each lot.	Yes
Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.	Services are existing and underground and capable of extension to each lot.	Yes
Access pits are to be installed at appropriate intervals along all streets.	Services are existing and underground and capable of extension to each lot.	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

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

The site has a general north-westerly frontage and orientation to Shore Break Crescent. Adjoining the site is residential land comprising a mix of single and two storey dwelling houses.

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

#### Access, Traffic and Transport

The site has road frontage to Shore Break Crescent. Shore break Crescent is a sealed public local road under the care and control of Council. The proposal will not have any adverse impacts within the immediate locality in terms access, transport and traffic. The existing road network will satisfactorily cater for any potential increase in traffic generation as a result of the development.

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### **Water Supply Connection**

The site has an existing sealed water service which will serve the dwelling under construction on proposed lot 1. The site is fronted by a 100mm diameter PVC water main on Shore Break Crescent. A new separate water service is required to serve proposed lot 2.

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

#### Sewer Connection

The site has a junction from the existing manhole inside the northern boundary of the development site serving the dwelling under construction on proposed lot 1. The proposed Torrens title subdivision will require provision of a further sewer service to proposed lot 2.

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

#### Stormwater

The site is relatively flat but does grade away slightly toward the northern boundary. An existing stormwater connection to Shore Break Crescent exists in the northeastern corner of the lot serving the dwelling under construction on proposed lot 1.

A new stormwater connection will be required to service proposed lot 2. A preliminary stormwater plan supported the application. The plan proposes a new connection for proposed lot 2 into the existing piped network in Shore Break Crescent adjacent the southern boundary. This is acceptable in principle.

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

#### Other Utilities

Telecommunication and electricity services are available to the site.

#### Heritage

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

## Other land resources

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

#### Water cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

# Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition being recommended requiring erosion and sediment controls to be in place prior to and during construction.

#### Air and microclimate

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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

The site is void of vegetation. As no removal/clearing of native vegetation is proposed the biodiversity offsets scheme is not triggered. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

#### Waste

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

#### Energy

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

#### Noise and vibration

No adverse impacts. Condition recommended restricting building construction to standard construction hours. Refer to previous comments earlier within this report under clause 7.9 of LEP 2011 regarding road traffic noise impacts and building construction standards proposed.

#### Rushfire

The site is identified as being bushfire prone. The applicant has submitted a bushfire assessment report. The 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 for the dwelling shall be required.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. The application and bushfire assessment was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which is recommended to be incorporated into the consent conditions.

# Safety, security and crime prevention

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

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## DEVELOPMENT ASSESSMENT PANEL 11/03/2020

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 will be in the wider public interest as it provides for additional housing.

#### 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 4.

## 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

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# DEVELOPMENT ASSESSMENT PANEL 11/03/2020

application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

#### **Attachments**

- 1. DA2019 649.1 Recommended Conditions
- 2. DA2019 649.1 Plans
- DA2019 649.1 Plans for Approved Dwelling
- 4. DA2019 649.1 Contributions Quote
- 5. DA2019 649.1 Clause 4.6 Objection
- 6. DA2019 649.1 Statement of Environmental Effects
- 7. DA2019 649.1 NSW RFS Bushfire Safety Authority

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/649 DATE: 3/03/2020

#### 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	4 Shore break Crescent	Lani Slade	11 September 2019
Development Plans as stamped	Job No: PM112 Sheet 1 to 8 and 11	Adenbrook Homes	20 May 2019
Draft Subdivision Plan	9328	Mark Cornish	Undated
Clause 4.6 Objection	6712	Love Project Management	22 October 2019

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - 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) (A004) An application for a Subdivision Works Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:
  - Stage 1: Torrens title subdivision to create two lots.
  - . Stage 2: Construction of dwelling on lot 2.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (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;
  - 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site:
  - 4. Building waste is to be managed via an appropriate receptacle;
  - 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.

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (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 DA20191113000974-Original-1 and dated 14 February 2020, are attached and form part of this consent.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - 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.

#### B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR 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) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- · Traffic management
- Work zone areas
- Hoardings
- Footway and gutter crossing
- · Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works 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:
  - Sewerage reticulation. Provision to each lot of a separate sewer line to Council's main. 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.
  - 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. Each lot shall be provided with a separate water supply service.
  - 3. Stormwater systems.
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This

- application is also to include an application for the disconnection of any existing service not required.
- (5) (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
- (6) (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.
- (7) (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.
- (8) The building design plans shall illustrate the construction measures consistent with category 2 requirements as identified in Appendix C of the document titled Development Near Rail Corridors and Busy Roads Interim Guideline, December 2008. Published by NSW Government Department of Planning.
- (9) Prior to the issue of Construction Certificate evidence shall be provided to the satisfaction of the certifying authority confirming registration of the lots from the subdivision.

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

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

## D - DURING WORK

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

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

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

# E - PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE / OCCUPATION CERTIFICATE

- (1) (B010) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 7.11 contributions set out in the "Notice of Payment Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
  - Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15

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

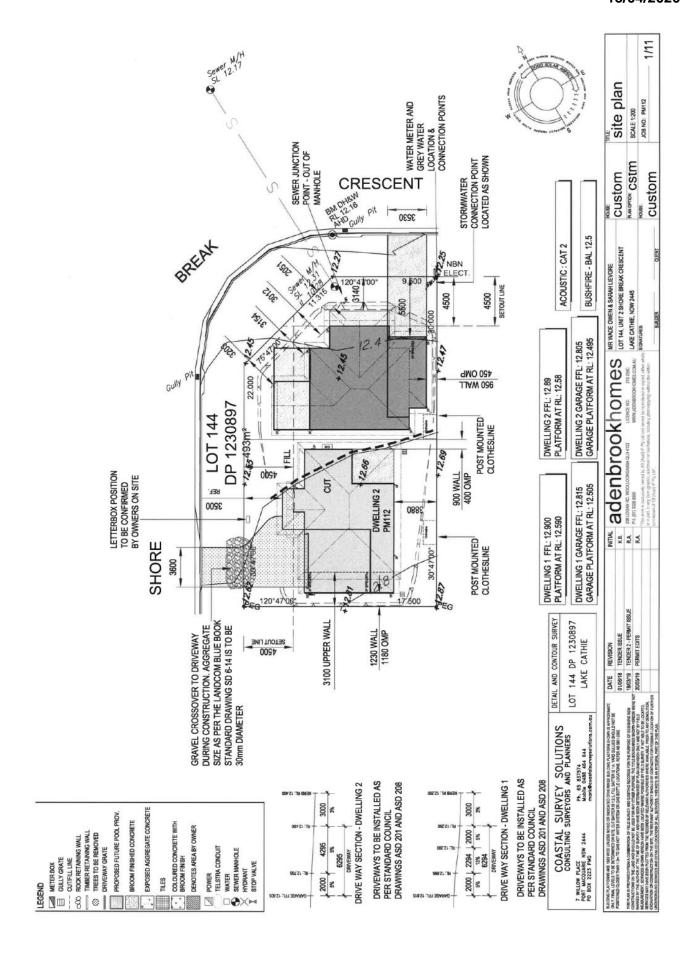
The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice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

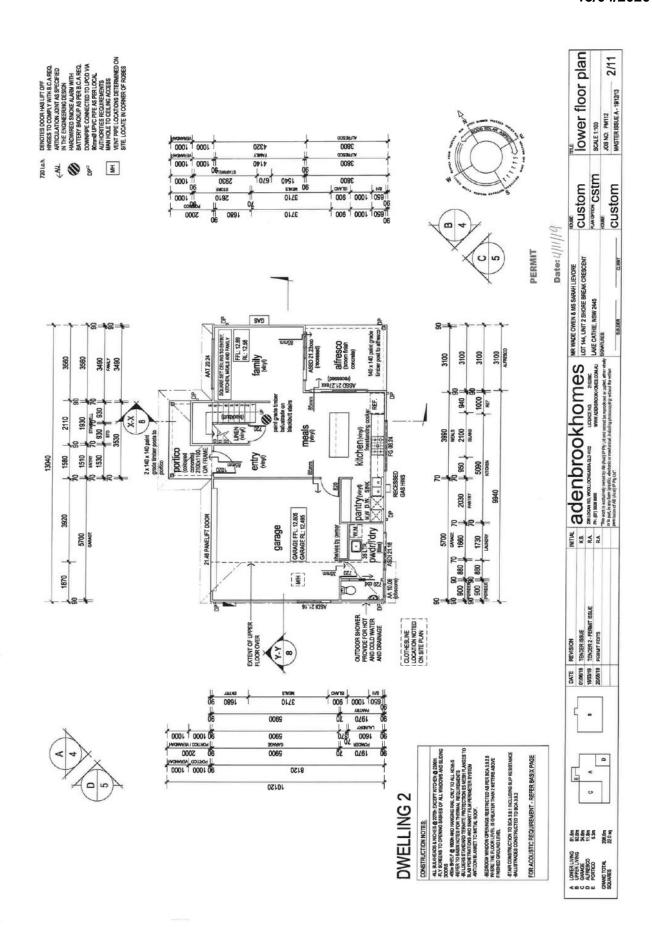
- (2) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - · augmentation of the town water supply headworks
  - · augmentation of the town sewerage system headworks
- (3) (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 the Subdivision Certificate or release of the security bond, whichever is to occur first.

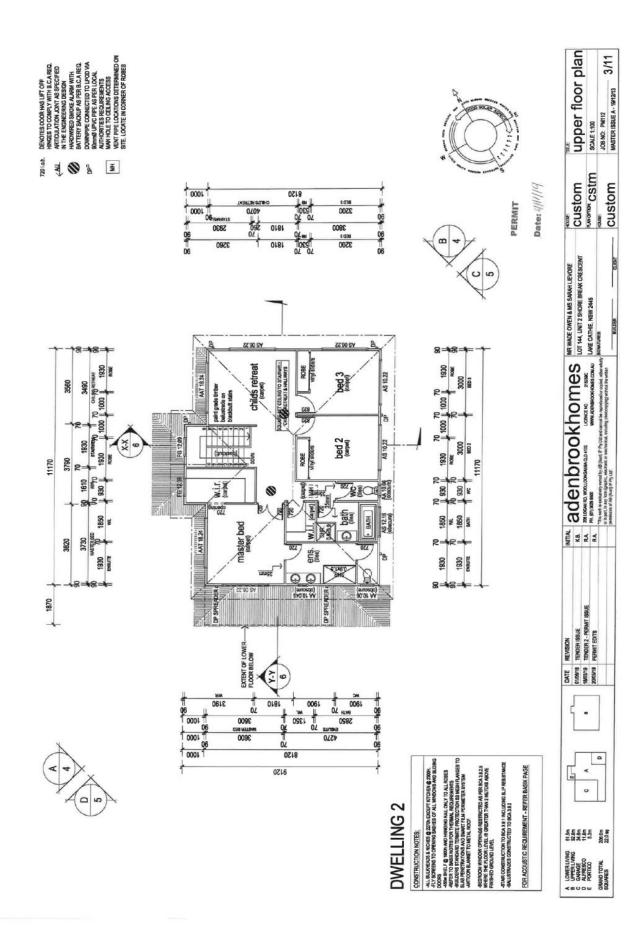
- (4) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (5) (E068) Prior to the issue of a subdivision certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (6) (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.
- (7) (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.
- (8) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (e.g. the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (10) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.

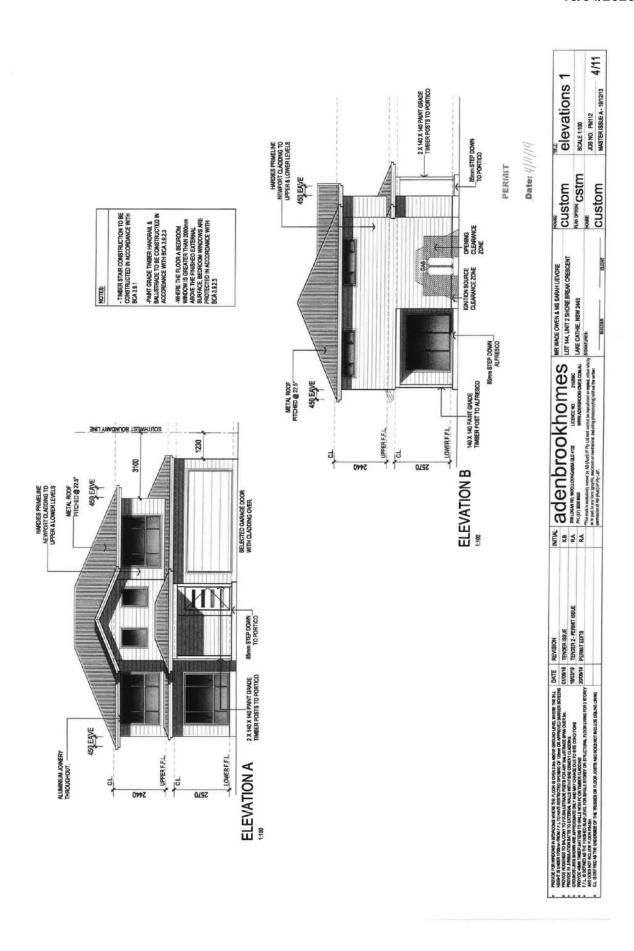
#### F - OCCUPATION OF THE SITE

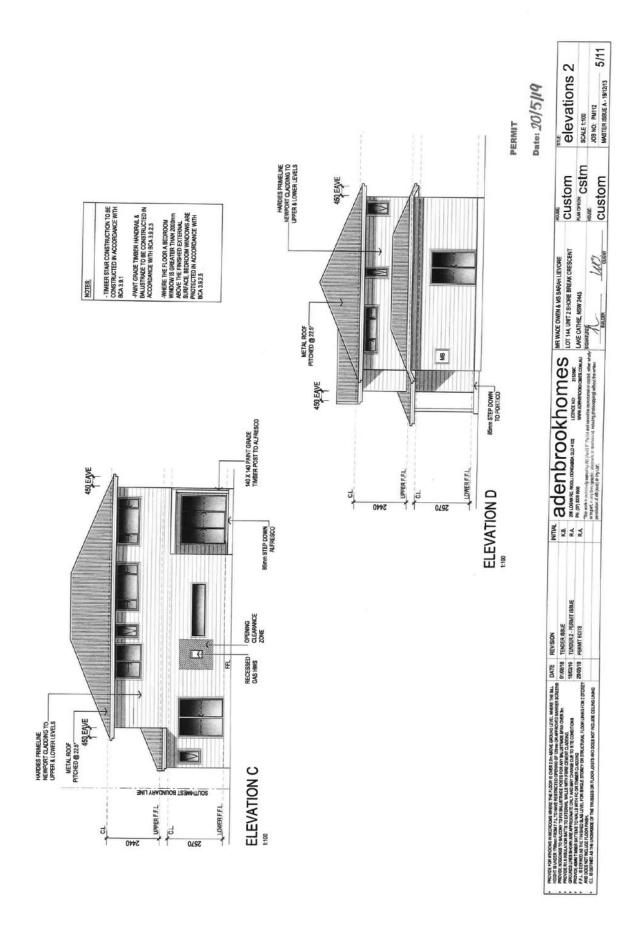
 (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.

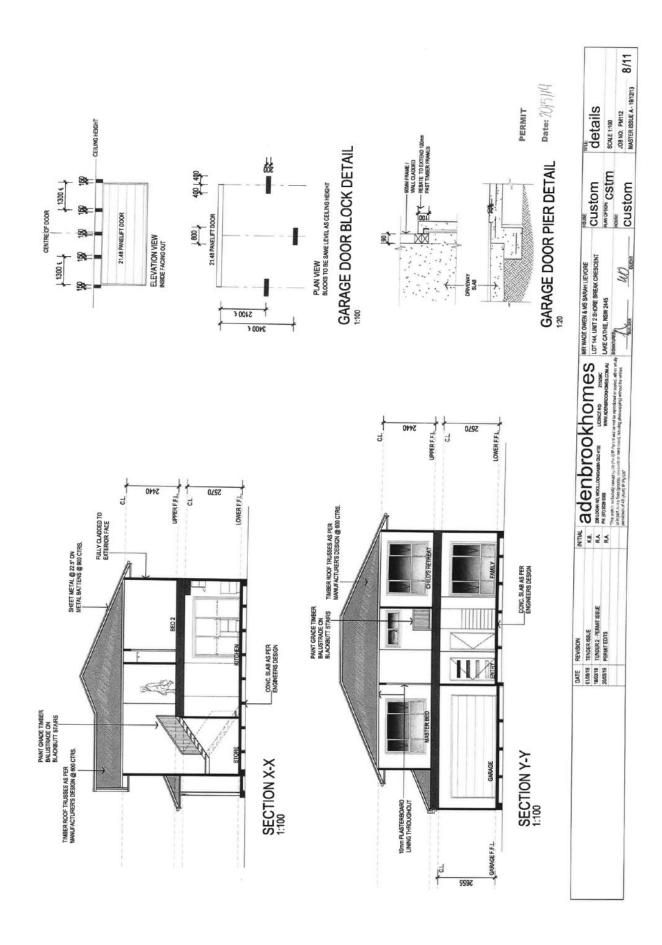




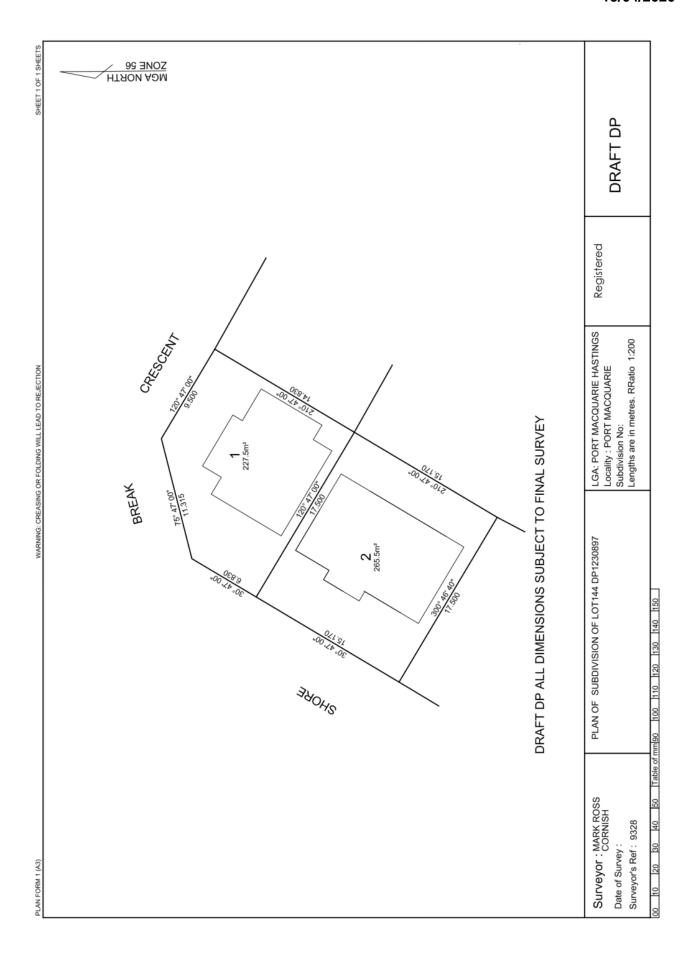


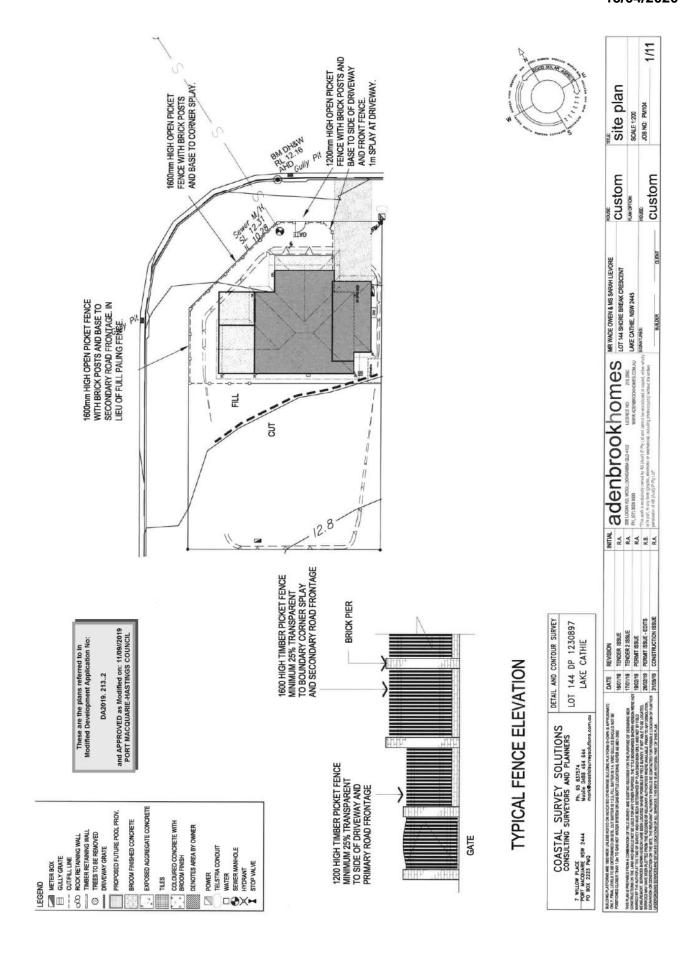


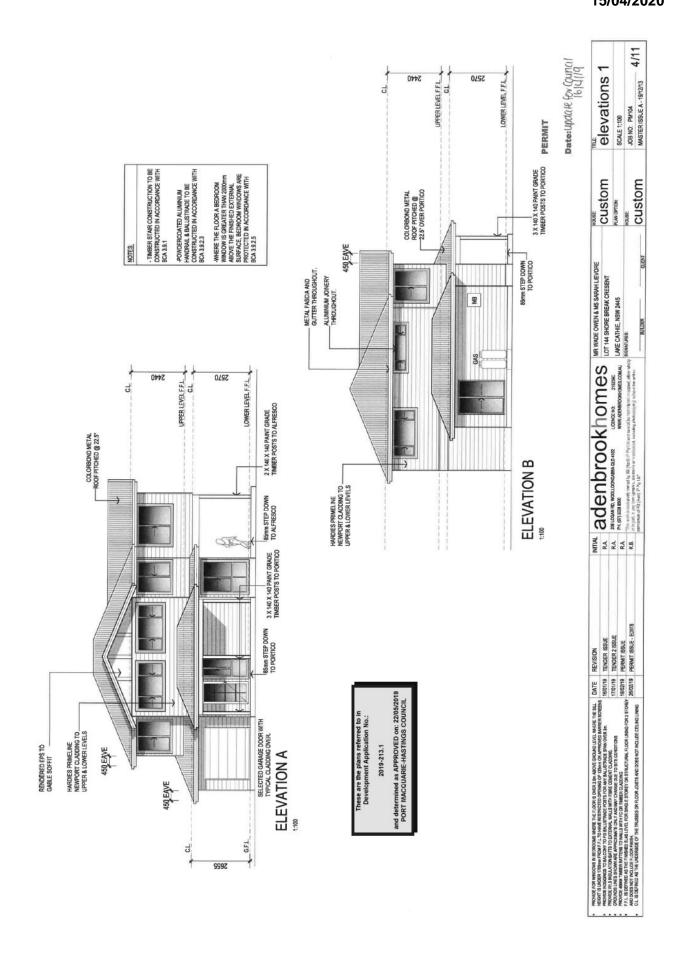


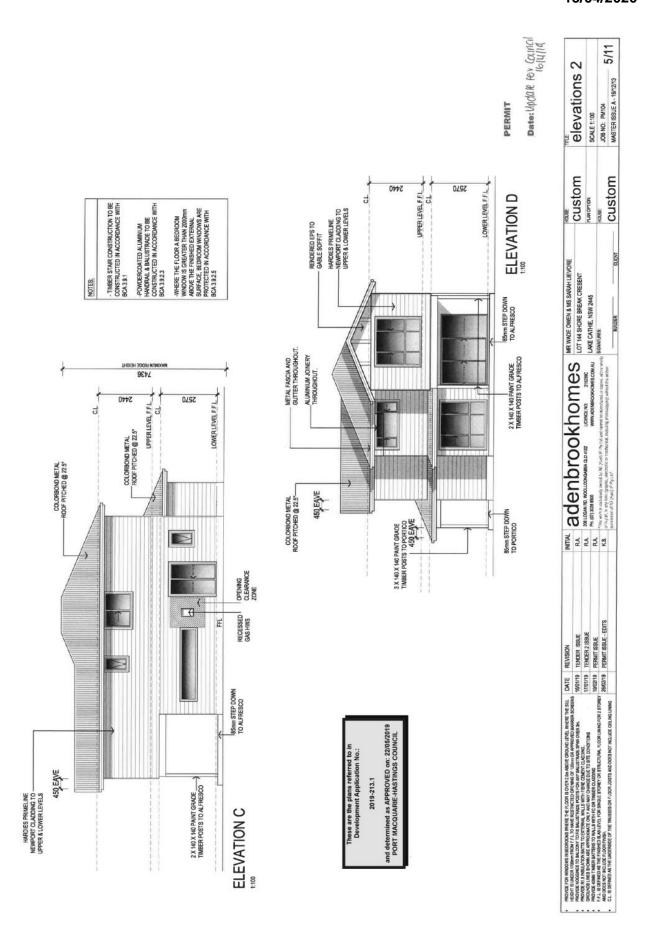


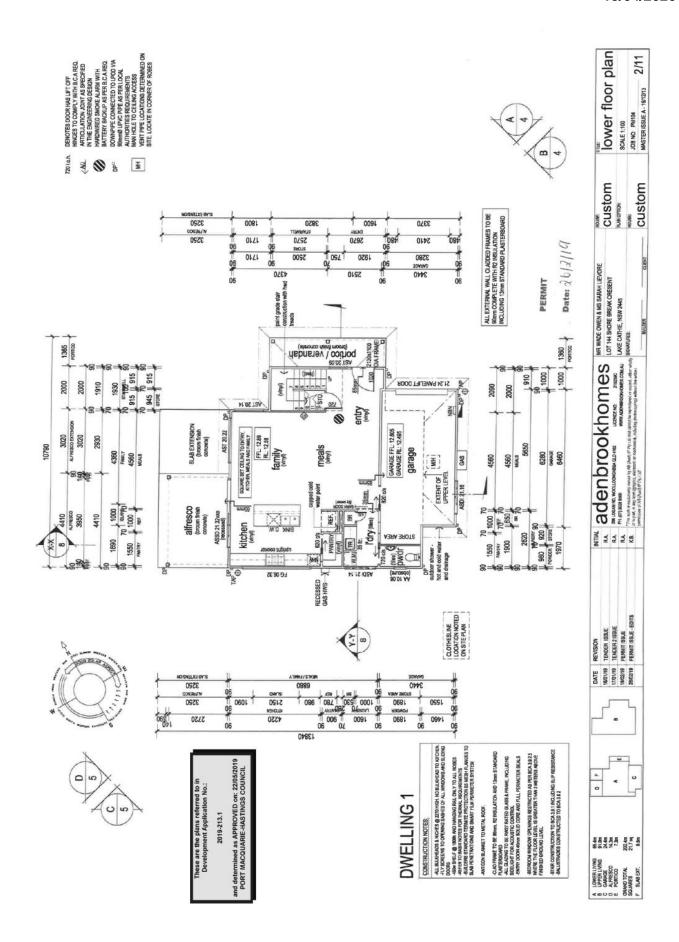
Item 13.01 Attachment 1

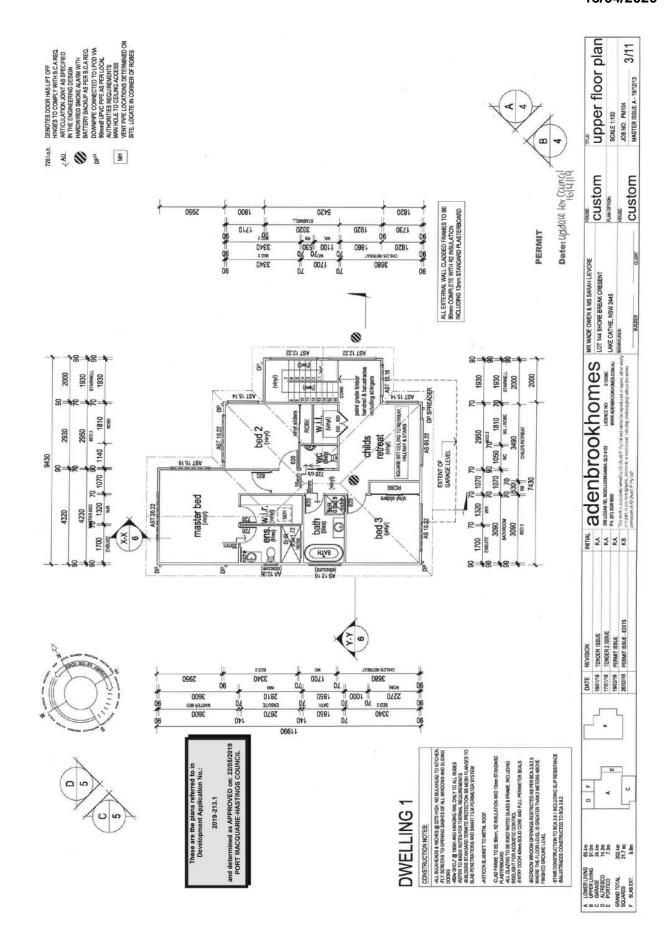












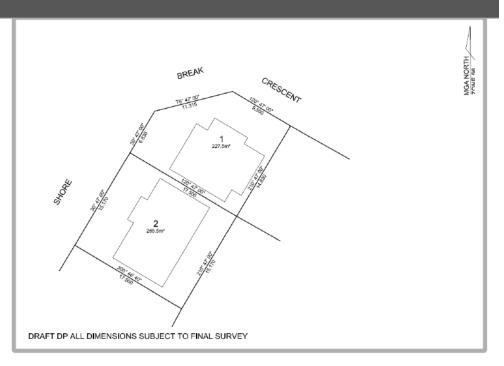
Item 13.01 Attachment 1



# Love Project Management

PO Box 161 Wauchope NSW 2446 Phone: 0400953101 ABN: 26 108 622 745

# Clause 4.6 Variation to Development Standard Minimum Lot Size



Michelle Love, Project No 6712 Love Project Management

October, 2019

Minimum Lot Size Variation – Shore Break Crescent, Lake Cathie

**Document Details** 

Document Version Date: 22nd October, 2019

Authorised by: Michelle Love

Signed: Milow.

This assessment has been undertaken with skill, care and diligence by the staff of Love Project Management. This assessment is based on information provided by the client, third party research and research undertaken by Love Project Management. Independent verification of the documents relied upon has not been undertaken.

Love Project Management disclaims any responsibility to the client and others in respect of any matters outside the scope of this report.

This report has been prepared on behalf of and for the exclusive use of the client and is subject to and issued in accordance with the agreement between the client and Love Project Management. Love Project Management accepts no liability or responsibility of whatsoever nature in respect of any use of or reliance upon this report by any third party.

All parties must acknowledge that conditions of approval at time of consent, post development application and approvals, and other matters, may modify the outcomes described in this report. The information and conclusions presented in this report apply to the subject land at the time of the assessment. All parties must take into account the above information when making decisions on the basis of the findings and conclusion of this report.

This report remains the property of Michelle Love of Love Project Management and the right to withdraw this report at any stage is reserved until all payments have been received in full. This report is not to be copied except in full (exempting Appendices / Attachments). This report is not to be used for any property or persons other than those specified within the report. Unauthorised use or plagiarizing this report may lead to a breach of copyright.

### **Executive Summary**

The Planning Assessment relates to a clause 4.6 variation to a development standard. The associated development application relates to a staged development of a two lot subdivision and the erection of a dwelling. The development standard to be varied is the minimum lot size. The density of residential development sought by Council will be achieved and the variation is supported.



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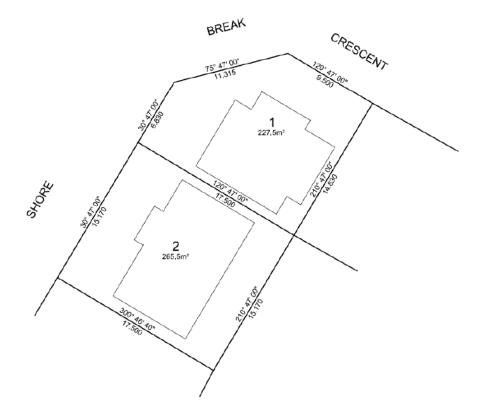
### 1. Proposal

The proposal relates to the subdivision of an existing residential parcel of land on which is currently approved a single dwelling. The subject land is a corner allotment, and the approved dwelling is located close to one of the street frontages. This dwelling is under construction.

The proponent located the dwelling close to one of the street frontages with the intent that the residue of the land could be developed for a dwelling and torrens subdivision. This requires a staged development such that the land subdivision forms Stage 1, and the dwelling approval forms Stage 2.

As the subdivision will result in allotments less than the minimum lot size, a clause 4.6 objection to the development standard is required. This assessment considers the merit of the objection to the minimum lot size.

Figure 1: extract from Draft Linen Plan





### 2. Subject Land and Locality

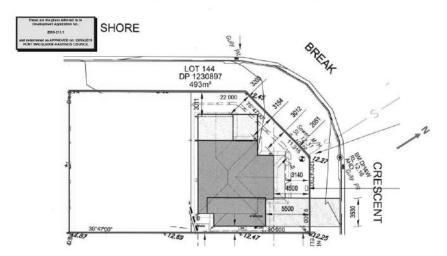
The subject land may be identified Lot 144 DP 1230897, 4 Shore Break Crescent, Lake Cathie. The subject land is shown shaded yellow in the following SIX map extract.

Figure 2: Extract from SIX map showing subject land shaded yellow



The subject land has a current approval for a single dwelling to be erected on the north-eastern portion of the land as per the provisions of DA 2019/213 and associated amendment. This single dwelling was approved on  $22^{nd}$  May 2019 and construction of the dwelling has commenced. An extract from the approval is shown in the following plan extract which has been annotated to clarify the location of the approved dwelling on the lot. The vacant rear yard of this dwelling is clearly evident in the below plan.

Figure 3: Annotated extract from Approved Plan Set for DA 2019/213 - Single Dwelling





The adjoining properties are all zoned for residential development, and the land in this locality is occupied by various forms of residential housing, dominated by detached dwellings. An extract from Google Maps imagery shows the existing level of dwelling construction earlier in 2019. It is evident that the two proposed dwellings will be consistent with the residential development in this locality.

Figure 4: Google Maps Aerial image extract - 2019





### 3. Relevant Planning Background

The subject land forms part of the Area 14 Urban Release Area. The residential estate was initially approved under the provisions of a Part 3A Concept Plan, and Council used this plan to identify specific urban and environmental zones within this area. A specific chapter in the DCP was also introduced to provide further guidance regarding the desired urban development.

The subject land is zoned R3 - Medium Density Residential. This land has a minimum lot size of 1,000m<sup>2</sup>. The aim of this larger lot size was to encourage integrated residential development of the land, but as predominantly detached housing. This is reflected in the Area 14 specific controls in DCP 2013. The DCP provisions identify the subject land as being within Precinct B and the specific provisions relating to Precinct B are as follows:

### DCP 2013 Extract - Precinct B:

"Fully developed, Precinct B is anticipated to provide about 500 new dwellings, <u>predominantly</u> detached houses, providing for about 900 residents. The Hilltop Village will include a mix of permanent residential accommodation and about 100 tourist accommodation apartments.

The desired outcomes for the precinct are:

- The littoral rainforest if protected, maintained and improved,
- Duchess Creek is protected and improved,
- A vibrant mixed use precinct is established with a focus on tourism,
- The coastal cycle and walkway is extended through the site,
- Development provides a variety of housing types including medium density."

The subdivision within Precinct B which created the subject land (DA 2016/284) was for 16 residential allotments, with all lots having an area of 450m<sup>2</sup> except for the corner lots with the largest allotment being 516m<sup>2</sup> (the subject land is a corner allotment with an area of 493m<sup>2</sup>). The creation of this subdivision required a clause 4.6 objection as these allotments were all significantly less than the 1,000m<sup>2</sup> minimum lot size for the land. The application noted that the desired residential yield would still be achieved. DA 2016/284 was considered at a Development Assessment Panel meeting and recommended for approval, and subsequently approved by resolution of a full Council meeting.

An application similar to this current proposal was approved as per the consent for 3 Shore Break Crescent, Lake Cathie, being DA 2017/460. That land has the same zoning and same minimum lot size as the subject land. The application was for a staged torrens subdivision and construction of a separate dwelling on each resultant lot. The lots were again, significantly less than the minimum lot size, however the residential yield was consistent with the desired outcome as setout in the Area 14 concept documents and DCP 2013, hence the application was approved.



### 4. Clause 4.6 Assessment

### 4.1 LEP Provisions

Clause 4.6 of Port Macquarie – Hastings LEP 2011, requires the following matters to be considered by the consent authority when determining a variation to a development standard. These matters are listed as follows with the related assessment under each item:

### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The development standard to be varied is clause 4.1 of LEP 2011. This clause is not expressly excluded from the operation of clause 4.6 and therefore may be assessed as an exception to a development standard.

(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—

This Planning Report and assessment under the provisions of clause 4.6 is deemed to be a written request to the consent authority to consider this matter.

- (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.

Matters 3(a) and 3(b) are considered in the following sections:

In assessing these matters, it is also relevant to consider if the proposal is in the Public Interest, and particularly whether the proposal is consistent with the objectives of the R3 – Medium



Density zone, and the objectives of the development standard which is to be varied. These matters are considered as follows:

The proposal will vary the development standard as prescribed by the provisions of clause 4.1 of LEP 2011. The objectives of this clause are setout as follows:

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

In considering if the proposed two lot subdivision would result in lots which are compatible with local environmental values and constraints, it is noted that the subject land does not contain any areas of environmental significance. Therefore, the subdivision of the land will not have any adverse impacts on any environmental values or constraints on the subject land.

The proposal will enhance the efficient use of available, serviced, and fully accessible residential land. Both proposed lots will be serviced with reticulated water, sewer and integrated stormwater networks, as well as having good street frontage (being a corner allotment). The proposal will improve the achievement of the identified residential yield for this Area 14 Precinct.

Objective (c) refers to fragmentation of rural land. This proposal relates to a residential precinct and will not impact on rural land or primary production.

Similarly, Objective (d) refers to areas of high value within environment protection zones. The subject land does not include any area of land zoned environmental protection, and nor is any such land adjoining the subject land. Therefore, this objective is not applicable to the proposal.

Having regard to the above, it is considered that the proposal is consistent with the objectives of clause 4.1 - Minimum subdivision lot size.

Compliance with the development standard would result in the subject land not being subdivided – however the subject land has an area of  $493\text{m}^2$  and is already significantly less than the minimum lot size of  $1,000\text{m}^2$ . The allotments which were approved in the same land subdivision as the subject land are primarily lots with an area of  $450\text{m}^2$  and approved for single, detached dwellings. This proposal will result in the subdivision of the subject land, and an additional allotment and associated additional detached dwelling. This will increase the residential yield for the subject land, which is consistent with the planning controls and Council's desired residential densities for this precinct.

LPM

The objectives of the R3 – Medium Density Residential zone, are as follows:

- to provide for the housing needs of the community with a medium density residential environment;
- to provide a variety of housing types within a medium density residential environment;
- to enable other landuses that provide facilities or services to meet the day to day needs of residents.

In regard to the zone objectives, it is noted that the proposal will double the residential yield for the subject land, which is considered to be consistent with the objective of providing for the housing needs of the community within a medium density residential environment. The proposal is for the subdivision of the land and the approval of an additional dwelling. This is consistent with the objective to provide a variety of housing types within the medium density residential environment. The third objective is not of relevance to this proposal.

Based on these matters, it is considered that the proposal is consistent with the relevant objectives of the R3 – Medium Density Residential zone objectives.

In considering the objectives of clause 4.1, and the objectives of the R3 zone, it is considered that the proposal is consistent with the relevant objectives and the proposal is thus in the public interest.

Compliance with the development standard is considered unnecessary as the proposal will increase the supply of residential housing, and will increase the residential yield, which is consistent with the identified desired planning outcome for this Area 14 Precinct. The environmental planning grounds for support of this matter include the demonstrated ability for each allotment to be satisfactorily developed for residential development. The form of residential development is detached housing as per the identified objective for this precinct setout in DCP 2013. Thus, the proposal is consistent with the residential yields for this urban release area. Therefore it has been demonstrated that there are appropriate and consistent planning grounds which enable support of this development standard variation.

- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (c) the concurrence of the Secretary has been obtained.

The proposed development standard variation is considered to be in the public interest as it has been assessed as being consistent with the objectives of both the provisions of clause 4.1 (the development standard being varied) and the zone objectives – as discussed earlier in this report. The concurrence of the Secretary is subject to Council's delegations in regards to this matter. Council advice is that the matter will need to be determined at a Council meeting as the variation to the lot size standard is greater than 10%.

LPM

- (5) In deciding whether to grant concurrence, the Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The variation to this development standard does not raise any matter of significance for State or Regional environmental planning. Area 14 was identified for urban release, and various development consents have been issued to achieve the residential development of this area. The proposal is consistent with the desired outcome for this particular Precinct in regards to the residential yield. The public interest will not be compromised and it has been demonstrated that the proposal is consistent with the objectives of both the development standard and the zone for this land. There is a public benefit in ensuring that the use of the land for residential development is supported and that available residential land is utilised for that purpose.

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if-
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made, it did not include Zone RU4.

The subject land is zoned R3 and therefore the above matters are not applicable to this proposal.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

It is noted that this development standard variation will be maintained on Council's records as required for the purposes of clause 4.6.



- (8) This clause does not allow development consent to be granted for development that would contravene any of the following-
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (ca) clause 6.1, 6.2 or 6.3.

This proposal will not contravene any of the matters identified above. The plans demonstrate that a dwelling will be able to be constructed on the additional allotment which is compliant with the required standards, and the urban release area identified as Area 14 is well established with regards to controls plans and other relevant matters already being in place.

### 4.2 Wehbe Tests

The Wehbe Tests arose from a Land and Environment Court matter and have been used by some Councils as additional assessment matters when determining clause 4.6 development standard variations. This five part test overlaps in some respect with the matters considered under the provisions of clause 4.6. Consideration of the Wehbe / Five Part Test is set out as follows:

1. The objectives of the standard are achieved notwithstanding non compliance with the standard.

The objectives of LEP 2011, clause 4.1 - Minimum subdivision lot size, have been considered earlier in this report. It is noted that the proposal is consistent with the relevant development standard objectives. It is particularly noted that the lot sizes will be compatible with the local environmental values and constraints, as the subject land does not contain any areas of environmental value. The subject land is also already provided with reticulated services and dual road frontage and the proposal is an efficient use of these existing resources. Therefore, it is noted that the proposal will achieve the objectives of the relevant development standard, notwithstanding the non compliance with this standard.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The objective or purpose of the standard is relevant such that the subdivision of land should not compromise existing environmental values, and should make efficient use of the land. However, it is noted that the proposal is consistent with these objectives and the purpose of the standard.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

It is considered that strict compliance with the standard would NOT result in the efficient use of available, unconstrained, residential land and thus would not be consistent with the underlying object or purpose of the standard – and therefore compliance with the standard is unreasonable in this matter.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

It is considered that the subdivision which created this allotment, and the adjoining block of residential lots with a majority having an area of 450m<sup>2</sup>, has essentially abandoned the 1,000m<sup>2</sup> minimum lot size for this area. However, the desired residential yield has been achieved and this is the underlying purpose. The proposal will reinforce the identity of this area as having a reasonable level of residential density.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Compliance with the development standard could be considered unreasonable in this case as the subdivision of the land has already been undertaken to create allotments which are significantly less than the minimum lot size. The zoning of the land represents the desired higher level of residential yield, and the proposal will assist in achieving this residential yield.

### 5. Conclusion

Clause 4.6 is to allow for flexibility in the application of development standards where appropriate. Compliance with a minimum lot size of 1,000m<sup>2</sup> is unreasonable and cannot be achieved as the subject land as an existing area of 493m<sup>2</sup>.

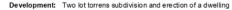
The proposal is consistent with the objectives of both the development standard (clause 4.1) and the objectives of clause 4.6. There are public benefits which arise from the efficient use of available, serviced land, and this outcome, combined with the compliance with the relevant objectives, demonstrates that the proposal is in the public interest.

Therefore, it is considered that the proposal is an appropriate use of the subject land and is an appropriate application of the provisions of clause 4.6. For these reasons, the variation to the development standard is supported and should be approved.



### **Developer Charges - Estimate**

Applicants Name: Matto Luke Corp Pty Ltd
Property Address: 4 Shore Break Crescent
Lot & Dp: Lot(s):144,DP(s):1230897
Development: Two lot torrens subdivision and erection of a dwelling





	Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.					
	Levy Area	Units	Cost		Estimate	
1	Water Supply	0.6	\$10,296.00	Per ET	\$6,177.60	
2	Sewerage Scheme Lake Cathie/Bonny Hills	1	\$3,906.00	Per ET	\$3,906.00	
3	Since 13.6.14 - Local Roads - Lake Cathie/Bonny Hills - Area 14	0.8	\$13,388.00	Per ET	\$10,710.40	
4	Since 31.1.18 - Open Space - Lake Cathie/Bonny Hills - Per ET	0.8	\$6,808.00	Per ET	\$5,446.40	
5	Commenced 3 April 2006 - Com, Cul and Em Services CP - Lake Cathie / Bonny Hills	0.8	\$5,316.00	Per ET	\$4,252.80	
6	Com 1.3.07 - Administration Building - All areas	0.8	\$919.00	Per ET	\$735.20	
7	Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	0.8	\$510.00	Per ET	\$408.00	
8	N/A					
9	N/A					
10	N/A					
11	N/A					
12	N/A		4 PL	ırp	oses	
13	N/A Not for Payme					
14	N/A					
15	Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$474.10		
16						
17						
18						
	Total Amount of Estimate (Not for Payment Purposes)				\$32,110.50	

NOTES: These contribution rates apply to new development and should be used as a guide only.

Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).

DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.

Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

3-Mar-2020

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

itto Luke Corp Pty Ltd, 4 Shore Break Crescent, 3-Mar-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



# STATEMENT OF ENVIRONMENTAL EFFECTS

This form is to be submitted for minor development applications only, such as new dwellings, alterations and additions and ancillary structures, change of use/first use of commercial and industrial premises. Other applications will require a comprehensive SOEE. Refer to SOEE Fact Sheet or Council's Duty Planner for assistance.

If you answer "yes" to any item in sections 4 to 8 you will need to detail the likely impact(s) and the proposed means of mitigating or reducing such impact(s). If insufficient space has been provided, attach additional sheet(s).

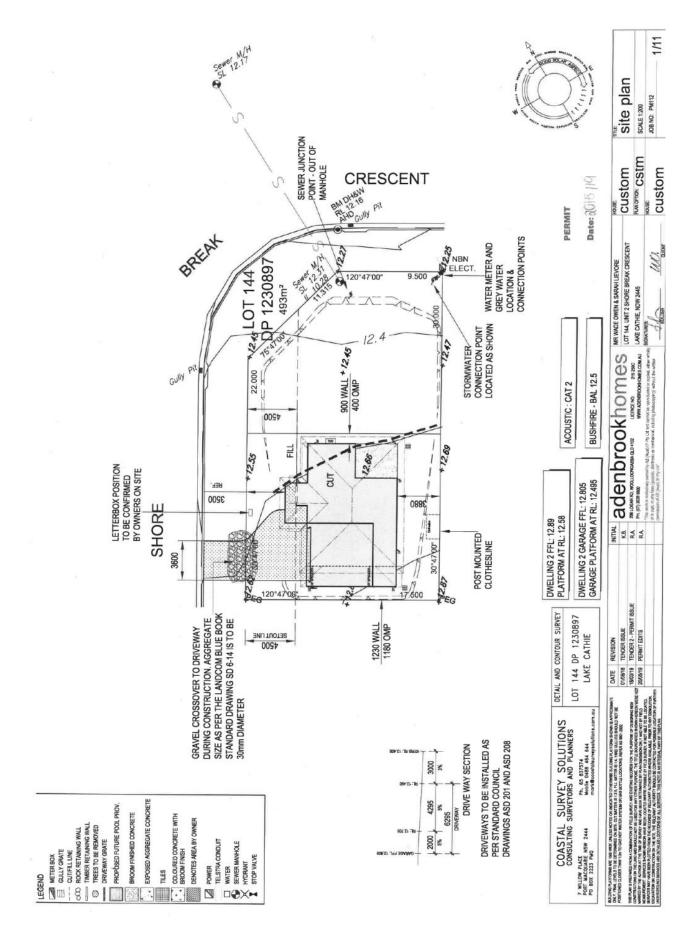
1. PROPERTY DETAILS	
Lot No DP/SP No	230897 Street No
Street Name Shore Break Crescent	
Suburb/Town Port Macquarie	Postcode 2444
2. PROPOSAL DESCRIPTION	
Provide a description of the proposed development	
Two Storey dwelling with attached garage, and driveway.	Plus Torrens title subdivision
Staged development: Stage One is the subdivision	n of the land; Stage Two is the construction
of the dwelling.	
The following questions are to be completed for application commercial and industrial premises.	s relating to home business/industry, shops,
Hours of operation?	
Client and staff numbers?	
Type, size and quantity of goods to be made, stored or trans	sported?
Details of any deliveries (i.e. hours, frequency, type of vehic	les)?
Details of any retailing?	

Comments:		
3. PLANNING INFORMATION		
What is the zoning of the subject land? Residential		
What is the current use of the land/building?Vacant		
Is your proposal:		
• permissible in the zone?	Yes 🗹	No □
consistent with the zone objectives?	Yes 🗹	No □
Does your proposal comply with the relevant:		
• development standards (i.e. FSR, heights) in the Local Environmental Plan?	Yes 🗗	No 🔽
<ul> <li>development control plan (e.g. setbacks, car parking)?</li> </ul>	Yes 🗹	No □
If you answered "no" to any of the above questions, a detailed justification is required. Ac		, you
should discuss your proposal with the Duty Planner before lodging your development application  Clause 4.6 Report included with application	lication.	
4. SITE SUITABILITY		
Will the development:		
<ul> <li>affect any neighbouring residences by overshadowing or loss of privacy?</li> </ul>	Yes 🗆	No ☑
<ul> <li>result in the loss or reduction of views?</li> </ul>	Yes □	No ☎
<ul> <li>impact on any item of heritage or cultural significance?</li> </ul>	Yes □	No ☎
<ul> <li>result in land use conflict or incompatibility with neighbouring premises?</li> </ul>	Yes □	No ☑
<ul> <li>be out of character with the surrounding area?</li> </ul>	Yes □	No ₫
<ul> <li>be visually prominent within the existing landscape/streetscape?</li> </ul>	Yes □	No <b>□</b> ⁄
<ul> <li>require excavation or filling in excess of 1 metre?</li> </ul>	Yes □	No <b>☑</b>
<ul> <li>require the erection or display of any advertising signage?</li> </ul>	Yes □✓	No □
Comments:		

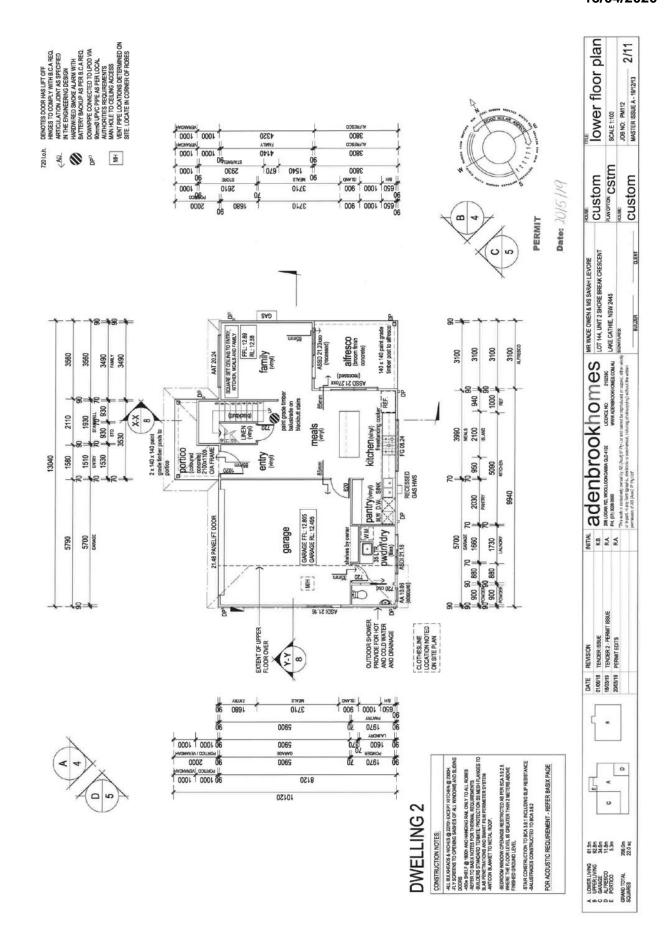
5. ENVIRONMENTAL IMPACTS		
s the site affected by any of the following natural hazards? f yes, please indicate which hazard. Flooding Dushfire Marco Aci  Note: Information on natural hazards available from Council.	Yes ☑ d sulfate s	
Will the proposal:		
<ul> <li>result in any form of air pollution (smoke, dust, odour, etc)?</li> </ul>	Yes □	No □
<ul> <li>have the potential to cause any form of water pollution?</li> </ul>	Yes □	No □
emit noise levels that could affect neighbouring properties?	Yes □	No □
• be considered potentially hazardous or offensive (refer SEPP 33 for definitions)?	Yes 🗆	No □
affect native or aquatic habitat?	Yes 🗆	No □
<ul> <li>have an impact on a threatened species or habitat?</li> </ul>	Yes □	No □
• involve the removal of any trees? (If yes, detail type and number below.)	Yes 🗆	No □
Comments:		
5. ACCESS, TRAFFIC & UTILITIES		
	Yes 🗹	No 🗆
5. ACCESS, TRAFFIC & UTILITIES		
5. ACCESS, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?	Yes 🗹	No 🗆
5. ACCESS, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?	Yes 🗹 Yes 🗹	No 🗆
5. ACCESS, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?	Yes ☑ Yes ☑ Yes ☑ Yes □	No
5. ACCESS, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?  If you answered no to the above, is a waste water report attached?	Yes ☑ Yes ☑ Yes ☑ Yes □	No
5. ACCESS, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?  If you answered no to the above, is a waste water report attached?	Yes ☑ Yes ☑ Yes ☑ Yes □	No
Access, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?  If you answered no to the above, is a waste water report attached?  Provide details of on-site parking, including number of spaces.	Yes 🗹 Yes 🗹 Yes 🗹	No 🗆 No 🗆 No 🗆
Access, TRAFFIC & UTILITIES  Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?  If you answered no to the above, is a waste water report attached?  Provide details of on-site parking, including number of spaces.  Is lawful and practical access available to the site?	Yes 🗹 Yes 🗹 Yes 🗹 Yes 🖸 Yes 🖸 Yes 💆 Yes 💆	No
Are electricity and telecommunications services available to the site?  Does the site have access to town water?  Does the site have access to town sewerage?  If you answered no to the above, is a waste water report attached?  Provide details of on-site parking, including number of spaces	Yes 🗹 Yes 🗹 Yes 🗹 Yes 🖸 Yes 🗖 Yes 💆	No

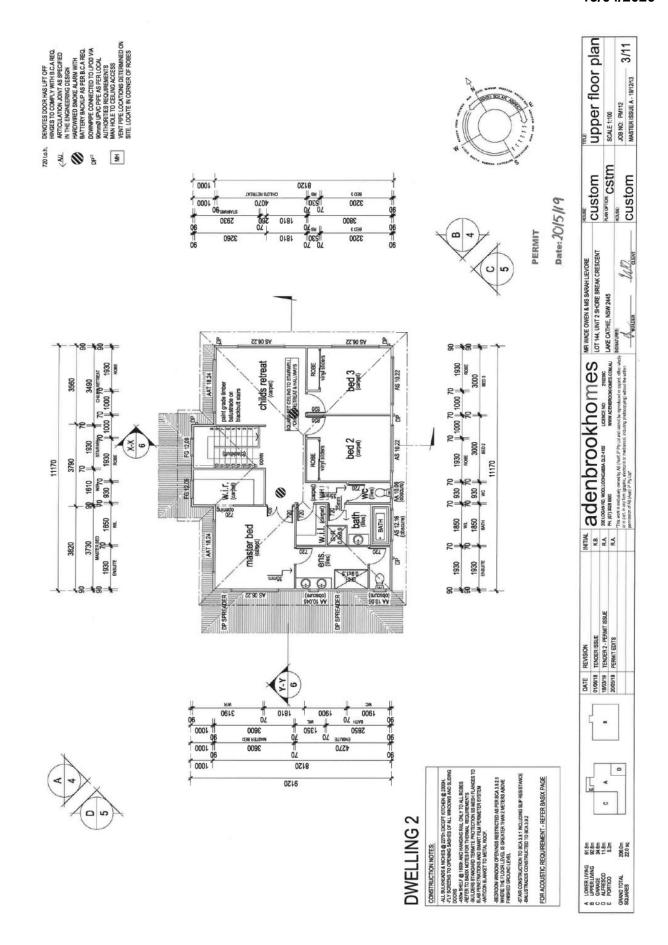
Comments:		
7 COCIAL 9 ECONOMIC IMPACTS (Net angliant) - to new description and desired	!:!	
7. SOCIAL & ECONOMIC IMPACTS (Not applicable to new dwellings, addition	ons or like.)	
Will the proposal have any social or economic impacts in the area?	Yes □	No ☑
Have you conducted any community consultation (e.g. neighbours, Police)?	Yes 🗆	No □
Have you considered Council's Social Impact Assessment Policy?	Yes □	No □
Comments:		
8. WASTE DISPOSAL		
Provide details of waste management, including reuse and recycling		
Hastings Blue bins will be used for rubbish removal		
How and where will the wastes be stored? On the site		
now and where will the wastes be stored:		
Does the proposed use generate any special wastes (e.g. medical, contaminated)?	Yes 🗆	No ☑
Will the use generate trade wastes (e.g. greasy or medical wastes)?	Yes 🗆	No ☑
Comments:		
APPLICANT'S SIGNATURE Lalade	DATE <del>27.</del>	9 <del>.19</del>

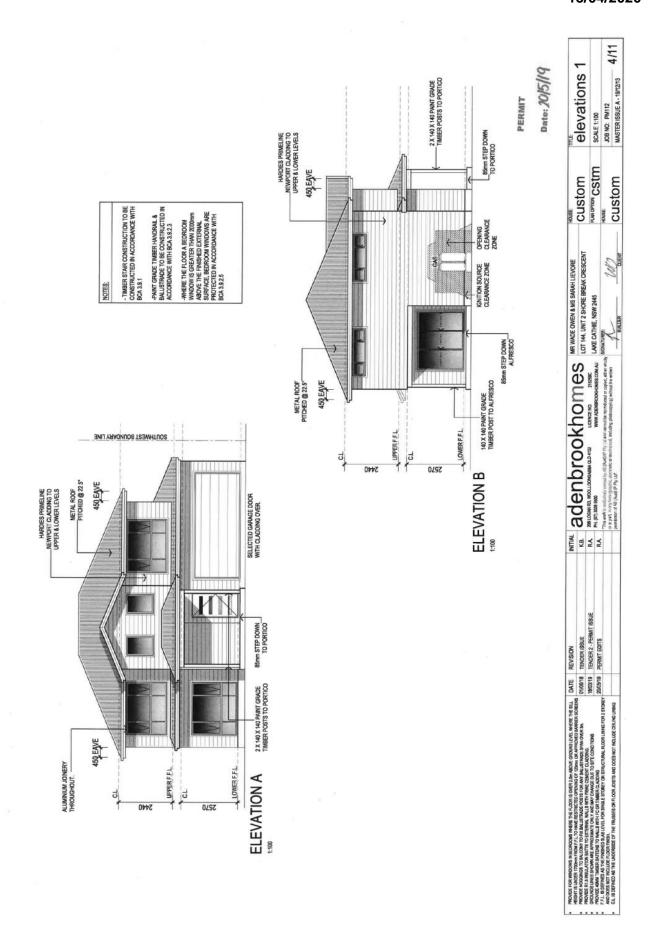
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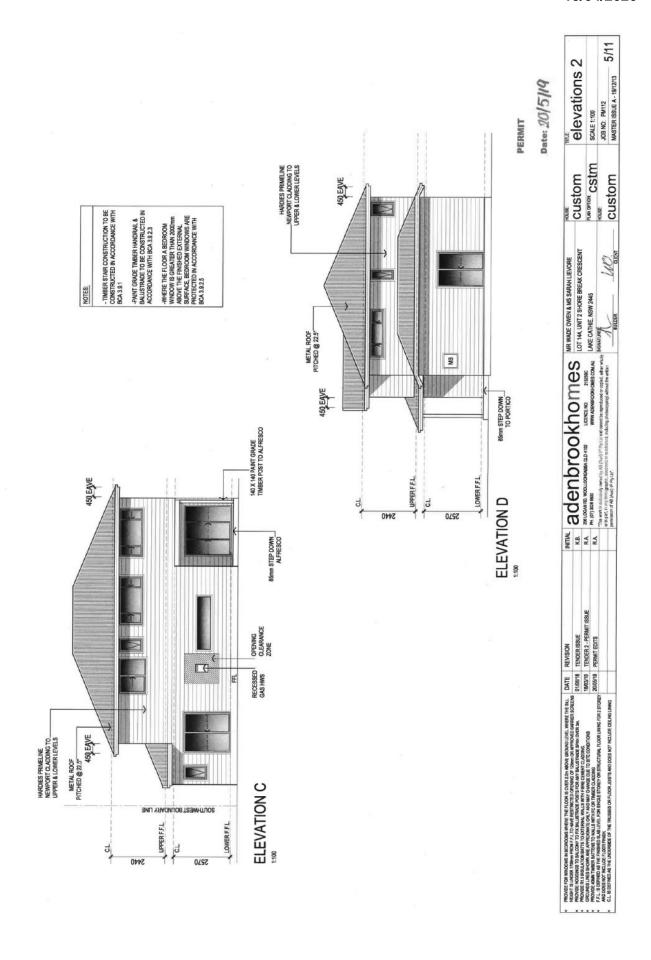


Item 13.01 Attachment 1 Page 90

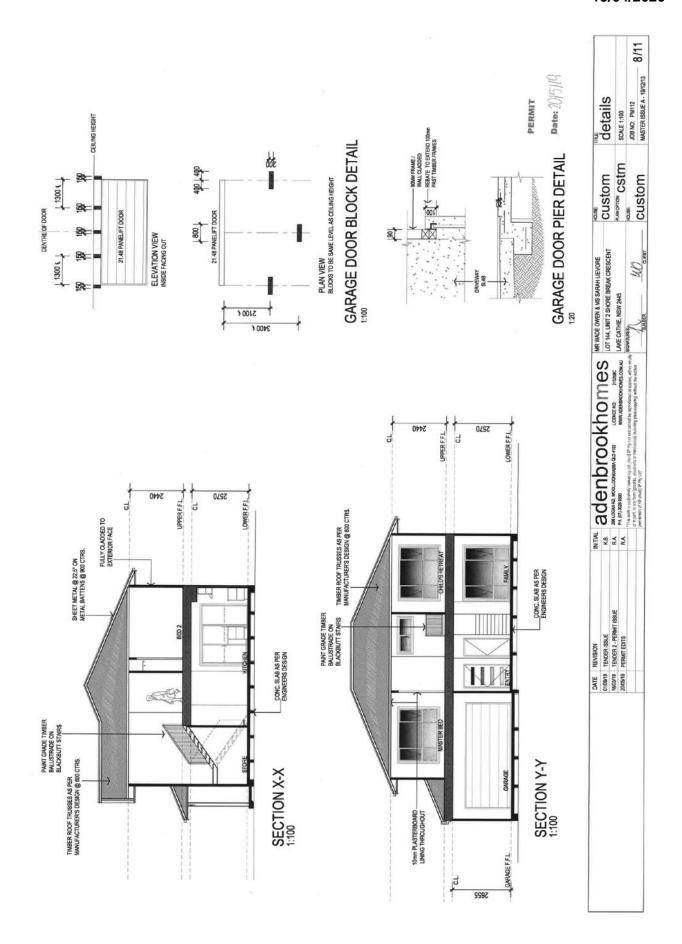








Item 13.01 Attachment 1



Item 13.01 Attachment 1 Page 95

11/11

MASTER ISSUE A - 19/12/13

JOB NO: PM112 SCALE 1:100

tie-down

# BASIX REQUIREMENTS

WATER REQUIREMENTS

Total Area of Garden and Lawn 107m²

Stowerhead Rating must be a min. 3 Star Efficiency Rating to all shows — "Total Rating must be a min. 4 Star Efficiency Rating to all slowes + folders may be fairly questioned." A folders may be fairly match be a min. 4 Star Efficiency Rating.
 Betwoon Bash Tipes Rating must be a min. 4 Star Efficiency Rating.

Jamashve Water.

• Redocalated allemative water supply system as per EASIX requirement

• Alemative Water Supply.

THERMAL REQUIREMENTS

between house & garage).

I mulation of R 15 to barrers & joists floor system.

I studiation batts to nod space with a total minimum R value of R 2.5.

ENERGY REQUIREMENTS

Hel Water System: Cas Instantaneous

 Hold Water System performance retirg: 4,5 stem

 Hold Water System performance retirg: 4,5 stem

 Hold Water System performance retirg: 4,5 stem

 The Living sease & Bestrooms must not incorporate any healing or accommodate same

70x35 PLUS 70x35 Ribbon Plate RIM Span up to 6000 70x35 at 450 crs 70x35 who 1350 crs max.

Nogging Btm Plate

Strap Plate to Stab \_\_\_\_\_\_1/M10 boilt to ends of openings and at (Single or upper storey) 1800 centres max. Bottom plate to slab Nominal fixing- 1 75mm masonry nail, (Lower storey of 2 storey) screw or bolf @ 1200 crs max.

Birm Plate to Slab

Plates to Studs  $2/75 \times 3.05$ mm nails skewed (Lower storey of 2 storey) through stud into plate

Birm Plate to floor frame\_\_1/ M10 balt @ 1800 crs. (Single or upper storey)

30x0.8mm G.I.Strap with 4/2.8mm dia.nails each end at 1200 max ctrs

Lintel to Jamb Stud

Refer AS 1684.2 Timber Framing Manual for more detail.

BRICK GALINTEL TABLE

SINGLE OR UPPER STOREY
EXTERNAL WALLS & INTERNAL LOAD BEARING WALLS
MGP 10/12 (LOAD DEPENDANT)
TOASS Ribbon PI
Sluds
RIW Spon up to 6000

Engineer designed and fixed at 600 crs in accordance with manufacturers specifications

MGP12 u.n.o.

Lintels, Verandah plates and posts etc.

- 30x0.8mm G.I.Strap with 4/2.8mm dia. nails each end \$1200 ctrs. or/M12 fiedown rods \$1200 crs max.

(Single or upper storey)

Plates to Studs

One Framing Anchor, 4/2.8mm # Nails to each end

fruss to wall frame

BATTEN SPACING Batten to Truss

ROOF SHEETING TRUSS SPACING

JOINT GROUP

As per manufacturers spec.

Metal battens at 900 crs.

SHEET METAL Roof Trusses Roof Battens

TIMBER FRAMING SCHEDULE

N2 TIE-DOWN SCHEDULE

JD5 6000 max. SHEET METAL

25° max

ROOF PITCH

noons must have Floorescent or LED as there "primary type of artificial Lighting" rooms/Study and 2 kingstining arees

BUSHFIRE RATING tuction to meet AS3359 for the mier

AS1596.2008, Including

ACOUSTIC REQUIREMENT: CAT 2

SIDES OF OPENINGS

STUDS AT

35x70 PLUS 35x70 Ribbon Plate 70x35 at 450 crs 70x35 @ 1350 crs max. 35x70 Continuously supported on slab

Top Plate Studs Nagging Btm Plate

LOWER OF TWO STOREY EXTERNAL WALLS & INTERNAL LOAD BEARING WALLS MGP 12 U.N.O.

70x35 at 600 crs 70x35 at 600 crs 70x35 @ 1350 crs max.

INTERNAL PARTITION WALLS
MGP10 SEASONED U.N.O.
Top Plate 70x35
Studs 70x35
Nogging 70x35
Birn Plate 70x35

-

No. OF STUDS REQUIRED

150x100x6 Angle 150x100x6 Angle Refer engineer details

100x100x6 Angle 150x100x6 Angle 85x8mm Flat Bar

LINTEL SIZE

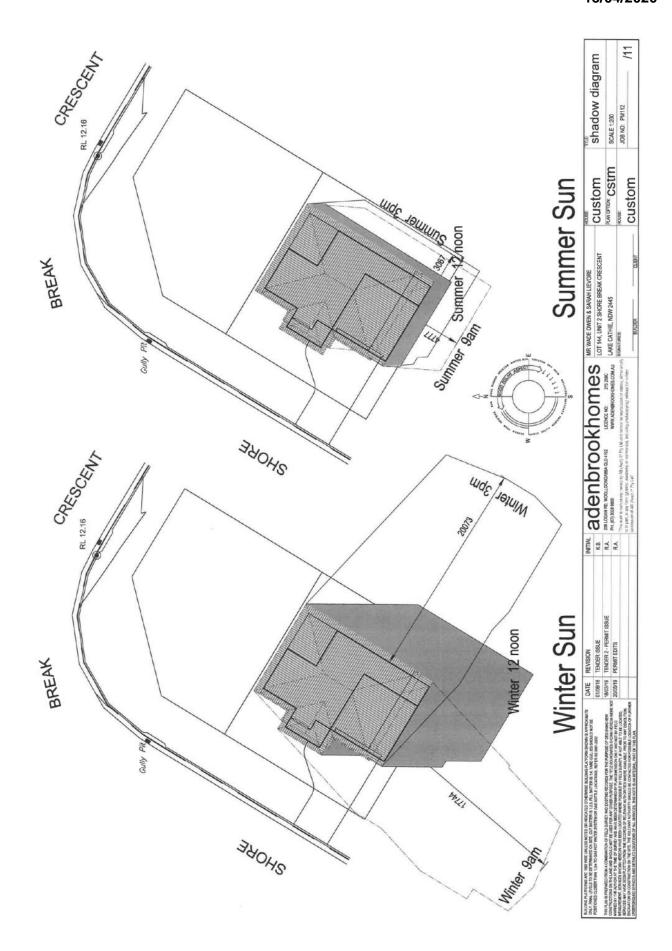
SPAN NOT EXCEEDING

1.0m clear span clear span TIE DOWN REQUIREMENTS SHOWN IN TABLE ARE CACCULATED ON MAXIMUM UPLIFIT LOAD WIDTH.
FRAME/TRUSS MANUFACTURES SPECIFICATIONS WILL TAKE PRECEDENCE WHERE THEY DIFFER FROM TIE DOWN TABLE.

Date: 2015/19

PERMIT

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O CONTROLL OF CONTROLL OF CONTROLL OF CONTROLL OF CONTROL OF CONTR	KB ACAPENCE CONTROL LINE 2 SHORE BREAK CRESCENT	206 LOGAN RO, WOOLLOCHISABBA QLD 41/22 LICENCE NO: 219299C	PH. (97) 3028 9300 WAYLADENSROOKHOMES.COM.AU	This work is enductedly owned by AR (Aust) in Phylair and cannot be reproduced or sopied, when who	e en part in engrant springen, endatten, er expension, husbang pitekoopynig villes, till witten sometiske et hill (hast) if Pry cat'
NIIA	K.B.	RA	RA		
DAIE REVISION	01/06/18 TENDER ISSUE	TENDER 2 - PERMIT ISSUE	NOOS19 PERMIT EDITS		
DAIE	01/06/18	18/03/19	20,05/19		



Item 13.01 Attachment 1





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

Your reference: 2019/649

Our reference: DA20191113000974-Original-1

ATTENTION: Benjamin Roberts Date: Friday 14 February 2020

Dear Sir/Madam,

Integrated Development Application s100B - Subdivision - Torrens Title Subdivision 4 Shore Break crescent LAKE CATHIE NSW 2445 AUS, 144//DP1230897

I refer to your correspondence dated 29/10/2019 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:

### **General Conditions**

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Adenbrook Homes titled "Site Plan" and dated 20/5/19.

### **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:

- 2. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:
  - Minimal fine fuel at ground level;
  - Grass mowed or grazed;
  - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
  - Trees and shrubs located far enough from buildings so that they will not ignite the building;
  - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
  - Minimal plant species that keep dead material or drop large quantities of ground fuel;

Postal address

NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142 Street address

NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127 T (02) 8741 5555 F (02) 8741 5550 www.rfs.nsw.gov.au





- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building;
   and.
- Lower limbs of trees removed up to a height of 2 metres above the ground.

### **Construction Standards**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 3. The dwelling, to be constructed upon proposed lot 2 shall comply with either of the following approved construction outcome choices;
  - Sections 3 (Construction General) and 5 (Construction for Bushfire Attack Level 12.5 i.e. BAL-12.5) of Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas', or
  - The BAL-12.5 construction requirements of the 'NASH Standard Steel Framed Construction in Bushfire Areas - 2014' (1.7.14 updated)

Compliance with section A3.7 of the Addendum Appendix 3 to 'Planning for Bush Fire Protection 2006' is also required to be achieved in concert with the above.

### **Water and Utility Services**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- 4. Any alteration to the electricity supply network required to service the subdivision shall comply with either section 4.1.3 of 'Planning for Bush Fire Protection 2006' or the requirements of Essential Energy NSW.
- 5. In recognition that the proposed dwelling (proposed lot 2) may be connected to a gas supply, the following requirements are to be complied with:
  - a. Reticulated or bottled gas is to be installed and maintained in accordance with the current Australian Standard AS/NZS 1596: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
  - b. All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
  - c. Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.
  - d. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

### Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

- 6. Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':
  - Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
  - Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
  - Planting is limited in the immediate vicinity of the building.
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
  - Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
  - Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
  - Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
  - Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).



- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Bradford Sellings on 1300 NSW RFS.

Yours sincerely,

Paul Creenaune
Team Leader, Dev. Assessment & Planning
Planning and Environment Services





# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Torrens Title Subdivision
4 Shore Break crescent LAKE CATHIE NSW 2445 AUS, 144//DP1230897
RFS Reference: DA20191113000974-Original-1

Your Reference: 2019/649

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

# **Paul Creenaune**

Team Leader, Dev. Assessment & Planning Planning and Environment Services

Friday 14 February 2020

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/649 DATE: 3/03/2020

### 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	4 Shore break Crescent	Lani Slade	11 September 2019
Development Plans as stamped	Job No: PM112 Sheet 1 to 8 and 11	Adenbrook Homes	20 May 2019
Draft Subdivision Plan	9328	Mark Cornish	Undated
Clause 4.6 Objection	6712	Love Project Management	22 October 2019

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - 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) (A004) An application for a Subdivision Works Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:
  - Stage 1: Torrens title subdivision to create two lots.
  - . Stage 2: Construction of dwelling on lot 2.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (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;
  - 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site:
  - 4. Building waste is to be managed via an appropriate receptacle;
  - 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.

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (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 DA20191113000974-Original-1 and dated 14 February 2020, are attached and form part of this consent.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - 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.

### B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR 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) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- · Traffic management
- Work zone areas
- Hoardings
- Footway and gutter crossing
- · Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works 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:
  - Sewerage reticulation. Provision to each lot of a separate sewer line to Council's main. 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.
  - 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. Each lot shall be provided with a separate water supply service.
  - 3. Stormwater systems.
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This

- application is also to include an application for the disconnection of any existing service not required.
- (5) (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.
- (6) (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.
- (7) (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.
- (8) The building design plans shall illustrate the construction measures consistent with category 2 requirements as identified in Appendix C of the document titled Development Near Rail Corridors and Busy Roads - Interim Guideline, December 2008. Published by NSW Government - Department of Planning.
- (9) Prior to the issue of Construction Certificate evidence shall be provided to the satisfaction of the certifying authority confirming registration of the lots from the subdivision.

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

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

### D - DURING WORK

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

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

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

### E - PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE / OCCUPATION CERTIFICATE

- (1) (B010) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 7.11 contributions set out in the "Notice of Payment Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
  - Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15

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

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

- (2) (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 Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - · augmentation of the town water supply headworks
  - · augmentation of the town sewerage system headworks
- (3) (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 the Subdivision Certificate or release of the security bond, whichever is to occur first.

- (4) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (5) (E068) Prior to the issue of a subdivision certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (6) (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.
- (7) (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.
- (8) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (e.g. the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (10) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.

### F - OCCUPATION OF THE SITE

 (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.