

ORDINARY COUNCIL

Wednesday 6 May 2020

Ordinary Council Meeting

Wednesday, 6 May 2020

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**13.04 DA2019 - 676.1 RESIDENTIAL FLAT BUILDING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 1
DP 1211682, NO. 5 DREW CLOSE, PORT MACQUARIE**

APPLICANT: WAYNE ELLIS ARCHITECT

OWNER: DREW CLOSE DEVELOPMENTS PTY LTD

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1 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 effective 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

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Item: 09.01Subject: RESIGNATION FROM THE MID NORTH COAST REGIONAL
ORGANISATION OF COUNCILS (MIDROC)Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

RECOMMENDATION

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to the operation of the MNCJO, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

Executive Summary

As previously reported to Council in February and March 2018, the Local Government Amendment (Regional Joint Organisation) Act 2017 (Act) commenced on 15 December 2017. A copy of the legislation is attached to this report for information. As per information provided by the Office of Local Government (OLG), this legislation allows for Councils to voluntarily join new Joint Organisations (JOs) to strengthen regional coordination and improve the delivery of important infrastructure and services for communities through strategic planning, collaboration, shared leadership and advocacy.

On 16 February 2018, the OLG released the draft Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018, which supports the above-mentioned Local Government Amendment (Regional Joint Organisation) Act 2017.

The NSW government has stated that JOs will transform the way local and state governments work together to plan and deliver the things that matter to regional communities. JOs will give local Councils a seat at the table in planning for important regional infrastructure and investment.

At the Ordinary Council meeting held on 21 March 2018, Council resolved to join the Mid North Coast Joint Organisation (MNCJO). In light of this, it is appropriate that Council now resign its membership of the Mid North Coast Regional Organisation of Councils (MIDROC) to focus on the newly established MNCJO.

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Discussion

MIDROC has represented close to 300,000 residents across six local government areas for many years and until recently, MIDROC has been the peak representative body for Clarence Valley Council, Coffs Harbour City Council, Bellingen Shire Council, Nambucca Shire Council, Kempsey Shire Council and Port Macquarie-Hastings Councils.

The objectives of MIDROC are:

- a) To consider the needs of the local government areas and of the people of the Mid North Coast and to make known those needs to the Commonwealth and New South Wales (NSW) Governments and to the wider community.
- b) To submit to the Commonwealth and NSW Governments requests for financial assistance, policy changes and additional resources for the Mid North Coast and Members.
- c) To strengthen the role of local government in regional affairs, particularly where the Mid North Coast may be affected by Commonwealth or NSW Government policy and strategic priorities.
- d) To foster co-operation between Members in addressing problems and projects of joint interest.
- e) To advance the interests of the Mid North Coast.
- f) To assist Members to carry out their duties, functions and powers under the Local Government Act 1993 and any other statute making provision for duties, functions or powers of the Members.
- g) Otherwise in accordance with Section 124 of the Law and in accordance with its Strategic Plan as adopted from time to time.

In keeping with its adopted constitution (copy attached), MIDROC is comprised of a Board of each of the member Councils (consisting of the Mayors and General Managers), an Executive and the General Managers Advisory Committee (GMAC) to the Board. Traditionally MIDROC has acted as a Section 355 Committee of Port Macquarie-Hastings Council and has over time contemplated available options in terms of structure and form which are seen to include or not be limited to a Section 355 Committee, an incorporated association, a company limited by guarantee, a cooperative, or a Joint Organisation (JO).

Further to the above, at the 28 August 2017 MIDROC Board meeting, the following was resolved:

1. That MIDROC move to form an Incorporated Association based on MIDROC's existing constitution and articles of association.
2. That MIDROC note that the formation of an Incorporated Association is carried out with a view to evolving to a Corporation Limited by Guarantee in the future if appropriate.
3. That the regional organisation be known as the Joint Organisation of Mid North Coast Councils.
4. That the Joint Organisation immediately apply to the NSW Government for funding as provided to other joint organisations in an annual sum of \$600,000, as originally proposed to be allocated to the two Joint Organisations for this region.
5. That the purpose and core functions of the Joint Organisation of Mid North Coast Council be;
 - a) Strategic planning and priority setting;

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- b) Intergovernmental collaboration;
- c) Regional leadership and advocacy;
- d) Shared service delivery and capacity building.

The above resolution was made due to the fact that at the time, the NSW government had not made public its timing in relation to the path forward for Joint Organisations and the MIDROC Board chose to get in front of the changes by resolving to become a more formal body than it had been in the past.

Subsequent to the above MIDROC Board resolution, Joint Organisations have been proclaimed as per details provided earlier in this report. At the Ordinary Council meeting held on 21 March 2018, Council resolved to join the Mid North Coast Joint Organisation (MNCJO). In light of this, it is appropriate that Council now resign its membership of the Mid North Coast Regional Organisation of Councils (MIDROC) to focus on the newly established MNCJO.

With regard to resigning from MIDROC, the MIDROC constitution (November 2012) states the following:

Clause 2.6 Registration of Membership:

A Council may withdraw from membership of the Organisation on giving twelve months written notice to the Secretary. The Board may upon a resolution of a majority of members agree to a lesser period.

When such termination takes effect, no contribution shall be refunded, no funds will be distributed, and the Constitution remains in force between the remaining members of the organisation.

Members of the Organisation shall have no liability to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the winding up of the Board, except to the amount of any unpaid membership fees, and their liability is thus limited.

It is noted as detailed above that a Council wanting to withdraw from membership of MIDROC must give 12 months written notice, noting that the Board may resolve to allow a lesser period of notice. In light of the fact that the MNCJO has now been formally proclaimed, it is believed that Council has a strong case to resign almost immediately from MIDROC at the next MIDROC Board meeting, currently scheduled towards the end of July 2018.

Clause 2.6 of the MIDROC constitution also states that upon termination, no previously made financial contributions shall be refunded to the member Council. However it is considered appropriate that a request be made to the MIDROC Board to calculate an amount that is owing to Port Macquarie-Hastings Council by dividing the remaining MIDROC funds by five Councils, noting that Clarence Valley Council (as a relatively new member of MIDROC) has not been required to pay contributions to MIDROC to date due to uncertainty about the future of MIDROC.

If the above approach is supported, the intent would be to roll whatever funds are owed to Council, into funding for the new MNCJO.

The key justification for resigning from MIDROC is that there is little value in belonging to two regional organisations, particularly when one of them is now a

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legislated body (i.e. the MNCJO) and where Council has previously resolved to become a member Council of the new JO.

Options

Council can choose to accept the recommendations as detailed in this report, or resolve in some other manner.

Community Engagement & Internal Consultation

There has been no community engagement undertaken in relation to this report. There have been discussions between Councils General Manager and the General Managers of other MIDROC Councils with regard to Council resigning from MIDROC, plus there was brief mention of this at the inaugural Board meeting of the MNCJO in June 2018.

Internal consultation has taken place with the following:

- Mayor;
- Director Corporate Performance;
- General Manager

Planning & Policy Implications

The full impact of the establishment of the MNCJO is not yet fully known, however one of the tasks the MNCJO must undertake within the first six months, is the development of a Statement of Strategic Regional Priorities (SSRP). The SSRP will detail the key priorities for the member Councils over the coming few years and it is envisaged that this plan will include a range of information already detailed in member Councils Community Strategic Plans and the like.

There are no direct policy implications as a result of this report.

Financial & Economic Implications

As detailed earlier in this report, Clause 2.6 of the MIDROC constitution states that upon termination, no previously made financial contributions shall be refunded to the member Council. However it is considered appropriate that a request be made to the MIDROC Board to calculate an amount that is owing to Port Macquarie-Hastings Council by dividing the remaining MIDROC funds by five Councils, noting that Clarence Valley Council (as a relatively new member of MIDROC) has not been required to pay contributions to MIDROC to date due to uncertainty about the future of MIDROC.

At the time of writing this report, there is \$174,516 in the MIDROC account, therefore, if the above is to take place, Councils share of these funds would be approximately \$34,903, with the aim being to roll this funding into the operation of the MNCJO.

A determination of what upfront and ongoing fees will be required from member Councils for the MNCJO has not yet been made as this is the subject of current consultation with member Councils. It should be stated that the NSW government has provided \$300,000 in funding to each newly established JO to assist with set up costs etc, with these funds having recently been received.

Attachments

AGENDA

**ORDINARY COUNCIL
[Meeting Date dd/mm/yyyy]**

1. Joint Organisation Legislation 2017
2. MIDROC Constitution

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Item: 09.07

Subject: MID NORTH COAST JOINT ORGANISATION UPDATE

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

RECOMMENDATION

That Council:

1. Note the information contained in the Mid North Coast Joint Organisation Update report.
2. Give approval to the General Manager to become the Interim Executive Officer of the Mid North Coast Joint Organisation until such time as a permanent Executive Officer is recruited, by no later than 14 June 2019.

Executive Summary

The purpose of this report is to provide an overview of the first two Mid North Coast Joint Organisation (MNCJO) Board meetings and to seek approval of the Council General Manager being appointed as the interim Executive Officer (EO) of the MNCJO until such time as a permanent EO is recruited by no later than 14 June 2019.

Discussion

At the 21 March 2018 Council meeting, Council resolved the following:

09.02 JOINT ORGANISATION OF MID NORTH COAST COUNCILS**RESOLVED:** *Turner/Intemann*

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Port Macquarie-Hastings Council (Council) resolves:

- 1) *That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.*
- 2) *To approve the inclusion of the Port Macquarie-Hastings Council's area in the Joint Organisation's area.*
- 3) *That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:*
 - *Kempsey Shire Council;*
 - *Nambucca Shire Council;*
 - *Bellingen Shire Council;*
 - *Coffs Harbour City Council;*
 - *Clarence Valley Council*

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- 4) *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
 - a) *With a copy of this resolution including the date on which Council made this resolution; and*
 - b) *Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.*
- 5) *That Council will provide no financial guarantee to the Joint Organisation, nor will it accept any liability for decisions made and/or debts incurred.*
- 6) *To request the Joint Organisation consider the following points in the determination of its charter:*
 - a) *That decision making occurs via consensus and that a dispute resolution mechanism be included;*
 - b) *That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden;*
 - c) *That the purpose and core functions of the Joint Organisation be limited to the following functions, with all other functions to be decided on a case by-case basis:*
 - i) *Strategic planning and regional priority setting;*
 - ii) *Intergovernmental collaboration and*
 - iii) *Regional leadership and advocacy*
- 7) *That any requests for financial contribution to be decided by Council resolution.*
- 8) *That agendas for meetings of the Joint Organisation be provided to PMHC Councillors prior to the meetings, and that all official business of the Joint Organisation be reported to a subsequent Ordinary Meeting of Council, including agendas, reports, and minutes of meetings.*
- 9) *That Council's decision to participate in the Joint Organisation be reviewed against the stated goals of additional investment to the region, and substantial benefit and significant cost savings to Councils, within 24 months of the commencement of the Joint Organisation.*

CARRIED: 7/2

FOR: Alley, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Cusato and Hawkins

Subsequent to the above Council resolution, Joint Organisations (JOs) in NSW were proclaimed by the Governor of NSW on 9 May 2018, with the Mid North Coast Joint Organisation (MNCJO) being proclaimed as including Port Macquarie-Hastings Council (PMHC), Kempsey Shire Council (KSC) and Bellingen Shire Council (BSC).

For information, at the time of writing this report Coffs Harbour City Council, Nambucca Shire Council and Clarence Valley Council have not yet resolved to join a JO, whether that be the MNCJO or some other JO.

Following is an update on some of the specific issues listed in the above-mentioned Council resolution from March 2018.

In relation to resolution 6) as detailed above, the following provides an update on the issues listed in this particular resolution of Council:

- 6) *To request the Joint Organisation consider the following points in the determination of its charter:*
 - a) *That decision making occurs via consensus and that a dispute resolution mechanism be included;*

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The recently adopted MNCJO charter includes provision for consensus voting and includes a dispute mechanism.

- b) That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden;*

This objective is included under clause 2.2 of the adopted MNCJO charter (see below).

- c) That the purpose and core functions of the Joint Organisation be limited to the following functions, with all other functions to be decided on a case by-case basis:*
- iv) Strategic planning and regional priority setting;*
 - v) Intergovernmental collaboration and*
 - vi) Regional leadership and advocacy*

The core functions as referred to above have been included in the adopted MNCJO charter as follows:

2.2 Principal functions

In accordance with the Act, the principal functions of the Organisation are:

- (a) To establish strategic regional priorities for the Joint Organisation area and to establish strategies and plans for delivering those priorities;
- (b) To provide regional leadership for the Joint Organisation area and to be an advocate for strategic regional priorities;
- (c) To identify and take up opportunities for inter-governmental cooperation on matters relating to the Joint Organisation area; and additionally
- (d) Deliver cost savings to member councils.

'Other' functions as referred to in the above-mentioned Council resolution are known as Supplementary Functions in the adopted MNCJO and are described in the charter as follows:

2.3 Supplementary functions

The Organisation may perform functions, supplementary or ancillary to its Primary Functions, if:

- (a) A Member Council or Councils Resolve to be part of the supplementary functions and,
- (b) The objective of undertaking those functions is to provide support for the operations of its Member Councils aimed at strengthening local government in its joint organisation area and
- (c) The scope, operational principles and business plan for those Supplementary Functions is approved by a Resolution of the Board.

In relation to resolution 7) as detailed above relating to financial contributions, the following provides an update, noting that this is dealt with under clause 3.4 of the adopted MNCJO charter:

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ORDINARY COUNCIL
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The financial contributions are to be set in consultation with Member Councils and should consider;

- (a) An annual base fee of the same amount for each Member Council; and
- (b) Fees reviewed in consideration of the program of works and activities
- (c) The annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board.

Further to the above, it should be noted that the MNCJO has now received the \$300,000 funding allocation from the NSW government for the set up and administration of the JO for the first two years. There have been various requests made of the Minister for Local Government and the Deputy Premier of NSW from JOs across NSW, for additional ongoing funding for the JOs, however at this stage there is no additional funding being considered by the government.

Also, as per clause 3.4 of the adopted MNCJO charter as detailed above, the JO has yet to discuss any ongoing financial contributions from member Councils or the level thereof, as the Board felt it was not appropriate to do this until such time as the JO Statement of Strategic Regional Priorities (SSRP) is developed and more details come to hand on the likely ongoing costs that will be incurred by the JO. For information, the SSRP is set to be developed over September & October 2018, with the MNCJO Board likely to consider this at their December 2018 meeting, noting that all JOs must adopt an SSRP by 31 December 2018.

MNCJO Board Meetings Update:

In relation to resolution 8) as detailed above relating to the provision of agendas and minutes etc from MNCJO Board meetings, the following are attached to this report:

- MNCJO Agenda – 13 June 2018
- MNCJO Minutes – 13 June 2018
- MNCJO Agenda – 17 August 2018
- MNCJO Minutes – 17 August 2018

The first MNCJO Board meeting was held at Kempsey Shire Council on 13 June 2018. This first meeting was a very procedural meeting as the Board was required to refer several documents to member Councils for consultation and the like, as well as dealing with some other initial set up issues as required by the Office of Local Government (OLG). Details of this meeting and the decisions made can be found in the attached agenda and minutes.

Following the first MNCJO Board meeting, member Councils were consulted with on the three key JO documents, being the Charter, the Code of Meeting Practice and the Payment of Expenses and Provision of Facilities Policy. As a result of this consultation, some changes were made to these draft documents and the revised documents were subsequently adopted at the 17 August 2018 MNCJO Board meeting.

The second MNCJO Board meeting was held at Port Macquarie on 17 August 2018. There were a large range of issues discussed, with many actions to come out of the meeting as detailed in the attached agenda and minutes. A few of the key issues on this agenda were as follows:

- Adoption of the MNCJO Charter;

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- Adoption of the MNCJO Code of Meeting Practice;
- Adoption of the MNCJO Payment of Expenses and Provision of Facilities Policy;
- Adoption of the MNCJO Public Interest Disclosure Policy
- Joint Organisation Bridges Project
- Executive Officer Role.

Please note that included in the agenda for the 17 August 2018 MNCJO Board meeting (as attached to this report) are the final adopted versions of the MNCJO Charter, Code of Meeting Practice and Payment of Expenses and Provision of Facilities Policy.

As listed above, one area the General Managers of the MNCJO member Councils have been working on is a project given the temporary title of the Joint Organisation Bridges project, being a timber bridge renewal project. Previously as members of the Mid North Coast Regional Organisation of Councils (MIDROC), this Council and other member Councils had been working for some years on a project titled Bridges without Borders. In very basic terms, the project was around assessing bridges across our respective Local Government Areas (LGA) against a relatively uniform set of criteria, then combining all the bridges into one large list with a view to prioritising the bridges that required most urgent attention and funding across the entire MIDROC region, with a view to request funding assistance from the State government.

As this Council and Kempsey Shire Council resigned from MIDROC in late July 2018, the focus of this Council from a regional perspective is now on the MNCJO, not MIDROC. The General Managers of the MNCJO member Councils still see great merit in pulling together data on bridges across the MNCJO LGA's and to this end have proposed a timber bridge renewal project as documented in the attached agenda from the 17 August 2018 MNCJO Board meeting.

The overall aim of the project is to attract some government funding to the MNCJO to address the backlog of works that sits across the region's timber bridges. To this end a prospectus / briefing document has been developed in order to present this project to a range of senior State politicians and officials, with the aim of attracting project-specific funding to the MNCJO. A copy of the prospectus is attached to this report.

The project is seeking a partnership arrangement with the State and is requesting a \$10 million funding contribution from the State government over a three year period, with member Councils also contributing a combined \$10 million over this period of time to make this a \$20 million investment.

The funds required by member Councils as the 50% contribution to this project are not necessarily new funds, they are more likely to be funds already allocated or likely to be allocated for essential asset maintenance works into the future. If this project looks like gaining traction within the government, further discussions will be had with each member Council about matching funds for the coming three years.

The reason such a project is important is that between the three member Councils of the MNCJO, we are responsible for more than 15% of the State's aging timber bridge infrastructure. A project such as this would address a combined 91 of the 131 poorly rated timber bridges in our combined local government areas, or 69% of our total bridge stock.

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For PMHC, this project has identified a total of 15 bridges for renewal at a total cost of approximately \$4.8 million, with the 50% Council contribution over 3 years being approximately \$2.4 million. It should be noted that Councils current annual maintenance budget for bridges is approximately \$1.2 million. If this funding proposal is successful, this will address 24% of PMHC's total timber bridges, plus this funding will likely allow us to increase weight limits, improve agricultural productivity, improve access to residents and improve road safety and general liveability for those residents impacted.

MNCJO Executive Officer:

One of the other issues discussed at the 17 August 2018 Board meeting and as reflected in the second recommendation to Council as included in this report, was in relation to the interim Executive Officer (EO) of the MNCJO. As this was a confidential report to the MNCJO, there is limited information available in this report, however as per the attached Fact Sheet provided by the OLG, all JOs are required to appoint a permanent EO, commencing with the appointment of an interim EO.

The EO performs the same role in a JO that a General Manager performs in a Council. EO's must be appointed by a resolution of the JO board and permanent EO's are to be employed under a fixed-term performance-based contract in the form of the one approved by the Chief Executive of the Office of Local Government (OLG).

Following their establishment, JOs were able to appoint an interim EO for up to 12 months from the date of the Board appointing them, without advertising and without undertaking the normal recruitment and selection process. Each JO will be required to advertise the permanent EO position and commence recruitment in time to ensure that a permanent appointment can be made before the 12-month anniversary of the appointment of the interim EO. The 12-month anniversary of the appointment of the current MNCJO EO is 14 June 2019. Details around the appointment of the current interim EO can be found in the attached minutes to the 13 June 2018 MNCJO Board meeting.

Recently the MNCJO Board (both formally and informally) have been discussing the future success of the JO and in an effort to ensure we spend the MNCJO funds as wisely as possible, particularly in these early days, it was felt that appointing one of the member Council General Managers as the interim EO would be advantageous, noting that the existing interim EO was initially appointed at the 13 June 2018 Board meeting.

According to the fact sheet from the OLG on the appointment of EO's (as attached to this report), there is nothing to prevent the board of a JO appointing a General Manager, existing EO or another member of staff of a member Council as the interim EO. According to the OLG, the interim EO role can be carried out concurrently with their role with the member Council or as a secondment.

The attached fact sheet goes on to say that before the General Manager of a member Council can be appointed as an interim EO, the member Council must, by resolution, give its approval to the General Manager undertaking this role.

In light of the above, a confidential report on the EO role was tabled at the MNCJO Board meeting on 17 August 2018, with the Board resolving the following:

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19/09/2018*Item 7.1 EXECUTIVE OFFICER ARRANGEMENTS
King / Pinson**That the Board:*

- 1) Noting the resolution from the 13 June 2018 Mid North Coast Joint Organisation (MNCJO) Board meeting, appointing the interim Executive Officer for a period of three months (being to 5 September 2018), now extend the appointment of the current interim Executive Officer to 30 September 2018.*
- 2) Request Port Macquarie-Hastings Council to give consideration to their General Manager, Craig Swift-McNair being appointed as the Interim Executive Officer for the Mid North Coast Joint Organisation (MNCJO) from 1 October 2018, until such time as a permanent part time Executive Officer is recruited and appointed by June 30 2019.*
- 3) If Port Macquarie-Hastings Council does not support their General Manager (Craig Swift-McNair) being appointed as the Interim Executive Officer of the MNCJO, then request the General Manager of Port Macquarie-Hastings Council commence recruitment of a permanent part time Executive Officer for the MNCJO, with a view to formalising the recruitment of the Executive Officer at a future 2018-2019 MNCJO Board meeting.*

In light of the above MNCJO Board resolution and in line with the above-mentioned and attached fact sheet from the OLG, this report to Council is requesting Council give consideration to the PMHC General Manager becoming the interim EO for the MNCJO until such time as a permanent EO is appointed.

You will note that the second recommendation from the MNCJO Board above, mentions ensuring a permanent part time EO is appointed by 30 June 2019, however this date should actually read 14 June 2019, as the appointment of a permanent EO must take place within 12 months of the appointment of the initial interim EO, which took place at the 13 June 2018 MNCJO Board meeting.

It should be noted that there are currently three General Managers of NSW Councils who are acting as interim EO's of JO's, being for the Far North West Joint Organisation (member Councils being Bourke Shire Council, Cobar Shire Council & Walgett Shire Council), the Far South West Joint Organisation (member Councils being Balranald Shire Council, Broken Hill City Council, Central Darling Shire Council and Wentworth Shire Council) and the New England Joint Organisation (member Councils being Armidale Regional Council, Glen Innes Severn Council, Inverell Shire Council, Moree Plains Shire Council, Tenterfield Shire Council and Uralla Shire Council).

The General Manager becoming the interim EO of the MNCJO does not come without some potential concerns as addressed below:

- *There could be a perception that having the General Manager of the largest of the MNCJO member Councils as the interim EO might give rise to suggestions that PMHC is attempting to 'take over' the MNCJO.*

It should be noted that General Managers do not have a vote on the MNCJO Board as they are non-voting members of the Board. So as with Councillors at a Council, the MNCJO Board is the decision-making body of the JO, therefore the EO does not

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have any more authority than anyone else, other than delegations to undertake a range of administrative functions or as further determined by the Board from time to time.

- *There could be a perceived or real conflict of interest with the General Manager of the largest MNCJO member Council becoming the interim EO.*

There is no doubt that there may be occasions when there is a particular PMHC view on an issue as opposed to the view of or a decision of the MNCJO Board. This is an issue the General Manager will need to manage on a case by case basis, noting that as stated above, the General Manager is a non-voting member of the MNCJO Board and can only play a part in recommending a certain course of action to the Board, in consultation with the General Managers of the other member Councils.

It should also be noted that the three member Councils of the MNCJO have worked together regionally for many years and the General Managers of each member Council have been known to each other for some time, therefore relationships are solid and any perceived conflict of interest issues will be worked through as required, noting that each General Manager is ultimately guided by the resolutions of their own Councils.

- *Will PMHC be subsidising the MNCJO by having the General Manager act as the interim EO?*

With reference back to the Council resolution from 21 March 2018 as detailed earlier in this report, point 6 b) reads as follows:

That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden.

The key driver for having a member Council General Manager become the interim EO of the MNCJO is so the MNCJO can limit the amount of money spent on EO services in the 2018-2019 financial year. Whilst one General Manager needs to be officially appointed by the MNCJO Board as the interim EO as per the MNCJO Board resolution detailed above, all General Managers of the MNCJO member Councils will play a part in the administration of the JO moving forward.

This does mean that all member Councils of the MNCJO will be providing in-kind support to the JO, particularly during the period between now and the appointment of a permanent EO, however no work has been done to date on what the value of that in-kind work might be. It should be noted that if the General Manager as the interim Executive Officer is required to travel to meetings in Sydney or elsewhere for JO purposes, then these costs will be billed to the MNCJO, not Council. Also and for clarity, there are no payments being made by the MNCJO to the General Manager as the interim EO.

The other issue to consider here is that if Council resolves in line with the second recommendation included in this report regarding the General Manager becoming the interim EO, this will only be for a maximum period of approximately 8 months or less, depending on the timing of the appointment of a permanent EO.

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19/09/2018**Options**

Council can choose to resolve in line with the recommendations included in this report, or resolve in some other manner.

There is the option of simply noting this report and not supporting the appointment of the General Manager as the interim EO for the MNCJO, in which case, as per the MNCJO Board resolution from the 17 August 2018 Board meeting (as detailed above), recruitment will commence immediately for a permanent EO for the MNCJO.

Community Engagement & Internal Consultation

There has been no community engagement in relation to this report. Internal consultation has taken place with:

- Councillors;
- Directors.

Planning & Policy Implications

There are no direct planning and policy implications in relation to this report.

Financial & Economic Implications

There are no specific financial and economic implications in relation to this report, noting that as detailed earlier in this report, all member Councils of the MNCJO will be providing in-kind support to the JO particularly during the period between now and the appointment of a permanent EO.

It should be noted that if the General Manager as the interim Executive Officer is required to travel to meetings in Sydney or elsewhere for JO purposes, then these costs will be billed to the MNCJO, not Council, plus it should be noted that there are no payments being made by the MNCJO to the General Manager as the interim EO.

Attachments

1. MNCJO Agenda - 13 June 2018
2. MNCJO Minutes - 13 June 2018
3. MNCJO Agenda - 17 August 2018
4. Joint Organisation Fact Sheet -Employing the Executive Officer
5. MNCJO Minutes - 17 August 2018
6. MNCJO Timber Bridge Renewal Prospectus

AGENDA

ORDINARY COUNCIL
20/02/2019

Item: 09.02Subject: MID NORTH COAST JOINT ORGANISATION FINANCIAL
STATEMENTPresented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

RECOMMENDATION

That Council note the information contained in this Mid North Coast Joint Organisation financial statement report.

Executive Summary

The purpose of this report is to detail the current financial position of the Mid North Coast Joint Organisation (MNCJO).

Discussion

At the 12 December 2018 Council meeting, the following was resolved:

09.03 WHY LOCAL GOVERNMENT MATTERS

RESOLVED: Griffiths/Intemann

That Council:

- 1) *Note the information included in this Why Local Government Matters report.*
- 2) *Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.*
- 3) *Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.*
- 4) *Request the GM table a report detailing the financial position of the MNCJO at the OC Feb 2019.*

EQUAL: 4/4

FOR: Alley, Griffiths, Intemann and Pinson

AGAINST: Cusato, Hawkins, Levido and Turner

CASTING VOTE: FOR

CARRIED

This report addresses Resolution #4 above.

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At the Ordinary Council meeting held on 21 March 2018, Council resolved to join the Mid North Coast Joint Organisation (MNCJO). The MNCJO met for the first time on 13 June 2018 and in July 2018, the MNCJO received \$300,000 from the NSW government as part of the Joint Organisation (JO) Establishment Fund. The funding is to be used for costs incurred in setting up the MNCJO and undertaking the functions of the MNCJO as identified in the relevant sections of the NSW Local Government Act 1993.

The current financial position of the MNCJO can be found in the attachment titled '*MNCJO Financial Statement at 31 December 2018*'.

Further to the above, at the end of 2018 the majority of JO's across NSW supported sending a request for ongoing operational funding for JO's to the NSW government. All JO's are concerned about the ongoing financial sustainability and viability of the regional organisations and as such have put forward a proposal to the government. A copy of the proposal can be found in the attachment titled '*Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018*'.

The proposal is for the government to provide ongoing funding for the JO's of \$300,000 per annum, commencing in 2019-2020, indexed with the rate peg or CPI, as well as requesting that a four year funding deal be developed between the NSW government and each JO. The proposal requests a response from the government by mid-February 2019 in order for the JO's to be able to factor in any additional funding contributions (or otherwise) to their 2019-2020 budgets. The attached proposal has been sent by the MNCJO to the Deputy Premier and the Member for Port Macquarie and the Member for Oxley.

Options

This report is for information only.

Community Engagement & Internal Consultation

There has been no community engagement in relation to this report.

Internal consultation has taken place with the Director Corporate Performance.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no direct financial and economic implications in relation to this report. There may however be future direct financial implications for Council if the MNCJO does not receive ongoing operational funding from the NSW government. With the MNCJO being a small three-member JO, it is likely that the future viability of the JO will be at risk if further funding is not forthcoming from the government. Details of the future funding proposal are addressed earlier in this report and can be found in the attachment titled '*Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018*'.

Please refer below and to the attachment titled '*MNCJO Financial Statement at 31 December 2018*' for an update on the current financial position of the MNCJO.

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ORDINARY COUNCIL
20/02/2019Financial Statement

17-Jan-19

		Reporting Period: 28 Nov 18 to 31 Dec 18	YTD
<u>Income Statement</u>			
Income			
Office of Local Government	-	(\$300,000.00)	
Bank interest	(\$120.72)	(\$178.69)	
Total Income		(\$120.72)	(\$300,178.69)
Expenses			
Meeting Costs	-	\$1,071.66	
Executive Officer Support	-	\$23,610.00	
Developing Strategy	\$8,134.28	\$8,134.28	
Total Expenses		\$8,134.28	\$32,815.94
Net Profit/Loss		(\$8,013.56)	\$267,362.75

		Reporting Period: 28 Nov 18 to 31 Dec 18	YTD
<u>Bank Statement Reconciliation</u>			
Opening Balance at Bank:		\$275,376.31	\$0.00
Income Banked		\$120.72	\$300,178.69
Expenses paid from account		(\$8,134.28)	(\$32,815.94)
Closing Balance at Bank:		\$267,362.75	\$267,362.75
Less commitments not yet paid			
UTS - Research Services:- why local Govt matters		(\$75,400.00)	(\$75,400.00)
Net Cash available as at 31-Dec-2018		\$191,962.75	\$191,962.75

Attachments

1. Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018
2. MNCJO Financial Statement at 31 December 2018

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AGENDA

ORDINARY COUNCIL
16/10/2019

Item: 10.03

Subject: MID NORTH COAST JOINT ORGANISATION UPDATE

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

RECOMMENDATION

That Council note the information provided in this Mid North Coast Joint Organisation Update report.

Executive Summary

The purpose of this report is to provide an update on the operation of the Mid North Coast Joint Organisation (MNCJO).

Discussion

At the 21 March 2018 Council meeting, Council resolved to join the MNCJO as per the following resolution:

09.02 JOINT ORGANISATION OF MID NORTH COAST COUNCILS**RESOLVED:** *Turner/Intemann*

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Port Macquarie-Hastings Council (Council) resolves:

- 1) *That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.*
- 2) *To approve the inclusion of the Port Macquarie-Hastings Council's area in the Joint Organisation's area.*
- 3) *That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:*
 - *Kempsey Shire Council;*
 - *Nambucca Shire Council;*
 - *Bellingen Shire Council;*
 - *Coffs Harbour City Council;*
 - *Clarence Valley Council*
- 4) *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
 - a) *With a copy of this resolution including the date on which Council made this resolution; and*
 - b) *Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.*
- 5) *That Council will provide no financial guarantee to the Joint Organisation, nor will it accept any liability for decisions made and/or debts incurred.*

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- 6) *To request the Joint Organisation consider the following points in the determination of its charter:*
 - a) *That decision making occurs via consensus and that a dispute resolution mechanism be included;*
 - b) *That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden;*
 - c) *That the purpose and core functions of the Joint Organisation be limited to the following functions, with all other functions to be decided on a case by-case basis:*
 - i) *Strategic planning and regional priority setting;*
 - ii) *Intergovernmental collaboration and*
 - iii) *Regional leadership and advocacy*
- 7) *That any requests for financial contribution to be decided by Council resolution.*
- 8) *That agendas for meetings of the Joint Organisation be provided to PMHC Councillors prior to the meetings, and that all official business of the Joint Organisation be reported to a subsequent Ordinary Meeting of Council, including agendas, reports, and minutes of meetings.*
- 9) *That Council's decision to participate in the Joint Organisation be reviewed against the stated goals of additional investment to the region, and substantial benefit and significant cost savings to Councils, within 24 months of the commencement of the Joint Organisation.*

CARRIED: 7/2

FOR: *Alley, Dixon, Griffiths, Intemann, Levido, Pinson and Turner*AGAINST: *Cusato and Hawkins*

Subsequent to the above Council resolution, Joint Organisations (JOs) in NSW were proclaimed by the Governor of NSW on 9 May 2018. The MNCJO was proclaimed as including Port Macquarie-Hastings Council (PMHC), Kempsey Shire Council (KSC) and Bellingen Shire Council (BSC), with the first MNCJO Board meeting held on 13 June 2018.

This report deals specifically with Resolution 8 detailed above in relation to providing MNCJO Board agendas, reports and minutes of meetings to Council. To this end, a report was tabled at the 19 September 2018 Council meeting detailing amongst other things, the agenda and minutes of the 13 June 2018 and 17 August 2018 MNCJO Board meetings. It is acknowledged that since September 2018 regular reporting to Council on the agendas, reports and minutes of MNCJO Board meetings has not occurred on a regular basis as required by Resolution 8 listed above, however this report provides the following MNCJO Board meeting papers by way of update:

- MNCJO Board Agenda & Minutes - 5 October 2018
- MNCJO Board Agenda & Minutes - 5 December 2018
- MNCJO Board Agenda & Minutes - 24 January 2019
- MNCJO Board Agenda & Minutes - 1 February 2019
- MNCJO Board Agenda & Minutes - 5 April 2019
- MNCJO Board Agenda & Minutes - 12 June 2019
- MNCJO Board Agenda & Minutes - 9 August 2019

All of the above mentioned agendas and minutes are attached to this report for information.

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It should also be noted that all MNCJO Board agenda's and minutes are loaded onto Councils electronic document management system that is accessible to all Councillors.

By way of summary, since the proclamation of the MNCJO, the member Councils of the MNCJO have worked hard in building collaborative networks with strategic partners, such as Destination NSW, the Office of Emergency Management and Transport for NSW, plus there has been a concerted effort to investigate opportunities for regional collaborations. Some of the key achievements to date are:

- Development of the MNCJO Statement of Strategic Regional Priorities (SSRP).
- Development of the MNCJO Timber Bridge Renewal Prospectus for the purpose of seeking just over \$10 million funding from the NSW government over 3 years, to be matched by the member Councils.

This is an important initiative due to the fact that the 3 x member Councils of the MNCJO have 15% of the States ageing timber bridges between them. If the above-mentioned funding can be achieved, then 91 timber bridges will be upgraded across the 3 x Councils, which represents 42% of the total number of timber bridges across the member Councils.

This project has caught the interest of the Minister for Regional Roads & Transport, the Hon. Paul Toole MP and a meeting was recently held with senior representatives from Transport for NSW and the MNCJO in relation to this project.

- A works program workshop was recently held between all three member Councils, with General Managers, relevant Directors and Managers present to discuss and explore possible synergies and opportunities for collaborative efforts on Water, Sewerage and Road projects.
- The establishment of a network of Environmental staff across the MNCJO membership who are working towards identifying collaborative sustainability initiatives.
- The commissioning of the Centre for Local Government (CLG) at the University of Technology Sydney to design and conduct social research across the Mid-North Coast Region to find out what matters most to our individual communities, and equally, what matters across the region. This project was known as Why Local Government Matters and was reported to the 17 July 2019 Council meeting. The information gathered through this research is now being used by the member Councils to inform community planning and the suite of documents related to the integrated planning and reporting framework.
- The establishment of the Koala Recovery Partnership which seeks to improve koala conservation across the Hastings-Macleay Region by engaging with landholders, the community, research groups and government sectors to achieve better on-ground outcomes and on-going viability for the iconic and important koala species. The Partnership is a joint venture under the MNCJO, with \$450,000 in funding from the NSW Government's Saving Our Species Program, along with funding from the Port Macquarie Koala Hospital and Port Macquarie-Hastings and Kempsey Councils. The Partnership conducts a variety of educational, scientific and on-ground projects that will contribute to protecting koalas and their habitat across the Hastings-Macleay Region.

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Importantly, the Partnership includes the funding of a Koala Recovery Ecologist to deliver the program over the next three years, with the Ecologist being a fixed term employee of the MNCJO.

- Discussions are continuing with the Office of Emergency Management in relation to a Regional Disaster Preparedness program, which will see a Regional Disaster Preparedness Officer place on the north coast for two years, along with a level of project funding for disaster preparedness related projects. This initiative will likely be driven by the MNCJO and include other Councils along the mid and north coasts of NSW. Final plans are currently being put in place in relation to this project, noting that this aligns with a key project in the MNCJO SSRP, around developing programs relating to community resilience.
- An MNCJO web site has now been established, which includes copies of all business papers relating to the MNCJO, all of which are available to the public.
- Following the PMHC General Manager acting as the MNCJO Executive Officer from October 2018 to June 2019, a new part time Executive Officer was appointed in April 2019, with commencement in mid-June 2019.
- Active involvement with a range of State agencies as part of the Department of Planning, Industry & Environment (DPIE) Regional Leadership Executive Meetings.
- Planning is currently underway for a Mid North Coast and Northern Rivers Joint Organisation expo to take place in Parliament House, Sydney in early 2020. This is likely to showcase local food and businesses, however plans are still in their infancy.

As demonstrated above, there have been a range of key initiatives undertaken and commenced since the proclamation of the MNCJO, however the issue of ongoing operational funding for all JO's is a topic of much conversation across NSW. Apart from the initial funding of \$300,000 granted to each JO for the initial set up etc, there has been no other ongoing operational funding made available to the JO's from the NSW government.

Having said the above, the NSW government recently announced project funding of \$150,000 per JO for projects that can demonstrate the ongoing capacity and financial sustainability of each JO. Details of which project the MNCJO will put forward under this funding program are still to be finalised and will be presented to the October 2019 MNCJO Board meeting for consideration. Whilst this funding is not ongoing operational funding, it is considered a positive step by the government in relation to assisting the JOs to become more financially viable.

The other issue of interest is that the MNJCO has continued to advocate for there to be no more JO's proclaimed along the mid north coast. This is on the back of the fact that Coffs Harbour City Council, Nambucca Shire Council and Clarence Valley Council have chosen not to join the MNCJO, but rather have been advocating to form a new northern mid north coast JO. The position of the MNCJO has always been that a JO of 6 x member Councils as opposed to the current 3 x member Councils, would be more financially sustainable and viable into the future.

In a recent letter from the NSW Minister for Local Government, the Hon. Shelley Hancock MP, the Minister stated that there will be no more JO's formed on the mid

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north coast of NSW and encouraged Councils interested in forming a JO to consider joining the MNCJO. A copy of the Ministers letter is attached for information.

The MNJCO continues to work through a range of issues, projects and initiatives in an effort to bring value to the member Councils. As per the above-mentioned Council resolution from the 21 March 2018 Council meeting (in particular Resolution 9), a review of the MNCJO against the stated goals of the JO will be undertaken within 24 months of the commencement of the MNCJO. As the MNCJO commenced in June 2018, this review will take place in the first half of calendar year 2020.

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Community Engagement & Internal Consultation

There has been no community engagement or internal consultation in relation to this report.

Planning & Policy Implications

There are no direct planning and / or policy implications in relation to this report.

Financial & Economic Implications

There are no direct financial and / or economic implications in relation to this report.

For interest, from 9 May 2018 to 30 June 2019 (with 9 May being the proclamation of the MNCJO), the net operating result for the MNCJO is \$319,057, noting that this is a draft result with audit for the 2018-2019 financial year yet to be finalised. For your interest and information, an extract of the draft financial statements is included in the attachment titled *MNCJO - 2018-2019 DRAFT Financials Extract*.

Attachments

1. MNCJO Board Agenda & Minutes - 5 October 2018
2. MNCJO Board Agenda & Minutes - 5 December 2018
3. MNCJO Board Agenda & Minutes - 1 February 2019
4. MNCJO Board Agenda & Minutes - 24 January 2019
5. MNCJO Board Agenda & Minutes - 5 April 2019
6. MNCJO Board Agenda & Minutes - 12 June 2019
7. MNCJO Board Agenda & Minutes - 9 August 2019
8. Letter - Minister Hancock to the MNCJO - 19 September 2019
9. MNCJO - 2018-2019 DRAFT Financials Extract



PORT MACQUARIE-HASTINGS COUNCIL

Port Macquarie-Hastings Council Council Resolutions from previous Mid North Coast Joint Organisation Council Reports:

18 July 2018

09.01 RESIGNATION FROM THE MID NORTH COAST REGIONAL ORGANISATION OF COUNCILS (MIDROC)

RESOLVED: Intemann/Hawkins

That Council:

- 1) Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).*
- 2) Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to a reserve, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.*

CARRIED: 8/1

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Turner

19 September 2018

09.07 MID NORTH COAST JOINT ORGANISATION UPDATE

RESOLVED: Alley/Turner

That Council:

- 1) Note the information contained in the Mid North Coast Joint Organisation Update report.*
- 2) Give approval to the General Manager to become the Interim Executive Officer of the Mid North Coast Joint Organisation until such time as a permanent Executive Officer is recruited, by no later than 14 June 2019.*
- 3) Approve reimbursement of expenses for Councillors attending meetings of the Mid North Coast Joint Organisation.*

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil



PORT MACQUARIE-HASTINGS COUNCIL

20 February 2019

09.02 MID NORTH COAST JOINT ORGANISATION FINANCIAL STATEMENT

RESOLVED: Alley/Levido

That Council note the information contained in this Mid North Coast Joint Organisation financial statement report.

CARRIED: 5/2

FOR: Alley, Dixon, Intemann, Levido and Turner

AGAINST: Cusato and Hawkins

16 October 2019

10.03 MID NORTH COAST JOINT ORGANISATION UPDATE

RESOLVED: Intemann/Alley

That Council:

- 1) Note the information provided in this Mid North Coast Joint Organisation Update report.*
- 2) Congratulate the General Manager for his progressive work towards regional collaboration through the Mid North Coast Joint Organisation.*

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Mid North Coast Joint Organisation

Statement of Strategic Priorities 2018

What is the Mid North Coast Joint Organisation?

The Mid North Coast Joint Organisation (MNCJO) represents a new way for its member councils to work together for the benefit of the region. Created in 2018, the MNCJO has three members:

- Bellingen Shire Council
- Kempsey Shire Council
- Port Macquarie-Hastings Council

Together the councils cover an area of 8,658 square kilometres and a population of approximately 121,000 people.

Joint Organisations (JOs) were created in NSW following changes to the *Local Government Act 1993* (NSW) in late 2017 and represent a different approach for local councils to work strategically with the NSW Government. The MNCJO is one of the 11 JOs across the state. The NSW Government has allocated \$3.3 million to support the establishment of JOs, of which \$300,000 is being provided to MNCJO.

The MNCJO's primary role is to support a shared approach to the vision and long term development of the Mid North Coast region. It builds on previous work undertaken by the councils as members of the former Mid North Coast Regional Organisation of Councils.

The MNCJO is overseen by a Board comprising the Mayors from each member Council, the three General Managers and the Regional Director, Department of Premier & Cabinet, North Coast. The Mayor of Kempsey Shire Council, Liz Campbell, has been elected as the inaugural Chair of the MNCJO and the Mayor of Bellingen Shire Council, Dominic King, is the inaugural Deputy Chair. The term of Chair and Deputy Chair is two years.

What is the timing for this plan?

The development of this Statement of Regional Priorities (Statement) is one of the first tasks for the JO to complete. For the two years from September 2018 to September 2020 the MNCJO will operate under the current local government term of office. From September 2020, a new 4 year term of local government will come into effect, with the JO Chair elected for a two year term.

What was the process for preparing this plan?

This Statement has been developed through a mix of research and consultation. A wide range of relevant documents including regional plans and regional economic development strategies from member councils were reviewed and a workshop of the MNCJO Board was held in September 2018. The Statement has been reviewed and updated throughout these steps.

When will this plan be reviewed?

This Statement will be reviewed annually and more comprehensively at the commencement of new terms of office for the Board.

Vision for the Mid North Coast region

The MNCJO vision is to help create a vibrant, sustainable region underpinned by economic growth and a commitment to the social and environmental wellbeing of its communities.

Mission statement

To set priorities, lead and advocate for the Mid North Coast region and work collaboratively with the community, government and non-government organisations and business to achieve them.

Functions

The core functions of the MNCJO are:

- **Strategic planning and priority setting** – based on robust processes for identifying regional goals, with the flexibility to respond to changing priorities and needs of member councils as required
- **Intergovernmental collaboration** – building effective working relationships with other JOs, councils and the NSW and Australian Governments
- **Regional leadership and advocacy** – creating a shared purpose and strategic direction for the region; and a commitment to constructive and cooperative implementation by all member councils
- **Building efficient and effective councils** – by examining opportunities for shared services and capacity building across the region.

Guiding principles

- Decisions are made with a whole of region focus
- Flexibility to respond to changing priorities and community needs
- Accountability to members and their communities of interest
- Commitment to collaboration and good working relationships
- Clear communication between members and other stakeholders
- Commitment to make MNCJO work effectively and efficiently
- Evaluation and reporting to ensure targeted outputs and outcomes
- Strong governance, with robust processes, accountability and transparent decision-making

Strategic goals and actions

This Statement builds on the Strategic Plan (Plan) that was prepared in 2017, when the MNCJO Councils were members of the Mid North Coast Regional Organisation of Councils (MIDROC). This Statement contains six strategic goals (which relate to the social, environmental, economic, infrastructure, governance and advocacy goals for the region), linked to a number of high level actions and more specific individual activities under each strategic goal. The key partners and regional documents are also set out below. In addition to the regional documents noted below, there are also a large number of relevant documents prepared by each member council, including Community Strategic Plans, Local Environmental Plans and a wide range of strategies, plans and policies that complement those reports.

1. Social, health and wellness

Goal: an active, healthy, resilient and safe community

Key partners:

- NSW Department of Premier and Cabinet
- NSW Department of Education
- NSW Department of Family and Community Services
- NSW Department of Planning and Environment

- NSW Health and Mid North Coast Local Health District
- NSW Land and Housing Corporation
- NSW Department of Primary Industries
- Australian Department of Human Services
- Australian Department of Social Services

Key regional documents:

- NSW Ageing Strategy 2016-2020
- Community Strategic Plans
- North Coast Regional Plan

No	High level actions	Activities	Functional Area
1.1	Provide regional facilities and services for recreation, sports, arts and culture within the context of a changing population	Develop a regional social infrastructure plan	Planning
1.2	Build capacity in the regional community to deal with severe weather events and natural disasters	Community Resilience project – Educate and prepare communities for disaster events and climate change. Possible funding sources Office of Emergency Management – Community Resilience Innovation Program.	Leadership
1.3	Plan for the regional impact of ageing populations on health services, accessible and affordable housing and employment	Accommodation and Ageing Population project – MNCJO to partner with universities, NSW Health, private providers to advocate for the development of innovative products and services to support an ageing population.	Collaboration

2. Environment			
Goal: enhance natural and cultural heritage			
Key partners: <ul style="list-style-type: none"> Local Aboriginal Land Councils NSW Department of Primary Industries NSW Department of Planning and Environment NSW Environmental Protection Authority NSW Office of Environment and 		<ul style="list-style-type: none"> Heritage North Coast Local Land Services Key regional documents: <ul style="list-style-type: none"> North Coast Regional Plan Community Strategic Plans State Environmental Planning Policy 44 – Koala Habitat Protection Department of Industry Renewable 	
		<ul style="list-style-type: none"> Energy Action Plan 2013 NSW Floodplain Development Manual: the management of flood liable land 2005 	
No	High level actions	Activities	Functional Area
2.1	Plan for the regional impact of climate change on the community, environment, economy and council services	Renewable Energy Project – Investigate renewable sources of energy which could be supplied on a regional / local network. May require consultancy resources to identify projects and possible funding sources.	Planning / research
		Community Resilience Project – See above (Social goals).	Leadership
		Develop regional coastal management plan	Planning
2.2	Preserve strategic biodiversity and identify land with high environmental value and biodiversity corridors across the region	Develop a biodiversity and wildlife corridor plan	Planning
		Joint Organisation Bio-bank project – OLG to investigate possible approaches.	Collaboration
		Petroleum Underground Storage Sites – Source funding from EPA for resources to facilitate council remediation activities. Build on “Contaminated Lands” project.	Leadership / Service Delivery
		Koala Recovery Project – Approach OEH to expand the project proposed for Port Macquarie-Hastings Council and Kempsey Shire Council to include Bellingen Shire Council	Leadership / Collaboration
2.3	Identify and protect areas and sites of Indigenous cultural heritage	Map indigenous cultural heritage across the region	Leadership
3. Economy			
Goal: a diverse and robust economy which strengthens existing and creates new industries and educational opportunities			
Key partners: <ul style="list-style-type: none"> Regional Development Australia – Mid North Coast NSW Department of Planning and Environment NSW Department of Industry NSW Department of Premier and Cabinet NSW Office of Local Government Property Council Urban Development Institute of Australia 		<ul style="list-style-type: none"> North Coast Local Land Services TAFE NSW Schools and Early Education Centres Australian Department of Defence Key regional documents: <ul style="list-style-type: none"> Community Strategic Plans Hastings Macleay Regional Economic Development Strategy 2018-2022 Bellingen Shire Council Economic 	
		<ul style="list-style-type: none"> Development and Tourism Plan 2015-2020 A 20-Year Economic Vision for Regional NSW MIDROC Strategic Plan 2017 North Coast Regional Plan 2036 Mid North Coast SMART Region Strategy NSW Regional Development Framework 	
No	High level actions	Activities	Functional Area
3.1	Assess the availability of land across the region for different purposes and instigate cross-council planning where land is scarce/unavailable for a specific purpose	Develop a regional land use plan for housing, employment and infrastructure in a region of high value environmental and agricultural land	Planning
3.2	Assess the potential for non-competing (for industry and workforce) “centres of excellence” in different local government areas	Develop a Smart Region Strategy	Planning
3.3	Continue to support industries which deliver food security for the region and support a focus on agriculture and agriculture-related industries	Explore energy and water innovation in agriculture	Planning / research
3.4	Continue to support tourism as a main regional industry and explore options to ‘keep tourists in the region’ for longer	Intergovernmental coordination – decentralisation	Collaboration
		Ensure Destination Management Plans incorporate indigenous tourism, accessible & inclusive tourism and experience tourism.	Planning
3.5	Identify local and regional employment opportunities and train people (existing workers and people entering the workforce) for growth sectors and the jobs of the future	Advanced Manufacturing strategy – explore options to increase advanced manufacturing capabilities and capitalise on defence supply chains to open this up for innovation and employment in the region.	Planning / research
		Local Government Skills Strategy – Identify current and future resourcing options across the JO. Look particularly into the role of apprentices, boosting indigenous workforce participation and consider Skills Tasmania as an example of a local government skills strategy	Planning
		Develop regional workforce plans	Planning

4. Infrastructure			
Goal: vibrant, connected cities and centres			
Key partners: <ul style="list-style-type: none"> Regional Development Australia – Mid North Coast NSW NSW Department of Planning and Environment NSW Department of Industry Transport for NSW Property Council Urban Development Institute of Australia North Coast Local Land Services 		Key regional documents: <ul style="list-style-type: none"> Infrastructure NSW Roads & Maritime Services Community Strategic Plans Hastings Macleay Regional Economic Development Strategy 2018-2022 Bellingen Shire Council Economic Development and Tourism Plan 2015-2020 A 20-Year Economic Vision for Regional NSW Strategic Plan for Joint Organisation Mid North Coast Councils 2017 North Coast Regional Plan 2036 NSW Regional Development Framework Mid North Coast SMART Region Strategy 	
No	High level actions	Activities	Functional Area
4.1	Support the roll-out of reliable telecommunications and internet access across the region	Future-focused internet project – explore options for establishing a self-sufficient internet network in the Mid North Coast to remove reliance on the NBN – look at Kangaroo Valley Broadband Network crowdfunding internet campaign for an example of options.	Planning
4.2	Restore and renew regional roads and bridges	Joint Organisation Bridges project:	Leadership / Service Delivery
		a) List priority bridges for a \$20m project - \$10m grant matched by member councils. JO councils to finalise the list with Bellingen Shire Council	
		b) Present how these will contextually make a difference	
		c) Present an immediate start program	
		Develop a regional road and bridges hierarchy and support funding applications	Planning
4.3	Design and create safe public places and preserve the unique regional/local character of cities, towns and villages	Conduct review of existing tourism infrastructure to ascertain possible improvements to increase time spent in the region	Planning
4.4	Develop good regional and inter-regional transport connections by road and rail	Explore alternative transport options to improve connectivity in the region – eg: motorised pushbikes, scooters, increased bus services, driverless buses	Planning / research
		Ensure funding for the regions' airport developments	Service Delivery
4.5	Improve marine infrastructure to boost local economy	Investigate appropriate marine infrastructure across the area.	Research

5. Regional leadership			
Goal: effective and efficient governance and regional leadership			
Key partners: <ul style="list-style-type: none"> NSW Office of Local Government NSW Department of Premier and Cabinet Other Joint Organisations Local Government NSW & Local 		Key regional documents: <ul style="list-style-type: none"> Government Procurement NSW Local Government Professionals NSW Community Strategic Plans MNCJO Charter North Coast Regional Plan Funding agreements Policy documents 	
No	High level actions	Activities	Functional Area
5.1	Drive local government sustainability	Establish MNCJO as an entity	Planning
		Develop Strategic Plan	Planning
		Investigate opportunities for regional shared services and projects	Planning
		Develop a communications plan to effectively engage stakeholders, including the regional community	Planning
		Develop a stakeholder engagement plan to ensure all key stakeholders are identified and activated to achieve priority actions	Planning
5.2	Represent the needs of the regional community to other levels of government and to non-government organisations	Prioritise relationship-building with State and local government	Collaboration

6. Advocacy			
Goal: effective relationships with NSW and federal governments to ensure the long term sustainability of local government in the region			
Key partners: <ul style="list-style-type: none"> NSW Office of Local Government NSW Department of Premier and Cabinet Other Joint Organisations Local Government NSW & Local Government Procurement NSW Local Government Professionals NSW 		Key regional documents: <ul style="list-style-type: none"> Australian Department of Infrastructure and Regional Development Australian Department of the Environment and Energy Australian Department of Social Services Australian Department of Human Services MNCJO Charter Community Strategic Plans North Coast Regional Plan Funding agreements Policy documents 	
No	High level actions	Activities	Functional Area
6.1	Effectively work with state and federal governments to ensure resources are available for the Mid North Coast	Advocate for FAG Grants redistribution to regional and rural councils	Resourcing
		Establish equitable handover arrangements for old Pacific Highway and bridges	Resourcing
		Smart towns – fund equitable NBN roll-out to MNC communities	Resourcing
		Advocate for resources for Natural Disaster Recovery Arrangements	Resourcing
		Advocate for indexation of stormwater levy charges	Resourcing
		Advocate for Rural Fire Service – Service Level Agreements	Resourcing

Financial Summary (MNCJO project to date) - MNCJO Income and Expenditure			
REPORTING PERIOD:	MNCJO start date to 30/6/19	1/7/19 to 17/4/20	Total life of MNCJO
INCOME	Opening Balance	Net Activity	Closing Balance
Grant Income - MNCJO Establishment	\$300,000.00	\$0.00	\$300,000.00
Grant Income - MNCJO Capacity Building Funding	\$0.00	\$150,000.00	\$150,000.00
Interest from Bank Account	\$442.07	\$213.20	\$655.27
TOTAL INCOME	\$300,442.07	\$150,213.20	\$450,655.27
EXPENDITURE	Opening Balance	Net Activity	Closing Balance
Audit & Insurance	\$0.00	\$6,500.00	\$6,500.00
Governance	\$0.00	\$3,669.33	\$3,669.33
NSWJO Chairs Forum	\$0.00	\$1,275.69	\$1,275.69
MNCJO Board - Meeting Costs	\$3,507.19	\$4,225.29	\$7,732.48
MNCJO Board - Sitting Fees	\$0.00	\$2,750.00	\$2,750.00
MNCJO Hosted Forums	\$0.00	\$497.83	\$497.83
Salary & Overheads	\$5,192.34	\$80,402.26	\$85,594.60
Office Expenses	\$30,459.47	\$5,083.40	\$35,542.87
Social Research	\$95,224.28	\$30,000.00	\$125,224.28
TOTAL EXPENDITURE	\$134,383.28	\$134,403.80	\$268,787.08
NET RESULT	\$166,058.79	\$15,809.40	\$181,868.19

Note: Amounts reported are ALL GST exclusive



20 April 2020

The Hon. Shelley Hancock MP
Minister for Local Government

By Web

Dear Minister Hancock,

Firstly, let me thank you and the NSW government for the way in which you have approached the management of the current pandemic. We appreciate the efforts the government, yourself and the Office of Local Government have gone to, to assist local government during this difficult time.

Secondly, whilst the timing of this letter is not necessarily ideal in relation to the issues that the Mid North Coast Joint Organisation (MNCJO) member Councils and the NSW government are currently dealing with, I must bring to your urgent attention, the urgent issue of the financial sustainability of the MNCJO.

I have previously written about the long term financial sustainability of the MNCJO, with broader Joint Organisation (JO) financial sustainability issues being discussed at many of the JO Chairs and Executive Officers (EO) meetings. I appreciate that with your support, there is now in place the NSW Joint Organisation Advisory Committee (JOAC), which has been tasked with exploring ways in which JO's may be able to become financially sustainable. At the time of writing this letter, I am not aware of when the JOAC will next meet, noting the discussion paper that was released in March 2020 for comment by each JO.

Whilst the work of the JOAC to date is to be applauded and may well result in an improved model for the financial sustainability of JO's being agreed to into the future, the financial situation for the MNCJO is now dire. We recently terminated our part time EO in an effort to preserve the limited funds left to manage the day to day operations of the MNCJO. One of the MNCJO member Council General Managers will now take on the role of the EO, at no cost to the MNCJO, in an effort to ensure that the MNCJO can continue to operate for the time being.

As is well documented, the NSW government established JO's to undertake functions to achieve strategic regional priorities and inter-governmental relations. However, apart from the initial investment of \$300,000 per JO provided in 2018, there has been no funding forthcoming from the NSW government to JO's to assist in delivering on these key functions.

It is acknowledged that the NSW government never committed to funding the ongoing operation of JO's when JO's were initially established, however it was clearly the hope of many Councils and certainly the hope of the MNCJO that the government would review this position in light of the fact that it was the NSW government who promoted the JO's as a new way of working regionally with the government. If JO's are to be seen as a 'joint venture' between the NSW government and local government, then resourcing needs to be allocated to enable the regions to pursue the core JO functions and the ongoing operations of the JO's.

At an extraordinary meeting of the MNCJO Board held on Wednesday 15 April 2020, the Board resolved (amongst other things) that in light of the current financial position of the MNCJO, I write to you and to the Deputy Secretary, Local Government, Planning & Policy, requesting additional

mncjo

Mid North Coast
Joint Organisation

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0407 069 592

operational funding of \$150,000 for the MNCJO, hence this letter to you. In order for the MNCJO to continue to operate, we require this injection of funds urgently, otherwise each MNCJO member Council will be required to table a report at upcoming meetings of their Council's, detailing the current financial state of the MNCJO and that of course may well put the future of the MNCJO in jeopardy. At the time of writing this letter, the MNCJO only has enough funds to take us to the end of the current financial year, hence the urgency around our request for operational funding.

As one of the smallest JO's with only three members, the MNCJO Board has always been concerned about whether we could be financially viable into the future, particularly once the initial allocation of \$300,000 was expended. Whilst the MNCJO has developed a range of projects that are at various stages of delivery, none of these projects or the funding attached to them will provide ongoing operational funding to the MNCJO. We really do appreciate the recent receipt of \$150,000 as part of the Capacity Building fund, however it is project specific and is not able to be used now for ongoing operational purposes.

All member Councils of the MNCJO have worked tirelessly to ensure the success of the MNCJO and we would be extremely disappointed if the efforts to date were in vain. We implore you to give urgent consideration to our request for \$150,000 in operational funding so that the MNCJO can continue to operate, whilst we continue to search for ways in which the MNCJO may be able to become financially sustainable into the future.

Thank you in advance for taking the time to read this letter. I am more than happy to discuss this further with you at your convenience. I can be contacted via email at liz.campbell@kempsey.nsw.gov.au or on 6566 3224.

I look forward to speaking with you soon.

Yours sincerely

Mayor Liz Campbell
Chair
Mid North Coast Joint Organisation

Commonwealth Bushfire Disaster Recovery Fund \$1,416,667

Project Number	Expenditure	Project Owner	Project
DRF1	\$ 120,000	PMHC	Temporary Community Recovery Officer position
DRF2	\$ 50,000	PMHC	Staff Resilience training /workshops
DRF3	\$ 45,000	PMHC	Emergency Operations Centre Port Macquarie - upgrade Communications, telephone, printing, smart projectors
DRF4	\$ 60,000	PMHC	Community celebration for the RFS and all volunteer services on Town Green or Westport Park
DRF5	\$ 100,000	PMHC	Marketing campaign / tourism / business
DRF6	\$ 300,000	Wauchope Showground	Wauchope Showground \$90k new amenity Block, \$210k contribution towards new stables
DRF7	\$ 45,000	Bunyah Local Aboriginal Land Council	Bunyah and State Forests develop 10 person Aboriginal Cultural burning team - training program, PPE, chainsaws, mowers look after LALC properties
DRF8	\$ 45,000	Birpai Local Aboriginal Land Council	\$38k for upgrade to Community Shed - ceiling fans, awning over footpath to bathrooms, external lighting, screening of outdoor area to keep out mozzies. \$7k repairing of cooktop and rewiring outdoor kitchen.
DRF9	\$ 50,000	Kendall Showground	Kendall Showground upgrade toilet amenities, refurbish kitchen with commercial stove, fridge and preparedness as evacuation centre
DRF10	\$ 20,000	Port Macquarie Chamber of Commerce	Awareness Video / showcase business, local producers, buy local
DRF11	\$ 8,200	Rollands Plains Community Association	Procurement and installation of equipment to aid in emergency situations for the RP Recreational Reserve: 2 door commercial fridge, gas upright stove and range hood.
DRF12	\$ 10,000	Long Flat Community & Council Action Team (PMHC)	Facilities at the Long Flat Football ground to accommodate a Fire truck entry with water tank to fill RFS trucks for future emergencies.
DRF13	\$ 50,000	Long Flat Hall & pre-school	Long Flat Hall and preschool - install stand alone accessible (disability) toilet and linking path, ramp to hall (has steps)

Project Number	Expenditure	Project Owner	Project
DRF14	\$ 10,000	Long Flat Hall & pre-school with PMHC	Long Flat Hall and preschool -link to new sewerage connection
DRF15	\$ 8,000	Telegraph Point Hall	Telegraph Point Hall - connection to new sewerage system / waiver of connection fee
DRF16	\$ 10,000	Comboyne Hall - with PMHC	Sewer-connect
DRF17	\$ 10,000	Comboyne Museum	Comboyne Museum Hurrell House - sewer connection for new toilet amenities - for future evacuation site for caravans, RV's etc
DRF18	\$ 45,000	PMHC	Covid Community in Recovery
DRF19	\$ 150,000	PMHC	Erosion and sediment control. Temporary/short term control measures in fire affected landscapes where sufficient ground cover to suppress erosion and soil loss no longer exists. road side cuttings etc.
DRF20	\$ 20,000	Beechwood Hall - with PMHC	Hall improvements
DRF21	\$ 20,000	Byabarra Hall	Water tank, pump, hall improvement/activity
DRF22	\$ 20,000	Comboyne Hall	Water tank, pump, hall improvement/activity
DRF23	\$ 20,000	Ellenborough Hall	Water tank, pump, hall improvement/activity
DRF24	\$ 40,000	Hollisdale (Pappinbarra) Hall	Water tank, pump, hall improvement/activity
DRF25	\$ 20,000	Kindee Hall	Hall - disability accessible toilet
DRF26	\$ 20,000	Lake Cathie Hall - with PMHC	Lake Cathie Hall Water tank, pump, hall improvement/activity
DRF27	\$ 20,000	Laurieton Arts Hall / Longworth Park with PMHC	Laurieton Arts Hall / Longworth Park Water tank, pump, hall improvement/activity
DRF28	\$ 20,000	Pembroke Hall - with PMHC	Pembroke Toilet amenities remediation

Project Number	Expenditure	Project Owner	Project
DRF29	\$ 20,000	Rolands Plains Hall	Water tank, pump, hall improvement/activity
DRF30	\$ 20,000	Telegraph Point Hall	Water tank, pump, hall improvement/activity
DRF31	\$ 40,000	Belangry Community & Council Action Team with PMHC	Re-instatement of RFS brigade and shed / Community meeting place at Bellangary
DRF32	\$ 467	Long Flat	COMPLETED. Contractor JR Richards to remove rubbish and rubbish bins left from stranded travellers due to bushfire road closures
\$ 1,416,667 TOTAL			

NSW Bushfire Community Resilience and Economic Recovery Fund \$250k

Project	Estimated cost	Project Owner	Proposed description of Activities
BCRER 01	\$ 20,000.00	PMHC	Small business workshop series - future proofing your business; 'how to get through winter', cashflow management, x 5 townships
BCRER02	\$ 10,000.00	PMHC	3 x Expos - our region is open for business. Purchase of collateral for exhibitor stall including 3mx2m promotional banner, investment attraction brochures, satchel inserts. Council stall when Expo's are open. New for PMHC - NDIS State Conferences NSW and Qld satchel insert tailored investment attraction, New for PMHC Exhibiting at Sydney Build Expo (now 2021), new for PMHC Exhibiting at Advanced Manufacturing Exhibition (now 2021)
BCRER 03	\$ 70,000.00	PMHC	Winter Destination marketing campaign, promote upcoming events - visitors to come to the region, 'holiday here', expanded marketing. Motorcycle Friendly ride guide updated, print and distribution - bushfire affected roads now open.
BCRER 04	\$ 20,000.00	Camden Haven Chamber of Commerce	"Our way to recover" video and print content development and education campaign. Engage a journalist and videographer to interview Camden Haven farmers to showcase four different styles of farming, their land, their techniques, their property, their product, and where and how residents and businesses can access it.
BCRER 05	\$ 30,000.00	Camden Haven Chamber of Commerce	Camden Haven River Festival - new event. Art, artists, local providers, outdoor hubs of entertainment / installations along the river banks, flotilla.
BCRER 06	\$ 10,000.00	Wauchope Chamber of Commerce	Creative Wauchope 'Social-Distancing Festival'. Art and craft tutors deliver online workshops, outdoor art installations in Bain Park Wauchope
BCRER 07	\$ 20,000.00	Wauchope Chamber of Commerce	"Our way to recover" video and print content development and education campaign.
BCRER 08	\$ 25,000.00	PMHC	Community Resilience Workshops run in conjunction with Lifeline Australia / Mental Health First Aid
BCRER 09	\$ 20,000.00	PMHC	Community and Council Action teams at Regional Halls and Townships - series of small community in recovery initiatives (approx 10)
BCRER 10	\$ 25,000.00	PMHC	Support Local Business Video campaign. Videographer short and vibrant profiles of business for FB, social media
	\$ 250,000.00		TOTAL

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

- Community hubs that provide access to services and social connections
- A safe, caring and connected community
- A healthy and active community that is supported by recreational infrastructure
- A strong community that is able to identify and address social issues
- Community participation in events, programs, festivals and activities

How we will get there

- 2.1 Create a community that feels safe
- 2.2 Advocate for social inclusion and fairness
- 2.3 Provide quality programs, community facilities and public spaces, for example, community halls, parks and vibrant town centres
- 2.4 Empower the community through encouraging active involvement in projects, volunteering and events
- 2.5 Promote a creative and culturally rich community

<p>07 MAYOR'S SPORTING FUND - APPLICATIONS RECEIVED</p>	<p>CONSENSUS:</p> <ol style="list-style-type: none">1. That Phoebe Bentley be allocated the amount of \$350.00 to assist with the expenses she would have incurred travelling to and competing at the NSW Swimming Championships held at Sydney Olympic Park, Homebush from 13 - 15 March 2020 inclusive.2. That the Committee members note the verbal advice provided by Council's representative that a second application to attend the 2020 Georgina Hope Foundation (GHF) Australian Age Swimming Championships had been received from Phoebe. Unfortunately this application has now been withdrawn as latest advice received from the applicant is that the GHF Australian Age Championships due to be held in Western Australia in April has now been cancelled due to the COVID-19 concerns.
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PORT MACQUARIE-HASTINGS
COUNCIL

Community Inclusion Plan 2020 - 2021



Acknowledgement Of Country

Port Macquarie-Hastings Council acknowledges the Birpai people as the traditional custodians of the lands within its local government boundaries. We would like to acknowledge Elders both past and present, and extend that respect to all Aboriginal and Torres Strait Islander people.



Council's Vision

A sustainable high quality of life for all.

Community Inclusion Plan

Help us build a stronger community

Port Macquarie-Hastings Council (PMHC) values and respects our diverse community. We value the range of identities, perspectives, lived experiences and lifestyles that Port Macquarie-Hastings people share and contribute to the wider community.

Council recognise that we have a role in promoting and facilitating active community participation and working with other levels of government and community organisations to help reduce disadvantage, strengthen community well-being and celebrate diversity in our community.

To help do this, Council has created this Community Inclusion Plan (CIP), which sets out Council's objectives, and proposed plan of action to help develop a socially just, resilient, connected, inclusive, livable and engaged community - a community that respects the rights of all people and encourages self-determination and equity. The CIP is a document that aims to guide a sustainable future from the grass roots, taking on a balanced approach to the region's environmental, social, cultural and economic factors, ensuring better outcomes for a cohesive and adaptable community.

The CIP has a focus on young people, seniors, Aboriginal & Torres Strait Islander people, volunteers, those with a disability and people from diverse backgrounds and cultures.

Council has engaged widely with the community in the development of the CIP and the feedback provided clear guidance on areas for action to strengthen the social wellbeing and inclusiveness of our community. We also looked at key trends in social issues that are occurring across Australia and benchmarked ourselves against other regions of a similar make-up to the Port Macquarie-Hastings Local Government Area (LGA) to help gain further insight into how we can create a brighter future for our community.

Council recognises the importance of ongoing partnerships, collaborative co-created projects, sustainable programs that will further enhance, empower and strengthen the inclusiveness of our community.

We are therefore committed to ongoing community consultation to ensure our focus and vision for the future continues to meet the needs and interests of the local community as they change over time.

To achieve the community aspirations expressed within the CIP, a two-year Action Plan has been developed which clearly sets out a roadmap of actions that Council will take in partnership with the community. The Action Plan (2020-2021) includes measures to track progress against the desired outcomes over time and will be implemented, monitored and reported on annually over the next two years.



Facts & Figures

Figures shown are for the Port Macquarie-Hastings LGA - denoted as PMH below - and are from the Australian Bureau of Statistics 2016 Census data, except where stated otherwise.

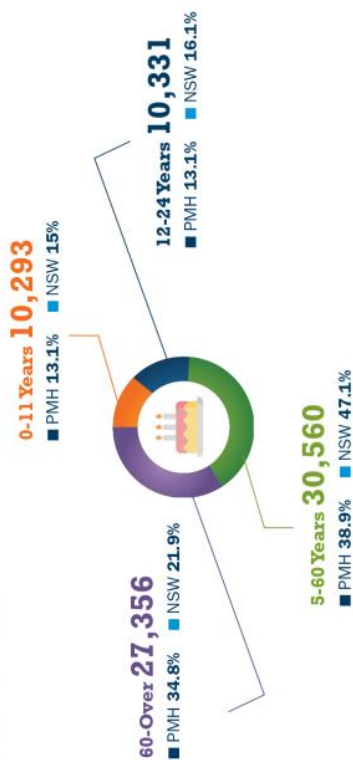
RESIDENTIAL POPULATION

83,131

Estimate ABS 2018



RESIDENTS AGE



WITHOUT A HOME

Includes people sleeping rough, people in shelters, boarding houses, temporary housing or those living in severely crowded houses.

280

+34%
2011-2016

ABORIGINAL AND TORRES STRAIT ISLANDERS

Port Macquarie-Hastings LGA population

3,173



PMH

NSW

42.9% of the Aboriginal and Torres Strait Islander population are aged between 0 and 17.

RESIDENTS LIVING WITH A DISABILITY

6% of our residents need help in their daily lives because of a disability.

The Australian average is **4.6%**

The state electorate of Port Macquarie has the 2nd highest prevalence of dementia in NSW *

* Source: Dementia Australia

LGBTQI+

Australians of diverse sexual orientation, sex or gender identity may account for up to **11%** of the Australian population.*



Many older lesbian, gay, bisexual, transsexual, queer and intersex (LGBTQI+) have endured discrimination, persecution and social isolation.
*Source: The National LGBTI Mental Health & Suicide Prevention Strategy

BORN OVERSEAS

8,914

■ PMH 11.4%
■ NSW 27.6%

VOLUNTEERS

13,762

■ PMH 21%
■ NSW 18.1%



What is Community Inclusion?

While there is no single definition of community inclusion, in this document we define community inclusion to be the process whereby every person (irrespective of age, disability, gender, religion, sexual preference or nationality) who wishes to, can access and participate fully in all aspects of an activity or service in the same way as any other member of the community.

Council values and respects the experiences, ideas, perspectives and lifestyle choices of our community. We want to encourage equal opportunities for all individuals who work, live and play within our place and create an environment in which diverse members share a sense of belonging, mutual respect and are valued for who they are.

Developing this plan

We used the four building blocks and their supporting statements - shown below - to work with the community to identify and prioritise their needs and aspirations, develop a vision for an inclusive community and then develop actions that would lead to achieving this vision.

1

- Access to community spaces and places
- Opportunities for volunteering
- Participation & collaboration across community groups
- Social networks – online and face-to-face
- Positive ageing
- Inclusive decision-making

2

- Connecting with Aboriginal and multicultural communities
- Representation & advocacy for all
- Intergenerational opportunities
- Celebrating diversity



3

- Access to social services
- Actively addressing disadvantage & social isolation
- Create a sense of belonging
- Access to local services, facilities & amenities
- Good neighbours

4

- Accessible and friendly
- Ensure clean & safe amenities
- Supporting education, training and employment opportunities
- Sustainable design & planning





PORT MACQUARIE-HASTINGS
COUNCIL

1

A Connected Community

A connected community is one in which people are able to actively participate in community life, having input into shaping the future of their local spaces, and feel empowered to contribute to positive outcomes with sustainable influence.

A connected community:

- promotes collaboration, a shared vision and purpose;
- fosters a sense of place, belonging and engagement;
- results in people experiencing greater wellbeing and having much more opportunity to lead rich, meaningful lives; and
- is an integral part of social change as it encourages people to be actively involved in shaping their local environments therefore influencing wider social connectedness.

ACTIONS

1.1 Create opportunities for coming together

1.1.1. Implement a Community Directory;

1.1.2. Refine Council's Community Grants program to better reflect the diversity of residents, community groups, events, and programs in our Local Government Area;

1.1.3. Audit & Plan for community places and spaces; and

1.1.4. Support Council and non-Council owned hall network and community-owned infrastructure to encourage regular usage by a wide range of community groups.

1.2 Develop a Thriving & Sustainable Council Volunteer Program

1.2.1. Develop volunteer partnerships with community organisations including working together to encourage youth volunteering to ensure ongoing sustainability of these organisations;

1.2.2. Update Council's volunteer policy, toolkit, guidelines and recruitment and recognition processes;

1.2.3. Develop and deliver training for volunteers and managers; and

1.2.4. Develop and implement a Recognition Program for Council's volunteers.



10 PORT MACQUARIE-HASTINGS COUNCIL

11 DRAFT COMMUNITY INCLUSION PLAN



**PORT MACQUARIE-HASTINGS
COUNCIL**

2

A Diverse Community

Diversity can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs or other ideologies.

A diverse community:

- understands that each individual is unique;
- recognises, respects and celebrates individual differences;
- builds mutual respect and tolerance through education and understanding;
- supports and encourages an individual's expressions by ensuring new opportunities for participation; and
- A diverse community is a strategic advantage only if there is a truly vibrant community, sustained by a web of relationships (i.e. is well-connected).

ACTIONS

2.1 Support Programs & Events that Recognise & Celebrate Diversity

2.1.1. Support and promote programs and events which enable Seniors to be well-connected and lead a full and valued life (e.g. Seniors Festival, dementia-friendly programs);

2.1.2. Develop and implement an integrated youth development and leadership model;

2.1.3. Support youth programs and activities including Youth Week;

2.1.4. In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day); and

2.1.5. Implement Council's Disability Inclusion Action Plan.

2.2 Council as Leader in Promoting Diversity

2.2.1. Develop a Council Community Inclusion Committee;

2.2.2. Develop and conduct Cultural Awareness Training for Council staff;

2.2.3. Develop and implement Birpai Community Protocols for use by Council staff including Acknowledgement of Country on Council's e-mail signature;

2.2.4. Review and Re-affirm Council's Statement of Reconciliation & Commitment; and

2.2.5. Review and re-affirm Council's Statement to make the area a Refugee Welcome Zone.

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PORT MACQUARIE-HASTINGS COUNCIL



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DRAFT COMMUNITY INCLUSION PLAN

3 A Resilient Community

Community resilience is about making a community better, in both good times and bad, for the benefit of all its residents, particularly the poor and vulnerable.

A resilient community:

- possesses the necessary resources to overcome vulnerabilities and adapt positively to change;
- has the ability to 'bounce back' after negative experiences and to cope in unknown circumstances;
- has the capacity to grow and learn from experience and transform itself to make it more sustainable in the future; and
- is one in which residents have a strong sense of wellbeing.

ACTIONS

3.1 Build Community Capacity

Promote and support community events and programs that build community resilience e.g. Neighbour Day, grass-roots community events; R U Ok Day; Reclaim the Night, Mental Health Month;

- 3.1.1. Work collaboratively with relevant organisations to develop improved services for marginalised and lower socio-economic groups in our community;
- 3.1.2. Develop and promote information and resources on dealing with emergencies; and
- 3.1.3. Work collaboratively with relevant organisations to raise awareness of and help address societal issues (e.g. mental health and domestic and family violence)

3.2 A Place To Call Home

- 3.2.1. Work with community and industry service providers to advocate for affordable housing and safe spaces, improved services & facilities for our homeless.



4 A Liveable Community

Residents are the custodians of thriving liveable communities.

A liveable community:

- supports people of all ages, backgrounds and circumstances to engage and participate in community life, and live safe and healthy lives;
- provides safe, affordable, adaptable and manageable neighbourhoods and supporting services;
- is one in which residents recognise and act on issues such as health, wellness, safety, work, education, environment and social engagement to enable all members of the community to live the best version of their lives; and
- features vibrant, engaging centres and distinctive local neighbourhoods, offering a great range of facilities, services and experiences..

ACTIONS

4.1 People-Focused Urban Design & Planning

- 4.1.1. Design & deliver intergenerational and inclusive public spaces and precincts.

4.2 Build Healthy Communities

- 4.2.1. Integrate Healthy Eating Active Living (HEAL) principles in Council's Community Strategic Plan;
- 4.2.2. Work collaboratively with Mid North Coast Local Health District (MNCILD) to build capacity and increase knowledge of healthy built environments that promote HEAL (Healthy Eating and Living) principles;
- 4.2.3. Identify and encourage/ facilitate access to suitable Council-managed locations/ facilities for community-led activities;
- 4.2.4. Progressively audit built environments to identify improvements to amenability (well-lit areas, undercover spaces, clean and usable facilities) to increase the probability of physical and social activity in community spaces; and
- 4.2.5. Collaborate with local service providers and agencies to promote health and wellbeing initiatives and programs within our communities.



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PORT MACQUARIE-HASTINGS COUNCIL

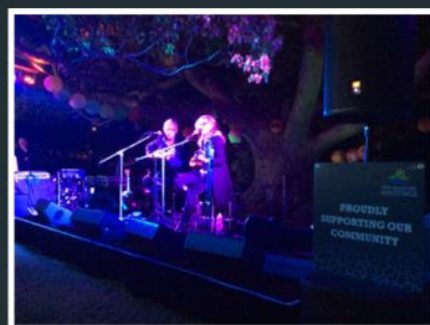
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PORT MACQUARIE-HASTINGS
COUNCIL

Summary of Submissions and Responses - Community Inclusion Plan

Submission		Issue
1.	Heather Norton	<ul style="list-style-type: none"> a. Requirement for Student Voice, informing young people of the work of local government and encouraging young people to contribute their ideas to the local area. b. Breaches by local businesses of the Disability Discrimination Act. Encouraging our LGA to be a leader in equal rights, equal opportunity and equal access for people with disabilities. c. Should be seeking to celebrate the diversity of multicultural Australia. d. Ongoing commitment to the mental health of our community is vital. Suggest grass-roots community events supported by Council. e. Transport routes improved. f. Promotion of our region to health professionals to increase the diversity of services.
	Response/ Comment:	<ul style="list-style-type: none"> a. Noted. This is captured in Action 2.1.3 Develop and implement an integrated youth development and leadership model. This will result in a new way for young people to be involved in Council decision-making which is informed and developed by young people to ensure ongoing success. b. Council's Disability Inclusion Action Plan (DIAP) which is available on Council's website sets out actions that Council will deliver in to help make life better for people with a disability, their families and carers. One of the 7 Big Ideas outlined in the DIAP is to "Encourage shops and businesses to be disability friendly." One of the main functions of Council's Access Committee is to visit businesses to find out if they are accessible. They also help shops and businesses be disability friendly for you and tourists by: <ul style="list-style-type: none"> > Encouraging business owners to have a shop that you can easily get around in and out of > Helping business owners train staff in friendly customer service > Listing access friendly businesses on our website. <p>The DIAP also outlines Council's commitments to accessibility for our community spaces.</p>

		<p>c. Noted. Action 2.1.5 has been amended “In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day).”</p> <p>d. Noted. Action 1.1.2 amended to “Refine Council’s Community Grants program to better reflect our changing demographic and encourage programs and activities that bring our communities together.” Amended Action 3.1.1 to “Promote and support community events and programs that build community resilience e.g. Neighbour Day, grass-roots community events; R U Ok Day; Reclaim the Night, Mental Health Month”. Also additional action under 3.1 Build Community Capacity: Work collaboratively with relevant organisations to raise awareness of and help address societal issues (e.g. mental health and domestic and family violence).</p> <p>e. Noted. Council is currently developing a Regional Integrated Transport Strategy, which will examine how we can develop all forms of transport into the future.</p> <p>f. Noted. Council’s Economic Development Team are promoting the region to specific industry groups including the health industry e.g., we will be supporting and promoting the 2020 NDIS NSW and Queensland State Conferences.</p>
2.	Kate Wonderley	<p>Wauchope requires an all-abilities toilet facility with a change table.</p>
	Response/Comment:	<p>Noted. Council is committed to providing accessible facilities across the Local Government Area. A toilet facility with a change table and hoist was opened in Short Street, Port Macquarie in 2019. Requests for additional facilities are assessed and prioritised by Council’s Access Committee and funds allocated where possible. Where funding is not currently available, Council supports community organisations to seek funding from other funding bodies.</p>
3.	Kate Aston	<p>a. Recognition of the role that community groups provide in the community and the need for these groups to be able to communicate their needs and issues with Council and be involved in planning decisions.</p> <p>b. Encourage PMHC to work with community groups to encourage young people in the area to volunteer.</p>

		c. Council to be accountable to timeframes of accomplishing outcomes.
	Response/ Comment:	<p>a. Noted. The CIP has a number of actions to address this issue.</p> <p>Action 1.1.1 Implement a Community Directory. One of the outcomes of implementing this Directory is that Council will be able to communicate with the wide range of community groups that are active across the LGA and inform them of issues that may be of interest/relevance.</p> <p>Action 2.2.1 Develop a Council Community Inclusion Committee. This sub-committee of Council will comprise representatives from a range of community sectors and groups and will provide the conduit for those in the community to have their issues heard. Additionally, all community members are encouraged to attend Council meetings, have their say on Council's online engagement platform, attend engagement pop-ups as they occur throughout the year, write or phone Council or their representative Councillors if there is an issue they would like to discuss.</p> <p>b. Noted. Action 1.2.1 amended to "Develop volunteer partnerships with community organisations including working together to encourage youth volunteering to ensure ongoing sustainability of these organisations."</p> <p>c. Noted. Council reports to the Ordinary Council meeting on a 6-monthly basis of its progress against deliverables.</p>
4.	Jamie Donovan	<p>a. The community can become more connected through the acknowledgement of cultural heritage (Aboriginal and non-Aboriginal).</p> <p>b. How often or when was the last time that Council staff had comprehensive Aboriginal Awareness Cultural Training?</p> <p>c. Request that Acknowledgement of Country be given greater prominence in the document.</p> <p>d. Request that the Aboriginal Cultural History which is over 60,000 years old be acknowledged and shown respect at all of our major tourism gateways.</p> <p>e. Suggest that the Council look to include modular pump tracks at its skate park facilities.</p> <p>f. 1/3 of our population are aged 0-24, and 42.9% of the Aboriginal population are aged 0-17. We need to focus on developing our</p>

		youth and having places and activities that keep the entertained.
Response/ Comment:	<p>a. Noted. Council's Cultural Plan has two actions that talk to this.</p> <p>Action 3.5 Heritage and management audit Assess and map the visual character and cultural significance of our landscape and built environment, including undertaking an audit of heritage signage, Council and community-managed heritage assets and collections, leading to further policy and guidance for the future management and protection of these unique places and development of a heritage signage interpretation network.</p> <p>Action 3.6 Our Aboriginal Culture Develop a long-term plan for Aboriginal heritage and culture in the region that includes a commitment to the development and promotion of our local Aboriginal artists.</p> <p>Specifically with reference to the Aboriginal Artwork and Acknowledgement of Aboriginal heritage at the Port Macquarie Airport, Council is currently developing a competition for the design of a Welcome to Country artwork for this space.</p> <p>b. During June 2019 a pilot program was approved for the development of a cultural awareness training program for Council staff. The training was delivered as an on Country experience, which provided a range of cultural opportunities to assist in building staff awareness of our local Aboriginal history and community. Cultural Awareness Training is identified as an action in the CIP:</p> <p>Action 2.2.2 Develop and conduct Cultural Awareness Training for Council staff. This action is also reflected in Council's Equity & Diversity Strategy 2019 - 2024: Action 2.7 Deliver Aboriginal Cultural Awareness Training on country for Council staff.</p> <p>c. Noted and amended.</p> <p>d. Noted. Entrance signage is currently being developed and Acknowledgement of Country will be considered as part of this design.</p> <p>e. Noted. Suggestion has been forwarded to Council's Recreation & Buildings team for consideration.</p> <p>f. Noted. Young people are a key element of the CIP and there are a number of actions directed to this age group.</p> <p>Action 2.1.3 Develop and implement an integrated youth voice and leadership model.</p> <p>Action 2.1.4 Support youth programs and activities including Youth Week.</p> <p>Council also has a comprehensive engagement program with young people for the development of Council's next</p>	

		Community Strategic Plan Think 2050 to ensure we create a future that is welcoming to young people.
6.	Stephen Healy	<ul style="list-style-type: none"> a. The plan does not address inclusiveness from a socio-economic equity perspective. b. Suggestion of specific programs designed to embrace diversity e.g. surf lifesaving lessons for ethnic minorities. c. More attention to be placed on public education and awareness for natural emergencies (bushfires and floods) as well as infrastructure and emergency services requirements to increase community resilience. d. Comprehensive and on-going 2-way conversation between Council and community required on liveability.
	Response/ Comment:	<ul style="list-style-type: none"> a. Noted. Advocacy for our homeless is included in Action Action 3.2.1 Work with community and industry service providers to advocate for affordable housing and safe spaces, improved services and facilities for our homeless and for lower socio-economic groups is included in Action 3.1.2 which for clarity has been amended to read: Action 3.1.2 Work collaboratively with relevant organisations to develop improved services for marginalised and lower socio-economic groups in our community. b. Noted. Council will work with relevant community organisations (e.g. Charles Sturt University's International Student body, the Aboriginal Land Councils, the MNC Refugee Support Group and Multicultural Network), to identify specific programs to support our diverse community. This supports Action 3.1.1 In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day). c. Noted. This is addressed in Action 3.1.3 Develop and promote information and resources on dealing with emergencies. Additionally the Office of Emergency Management (OEM) is currently working with local councils across the region to develop Regional Disaster Preparedness Plans. d. Noted. This is partially addressed via Action 2.2.1 Develop a Council Community Inclusion Committee. This sub-committee of Council will comprise

		<p>representatives from a range of community sectors and groups and will provide the conduit for those in the community to have their issues heard. Council provides the community with a variety of ways to engage about improving liveability for the region. Additionally, all community members are encouraged to attend Council meetings, have their say on Council's online engagement platform, attend engagement pop-ups as they occur throughout the year, write or phone Council or their representative Councillors if there is an issue they would like to discuss.</p>
6.	Wendy Hee	<ul style="list-style-type: none"> a. This plan excludes significant lower socio economic groups in our community - carers, single parents, homeless people, the long term unemployed and veterans. Connected community must include the reduction of suicide which is at epidemic levels in this community, address long term drug/alcohol misuse, domestic violence and loneliness (large number of single people households). b. Need to participate in community awareness events such as Mental Health Month, Dry July, Carers Week, Suicide Prevention Week etc. c. Need to develop new and existing groups to recruit new participants/members. Need to work with Library, TAFE, community colleges, U3A etc. to develop community and everyday skills. Council to fund new community group start-ups. d. More street trees to provide shade for walking or for meeting under. New developments to be tree lined to respect the area's timber heritage. e. Council to work with community halls and meeting rooms to increase their regular usage. f. No more estates with one road in/out - too dangerous during times of evacuations.
	Response/Comment:	<ul style="list-style-type: none"> a. Noted. Advocacy for our homeless is included in Action Action 2.2.1 Work with community and industry service providers to advocate for affordable housing and safe spaces, improved services and facilities for our homeless and for lower socio-economic groups is included in Action 3.2.1 which for clarity has been amended to read: Action 3.1.2 Work collaboratively with relevant organisations to develop improved services for our marginalised and lower socio-economic groups in our community.

		<p>Additional Action under 3.1 Build Community Capacity: Work collaboratively with relevant organisations to raise awareness of and help address societal issues (e.g. mental health and domestic and family violence).</p> <p>b. Noted. This is addressed in amended Action 3.1.1 to “Promote and support community events and programs that build community resilience e.g. Neighbour Day, grass-roots community events; R U Ok Day; Reclaim the Night, Mental Health Month”.</p> <p>c. Noted. Council (and in particular Council's Library) currently works with a range of education providers and community groups to support community capacity building programs. To reflect this ongoing activity, the Plan includes an additional action under 3.1 Build Community Capacity “Work with community groups and education providers to promote and support the delivery of community capacity-building programs”. Additionally, Council's community grants program is currently under review and the support of new community groups and programs will be put forward for consideration in this review. Action 1.1.1 Implement a Community Directory also will enable the promotion of groups and their activities across the Local Government Area.</p> <p>d. Noted. These comments will be considered as part of the development of Council's Community Strategic Plan Think 2050 and future Development Control Plan reviews.</p> <p>e. Noted. This is addressed in Action 1.1.4 which has been amended to read “Support Council and non-Council owned hall network and community-owned infrastructure to encourage regular usage by a wide range of community groups.”</p> <p>f. Noted - for consideration in future reviews of Council's Development Control Plans.</p>
7.	Michelle Miechel	Port Macquarie Wauchope requires an all-abilities toilet facility with a change table.
	Response/Comment:	Noted. Council is committed to providing accessible facilities across the Local Government Area. A toilet facility with a change table and hoist was opened in Short Street, Port Macquarie in 2019. Requests for additional facilities are assessed and prioritised by Council's Access Committee and funds allocated where possible. Where funding is not currently available, Council supports community organisations to seek funding from other funding bodies.
8.	Linda Cook	a. More and improved wheel chair access to stores, parks, beaches, pools and local

		<p>activities... the elevator to the cinema needs to be bigger as not all chairs fit, and a ramp in case of emergency to be put in.</p> <p>b. Late night shopping similar to Sydney... not 7pm closing.</p> <p>c. More wheel chair accessible buses.</p> <p>d. More wheelchair appropriate park equipment.</p>
	Response/ Comment:	<p>a. Council's Disability Inclusion Action Plan (DIAP) which is available on Council's website sets out actions that Council will deliver in to help make life better for people with a disability, their families and carers. One of the 7 Big Ideas outlined in the DIAP is to "Encourage shops and businesses to be disability friendly." One of the main functions of Council's Access Committee is to visit businesses to find out if they are accessible. They also help shops and businesses be disability friendly for you and tourists by:</p> <ul style="list-style-type: none"> > Encouraging business owners to have a shop that you can easily get around in and out of > Helping business owners train staff in friendly customer service > Listing access friendly businesses on our website. <p>The DIAP also outlines Council's commitments to accessibility for our community spaces. All new developments are assessed for accessibility as part of the Development Approvals process.</p> <p>b. Noted. Council's Economic Development Team is working with Business Chamber organisations and business groups to encourage the development of a night-time economy.</p> <p>c. Public transport is the responsibility of State Government, however Council does advocate for accessible transport for our Local Government Area.</p> <p>d. New and upgraded Council playgrounds comply with the "Everyone Can Play" guidelines, which call for playground equipment for people of all ages and abilities.</p>
9.	Rebecca Ligit	<p>The majority of this inclusion plan too vague for comment. What are the actual activities council will develop, be involved with or take action on to address the Key areas of inclusion?</p>
	Response/ Comment:	<p>Noted. There are a number of actions which are very specific e.g. Implement a Community Directory; develop and deliver a Recognition Program for volunteers. A range of more broad actions, which give a clear direction and enable Council to deliver outcomes that reflect the specific needs of the community as they arise, complements these.</p>

10.	Tony Johnston	Request for an upgraded and affordable 50m swimming pool to promote fitness in young and old.
	Response/ Comment:	Council has finalised the location for a new Aquatics Facility, which will include a 50m swimming pool. Funding has been allocated to undertake detailed design for this new facility.
11.	Wayne Anderson	<ul style="list-style-type: none"> a. There is a great opportunity to build on the existing Aboriginal groups, events and programs in the community and develop new programs (see full submission for details). b. Was the Birpai Aboriginal community present at the development of the plan? c. What is the Aboriginal employment level in PMHC? Permanent and casual. d. Does the council presently employ an Aboriginal Community Liaison Officer? e. Will this be a tokenistic request from PMHC for feedback with respect to the Birpai Aboriginal community? Does PMHC seek continual feedback from the Birpai Aboriginal Community for their input of knowledge and understanding?
	Response/ Comment:	<ul style="list-style-type: none"> a. Noted. Amended Action 2.1.5 supports this. "In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day)." b. The Aboriginal community was invited to provide input to the Plan at the 2018 NAIDOC Week Family Fun Day and representatives from the local Aboriginal community participated in a Community Think Tank to refine the four pillars that that make up the framework of the Plan. The Aboriginal Awareness & Understanding Strategy 2013-2017 was also a key input into the Plan. c. Currently 1% of Council's employees identify as Aboriginal or Torres Strait Islanders. One of the key focus areas of Council's Equity and Diversity Strategy, which was adopted in November 2109, is to attract a diverse workforce, which is reflective of our community. A key action is "investigate opportunities to provide targeted / identified roles and opportunities for Aboriginal and Torres Strait Islander people and people living with a disability."

		<p>d. Currently the Aboriginal Liaison Officer role at Council is vacant. Council is establishing a new Community Inclusion Team which will have the responsibility for delivering the Community Inclusion Plan. The responsibility for liaison with the Aboriginal Community will sit with a Community Inclusion Officer. This will be an identified position.</p> <p>e. Ongoing dialogue with all sectors of the local community is important to Council. Council has recently instigated monthly meetings with the Birpai and Bunyah LALC's and representatives from the Aboriginal community will be called for when the Community Inclusion Committee is formed (see Action 2.2.1 of this Plan).</p>
12.	MNC Refugee Support Group (MNCRSG)	<p>a. Assist the group to develop a regional profile in Tamil to support our Tamil refugees.</p> <p>b. Include the MNCRSG in the Community Directory and Diary.</p> <p>c. Include consideration of refugees and migrants in the Community Grants Program.</p> <p>d. Have Council staff implement the Community Inclusion Plan and ensure that it is monitored and reviewed regularly.</p> <p>e. Conduct Council Awareness Training annually for Council Staff with issues pertaining to refugees included in the training.</p> <p>f. Council could set aside funds to support Harmony Day celebrations in the area.</p> <p>g. Review and re-affirm Council's Statement to make the area a Refugee Welcome Zone.</p> <p>h. Council to be supportive of the Multicultural Network.</p> <p>i. Request Council to lobby the Federal Government for increased financial and other support for people on the SHEV.</p> <p>j. Council should have an affirmative action policy whereby refugees are given increased opportunities to apply for apprenticeships as they do with Aboriginal programs.</p>
	Response/Comment:	<p>a. Council's Community Directory (refer Action 1.1.1) will provide the wider community with many of the details requested e.g. educational facilities, childcare facilities etc. Council would be happy to work with the MNCRSG to provide reference to further information,</p>

		<p>however are not currently resourced to develop materials in Tamil.</p> <p>b. MNCRSO attended the launch of the Community Directory and are now able to manage their own listing and promotion of events via the Community Diary.</p> <p>c. Any not-for-profit organisation is able to apply for support under Council's Community Grants program using the guidelines provided. Council is happy to provide support to community groups to guide them through their application.</p> <p>d. Following adoption of the Community Inclusion Plan by Council, a range of methods will be employed to track the impact and analyse the outcomes achieved from the Plan. Further detail is provided under Evaluation and Review on page 7 of the Plan.</p> <p>e. Action 2.2.2 "Develop and conduct Cultural Awareness Training for Council staff" will reflect the cultural diversity of our Local Government Area. Council will work with appropriate community groups to ensure that the training provided is relevant.</p> <p>f. Refer Action 2.1.5 "In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day)."</p> <p>g. Noted and added as Action 2.2.5 "Review and re-affirm Council's Statement to make the area a Refugee Welcome Zone."</p> <p>h. Noted and reflected in Action 2.1.5 In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day)."</p> <p>i. Noted and reflected in amended Action 3.1.2 Work collaboratively with relevant organisations to develop improved services for our marginalised and lower socio-economic groups in our community.</p> <p>j. Noted. One of the key focus areas of Council's Equity and Diversity Strategy, which was adopted in November 2109, is to attract a diverse workforce, which is reflective of our community.</p>
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13.	MNC Local Health District - (Andrew Bailey District Manager Health Promotion)	<p>a. Suggest an additional statement under Liveable Community - Promote health and wellbeing.</p> <p>b. Suggestion rewording of Action 4.2.2 to: Work collaboratively with MNCLHD to build capacity and increase knowledge of healthy built environments which promote HEAL principles.</p>
	Response/ Comment:	<p>a. Noted. Additional Action 4.2.5 Collaborate with local service providers and agencies to promote health and wellbeing initiatives and programs within our communities.</p> <p>b. Noted and amended.</p>
14.	Lava Kohaupt	<p>a. Call for Council's role could be a bit stronger in addressing homelessness, perhaps by building a homeless shelter or donating land to an NGO for one.</p> <p>b. Inclusion of Aboriginal people could be more than just celebrating NAIDOC week. What about the Council committing to an Aboriginal employment and training policy. Also assisting in a history project perhaps.</p> <p>c. Suggest the issue of climate change be included in #4 a liveable community. Just a few things, perhaps stronger on water conservation, recycling, and also use of pesticides.</p>
	Response/ Comment:	<p>a. Noted. Action 3.2.1 amended to read "Work with community and industry service providers to advocate for and facilitate housing and safe spaces, improved services and facilities for our homeless."</p> <p>b. Action 2.1.5 has been amended to read "In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day)." NAIDOC Week is just one example of the many Aboriginal events and programs that Council supports. With respect to Aboriginal Cultural Programs, Council's Cultural Plan talks to activities such as this. Action 3.6 Our Aboriginal Culture Develop a long-term plan for Aboriginal heritage and culture in the region that includes a commitment to the development and promotion of our local Aboriginal artists.</p>

		c. Noted. At this time, Council has not developed a formal position on climate change.
15.	Debbie Sommers	<p>a. Question the value of the Community Directory due to the ongoing management. Would prefer to see an action supported community groups to keep their existing website/online presence/social media accounts up to date, and for those without them to create them and be responsible for their maintenance.</p> <p>b. Action 1.1.2 refers to refining Council's Community Grants Program to better reflect our changing demographics, yet there is no mention of what those changing demographics are. The program has significant economic benefit and value to a diverse range of community organisations. Some other grant programs have now narrowed their focus to specific demographic groups and I hope that this is not the case proposed here.</p> <p>c. Auditing and planning for community places and spaces is a sensible action albeit a broad one. What the overall plan doesn't address is its links, connections to and dependencies with other Council and community developed plans. Creating opportunities for coming together is as much about places, spaces and precincts, as it is about creating opportunities to get to them - footpaths, roads, public transport, car parking.</p> <p>d. Prefer to see action 1.1.4 reworded to support Council and non-Council owned halls and community owned infrastructure. Refer Council's Cultural Plan 2018-21</p> <p>e. The strategy to develop a thriving and sustainable volunteer sector is welcomed. The specified actions appear to be about developing Council's own volunteer program and not community volunteer programs. It would be great to see more thought go into action 1.2 around how Council can be more supportive of volunteer organisations by constructively recognising and supporting their work.</p> <p>f. Suggest Action 2.1.1 with 2.2.2 and amend Seniors Week to Seniors Festival. More support regarding dementia-friendly programs.</p> <p>g. Concerned that the action 2.1.5 doesn't mention collaboration with local First Nations People and groups. I would prefer to see the word recognise rather than celebrate.</p> <p>h. I note that Council does not currently have an Aboriginal Cultural Development/ Engagement staff member. An action for council should be to ensure leadership in promoting diversity by having staff with the necessary skills, experience and cultural backgrounds to collaborate, promote</p>

		<p>cultural awareness both within Council and the broader community and to strengthen community relationships.</p> <ul style="list-style-type: none"> i. I think actions in 3.1 could be more specific and targeted, particularly in collaborations with community groups in our towns and villages. j. Liveable communities are not just about facilities and services, they offer experiences. k. Suggest Action 4.1.1 be broadened to public spaces and precincts. Inclusive spaces are also accessible spaces. l. Action 4.2.4 could be better worded. Is the audit of built environments meant to identify existing constraints and potential improvements? It is also very broad. Does the action have a targeted starting point? m. It would be good to see that all future draft plans issued by Council are offered online as the full document and as an accessible or print-friendly version.
	Response/ Comment:	<ul style="list-style-type: none"> a. Noted. The Community Directory solution is structured in such a way that community organisations have the ability to easily update their contact details themselves as and when they change. The solution has been recently adopted by neighbouring councils in an effort to have a consistent system across the Mid North Coast. b. Noted. The intention of this action is to ensure that Council can support as many groups as possible (rather than fewer) with the funds provided. Action 1.1.2 has been amended to read “Refine Council’s Community Grants program to better reflect the diversity of residents, community groups, events, and programs in our Local Government Area.” c. Acknowledged. Council is currently reviewing its strategic framework to reflect the linkages and dependencies that exist between Plans and Strategies. d. Noted and Action 1.1.4 amended to read “Support Council and non-Council owned hall network and community-owned infrastructure to encourage regular usage by a wide range of community groups.” e. Noted. The focus of this Plan (2020-2021) is to better embed Council’s own volunteer program. It is anticipated that once this achieved, Council will then be in a stronger position to better assist Community Groups with developing their own volunteering programs. Action 1.2 therefore amended to read “Develop a Thriving & Sustainable Council Volunteer Program”. The Community Directory does provide community groups with the opportunity to promote volunteering opportunities for their organisation.

		<p>f. Action 2.1 amended to read “Support and promote programs and events which enable Seniors to be well-connected and lead a full and valued life (e.g. Seniors Festival, dementia-friendly programs).”</p> <p>g. Noted. For clarity, Action 2.1.5 has been amended to read: “In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day).”</p> <p>h. Council is establishing a new Community Inclusion Team which will have the responsibility for delivering the Community Inclusion Plan. The responsibility for liaison with the Aboriginal Community will sit with a Community Inclusion Officer. This will be an identified position.</p> <p>i. Noted. Council (and in particular Council's Library) currently works with a range of education providers and community groups to support community capacity building programs. To reflect this ongoing activity, the Plan includes an additional action under 3.1 Build Community Capacity Action 3.1.4 “Work with community groups and education providers to promote and support the delivery of community capacity-building programs”.</p> <p>j. Noted. Experiences now included in the outcomes of a liveable community on page 14 of the Plan. ...“features vibrant, engaging centres and distinctive local neighbourhoods, offering a great range of facilities, services and experiences.”</p> <p>k. Noted and amended Action 4.1.1 Design and deliver intergenerational and inclusive public spaces and precincts.</p> <p>l. Actions under 4.2 Build Healthy Communities reflect Council's commitments under the MNC Childhood Obesity Prevention and Management Action Plan July 2018 - June 2023 to which Council is a signatory. Action 4.2.4 has been amended however to provide more clarity: “Progressively audit built environments to identify improvements to amenability (well-lit areas, undercover spaces, clean and usable facilities) to increase the probability of physical and social activity in community spaces”.</p> <p>m. Noted</p>
16.	Arts Mid North Coast	<p>a. While establishing a strong Vision we are left in some areas lacking clarity of how Council is going to achieve that Vision in terms the critical funding, planning and resourcing required. Note that many of the actions required will need to take a much longer vision being captured within Councils 2050 Planning and its Local Strategic Planning Statement (20 years) to be prepared</p>

		<p>this year. It is our submission that in such future planning consideration may need to be given to separate plans or policies for some of the components of this Plan.</p> <p>b. Action 3.1.3 <i>Develop and promote information and resources on dealing with emergencies</i>. Arts Mid North Coast has made Creative Recovery a priority in its 2020 Work Plan.</p> <p>c. Arts and culture would not function without volunteers. More support is needed to ensure volunteering is sustainable. The Actions in the Plan need clarification as to whether they relate only to Council volunteers or all volunteers. Policies and practices need to be developed by the community with Council involvement; training in marketing and social media and succession planning need to be a priority to ensure sustainability of the volunteer sector.</p> <p>d. Would like to see the economic value of volunteering recognised in this Plan and also in Council's Economic Development Planning.</p> <p>e. Arts Mid North Coast has identified the Seniors sector as one of its priorities through our extensive role in Creative Ageing. Demographic projections indicate the increasing growth in the number of Seniors in the LGA but the current Plan has limited Actions for this sector. Suggest the development of a Positive Ageing Plan/Strategy in line with other Councils and using Local Government Guidelines/Toolkit to inform this strategy.</p>
	Response/ Comment:	<p>a. Noted. The Community Inclusion Plan will be reviewed following the development of Council's new Community Strategic Plan Think 2050. Council is establishing a new Community Inclusion Team which will have the responsibility for delivering the actions identified in this Community Inclusion Plan.</p> <p>b. Noted. Council looks forward to working with Arts Mid North Coast in developing these measures.</p> <p>c. Noted. The focus of this Plan (2020-2021) is to better embed Council's own volunteer program. It is anticipated that once this is achieved, Council will then be in a stronger position to better assist Community Groups with developing their own volunteering programs. Action 1.2 therefore amended to read "Develop a Thriving & Sustainable Council Volunteer Program".</p> <p>d. Noted. Suggestion will be assessed for future plans.</p> <p>e. Noted. Council is currently reviewing its strategic framework to reflect the linkages and dependencies that exist between Plans and Strategies and also to identify strategic gaps. This work combined with the</p>

		development of Council's Community Strategic Plan will inform the need for the development of future strategies.
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Community Inclusion Plan

- Engagement Report

March 01, 2020



**Community Inclusion Plan
– Engagement Report**

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1 Exhibition Period

The Draft Community Inclusion Plan was placed on public exhibition from 25 November 2019 to 14 February 2020 (a longer than usual exhibition period due to the holiday period during December and January).

As part of the exhibition, community engagement was promoted through:

- Information on Council's online community engagement hub - Have Your Say (see snapshot of the HYS page below);
- Public Exhibition Notice in local newspapers;
- Hard copies of exhibition material and information on how to comment were made available at Council's Laurieton, Port Macquarie and Wauchope Customer Service Centres;
- The Draft Plan was also forwarded to stakeholder groups who participated in the initial engagement for the development of the Plan.

2 Key Engagement Statistics

Online engagement via Have Your Say

Total Number of Visits to HYS Project:	194
Unique Visitors to HYS Project Page:	156
No. of Downloads of the CIP:	41
No. of Submissions Completed via HYS:	11

In addition, a further 3 submissions were made to Council via email or letter bringing the total number of submissions to 14.

3 Analysis of Have Your Say Visitors

Of the 11 submissions received, the community members identified themselves as follows*:

Sector Representing	Number
Seniors (aged 60 1nd over)	4
Living with a disability (or carer)	5
LGBTIQ	2
Volunteer	3
Not for Profit Community Group	1
Education	1
Aboriginal & Torres Strait Islander	2
Multicultural Community - incl. refugees	1
Other	1

*The number totals greater than 11 as multiple selections were possible.



4 HYS Survey Methodology

The HYS survey was constructed to enable comments to be directed to the 4 pillars of the CIP framework i.e.

1. Connected Community;
2. Diverse Community;
3. Liveable Community; and
4. Resilient Community.

Survey participants were asked if they had any comments about the proposed actions for each of the pillars and/or if there was anything else they would like to see with respect to each of these pillars and finally if they had any further feedback on the Draft CIP.

5 HYS Survey Responses

Survey responses are shown below:

Heather Norton - Seniors (aged 60 and over), Living with a disability, Other - Education

Connected Community

As a former School Principal and actively involved in education governance, there is a need to provide schools with the opportunity to be informed of the work of local government. Students need to understand how they vote; influence and shape local government policy and can contribute to the local area.

Authentic voice comes listening to, engaging with and valuing youth. There needs to be demonstrable action, which emanates from youth suggestions. Within the framework of local government, the demographic of elected representatives needs to embrace young people by encouraging them to stand for election. This would truly stand our LGA apart from others. We cannot be what we do not see and young people generally feel that decisions are made by a generation far removed from them. Happy to expand on this if required.

Diverse Community

Implement Council's Disability Inclusion Action Plan - how does this translate?

In my experience, businesses in the LGA do not embrace this. I have limited mobility and have encountered numerous examples of breaches of the Disability Discrimination Act 1992 (Cth). It would be liberating if our LGA could be seen as a leader in equal rights, equal opportunity and equal access for people with disabilities AND by inference those of senior years.

On cultural diversity, our LGA should be actively seeking to celebrate the diversity of multicultural Australia. Although demographically lower than NSW average, engaging with myriad cultures will bring a richness to our region.

**Resilient Community**

Whilst I acknowledge the work of the PMHC in working with bushfire affected areas, an ongoing commitment to sustaining the mental health of our community is vital. Resilient communities connect with each other and are valued by our elected representatives. Grass roots community events need to be highlighted and supported by Council. e.g. street get togethers etc

Liveable Community

Transport routes improved, promotion of our region to health professionals to increase the diversity of services - particularly in mental health.

General Feedback

Great initiative!

Kathy Wonderley - living with a disability**Connected Community**

Regarding Refine Council's Community Grants Program to better reflect our changing demographic:

- 1.1.3. Audit & Plan for community places and spaces; and
- 1.1.4. Support Council and non-Council owned hall network.

The community is not connected when a number of people cannot go to the toilet in their community. Wauchope needs a toilet facility with a height adjustable change table and hoist in the central business district - currently people with quadriplegia avoid town or are being changed on the floor of disabled toilets putting them and their carers at risk of injury and disease.

Liveable Community

The community is not livable when a number of people cannot go to the toilet in their community. Wauchope needs a toilet facility with a height adjustable change table and hoist in the central business district - currently people with quadriplegia avoid town or are being changed on the floor of disabled toilets putting them and their carers at risk of injury and disease

General Feedback

Wauchope needs a toilet facility with a height adjustable change table and hoist in the central business district

Kate Aston - Seniors (aged 60 and over), LGBTIQ, Volunteer, Other**Connected Community**

There is no mention of the many community groups that need to be able to be recognised. The draft refers to individuals which is good. It would be important to acknowledge that community groups often are the way that individuals from a diverse background can voice their concerns, issues, support each other and are involved to our community.

**Diverse Community**

Include the groups in our community that speak for, represent and work with others that are diverse in our community. For example, Sailability is a non-funded community group of volunteers, the majority are over 60+, Of both females and males, LGBT, ethnic backgrounds, individual disabilities, some work others are retired who then assist those individual with disabilities of all ages and the aged in our community and facilities to be able to enjoy the freedom of sailing.

Groups like these and many more need to be able to communicate their issues, needs and access assistance from PMHC without the road blocks often put up by staff, causing communication to often being slow. Including appropriate community groups into stakeholders meetings, PMHC planning groups and supporting these groups with other government agencies.

Resilient Community

Looking at how community groups and PMHC could work together to educate the younger members of our area to look at volunteering, recognising community involvement is a lifelong commitment and encouraging them to make a difference by speaking with their peers to change behaviours.

Liveable Community

PMHC needs to encourage senior staff to be more approachable and inclusive of communities needs. Communities often come up with ideas outside the box to address local issues that could be combined with Council's plans. Staff being open to relooking at how things are done rather than this is how we have this locked in.

Staff need to be accountable to timeframes of accomplishing outcomes.

General Feedback

Think I said it all above, thank you.

Jamie Donovan - Aboriginal & Torres Strait Islander, Volunteer**Connected Community**

I think that the PMHC can do so much better in making community spaces feel more connected, to the community through acknowledging the Long Cultural connections in this area. I would like to see more Acknowledgement of Aboriginal Cultural heritage:

- Artwork and acknowledgements at the Port Macquarie Airport,
- Designs and street signage reflective of our community heritage not reflect what our tourists are used to in Westfield's shopping centres (I am referring to those Community signs in our Towns).
- Would like to see more heritage structures put back into our communities, like Wauchope the Timber town, rebuild the commercial wharfs that used to operate in Wauchope at the End of Cameron Street.

**Diverse Community**

Extensive work has already been done in regards to Birpai Cultural protocol, this work was done by the Hastings Aboriginal Education Consultative group and the Aboriginal Community.

How often or when was the last time that council staff had comprehensive Aboriginal Cultural Awareness Training?

I think that the Acknowledgement of Country in this document needs to be given greater recognition than what it is currently given in the draft document. Currently it sits small at the top of the page like a tokenistic gesture.

Port Macquarie has a strong Penial Convict settlement history nearly 200 years old but it has an even older Longer Surviving Aboriginal Cultural history that is over 60,000 year old. This is not evident in our community. I would like to see this respect, acknowledgement and diversity in our community at all our major tourism gateways. When will Council have another Aboriginal Community Liaison Officer to support our community and provide our community members who don't have capacity to engage in surveys like this the opportunity to also have a voice or provide input feedback etc.

Liveable Community

We recently took our Family to Victoria and our Kids absolutely loved the Modular Pump Tracks that were provided in numerous council parks down there these would be an awesome addition to our current Skate park facilities. www.parkitect.com.au Modular pump tracks

General Feedback

Look at your facts and figures 1/3 of the population are in the age bracket from 0 - 24, 42.9% of the Aboriginal Population consist of community aged 0-17. This is where our community's future lies. We need to focus on development of good citizens in these age groups, and this starts by having activities or Places that can keep them entertained.

Stephen Healy - Seniors**Connected Community**

I find that there is an undue focus on age, ethnicity and cultural diversity at the expense of inclusiveness viewed in broader socio-economic terms. So, for example, economically disadvantaged people such as those in public housing and many single parents are not given a mention. A strongly connected community requires all such matters of socio-economic equity to be addressed in addition to the matters addressed above.

Diverse Community

In addition to a broader focus inclusive of broader socio-economic equity embracing diversity under current circumstances requires pro-active programs helping those, such as ethnic minorities, to enter the mainstream. So, for example, surf lifesaving clubs might put effort into recruiting minorities, often identified as more susceptible to deaths in the surf (as has occurred in Cronulla).

**Resilient Community**

A resilient community would require all the above (broader focus on socio-economic equity) and much more including far more attention to public education and awareness of the increasing frequency of bush fires and floods, for example, in addition to greater focus on both the infrastructural and emergency service requirements this necessitates.

Liveable Community

A comprehensive, and ongoing, two-way dialogue between the council and community on this matter is required if liveability is to be ensured.

Wendy Hee - LGBTIQ, Multicultural Community, Volunteer**Connected Community**

This plan excludes significant lower socio economic groups in our community - carers, single parents, homeless people, the long term unemployed and veterans. Connected community must include the reduction of suicide which is at epidemic levels in this community, address long term drug/alcohol misuse, domestic violence and loneliness (large number of single people households)

Diverse Community

Need to participate in community awareness events such as Mental Health Month, Dry July, Carers Week, Suicide Prevention Week etc.

Resilient Community

Need to develop new and existing groups to recruit new participants/members. Need to work with Library, TAFE, community colleges, U3A etc. to develop community and everyday skills e.g. cooking, exercise, meditation, event organising, how to start a community group

Liveable Community

More street trees to provide shade for walking or for meeting under. New developments to be tree lined to respect the area's timber heritage. Council to work with community halls and meeting rooms to increase their regular usage. No more estates with one road in/out - too dangerous during times of evacuations. Council to fund new community group start-ups.

General Feedback

Mental health, homelessness, loneliness are significant issues that are missing acknowledgement, commitment to address or any inclusive targets or action plans to alleviate

Michelle Miechel - Living with a Disability**Connected Community**

Port Macquarie and Wauchope needs a toilet facility for adults with disability with a height adjustable change table and hoist in the central business district. If one of our Service users has an accident in town they have to catch a taxi back to our facility to be changed. This is unpleasant and unhygienic as well as humiliating for our beautiful guys.

**Liveable Community**

Port Macquarie and Wauchope needs a toilet facility for people with disability with a height adjustable change table and hoist in the central business district

Linda Cook - Disability Support Worker**Connected Community**

More and better improved wheel chair access to stores, parks, beaches, pools and local activities... the elevator to the cinema needs to be bigger as not all chairs fit, and a ramp in case of emergency to be put in.

Diverse Community

More wheel chair access, Mardi Gras events.

Liveable Community

Late night shopping similar to Sydney... not 7pm closing most places as a lot of the community work past these hours. More disabled access as there is currently limitations on those in wheel chairs even accessing local shops!

General Feedback

More ramps, bigger elevators for the larger wheel chairs, more wheel chair accessible buses all over town so chairs are not limited to outings or having to pay more for taxis. More wheelchair appropriate park equipment like merry go rounds with safety harnesses! Wide slides so wheel chairs can go up and down.

Rebecca Ligit - Carer of person living with a disability**General Feedback**

I found the majority of this inclusion plan too vague for comment. What are the actual activities council will develop, be involved with or take action on to address the Key areas of inclusion?

Tony Johnston - hard-working ratepayer**Liveable Community**

To promote fitness in young and old - an upgraded and affordable 50m swimming pool.

Wayne Anderson - Aboriginal and Torres Strait Lislander**Diverse Community**

These comments are personal beliefs. There is a great opportunity to build on what already happens/exists in the PMQHC community:

- Birpai and Bunyah LALCs
- NAIDOC
- Gathang/Birrpai Language

- Aboriginal Art works
- Womens Festival
- Aboriginal culture tours
- Hastings AECG and delivery of Connecting to Country
- Werin Aboriginal Medical Centre
- Aboriginal Dance and Singing groups

There is a great opportunity to build:

- Aboriginal Cold Fire Management Team
- Community Fishing events
- Healing Country Events
- Big Sing events
- Regular Birpai LALC Cultural monthly events

General Feedback

Was the Birpai Aboriginal community present at the development of the plan?

What is the Aboriginal employment level in PMHC? Permanent and casual.

Does the council presently employ an Aboriginal Community Liaison Officer?

Will this be a tokenistic request from PMHC for feedback with respect to the Birpai Aboriginal community?

Does PMHC seek continual feedback from the Birpai Aboriginal Community for their input of knowledge and understanding?

6 Submissions Received via E-Mail or Letter

6.1 Submission from MNC Refugee Support Group - received via email

The Mid North Coast Refugee Support Group (MNCRSG) aims to increase awareness of refugee issues and welcome and support refugees in our area and other places. We have been helping some Tamil refugees (about 10) who are on a 5-year Safe Haven Enterprise Visas to abide by their visa requirements which require them to work or study full time face to face in a regional area for 3.5 years. They initially receive support in Sydney but no support when moving to a regional area. The refugee council identified a gap in support and conducted a few teleconferences with person involved with refugees which the MNCRSG were involved in.

In order to get ongoing support for refugees in the area or those interested in moving, Council could assist in the following ways:

*develop a regional profile showing information on-accommodation in the area, employment opportunities, educational facilities, child care facilities, medical centers. Ideally these could be available in Tamil.

*1.1.1 Include MNCRSG in a Community Directory with postal address, website and Facebook details. Promote the Home Among the Gum Trees holiday hosting for refugees which allows refugees to see this region in a relax and supported way. Include the group's meeting details and other events in a Community Diary. Invite the MNCRSG to the launch of the Community Directory and Community Diary.



*1.1.2 Include consideration of refugees and migrants in the Community Grants Program.

*2.2.1 Have council staff implement the Community Inclusion Plan and ensure that it is monitored and reviewed regularly.

2.2.2. Conduct Council Awareness Training annually for Council Staff with issues pertaining to refugees included in the training.

2.2.4 Review and re-affirm Council's Statement to make the area a Refugee Welcome Zone

3.1.1 Council could set aside funds to support Harmony Day celebrations in the area.

Council to be supportive of and involved in the Multicultural Network by taking a lead role, attending the meetings and associated events. We request Council to lobby the Federal Government for increased financial and other support for people on the SHEV. Council should have an affirmative action policy whereby refugees are given increased opportunities to apply for apprenticeships as they do with Aboriginal programs. At least talk to the MNCRSG when opportunities arise each year.

6.2 Submission from Lava Kohaupt - received via email

Overall a good effort, I am glad 3.2 mentions a commitment to address homelessness, as the stats definitely call out for it. Perhaps the council's role could be a bit stronger in addressing homelessness, perhaps by building a homeless shelter or donating land to an NGO for one.

Inclusion of Aboriginal people could be more than just celebrating NAIDOC week. What about the council committing to an Aboriginal employment and training policy. Also assisting in a history project perhaps.

Then there is the issue of climate change, which would fit into #4 a liveable community. Just a few things, perhaps stronger on water conservation, recycling, and also use of pesticides. As far as I am aware council still uses a Roundup type weedkiller and I am not sure about pesticide. Just thinking of the loss of insects as a global issue.

6.3 Submission from Debbie Sommers - received via email

Thank you for the opportunity to comment on the draft Inclusion Plan which I note is dated 2019-21 and assume that date period will be amended to reflect the currency of the plan.

As a member of the community I welcome the development of this plan. I am a senior citizen, and actively volunteer and collaborate with a number of community and other organisations within our LGA and beyond. My comments in this submission are personal and do not necessarily reflect the views of those organisations I am often known to represent.

My comments address each of the four key building blocks underpinning the plan. Many of the proposed actions read to me as strategies and need more detail to make them measurable and achievable actions.

Connected Community

I note the action (1.1.1) to create a Community Directory, and also note that Council has already commenced that action. I question the value of this, irrespective of the model and method used, such directories quickly become outdated and need ongoing management. In our connected online world, a community directory is producing yet another opportunity for outdated information to sit and be accessible on the web. I would prefer to see an action that in some way assisted or supported community groups to keep their existing website/online presence/social media accounts up to date, and for those without them to create them and be responsible for their maintenance.

I note action 1.1.2 refers to refining Council's Community Grants Program to better reflect our changing demographics, yet there is no mention (that I can see) of what those changing demographics are. Organisations I volunteer with have been successful recipients of Council's community grants, and that support is highly valued. The program has significant economic benefit and value to a diverse range of community organisations. Some other grant programs have now narrowed their focus to specific demographic groups and I hope that this is not the case proposed here.

Auditing and planning for community places and spaces is a sensible action albeit a broad one. What the overall plan doesn't address is its links, connections to and dependencies with other Council and community developed plans. Creating opportunities for coming together is as much about places, spaces and precincts, as it is about creating opportunities to get to them - footpaths, roads, public transport, carparking.

I'd prefer to see action 1.1.4 reworded to support Council and non-Council owned halls and community owned infrastructure. Refer Council's Cultural Plan 2018-21.

The strategy to develop a thriving and sustainable volunteer sector is welcomed. However, on reading the specified actions this appears to be about developing Council's own volunteer program and not community volunteer programs. I have volunteered in our community for the past 19 years, much of that time not only as a hands-on worker, but also as a leader and manager. Much of our community relies on volunteers, particularly in the arts, culture and heritage sector. For our thriving community groups, recruiting, training and retaining volunteers is ongoing. It never stops, the nature of volunteering means that participation is voluntary, people come and go. The work of the organisation doesn't stop if people cease volunteering, the work simply falls on the shoulders of those who remain. It would be great to see more thought go into action 1.2 around how Council can be more supportive of volunteer organisations. Many of these organisations provide significant social and economic benefits to our community, it would be good to see some actions that constructively recognised and supported their work.

Diverse Community

Diversity is what makes us interesting, yet it can divide us. Action 2.1.1 is somewhat gratuitous and perhaps would best be combined with 2.1.2. The Seniors Festival (it is no longer a week) is just one of the many ways Seniors contributions can be highlighted and recognised in our community. I'd like to see a more detailed action around being a

Dementia Friendly community – whether that is encouraging organisations to work towards being dementia friendly, or a Council and/or community campaign to have more staff/people sign up as Dementia Friends perhaps?

I'm concerned that the action 2.1.5 doesn't mention collaboration with local First Nations People and groups. I would prefer to see the word recognise rather than celebrate. I note that Council does not currently have an Aboriginal Cultural Development/ Engagement staff member following a recent resignation and note that the role has not yet been advertised. Surely an action for council is to ensure leadership in promoting diversity by having staff with the necessary skills, experience and cultural backgrounds to collaborate, promote cultural awareness both within Council and the broader community and to strengthen community relationships.

Resilient Community

Resilience is certainly about advocacy, but it is also about creating opportunities and assistance through enablement. Community capacity is vital for resilience. I think actions in 3.1 could be more specific and targeted, particularly in collaborations with community groups in our towns and villages.

Liveable Community

Liveable communities are not just about facilities and services, they offer experiences.

4.1.1 is only about play spaces, perhaps it could be broadened to public spaces and precincts. Inclusive spaces are also accessible spaces.

4.2.4 could be better worded. Is the audit of built environments meant to identify existing constraints and potential improvements? It is also very broad. Does the action have a targeted starting point?

It would be good to see that all future draft plans issued by Council are offered online as the full document and as an accessible or print friendly version. Whilst the pictures are great and important, it makes it much easier for everyone and anyone to read and review a print friendly version.

I think it is important that this plan (as should all Council plans) mention the links to and where applicable relationships with other Council planning documents. Community Inclusion has social, cultural and economic impacts.

Debbie Sommers
14 February 2020

6.4 Submission from Arts Mid North Coast - received via email

Introduction

This submission is made on behalf of Arts Mid North Coast (AMNC). Arts Mid North Coast is the peak body for arts and cultural development across the Mid North Coast region of New South Wales, a region of over 315,000 residents in six local government areas, including Port Macquarie Hastings Council.

AMNC is an Incorporated Society with a Management Committee of six representatives appointed by the local Councils and six community members with a range of skills and involvement in arts and culture. One of 14 Regional Arts Development Organisations throughout the State this network plays an important advocacy role for regional issues and has strong links to Regional Arts NSW and Create NSW.

Our Vision for the Region is to ensure the Mid North Coast is a vibrant and diverse region embracing the creation, understanding and appreciation of the arts in fostering economic, community, cultural and environmental opportunities and benefits.

Arts Mid North Coast congratulates Council on developing the Plan and recognising the importance of its diverse community. The proposed CIP has a focus on young people, Aboriginal & Torres Strait Islander people, those with a disability, seniors, volunteers and people from diverse backgrounds and cultures. The first three are indeed priority areas identified by Create NSW who we work closely with as our major funder while seniors and volunteers are further priorities established by Arts Mid North Coast to reflect the overall population of the mid Mid North Coast region, with Saltwater Freshwater Alliance being the peak body for Aboriginal culture. Our submission is divided into three parts:

- General comments
- Resilience
- Volunteers
- Seniors

1. General

While supportive of the Plan and many of its actions there is a sense that the plan lacks detailed actions. While establishing a strong Vision we are left in some areas lacking clarity of how in part thinking how are Council are going to achieve that Vision in terms of both strategy and of course the critical funding required. In part this may reflect that the Plan is only a two year Plan and we presume will be able to be reviewed as part of the larger Community Plan that must be reviewed within a year of the local government elections. We also note that many of the actions required will need to take a much longer vision being captured within Councils 2050 Planning and its Local Strategic Planning Statement (20 years) to be prepared this year.

It is our submission that in such future planning consideration may need to be given to separate plans or policies for some of the components of this Plan. We note from Action 2.1.6 that Council references a Disability Inclusion Action Plan. Other such specific plans may be required. As such we have taken the view that the current Community Inclusion Plan is more a road map with further construction required. Connected to the development of more detailed Plans is the issue of resourcing. We would argue that appropriate staffing be available to work in these areas. Council has previously had positions for Aboriginal Engagement and Inclusion who have made significant contributions to these areas of expertise.

2. Resilience

The Plan notes in Section 3 that *Community resilience is about making a community better, in both good times and bad, for the benefit of all its residents, particularly the poor and vulnerable.*

It identifies in 3.1.3. the need to :

Develop and promote information and resources on dealing with emergencies.

This is a very timely action considering the recent bush fire emergencies. While this is a whole of Council issue and one it is addressing we would note that Arts Mid North Coast has made Creative Recovery a priority in its 2020 Work Plan and indeed this is the case across the whole Regional Arts Network of NSW. Our focus will be based on now fully evaluated programs implemented after the Black Saturday bushfires in Victoria, the Lockyer valley floods in Queensland and the earthquake in Christchurch. We look forward to working with Council in developing such measures so that in times of emergency programs will be in place for immediate response as required.

3. Volunteers

We comment on this section of the Plan because of the involvement of volunteers in many of the museums, galleries, events and community arts organisations across the region and within the LGA. The reality is that arts and culture would not function without volunteers. We note however from many discussions with such individuals and groups that more support is needed to ensure volunteering is sustainable. There is a misconception by some that with so many retired people there is a pool of volunteers that will be fed by growth in this demographic. However what we have found is that there is a core of people who volunteer and they are often involved in a number of volunteer positions. They also have increasing family commitments and indeed for some parenting requirements of grandchildren. Based on these views our comments are:

- The Actions need clarification as to whether they relate only to Council volunteers or all volunteers.
- Policies and practices need to be developed by the community with Council involvement of to ensure the sustainability of the volunteer sector.
- Training in marketing and social media is also a priority to build the sustainability of the sector and groups within it.
- Succession planning needs to be a priority especially for events and community organisations with training also highlighting different models for how to get things done other than top heavy Committees.

As an overview we would also note the economic value of volunteers. While not disputing the community value of the sector there is a very real economic value. Acknowledging that in the Plan and indeed ensuring volunteering is also recognised in Councils economic development planning may assist ensuring real value and funds to the volunteer sector.

As a case study we note the difference between the Port Macquarie Museum and the smaller Coffs Harbour Museum:

- The Port Macquarie Museum is run entirely by volunteers with no recurrent funding from any level of government. Indeed its ability to attract funding (not insignificant in recent years) has been through volunteers. The volunteers staffing contribution has been valued conservatively at over \$800,000 not taking into account higher rates that should be applied to roles such as curatorial and accounting. The Museum is open 6 days a week for a total of 42 hour a week.
- The Coffs Harbour Museum although supported by a volunteer base also has 2.9 Council positions with Council meeting all expenses. It is open 30 hours a week.

4. Seniors

With Arts Mid North Coast having identified this sector one of its priorities through our extensive role in Creative Ageing this is the main focus of this submission. We note that the report has identified that the over 60's are overrepresented in the LGA Age structure with 34.85% of the population compared to 21.9% for NSW, however projections indicate this will be even more significant in the future. Projections from the NSW Government indicate that by 2041 that percentage will be 42.4%. This will be driven by the large increase in those aged over 75. While the total population will grow by 23.4% those aged over 75 will grow by 109.6%. That group will become 20 % of the population. These figures highlight the importance of strong future planning for the needs of this sector of the population. It is our submission this is not reflected in the draft Plan. There are only limited actions in the plan including

- 2.1.1 and 2.1.2 which are both rather passive with no detail provided
- 4.1.1 which if the used term of intergenerational also includes Seniors then the reference to "play spaces" may be better to use the term community spaces.

We note in the introduction to the Plan at Page 2 that Council in preparing The Plan... *looked at key trends in social issues that are occurring across Australia and benchmarked ourselves against other regions of a similar make-up to the Port Macquarie-Hastings Local Government Area (LGA) to help gain further insight into how we can create a brighter future for our community.* As such we recommend consideration of further documents such as the Positive Ageing Plans and publications of NSW Local Government Guidelines

Positive Ageing Plan

There are numerous Positive Ageing Plans in place throughout NSW and Australia. A Local Government Survey in 2014 found at that time over 30 such Plans.

Within our region Coffs Harbour City Council has been developing a Positive Ageing Plan despite its 2016 demographic data showing 27.2% aged over 60 compared to PMHC 34.85%. This follows an extensive community engagement process in 2018. It is also a reflection of such strategic planning having been flagged in its My Coffs Community Plan, again after extensive consultation after the 2016 local government elections. That Plan is proposed around four key themes:

- Community Wellbeing
- Community Prosperity
- A Place for Community
- Sustainable Community leadership

There are three key drivers for the proposed Coffs Harbour City Council's Positive Ageing Strategy.

1. Understanding and responding to the needs of older residents.

The strategy will provide a strategic framework to guide the ongoing development and delivery of programs and services, where applicable for Coffs Harbour LGA's older residents.

2. Understanding and planning for the impact of population ageing.

This recognises the need for Council to understand and plan for the ageing of its population to maximise the benefits, and proactively manage the challenges, associated with this demographic change.

3. Advocating for the needs of older residents.

This considers Council's role is to help promote publicly and where appropriate lobby responsible stakeholders to deliver services and programs to meet the changing needs of Coffs Harbour LGA's older residents.

Coffs Harbour City Council recognises that Council cannot act alone in such matters but can provide leadership by:

- Providing safe, affordable and inclusive environments, community facilities, spaces and activities that bring people together to participate in social, cultural, sport or recreational activities.
- Ensuring the provision of education, training and library services meets the needs of a growing ageing population.
- Advocating to NSW Health to ensure health service provision meets the needs of a growing and ageing population.
- Being a leader in the provision of art and health programs within aged, community and health care settings recognising how valuable art is to our health, positive ageing and social connections in the community.

The Plan when finalised will contain a number of more detailed strategies on how to achieve the above and implementation will be subject to Delivery Plan priorities and resourcing considerations.

Other useful Plans of value from Councils long engaged in the delivery of such services and policy include Clarence in Tasmania. <https://www.ccc.tas.gov.au/wp-content/uploads/2018/10/Age-Friendly-Clarence-Plan-2018-2022.pdf>

Local Government Guidelines

Local Government NSW has published an Age Friendly Toolkit.

<https://www.lgnsw.org.au/files/imce-uploads/127/integrated-age-friendly-planning-toolkit-v11.pdf> This notes:

Councils play an important role in providing community care services and other activities that enable older people to remain living in their own homes and stay active in their communities. Local government develops plans and ageing strategies to meet the needs of older residents.

LGNSW has developed the Integrated Age-Friendly Toolkit to help NSW councils link their Ageing Strategies to the broader council Community Strategic Plan, Delivery Program and Operational Plan as well as the State Government's NSW Ageing Strategy 2016-2020. This 122 page toolkit was developed in partnership with the NSW Office for Carers, Ageing and Disability Inclusion

The Integrated Age-Friendly Planning Toolkit for Local Government in NSW deals with all areas of council work together in planning for an ageing population, especially with respect to the various components of the built environment. However, it is also of assistance in identifying the key issues relating to population ageing and highlights what needs considering when commenting on draft plans or policies from their council or other agencies.

It is therefore the submission of Arts Mid North Coast that Port Macquarie Hastings Council needs to develop a separate Age Friendly of Positive Plan and this should be an identified priority in its Community Inclusion Plan.

Conclusion

The draft Plan notes in its introduction on page 2 that:

Council recognises the importance of ongoing partnerships, collaborative co-created projects, sustainable programs that will further enhance, empower and strengthen the inclusiveness of our community.


We are therefore committed to ongoing community consultation to ensure our focus and vision for the future continues to meet the needs and interests of the local community as they change over time.

Arts Mid North Coast looks forward to partnering with Council in the further development of programs and policies to give effect to the matters highlighted in what is recognised at this stage as a Roadmap or pathway forward.

Kevin Williams

**Executive Director
Arts Mid-North Coast**

6.3 Submission from MNC Local Health District - received via letter to Council



NSW
GOVERNMENT

Health
Mid North Coast
Local Health District

Health Promotion

23 January 2020

Sandra Wallace
Community Participation Manager
Port Macquarie Hastings Council
council@pmhc.nsw.gov.au

Dear Ms Wallace

Feedback on Draft Community Inclusion Plan

Thank you for the opportunity to comment on Port Macquarie-Hastings Council's Draft Community Inclusion Plan (CIP).

Port Macquarie-Hastings' draft CIP is very inclusive and we are pleased to see 'Liveable Community' included as one of the four building blocks of the plan. We refer to the supportive statements of each building block on page 5: 4. Liveable Community

We would like to suggest an additional statement under 'Liveable Community' for your consideration - 'Promoting health and wellbeing'.

Ideally 'health and wellbeing' would be included as a key supportive statement required to achieving a 'Liveable Community'. This would align with the 'Liveable Community' aspirations outlined on page 15 (dot-point 3).

Evidence supports that the way cities and neighbourhoods are designed affects whether or not it is easy for people to walk, cycle, to participate in active recreation or use public transport, and to interact with neighbours and other community members: all activities that contribute to lifelong health and wellbeing¹.

We refer to Liveable Community actions outlined on page 15:

4.2 Build Healthy Communities
 4.2.1. Integrate Healthy Eating Active Living (HEAL) principles in Council's Community Strategic Plan;
 4.2.2. Participate in Mid North Coast Local Health District (MNC LHD) workshops to increase knowledge of healthy built environments which promotes HEAL principles;
 4.2.3. Identify and encourage/ facilitate access to suitable Council-managed locations/ facilities for community-led activities; and
 4.2.4. Audit built environments to improve recreational opportunities.

¹ Healthy Spaces and Places, <https://www.healthypaces.org.au/site/link.php>

Mid North Coast Local Health District
 ABN 57 946 356 658
 Merton Street PORT MACQUARIE NSW 2444
 PO Box 126 PORT MACQUARIE NSW 2444
 Tel 02 6588 2946
 Website www.mnclhd.health.nsw.gov.au



3 Your Business and Industry

What we are trying to achieve

A region that is a successful place that has vibrant, diversified and resilient regional economy that provides opportunities for people to live, learn, work, play and invest.

What the result will be

We will have:

- A strong economy that fosters a culture supportive of business and ensures economic development of the region
- Townships, villages and business precincts that are vibrant commercial, cultural, tourism, recreational and/or community hubs
- A region that attracts investment to create jobs
- Partnerships that maximise economic return and create an efficient and effective business environment

How we will get there

- 3.1 Embrace business and a stronger economy
- 3.2 Create vibrant and desirable places
- 3.3 Embrace opportunity and attract investment to support the wealth and growth of the community
- 3.4 Partner for success with key stakeholders in business, industry, government, education and the community

Economic Development Outcomes, Strategic Objectives and Actions (May 2020 Update)



2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
Embracing business and a stronger economy A Council that recognises the importance of a strong economy and fosters a culture that is supportive of business and that ensures the economic development of the region is a central consideration in all its activities.	1. Ensure a whole of organisation 'solutions focused' culture and approach to supporting business.	A commitment to the Small Business Friendly Council program and associated initiatives.	Ongoing contact with the Service NSW Easy to do Business Program, the NSW Small Business Commissioner and other levels of govt for support to business during the bushfire crisis.	Implementation of further measures to support business following engagement with COVID-19 Recovery Working Group. Review of NSW Government Easy to do Business program.	
			Amendment to Rates and Charges Hardship Policy & range of other fee waivers in light of COVID-19 impacts on local business. Commercial Activities on Council-managed Land on-going. Footpath trading trial for towns and villages commenced in May 2019, fees waived for footpath trading and a-frame sign applications.	Further consideration of Policies in light of COVID-19. Review of Outdoor Dining Policy planned in coming months, with view to including footpath trading under the policy.	
	2. Economic development considerations are central to the activities of Council.	Ongoing review of policies and procedures.	Markets Policy reviewed by Council Nov 2019.	Ongoing implementation. Further review November 2020.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
	3. Maintain a strong connection with the business community and an understanding of their needs.	Conduct an annual business survey.	2019 Business Confidence Survey completed.	Final report published October 2019.	
		Provide support to local business award programs.	Commitment to support Port Macquarie Chamber of Commerce Business Awards.	Council Sponsorship of 2020 Port Macquarie Chamber of Commerce Business Awards (Postponed - COVID-19) Proposed Council support to the Camden Haven Chamber of Commerce Barefoot Business Awards 2020 (Postponed - COVID-19)	
		Continued engagement with local business networks and the 'Business Hub'.	The Business Hub is meeting regularly with 75% attendance. Regular Council representation at network meetings. Small Business activities support.	Support bushfire recovery and COVID-19 recovery efforts/projects being conducted by local business networks. Bi-monthly meetings and support of The Hub.	
	4. A Council which provides leadership to the business and broader community.	Maintain regular and open communication with local stakeholders on matters of economic significance to ensure effective advocacy by all.	Active participation in Mid-North Coast Business and Tourism Bushfire Recovery Sub-Committee. Advocacy to State and Federal Government on needs of local business during and following 2019 Bushfires and in light of COVID-19. Quarterly Chamber Meetings; Monthly Economic Development Steering Group Meetings; GPMTA marketing sub-committee; Social media – The Business Portal (Facebook page) contribution; Economic Development Matters e-Newsletter; local media releases	On-going advocacy, meetings and communication activities. Implementation of the Council Business Support Program in 2020 (COVID-19 response). Expansion of the Support Local marketing campaign.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
Providing the foundations A Council that initiates and drives the livability and sustainability of the region through improved planning, infrastructure and services.	5.Ensure appropriately zoned land and precinct planning to encourage business investment and the development of new industries.	Implement Urban Growth Management Strategy.	On-going implementation.	On-going implementation.	
		Finalise Port Macquarie Health and Education Precinct Planning.	Commenced implementation of Health and Education Master Plan with stakeholders, and pursuit of funding support.	Develop project advocacy approach, including marketing collateral, funding applications, project partner definition.	
			Port Macquarie Airport terminal upgrade completed ahead of schedule in November 2019.		\$5 million - NSW Gov't - Restart NSW Regional Tourism Infrastructure Fund. \$1.25 million - Australian Government - Community Development Grants. Council - \$1.25 million Airport Reserve
			Council has commenced management actions under the Airport and Surrounding Lands Biodiversity Certification Agreement.	Securing funding for the development of a parallel taxiway.	
		Progress Airport Precinct expansion opportunities.	Preparation of Environmental impact statement and Development Application for Parallel Taxiway development and landing clearing tree encroaching take off / landing zones.	Finalise rezoning and continue planning of Airport Business Park.	
		Review existing tourism-zoned land and investigate potential sites for future tourism development.	Destination Product Audit and Analysis completed as lead-in step.	Review planning controls for rural and environmental areas in relation to nature-based tourism.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
6. Prioritise, advocate and provide leadership in the delivery of infrastructure projects that will make Port Macquarie-Hastings the premier place to live, learn, work, play and invest on the North Coast.		Provide support for timely strategic planning.	On-going under UGMS and priorities as confirmed by Council		
		Review Infrastructure Gap Analysis Report and recommend prioritisation of key elements.	Action under review noting Regional Integrated Transport Strategy development.		
		Plan for alternate north/south link roads in Port Macquarie.	Consultant engaged (SMEC) and works underway on the Port Macquarie Transport Network Planning Project. Traffic Model currently being developed. Port Macquarie Transport Network Community Consultative Committee established.	Project includes Stakeholder Value Management workshops to review improvement options	
		Support high speed broadband rollout and promote the associated benefits.	NBN rollout continuing.	Work with local businesses to make the most of high speed broadband opportunities.	
		Support the delivery of projects which enhance connectivity.	Town Green WIFI trial complete. New airport and Port pool wifi operational.	Investigate installation of free wifi for Laurieton and Wauchope CBDs.	
		Advocate for the further development of the public transport network to meet the needs of the local community and visitors.	Advocacy via regular local member and ministerial meetings.	Information to be collated and included in the Regional Integrated Transport Strategy	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
		Develop a Port Macquarie CBD Parking Strategy.	Project Planning Complete for Parking Plan development and Parking Policy update (areas include, Port CBD, Lake Rd Industrial Area, Wauchope CBD, North Haven and Laurieton CBD)	Releasing Tender when COVID-19 restrictions are eased due the need to collect parking data.	
		Implementation of priorities from the Area Wide Traffic Study.	Initial Area Wide Traffic Study priorities included in draft 20/21 Operational Plan.	Implementation ongoing.	
		Implement Port Macquarie Foreshore Master Plans.	Charlie Uptin Segment (Stage 1) completed. Completion of pre-construction activities associated with Charlie Uptin Stage 2, Kenny Walk and Doctors Walk segments. Continuation of detailed design and approvals for upgrade of Town Green West.	Completion of the \$2.1M Port Macquarie Coastal Walk upgrade Design and partial construction of the Fisherman's Wharf segment of the Foreshore Promenade (in partnership with Crown Lands). Finalisation of detailed design and approvals and commencement of construction of the Town Green West upgrade.	\$765,000 - under NSW Regional Growth Environment and Tourism Fund. \$1.5m Community Development Grant (Federal)
	7. Work with key stakeholders to implement major capital works projects.	Development of the Hastings Regional Sports Fields.	Continuation of detailed design process (80% complete).	Finalise design and preparation for construction. Further community engagement scheduled for coming months. Full completion of detailed design (July 2020).	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
		Continue to support Wauchope Main Street Plan.	Main Street upgrade complete.	Master Plan will be reviewed to determine if further works are required	\$530,000 - NSW Government -NSW's Active Transport program. \$1.8m – Roads and Maritime Services - Wauchope Main Street rejuvenation
		Facilitate investment in student accommodation.	Ongoing policy allowing for deferral of contributions for student accommodation development.		
	8. Further position Port Macquarie as a centre for learning and investment in education with a focus on domestic and international tertiary students with great employment possibilities.	Promote the opportunity to live, learn and earn in the Port Macquarie-Hastings LGA.	Digital content developed and on-line marketing campaign delivered. Development of new investment attraction brochure. Additional digital marketing content developed (business relocation/stories videos).	Exhibition attendance at Sydney Build Expo and the Advanced Manufacturing Expo (postponed COVID-19) Release and promotion of new digital marketing content.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
<p>Creating vibrant and desirable places</p> <p>A region where the townships, villages and business precincts are vibrant, connected, commercial, cultural, tourism, recreational and/or community hubs.</p>	<p>9. Planning for a Smart Regional City.</p>	<p>Develop a Regional-City Strategy—Develop a Smart City Strategy</p>	<p>Smart Community Roadmap development commenced April 2020, following determination of staged approach to development.</p>	<p>Smart Community Roadmap to be finalised mid-2020.</p>	
		<p>Implement the Town Centre Master Plan.</p>	<p>Short Street Amenities finalised.</p> <p>1 Parklet installation completed.</p> <p>Contractors engaged to complete engineering drawings for Foreshore Promenade.</p>	<p>Expression of interest for an additional parklet within the Port Macquarie Town Centre to be advertised in coming months.</p> <p>Completion of detailed design and approval requirements for the Foreshore Promenade.</p>	<p>Amenities - \$255k</p>
		<p>Implement the Cultural Plan.</p>	<p>On-going implementation, including near completion of Cultural Economy Project, finalisation of Public Art Policy, planning for Artwalk 2020.</p>	<p>Completion of Cultural Economy Project, development of Public Art Guidelines and Master Plan, Wauchope Riverwalk Sculptural Trail Development, Aboriginal Heritage Study.</p>	<p>\$37,500 - building better regions fund (Cultural Economy Plan)</p>
		<p>Smart & Connected Communities - Value at Stake Analysis.</p>	<p>Complete</p>		
		<p>Continue to implement and plan for smart city initiatives.</p>	<p>Continued rollout of smart technologies as part of the Long Term Energy Strategy.</p>	<p>Smart Community Roadmap completion.</p>	
		<p>Complete CBD Wifi rollout.</p>	<p>12 month trial complete.</p>	<p>No further hardware upgrades proposed currently in Port CBD.</p>	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
	10. In collaboration with relevant stakeholders, provide practical support to the LGA's towns and villages to plan for a sustainable and prosperous future.	Continue to investigate feasibility of a Smart Work Hub.	18 month review of The Hub Co-working "pop up" trial undertaken in August 2019. Trial extended to January 2021.	On-going planning with CSU for their new Innovation Hub, part of Stage 2 campus development.	
		Further implementation of the Digital Strategy.	Port Macquarie Town Green public WIFI	Investigate installation of free wifi for Laurieton and Wauchope CBDs.	
		Towns and villages initiatives, including the investigation of footpath trading opportunities.	Community Plans finalised and endorsed by Council: Bonny Hills, Comboyne and Byabarra, Lake Cathie, Telegraph Point and Surrounds and Pappinbarra.	Support implementation of bushfire recovery and resilience building projects. Implementation of Community Plans, including key economic development initiatives identified.	\$250k NSW Bushfire Community Resilience and Economic Recovery Funds
			Draft Community Plans in development: Camden Haven, Kew/Kendall/Lorne/Heron's Creek Wauchope, Rollands Plains, Hastings Hinterland and Beechwood-Pembroke.	Ongoing community planning and policy development.	\$1,416,667 National Bushfire Recovery Funding
		Explore opportunities to further activate public spaces including commercial opportunities.	Bushfire recovery funding sought to support recovery initiatives in towns and villages with a range of partners, including the Wauchope Chamber of Commerce and Industry and Camden Haven Chamber of Commerce, Show Societies, CCAT's, Rural Halls Network, Birpai LALC and Bunyah LALC.	Footpath trading approved under 12 month trial / waiver of fees.	
				Ongoing assistance to temporary licence applicants.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
			Port Macquarie Aquatic Facility planning has continued. Steering Group formed to progress this project.	Regional Sporting Precinct construction.	Stuarts Park - \$3.1m
			Continuation of the Stuart Park Regional Sporting Precinct project.	Deliver projects under Stronger Country Communities Fund.	Pontoon - \$80k
			Flynns Beach Seawall Replacement - Stage 1 completion.	Commence Thrumster Sporting Complex Detailed Design and Approvals.	NSW Boating Now Program Boat Ramps - \$570k
		Implement the Port Macquarie-Hastings Recreation Action Plan.	Oxley Oval Flood Lighting Upgrade (300 Lux).	Finalise Town Beach Playground upgrade.	NSW Boating Now Program Regional Stadium - \$186k
			Commence detailed design and approvals for the Lake Cathie Bonny Hills sporting fields.	Commence construction on the Lake Cathie skate Park.	Hockey Field 2 - \$237k
				Commence North haven to Bonny Hills Coastal Walk upgrade.	Lake Cathie Skate Park - \$305,000
				Continue detailed design and approvals for the Lake Cathie Bonny Hills sporting fields.	Flynns Beach Seawall - \$1.16M

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
Driving opportunity A region that embraces and creates opportunities. A region that attracts investment to create additional jobs and increase the wealth of the region and its residents.	11. Gather and analyse economic data to identify key trends, opportunities and gaps.	2016 Census data review.	Update on local economic performance Strategy targets presented to October EDSG.	On-going review of data releases.	
		Tourism Product Gap Analysis.	Project Completed as 'Destination Product Audit and Analysis' February 2019.		
	12. Develop and implement marketing campaigns, collateral and content to promote the region as a place to live, learn, work, play and invest.	Implementation of Destination Management Plan (DMP).	Ongoing support to local industry communications, marketing and PR during and post-bushfires and in light of COVID-19. Ongoing marketing with message of bushfire recovery, and inspiration to visit when travel is allowed. Finalised draft of new Destination Management Plan and placed on exhibition for comment.	Adopt / implement new Destination Management plan.	
		Update of the investment prospectus.	New investment prospectus designed and printed for distribution.		
		Place Marketing to attract investment.	New local imagery sourced and video content released.	Further content development and targetted communication of local stories.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
	13. Positive and proactive engagement with event owners, funding bodies and event placement organisations to sustain a full event portfolio.	Implementation of the Major Events Strategic Action Plan.	On-going implementation of 2019-2024 Council Events Plan. Major event support and adjustments due to smoke, flooding and COVID-19.	Ongoing management of hosting contracts and bidding for new events. Streamlining the event owners experience with Council and the internal processes that occur around event applications.	
		Support to existing and emerging events.	Events Sponsorship Program growing local events. Round 2 2020 funding finalised in Feb 2020.	Future funding rounds. Working with event owners to reschedule due to COVID-19 restrictions and use appropriate messaging when advertising their upcoming events.	
	14. Develop and support projects which generate job creation opportunities.	Food Cluster Feasibility Study.	Shared commercial kitchen trialled by industry in 2018.	No further action proposed re: cluster development at this point. Focus on supporting local producers post bushfires and COVID-19.	
		Tele-commuter / tele-worker attraction.	The Hub business and co-working space operating to cater for tele-commuter/tele-workers.	Further targeting of remote workers and micro business relocation. Raise local awareness of new major corporation "Work from Home" opportunities in context of COVID-19.	
		Work with key stakeholders to encourage investment in new industrial areas.	Ongoing enquiry responses, prospectus promotion.	Ongoing enquiry responses, prospectus promotion.	
		A targeted approach to attracting large enterprises.	Develop relationships with target industries. Continued place marketing.	Further marketing and distribution activities, including presence at Sydney Build Expo and the Advanced Manufacturing Expo.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
	15. Collaborate to encourage innovation, competitiveness, entrepreneurship and support for the start-up community.	Business Incubator/Innovation Centre Feasibility Study.	The Hub Business and Co-working Centre Pop-up trial extended 12 months to January 2021.	Establishment of CSU Innovation Centre as part of CSU Stage 2B, to open in January 2021. Implementation of the Council Business Support Program in 2020 (COVID-19 response).	
	16. Plan for current and future workforce needs.	Undertake a Regional Skills Audit.	Skills Audit completed in 2018. Ongoing use of content in stakeholder discussions and planning.	Participation in the Mid North Coast Employment Services Trial Working Group.	\$25,262 Federal Government – Building Better Regions Fund – Community investment Stream (Skills Audit)
	17. Identify and secure grant funding to support economic development initiatives.	Support for the Careers Market. Identify and pursue opportunities to secure funding for projects that will support the delivery of Council priorities. Build awareness of grant opportunities for local businesses.	Careers Market 2019 Priority projects identified. Wide variety of grant applications completed and new funding secured (refer 6 monthly Grants Report) On-going liaison with other levels of government and promotion of grant opportunities via Council channels.	Careers Market 2021 (postponed 2020 due to COVID-19) Funding being pursued for priority Council projects. Continued promotion of bushfire and COVID-19 grant opportunities and application support for local business.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
Partnering for success A Council which works alongside key stakeholders in business, industry, government and the community to build a strong, innovative and resilient economy.	18. Support the growth of the Port Macquarie Airport precinct.	Grow passenger numbers and route options (eg scheduling, competition and destinations)	Review of the joint Destination NSW and Council Winter Fly Port Macquarie campaign.	Advocating for Airlines to restart routes suspended in response to COVID-19.	\$50,000 Destination NSW Regional Cooperative Marketing Fund (Winter campaign)
		Support airport precinct expansion opportunities.	Terminal expansion funded. Planning for Business Park continuing.	Planning for Business Park ongoing.	\$5m Restart NSW Funding \$1.25m Regional Community Development Grant
		Food Industry Development including a focus on value-adding.	Food Hub shared commercial kitchen trialled by The Other Chef in 2018.	Support as appropriate for new food industry initiatives.	
	19. Provide timely support to existing and emerging industries in a partnership capacity to encourage growth and sustainability.	Construction Industry Action Group.	Construction Industry Action Group reconvened in November 2019.	Further meetings as an industry group and agreement on priority industry initiatives.	
		Cultural Plan implementation and on-going review.	See above	See above	
		Destination Management Plan review and implementation, including pursuing opportunities for education-related tourism products.	Finalised draft of new Destination management Plan and placed on exhibition for comment.	Implement new Destination Management plan. Monitor impact of COVID-19 on education tourism product.	
		Work with key stakeholders to recognise, support and promote creative industries.	Ongoing engagement with Creative Wauchope Sub-Committee, Artwalk 2020.	Completion of Cultural Economy Project to inform development of new Cultural Plan.	

2017 to 2021 Outcomes	Strategic Objectives	Actions (for annual review)	Action to Date (focus on last 6 months)	Future Priorities	Non-Council project Funding
	20. Work closely with local business networks and organisations to build their capacity and facilitate the growth of existing enterprises.	Assist local Chambers of Commerce to enhance internal governance, improve business representation, and advocate their role as primary local business networks.	Ongoing support for Chambers of Commerce and business support networks.	Focus on working closely with new Committees at Wauchope and Camden Haven and Greater Port Macquarie Tourism Association, as identified in new DMP.	
	21. Proactively partner with all levels of government to grow the local economy.	Facilitate and lead conversations with Government representatives, departments and bodies.	On-going advocacy, planning and application for funding support, including a submission to the 2020 NSW Small Business Strategy.	On-going advocacy. Data collection to advocate for economic recovery from COVID-19.	

4 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



SHAPING OUR
TRANSPORT
FUTURE

Vegetation management policy review

ARRB Project No.: 014553

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Prepared for: Port Macquarie Hastings Council,
NSW

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Final Report

VERSION CONTROL

REPORT VERSION NO.	DATE	RELEASED TO CLIENT BY	NATURE OF REVISION
1	29/08/2019	TYT	-
2	4/09/2019	TYT	Possible meeting and received comments. Focus on ED, REF and SEPP, plus other clarification
3	23/09/2019	TYT	Revised recommendation on budget adequacy and schedule
4	07/10/2019	TYT	Revised Table 1 and section 3.3.1 Resourcing based on input from PMHC Parks Group Manager

SUMMARY

The review found that there is a good level of vegetation control on Council assets and a strong awareness of the risks and legislative responsibilities of Council when managing native vegetation. The scope and provisions within the draft Vegetation Management Policy are appropriate with some areas identified for improvement. The report complements a separate activity entitled the 'Review of Unsealed Roads Work Practices' (RURWP) undertaken by ARRB.

OBJECTIVE AND SCOPE

Port Macquarie Hastings Council has engaged ARRB to conduct an independent review of their draft Vegetation Management Policy and related maintenance work practices.

Council recently developed a draft Vegetation Management Policy in February 2019 intended to provide clear direction for a fair and equitable service for all road users with consideration of road usage and the limits posed by funding and resources. Like unsealed roads, vegetation management is a key concern for rural communities and can be a highly emotive and complex issue, while typically affecting only a small percentage of rate payers.

The study involved:

1. An initial review of current government policy and programs relating to managing and protecting native vegetation on council managed land
2. Consultation with key Council staff involved in the implementation of vegetation management on council managed land to discuss their issues, concerns and work practices
3. Provision of recommendations on:
 - current work practices performed by Council during vegetation management activities
 - suitability and application of the draft Vegetation Management Policy with regard to the limitations to Councils funding and resources

MAIN FINDINGS

The main findings were:

F1. Environmental assessment and approvals processes were identified as the area of most concern. Both in terms of the impact on time and resources to identify and follow the correct approvals pathways and the risks with being non-compliant, there could be inadequate operational resources to fully manage these requirements.

F2. Resourcing of vegetation control on the road network was able to meet service levels i.e. works on dangerous tree removal, roadside slashing, weed spraying and outreach mowing were achieving an acceptable level of vegetation control. However, resources may be under more pressure in public reserves and parks spaces to maintain an acceptable level of service, to some extent due to tighter schedules and more constraints on operations.

F3. With the exception of the check list proforma for managing 'Exempt Development' and the Review of Environmental' (REF) documents, specific environmental operational procedures were found to be undocumented and not being used for all routine maintenance activities however safe work method statements (SWMS) exist for most activities. Standards on operating are agreed and set within works crews in accordance with Councils NATSPEC maintenance specification documents.

F4. Management staff had good awareness of their legislative responsibilities in relation to environmental management.

F5. While there was some specific best management practice training aimed at reducing impacts for a particular job there was found to be little training being conducted on environmental awareness (reducing environmental footprint,

risks of transfer of weeds and biosecurity issues, trampling or smothering sensitive vegetation) and managing the approvals processes.

F6. Vegetation management with respect to unsealed road surfaces and road edges (see parallel report on Unsealed Works Practices) is performed by undertaking a spraying program three-four weeks in advance of surface grading. This results in little accumulation of vegetation within the verge and any windrows that form. The treatment is therefore effective. As a general comment from the unsealed roads review field visit, vegetation within the road reserve appears to be largely under control and the intervals between management activities is not excessive. However, no comments or recommendation have yet been made on budget adequacy in this draft report.

RECOMMENDATIONS

The main recommendations are as follows:

1. Work practices
 - Undertake more deliberate risk assessment of routine maintenance activities. This could be operationalised by including practices such as morning toolbox talks covering expected environmental issues to be aware of over the day, review of mapping layers, and to ensure field checklists are attached to job cards.
 - Document environmental procedures for maintenance activities involving native vegetation management and tailor training targeted to crews and their supervisors.
 - Prepare a Review of Environmental Factors (REF) report for each Council activity that could create a significant environmental impact as per the relevant Environmental Approvals pathway and continue to conduct tailored training for engineering and other staff required to write these reports and supervise works.
 - Ensure Standard Operating Procedures are available and applied rigorously in managing the clearance of native vegetation under exemptions, with a need to apply a periodic internal audit to confirm adherence.
2. Suggestions for inclusion into draft Vegetation Management Policy:
 - NEW PRINCIPLE: Council will follow environmental legislation and there will be minimum disturbance when working within the road reserve or near other sensitive environments.
 - NEW PRINCIPLE: Council will conduct a review of how each environmental approval (or permit) has been implemented to ensure that the works had been executed well and without adverse impacts.
 - NEW PRINCIPLE: As part of each review of the Vegetation Management Policy Council will check on relevant legislation changes.
 - A new section in 3. Responsibilities and authorities, providing a description of relevant environmental approvals pathways including an outline of the triggers for investigating the need for each approvals pathway.
3. Budget adequacy should be reviewed by PMHC to confirm the intended schedules can be fully supported. However, no specific recommendations under this review have been made to change these as independent evidence to allow benchmarking is not readily available whereas the frequencies were judged favourably by the review team.

ACKNOWLEDGEMENTS

The authors would like to thank Port Macquarie Hastings Council for their direction and support in undertaking this project. ARRB also wishes to acknowledge RM Consulting Group for their assistance with the development of this project.

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1 INTRODUCTION

1.1 OBJECTIVE

Port Macquarie Hastings Council (PMHC) has engaged ARRB to conduct an independent review of their draft Vegetation Management Policy and related maintenance work practices. The report complements a separate activity entitled the 'Review of Unsealed Roads Work Practices' undertaken by ARRB.

1.2 BACKGROUND

Council recently developed a draft Vegetation Management Policy in February 2019 intended to provide clear direction for a fair and equitable service for all road users with consideration of road usage and the limits posed by funding and resources. The policy covers all road classifications, parks and other public reserves, and stormwater management systems. Like unsealed roads, vegetation management is a key concern for rural communities and can be a highly emotive and complex issue, while typically affecting only a small percentage of rate payers.

A myriad of issues can arise in relation to vegetation management (native and non-native) in rural and urban environments and these include land tenure issues, operating on Crown road reserves, managing vegetation encroachment to retain sightlines, and clear zones, and complying with legislative protection of listed plant communities.

This review is part of the policy adoption process and covers both the policy and more broadly, Council's existing work practices. Council is committed to consulting with the community and there is a forthcoming series of workshops related to the Unsealed Roads Policy and this Vegetation Management Policy review is timely given the two are intrinsically linked.

1.3 COUNCILS CURRENT ROADSIDE VEGETATION CONTROL PROGRAM

The current roadside vegetation management program includes outreach mowing, roadside slashing, tree removal and weed poisoning activities. The schedule and budget for the rural roadside outreach mowing and slashing program is shown in Table 1. Vegetation management with respect to unsealed road surfaces and road edges (see parallel report on Unsealed Works Practices) is performed by undertaking a spraying program three-four weeks in advance of surface grading. This results in little accumulation of vegetation within the verge and any windrows that form. The treatment is therefore effective.

Table 1: Vegetation management program activities and intervention intervals¹

	ACTIVITY	SCHEDULE	CLASSIFICATION	BUDGET 2019-20
1	Rural outreach mowing, comprising outreach mower, chainsaws and pole saws with the aim to remove encroaching vegetation (trees and grass)	5 years: 200 km/yr	Major Rural Sealed Roads; Minor Rural Sealed Roads; Unsealed Roads	\$400,000
2	Rural roadside slashing, involving use of a slasher and whipper snipper with the aim to remove	12 months: 340 km/yr	Major Rural Sealed Roads (only)	\$200,000

¹ Port Macquarie Hastings Council 2019-20 Rural Outreach Mowing Programme June 2019, Port Macquarie Hastings Council 2019-20 Rural Roadside Slashing Programme, June 2019.

	ACTIVITY	SCHEDULE	CLASSIFICATION	BUDGET 2019-20
	reduce vegetation (grass) adjacent to the road			
3	Pre-grading weed spraying budget	As per grading, mowing and slashing schedule Other programs: about 6-8 weeks	Sealed Roads, Unsealed Roads, Water, Sewer, Waste, Stormwater Drains	\$518,000
4	Urban Mowing, Grounds and Garden Maintenance	As per Open Space Maintenance Schedule	Sealed Roads, Public Reserves (Parks and Playgrounds), Sports Fields	\$2,290,160
5	Urban Tree Management	Risk based prioritisation of works	Sealed Roads, Public Reserves, Sports Fields	\$412,600

As a general comment from the unsealed roads review field visit, vegetation within the road reserve (which is managed by the Outreach Mowing Program) appears to be largely under control and the intervals between management activities is not excessive for an area with an average annual rainfall of approximately 1,200 mm/year. This is illustrated in Figure 1, where the examples represent different intervals since mowing was last conducted. However, no comments or recommendation have yet been made on budget adequacy in this draft report. Maps showing the locations covered in the outreach mowing and slashing programs are contained in Appendix A.

1.4 SCOPE

The scope of the study is as follows:

- Review current work practices performed by Council during vegetation management maintenance activities including but not limited to, scheduled roadside slashing and outreach mowing works.
- Critically evaluate the suitability and application of the Vegetation Management Policy with regard to the limitations of Councils' funding and resources.
- Provide a report with recommendations for further process improvement.

1.5 STRUCTURE AND CONTENTS OF THIS REPORT

Following the introduction, the report comprises:

- Section 2. Appreciation and approach, describes our understanding of the issues faced by Council and describes the approach taken to the review
- Section 3. Review findings describes the findings from discussions with Council staff, a desktop review of relevant policy and legislative information on native vegetation management, and review of the coverage and application of the draft policy, with consideration of available funding and resources.
- Section 4. Summary of findings and recommendations.

Figure 1: Example photographs from Unsealed Road Review annotated with last Outreach Mowing date

<p>Lantana Road, Byabarra: last Outreach Mowing 2015-16</p>	
<p>Clarefield Dungay Road Marlo Merrican: last Outreach Mowing 2016-17</p>	
<p>Deep Creek Road, Bagnoo, last Outreach Mowing 2017-18</p>	

2 APPRECIATION AND APPROACH

2.1 APPRECIATION

PMHC are challenged to manage vegetation on their road network and other public reserve spaces to meet customer and various government authority expectations, all within the limits posed by funding and resources. There are difficult issues, for example, where Council roads, storm water and sewer assets intersect or overlap with NSW National Parks and Wildlife Service (NPWS) boundaries. A draft agreement² between Council and NPWS was prepared in early 2019, however, the process for resolution has stalled and agreement on a practical way forward so that Council can continue to maintain their assets has not been reached.

Council staff are having to keep up to date with changing legislation and policies relating to native vegetation management in NSW. Permits and approvals processes can be arduous and there are risks of adverse impacts when operating close to sensitive vegetation communities. Notwithstanding, Council activities can compromise the natural values of areas if not well managed, which leads to the need for a suitable Vegetation Management Policy and accompanying work practices.

2.2 APPROACH

The following approach to the review was adopted

1. An initial review of current government policy and programs relating to managing and protecting native vegetation on council managed land
2. Consultation with key Council staff involved in the implementation of vegetation management on council managed land to discuss their issues, concerns and work practices
3. Provision of recommendations on:
 - current work practices performed by Council during vegetation management activities
 - suitability and application of the draft Vegetation Management Policy with regard to the limitations to Councils funding and resources

² Asset Interface Agreement: Applicable to interfaces between PMHC assets and the NSW NPWS within the PMHC area, 2 February 2019

3 REVIEW FINDINGS

3.1 LEGISLATION AND GOVERNMENT POLICY

Responsibility for environmental matters in Australia is shared between the State and Commonwealth governments, with primary responsibility sitting with the States.

Council is the Road Authority for all roads under its jurisdiction as described within the NSW Roads Act 1993 and is the appointed Authority for the local government area as described in the NSW Local Government Act 1993. Noting that the Local Government Act 1993 states ecologically sustainable development, this requires the effective integration of economic and environmental considerations in decision-making processes.

Native vegetation is afforded protection under state and federal legislation depending on its conservation status.

At the state level, environmental assessment of Councils' activities is undertaken under Part 5 of the Environmental Planning and Assessment (EP&A) Act 1979, which is the principal planning legislation in NSW.

For some construction works including ancillary activities such as maintaining access tracks and tree trimming, Council will need to undertake a Review of Environmental Factors (REF). Preparing REFs is the key mechanism through which councils can usually fulfil their responsibilities under the Act; REFs will usually be prepared for a defined scope of works. For projects that have minor and predictable impacts, a Part 5 assessment under the EP&A Act is required. Council can be both a public authority proponent and the determining authority. As the proponent, the works are assessed as 'development permissible without consent'.

The NSW State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) assists local councils by simplifying the approvals process for development (or maintenance) for the purpose of a road or road infrastructure facilities. Section 97 (1) of the Infrastructure SEPP states that:

(1) Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a road or road infrastructure facilities and complies with clause 20:

(f) upgrading or maintenance of landscaping, or vegetation management (such as weed spraying, slashing and pruning), that:

(i) does not involve construction works, and

(ii) involves the replacement (if any) of existing materials with similar materials only,

Council uses a checklist as the tool for environmental assessment to identify projects which are 'exempt development.' Noting that Clause 20 limits when 'exempt development' applies, including a statement that it must not involve clearing of vegetation that would otherwise require a permit – unless the clearing is undertaken in accordance with the permit.

Council works in the coastal zone may require approval under various legislation administered by other state public authorities. For example, DPI Fisheries, a division within the Department of Primary Industries, assesses applications for dredging and reclamation works, harming marine vegetation and obstruction of fish passage, in accordance with Part 7 of the Fisheries Management Act 1994 (FM Act) and the Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update) (DPI Fisheries P&G).

Council sometimes needs to undertake very minor, low risk but ongoing maintenance works that trigger Part 7 of the FM Act e.g. pruning overhanging mangrove limbs, removal and / or trimming of mangroves encroaching into various areas such as pedestrian paths, roads and drainage structures. The use of a 'Maintenance Permit' streamlines the approval process for these minor maintenance works providing administration efficiencies for both Council and DPI Fisheries. It is also expected that Council implements 'best practice management' with respect to erosion and

sediment control and marine and aquatic vegetation management, for example in accordance with all applicable requirements of 'The Blue Book'³.

3.1.1 NATIVE VEGETATION SPECIFIC

NSW BioNet is the repository for biodiversity data products and is managed by the Department of Planning, Industry and Environment (DPIE). A threatened species search of Atlas of NSW Wildlife Atlas Database⁴ is a good place to begin investigating the likelihood that any proposed Council activities may impact on endangered ecological communities (EECs). Council has geographic information system (GIS) mapping layers identifying areas of potential threatened species across its road network and other assets.

The main national environmental law is the Environmental Protection and Biodiversity Conservation (EPBC) Act 1999. The EPBC Act protects matters of National Environmental Significance (NES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others). Where actions that will or are likely to have a significant impact on any matters of NES, Commonwealth approval may be required in addition to any other approvals required under NSW law. All known 'Matters of Environmental Significance' in each local government area can be accessed from the Commonwealth (of Australia) Government's Department of Environment and Energy website⁵. In the Port Macquarie Hastings LGA, for example, there are 6 threatened ecological communities (TECs), 92 threatened species and 67 migratory species listed. There is also one world heritage property, one national heritage place and two nationally important wetlands listed.

NSW is transitioning to a new way of assessment of proposals to clear native vegetation. The Biodiversity Conservation Act 2016, the Local Land Services Amendment Act 2016 and the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 commenced on 25 August 2017. Clause 8 of the SEPP (Vegetation in Non-Rural Areas) states that an authority to clear vegetation under this policy is not required if it is a clearing authorised under s60(O) of the Local Land Services Act 2013. Section 60(O) provides an exemption for clearing under Part 5 of the EP&A Act and therefore consent is not required under this SEPP. This means Standard Operating Procedures apply, and these must be rigorous and used (see for example 'Form DE300 Exempt Development Proforma Review of Environmental Factors'). These should attract a periodic internal audit to confirm adherence.

The Coastal Management SEPP replaced the Coastal Wetlands SEPP 14, Littoral Rainforests SEPP26 and Coastal Protection SEPP 71 in 2018 which requires a development consent on identified (mapped) coastal land. For routine maintenance works, the Coastal Management SEPP does not apply in accordance with Clause 10 of the SEPP (noting that the approvals process is elevated to a 'Part 4 assessment' for non-routine activities or upgrades).

Clause 8(4) of the State Environmental Planning Policy (Infrastructure) 2007 states:

A provision of this Policy that permits development for the purpose of emergency works or routine maintenance works to be carried out without consent, or that provides that development for that purpose is exempt development, prevails over clauses 10 and 11 of State Environmental Planning Policy (Coastal Management) 2018 to the extent of any inconsistency, but only if any adverse effect on the land concerned is restricted to the minimum possible to allow the works to be carried out.

A further area of contention for Council is permissions between neighbours and appropriate consent to clear vegetation when maintaining or reconstructing boundary fences.

³ Managing Urban Stormwater: Soils and Construction (4th Edition), commonly referred to as 'The Blue Book'.

⁴ <http://www.bionet.nsw.gov.au/>

⁵ <http://www.environment.gov.au/epbc/protected-matters-search-tool>

The Office of Local Government has been collaborating with other relevant state agencies (OEH, LLS, DPI) to ensure that a clear and consistent approach is provided to help Councils adjust to new assessment and approvals systems for vegetation related matters in development applications.

3.2 SCOPE OF DRAFT VEGETATION MANAGEMENT POLICY

The Vegetation Management Policy sets out the principles by which Council manages vegetation on its road network (formed and unformed), public reserves and stormwater management systems, within the constraints of available resourcing.

The policy includes and addresses the following:

- A clear statement on scope
- Road categories, stormwater asset classifications, public land areas (public reserve - Council, public reserve - Crown)
- Principles it applies to vegetation management (12):
 - classification of roads
 - resource allocation
 - removal of vegetation that is on or overhanging the public road
 - removal of marine vegetation
 - removal of Endangered Ecological Communities
 - removal of trees within road shoulders
 - vegetation management on National Park managed land
 - weed spraying
 - stockpiling of vegetation waste
 - driveways / road crossings
 - damage to fencing from fallen vegetation
 - private works on public roads
- Level of service according to road classifications, service treatments, maintenance intervals and extent of network, taking into account:
 - current resourcing available
 - regular review in response to changes in condition or budget position
 - need for risk based reactive maintenance where there are community safety issues
- Statement of Responsibilities and Authorities, including those for:
 - Council members
 - General Manager and Directors
 - Group Manager Transport and Stormwater Network
 - Operations Manager and Operations Engineers
 - Coordinators
- List of legislative and other references

3.3 CONSULTATION WITH COUNCIL PRACTITIONERS

Four council practitioners with responsibilities across the transport and stormwater, natural resources and public reserves (parks) areas were interviewed as part of the study. Interviewees were asked about:

- main issues affecting their work (or work teams) with regard to vegetation management and feedback on the draft policy
- work practices relating to vegetation management
- knowledge of legislative responsibilities towards the environment (sensitive native vegetation), and
- the need for training.

The main findings from the interviews are summarised below.

3.3.1 ISSUES WITH VEGETATION MANAGEMENT AND THE DRAFT POLICY

Environmental approvals

Environmental assessment and approvals processes were identified as the area of most concern. These related to the terms of the impost on time and resources to follow the correct approvals pathways and the risks with unwittingly not having the right approvals in place and being non-compliant. Although there was acknowledgement that Council is afforded a level of protection by various provisions and exemptions (e.g. 'exempt development' is the environmental assessment process required under the Roads Act or ISEPP, as discussed in section 3.1) there was good awareness that that these do not apply in all situations. For example, when there could be removal of endangered ecological communities, impacts on marine vegetation and when working in National Park managed land. These three vegetation management principles were identified as the greatest risk areas for Council.

REFs are being raised for a defined scope of works where vegetation may need to be removed or trimmed in sensitive environments, for example, works in the coastal zone affecting marine vegetation such as mangroves. The requirement for vegetation removal is more likely for upgrade projects. Examples of a 12-month maintenance permit (under the FM Act, for example) to work near marine environments were provided. These require detailed input from Council and the continual renewal of permits was reported to be frustrating.

It was noted that while there is a data base containing all the REF reports and permits, a REF report had not been prepared covering vegetation maintenance activities in all potentially sensitive areas. It was also reported that Council's GIS mapping used to identify areas of potential threatened species had the following areas mapped:

- National Parks, State Forests, Nature Reserves, Conservations Areas
- Key fish habitat (relevant to marine vegetation)
- Rural roadside endangered ecological communities
- Rural roadside hollow bearing trees
- Rural roadside threatened plants
- Endangered ecological communities
- Coastal Wetlands and Littoral Rainforests.

These mapping layers are now available to all team leaders.

Removal of vegetation overhanging a public road, removal of (regenerating native) vegetation within road shoulders, weed spraying and stockpiling of vegetation were identified as the areas covered by the policy with the next highest risk of environmental damage.

Resourcing

There was a general view that vegetation was being managed reasonably well along roadsides within the resource constraints, and that the service levels (treatments and intervention frequency) for dangerous tree removal, roadside slashing, weed spraying and outreach mowing were achieving an acceptable level of vegetation control.

More time and resourcing pressures were being felt in managing vegetation in the public reserves (and parks) spaces. A higher level of vegetation control is expected with tighter schedules and more constraints. These included managing the timing of specific activities around busy traffic periods on urban roads (works on medians involve traffic management), early morning noise restrictions in residential areas, a small window for undertaking activities within CBD, and sharing machinery and equipment with other divisions of Council. Changes in seasonal conditions also posed ongoing challenges with managing vegetation growth following rainfall events. Furthermore, Council does not undertake works involving removal of trees along property owners fence lines, unless a risk of partial or whole tree failure has been identified, and this can be an area of contention between Council and adjoining property owners.

3.3.2 WORK PRACTICES

Specific environmental operational procedures were found to be undocumented for use for all routine maintenance activities however safe work method statements (SWMS) exist for most activities. Standards on operating are agreed and set within works crews in accordance with Councils NATSPEC maintenance specification documents.

There is an "Invasive weeds team" that operates separately to the road maintenance crews and members of weed spraying crews had weed ID skills. Vehicle hygiene protocols are followed to reduce risk of weeds and disease spread and responsibilities in this area are covered under NSW Biosecurity Act 2015

Map layers that indicate conservation value or important native vegetation or habitat areas for all roadsides are now available to team leaders. Being able to access this data onsite could potentially reduce risks of damage.

3.3.3 LEGISLATIVE RESPONSIBILITIES

Management staff had good awareness of their legislative responsibilities in relation to environmental management.

3.3.4 TRAINING

It was reported that because engineering staff are required to prepare REF reports they benefit from training on Council's legislative responsibilities and reporting. For example, training on preparing REFs is provided on a regular basis. Staff also receive limited training on implementation of the requirements in the 'Blue Book'.

Machinery operator competency is regularly assessed, and crew members are trained in a range of areas including plant maintenance, traffic control, and chainsaw use to meet workplace health and safety requirements. Some specific best management practice training aimed at reducing impacts for a particular job e.g. erosion and sediment control occurs, but little on environmental awareness (reducing environmental footprint, risks of transfer of weeds and biosecurity issues, trampling or smothering sensitive vegetation).

Parks and reserves staff are generally trade or certificate qualified in horticulture or similar.

3.4 AREAS FOR IMPROVEMENT

Following discussions with Council staff and a review of the documentation provided, several areas for improvement have been identified for consideration.

Work practices improvements included:

- More deliberate risk assessment of routine maintenance activities. This could include practices such as morning toolbox talks covering expected environmental issues, review of mapping layers, field checklists attached to job cards
- Documented environmental procedures for maintenance activities involving native vegetation management
- Preparation of a REF report for each Council activity that could create a significant environmental impact as per the relevant Environmental Approvals pathway.

With regard to better operationalising the draft Vegetation Management Policy, consideration should be given to inclusion of a description of:

- An appropriate risk management assessment approach for routine maintenance
- Relevant environmental approvals pathways including an outline of the triggers for investigating the need for each approvals pathway
 - noting that these need to be known by crews and their supervisors (through training)
- A suitable process for:
 1. review of the policy principles (at regular intervals) to check on legislation changes, and
 2. review of how environmental approvals are being implemented and their impacts and checking the adequacy of resourcing to ensure legislative responsibilities are being met.

4 SUMMARY OF FINDINGS AND RECOMMENDATIONS

4.1 MAIN FINDINGS

The main findings were:

F1. Environmental assessment and approvals processes were identified as the area of most concern, both in terms of the impact on time and resources to identify and follow the correct approvals pathways and the risks with being non-compliant. There could be inadequate operational resources to fully manage these requirements.

F2. Resourcing of vegetation control on the road network was able to meet service levels i.e. works on dangerous tree removal, roadside slashing, weed spraying and outreach mowing were achieving an acceptable level of vegetation control, but resources may be under more pressure in public reserves and parks spaces to maintain an acceptable level of service, to some extent due to tighter schedules and more constraints on operations.

F3. With the exception of the check list proforma for managing 'Exempt Development' and REF documents, specific environmental operational procedures were found to be undocumented and not being used for all routine maintenance activities however safe work method statements (SWMS) exist for most activities. Standards on operating are agreed and set within works crews in accordance with Councils NATSPEC maintenance specification documents.

F4. Management staff had good awareness of their legislative responsibilities in relation to environmental management.

F5. While there was some specific best management practice training aimed at reducing impacts for a particular job there was found to be little training being conducted on environmental awareness (reducing environmental footprint, risks of transfer of weeds and biosecurity issues, trampling or smothering sensitive vegetation) and managing the approvals processes.

F6. Vegetation management with respect to unsealed road surfaces and road edges (see parallel report on Unsealed Roads Policy Review (URPR)) is performed by undertaking a spraying program three-four weeks in advance of surface grading. This results in little accumulation of vegetation within the verge and any windrows that form. The treatment is therefore effective. As a general comment from the URPR field visit, vegetation within the road reserve appears to be largely under control and the intervals between management activities is not excessive. However, no comments or recommendation have yet been made on budget adequacy in this draft report.

4.2 RECOMMENDATIONS

The main recommendations are as follows:

1. Work practices

- Undertake more deliberate risk assessment of routine maintenance activities. This could be operationalised by including practices such as morning toolbox talks covering expected environmental issues to be aware of over the day, review of mapping layers, field checklists attached to job cards.
- Document environmental procedures for maintenance activities involving native vegetation management and tailor training targeted to crews and their supervisors.
- Prepare a REF report for each Council activity that could impact on sensitive native vegetation and continue to conduct tailored training for engineering and other staff required to write these reports and supervise works.
- Ensure Standard Operating Procedures are available and applied rigorously in managing the clearance of native vegetation under exemptions, with a need to apply a periodic internal audit to confirm adherence.

2. Suggestions for inclusion into draft Vegetation Management Policy:

- NEW PRINCIPLE: Council will follow environmental legislation and there will be minimum disturbance when working within the road reserve or near other sensitive environments.
- NEW PRINCIPLE: Council will conduct a review of how each environmental approval (or permit) has been implemented to ensure that the works had been executed well and without adverse impacts.
- NEW PRINCIPLE: As part of each review of the Vegetation Management Policy, Council will check on relevant legislation changes.
- A new section in 3. Responsibilities and authorities, providing a description of relevant environmental approvals pathways including an outline of the triggers for investigating the need for each approvals pathway.
- Budget adequacy should be reviewed by PMHC to confirm the intended schedules can be fully supported. However, no specific recommendations under this review have been made to change these as independent evidence to allow benchmarking is not readily available whereas the frequencies were judged favourably by the review team.

APPENDIX A MAPS SHOWING SLASHING AND OUTREACH MOWING PROGRAMS

Figure 2: Map of Sealed Roads Slashed in 2017-18

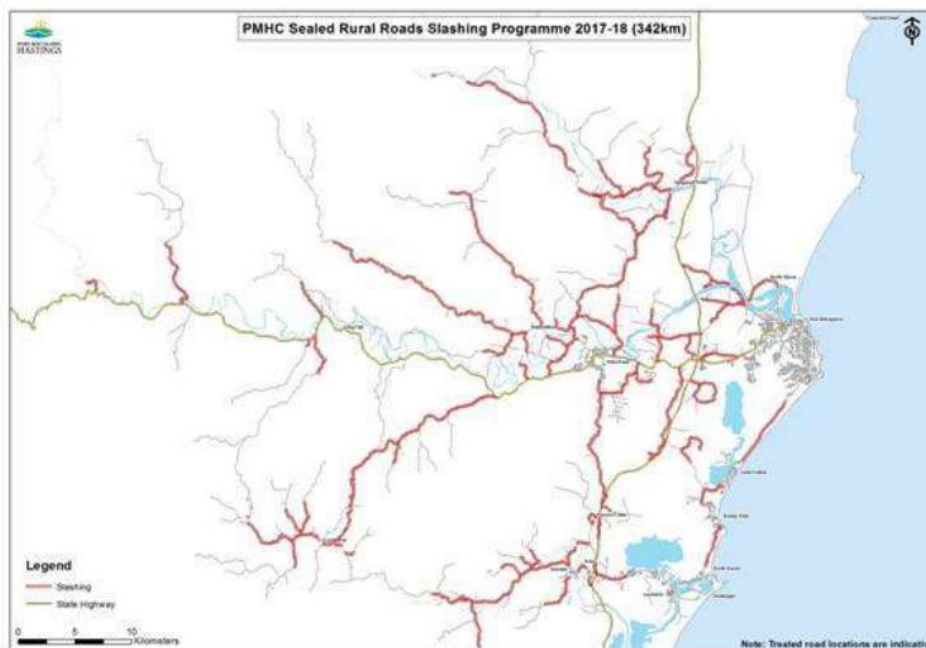
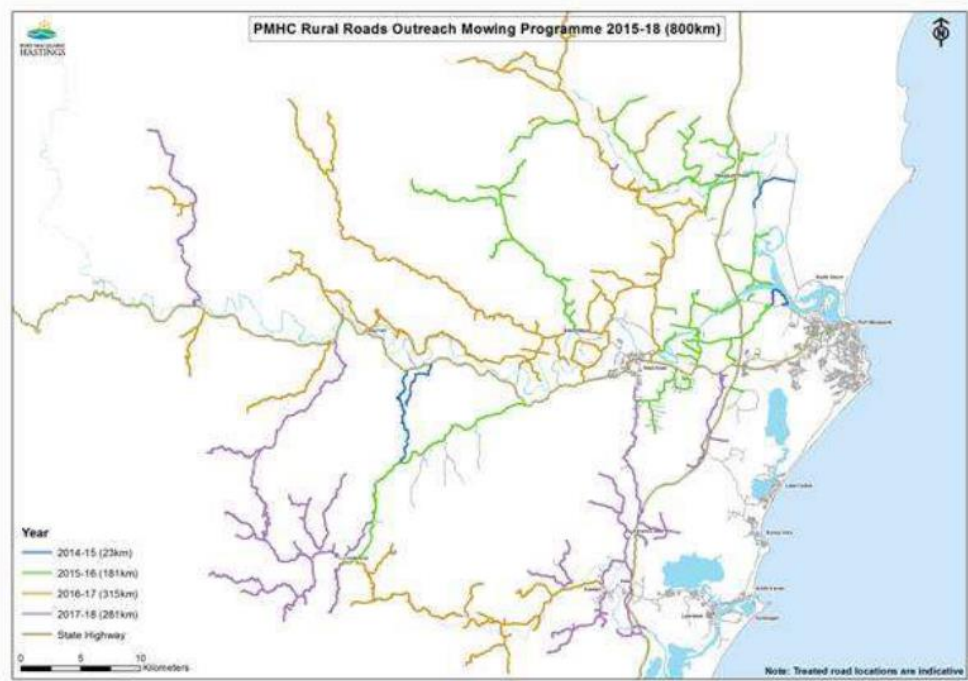


Figure 3: Map of All Roads Outreach Mown in 2017-18



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Authorised by: <authority>
 Authorised date: DD/MM/YYYY
 Effective date: DD/MM/YYYY
 Next review date: DD/MM/YYYY
 File Number: #####

Roadside Vegetation Management Policy – DRAFT

1. INTRODUCTION

This policy sets out the principles by which Council manages vegetation on its road network and associated stormwater management systems.

2. POLICY STATEMENT AND SCOPE

This policy applies to all road and stormwater management systems, both formed and unformed, throughout the Local Government Area (LGA).

This policy does not include the management of Crown land except where the road is listed on Council's Road Asset Register or where Council has been appointed as Trustee to Crown Public Reserves.

The scope of this policy includes the management of vegetation within the bounds of Council's available resourcing.

2.1 Road Classifications

Roads are classified into 9 typical classifications, these definitions are located within the Unsealed Roads Policy or within the Appendix (Sealed Roads)

2.2 Stormwater Classifications

Stormwater features are classified into 3 typical classifications, these definitions are located within the Appendix (Stormwater)

2.3 Management Principles

Council will manage roadside and stormwater vegetation using the following principles:

Classification of Roads	<p>Roads will be categorised, as outlined in the previous section, based on multiple factors including:</p> <ul style="list-style-type: none"> ○ traffic volumes ○ number and type of premises accessed ○ school bus routes ○ regional tourism value ○ regional economic value ○ network and community connectivity. <p>The classification of a road defines the level of service provided by Council in maintaining that road.</p>
Resource Allocation	<p>Allocation of available resources across the entire road and stormwater networks will be reflective of the classification of the road, community safety, and risk, and include:</p> <ul style="list-style-type: none"> ○ scheduled rural roadside slashing program

	<ul style="list-style-type: none"> o scheduled rural outreach mowing program o scheduled weed spraying program o scheduled urban vegetation maintenance program o reactive maintenance to high risk issues identified during programmed works or reactively by the public.
Removal of Vegetation that is on or overhanging the public road	<p>Council may remove vegetation that is on or overhanging a public road to remove a traffic hazard. The extent of maintenance works is considered to be the air space above the road and the limits of the road formation or more generally 5m from the road shoulder hinge point.</p> <p>Council may elect to leave timber at the site within the nature strip if it does not pose a high risk.</p> <p>The removal of vegetation for upgrade projects or for the carrying out of roadworks may be subject to other environmental approvals.</p>
Removal of Marine Vegetation	Council will not undertake maintenance activities where Marine Vegetation shall be harmed, threatened or picked unless a Fisheries Permit has been approved by the regulator.
Removal of Endangered Ecological Communities (EEC)	Council will not undertake maintenance activities where an EEC shall be harmed, threatened or picked unless a Review of Environmental Factors (REF) has been approved by the Group Manager.
Removal of trees within road shoulders	In accordance with Council Road Reactive Risk Procedure, Council will not routinely program activities to remove trees on road shoulders unless deemed a high risk to the public.
Vegetation Management on National Park managed land.	Council will not undertake maintenance activities on National Parks managed land unless consent has been provided by National Parks.
Weed spraying	<p>Weed spraying will be completed on roads identified from Council's Road and Stormwater Asset Register on a programmed or reactive basis.</p> <p>Sensitive receivers with serious health issues adjoining areas to be sprayed shall be notified prior to commencement of spraying.</p> <p>Organic Farms require buffer zones within their property and Council may elect to spray within the road reserve to mitigate public risk.</p>
Stockpiling of Vegetation Waste	<p>Council will stockpile vegetation waste in accordance with the EPA Waste Exemptions.</p> <p>Council will not burn vegetation on Total Fire Ban Days without consent provided by Rural Fire Service (RFS).</p>
Driveways / Road Crossings	<p>Safe access and egress from driveways / road crossings across Council's road reserve onto Council's road network is entirely the responsibility of the benefiting land owner(s).</p> <p>Council may consider applications from benefiting land owner(s) to manage vegetation within the road reserve that impedes safe access and egress from their driveway onto Council's road network.</p>

Damage to fencing from fallen vegetation	Fences damaged due to fallen vegetation will not be repaired by Council. Council may make safe fences to avoid stock migrating onto the road. Council may consider applications from benefiting land owner(s) to manage vegetation within the road reserve that is likely to damage fencing.
Private Works on Public Roads	Council may accept an adjoining owner(s) offer to pay for the cost of managing vegetation on a road or public land, or for additional maintenance, via private works agreement. This does not commit Council to regular vegetation maintenance activities.

2.4 Level of Service [2019]

The “Level of Service” is related to the availability of funding and resourcing which typically includes the investigation, prioritisation and resolution of works on a risk based approach or annually through pre-determined works programmes.

Asset classifications, Estimated Network size and service treatments are listed below:

Asset Classification	Service Treatment	Estimated Size of Network [2020]
Sealed Roads (Rural)	Outreach Mowing Programme Roadside Slashing Programme + Weed Spraying (road shoulders) Reactive Vegetation Management (high risk only)	429km
Sealed Roads (Urban)	Urban Mowing Programme Reactive Vegetation Management (high risk only)	482km
Unsealed Major Roads	Outreach Mowing Programme Weed Spraying (road shoulders) Reactive Vegetation Management (high risk only)	454km
Access Tracks	On an as-needs basis where impassable by a standard 4WD vehicle.	50 km.
Unformed	No vegetation maintenance.	> 100 km
Car Parks	Reactive Vegetation Management (high risk only)	> 93 car parks
Open Drains (including Drainage Easements)	Open Drain Maintenance Programme Reactive Vegetation Management (high risk only)	>16km
Pipes, Pits and Outlets	Reactive Vegetation Management (high risk only)	326km
Water Quality Devices	Reactive Vegetation Management (high risk only)	142

- Slashing, Mowing and Spraying intervals, as stated above is the Level of Service that Council can provide within current resourcing at time of policy adoption.

- The “Level of Service” will be reviewed where there is a significant change in network composition, condition and/or budget allocation.
- The management of road pavements and other features within the road reserve is covered under separate policies that cover both sealed and unsealed roads.
- The management of stormwater management systems and other features within the road reserve or designated drainage easements is covered under a separate policy that covers the effects of Stormwater.
- Approval of a dwelling, shed, business, or any other development on a property does not automatically commit Council to alter the “Level of Service” or the “Road Classification”.
- Works shall be allocated in accordance with the above mentioned programs, supported by risk based reactive maintenance focused on addressing community safety issues and in line with guidance from Council’s insurer.
- Works shall be completed in accordance with Council’s NATSPEC maintenance specification documents

3. RESPONSIBILITIES AND AUTHORITIES

Council is the Road Authority for all roads vested in fee simple to Council (meaning that it has absolute ownership of the land) as described within the Roads Act 1993. Council is the appointed Authority for the Local Government Area as described in the Local Government Act 1993.

Council as the governing body is responsible and accountable for:

- Adopting the Vegetation Management Policy.
- Oversight of the implementation.

The General Manager and Directors are responsible and accountable for:

- Implementing and communicating this policy
- Monitoring compliance of this policy
- Ensuring the policy is reviewed and updated to meet current legislative requirements
- Ensuring appropriate delegations are in place with regard to exercising Road and Local Government Authority functions.

Group Managers: Infrastructure Planning, Infrastructure Operations, Recreation, Property and Buildings and Environment and Regulatory Services are responsible and accountable for:

- Implementing and communicating this policy.
- Monitoring compliance of this policy.
- Ensuring the policy is reviewed and updated to meet current legislative requirements.
- Ensuring appropriate procedures are developed, implemented and monitored to meet the principles of this policy.

Managers and Engineers: Infrastructure Operations, Recreation and Building and Environmental Services are responsible and accountable for:

- Implementing and communicating this policy and any associated procedures.

- Monitoring compliance of this policy and any associated procedures.

Coordinators: Transport and Stormwater Network, Recreation and Building and Environmental Services are responsible and accountable for:

- Implementing and communicating this policy and any associated procedures.

All Council Officers are responsible and accountable for following this policy and any associated procedures.

4. REFERENCES

This policy must be followed by all Council staff. All significant changes to this policy will be tabled at a future meeting of Council for consideration.

Legislative References include:

- Roads Act (1993)
- Local Government Act (1993)
- Civil Liability Act (2002)
- Work Health and Safety (Mines) Act (2013)
- Work Health and Safety (Mines) Regulation (2014)
- Work Health and Safety Act (2011)
- Work Health and Safety Regulation (2017)
- Environmental Planning and Assessment Act (1979)
- National Parks and Wildlife Act (1974)
- Biodiversity Conservation Act (2016)
- Fisheries Act (1994)
- State Environmental Planning Policy (SEPP) Infrastructure (2007)
- Road Transport Act (2013)

Other references:

- Making a Council Policy
- Unsealed Roads Policy
- Rural Roads Slashing Programme
- Rural Roads Outreach Mowing Programme
- Urban Mowing Programme
- Weed Spraying Programme
- Road and Stormwater Network Reactive Risk Procedure
- Road Hierarchy
- Statewide Mutual Best Practice Manual – Trees
- Council's Asset Management Policies
- Council's NATSPEC maintenance specifications

5. DEFINITIONS

A definition of key terms referred to in the policy

Councillor: An elected member of Council

General Manager: 1st tier management position and titled as such

Director: 2nd tier management position and titled as such

Group Manager: 3rd tier management position and titled as such, asset custodian

Engineer: Specific professional engineering staff within Council

Coordinator: Supervisor of outdoor staff

Council officer: A member of Council staff
Fee Simple: Absolute ownership of land

6. PROCESS OWNER

The Group Manager Infrastructure Planning is the process owner. The process owner should be contacted for any information in relation to this policy.

7. AMENDMENTS

Nil. This is a new Council Policy.

8. APPENDIX

8.1 Road Classifications (Sealed Roads)

Sealed Roads are classified into 5 typical classifications:

Road Category	Description
Sealed Arterial	<ul style="list-style-type: none"> Generally through roads which connect to significant regional centres - Major traffic flow with many branches/feeder roads. Typically support commercial, industrial and residential land use. The running surface is generally > 10.0 metres wide (including shoulders) with two lanes for traffic and generally duplicated in urban areas. Road is formed and generally drained to Council standards. Significant rain events will generally not cause temporary closure. Pavement material may be either asphalt or bitumen surfacing or a combination of these. Roads are generally delineated with a centreline and edge lines. Roads typically have guideposts located adjacent to culverts, warning and speed advisory signage where warranted.
Sealed Sub-Arterial	<ul style="list-style-type: none"> Traffic count generally more than 3,000 vehicles/day. Generally through roads which connect to local centres or destinations - Main traffic flow with many branches/feeder roads. Typically support commercial, industrial and residential land use. The running surface is generally 8.0 – 10.0 metres wide (including shoulders) with two lanes for traffic and occasionally duplicated in urban areas. Road is formed and generally drained to Council standards. Significant rain events may cause temporary closure. Pavement material may be either asphalt or bitumen surfacing or a combination of these. Roads are generally delineated with a centreline and edge lines.

	<ul style="list-style-type: none"> Roads typically have guideposts located adjacent to culverts, warning and speed advisory signage where warranted.
Sealed Collector	<ul style="list-style-type: none"> Traffic count generally less than 3,000 vehicles/day. Generally through roads which connect to Arterial or Sub-Arterial Roads – collects traffic flow with many branches/feeder roads. Typically support some commercial, industrial and residential land use. The running surface is generally 6.5 – 8.0 metres wide (including shoulders) with two lanes for traffic. Road is formed and generally drained to Council standards. Significant rain events may cause temporary closure. Pavement material may be either asphalt or bitumen surfacing or a combination of these. Roads are occasionally delineated with a centreline or edge lines or only a centreline. Roads typically have guideposts located adjacent to culverts, with limited warning and speed advisory signage.
Sealed Local	<ul style="list-style-type: none"> Traffic count generally less than 1000 vehicles/day. Generally through roads which distribute to a Collector Road but can be no through roads - Limited flow with occasional branches/feeder roads including Access Tracks. Typically support residential land use. The running surface is generally > 5.0 metres wide (including shoulders) with one or two lanes for traffic. Road is formed and generally drained to Council standards. Significant rain events may cause temporary closure. Pavement material may be either asphalt or bitumen surfacing or a combination of these. Roads are generally not delineated with line marking. Roads typically have guideposts located adjacent to culverts, with limited warning and speed advisory signage.
Car Parks	<ul style="list-style-type: none"> Car parks are generally constructed partly on a road and partly on other property, but can be completely on non-road property. Generally located close to public reserves, however can also be found in other urban locations. Car parks are a low speed environment and typically hold low risks when compared to the rest of the road network.

8.2 Stormwater Classifications

Stormwater features are classified into 3 typical classifications:

Stormwater Category	Description
Open Drains	<ul style="list-style-type: none"> • Open Drains are generally constructed on a road reserve but can be completely on non-road property (drainage easements and reserves). • Generally located within urban areas, however can also be found in rural locations. • Open Drains generally consist of one drain but may form a network of multiple drains. • Open Drains are generally created to control nuisance water derived from Council managed land and may become non-functional during significant rain events. • Open Drains are typically earth formed bunds or trenches where water is concentrated and conveyed around property to a natural waterways or localised depression. • Open Drains may consist of earth, vegetation, geofabric, jute mesh, matting, concrete, rock or a combination of these. • Open Drains could be perennially dry or be continually waterlogged, dependent on the size of the catchment area, drain capacity, subsoil conditions, grade and prevailing rain events. • Significant rain events may cause the closure of a road or flooding in low lying areas. • Road Table Drains are treated as part of Sealed Roads shoulder grading. • Conventional overland sheet flow is not considered to be an open drain. • The Broadwater and Settlement Shores Canals are classified as Open Drains.
Pipe and Pits	<ul style="list-style-type: none"> • Stormwater pipes and pits are generally constructed on a road reserve but can be completely on non-road property (drainage reserves and easements). • Generally located within urban areas, however can also be found in rural locations. • Generally consist of one pipe but may form a network of multiple pipes. • Stormwater pipes and pits are generally created to convey nuisance water derived from Council managed land and adjoining private property and may become non-functional during significant rain events. • Pipes and pits are typically located where water is concentrated and conveyed around property to a natural waterways or localised depression. • Pipes and pits may consist of concrete, steel or polymer materials or a combination of these. • Pipes and pits could be perennially dry or be continually waterlogged, dependent on the size of the catchment area, level, grade, subsoil conditions, drain capacity and prevailing rain events. • Significant rain events may cause the closure of a road or flooding in low lying areas.

	<ul style="list-style-type: none"> • The kerb and gutters generally convey stormwater from road pavements into kerb inlet pits and into the piped stormwater network.
Stormwater Quality Improvement Devices (SQIDs) (Gross Pollutant Traps and Detention Basins)	<ul style="list-style-type: none"> • Stormwater Quality Improvement Devices are generally constructed in a drainage reserve but can be completely in road reserves or drainage easements. • Generally located within urban areas, however can also be found in rural locations. • Generally consist of isolated devices but may form a network of devices. • Stormwater Quality Improvement Devices are generally created to control water pollution derived from Council managed land and adjoining upstream residential land and may become non-functional during significant rain events. • Stormwater quality improvement devices are generally designed to capture pollution from high frequency, low intensity rain events and /or to capture the "first flush" of pollutants generated during a storm event. Stormwater quality improvement devices are generally ineffective during rare, intense or infrequent rainfall events. • Stormwater Quality Improvement Devices are typically located where water is concentrated and conveyed around property to a natural waterways or localised depression. • Stormwater Quality Improvement Devices may consist of earth, vegetation, geofabric, jute mesh, matting, rock, concrete, steel or polymer materials or a combination of these. • Stormwater Quality Improvement Devices could be perennially dry or be continually waterlogged, dependent on the size of the catchment area, level, grade, subsoil conditions, drain capacity and prevailing rain events.



Deed of Assumption and Variation Lincoln Road VPA

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

Port Macquarie-Hastings Council Town Beach Pty Limited as trustee for Randale Pty Ltd Superannuation Fund

Date:

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Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randle Pty Ltd Superannuation Fund



Deed of Assumption and Variation Lincoln Road VPA

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Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randle Pty Ltd Superannuation Fund



Deed of Assumption and Variation to Lincoln Road VPA

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

Parties

Port Macquarie-Hastings Council ABN 11 236 901 601 of PO Box 84 PORT
MACQUARIE NSW 2444 (**Council**)

and

Town Beach Pty Limited ACN 156 486 127 **as trustee for Randle
Pty Ltd Superannuation Fund** ABN 94 499 154 188 of PO Box 105 PORT
MACQUARIE NSW 2444 (**New Landowner**)

Background

- A The Council entered into the Planning Agreement with Leroy James Day and Kimberley Rae Day on 1 August 2017.
- B The Planning Agreement was registered on the title to the land to which the Planning Agreement applied in accordance with clause 36 of the Planning Agreement and became binding on the owner of the land from time to time.
- C On or around 8 January 2019 the land to which the VPA applied was sold to Town Beach Pty Limited.
- D The Council and Town Beach Pty Limited agree to enter into this Deed for Town Beach Pty Limited to assume the rights and obligations of the Planning Agreement under contract and to amend the Planning Agreement to reflect the proposed modified Development which introduces stages, resulting in amendments to the timing for provision of Development Contributions.

Operative provisions

1 Interpretation

- 1.1 In this Deed the following definitions apply:

Deed means this Deed of Assumption and Variation and includes any schedules, annexures and appendices to this Deed.

New Planning Agreement means the planning agreement between the Council and the New Landowner under clause 2.1 of this Deed.

Original Landowner means Leroy James Day and Kimberley Rae Day.

Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund



Original Planning Agreement means the planning agreement titled 'Lincoln Road Planning Agreement' pursuant to s7.4 of the *Environmental Planning and Assessment Act 1979* entered into between the Council and Leroy James Day and Kimberley Rae Day on 1 August 2017.

- 1.2 All other capitalised words used in this Deed have the meanings given to those words in the Planning Agreement.
- 1.3 Clauses 1.2, 48, 49, 50, 52, 53, 54, and 57 of the Planning Agreement apply as if they form part of this Deed with any necessary changes.

2 Commencement

- 2.1 This Deed takes effect on the date when all Parties have executed this Deed.
- 2.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

3 Warranties

- 3.1 The Parties warrant to each other that they:
 - 3.1.1 have full capacity to enter into this Deed, and
 - 3.1.2 are able to fully comply with their obligations under this Deed.

4 Assumption of rights and obligations

- 4.1 On and from the date this Deed takes effect, the New Landowner and the Council are bound by an agreement between them on the same terms as the Original Planning Agreement but with:
 - 4.1.1 references to the Original Landowner being replaced with references to the New Landowner, and
 - 4.1.2 the details of the Original Landowner in the Schedule of the Original Agreement being replaced by the details of the New Landowner noted in the Summary Sheet to this Deed.

5 Status of this Deed

- 5.1 Clause 6 of this Deed is an amendment to the Planning Agreement within the meaning of clause 25C(3) of the Regulation.
- 5.2 Clause 6 of this Deed is not a planning agreement within the meaning of s7.4(1) of the Act.

6 Amendment to New Planning Agreement

- 6.1 On and from the date the New Landowner and the Council are bound by the New Planning Agreement, the New Planning Agreement is amended in

Deed of Assumption and Variation to Lincoln Road VPA
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Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund



accordance with the marking-up shown on the copy of the New Planning Agreement contained in the Schedule.

7 Registration of Deed

- 7.1 Council and the New Landowner agree that this Deed is to be registered on the title to the Land.
- 7.2 Upon execution of this Deed, the New Landowner is to deliver to the Council in registrable form:
 - 7.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the registered proprietor of the Land, and
 - 7.2.2 the written irrevocable consent of each person required by the Registrar-General to that registration.
- 7.3 The Developer is to do such other things as are reasonably necessary to register this Deed on title to the Land.
- 7.4 Nothing in this clause affects the operation of clause 36 of the New Planning Agreement.

8 Costs

- 8.1 The New Landowner is to pay to the Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.
- 8.2 This clause continues to apply after expiration or termination of this Deed.

9 Explanatory Note

- 9.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 9.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

10 Party acting as trustee

- 10.1 If a party enters into this Deed as trustee of a trust, that party and its successors as trustee of the trust will be liable under this Deed in its own right and as trustee of the trust. Nothing releases the party from any liability in its personal capacity.
- 10.2 The party entering into this Deed as trustee of a trust warrants that at the date of this Deed:
 - 10.2.1 all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust; and

Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
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- 10.2.2 the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this Deed on behalf of the trust and that this Deed is being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust; and
 - 10.2.3 no restriction on the party's right of indemnity out of, or lien over, the trust's assets exists to the parties knowledge; and
 - 10.2.4 nothing in the deed establishing the trust limits the trustee's ability to perform its obligations under this Deed or the trustee's liability under this Deed.
- 10.3 If:
- 10.3.1 the trustee's position in respect of the matters specified in clause 10.2 changes, or
 - 10.3.2 the trustee becomes aware of a change to its right of indemnity out of, or lien over, the trust's assets which limits the trustee's ability to perform its obligations under this Deed,
- then the trustee is to promptly notify the Council in writing and the parties are to negotiate, in good faith and without delay, any necessary changes to this Deed to secure the provision of the Development Contributions.
- 10.4 If the party entering into this Deed as trustee is to be replaced as trustee under the deed establishing the trust, then the trustee will procure entry by the replacement trustee into a deed with the Council on terms satisfactory to the Council under which the replacement trustee agrees to:
- 10.4.1 be bound by the provisions of this Deed; and
 - 10.4.2 pay the Council's costs in relation to the replacement of the trustee and the costs of registering any new planning agreement on title, if required.
- 10.5 Immediately upon a party becoming aware of a proposed termination of the trust for which it is trustee, the party is to notify the other parties to this Deed and the Parties are to negotiate, in good faith and without delay, any necessary changes to this Deed, or other arrangements arising from the proposed termination of the trust, to secure the provision of Development Contributions.

**Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund**



Schedule

(Clause 6)

Amended Planning Agreement

See the following pages.

Deed

Lincoln Road Planning Agreement

Under ~~s93F~~s7.4 of the *Environmental Planning and Assessment Act 1979*

Port Macquarie–Hastings Council

~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty
Limited as trustee for Randale Pty Ltd Superannuation Fund

Date:

Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund**Lincoln Road Planning Agreement
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Randle Pty Ltd Superannuation Fund**

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~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
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Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**

Leroy James Day and Kimberley Rae Day Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

Lincoln Road Planning Agreement**Summary Sheet****Council:**

Name: Port Macquarie - Hastings Council

Address: Corner Lord and Burrawan Streets, Port Macquarie, New South Wales,
2444

Telephone: (02) 6581 8111

Facsimile: (02) 6581 8123

Representative: Tim Molloy

Landowner:

Name: Leroy James Day and Kimberley Rae Day Town Beach Pty Limited as trustee
for Randle Pty Ltd Superannuation Fund

Address: PO Box 1868105, Port Macquarie, New South Wales, 2444

Telephone: 0416 024 254 (02) 6583 7845

Email: Kendodds1@bigpond.com pizzapro@tpg.com.au

Representative: Geraldine Haigh Leroy James Day

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Part 2 and Part 3.

**Application of s7.11 94, s94A s7.12 and s94EF s7.24 of the
Act:**

See clause 8.

Lincoln Road Planning Agreement

Port Macquarie-Hastings Council

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

Security:

See Part 5.

Registration:

See clause 36.

Restriction on dealings:

See clause 37.

Dispute Resolution:

See Part 5.

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Randale Pty Ltd Superannuation Fund

Lincoln Road Planning Agreement

Under ~~s93F~~ s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Port Macquarie-Hastings Council ABN 11 236 901 601 of Corner Lord and
Burrawan Streets, Port Macquarie, New South Wales, 2444 (**Council**)

and

~~Leroy James Day and Kimberley Rae Day~~ **Town Beach Pty**
Limited ACN 156 486 127 **as trustee for Randale Pty Ltd**
Superannuation Fund ABN 94 499 154 188 of PO Box ~~4868~~105, Port Macquarie,
New South Wales, 2444 (**Landowner**)

Background

- A The ~~previous landowner~~ Landowner has requested that the Council prepare a Planning Proposal for the making of the LEP Amendment.
- B The LEP Amendment took effect on 13 October 2017.
- ~~BC~~ The ~~previous landowner lodged~~ Landowner proposes to lodge a Development Application DA 2017-870 and Development Consent was granted to that Development Application on 11 April 2018 ~~for a staged 10 lot subdivision of the Land if the LEP Amendment is made.~~
- D The Land was transferred to the Landowner on 8 January 2019.
- E The Landowner has lodged an application to modify the Development Consent to DA 2017-870 under s4.55 of the Act.
- ~~CF~~ The Landowner offers to make Development Contributions on the terms set out in this Deed in connection with the ~~making of the LEP Amendment and carrying out of~~ Development.

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Operative provisions**Part 1 - Preliminary****1 Interpretation**

1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

(a) one of the following trading banks:

- (i) Australia and New Zealand Banking Group Limited,
- (ii) Commonwealth Bank of Australia,
- (iii) Macquarie Bank Limited,
- (iv) National Australia Bank Limited,
- (iv) St George Bank Limited,
- (v) Westpac Banking Corporation, or

(b) any other financial institution approved by the Council in its absolute discretion.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Council Land means Lot 34 DP 856163 Castle Court, Port Macquarie.

Council Transfer Land means that part of the Council Land that is within the area shown marked as ~~Limit of Earth Works~~ in green on Sheet 2 of the Subdivision Concept drawing 7311-0002 in Schedule 4 but excluding any land required for the Stormwater Access Works as determined by the Council in writing.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work.

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Defects Liability Period means the period of 1 year commencing on the day immediately after a Work is completed for the purposes of this Deed.

Development means development within the meaning of the Act on the Land for residential purposes described in Development Application DA 2017-870, being development the subject of a Development Consent granted after the making of the LEP Amendment and as modified from time to time generally as shown on the Subdivision Concept Plan.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.493F(3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Drainage Channel Works means the reshaping of the existing drainage channel generally in the location marked as *'Reshape Existing Drainage Channel to Match Existing Upstream Profile & Capacity'* on Sheet 3 of the Subdivision Concept Plan the plan in Schedule 5 to a design and specification approved in writing by the Council.

Environmental Establishment Obligation means the establishment of the Environmental Management Land in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and
- (b) to the extent not inconsistent with such a Development Consent:
 - (i) any Vegetation Management Plan approved by the Council, and
 - (ii) otherwise to the satisfaction of the Council.

Environmental Establishment Period means the period commencing when the Development is commenced (within the meaning of the Act) or such other period or periods commencing at such other time or times as the Parties agree and ending immediately prior to the issuing of the Subdivision Certificate that creates the first Final Lot in the Development.

Environmental Dedication Land means the part of the Land excluding the parts forming a proposed Final Lot in the Development.

Environmental Management Land means the part of the Environmental Dedication Land shown as *'Environmental Management Land'* in the plan in Schedule 3 and the part of the proposed Final Lot in the Development marked as *'To be Managed as Environmental Lands'* on sheet 53 of the Subdivision Concept Plan.

Environmental Management Obligation means the management of the Environmental Management Land excluding the Environmental Dedication Land to the satisfaction of the Council in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and

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- (b) to the extent not inconsistent with such a Development Consent, any Vegetation Management Plan approved by the Council.

Environmental Management Period means the period commencing immediately at the end of the Environmental Establishment Period and continuing in perpetuity or such other period as agreed by the Council in writing.

Environmental Management Work means Work forming the Environment Establishment Obligation and the Environment Management Obligation.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Landowner in connection with the performance of its obligations under this Deed.

Final Lot means a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land that is to be dedicated or otherwise transferred to the Council.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means Lot 1 DP 1066820 otherwise known as 37 Lincoln Road, Port Macquarie.

LEP means the *Port Macquarie-Hastings Local Environmental Plan 2011*.

LEP Amendment means an amendment to the LEP in accordance with the Planning Proposal.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

Party means a party to this Deed.

Plan of Subdivision means a plan of subdivision within the meaning of s195 of the *Conveyancing Act 1919*.

Planning Proposal means a planning proposal within the meaning of s55 of the Act that proposes the rezoning of the Land and the Council Land generally in accordance with the Proposed Zoning Plan to permit infill residential development on three small fringe areas of the Land and the Council Transfer Land.

Proposed Zoning Plan means the plan in Schedule 1.

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

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Security means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council.

Stage means a stage of the Development shown in the Subdivision Concept Plan.

Stormwater Access Works means the construction of a vehicular access from Castle Court, Port Macquarie to the stormwater basin on the Council Land in a location and to a design and specification approved in writing by Council.

Stormwater Drainage Land means the part of the Land generally shown marked as 'Stormwater Drainage' on Sheet 1 of the Subdivision Concept Plan the plan in Schedule 6 being land the Council notifies the Landowner in writing is required for the construction and maintenance of a stormwater drainage pipe.

Stormwater Drainage Easement means an easement on terms satisfactory to the Council in favour of the Council over the Stormwater Drainage Land for the purposes of access to and maintenance of a stormwater drainage pipe.

Stormwater Drainage Works means stormwater drainage works generally as shown on Sheets 1 and 2 of the Subdivision Concept Plan the plans in Schedules 5 and 6 and to a design and specification approved in writing by the Council.

Subdivision Certificate has the same meaning as in the Act.

Subdivision Concept Plan means the plan comprising various sheets in Schedule 2.

Vegetation Management Plan means a plan that contains provisions relating to the establishment and maintenance of the Environmental Management Land including provision for the dedication of the Environmental Dedication Land as a public reserve in conjunction with the Development.

Work means the physical result of any building, engineering or construction work in, on, over or under land.

Zone means a zone specified in the LEP.

1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and

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any subordinate legislation or regulations issued under that legislation or legislative provision.

- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the servants, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s7.493F(1) of the Act.

3 Commencement

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
 - 3.1.1 both executed the same copy of this Deed, or
 - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

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4 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.

5 Warranties

- 5.1 The Parties warrant to each other that they:
- 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Surrender of right of appeal, etc.

- 7.1 The Landowner is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Deed.

8 Application of ~~s7.1194~~, ~~s7.1294A~~ and ~~s7.2494EF~~ of the Act to the Development

- 8.1 This Deed does not exclude the application of ~~s7.1194~~ and ~~s7.1294A~~ of the Act to the Development.
- 8.2 The benefits under this Deed are not to be taken into consideration in determining a Development Contribution under ~~s7.1194~~ of the Act to the Development.
- 8.3 This Deed does not exclude the application of ~~s94EF-s7.24~~ to the Development.

Part 2 – Provisions relating to Environmental Management Land**9 Application of this Part**

- 9.1 This Part applies to the Environmental Management Land and the Stormwater Drainage Land.

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10 Approval of Vegetation Management Plan

- 10.1 The Landowner is to ensure that any Development Application that seeks Development Consent for the establishment and maintenance of the Environmental Management Land is accompanied by a Vegetation Management Plan prepared at no cost to the Council.
- 10.2 The Landowner is not to establish or maintain the Environmental Management Land except in accordance with:
 - 10.2.1 a Vegetation Management Plan that has been approved by the Council, and
 - 10.2.2 the terms of any approval granted by the Council as modified from time to time.

11 Establishment & Management of Environmental Management Land

- 11.1 The Landowner is to perform the following at no cost to the Council:
 - 11.1.1 carrying out and completing the Environmental Establishment Obligation during the Environmental Establishment Period; and
 - 11.1.2 carrying out the Environmental Management Obligation during the Environmental Management Period.
- 11.2 The Landowner is to perform its obligations under clause 11.1 in accordance with:
 - 11.2.1 this Deed, and
 - 11.2.2 any further agreement that is entered into by the Parties under clause 6, and
 - 11.2.3 any requirements and directions notified in writing by the Council to the Landowner at any time before the Environmental Management Work is completed that is not inconsistent with:
 - (a) this Deed, or
 - (b) any agreement referred to in clause 11.2.2, or
 - (c) any Development Consent relating to the Development.
- 11.3 The Environmental Establishment Obligation and the Environmental Management Obligation are not to be varied by the Landowner, unless:
 - 11.3.1 the Parties agree in writing to the variation, and
 - 11.3.2 any consent or Approval required under the Act or any other law to the variation is first obtained.
- 11.4 The Landowner is not to construct or allow the construction of, or make a Development Application or an application for a complying development certificate for, any building or structure on any part of the Land within Zone E2 or E3 without the written approval of the Council.

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12 Failure to Perform Environmental Management Work

- 12.1 Clauses 34, with any necessary modifications, applies to a breach of the Environmental Establishment Obligation or the Environmental Management Obligation by the Landowner in the same way as it applies to a breach of an obligation to carry out Work by the Landowner.

13 Inspection of the Environmental Dedication Land

- 13.1 Before the Environmental Dedication Land is dedicated to the Council in accordance with this Deed, the Landowner is to permit the Council, its officers, employees, agents and contractors to enter that land at any time, for the purposes of establishing compliance with any approved Vegetation Management Plan, upon giving reasonable prior notice.
- 13.2 After the Environmental Dedication Land is dedicated to the Council in accordance with this Deed, the Landowner is to permit the Council, its officers, employees, agents and contractors to reasonably pass through land owned, occupied or otherwise controlled by the Landowner to enable the Council to obtain reasonable access to the Environmental Dedication Land.
- 13.3 This clause does not derogate from any other rights the Council has under this Deed to enter the Environmental Management Land.

14 Dedication of Environmental Dedication Land

- 14.1 The Landowner is to dedicate the Environmental Dedication Land to the Council as a public reserve free of cost to the Council in stages at the following times:

<u>Stage of Development</u>	<u>Part of Environmental Dedication Land</u>	<u>Timing</u>
<u>1</u>	<u>Any part of the Land that is not proposed to be created as a Final Lot in Stage 1 or a lot to be further subdivided in the Development, being the part generally identified as Lot 2 in sheet 1 of the Subdivision Concept Plan</u>	<u>On or before the registration of the Plan of Subdivision that creates the first Final Lot in Stage 1, or such other time as agreed in writing with the Council</u>
<u>3</u>	<u>Any part of the Land that is not proposed to be created as a Final Lot in Stage 3 or a lot to be further subdivided in the Development, being the part generally identified as Lot 14 in sheet 3 of the Subdivision Concept Plan</u>	<u>On or before the registration of the Plan of Subdivision that creates the first Final Lot in Stage 3, or such other time as agreed in writing with the Council</u>
<u>4</u>	<u>Any part of the Land that is not proposed to be created as a Final</u>	<u>On or before the registration of the</u>

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	<u>Lot in Stage 4, being the part generally identified as Lot 17 on the Subdivision Concept Plan</u>	<u>Plan of Subdivision that creates the first Final Lot in Stage 4, or such other time as agreed in writing with the Council</u>
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14.1.1 on or before the registration of the Plan of Subdivision that creates the first Final Lot in the Development.

Part 3 – Provisions relating to Stormwater Works**15 Stormwater Works**

15.1 The Landowner is to carry out and complete the Stormwater Access Works, Stormwater Drainage Works and Drainage Channel Works at no cost to the Council.

15.2 Any part of the Stormwater Access Works, Stormwater Drainage Works and Drainage Channel Works that is located within a Stage of the Development is to be completed prior to the issuing of the Subdivision Certificate that creates the first Final Lot in that Stage of the Development.

16 Grant of easement

16.1 The Landowner is to grant to the Council free of cost the Stormwater Drainage Easement.

16.2 The Stormwater Drainage Easement is to be granted on or before the registration of the Plan of Subdivision that creates the first Final Lot in Stage 2 of the Development, or such other time as agreed in writing with the Council.

Part 4 – Development Contributions**17 Provision of Development Contributions**

17.1 The Landowner is to make Development Contributions to the Council in accordance with the provisions of this Deed relating to the making of Development Contributions and otherwise to the satisfaction of the Council.

17.2 The Council is to apply each Development Contribution made by the Landowner under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

17.3 Despite clause 17.2, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public

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interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

18 Dedication of land and granting of easement

- 18.1 A Development Contribution comprising the dedication of land or the granting of an easement is made for the purposes of this Deed when:
- 18.1.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or has the effect of granting the easement to the Council (as the case may be), or
- 18.1.2 the Council is given:
- (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Landowner as transferor that is effective to transfer the title to the land or grant the easement to the Council (as the case may be) when executed by the Council as transferee and registered,
 - (b) the written consent to the registration of the transfer or the granting of the easement of any person whose consent is required to that registration, and
 - (c) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer or easement.
- 18.2 The Landowner is to do all things reasonably necessary to enable registration of the instrument of transfer or easement to occur.
- 18.3 The Landowner is to ensure that land dedicated to the Council under this Deed is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.
- 18.4 If, having used all reasonable endeavours, the Landowner cannot ensure that land to be dedicated to the Council under this Deed is free from all encumbrances and affectations, the Landowner may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.
- 18.5 Despite any other provision of this Deed, if the Landowner is required to dedicate land to the Council on which the Landowner is also required to carry out a Work under this Deed, the Landowner is to comply with clause 18.1.2 not later than 7 days after the Work is completed for the purposes of this Deed.

19 Carrying out of Work

- 19.1 Without limiting any other provision of this Deed, any Work that is required to be carried out by the Landowner under this Deed is to be carried out in accordance with any design or specification specified or approved by the Council, any relevant Approval and any other applicable law.

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- 19.2 The Landowner, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Landowner is required to carry out under this Deed.

20 Variation to Work

- 20.1 The design or specification of any Work that is required to be carried out by the Landowner under this Deed may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed
- 20.2 Without limiting clause 20.1, the Landowner may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 20.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Landowner under clause 20.2.
- 20.4 The Council, acting reasonably, may from time to time give a written direction to the Landowner requiring it to vary the design or specification of a Work before the Work is carried out in a specified manner and submit the variation to the Council for approval.
- 20.5 The Landowner is to comply promptly with a direction referred to in clause 20.4 at its own cost.

21 Access to land by Landowner

- 21.1 The Council authorises the Landowner to enter, occupy and use the Council Land for the purpose of performing its obligations under this Deed.
- 21.2 The Council is to permit the Landowner, upon receiving reasonable prior notice from the Landowner, to enter any other Council owned or controlled land in order to enable the Landowner to properly perform its obligations under this Deed.
- 21.3 Nothing in this Deed creates or gives the Landowner any estate or interest in any part of the land referred to in clause 21.1 or 21.2.

22 Access to land by Council

- 22.1 The Council may enter any land on which Work is being carried out by the Landowner under this Deed in order to inspect, examine or test the Work, or to remedy any breach by the Landowner of its obligations under this Deed relating to the Work.
- 22.2 The Council is to give the Landowner prior reasonable notice before it enters land under clause 22.1.

23 Council's obligations relating to Work

- 23.1 The Council is not to unreasonably delay, hinder or otherwise interfere with the performance by the Landowner of its obligations under this Deed, and is

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to use its reasonable endeavours to ensure third parties unrelated to the Landowner do not unreasonably delay, hinder or otherwise interfere with the performance of those obligations.

24 Protection of people, property & utilities

- 24.1 The Landowner is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Deed that:
- 24.1.1 all necessary measures are taken to protect people and property,
 - 24.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 24.1.3 nuisances and unreasonable noise and disturbances are prevented.
- 24.2 Without limiting clause 24.1, the Landowner is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

25 Repair of damage

- 25.1 The Landowner is to maintain any Work required to be carried out by the Landowner under this Deed until the Work is completed for the purposes of this Deed or such later time as agreed between the Parties.
- 25.2 The Landowner is to carry out its obligation under clause 25.1 at its own cost and to the satisfaction of the Council.

26 Completion of Work

- 26.1 The Landowner is to give the Council written notice of the date on which it will complete Work required to be carried out under this Deed.
- 26.2 The Council is to inspect the Work the subject of the notice referred to in clause 26.1 within 14 days of the date specified in the notice for completion of the Work.
- 26.3 Work required to be carried out by the Landowner under this Deed is completed for the purposes of this Deed when the Council, acting reasonably, gives a written notice to the Landowner to that effect.
- 26.4 If the Council is the owner of the land on which Work the subject of a notice referred to in clause 26.3 is issued, the Council assumes responsibility for the Work upon the issuing of the notice, but if it is not the owner at that time, it assumes that responsibility when it later becomes the owner.
- 26.5 Before the Council gives the Landowner a notice referred to in clause 26.3, it may give the Landowner a written direction to complete, rectify or repair any specified part of the Work to the reasonable satisfaction of the Council.
- 26.6 The Landowner, at its own cost, is to promptly comply with a direction referred to in clause 26.5.

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27 Rectification of defects

- 27.1 The Council may give the Landowner a Rectification Notice during the Defects Liability Period.
- 27.2 The Landowner, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 27.3 The Council is to do such things as are reasonably necessary to enable the Landowner to comply with a Rectification Notice that has been given to it under clause 27.1.

28 Works-As-Executed-Plan

- 28.1 No later than 60 days after Work is completed for the purposes of this Deed, the Landowner is to submit to the Council a full works-as-executed-plan in respect of the Work.
- 28.2 The Landowner, being the copyright owner in the plan referred to in clause 28.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed.

29 Removal of Equipment

- 29.1 When Work on any Council owned or controlled land is completed for the purposes of this Deed, the Landowner, without delay, is to:
 - 29.1.1 remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
 - 29.1.2 leave the land in a neat and tidy state, clean and free of rubbish.

Part 5 – Dispute Resolution**30 Dispute resolution – expert determination**

- 30.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
 - 30.1.1 the Parties to the Dispute agree that it can be so determined, or
 - 30.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 30.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 30.3 If a notice is given under clause 30.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.

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- 30.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 30.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 30.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 30.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

31 Dispute Resolution - mediation

- 31.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 30 applies.
- 31.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 31.3 If a notice is given under clause 31.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 31.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 31.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 31.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 31.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 6 - Enforcement**32 Security for performance of obligations**

- 32.1 Before the commencement of any Work under this Deed, the Landowner is to provide the Council with Security to secure the performance of the Landowner's obligations relating to the Work in accordance with an agreement between the Council and the Landowner relating to the provision of Security or, failing such agreement, on such terms and conditions required by the Council acting reasonably.
- 32.2 For the purposes of clause 32.2, the Parties are to have regard to any policy or practice of the Council, current at the time the Security is provided, relating

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- to the provision of security to the Council for the construction of public infrastructure by Landowners.
- 32.3 The Council is to release and return the Security or any unused part of it to the Landowner within 14 days of compliance by the Landowner of its obligations under this Deed to the reasonable satisfaction of the Council.
- 32.4 The Landowner may at any time provide the Council with a replacement Security.
- 32.5 On receipt of a replacement Security, the Council is to release and return to the Landowner, as directed, the Security it holds that has been replaced.
- 32.6 The Council may call-up the Security if it reasonably considers that the Landowner has not complied with its Development Contributions obligations under this Deed.
- 32.7 However, the Council is not to call-up the Security unless it has given the Landowner not less than 30 days notice of its intention to do so and particulars of why it intends to do so, and the Landowner has not rectified the non-compliance to the Council's reasonable satisfaction before that period has expired.
- 32.8 If the Council calls-up the Security, it may use the amount paid to it in satisfaction of any costs incurred by it in remedying the non-compliance including but not limited to:
- 32.8.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
- 32.8.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Work carried out, completed or rectified, and
- 32.8.3 all legal costs and expenses reasonably incurred by the Council, by reason of the Landowner's non-compliance.
- 32.9 If the Council calls-up the Security, it may, by notice in writing to the Landowner, require the Landowner to provide a further or replacement Security in an amount that, when added to any unused portion of any existing Security, does not exceed the amount of the Security the Council is entitled to hold under this Deed.
- 32.10 The dispute resolution provisions of this Deed do not apply to any matter the subject of this clause.

33 Acquisition of land required to be dedicated

- 33.1 If the Landowner does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated, the Landowner consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 33.2 The Council is to only acquire land pursuant to clause ~~33.132.4~~ if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Deed.
- 33.3 Clause ~~33.132.4~~ constitutes an agreement for the purposes of s30 of the Just Terms Act.

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- 33.4 If, as a result of the acquisition referred to in clause 33.1-32.4, the Council is required to pay compensation to any person other than the Landowner, the Landowner is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security provided under clause 32.
- 33.5 The Landowner indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council under clause 33.1 of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 33.6 The Landowner is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 33-32, including without limitation:
- 33.6.1 signing any documents or forms,
 - 33.6.2 giving land owner's consent for lodgement of any Development Application,
 - 33.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 33.6.4 paying the Council's costs arising under this clause 33-32.

34 Breach of obligations

- 34.1 If the Council reasonably considers that the Landowner is in breach of any obligation under this Deed, it may give a written notice to the Landowner:
- 34.1.1 specifying the nature and extent of the breach,
 - 34.1.2 requiring the Landowner to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
 - 34.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 34.2 If the Landowner fails to fully comply with a notice referred to in clause 34.1, the Council may, without further notice to the Landowner, call-up the Security provided by the Landowner under this Deed and apply it to remedy the Landowner's breach.
- 34.3 If the Landowner fails to comply with a notice given under clause 34.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Landowner and any Equipment on such land for that purpose.
- 34.4 Any costs incurred by the Council in remedying a breach in accordance with clause 34.2 or clause 34.3 may be recovered by the Council by either or a combination of the following means:

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- 34.4.1 by calling-up and applying the Security provided by the Landowner under this Deed, or
- 34.4.2 as a debt due in a court of competent jurisdiction.
- 34.5 For the purpose of clause 34.4, the Council's costs of remedying a breach the subject of a notice given under clause 34.1 include, but are not limited to:
 - 34.5.1 the costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
 - 34.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
 - 34.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 34.6 Nothing in this clause 34 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Landowner, including but not limited to seeking relief in an appropriate court.

35 Enforcement in a court of competent jurisdiction

- 35.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 35.2 For the avoidance of doubt, nothing in this Deed prevents:
 - 35.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
 - 35.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

Part 7 – Registration & Restriction on Dealings**36 Registration of this Deed**

- 36.1 The Parties agree to register this Deed for the purposes of s93H(1) of the Act.
- 36.2 On the commencement of this Deed, the Landowner is to deliver to the Council in registrable form:
 - 36.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Landowner, and
 - 36.2.2 the written irrevocable consent of each person referred to in s93H(1) of the Act to that registration.
- 36.3 The Landowner is to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 36.4 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:
 - 36.4.1 in so far as the part of the Land concerned is a Final Lot,

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- 36.4.2 in relation to any other part of the Land, once the Landowner has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

37 Restriction on dealings

- 37.1 The Landowner is not to:
- 37.1.1 sell or transfer the Land, other than a Final Lot, or
 - 37.1.2 assign the Landowner's rights or obligations under this Deed, or novate this Deed,
- to any person unless:
- 37.1.3 the Landowner has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Landowner's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
 - 37.1.4 the Council has given written notice to the Landowner stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
 - 37.1.5 the Landowner is not in breach of this Deed, and
 - 37.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 37.2 Subject to clause 37.3, the Landowner acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 37.1.
- 37.3 Clause 37.1 does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

Part 8 – Indemnities & Insurance**38 Risk**

- 38.1 The Landowner performs this Deed at its own risk and its own cost.

39 Release

- 39.1 The Landowner releases the Council from any Claim it may have against the Council arising in connection with the performance of the Landowner's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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40 Indemnity

- 40.1 The Landowner indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Landowner's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

41 Insurance

- 41.1 The Landowner is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Landowner under this Deed up until the Work is taken to have been completed in accordance with this Deed:
- 41.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Landowner's liability in respect of damage to or destruction of the Works,
- 41.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Landowner and any subcontractor of the Landowner, for liability to any third party,
- 41.1.3 workers compensation insurance as required by law, and
- 41.1.4 any other insurance required by law.
- 41.2 If the Landowner fails to comply with clause 41.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Landowner to the Council and may be recovered by the Council as it deems appropriate including:
- 41.2.1 by calling upon the Security provided by the Landowner to the Council under this Deed, or
- 41.2.2 recovery as a debt due in a court of competent jurisdiction.
- 41.3 The Landowner is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 41.1.

Part 9 – Other Provisions**42 Council Transfer Land**

- 42.1 The Parties acknowledge that the Council will transfer the Council Transfer Land to the Landowner in accordance with a further agreement between the Parties.

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43 Annual report by Landowner

- 43.1 The Landowner is to provide to the Council by not later than each anniversary of the date on which this Deed is entered into a report detailing the performance of its obligations under this Deed.
- 43.2 The report referred to is to be in such a form and to address such matters as required by the Council from time to time.

44 Review of Deed

- 44.1 The Parties agree to review this Deed if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 44.2 For the purposes of clause 44.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 44.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 44.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 44.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 44.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 44.1 (but not 44.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

45 Notices

- 45.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
 - 45.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
 - 45.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
 - 45.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 45.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.
- 45.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
 - 45.3.1 delivered, when it is left at the relevant address,
 - 45.3.2 sent by post, 2 business days after it is posted,

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45.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or

45.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.

45.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

46 Approvals and Consent

46.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.

46.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

47 Costs

47.1 The Landowner is to pay to the Council the Council's costs not exceeding \$5,000 excluding GST of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

47.2 The Landowner is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 7 days of a written demand by the Council for such payment.

48 Entire Deed

48.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.

48.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

49 Further Acts

49.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

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50 Governing Law and Jurisdiction

- 50.1 This Deed is governed by the law of New South Wales.
- 50.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 50.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

51 Joint and Individual Liability and Benefits

- 51.1 Except as otherwise set out in this Deed:
 - 51.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
 - 51.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

52 No Fetter

- 52.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

53 Illegality

- 53.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

54 Severability

- 54.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 54.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

55 Amendment

- 55.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25D of the Regulation.

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56 Waiver

- 56.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 56.2 A waiver by a Party is only effective if it:
- 56.2.1 is in writing,
 - 56.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 56.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 56.2.4 is signed and dated by the Party giving the waiver.
- 56.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 56.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 56.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

57 GST

- 57.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply** and **Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
- GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
- Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- 57.2 Subject to clause 57.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 57.3 Clause 57.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.

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- 57.4 No additional amount shall be payable by the Council under clause 57.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 57.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 57.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 57.5.2 that any amounts payable by the Parties in accordance with clause 57.2 (as limited by clause 57.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 57.6 No payment of any amount pursuant to this clause 57, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 57.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 57.8 This clause continues to apply after expiration or termination of this Deed.

58 Explanatory Note

- 58.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 58.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

59 Party acting as trustee

- 59.1 If a party enters into this Deed as trustee of a trust, that party and its successors as trustee of the trust will be liable under this Deed in its own right and as trustee of the trust. Nothing releases the party from any liability in its personal capacity.
- 59.2 The party entering into this Deed as trustee of a trust warrants that at the date of this Deed:
- 59.2.1 all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust; and
- 59.2.2 the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this Deed on behalf of the trust and that this Deed is

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being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust; and

59.2.3 no restriction on the party's right of indemnity out of, or lien over, the trust's assets exists or will be created or permitted to exist to the parties knowledge; and

59.2.4 nothing in the deed establishing the trust limits the trustee's ability to perform its obligations under this Deed or the trustee's liability under this Deed.

59.3 If:

59.3.1 the trustee's position in respect of the matters specified in clause 59.2 changes, or

59.3.2 the trustee becomes aware of a change to its right of indemnity out of, or lien over, the trust's assets which limits the trustee's ability to perform its obligations under this Deed.

then the trustee is to promptly notify the Council in writing and the parties are to negotiate, in good faith and without delay, any necessary changes to this Deed to secure the provision of the Development Contributions.

59.4 If the party entering into this Deed as trustee is to be replaced as trustee under the deed establishing the trust, then the trustee will procure entry by the replacement trustee into a deed with the Council on terms satisfactory to the Council under which the replacement trustee agrees to:

59.4.1 be bound by the provisions of this Deed; and

59.4.2 pay the Council's costs in relation to the replacement of the trustee and the costs of registering any new planning agreement on title, if required.

58-259.5 Immediately upon a party becoming aware of a proposed termination of the trust for which it is trustee, the party is to notify the other parties to this Deed and the Parties are to negotiate, in good faith and without delay, any necessary changes to this Deed, or other arrangements arising from the proposed termination of the trust, to secure the provision of Development Contributions.

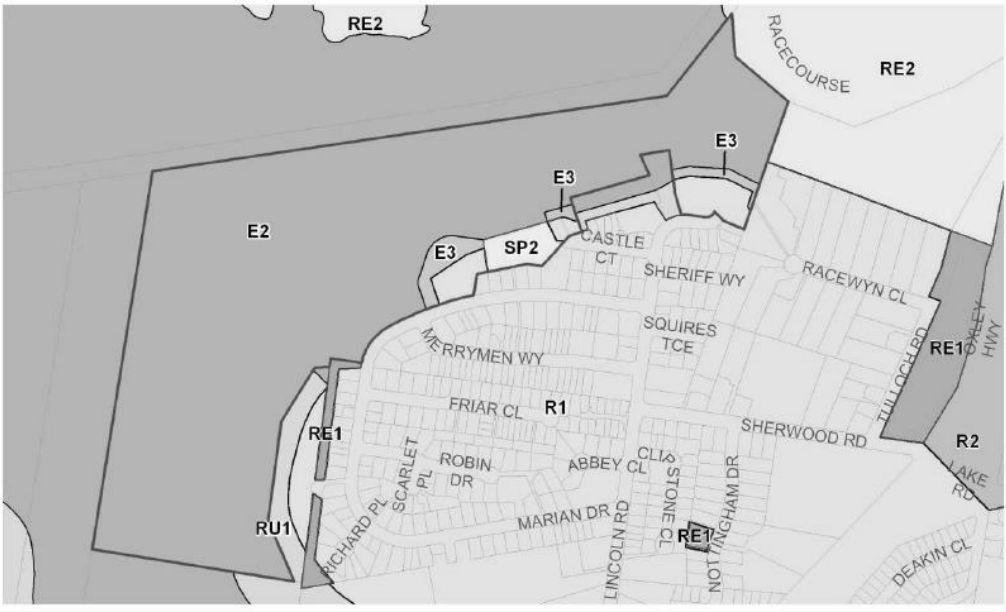
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Schedule 1

(Clause 1.1)

Proposed Zoning Plan



Zone Codes

Affected land

E2 Environmental Conservation	R1 General Residential	RE2 Private Recreation
E3 Environmental management	R2 Low Density Residential	RU1 Primary Production
E4 Environmental Living	RE1 Public Recreation	SP2 Infrastructure

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Schedule 2

(Clause 1.1)

Subdivision Concept Plan

Sheets of the Subdivision Concept Plan on the following pages.

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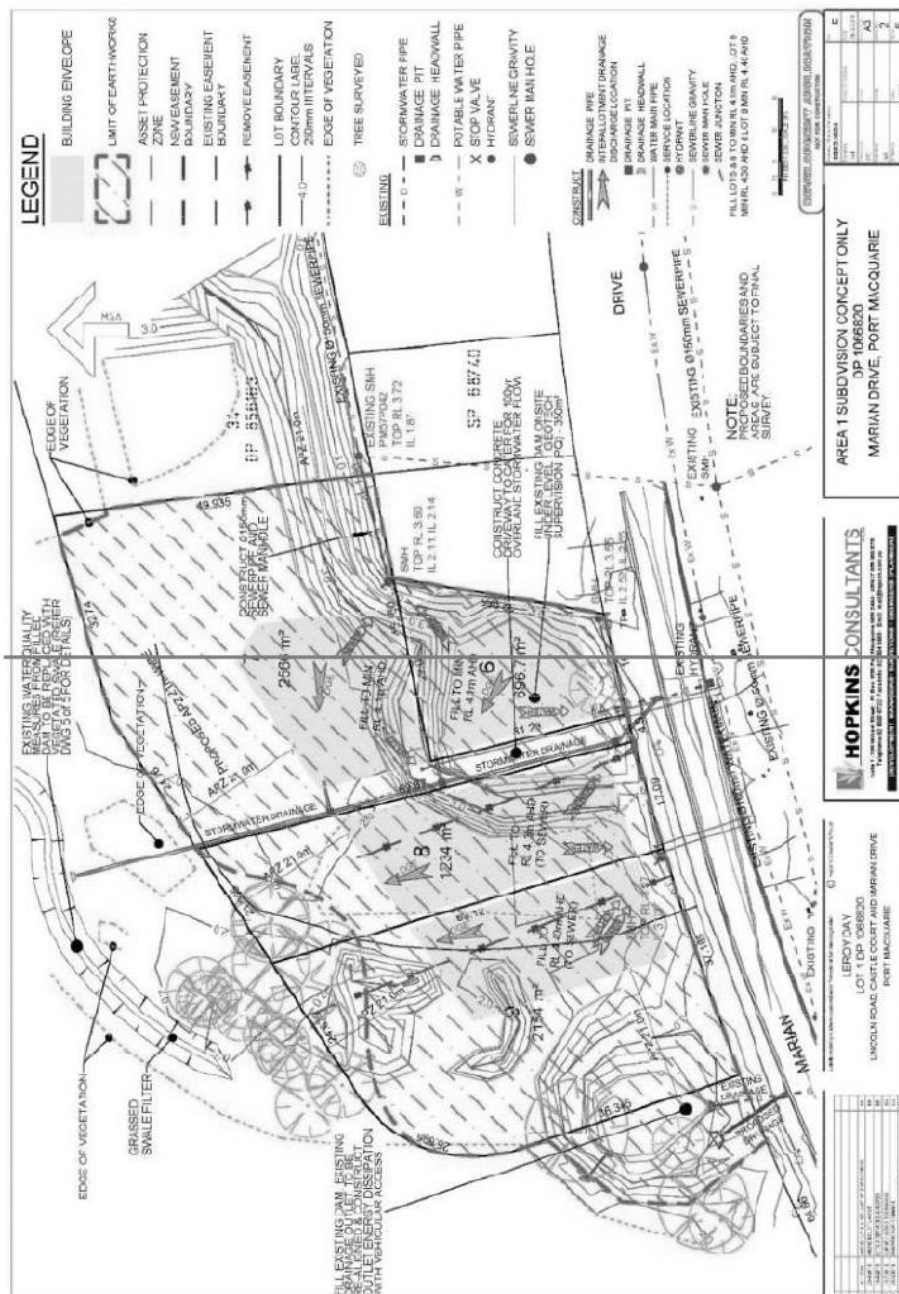
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Sheet 1



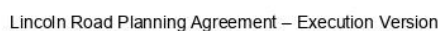
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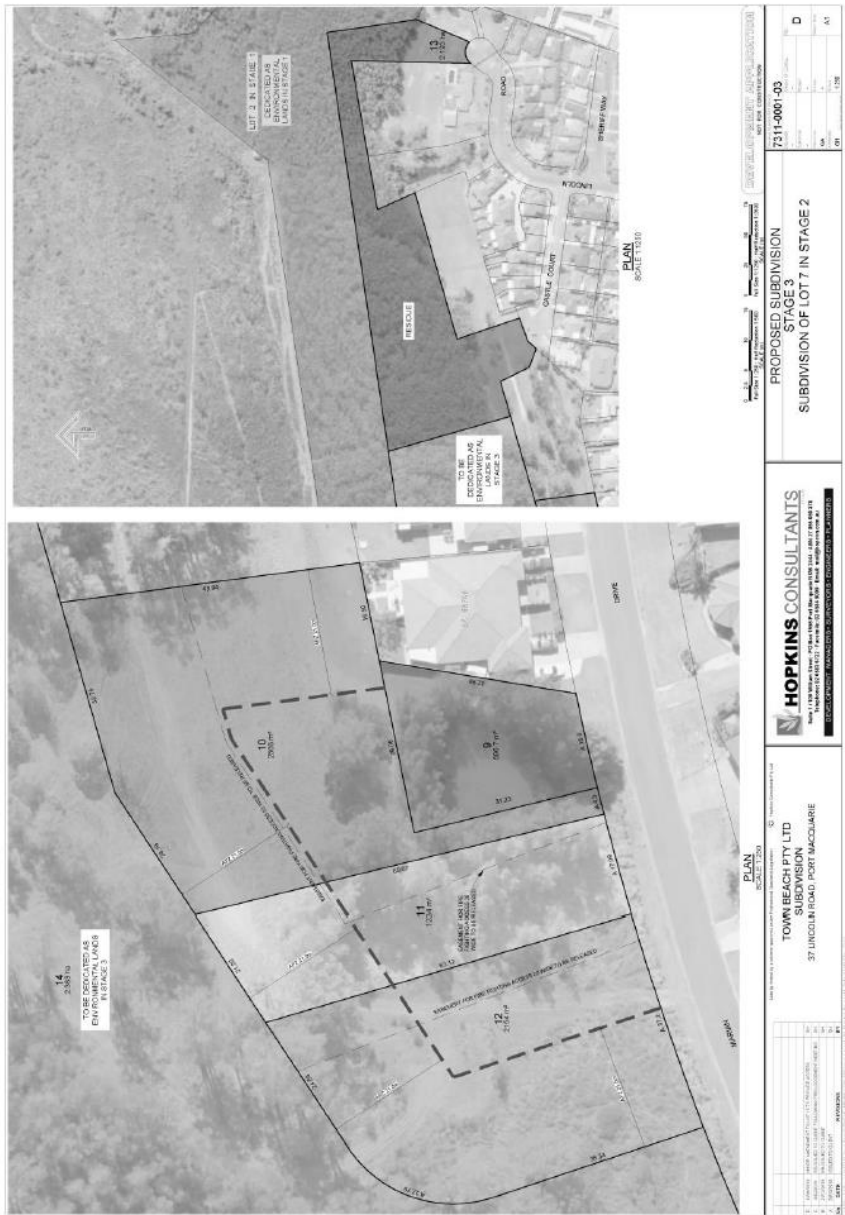
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Randale Pty Ltd Superannuation Fund



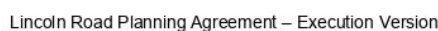
Lincoln Road Planning Agreement
Port Macquarie-Hastings Council

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ~~ATF~~
Randale Pty Ltd Superannuation Fund

Sheet 3



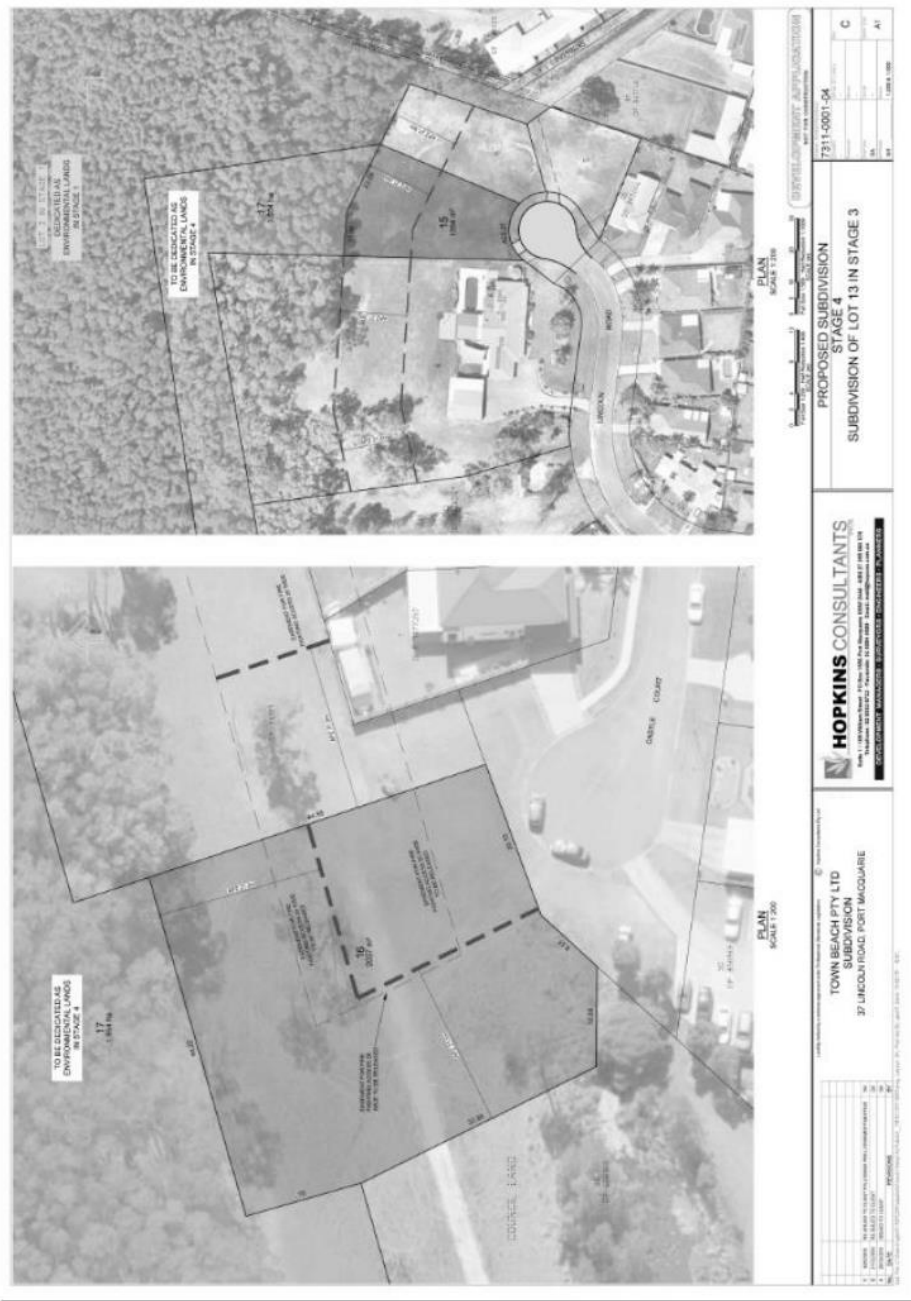
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Randale Pty Ltd Superannuation Fund



Lincoln Road Planning Agreement
Port Macquarie-Hastings Council

Leroy James Day and Kimberley Rae Day Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund

Sheet 4



~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund



~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund

DEVELOP TO COMPLY AS ENVIRONMENTAL LANDS

DEVELOP TO COMPLY AS ENVIRONMENTAL LANDS

DEVELOP TO COMPLY AS ENVIRONMENTAL LANDS

PLAN SCALE 1:500

PLAN SCALE 1:500

PLAN SCALE 1:500

TOWN BEACH PTY LTD
SUBDIVISION
37 LINCOLN ROAD, PORT MACQUARIE

**Lincoln Road Planning Agreement
Port Macquarie-Hastings Council**

**Teroy James Day and Kimberley Rae Day Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund**

Schedule 3

(Clause 1.1)

Environmental Management Land



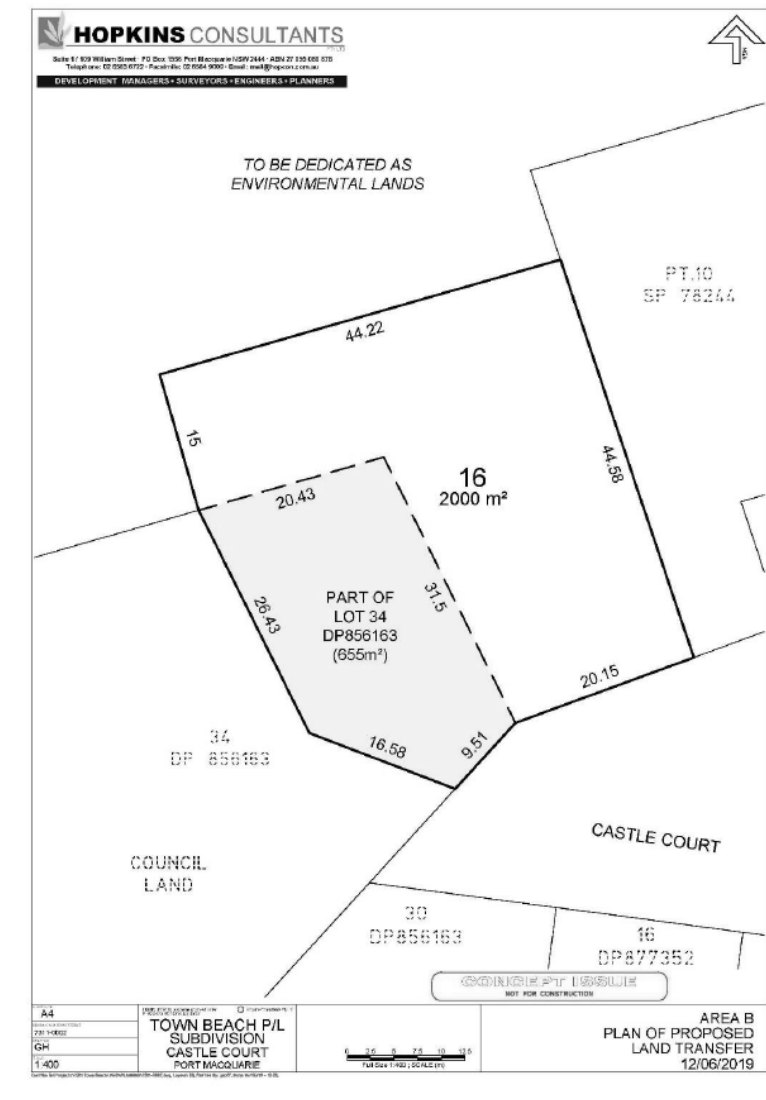
Lincoln Road Planning Agreement
Port Macquarie-Hastings Council

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

Schedule 4

(Clause 1.1)

Council Transfer Land



~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund

(Clause 1.1)

[illegible]

~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund

(Clause 1.1)

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**Lincoln Road Planning Agreement
Port Macquarie-Hastings Council**

~~Leroy James Day and Kimberley Rae Day~~Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Landowner

Leroy James Day

Kimberley Rae Day

Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

Appendix

(Clause 58)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note**Draft Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Port Macquarie-Hastings Council ABN 11 236 901 601 of Corner Lord and Burrawan Streets, Port Macquarie, New South Wales, 2444 (**Council**)

Leroy James Day and Kimberley Rae Day of PO Box 1868, Port Macquarie, New South Wales, 2444 (Landowner)

Description of the Land to which the Draft Planning Agreement Applies

Lot 1 DP 1066820 Lincoln Road, Port Macquarie and Lot 34 DP 856163 Castle Court, Port Macquarie

Description of Proposed Development

The development of the land for residential and environmental conservation purposes.

Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randale Pty Ltd Superannuation Fund

Summary of Objectives, Nature and Effect of the Draft Planning Agreement**Objectives of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to secure the dedication of land and the carrying out of work for:

- the establishment, dedication to Council and management of environmentally sensitive lands in conjunction with the residential development that will be made permissible by the LEP Amendment; and
- improvements to and reallocation of stormwater infrastructure into Council ownership.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Landowner for various public purposes (as defined in s93F(3) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out of the Development (as defined in clause 1.1 of the Draft Planning Agreement) on the Land by the Landowner,
- does not exclude the application of s94, s94A or s94EF of the Act to the Development,
- makes provision for the dedication of the environmentally sensitive land in conjunction with the Development.
- makes provision for the Landowner to carry the following works:
 - Drainage Channel Works
 - Stormwater Access Works,
 - Stormwater Works,
 - Environmental Establishment Obligation,
 - Environmental Management Obligation,
- imposes obligations on the Landowner in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects in those Works,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement,
- prohibits the Landowner from applying for, or causing suffering or permitting the issuing of a Subdivision Certificate unless and until Development Contributions are provided in accordance with the Draft Planning Agreement,
- provides for the provision of works as executed plans in respect of Works carried out by the Landowner,

Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement**The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development,
- provides for the protection of the environment and ecologically sustainable development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(i)-(vii) and 5(c) of the Act.

For Planning Authorities:***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

- providing adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively,

Lincoln Road Planning Agreement**Port Macquarie-Hastings Council**

~~Leroy James Day and Kimberley Rae Day~~ Town Beach Pty Limited ATF
Randle Pty Ltd Superannuation Fund

- ensuring that environmental sensitive land is properly managed, developed, protected, restored, enhanced and conserved in a manner that is consistent with and promotes the principles of ecologically sustainable development,
- keeping the local and wider community informed about its activities.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Draft Planning Agreement requires the Landowner to carry out specified stormwater works. The works are not included in the Council's relevant current capital works program. However, the Council's Management Plan identifies these types of works in the relevant capital works program. Accordingly, the provision of these Works under the Agreement is consistent and conforms with the capital works envisioned by the Council's Management Plan.

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Planning Agreement specifies that certain obligations under the Agreement must be complied with before the issuing of Subdivision Certificates.

Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund



Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Landowner in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund



Appendix

(Clause 7)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Lincoln Road VPA and Deed of Variation

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

Parties

Port Macquarie-Hastings Council ABN 11 236 901 601 of PO Box 84 PORT
MACQUARIE NSW 2444 (**Council**)

and

Town Beach Pty Limited ACN 156 486 127 **as trustee for Randale Pty Ltd**
Superannuation Fund ABN 94 499 154 188 of PO Box 105 PORT MACQUARIE NSW
2444 (**Landowner**)

Description of the Land to which the VPA Deed of Variation Applies

Lot 1 DP 1066820 Lincoln Road, Port Macquarie and Lot 34 DP 856163 Castle Court, Port
Macquarie

Description of Proposed Development

The development of the land for residential and environmental conservation purposes.

Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund



Summary of Objectives, Nature and Effect of the VPA and Deed of Variation

Objectives of VPA and Deed of Variation

The objective of the VPA is to secure the dedication of land and the carrying out of work by the current landowner of the Land for:

- the establishment, dedication to Council and management of environmentally sensitive lands in conjunction with the residential development that will be made permissible by the LEP Amendment; and
- improvements to and reallocation of stormwater infrastructure into Council ownership.

The objective of the Deed of Variation is to amend the Planning Agreement to reflect the proposed modified Development which introduces stages, resulting in amendments to the timing for provision of Development Contributions.

Nature of VPA and Deed of Variation

The VPA is a planning agreement under s7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. The VPA is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Landowner for various public purposes (as defined in s7.4(3) of the Act).

The Deed of Variation is a variation of the VPA under cl25C of the *Environmental Planning and Assessment Regulation 2000*.

Effect of the VPA and Deed of Variation

The VPA:

- relates to the carrying out of the Development (as defined in clause 1.1 of the Draft Planning Agreement) on the Land by the Landowner,
- does not exclude the application of s7.11, s7.12 or s7.24 of the Act to the Development,
- makes provision for the dedication of the environmentally sensitive land in conjunction with the Development.
- makes provision for the Landowner to carry the following works:
 - Drainage Channel Works
 - Stormwater Access Works,
 - Stormwater Works,
 - Environmental Establishment Obligation,
 - Environmental Management Obligation,
- imposes obligations on the Landowner in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects in those Works,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement,

Deed of Assumption and Variation to Lincoln Road VPA**Port Macquarie-Hastings Council****Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund**

- prohibits the Landowner from applying for, or causing suffering or permitting the issuing of a Subdivision Certificate unless and until Development Contributions are provided in accordance with the Draft Planning Agreement,
- provides for the provision of works as executed plans in respect of Works carried out by the Landowner,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the agreement.

The Deed of Variation amends the VPA to reflect the proposed modified Development which introduces stages, resulting in amendments to the timing for provision of Development Contributions.

Assessment of the Merits of the VPA and Deed of Variation**The Planning Purposes Served by the VPA and Deed of Variation**

The VPA and Deed of Variation:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development,
- provides for the protection of the environment and ecologically sustainable development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the VPA and Deed of Variation Promotes the Public Interest

The VPA and Deed of Variation promotes the public interest by promoting the objects of the Act as set out in s1.3(a), (b), (c), (e), (g) and (j) of the Act and ensuring that the currency of the VPA is maintained

For Planning Authorities:***Development Corporations - How the VPA and Deed of Variation Promotes its Statutory Responsibilities***

N/A

Other Public Authorities – How the VPA and Deed of Variation Promotes the Objects (if any) of the Act under which it is Constituted

N/A

**Deed of Assumption and Variation to Lincoln Road VPA
Port Macquarie-Hastings Council
Town Beach Pty Limited ATF Randale Pty Ltd Superannuation Fund**



Councils – How the VPA and Deed of Variation Promotes the Elements of the Council's Charter (now the Principles for Local Government contained in Chapter 3 of the Local Government Act 1993)

The VPA and Deed of Variation promotes the principles for local government by:

- ensuring that effective and efficient services are provided to meet the needs of the local community
- ensuring that land and assets are properly managed so that current and future local community needs can be met in an affordable way,
- setting out how the Council works with others to secure appropriate services for local community need,
- actively engaging the local and wider community by informing them about its activities through public notification.

All Planning Authorities – Whether the VPA and Deed of Variation Conforms with the Authority's Capital Works Program

The VPA and Deed of Variation requires the Landowner to carry out specified stormwater works. The works are not included in the Council's relevant current capital works program. However, the Council's Management Plan identifies these types of works in the relevant capital works program. Accordingly, the provision of these Works under the Agreement is consistent and conforms with the capital works envisioned by the Council's Management Plan.

All Planning Authorities – Whether the VPA and Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Planning Agreement specifies that certain obligations under the Agreement must be complied with before the issuing of Subdivision Certificates.



Creating a Vibrant Future
**Health and Education Precinct -
Inaugural Consortium Meeting**

Meeting Date: 19 November 2019

Time: 5.30pm

Venue: Council Administration Building - Function Room

AGENDA

1. Welcome;
2. Introductions;
3. Health and Education Precinct (HEP) Decision;
4. HEP Update;
5. Discussion on setting up a Consortium;
6. Wrap up, where to from here.

Council Resolution - September 2019

12.01 Health and Education Precinct Master Plan

RESOLVED: *Turner/Griffiths*

That Council

1. Note the community engagement process and submissions received during the public exhibition period and subsequent workshops.
2. Adopt the Health and Education Precinct Master Plan.
3. Note the plans of stakeholders to establish a Consortium to assist in driving the development and implementation of a Health and Education Precinct.

CARRIED: 8/0

FOR: *Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner*

AGAINST: *Nil*

Our meeting will be conducted as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. We start on time and finish on time 2. We all participate and contribute - everyone is given opportunity to voice their opinions 3. We actively listen to what others have to say, seeking first to understand, then to be understood 4. We follow up on the actions for which we are assigned responsibility and complete them on time | <ol style="list-style-type: none"> 5. We give and receive open and honest feedback in a constructive manner 6. We use data to make decisions (whenever possible) 7. We strive to continually improve our meeting process and build time into each agenda for reflection. |
|---|---|



Creating a Vibrant Future
**Health and Education Precinct -
Inaugural Consortium Meeting**

Minutes

Attendees:

Guy Hingston - HDPL
 Anthony Elias - Chase Property
 Catherine Death - Port Macquarie Hospital
 Jane Evans - Independent
 Donna Clarke - Land Dynamics
 Graham Burns - Land Dynamics
 Scott Marchant - King & Campbell
 Terry Mundoon - St Columba
 Tony Blue - Blueprint Planning Consultant
 Courtney Buckley - UNSW RCS
 Kate Wood-Foye - Charles Sturt University
 Stephen Butt (via phone) - Charles Sturt University
 Ian Lewis - National Australia Bank
 Michelle Chapman - All About Planning Pty Ltd
 Michelle Love - Love Project Management
 Adam King - The Grange Medical Centre
 Prem Rashid - Urology Centre
 Christopher Danks - Danks Group
 Nicholas Lonie - Fort Street Real Estate

Port Macquarie - Hastings Council:

Jeffery Sharp - Director Strategy & Growth
 Lucilla Marshall - Group Manager Community Engagement
 Kieran Metcalfe - Senior Strategic Planner

- The Health and Education Precinct Master Plan has been adopted.
- Kieran Metcalfe noted more information is required and gaps need to be resolved.
- Michelle Love noted that Council would normally undertake this work?
- A discussion was held by the consortium on the development of the entire area no just individual lots.
- It was noted that no residential structures in the Health and Education precinct.
- A discussion was held on residential owners and how best to manage. Will owners be expected to manage funds?
- Timeframes for residential owners was also raised.
- Jane Evans - how do we focus not just on planning proposal but outcomes for the precinct to ensure best use of the area?
- Budget of studies
- Is a planning proposal the best way to go?
- Stephen Butt - research examples which were undertaken successfully and that are relevant e.g. Fig Trees on the Manning. Fewer players the better, urban regeneration projects.
- Governance - competing priorities and the overall approach.
- How will the Project Plan work and the timeframes?

Values: *Communication, Accountability, Professionalism, Integrity & Teamwork*



Creating a Vibrant Future

Health and Education Precinct - Inaugural Consortium Meeting

- Pedestrian spine (key findings from Master Plan) - people along the spine involved others as wish
- Master Plan run by the consortium or channeled through Council?
- External Project Manager - equal votes for people at the table.
- Does it impact from the Orbital - Western side of John Oxley
- How do you manage competing priorities?
- Flexibility around Master Plan? Can other items be integrated - further connections
- What impact will the orbital have moving forward?
- Department of Planning - planning proposal may turn around because of potential of unknowns (Orbital)
- Engage with the department
- Ongoing role of Council - relationship for the Consortium/External Project Officer
- Guy Hingston - a little fixated on the spine (mini consortium within the consortium)
- Underway with State significant project, does not want to wait until the rest of the precinct to hold up the project.
- It is complex - acquisitions etc. may hold up other areas, not just the spine.
- It is a challenging to convince people with different issues to get involved.
 - Issues of Charles Sturt University
 - Issues of Hospital
 - Issues of cleared blocks
 - Issues Western side of John Oxley
- Council structure plan for John Oxley (DCP) - ongoing delays.
- So many different priorities.
- Budget for planning outcomes - funding model
- Schedule of owners (how many?)
- Focus on studies - clearer of focus on reports and consolidated studies verses multiple site specific.
- What would be cost be per owner (excluding residential)?
- Governance model
 - Fully develop consortium
 - Managed by Council
 - Partnered approach
- Group could ask Council to manage the Consortium.
- Council to develop high-level indicative budget.
- If Council drove
 - All land owners would have a say
 - Small group that leverage and lobby the Department and deals with high level issues.
- Model of consortium
 - SSD
 - Planning proposal
 - Traffic issues
- Funding - plan
- Owners - options
- Mid December meeting (2 week)
- Contact details can be shared (ask those who were invited)
- Meeting 10 December at 3.30pm
- Project Manager via due process
- Timeframe of studies
- Remove Bill
- Send preliminary plan.

Values: *Communication, Accountability, Professionalism, Integrity & Teamwork*



Creating a Vibrant Future
**Health and Education Precinct -
Inaugural Consortium Meeting**

Meeting Date: 10 December 2019

Time: 3.30pm

Venue: Council Administration Building - Committee Room

AGENDA

1. Welcome and introductions - JS;
2. Council Actions
 - a. Number of Landholders - KM
 - b. Cost of delivery Planning Proposal - KM
 - c. Scope of Works and types of studies require for Planning Proposal - KM;
3. Consortium options - JS & KM;
4. General Discussion
5. Close, where to from here - All

Council Resolution - September 2019

12.01 Health and Education Precinct Master Plan

RESOLVED: *Turner/Griffiths*

That Council

1. Note the community engagement process and submissions received during the public exhibition period and subsequent workshops.
2. Adopt the Health and Education Precinct Master Plan.
3. Note the plans of stakeholders to establish a Consortium to assist in driving the development and implementation of a Health and Education Precinct.

CARRIED: 8/0

FOR: *Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner*

AGAINST: *Nil*

Our meeting will be conducted as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. We start on time and finish on time 2. We all participate and contribute - everyone is given opportunity to voice their opinions 3. We actively listen to what others have to say, seeking first to understand, then to be understood 4. We follow up on the actions for which we are assigned responsibility and complete them on time | <ol style="list-style-type: none"> 5. We give and receive open and honest feedback in a constructive manner 6. We use data to make decisions (whenever possible) 7. We strive to continually improve our meeting process and build time into each agenda for reflection. |
|---|---|

*Creating a Vibrant Future***Minutes****Attendees:**

Stephen Butt - Charles Sturt University
Scott Marchant - King & Campbell
Terry Muldoon - SCAS
Jessica Macer-Wright - UNSW Rural Clinical School
Guy Hingston - HDPLA
Tony Blue - Blueprint Planning
Rachel Green - Urology Centre
Donna Clarke - Land Dynamics
Kate Wood-Foye - Charles Sturt University
Michelle Chapman - All About Planning
Mathew Hafford - Palms Aged Care
Lillian Stockall - Palms Aged Care
Nicholas Lonie - Fort Street Real Estate
Trevor Gerdson - University of Newcastle

Port Macquarie - Hastings Council:

Jeffery Sharp - Director Strategy & Growth
Lucilla Marshall - Group Manager Community Engagement
Duncan Coulton - Group Manager Strategy
Kieran Metcalfe - Senior Strategic Planner

Item 2: Council Actions

- a) Kieran Metcalfe confirmed that HEP has 203 land holdings with 48 in the central/spine area
- b) The estimated cost of delivering studies to support the planning proposal is \$400,000 based on the cost of studies for previous planning proposals. With project management the estimate is \$560,000.
- c) Kieran Metcalfe outlined the Scope of Works and types of studies likely to be required for Planning Proposal which would include:
 - Gap Analysis
 - Ecology
 - Social/economic
 - Infrastructure - road/sewer
 - Flooding/drainage
 - Contamination
 - Bushfire
 - Heritage

Item 3: Consortium options

Option 1: Consortium led by stakeholders and work to be done external to Council. Council would be stakeholder/contributor but all work would be done through and by the consortium

Note: Council has allocated a budget to contribute to this

Values: *Communication, Accountability, Professionalism, Integrity & Teamwork*

Creating a Vibrant Future

Option 2: Council acts as the project manager/governance, with the Consortium contributing funds to Council to support the development of the planning proposal. This may delay the process as there are a number of areas that Council needs to progress through including:

- Procurement Processes
- Resolution of Council

Option 3: Council runs the process with no financial or governance support from the consortium. Council has a current budget in the operational plan for \$120,000.00. Budget bids would be required for future budget process. This will not achieve a timely outcome.

Donna Clarke raised the question of special activation precinct funding from the Department of Planning. Council has advised that it has sought information from the department and is awaiting additional advice.

Funding - this may be **option 4**

Item 4: General Discussion

Discussion was held on Council's role and if there is an appetite to arrange a consortium.

A question was raised on fundamentals required across the precinct? To start works on that now from a study perspective;

- What can we start?
- What is the quickest way to the finish line?

A question was raised on the review of strategies that need to be done - particularly around infrastructure. A review of the extent of studies to be undertaken. Need to gather the existing information and leverage on that. There has been many developments in the area and perhaps the gap in the information is not as great as first believed.

Seek information from the State Government as to what additional that is needed;

- Gateway determination
- Masterplan
- UGMS

Gap analysis regarding masterplan and studies required.

How do we look at the whole picture not site specific? Pooling all existing information from developments with HEP would support the development of an initial planning proposal. Can we get things rolling? **ACTION:** Kieran Metcalfe to talk to the Department of Planning to see what is achievable.

Does Council have enough information to compile a gateway application;

- Transport infrastructure in any detail would be challenging
- What is the most efficient way of getting it done?

Comment - There should be Council information in Infrastructure/traffic that will inform a draft planning proposal.

Other options - external stakeholders could go away and arrange studies

- Collaboration key to get it all done e.g. Storm Water engineer, traffic engineer, increase in hard stand
- Kieran Metcalfe's role is to support the collaboration to get it done.

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Creating a Vibrant Future

Suggestion by the group to Audit of information we have from existing developments that would assist in informing studies required? Is this something Council will be able to do? Council is the keeper of knowledge.

Consortium discussion will be needed to understand some of the specifics regarding building height/land coverage/zoning etc.

Council needs to be involved.

Opportunity to have a discussion as a group to seek additional funding/State/Federal to support outcomes.

Can you employ someone to collate information? Council could do that but that again will limit what other works can be done as the funding would come from the allocated amount.

Pressure on Council resources regarding projects.

Like to see it at Gateway by June 2020. There is urgency.

\$500,000 is a lot of money. Is that what we need or is there more information?

ACTION: Kieran Metcalfe to share the master plan gap analysis with the group.

Examples of infrastructure gaps:

- Stormwater
- Traffic
- Water
- Sewer

From the stakeholders in the room, do others have information they can share? What are the risks for the site?

Use collective knowledge: What studies/works have been done by the group to add to what we have? Build a level of trust.

What are the stakeholders keen to propose and discuss with the group **ACTION:** All attendees are to prepare discussion points for the next meeting.

Develop this Consultative Group to keep communication open and work with stakeholders to develop approach (as don't want to keep going around in circles).

Jeffery Sharp proposed a meeting in mid-February. Decision point and information seeking.

ACTION: Circulate Consortium models prior to the next meeting.

Tony Blue - given Council has \$120,000 which one is taking the longest (traffic) and get that started - timing, get something going as soon as you can.

Reports that impact on the whole precinct should start - how do we look at that? Drive the process?

Wrights road Round-a-bout - working with RMS/TFNSW Oxley Highway corridor. Planning outcomes of the site, public transport, footpaths, altered access, risk with impacts of traffic.

Council needs to make decisions regarding numbers we can plug into the modelling - can't change too much from the Masterplan.

Values: *Communication, Accountability, Professionalism, Integrity & Teamwork*

Creating a Vibrant Future

Identify people who will benefit and target them to contribute to the consortium.

Discussions to be held with Cameron Hawkins regarding work on;

- Oxley Highway
- IWCMS
- Sewer requirements.

Council should play a key role in driving the process.

Next meeting: Review the Master Plans - 11 Landuse rationales and outcomes benefits and support for development within each precinct contributions.

Share information - next meeting Tuesday 11 February 2020

Values: *Communication, Accountability, Professionalism, Integrity & Teamwork*



Creating a Vibrant Future
**Health and Education Precinct (HEP) -
Project Consortium Meeting**

Meeting Date: 11 February 2020

Time: 3.30pm

Venue: Council Administration Building - Function Room

Meeting Notes

Attendees:

Ian Bassett - Ian Bassett & Partners - Architects
Guy Terklesen - Hastings Physio and Health
Jonathan McKenzie - McKenzie Consulting
Lawrance Ryko - Fort Street Real Estate Capital (via dial-in)
Guy Hingston - Highfields Development Pty Ltd
Donna Clarke - Land Dynamics
Kate Wood-Foye - Charles Sturt University
Michelle Chapman - All About Planning
Trevor Gerdson - University of Newcastle
Jonathan Hingston

Port Macquarie - Hastings Council:

Duncan Coulton - Group Manager Strategy
Kieran Metcalfe - Senior Strategic Planner

Item

1. Welcome and introductions

- Duncan Coulton provided welcome and introductions.

2. Actions from our last meeting

- The minutes of the previous meeting (10/12/2019) were accepted without change.
- The actions of the previous meeting were discussed by Kieran Metcalfe as follows:

ACTION: Kieran Metcalfe to talk to the Department of Planning to see what is achievable [in relation to planning proposal expectations].

Our meeting will be conducted as follows:

- | | |
|--|---|
| 1. We start on time and finish on time | 5. We give and receive open and honest feedback in a constructive manner |
| 2. We all participate and contribute - everyone is given opportunity to voice their opinions | 6. We use data to make decisions (whenever possible) |
| 3. We actively listen to what others have to say, seeking first to understand, then to be understood | 7. We strive to continually improve our meeting process and build time into each agenda for reflection. |
| 4. We follow up on the actions for which we are assigned responsibility and complete them on time | |

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- Kieran Metcalfe explained that consultation had been undertaken with the Department of Planning Industry and Environment (planning, biodiversity and heritage representatives) since the last meeting. It was explained that these representatives provided valuable input into the minimum expectations for various aspects of a future HEP planning proposal, including minimum expectations for ecological and heritage assessments. It was mentioned that minimum ecological and heritage expectations had been provided to Council in writing.

ACTION: Kieran Metcalfe to share the master plan [to planning proposal] gap analysis with the group.

- Kieran Metcalfe discussed that the master plan gap analysis had been shared with consortium representatives since the last meeting.

ACTION: All attendees are to prepare discussion points for the next meeting.

- It was discussed that an opportunity would be provided during the meeting for all attendees to share discussion points with the wider group (see information under the heading 'Open forum - discussion topics from around the room' below).

ACTION: Circulate Consortium models prior to the next meeting.

- It was discussed that potential consortium models had been circulated prior to the meeting.

3. Current development challenges / investigations

- It was discussed that one of the most significant challenges for the precinct may be traffic and transport, particularly issues associated with the Oxley Highway and John Oxley Drive. Kieran Metcalfe explained that consultation had been undertaken with Transport for New South Wales since the last meeting. It was mentioned that Transport for New South Wales had indicated that smaller case by case developments were unlikely to be a significant contributor to this issue, but that larger developments and precinct scale proposals would require further consideration of impacts and implementation of any subsequent required management actions. It was discussed that the relevant Transport for New South Wales representative had offered to attend future consortium meetings. It was also suggested that relevant representatives from the Department of Planning Industry and Environment (planning, biodiversity and heritage representatives) could be invited to the meeting. **Action:** Relevant Transport for New South Wales and Department of Planning Industry and Environment representatives to be invited to future HEP consortium meetings.

4. Promoting our precinct

- A draft promotional fact sheet was tabled.
- It was questioned how the fact sheet would be circulated and suggested that it could be distributed to real estates and to residents through letter box drops. It was suggested that this could be an opportunity for smaller stakeholders and local residents to be kept informed. However, it was also mentioned that real estate agents may already be well informed of the proposal.

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- It was suggested that the precinct should be 'ready to go' [relevant planning studies completed and planning provisions in place] prior to any significant promotion to ensure that momentum is not lost between initial promotion and the delivery of relevant strategic planning tasks.
- Lawrance Ryko questioned whether the draft fact sheet would be circulated to the wider consortium. **Action:** Fact sheet to be circulated to the wider consortium.

5. Open forum - discussion topics from around the room

- It was questioned why the study area for the HEP is so big. It was suggested that sites such as the hospital, industrial area, school and significantly environmentally constrained areas were unlikely to benefit from planning investigations in working toward the vision set out in the HEP Master Plan. It was suggested that these areas could be removed from the study area for the purpose of a planning proposal to achieve more timely delivery of HEP planning investigations.
- Support was given to Council spending its \$120,000 project allocation towards commencing planning studies.
- It was mentioned that a significant amount of information is already available in relation to the opportunities and constraints of the precinct.
- It was suggested that consultation with key stakeholders should commence ASAP. It was suggested that there is an advantage to undertaking this process in relation to planning investigations for the wider precinct as this would be more efficient in comparison to undertaking consultation on a piecemeal or site by site basis. **Action:** Consultation with key project stakeholders to continue.
- It was suggested that there is an expectation that Council would progress planning investigations.
- Donna Clarke questioned what Council's plans are in relation to the Port Macquarie Orbital Road investigations.
- Duncan Coulton explained that the status has not changed since the last meeting. However, it was confirmed that financial allocation has not been made towards property acquisition for this purpose in the 2020 - 2021 financial year.
- It was suggested that the Regional Transport Planning Strategy is a larger project than the Orbital Road investigations and should advise these investigations. It was confirmed that SMEC is the consultancy currently undertaking these investigations. It was questioned what the timeframe was for this report. It was confirmed that the actual delivery date is not known at this stage but that it was likely to be later this year.
- It was questioned whether SMEC could do the traffic and transport study for the HEP as they may already have much of the information required for the assessment.
- Michelle Chapman questioned what people's interests were around the table and what people might want to do with their properties within the precinct. A service station proposal for the corner of Major Innes Drive and John Oxley Drive was given as an example of a proposal that is good to communicate with the wider group.
- Michelle Chapman questioned whether a Planning Proposal for the precinct could be staged. It was suggested that the zoning currently applied to the student accommodation development was not perfect, but that it wasn't necessarily an issue for the site as development has been able to proceed despite the current zoning.
- It was mentioned that the site is not a greenfield site and is already partly developed.
- It was mentioned that progression of any planning investigations should focus on adding value towards achieving the vision as described within the HEP Master Plan.
- It was mentioned that stakeholders would like control and certainty regarding the end result in relation to planning investigations.

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- It was mentioned that the HEP precinct was a large area and that planning investigations could be prioritised to certain areas. It was suggested that planning investigations such as ecology and Aboriginal Heritage should get started in priority areas.
- It was mentioned that current planning controls within the precinct are a constraint for the achievement for the vision for the precinct as detailed within the HEP Master Plan.
- Duncan Coulton mentioned that if Council funds the progression of the HEP precinct in its entirety, there may be a perception in the community that wider community resources are being used to benefit a handful of developers and landholders within the HEP precinct.
- Michelle Chapman suggested that the HEP project benefits more than just the HEP developers and landholders. It was suggested that the educational, medical, economic and demographic benefits associated with the proposal would reach into the wider community.
- It was mentioned that the larger the HEP precinct is, the larger the risk for the progression of planning assessments. Michelle Chapman questioned whether the industrial area was necessary to include within planning investigations.
- It was mentioned that there is a risk to delivering planning assessments in a timely manner if the study area remains as large as what is illustrated within the HEP Master Plan. It was questioned why areas such as the hospital, school, industrial area and areas subject to high environmental constraints would be included within a planning proposal if there is no wider benefit to achieving the outcomes as detailed within the HEP Master Plan.
- Trevor Gerdson mentioned that the University of Newcastle's interests are more focused on its operations within the hospital campus rather than the wider precinct.
- It was mentioned that we have a great concept for a dynamic precinct and it would be a shame for development to occur in a piecemeal nature.
- Kate Wood-Foye suggested that the promotional brochure tabled at the meeting would be important for the promotion of the precinct and offered to assist with the delivery of this material.

6. Close

- It was discussed that a consortium representative had advised that they were unable to attend meetings within standard business hours. This matter was discussed and it was unanimously agreed that the **next meeting** be scheduled for **7am - 8:30am on Tuesday 28 April 2020**.

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Creating a Vibrant Future
**Health and Education Precinct -
Planners Catchup 24/01/2020**

Meeting Date: 24 January 2020

Time: 10:20am - 11:45am

Venue: All About Planning Office - Cross Street Port Macquarie

Meeting Minutes

Attendees:

Kieran Metcalfe (KM) - Port Macquarie Hastings Council
Sandra Bush (SB) - Port Macquarie Hastings Council
Scott Marchant (SM) - King & Campbell
Michelle Chapman (MC) - All About Planning
Michelle Love (ML) - Love Project Management

Distribution:

HEP Consortium

Meeting Minutes:

- MC mentioned that Donna Clarke of Land Dynamics has advised that the eastern section of land between the Oxley Highway and John Oxley Drive is constrained, but that areas in the southern portion of the land may be suitable for development.
- SM identified that RMS has previously stated that it is investigating future improvements to the Oxley Highway to address demand for access to the Wrights Road and Lake Road intersections and that these improvements may be required to support further development in the area. MC, ML & SM suggested that consultation with RMS and DPIE would be useful to determine whether traffic constraints such as the Wrights Road roundabout would be a constraint for the development of the HEP. **Action:** KM to contact RMS to determine what studies are currently being undertaken for the area and discuss with both RMS and DPIE what implications these studies may have on the HEP precinct.
- MC mentioned that a Council owned operational land corridor exists between the Port Macquarie Based Hospital car park and Uralla Road in the Lake Road Industrial Area. MC questioned whether this land had been investigated for the purpose of a road link. SB suggested that given the shape and location of the land, this corridor was likely to be a drainage corridor. It was discussed that even if this land is a drainage corridor there may be the potential to consider a road link in this location as part of the planning process.
- ML raised the issue of the four lots adjacent to John Oxley Drive (opposite Bunnings) which were discussed as being identified in the Masterplan as potential gateway land to the wider precinct. ML mentioned that the Master Plan was not clear on the intended development outcome for these lots.

Our meeting will be conducted as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. We start on time and finish on time 2. We all participate and contribute - everyone is given opportunity to voice their opinions 3. We actively listen to what others have to say, seeking first to understand, then to be understood 4. We follow up on the actions for which we are assigned responsibility and complete them on time | <ol style="list-style-type: none"> 5. We give and receive open and honest feedback in a constructive manner 6. We use data to make decisions (whenever possible) 7. We strive to continually improve our meeting process and build time into each agenda for reflection. |
|---|---|

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- It was suggested by ML that the proposed Orbital Road could be a significant issue for the precinct. It was discussed that illustration of the Orbital Road had been removed from plans within the HEP Master Plan and that if the Orbital Road was considered as a component of the HEP it could result in potential implications for project delivery.
- MC mentioned that extensive studies have been undertaken on the 28 Kingfisher Road (student accommodation) site to support development and that this information could be taken into account in the HEP precinct planning.
- MC questioned whether all of the studies mentioned in the gap analysis need to be undertaken. MC suggested that there would be limited value for some of her clients in the east of the precinct in having these studies prepared. KM suggested that these studies may still be required to be undertaken to meet relevant planning requirements including the requirements of the NSW Governments *A guide to preparing planning proposals*.
- It was questioned why a full Aboriginal Heritage assessment would be required. KM suggested that a study would be required to meet relevant planning requirements such as the NSW Governments *A guide to preparing planning proposals* as advised by the Department of Biodiversity Conservation.
- Support was provided for having the Local Aboriginal Land Council do a brief assessment of the site to meet State Government requirements.
- It was questioned why an ecological assessment would be required. KM advised that the Department of Biodiversity Conservation advised today (24/01/2020) that the minimum level of ecological assessment to support a Planning Proposal, where Potential High Value Environmental Land has been mapped on the site through the North Coast Regional Plan, would be assessment by a qualified ecologist to confirm if the site does or does not contain actual areas of high environmental significance. It was noted that a number of approvals within the precinct included ecological investigations. It was suggested that a desktop review by a qualified ecologist may be a suitable first step to address Biodiversity legislation and Department of Biodiversity Conservation requirements. [Update 1:30PM on 24/01/2020 - Council has undertaken further consultation with the Department of Biodiversity Conservation who have advised that much of the site is unlikely to contain areas of high environmental significance, but this would need to be confirmed through an assessment by an appropriately qualified ecologist].
- SB mentioned that the Department of Biodiversity Conservation have suggested that voluntary planning agreement(s) could be used to distribute Biodiversity Assessment Method credits. MC mentioned that for some sites development approval has already been issued, therefore there may be little interest from developers in entering into such agreements.
- MC mentioned that Council's Planning Proposal Policy states that proposals which involve the development of areas of high environmental and/or cultural value would generally not be supported by Council. KM suggested that the policy uses the word 'generally' and that an ecology assessment could be used to determine the actual environmental significance of the site. It was suggested that this wording within the policy was unlikely to be an issue for the progression of the HEP proposal, and that the actual significance of the site could be determined by an ecologist as advised by the Department of Biodiversity Conservation.
- MC mentioned that a bushfire assessment has been undertaken for the 28 Kingfisher Road (student accommodation) site and suggested that an additional bushfire assessment may not be necessary.

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- ML mentioned that a Development Servicing Plan for the site would be essential. KM offered to liaise with Council's Engineering Department to discuss what information could be sourced internally within Council to determine likely future infrastructure servicing requirements. **Action:** KM to liaise with Council's Engineering Department to discuss likely future infrastructure servicing requirements.
- In relation to governance options, SM suggested that Council is best placed to lead the rezoning process.
- Potential funding sources were discussed. It was mentioned that it was positive that Council had allocated \$120,000 to the project. MC and SM suggested that funding may be available from some stakeholders to assist in the progressing the project provided more certainty is achieved regarding issues such as traffic infrastructure. It was also discussed that this could be achieved through undertaking early consultation with RMS and DPIE (as detailed above) to understand planning requirements and likely outcomes.
- King Creek was used as an example of a precinct where a Structure Plan had been prepared and a levy on rezoning applications was used to fund planning assessments. KM suggested that there could be a mechanism in the planning legislation to enter into an agreement between Council and landholders / developers to progressively fund studies.

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Item: 05

Subject: DA2019 - 676.1 RESIDENTIAL FLAT BUILDING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 1 DP 1211682, 5 DREW CLOSE, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: Wayne Ellis Architect
Owner: Drew Close Developments Pty Ltd
Estimated Cost: \$6,108,000
Parcel no: 64675

Alignment with Delivery Program

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

RECOMMENDATION

That it be recommended to Council that DA 2019 - 676.1 for a residential flat building including clause 4.6 objection to clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 1211682, No. 5 Drew Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a residential flat building including clause 4.6 objection to clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

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

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.



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

1. BACKGROUND**Existing Sites Features and Surrounding Development**

The site has an area of 1684m².

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 the locality is shown in the following aerial photograph:

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08/04/2020**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Construction of a residential flat building comprising 3 x 2 bedroom units and 12 x 3 bedroom units providing a total of 15 residential units.
- Building height variation.

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

Application Chronology

- 1 October 2019 - Application lodged.
- 10 October to 8 November 2019 - Public exhibition via neighbour notification.
- 17 October 2019 - Additional information request (parking layout and shortfall).
- 31 October 2019 - Additional information and revised plans provided addressing parking layout and shortfall.
- 24 December 2019 - Referral to NSW Rural Fire Service seeking advice on adjoining land management and intended building construction standard.
- 22 January 2020 - Advice provided from NSW RFS with recommended conditions.

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

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

(a) The provisions (where applicable) of:

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08/04/2020****(i) Any Environmental Planning Instrument****State Environmental Planning Policy (Koala Habitat Protection) 2019**

Clause 15 - A development application made, but not finally determined, before the commencement of this Policy in relation to land to which this Policy applies must be determined as if this Policy had not commenced. The application was made and not finally determined prior to the commencement of this policy, and the application is therefore required to be assessed under the relevant provisions of State Environmental Policy No 44 - Koala Habitat Protection. See assessment comments below.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

State Environmental Planning Policy No. 55 - Remediation of Land

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 No 64 - Advertising and Signage

The proposed development does not include any signage. Standard conditions recommended advising of further consent requirements for signage that is not exempt development.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

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

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



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Based on the above, the SEPP must be considered.

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

Requirement	Proposed	Comments
Principle 1: Context and neighbourhood character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal is for a six level residential flat building facing Drew Close with driveway access direct to Drew Close. The area is characterised by a mixture of low rise and high rise developments. A number of similar scale residential flat buildings exist in the immediate area. Encouraging higher density in areas with close proximity to the settlement city precinct and business zones is desirable for the area. The design responds to the site's slope and steps down in height to the north of the site. The design also provides for the majority of apartments to benefit north aspect. The site provides an opportunity for higher density. This density is clearly visible to the East of the proposal where a range of similar scale buildings exist.	Yes. The proposed building design is compatible with existing development and the desired future character of the area as stated in the relevant planning and design policies. It is considered that the building will contribute to the quality and identity of the area. The design responds to the site and density envisaged for the area. It is also in keeping with similar developments to the east and the objectives of the R3 - medium density residential zoning.
Principle 2: Built form and scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments,	The proposal incorporates a variation to the LEP control for building height, being a maximum 2.9m over the maximum 14.5m specifically for the lift overrun. The bulk of the building being under the height control. Refer to clause 4.6 of LEP 2011 comments for consideration of the proposed variation.	The height and scale of the building is considered to be appropriate having regard to the desired future character of the area. The height and scale is considered to be sufficiently compatible with existing buildings in the locality. The building is

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<p>proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The height and bulk of the proposed building are considered to be acceptable in the streetscape and future desired character of the area.</p> <p>The six level residential building is oriented to the north to provide optimal solar access for residents. Landscaped zones are satisfactorily implemented into the building surrounds and entrance to define the public domain and formalise the proposal's streetscape.</p> <p>Satisfactory articulation and variation in building colours and materials are proposed (see drawing No. D15 for surface finishes).</p> <p>The site is visible from the public space of Drew Close and provides a satisfactory contribution to the existing vistas from this location.</p> <p>Impacts on existing views from nearby properties are considered in detail later in this report.</p>	<p>considered to achieve an appropriate built form and incorporates interesting building elements and treatments.</p> <p>The proposed internal unit floorplans provide for internal amenity. The orientation of the block takes advantage of the northern aspect. The design and orientation limits any lateral views/vistas over southern and eastern boundaries.</p>
<p>Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs,</p>	<p>The proposal provides for 15 units over six storeys with a mixture of 2 and 3 bedroom configurations, which provide for a high level of amenity.</p> <p>The proposal has a floor space ratio (FSR) of 1.15:1, which complies with the maximum 1.5:1 adopted in the LEP.</p> <p>The proposed FSR is consistent with the objectives of the R3</p>	<p>The design has adopted an appropriate density that is sustainable and consistent with surrounding densities.</p>

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community facilities and the environment.	<p>Medium Density Residential zone and the height of buildings envisaged for the area.</p> <p>The proposed development is consistent with surrounding densities of the existing buildings within the precinct.</p> <p>The proposed density is also considered to be sustainable having regard to availability of proximity to infrastructure, and public transport, services and community facilities and the environmental quality of the area.</p>	
<p>Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The north - south orientation of the block has been adequately responded to. All apartments contain a north facing terrace/aspect.</p> <p>All dwellings are naturally cross-ventilated. All dwellings are designed with more than one aspect.</p> <p>The proposed materials of the building have been selected to both ensure robustness and longevity, as well as the potential of material recycling. Material selection has also been considered to minimise maintenance requirements.</p>	<p>BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency measures.</p> <p>Suitable landscaping areas are proposed.</p>
<p>Principle 5: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well</p>	<p>A satisfactory landscaping plan has been submitted which includes substantial landscaping details.</p> <p>The interface with the neighbouring properties to the east is alleviated by screen planting.</p>	<p>Suitable landscaping is proposed. The soil depth and area available is consistent with the objectives of the Residential Flat Design Code.</p>

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<p>designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The communal pool and recreation area provides landscaping opportunities to be enjoyed by residents.</p> <p>The south-western corner of the site is proposed to provide for a generous low native planting area.</p>	
<p>Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The building incorporates generous unit layouts and design which optimise the northern orientation, ventilation, privacy etc.</p> <p>The design achieves requirements of SEPP 65 pertaining to solar access, natural ventilation, private open space and privacy.</p> <p>Accessibility is possible via a mixture of ramps, stairs and lifts.</p>	<p>The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation via extensive north facing windows and balconies.</p> <p>The design and layout will provide a good level of amenity.</p> <p>All units are accessible via lifts.</p> <p>All units include a sufficient amount of private open space.</p> <p>Communal space is available via a large, useable, communal and recreation facilities area</p>

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		on the ground floor. All units have a range of outlooks.
<p>Principle 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>A range of appropriate strategies/design elements have been included to optimise safety and security. The various array of windows, doors and balconies throughout the building provide surveillance of the site and also the public domain.</p> <p>Access to the site is predominately controlled via secure access direct from Drew Close. Electronic access is proposed for the building. Residents will have direct access to their residential floors via lift access.</p> <p>The interface between public and private/communal space is clearly defined at the site frontage.</p>	<p>The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.</p> <p>Where potential exists for concealment areas, surveillance is provided from within the building.</p>
<p>Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among</p>	<p>The unit mix is:</p> <ul style="list-style-type: none"> • 2 Bedroom Apartments - 20% • 3 Bedroom Apartments - 80% <p>This proposal encourages market diversity and will cater to the changing population dynamics.</p> <p>Each apartment has open plan living with access to large private balconies which provides for flexibility and is additionally supported by large communal areas and facilities.</p>	<p>The proposal adequately addresses social dimensions and housing affordability.</p>

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residents.		
<p>Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	The plans (See drawing No. D15) provide examples of the colours, textures and finishes.	The colours and materials provided on the plans indicate a contemporary high quality design and finish. The aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality.

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

Apartment Design Guide (ADG) Objective	Design Guidance/Design Criteria (Italics)	Proposed	Complies
3A Site analysis			
3A - 1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG)	Suitable site analysis completed.	Yes
3B Orientation			
3B - 1 Building types and layouts respond to the streetscape and site while optimising solar access within the	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1). Where the street frontage	Orientation acceptable. Main building designed to face Drew Close. Living areas are orientated to the north.	Yes



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development.	<p>is to the east or west, rear buildings should be orientated to the north.</p> <p>Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).</p>	<p>Building has been designed to achieve north aspect.</p> <p>All dwellings have satisfactory outlooks and solar access.</p>	
3B - 2 Overshadowing of neighbouring properties is minimised during mid-winter.	<p>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p> <p>Solar access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.</p> <p>Overshadowing should be minimised to the south or down hill by increased upper level setbacks.</p> <p>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing</p>	<p>The proposal minimises overshadowing of neighbouring properties during mid-winter (refer drawing D16).</p> <p>The proposal maintains current solar access for greater than 3 hours each day between 9am and 3pm to the adjoining sites to east and south.</p>	Yes

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	<p>and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>		
3C Public domain interface			
3C - 1 Transition between private and public domain is achieved without compromising safety and security	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</p> <p>Length of solid walls should be limited along street frontages.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p> <p>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated</p>	<p>Ground floor areas and fence design is consistent with ADG.</p> <p>Balconies and windows overlook communal areas and the public domain.</p> <p>Communal areas, entrances, courtyards and fencing provide for privacy as well as opportunities for casual interaction between residents.</p>	Yes

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	<p>with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</p> <ul style="list-style-type: none"> • architectural detailing • changes in materials • plant species • colours <p>Opportunities for people to be concealed should be minimised</p>		
3C - 2 Amenity of the public domain is retained and enhanced.	<p>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p> <p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>Where development adjoins public parks, open space or bushland, the design positively addresses this interface</p>	<p>Satisfactory landscaping has been incorporated into the design to soften the built form.</p> <p>Mailbox design and location acceptable. Mailboxes are to be located at the street frontage.</p> <p>Car park design, garbage and other services create no identifiable adverse amenity impacts.</p> <p>The design does not detract from the adjoining public open space. Building entries are clearly defined, landscaping and articulation delineates communal private open space and public. There is minimal use of blank walls and unarticulated elements.</p>	Yes

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	<p>and uses a number of the following design solutions:</p> <ul style="list-style-type: none"> street access, pedestrian paths and building entries which are clearly defined paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space minimal use of blank walls, fences and ground level parking. <p>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</p>		
3D Communal and public open space			
3D - 1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<p><u>Design Criteria</u></p> <p><i>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</i></p> <p><i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i></p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with</p>	<p>The communal open space on the ground floor comprises more than 25% of the site area. The communal open space will receive 2 hours of solar access to at least 50% of the principal communal open space in mid-winter.</p> <p>Noted balconies are larger and north facing for all proposed dwellings.</p>	Acceptable as the design meets the objectives of this clause.

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	<p>deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 		
3D - 2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, 	<p>The nominated communal area is capable of being used for barbeques, seating and recreation, allowing a mixture of opportunities to enjoy the area.</p> <p>The communal area satisfactorily responds to the microclimate and site conditions by allowing the apartments to enjoy the northern aspect</p>	Yes

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	<p>tennis courts or common rooms.</p> <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</p>	and the communal area to be based around shade and ventilation.	
3D - 3 Communal open space is designed to maximise safety	<p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> • bay windows • corner windows • balconies. <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained</p>	<p>The communal open space area is satisfactory in regards to safety.</p> <p>All units have a window or living area that overlooks the communal area.</p> <p>The area can be well lit and is also fenced for security.</p>	Yes
3D - 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<p>The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along</p>	No public open space proposed.	N/A

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	<p>with protection from strong winds.</p> <p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas</p>		
3E Deep soil zones			
<p>3E - 1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p><u>Design Criteria</u></p> <p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>a) < 650m², no min dimension, 7% site area deep soil zone.</p> <p>b) 650-1500m², 3m dimension, 7% site area deep soil zone.</p> <p>c) >1500m², 6m dimension, 7% site area deep soil zone.</p> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> 10% of the site as deep soil on sites with an area of 650m² - 1,500m² 15% of the site as deep soil on sites greater than 1,500m². <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may</p>	<p>The site is 1684m² and therefore requires 7% of site area to be deep soil zones with a minimum width of 3m.</p> <p>A deep soil zone area of approximately 120m² complies with a minimum 3m dimension and equal to 7% of the site area. Additional plantings are also proposed along the eastern portion of the site.</p> <p>It should be noted that there are no existing trees within the site.</p>	Yes

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	<p>include:</p> <ul style="list-style-type: none"> • basement and sub basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level. <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>		
3F Visual privacy			
3F - 1 Adequate building separation distances are shared equitably between neighbouring	<p><u>Design Criteria</u></p> <p><i>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from</i></p>	<p>The block is unique in shape and setbacks to boundaries are illustrated on the site plan (D01). Setbacks to the</p>	<p>While the preferred setbacks are not achieved, all habitable</p>



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sites, to achieve reasonable levels of external and internal visual privacy	<p><i>buildings to the side and rear boundaries are as follows:</i></p> <p>a) <i>Building height up to 12m (4 storey) need 6m setback to habitable and 3m to non habitable.</i></p> <p>b) <i>Buildings up to 25m (5-8 storeys) need 9m to habitable and 4.5m to non habitable.</i></p> <p>c) <i>Buildings over 25m (9+ storeys) need 12m to habitable and 6m to non habitable.</i></p> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</i></p> <p>Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.</p> <p>For residential buildings next to commercial buildings, separation distances should be measured as follows:</p> <ul style="list-style-type: none"> for retail, office spaces and commercial balconies use the habitable room distances for service and plant 	<p>eastern side boundary are 7.728m to the front section of the building and 3.368m to the rear portion. Habitable and non-habitable areas are proposed within the desired 9m and 4.5m setback.</p> <p>The rear setback proposed is 3.29m to the rear section of the building and 1.509m to the front dogleg section. Habitable and non-habitable areas are proposed within the desired 9m and 4.5m rear setback.</p> <p>The western side setback is 13.747m to front section of the building and 3.027m to the middle section and 13.453m to the rear section. Non habitable areas are proposed within the 9m setback.</p> <p>There is no detrimental privacy impact to the neighbouring development.</p> <p>Note the northern orientation maximises visual privacy.</p> <p>Windows in the proposal facing the eastern boundary are mainly bedroom and utility rooms. The kitchen windows are provided with privacy screening as proposed and conditioned.</p>	<p>rooms within the preferred setbacks are provided with privacy screening to protect privacy between neighbouring sites.</p> <p>It is also noted that the adjoining the site to the west is recreationa lly zoned undevelop ed land. The setback and privacy measures proposed and conditione d and are considered to be acceptable</p>
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	<p>areas use the non-habitable room distances.</p> <p>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4). <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>No separation is required between blank walls</p>		
3F - 2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms	<p>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:</p> <ul style="list-style-type: none"> • setbacks 	<ul style="list-style-type: none"> • Communal areas are satisfactorily separated from private open space areas. • Balconies and terraces adjoin internal living areas providing separation and privacy. 	Yes

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and private open space	<ul style="list-style-type: none"> • solid or partially solid balustrades to balconies at lower levels • fencing and/or trees and vegetation to separate spaces • screening devices • bay windows or pop out windows to provide privacy in one direction and outlook in another • raising apartments/private open space above the public domain or communal open space • planter boxes incorporated into walls and balustrades to increase visual separation • pergolas or shading devices to limit overlooking of lower apartments or private open space • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies. <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of</p>	<ul style="list-style-type: none"> • Windows to habitable areas do not directly adjoin other units or windows of adjoining apartments. • Screening has been used to maintain privacy between units and adjoining properties. • Privacy to adjoining properties' private open space is provided through satisfactory design layout to ensure attractive and appropriate boundary interface. 	
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	adjacent buildings. Recessed balconies and/or vertical fins should be used between adjacent balconies		
3G Pedestrian access and entries			
3G - 1 Building entries and pedestrian access connects to and addresses the public domain	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.</p>	Development provides pedestrian access on the primary street frontage to Drew Close. The entrances will be identifiable from the street and are considered to be satisfactory.	Yes
3G - 2 Access, entries and pathways are accessible and easy to identify	<p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).</p>	<p>Access is visible.</p> <p>No major level changes along proposed pathways and entry points.</p> <p>Steps and ramps are integrated to the building design.</p> <p>Electronic access is proposed for the apartments.</p>	Yes

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	For large developments electronic access and audio/video intercom should be provided to manage access		
3G - 3 Large sites provide pedestrian links for access to streets and connection to destinations	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate</p>	Clear line of site is provided to and from entry point to the first floor car park and building entry.	Yes
3H Vehicle access			
3H - 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> the materials and colour palette to minimise visibility from the street security doors or gates at entries that minimise voids in the facade where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access</p>	<p>Standard car park access provided, at grade and into the first floor.</p> <p>Satisfactory landscaping provided around the entry to help soften the entry.</p> <p>Headlight glare to unit 101 on ground floor is minimised to the bedroom via a screening feature.</p> <p>The proposed driveway off Drew Close has provided suitable separation to intersections and is considered to be acceptable.</p> <p>Pedestrian and vehicle access points have been separated.</p> <p>Garbage storage is proposed at the front boundary and accessible for collection and</p>	Yes

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	<p>should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> • changes in surface materials • level changes 	removal via private collection arrangement.	
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	<ul style="list-style-type: none"> the use of landscaping for separation 		
3J Bicycle and car parking			
<p>3J - 1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><u>Notes</u></p> <p>Port Macquarie is a nominated regional centre.</p> <p>In terms of using Guide to Traffic Generating Developments, Port Macquarie is a "sub-regional centre" as by definition it does not have access to rail.</p> <p>Medium density is 2 - <20 dwellings.</p> <p>High Density is 20 or more dwellings</p>	<p><u>Design Criteria</u></p> <p><i>1. For development in the following locations:</i></p> <p>a) <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></p> <p>b) <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p> <p><u>Guide to Traffic Generating Developments</u></p> <p>Medium density residential flat buildings require:</p>	<p>The site is in a nominated regional centre.</p> <p>Site is within 400m of a B3 zone.</p> <p>15 Apartments</p> <ul style="list-style-type: none"> - 3 x 2 bed units - 12 x 3 bed units <p>Under the RTA guide a total of 25 spaces are required.</p> <p>Under the DCP 2013 25 spaces are also required.</p> <p>Total of 29 spaces are proposed.</p>	Yes

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	<ul style="list-style-type: none"> - 1 space per unit + - 1 space for every 5 x 2 bedroom unit + - 1 space for every 2 x 3 bedroom unit + - 1 space for 5 units (visitor parking). <p>High density residential flat buildings for metropolitan sub-regional centres require:</p> <ul style="list-style-type: none"> - 0.6 spaces per 1 bedroom unit - 0.9 spaces per 2 bedroom unit - 1.40 spaces per 3 bedroom unit + - 1 space per 5 units (visitor parking) 		
3J - 2 Parking and facilities are provided for other modes of transport	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Conveniently located charging stations are provided for electric vehicles, where desirable</p>	The car park allows for vehicle spaces to be used for motorbikes etc. Storage areas are available for bicycles.	Yes
3J - 3 Car park design and access is safe and secure	<p>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</p> <p>Direct, clearly visible and well lit access should be provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting</p>	<p>Support facilities available and carpark design satisfactory.</p> <p>The proposal does not include a car wash bay as there is no requirement under the PMHC DCP or the Apartment Design Guide. Commercial car wash facilities are available in</p>	Yes

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	<p>area should be provided to lifts and stairs.</p> <p>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards</p>	close proximity to the site.	
3J - 4 Visual and environmental impacts of underground car parking are minimised	<p>Excavation should be minimised through efficient car park layouts and ramp design.</p> <p>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p> <p>Natural ventilation should be provided to basement and sub basement car parking areas.</p> <p>Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design</p>	<p>Excavation minimised to that practical given the desired density for the site.</p> <p>Layout is well organised with a logical layout and design has utilised a split level layout with ground level entry.</p>	Yes
3J - 5 Visual and environmental impacts of on-grade car parking are minimised	<p>On-grade car parking should be avoided.</p> <p>Where on-grade car parking is unavoidable, the following design solutions are used:</p> <ul style="list-style-type: none"> • parking is located on the side or rear of the lot away from the primary street frontage • cars are screened from view of streets, buildings, communal and private open space areas 	<p>Visitor parking is proposed at grade. This parking area is suitably screened from the street by landscaping and bin storage area.</p>	Yes

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	<ul style="list-style-type: none"> safe and direct access to building entry points is provided parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving 		
3J - 6 Visual and environmental impacts of above ground enclosed car parking are minimised	<p>Exposed parking should not be located along primary street frontages</p> <p>Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:</p> <ul style="list-style-type: none"> car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels) car parking that is 'wrapped' with other 	Ground level parking is adequately screened from the street frontage.	Yes

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	uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9). Positive street address and active frontages should be provided at ground level		
4A Solar and daylight access			
4A - 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p><u><i>Design Criteria</i></u></p> <p><i>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</i></p> <p><i>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i></p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</p> <p>Single aspect, single storey apartments should have a northerly or easterly aspect.</p> <p>Living areas are best located to the north and service areas to the south and west of apartments.</p>	<p>The proposal orientates all living rooms and private open spaces to the north. Living rooms and private open spaces of apartments and townhouses receive greater than 3 hours direct sunlight between 9am and 3pm on the winter solstice.</p> <p>Northern aspects have been maximised in the design.</p> <p>No single aspect apartment or townhouses proposed.</p> <p>More than 1m² sunlight for 15min achieved to living areas.</p> <p>The Design has achieved the desired criteria under this clause.</p>	Yes

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	<p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p> <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight <p>Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.</p>		
4A - 2 Daylight access is maximised where	Courtyards, skylights and high level windows (with sills of 1,500mm or	The proposal maximises solar access.	Yes



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sunlight is limited	<p>greater) are used only as a secondary light source in habitable rooms.</p> <p>Where courtyards are used:</p> <ul style="list-style-type: none"> • use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> • reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light • integrating light shelves into the design • light coloured internal finishes 	There is no need to incorporate design solutions to achieve daylight access.	
4A - 3 Design incorporates shading and glare control, particularly for	<p>A number of the following design features are used:</p> <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade 	The design incorporates appropriate passive sun control elements. Most of	Yes



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warmer months	<p>summer sun, but allow winter sun to penetrate living areas</p> <ul style="list-style-type: none"> shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting horizontal shading to north facing windows vertical shading to east and particularly west facing windows operable shading to allow adjustment and choice high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) 	the northern façade includes balconies. Glazing is minimised to eastern and facade and where it is used the majority is screened with vertical louvres angled to maintain views.	
4B Natural ventilation			
4B - 1 All habitable rooms are naturally ventilated	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> adjustable windows with large effective openable areas 	Design and location of openings make use of natural ventilation.	Yes



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	<ul style="list-style-type: none"> a variety of window types that provide safety and flexibility such as awnings and louvres windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors 		
4B - 2 The layout and design of single aspect apartments maximises natural ventilation	<p>Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells 	Depth of units is acceptable given multiple aspect to allow light and ventilation.	Yes
4B - 3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor	<p><u>Design Criteria</u></p> <p><i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any</i></p>	Units are adequately naturally ventilated. Depth of apartments does not exceed 18m and designed with limited number of corners, doors and rooms that might obstruct	Yes

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environment for residents	<p><i>enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p> <p><i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4).</p> <p>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow</p>	airflow.	
4C Ceiling heights			
4C - 1 Ceiling height achieves sufficient natural ventilation and daylight access	<p><u>Design Criteria</u></p> <p><i>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <p><i>Minimum ceiling height for apartment and mixed use buildings</i></p> <p><i>Habitable rooms = 2.7m</i></p> <p><i>Non-habitable = 2.4m</i></p> <p><i>For 2 storey apartments =</i></p>	<p>Units have 2.7m ceiling heights in habitable rooms and 2.4m for non-habitable rooms.</p> <p>Development not located in mix use area.</p>	Yes



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	<p>2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area</p> <p>Attic spaces = 1.8m at edge of room with a 30 degree minimum ceiling slope</p> <p>If located in mixed use areas = 3.3m for ground and first floor to promote future flexibility of use</p> <p>These minimums do not preclude higher ceilings if desired.</p> <p>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</p>		
4C - 2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	<p>A number of the following design solutions can be used:</p> <ul style="list-style-type: none"> the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist 	Ceiling heights are acceptable throughout the development.	Yes
4C - 3 Ceiling	Ceiling heights of lower	Development is not	N/A

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heights contribute to the flexibility of building use over the life of the building	level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	located in a commercial or mixed use zone.	
4D Apartment size and layout			
4D - 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	<p><u><i>Design Criteria</i></u></p> <p><i>1. Apartments are required to have the following minimum internal areas:</i></p> <p><i>Studio = 35m²</i></p> <p><i>1 bedroom = 50m²</i></p> <p><i>2 bedroom = 70m²</i></p> <p><i>3 bedroom = 90m²</i></p> <p><i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p> <p><i>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i></p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</p> <p>A window should be visible from any point in a habitable room.</p> <p>Where minimum areas or room dimensions are not met apartments need to</p>	<p>The development provides 3 x 2 bedroom units and 12x 3 bedroom units.</p> <p>The 2 bedroom units exceed 70m² and the 3 bedroom units exceed 90m².</p> <p>Every habitable room has access to a window with compliant glass area.</p> <p>Kitchens are not part of hallways etc.</p>	Yes

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	demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits		
4D - 2 Environmental performance of the apartment is maximised	<p><u>Design Criteria</u></p> <p>1. <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i></p> <p>2. <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p> <p>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</p> <p>All living areas and bedrooms should be located on the external face of the building.</p> <p>Where possible:</p> <ul style="list-style-type: none"> • bathrooms and laundries should have an external openable window. • main living spaces should be oriented toward the primary outlook and aspect and away from noise sources 	<p>All units include an open plan layout and generally complies with the maximum habitable room depth of 8m.</p> <p>Living areas and bedrooms are located on the external face of the building.</p>	Yes
4D - 3 Apartment layouts are designed to accommodate a variety of household activities and needs	<p><u>Design Criteria</u></p> <p>1. <i>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</i></p> <p>2. <i>Bedrooms have a minimum dimension of 3m</i></p>	<p>Master bedrooms comply with the 10m² minimum standard and other bedrooms comply with the 9m² standard.</p> <p>Bedrooms comply with 3m minimum</p>	Yes

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	<p><i>(excluding wardrobe space).</i></p> <p><i>3. Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> <i>• 3.6m for studio and 1 bedroom apartments</i> <i>• 4m for 2 and 3 bedroom apartments</i> <p><i>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p> <p>Apartment layouts allow flexibility over time, design solutions may include:</p> <ul style="list-style-type: none"> • dimensions that facilitate a variety of furniture arrangements and removal • spaces for a range of activities and privacy levels between different spaces within the apartment • dual master apartments • dual key apartments <p>Note: dual key apartments which are separate but on the same title are regarded</p>	<p>dimension.</p> <p>Living rooms comply with 4m minimum dimension.</p> <p>Suitable separation of rooms and bathrooms exists.</p> <p>Robes in bedrooms considered acceptable.</p> <p>Layouts contain flexibility for adaptable uses.</p>	
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	<p>as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments</p> <ul style="list-style-type: none"> room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms 		
4E Private open space and balconies			
<p>4E - 1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	<p><u><i>Design Criteria</i></u></p> <p><i>1. All apartments are required to have primary balconies as follows:</i></p> <p><i>a) Studio apartments = 4m²</i></p> <p><i>b) 1 bedroom apartments = 8m² and 2m min depth.</i></p> <p><i>c) 2 bedroom apartments = 10m² and 2m min depth.</i></p> <p><i>d) 3+ bedroom apartments = 12m² and 2.4m min depth.</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i></p> <p><i>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</i></p> <p>Increased communal open space should be provided</p>	<p>All units have balconies and primary open space that exceeds minimum ADG dimensions (Minimum 35m²).</p>	<p>Yes</p>

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	<p>where the number or size of balconies are reduced.</p> <p>Storage areas on balconies is additional to the minimum balcony size.</p> <p>Balcony use may be limited in some proposals by:</p> <ul style="list-style-type: none"> consistently high wind speeds at 10 storeys and above close proximity to road, rail or other noise sources exposure to significant levels of aircraft noise heritage and adaptive reuse of existing buildings <p>In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated</p>		
4E - 2 Primary private open space and balconies are appropriately located to enhance liveability for residents	<p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</p> <p>Private open spaces and balconies predominantly face north, east or west.</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.</p>	<p>Private open space areas adjoin living areas and are not located on southern elevations.</p> <p>Balconies contain suitable access.</p>	Yes
4E - 3 Private open space and	Solid, partially solid or transparent fences and	Suitable mixture of solid and glass	Yes

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balcony design is integrated into and contributes to the overall architectural form and detail of the building	<p>balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</p> <p>Full width full height glass balustrades alone are generally not desirable.</p> <p>Projecting balconies should be integrated into the building design and the design of soffits considered.</p> <p>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</p> <p>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</p> <p>Downpipes and balcony drainage are integrated with the overall facade and building design.</p> <p>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p> <p>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</p> <p>Ceilings of apartments below terraces should be insulated to avoid heat loss.</p> <p>Water and gas outlets should be provided for primary balconies and</p>	<p>balustrades used to provide views and privacy.</p> <p>Balconies comply with requirements.</p>	
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	private open space		
4E - 4 Private open space and balcony design maximises safety.	Changes in ground levels or landscaping are minimised. Design and detailing of balconies avoids opportunities for climbing and falls.	Balcony design will need to comply with the Building Code of Australia for safety reasons.	Yes
4F Common circulation and spaces			
4F - 1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p><u>Design Criteria</u></p> <p><i>1. The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p><i>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p> <p>Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</p> <p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</p> <p>Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</p> <p>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</p> <ul style="list-style-type: none"> • a series of foyer areas with windows and spaces for seating • wider areas at apartment entry doors and varied ceiling 	<p>Maximum number of units off a circulation core is less than the ADG recommendation of 8.</p> <p>Design complies with natural light and ventilation requirements.</p> <p>Living areas do not directly access core area.</p> <p>Additional design mitigation elements are not recommended for visual or acoustic privacy.</p>	Yes

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	<p>heights</p> <p>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</p> <p>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights • other innovative design solutions that provide high levels of amenity <p>Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully</p>		
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	controlled		
4F - 2 Common circulation spaces promote safety and provide for social interaction between residents	<p>Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces should be well lit at night.</p> <p>Legible signage should be provided for apartment numbers, common areas and general wayfinding.</p> <p>Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.</p> <p>In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.</p> <p>Where external galleries are provided, they are more open than closed above the balustrade along their length.</p>	<p>Common areas are short in length and contain suitable width to allow access.</p> <p>Tight corners and spaces have been avoided.</p> <p>Circulation areas are provided with daylight access and able to be well lit at night.</p> <p>Communal open space is available for residential meetings.</p>	Yes
4G Storage			
4G - 1 Adequate, well designed storage is provided in each apartment	<p><u>Design Criteria</u></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>a) Studio apartments = 4m³.</p> <p>b) 1 bedroom apartments = 6m³.</p> <p>c) 2 bedroom apartments 8m³.</p>	<p>The 2 and 3 bed units comply with the 8m³ additional storage requirements.</p> <p>At least 50% is provided in the unit.</p>	Yes

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	<p>d) 3+ bedroom apartments = 10m³.</p> <p>At least 50% of the required storage is to be located within the apartment.</p> <p>Storage is accessible from either circulation or living areas.</p> <p>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p> <p>Left over space such as under stairs is used for storage</p>		
4G - 2 Additional storage is conveniently located, accessible and nominated for individual apartments	<p>Storage not located in apartments is secure and clearly allocated to specific apartments.</p> <p>Storage is provided for larger and less frequently accessed items.</p> <p>Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.</p> <p>If communal storage rooms are provided they should be accessible from common circulation areas of the building.</p> <p>Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.</p>	Storage has been integrated into the design of the car park and not visible to the public.	Yes
4H Acoustic privacy			
4H - 1 Noise transfer is minimised through the siting of buildings and	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	The use of separation, screening and location of high use living areas ensures	Yes

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building layout	<p>(see also section 2F Building separation and section 3F Visual privacy).</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>	<p>no adverse acoustic issues. Living areas are also grouped through the levels of the building and townhouses.</p> <p>Noisy areas such as entries and corridors grouped together.</p> <p>Internal noise sources are located at least 3m away from bedrooms.</p> <p>Other acoustic provisions of ADG have been suitably implemented.</p>	
4H - 2 Noise impacts are mitigated within apartments through layout and acoustic treatments	<p>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</p> <ul style="list-style-type: none"> rooms with similar noise requirements are grouped together doors separate different use zones wardrobes in bedrooms are co-located to act as sound buffers <p>Where physical separation cannot be achieved noise conflicts are resolved</p>	<p>Apartments are typically mirrored so avoiding shared walls between conflicting residential uses. The design is considered to have met the criteria of this clause.</p>	Yes

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	<p>using the following design solutions:</p> <ul style="list-style-type: none"> • double or acoustic glazing • acoustic seals • use of materials with low noise penetration properties • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements 		
4J Noise and pollution			
4J - 1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces • non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources • buildings should 	<p>Development implements and has regard for ADG requirements.</p> <p>The building includes deep balconies to mitigate any noise concerns.</p> <p>This allows for a balance between providing solar access and views.</p> <p>There are no non-residential uses proposed within the development or adjoining the subject site.</p>	Yes

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	<p>respond to both solar access and noise. Where solar access is away from the noise source, nonhabitable rooms can provide a buffer</p> <ul style="list-style-type: none"> • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> • solar and daylight access • private open space and balconies • natural cross ventilation 		
4J - 2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	<p>Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or enclosed balconies 	Development implements and has regard for ADG requirements.	Yes

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	<p>(wintergardens)</p> <ul style="list-style-type: none"> using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits 		
4K Apartment mix			
4K - 1 A range of apartment types and sizes is provided to cater for different household types now and into the future	<p>A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres the current market demands and projected future demographic trends the demand for social and affordable housing different cultural and socioeconomic groups <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>	A suitable apartment mix is provided. The units provide for a diverse household makeup.	Yes
4K - 2 The apartment mix is distributed to suitable locations within the building	<p>Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.</p>	Location of apartments provides acceptable compliance with ADG.	Yes
4L Ground floor apartments			

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<p>4L - 1 Street frontage activity is maximised where ground floor apartments are located</p>	<p>Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street <p>Retail or home office spaces should be located along street frontages.</p> <p>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</p>	<p>No units proposed on the ground floor.</p> <p>No commercial uses proposed.</p> <p>Landscaping to the street frontage is proposed.</p> <p>Design has adequately addressed the ADG.</p>	<p>Yes</p>
<p>4L - 2 Design of ground floor apartments delivers amenity and safety for residents</p>	<p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, 	<p>The use of appropriate fencing, screening and landscaping provides a suitable mixture of privacy and surveillance. Orientation to the north and large windows have been incorporated in the design to achieve solar access, which complies with the ADG.</p>	<p>Yes</p>

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	<p>safety bars or screens with the exterior design</p> <p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer 		
4M Facades			
<p>4M - 1 Building facades provide visual interest along the street while respecting the character of the local area</p>	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior 	<p>The building façade contains suitable elements that comply with ADG requirements creating visual interest.</p>	<p>Yes</p>

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	<p>blank walls</p> <ul style="list-style-type: none"> grouping of floors or elements such as balconies and windows on taller buildings <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</p>		
4M - 2 Building functions are expressed by the facade	<p>Building entries should be clearly defined.</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	<p>Entry is clearly defined.</p> <p>The building provides suitable articulation and apartment layout expressed externally through façade features.</p>	Yes
4N Roof design			
4N - 1 Roof treatments are integrated into the building design and positively respond to the street	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> special roof features and strong corners use of skillion or very low pitch hipped roofs breaking down the massing of the roof by using smaller elements to avoid bulk using materials or a pitched form complementary to adjacent buildings <p>Roof treatments should be integrated with the building</p>	<p>Roof design is acceptable.</p> <p>Bulk of the roof has been minimised by using architectural details.</p> <p>Service elements are located central to the building and away from the street frontage.</p>	Yes

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	<p>design. Design solutions may include:</p> <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated 		
4N - 2 Opportunities to use roof space for residential accommodation and open space are maximised	<p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> • penthouse apartments • dormer or clerestory windows • openable skylights <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	Top floor apartments proposed with large balcony. Acceptable privacy levels achieved.	Yes
4N - 3 Roof design incorporates sustainability features	<p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun. <p>Skylights and ventilation systems should be integrated into the roof design</p>	Roof design provides suitable shading and solar access.	Yes
4O Landscape design			
4O - 1 Landscape design is viable and sustainable	Landscape design should be environmentally sustainable and can enhance environmental	<p>Suitable landscape plan provided.</p> <p>The landscape has been designed with</p>	Yes



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	<p>performance by incorporating:</p> <ul style="list-style-type: none"> • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting <ul style="list-style-type: none"> - green roofs or walls <p>Ongoing maintenance plans should be prepared.</p> <p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards <p>Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)</p> <p>Table 4 requires</p> <ul style="list-style-type: none"> • For site area up to 850m² = 1 medium tree per 50m² of deep soil zone • Between 850 - 1,500m² = 1 large tree or 2 medium trees per 90m² of deep soil zone • Greater than 1,500m² = 1 large tree or 2 medium trees per 80m² of deep soil zone 	<p>great diversity in planting stock and size reinforcing communal open space.</p> <p>Trees and shrub selection has considered size and roots.</p>	
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4O - 2 Landscape design contributes to the streetscape and amenity	<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> • changes of levels • views • significant landscape features including trees and rock outcrops <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> • tree protection zones (see figure 4O.5) • appropriate signage and fencing during construction <p>Plants selected should be endemic to the region and reflect the local ecology</p>	Suitable landscaping provided.	Yes
4P Planting on structures			
4P - 1 Appropriate soil profiles are provided	<p>Structures are reinforced for additional saturated soil weight</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> • modifying depths and widths according to the planting mix and irrigation frequency • free draining and long soil life span • tree anchorage <p>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</p> <p>Table 5 requires</p> <ul style="list-style-type: none"> • Large trees 12-18m high, up to 16m crown spread at maturity = need 150m³ of soil at a depth of 1,200mm and area of 10m x 10m or equivalent. 	<p>Planting over structures proposed and capable of being provided.</p> <p>Suitable landscaping provided.</p>	Yes

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	<ul style="list-style-type: none"> • Medium trees 8-12m high, up to 8m crown spread at maturity = need 35m³ of soil at a depth of 1,000mm and area of 6m x 6m or equivalent. • Small trees 6-8m high, up to 4m crown spread at maturity = need 9m³ of soil at a depth of 800mm and area of 3.5m x 3.5m or equivalent. • Shrubs need soil depth of 500-600mm • Ground cover needs soil depth of 300-450mm • Turf needs soil depth of 200mm 		
4P - 2 Plant growth is optimised with appropriate selection and maintenance	<p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> • drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity <p>A landscape maintenance plan is prepared.</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used 	Landscaping plans have included adequate plant selection for the proposal.	Yes
4P - 3 Planting on structures contributes to the	Building design incorporates opportunities for planting on structures.	Design contains adequate plantings within the site such	Yes

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quality and amenity of communal and public open spaces	<p>Design solutions may include:</p> <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p>	areas above sub floor around the communal area and pool to form the first floor level landscaping.	
4Q Universal design			
4Q - 1 Universal design features are included in apartment design to promote flexible housing for all community members	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	The open plan design provides for various levels of mobility and accessibility.	Yes
4Q - 2 A variety of apartments with adaptable designs are provided	<p>Adaptable housing should be provided in accordance with the relevant council policy Design solutions for adaptable apartments include:</p> <ul style="list-style-type: none"> • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking 	Building design allows adaptability.	Yes

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	arrangements		
4Q - 3 Apartment layouts are flexible and accommodate a range of lifestyle needs	<p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> rooms with multiple functions dual master bedroom apartments with separate bathrooms larger apartments with various living space options open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom 	Apartment design allows for flexible room usage and living space.	Yes
4R Adaptive reuse			
4R - 1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	<p>Design solutions may include:</p> <ul style="list-style-type: none"> new elements to align with the existing building additions that complement the existing character, siting, scale, proportion, pattern, form and detailing use of contemporary and complementary materials, finishes, textures and colours <p>Additions to heritage items should be clearly identifiable from the original building.</p> <p>New additions allow for the interpretation and future evolution of the building.</p>	No additions proposed.	N/A
4R - 2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions	Not an adapted building.	N/A

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	<p>may include:</p> <ul style="list-style-type: none"> generously sized voids in deeper buildings alternative apartment types when orientation is poor using additions to expand the existing building envelope <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:</p> <ul style="list-style-type: none"> where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) alternatives to providing deep soil where less than the minimum requirement is currently available on the site building and visual separation – subject to demonstrating alternative design approaches to achieving privacy common circulation car parking alternative approaches 		
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	to private open space and balconies		
4S Mixed use			
4S - 1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial 	Not a mixed use development.	N/A
4S - 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided <p>Landscaped communal</p>	Development contains limited concealment/entrapment areas and provides suitable surveillance to ensure safety to occupants.	Yes

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	open space should be provided at podium or roof levels.		
4T Awnings and signage			
4T - 1 Awnings are well located and complement and integrate with the building design	<p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> continuous awnings are maintained and provided in areas with an existing pattern height, depth, material and form complements the existing street character protection from the sun and rain is provided awnings are wrapped around the secondary frontages of corner sites awnings are retractable in areas without an established pattern <p>Awnings should be located over building entries for building address and public domain amenity.</p> <p>Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.</p> <p>Gutters and down pipes should be integrated and concealed.</p> <p>Lighting under awnings should be provided for pedestrian safety.</p>	<p>The development does not front a high pedestrian street or provide an active/commercial frontage.</p> <p>No awnings are proposed.</p> <p>Front fences and gates will delineate entrance.</p>	Yes
4T - 2 Signage responds to the context and desired streetscape character	Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	No Signage is proposed.	N/A

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	<p>Legible and discrete way finding should be provided for larger developments.</p> <p>Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.</p>		
4U Energy efficiency			
4U - 1 Development incorporates passive environmental design	<p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p>	<p>Location of balconies and open space on the northern elevation ensures quality solar access.</p> <p>The large private open space to apartments (balconies) ensures ample screened outdoor area for clothes drying.</p>	Yes
4U - 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> the use of smart glass or other technologies on north and west elevations thermal mass in the floors and walls of north facing rooms is maximised polished concrete floors, tiles or timber rather than carpet insulated roofs, walls and floors and seals on window and door openings overhangs and shading devices such as awnings, blinds and screens <p>Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</p>	<p>Provisions provided in the design or can be retrospectively applied. Design satisfies BASIX requirements.</p>	Yes

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4U - 3 Adequate natural ventilation minimises the need for mechanical ventilation	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> rooms with similar usage are grouped together natural cross ventilation for apartments is optimised natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 	All the units are provided with satisfactory amount of openings and allowances for ventilation.	Yes
4V Water management and conservation			
4V - 1 Potable water use is minimised	<p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered.</p> <p>Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas</p>	<p>BASIX certificate provided.</p> <p>Landscaping can be managed/replanted to suit.</p>	Yes
4V - 3 Flood management systems are integrated into site design	<p>Detention tanks should be located under paved areas, driveways or in basement car parks.</p> <p>On large sites parks or open spaces are designed to provide temporary on site detention basins.</p>	<p>Onsite and underground stormwater detention proposed</p> <p>Large area of gardens and planting will maximise the use of all collected water.</p>	Yes
4W Waste management			
4W - 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	Suitable sized ground floor waste storage are proposed. The area is screened from the Drew Close frontage.	Yes



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amenity of residents	<p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared</p>	Natural ventilation proposed of the area.	
4W - 2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p> <p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p> <p>Alternative waste disposal methods such as composting should be provided</p>	Bin storage areas available within dwellings.	Yes
4X Building maintenance			
4X - 1 Building design detail provides protection from weathering	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or 	Design contains suitable weather protection measures.	Yes

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	<p>reduce planter box leaching</p> <ul style="list-style-type: none"> appropriate design and material selection for hostile locations 		
4X - 2 Systems and access enable ease of maintenance	<p>Window design enables cleaning from the inside of the building.</p> <p>Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.</p> <p>Design solutions do not require external scaffolding for maintenance access.</p> <p>Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.</p> <p>Centralised maintenance, services and storage should be provided for communal open space areas within the building.</p>	<p>Windows could be accessed via balconies/extension poles.</p> <p>Access to roof available for servicing and maintenance.</p> <p>Adequate storage and maintenance areas available.</p>	Yes
4X - 3 Material selection reduces ongoing maintenance costs	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> sensors to control artificial lighting in common circulation and spaces natural materials that weather well and improve with time such as face brickwork easily cleaned surfaces that are graffiti resistant robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors 	<p>Generally robust and modern materials and finishes selected. Majority of the building can be accessed for maintenance from time to time.</p>	Yes

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08/04/2020****State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate (1035024M_02) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area and coastal use area. The site is also partly mapped as coastal wetland and within the proximity area for coastal wetlands. A screen shot of the coastal wetland mapping is provided below for context:



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

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

It is evident that the site is highly disturbed and does not physically contain coastal wetland or any vegetation that represents a coastal wetland vegetation community.

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

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or



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- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the NSW Roads and Maritime Services (RMS) is not required.

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 - residential flat buildings are a permissible land use in the R1 zone.
- The following land use in the LEP is relevant to determine and characterise the proposed use:
 - *residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*
- 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:
 - The proposal is a permissible landuse;
 - The proposal will provide for additional housing needs of the community.
 - The proposal will provide for an appropriate form of higher residential density to which the medium density residential zone, building height standard and floor space ratio standard is trying to achieve.
 - The proposal will provide for a further housing type in the form of a residential flat building. This will complement the current mixture of two

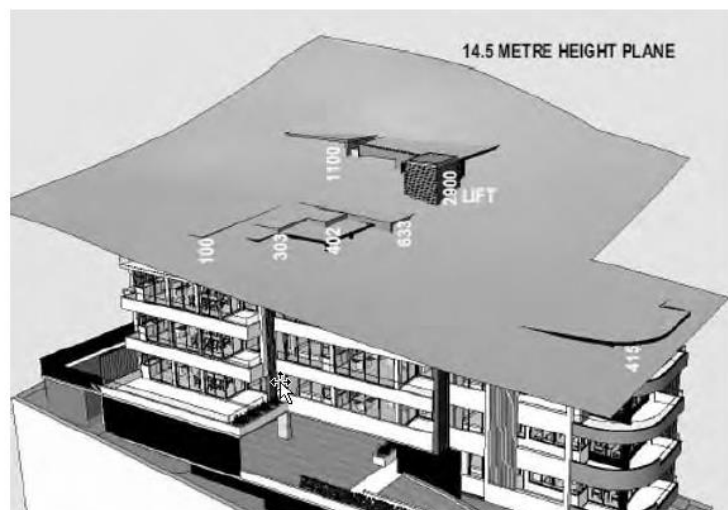


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- storey dwellings and other residential flat buildings in the immediate area and R3 zone.
- The proposal will not inhibit other land uses that may provide facilities or services to meet the day to day needs of residents.
 - Clause 4.3 - This clause establishes the maximum "height of a building" (or building height) that a building may be built to on any parcel of land. The term "building height (or height of building)" is defined in the LEP to mean "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like". The term "ground level (existing)" is also defined in the LEP to mean "the existing level of a site at any point".

The subject site has a maximum building height of 14.5m identified on the height of buildings map. The maximum building height proposed is 17.4m, which represents a variation of 20%. The submitted plans identify the parts of the building that exceed the height limit. An extract of the plans showing the height variation is shown below:



AERIAL VIEW FROM THE NORTH WEST CORNER ILLUSTRATING THE EXTENT OF ROOF THAT EXCEEDS THE 14.5 METRE HEIGHT PLANE

The applicant has submitted a clause 4.6 variation supporting the application, which is addressed under the following clause 4.6 section of this report.

- Clause 4.4 - The floor space ratio of the proposal is 1.15:1. The maximum floor space ratio standard applicable to the site is 1.5:1 and the proposal complies.
- 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 maximum building height standard. The maximum building height proposed is 17.4m and this is to the top of the lift overrun. Inclusion of the lift overrun in the height of a building is consistent with the definition provided for in clause 4.3. As illustrated on the plans the lift-overrun structure itself extends independently above the main roofline. This component, which is the highest part of the building represents a 20% departure from the building height standard.

As illustrated on the height plane plans the majority of the building does sit within the building height standard. Specifically, the bulk of the building sits between 12m to 13.5m in height. Although some other parts of the main building's roofline (excluding the lift overrun) also extend above the height standard. The notable section being the southern portion of the sixth floor, which extends to 15.7m on its northern façade. This component represents an 8% departure from the building height standard.

Assistance on the approach to variation of this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:

1. *Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);*
2. *Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and*
3. *Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245*

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comments: The applicant has submitted a written request in writing seeking justification for contravention of the building height standard for the following reasons (as summarised):

- The steep slope (topography) in the southern portion of the site represents a significant site constraint in providing strict compliance with the standard.
- The proposal is consistent with the height of buildings objectives and zone objectives notwithstanding non-compliance with the standard. Compliance with the development standard is unnecessary in the circumstances of this case notwithstanding the numerical 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)*



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In *Wehbe* 'five methods' have been developed to test whether a compliance with the standard is unreasonable or unnecessary:

1. The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard and therefore compliance is unnecessary.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to proposals departing from the standard and hence compliance is unreasonable and unnecessary.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land.

The proposal relies upon the first test and it is considered that the applicant's written request has satisfactorily demonstrated that the proposed development will achieve the objectives of the height of building development standard despite numerical non-compliance.

There are considered to be sufficient environmental planning grounds to justify contravening the development standard on the following basis:

- The site contains some steep topography in the southern portion. The building design responds to this constraint by stepping up the site.
- The building has an appropriate built form and appearance envisaged for the locality and the objectives of both the building height standard and R3 zone are achieved.
- The portions of the roof and lift overrun that exceed the height limit are a small part of the roof and generally located where the building steps to accommodate the fall of the land.
- The additional height is located centrally to the site and would not result in any adverse amenity impacts to neighbouring properties.
- The height variation does not result in the development achieving any additional floor area compared with a compliant proposal.

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

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

The consistency of the proposal with the zone objectives has been discussed above under clause 2.3. Consideration of the proposal's consistency with the objectives of the building height standard (clause 4.3) is provided as follows:



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

Comments: The variation is primarily for the lift overrun and small sections of the roof line in response to the site topography. The majority of the building sits wholly beneath the 14.5m height limit and the design has been stepped in response to the topographical constraint.

There are a number of similar sized residential flat buildings in the locality to the east of the site. It is noted that the intention of the zoning and density controls is to create a higher density residential environment. The density proposed is commensurate with the site's proximity to the Settlement city precinct, and would not create a bulk or character inconsistent with that envisaged by the applicable zoning or density controls.

The sections of the building above the height standard do not result in a significant difference in how the building will be read, nor do they produce any significant adverse impacts.

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

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

Comments: Due to the stepping of the building in response to the topography the building will present as five storey when view from Drew Close. The visual impact of the building is minimal and considered satisfactory.

View impacts and solar access are considered later in this report under. Specifically, it is noted that any view impacts to the property at number 9 Hastings Avenue would not be a result of the building height variation. The proposed variation is unlikely to create any adverse view loss or overshadowing.

Visual privacy is maintained by minimising windows along the southern elevation and incorporation of northern orientated living areas to units.

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

Comments: The site does not contain or adjoin and heritage conservation areas or heritage items. No adverse impacts would result.

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

Comments: The proposal will provide for a building that adequately responds to the site constraints and provides for a built form and land use intensity envisaged for the area.

The development is consistent with the building height and zone objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

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

Comments: In accordance 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 height of buildings standard. In addition, the variation contravenes the numerical standard by more than 10% and needs to be determined at an Ordinary meeting of Council.



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Having regard to the above consideration and comments it is recommended that the building height variation be supported.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development			
DCP Objective	Development Provisions	Proposed	Complies
3.3.2.2	Satisfactory site analysis plan submitted.	Relevant information shown on submitted documentation.	Yes
3.3.2.3	Statement addressing site attributes and constraints submitted.	Relevant information shown on submitted documentation and plans.	Yes
3.3.2.4	Streetscape and front setback: <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. 	Front setback to Drew Close varies from 4.982m to 8.68m. This is consistent with the setback of existing buildings fronting Drew Close that are setback about 6m from the boundary.	Yes
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	Balconies to not encroach into the minimum 3m setback.	N/A
	Buildings generally aligned to street boundary.	The block is oddly shaped and the building aligns to the street boundary.	Yes
	Primary openings aligned to street boundary or rear of site.	The buildings and openings are orientated north towards the street frontage.	Yes
3.3.2.6	Side setbacks comply with Figure 3.3-1: <ul style="list-style-type: none"> • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side 	Eastern side varies from 3.368m to 7.728m.	Yes
		Western side varies from 13.027m to 13.747m.	Yes



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	boundary. <ul style="list-style-type: none"> 3m minimum where adjacent to existing strata titled building. 		
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Does not adjoin existing strata titled building.	N/A
	Min. 6m rear setback (including sub basements)	The rear southern boundary setback vary from 1.509m, 3.29m to 12.345m.	No but having regard to the lot shape, site constraints, building design the portions of the building within the 6m setback are considered acceptable.
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	Not required.	N/A
3.3.2.8	Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes.	Not required.	N/A
3.3.2.9	Corner sites consolidated with adjacent land where possible.	Not a corner site.	N/A
	Where consolidation not possible a minimum setback of 6m should extend to secondary street (see Fig 3.3-2 and 3.3-3).	Consolidation not proposed or required.	N/A
3.3.2.10	Where sites adjacent to open space are to be developed the edge of the open space should be defined with a public road and buildings address the open space.	The site ds not adjoin public open space areas.	N/A
3.3.2.11	Deep soil zones:	variable 3m – 12.3m wide	Yes

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	<ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). 	deep soil zone is available across the rear of the subject site whilst additional deep soils zones are located across the eastern and northern aspects of the proposed development.	
3.3.2.12	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	No existing trees within the site. Appropriate landscaping treatment is proposed.	Yes
3.3.2.13	Deep soil zones integrated with stormwater management measures.	Capable of integration.	Yes
3.3.2.14	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.	The impact of the proposed building on solar access is considered for the adjoining sites to the east and south. The shadow diagrams indicates that the proposed development will allow for a minimum 3 hours.	Yes
	Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.	The proposal does not add to any existing overshadowing impacts from other buildings to adjoining dwellings.	Yes
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	The north facing windows of existing dwellings will not be impacted in terms of access to sunlight from the proposed development. Refer to shadow diagrams.	Yes
3.3.2.15	Internal clothes drying space provided (not mechanical).	Sufficient area provided for clothes drying.	Yes
	Ceiling fans provided in preference to air conditioning.	Can be installed retrospectively.	Yes
	Solar hot water systems (or equivalent technology) provided.	Energy efficiency requirements covered by BASIX.	Yes
	Photovoltaic arrays installed where practical.	Solar panels proposed on roof.	Yes
3.3.2.16	Landscape plan provided including: <ul style="list-style-type: none"> 35% soft landscaping with minimum width of 3m. Existing vegetation and proposed treatment. Details of hard landscaping. 	Landscaping plan provided. The landscaping is designed to be in scale with the building, improve the privacy of the residential flats, relate to the buildings form, add to the amenity of the balconies by screening excessive sun and generally softening the	No. Less than 35% of the site is proposed to be landscaped. This is mainly due to the rock

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	<ul style="list-style-type: none"> Location of communal recreational facilities. Species not to obscure doors, paths, etc. Street trees in accordance with Council's list. 	building. The amount of landscaping is below 35% but is generous in width <3m and especially in the south-western portion.	shelf located in the south-western portion of the site. The landscaping proposed is considered to be acceptable.
3.3.2.17	Existing vegetation to be retained and nutrient-rich water prevented from entering native gardens.	There is very limited existing vegetation on the site due to the topography.	Proposed landscaping will improve
3.3.2.18	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Landscaping plan indicates select species and plantings locations to achieve shade outcomes.	Landscaping proposed is acceptable.
3.3.2.19	Street trees in accordance with Council's list.	No street trees are proposed and there is limited opportunity along the Drew Close frontage to provide successful street tree plantings.	No but considered acceptable.
3.3.2.20	All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	No units proposed on the ground floor.	N/A
	Separate private open space for any resident manager or permanent occupant of a tourist facility.	No permanent resident onsite manager proposed.	N/A
3.3.2.21	Where open space is of irregular shape, areas having a width less than 2m are excluded from calculated area.	Noted.	N/A
	Dwellings not at ground level have balconies with minimum area 8m ² and minimum dimension 2m.	All dwellings provided with balconies in excess of 8m ² with a minimum 2m dimension.	Yes
3.3.2.22	Fencing or landscaping defines public/communal and private open space.	Fencing, gates and mail box structure help define public and private spaces.	Yes
3.3.2.23	Solid fences should be: <ul style="list-style-type: none"> Max. 1.2m high, Setback 1m, Suitably landscaped, Provide 3m x 3m splay. 	1.8m high fencing proposed. See below.	N/A

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	Where front fences higher than 1.2m: <ul style="list-style-type: none"> • Max. 1.8m high, • Landscaped recesses for 50% of frontage, or length of fence not more than 6m or 50% of street frontage. • Min. 25% transparent, • 3m x 3m splay for corner sites. • 900mm x 900mm splay at vehicle driveways. 	Appropriate 1.8m open style picket security fencing and entry gates proposed along street frontage.	Yes
3.3.2.24	Fencing materials consistent with or complimentary to existing fencing in the street.	Proposed fencing and materials considered appropriate. Limited existing fencing along the street.	Yes
3.3.2.25	Fences constructed of chain wire, solid timber or masonry and solid street not permitted, even if consistent with existing fencing in the locality.	None proposed.	N/A
3.3.2.26	Building to be designed so that: <ul style="list-style-type: none"> • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot. • Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways. 	The parking is located on the ground and first floors. The units are located above to limit noise impact. Wherever possible like rooms in adjoining apartments have been located together thereby reducing the potential for reduced acoustic privacy.	Yes
	Openings of adjacent dwellings separated by at least 6m.	>6m separation proposed.	Yes
3.3.2.27	Building designed so noise transmission between apartments is minimised.	Like rooms in adjoining apartments have been located together thereby reducing the potential for noise transmission.	Yes
	Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. (See Figure 3.3-6).	See above.	Yes
3.3.2.28	Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for</i>	The residential units have been designed to comply with the noise transmission requirements of the National Construction Code.	Yes

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	<i>building interiors for residential development.</i>		
3.3.2.29	Impact of noise from key public places to be considered.	No adverse impacts are identifiable to public open space areas.	Yes
3.3.2.30	Direct views between living room windows to be screened where: <ul style="list-style-type: none"> Ground floor windows are within 9m of windows in an adjoining dwelling. Other floors are within a 12m radius. Living room windows are within 12m radius of the principal area of private open space of other dwellings. 	Combination of screens, fencing and separation will ensure privacy is retained both to and from the development. Living rooms are positioned to facilitate views north and provide solar access and to avoid overlooking of other private open spaces.	Yes
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.	Refer to above comment. Adequate screening has been proposed to ensure privacy.	Yes
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	No habitable rooms above ground level are setback within 3m.	Yes
	Balconies, decks, etc screened if <3m from boundary and floor area >3m ² and floor level >1m above ground level.	No habitable rooms above ground level are setback within 3m.	Yes
3.3.2.31	Developments to be designed in accordance with AS 1428.	Development capable of complying. Details will be required at Construction Certificate stage.	Yes
3.3.2.32	Barrier free access to at least 20% of dwellings provided.	The proposal is capable of applying.	Yes
3.3.2.33	Developments located close to open space, recreation, entertainment and employment.	Site located close to Stuart Park and facilities to the west. Close to settlement city precinct to the north.	Yes
	Where LEP permits FSR > 1:1, FSR not less than 1:1 should be achieved.	LEP permits 1.5:1. Proposed FSR 1.15:1.	Yes
3.3.2.34	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	Development provides a mix of 2 and 3 bedroom apartments.	Yes
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	No studio or 1 bedroom apartments.	N/A
	Mix of 1 and 3 bedroom apartments at ground level.	No units proposed on ground level.	N/A

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3.3.2.35	Council's Affordable Housing Strategy to be considered for residential flat buildings.	While targeted at providing a medium density outcome the internal layout of the units allows for some flexibility of use. This has been achieved through the careful placement of the different living spaces in a logical hierarchy.	Yes
3.3.2.36	Lift over-runs and plant integrated within roof structures.	The lift overrun extends above the main roof form. However, it is central to the building and will be barely visible from the public domain given the site topography.	Yes
	Outdoor recreation areas on roof tops to be landscaped and incorporate shade structures and wind screens.	No recreational roof top areas proposed.	N/A
	Outdoor roof areas oriented to the street.	No recreational roof top areas proposed.	N/A
	Roof design to generate interesting skyline.	The stepped design creates an interesting façade and roof treatment.	Yes
3.3.2.37	Facade composition should: <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. • Include combination of building elements. 	Development provides mixture of articulation and materials to create an interesting façade with regard to the environment. The design has met the desirable criteria for building elements of the Apartment Design Guide.	Yes
3.3.2.38	Building elements, materials and colours consistent or complimentary to those existing in the street.	Proposed colours and materials considered satisfactory and suitable for the desired character.	Yes
3.3.2.39	Entrances clearly identifiable from street level.	Entry off Drew close is clearly defined.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	The entry alongside the mailboxes, fencing and gate define the public/private interface.	Yes
	Entries provide clear line of sight between one circulation space and the next.	Entry is clear.	Yes

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	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Entry is clear.	Yes
	Entries sheltered and well lit.	Entry to the building is clear and capable of being well lit.	Yes
	Entries and circulation spaces sized for movement of furniture.	The design allows for movement of furniture throughout.	Yes
	Corridors minimum 2.5m wide and 3.0m high.	Internal corridors are of sufficient width.	Yes
	Corridor lengths minimised and avoid tight corners.	Corridor lengths minimised and tight corners avoided.	Yes
	Longer corridors articulated by: <ul style="list-style-type: none"> Changing direction and width. Utilising series of foyers. Incorporating windows. 	Refer above.	Yes
3.3.2.40	Minimum 1 balcony per apartment.	At least 1 balcony per apartment has been provided.	Yes
	Main balcony accessible from living area.	Balconies accessible from living areas.	Yes
	Balconies take advantage of favourable climatic conditions.	Each unit has north facing balcony providing solar access.	Yes
	Balconies and balustrades balance privacy and views.	Mixture of glass and screened balconies proposed.	Yes
3.3.2.41	Balconies include sunscreens, pergolas, shutters and operable walls.	Majority of balconies include sheltered components, sliding doors to create an indoor/outdoor living area and privacy screens.	Yes
	Balconies recessed to create shadowing to facade.	Majority of balconies are recessed or contain shade structures to create shadow elements over the façade.	Yes
	Solid balustrades discouraged.	All balconies have a glass balustrade components. A mix of solid and glass balustrades to allow for privacy.	Yes
	Air conditioning units not visible from the street.	AC units not visible from the street. Likely to be roof top plant.	Yes
3.3.2.42	Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> easily accessible, screened from public domain and communal spaces, located with high 	Sufficient area available on apartment balconies for clothes drying.	Yes

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	degree of solar access.		
3.3.2.43	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Mailbox area will be incorporated into the front entrance and street frontage.	Yes
3.3.2.44	Public and private space clearly defined.	Private and public space appropriately defined.	Yes
	Entrances: <ul style="list-style-type: none"> oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby 	The entrance is orientated to Drew Close. Entrances are clearly defined. The entry and parking areas are capable of being well lit.	Yes
	Surveillance facilitated by: <ul style="list-style-type: none"> views over public space from living areas, casual views of common internal areas, provision of windows and balconies, separate entries to ground level apartments. 	Casual surveillance of communal open space and available from apartments.	Yes
	Concealment avoided by: <ul style="list-style-type: none"> preventing dark or blind alcoves, providing lighting in all common areas, providing graded car parking illumination (greater at entrances). 	Building design limits concealment opportunities. All communal and car parking areas are capable of being lit.	Yes
	Access to all parts of the building to be controlled.	Access to the building and throughout can be controlled via various electrical security systems and keys.	Yes
3.3.2.45	Accessible storage provided for tenants in basement car park or garages.	Storage areas provided in parking areas adjoining car spaces which will be suitably allocated to each unit.	Yes
	One bike stowage space per dwelling provided.	Objectives have been satisfied with bicycle storage area available within each unit and in the parking areas.	Yes
3.3.2.46	For developments of < 6 dwellings individual waste management permitted. Designated area to be provided for storage of bins:	See below. More than 6 dwellings proposed.	N/A

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	<ul style="list-style-type: none"> not visible from street, easily accessible, not adjoining private or communal space, windows or clothes drying areas, on hard stand area, close to street and a tap for washing, maintained free of pests. 		
	Communal bulk waste required where: <ul style="list-style-type: none"> > 6 dwellings, or Number of bins wouldn't fit in street frontage, or Topography would make street collection difficult. 	Communal bin storage area identified alongside visitor parking at the site entrance. This will be collected via a private waste collection arrangement.	Yes
	Communal bulk waste facilities integrated into development and located at ground or sub-basement level. <ul style="list-style-type: none"> Not visible from street, Easily accessible, Can be serviced by collection vehicles, Not adjoining private or communal space, windows or clothes drying areas, Has water and drainage facilities for cleaning, Maintained free of pests. 	Bin storage area identified alongside visitor parking at the site entrance. Adequately screened from the street with a combination of fencing and landscaping treatments.	Yes
	Evidence provided that site can be serviced by waste collection service.	Condition recommended requiring private waste collection service for the development.	Yes
3.3.2.47	Common trenching of utility services where possible.	Capable of being undertaken.	Yes
	Above ground utility infrastructure integrated with building design.	Area exists onsite to incorporate infrastructure within garden beds or the building design.	Yes
	Site and individual units numbered.	Street numbering will satisfy this provision.	Yes
	Common aerials and satellite dishes provided.	None proposed.	N/A

DCP 2013: General Provisions



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DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut >1m, but generally contained within external walls of the building footprint.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	No retaining walls proposed along street frontage.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	Suitable condition applied.	Yes
	Combination of retaining wall and front fence height	No combination of retaining wall and front fence proposed.	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	No hollow bearing trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No trees to be removed. The site is void of any significant vegetation.	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. Existing accesses rationalised or removed where practical	Development does not front an arterial or distributor road. Vehicle access limited to one crossover from Drew Close.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	One crossover proposed.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 per 1 or 2 bed unit, 1.5 per 3-4 bed unit + 1 visitor per 4 units. 	15 Apartments: - 3 x 2 bed units - 12 x 3 bed units 25 spaces are required.	Yes

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		Total of 29 spaces are proposed. It is noted that a further 5 stacked spaces are proposed.	
2.5.3.5	On-street parking permitted subject to justification	No on-street parking proposed.	N/A
2.5.3.7	Visitor parking to be easily accessible	Four visitor spaces are located alongside the vehicular entry driveway at ground level.	Yes
	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	Noted	N/A
	Parking in accordance with AS 2890.1	The parking layout was amended during assessment to reflect compliance with the standard.	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	Space exists in the parking areas to accommodate bicycle and motor cycle parking.	Yes
2.5.3.10	Parking concessions possible for conservation of heritage items	Not proposed.	N/A
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping of visitor parking area considered acceptable. Ground floor and first floor parking will be underneath the building.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Driveway will be sealed. Conditions applied.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	The site is relatively flat at the entry point from Drew Close. Driveway grades can comply.	Yes
2.5.3.16	Transitional grades min. 2m length	Compliance possible.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater from hardstand and visitor parking area capable of being managed.	Yes
	Vehicle washing facilities – grassed area etc available.	Area exists at ground level for car washing.	Yes
	No direct discharge to K&G or swale drain	Adequate stormwater arrangements proposed.	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Adequate stormwater arrangements proposed.	Yes

DCP 2013 - Part 4.2 Area Based Provisions (Westport Neighbourhood)

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DCP Objective	Development Provisions	Proposed	Complies
4.2.4.1	New streets, laneways, park edges and pedestrian linkages as per figure 4.2-3	None are identified in this location and none are proposed.	N/A
4.2.4.2	Minimum lot frontage of 24m at the boundary for residential flat development.	The lot is odd shape and it only has 20m of frontage to Drew Close. It opens up beyond the boundary and the building has been designed to reflect the shape of the lot.	No but considered acceptable. The proposal is consistent with bulk and scale envisaged for the area.
	Sites with multiple frontages may provide a reduced frontage to 18m.	The site does not have multiple frontages.	N/A
	Where a minimum street frontage cannot be achieved, the development potential is reduced.	Noted.	Noted.
4.2.4.3	Buildings do not exceed the maximum height controls under the LEP.	Proposal incorporates a building height variation. Refer to comments under clause 4.3 and 4.6 of the LEP heading within this report.	No but considered acceptable
	Setbacks and building alignments are to be consistent with those shown in Figure 4.2-4.	No controls applicable to this site.	N/A
4.2.4.4	Setbacks and building alignments are to be consistent with those shown in Figure 4.2-5 and Figure 4.2-6.	No setbacks are identified for the site.	N/A
	Where no setback is shown, buildings are to be setback 3 metres from the street.	The building is setback over 3m from the street.	Yes
4.2.4.5	Buildings are setback: - 3 metres from	Eastern side varies from 3.368m to 7.728m.	Yes

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	side boundaries, and - 6 metres from the rear boundary.	Western side varies from 13.027m to 13.747m. The rear southern boundary setback vary from 1.509m, 3.29m to 12.345m.	No but having regard to the lot shape, site constraints, building design the portions of the building within the 6m setback are considered acceptable.
	Party wall development is not appropriate in the precinct.	No party wall development proposed.	N/A
4.2.4.7	Side and rear walls are to be articulated to achieve privacy separation with balconies and windows of adjacent buildings. Between 5 and 8 storeys/up to 25 metres - 9 metres for habitable rooms and balconies, 4.5 metres for non-habitable rooms.	Adequate articulation is incorporate into the building design overall.	Yes
4.2.4.8	Communal open space is to be at least 25 per cent of the site area.	The communal open space on the ground floor exceeds 25% of the site area.	Acceptable as the design meets the objectives of this clause.
	Where it is demonstrated that 25 per cent is not achievable due to site size constraints, provide a minimum 5 square metres per dwelling unit as consolidated communal open space.	Meets above.	N/A
	A minimum 2 hours sunlight is provided to the principle	More than 2 hours provided to communal open	Yes



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	portion of communal open space between 9am and 3pm in mid-winter.	space areas.	
4.2.4.9	Deep soil of 15% of the site to be provided with minimum 6m dimension.	<p>The competing and overriding provisions of the ADG requires 7% of site area to be deep soil zones with a minimum width of 3m.</p> <p>A deep soil zone area of approximately 120m² complies with a minimum 3m dimension and equal to 7% of the site area. Additional plantings are also proposed along the eastern portion of the site.</p> <p>It should be noted that there are no existing trees within the site.</p>	Yes
4.2.4.10	Any fences or retaining walls over 1.2 metres above the boundary level should be 50 per cent transparent above the 1.2 metre datum.	Appropriate 1.8m open style picket security fencing and entry gates proposed along street frontage.	Yes

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

No planning agreement has been offered, or entered into.

(iv) Any matters prescribed by the Regulations

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



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

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

There are no significant 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.

View sharing

During public exhibition a concern was expressed surrounding view loss by the residents of 9 Hastings Avenue.

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

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

Step 1

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

Comments: The residence at 9 Hastings Avenue enjoys elevated views of the settlement city precinct, Hastings River and hinterland. These views are wide ranging and are enjoyed toward the north, northeast, northwest and west. The view to the northwest across the development site is to the hinterland. The hinterland view includes treetops on the foreground and mountains in the background. A hinterland view is also enjoyed to the west behind the site. There are no iconic views enjoyed from the dwelling impacted. The view to the north and north east to the Hastings River and its interface with the land is considered to be a valuable view.

A screenshot looking north down Hastings Avenue from google street view provides some context of the view:



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08/04/2020Step 2

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

Comments: The views are enjoyed from elevated north facing living and outdoor areas across a side boundary. The views are enjoyed from both standing and sitting positions from various parts of both residences.

Step 3

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

Comments: The extent of the impact upon the views enjoyed from 9 Hastings Avenue is considered to be minor for the following reasons:

- The most valuable views to Settlement City and Hastings River land interface are not impacted.
- The hinterland view to the west behind the site is not impacted.
- The hinterland view to the northwest across the site is only a small portion of the wide-ranging views enjoyed from the property.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of



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neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments: While a building height variation is sought it is primarily for the lift overrun and small portions of the roof which are central to the building. The majority of the building falls within the prescribed 14.5m building height. It is important to note that the southernmost part of the proposed building is sitting under the 14.5m building height control and it is this part of the building that is impacting on views across the site. Hence, a fully compliant building height will result in the same view impact.

Roads

The site has road frontage to Drew Close, being a sealed public road under the care and control of Council. Drew Close is a Local road with a formation width of approximately 7m within a 20m road reserve. The eastern extents of Drew Close have SA upright kerb and gutter, whilst the frontage and the western extents of Drew Close are not formalised and only consist of gravel shoulders.

Traffic and Transport

The site is zoned for medium density residential use and the proposed development is consistent with this zoning. Assuming approximately 7 vehicle trips per day per unit, this would generate an additional 105 vehicle trips per day in the area. This additional traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage and Access

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

Due to the type and size of development, additional works are required to include which have been included in the relevant conditions of consent:

- A suitable end of road treatment for a public road to allow vehicles to turn around in accordance with AUSPEC. This may be a cul-de-sac head, however noting the limitations with the road reserve width alternative designs with signposted no stopping /parking may be more appropriate.
- Kerb and gutter along the western extents of Drew Close.
- Concrete footpath paving from the development site down Drew Close to connect to the existing footpath along Warters Street.

Suitable conditions of consent have been recommended.

Parking and Manoeuvring

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

Water Supply

Council records indicate that the development site is not currently metered for water. Each individual unit shall be individually metered with the meters either located at an easily accessible location unless the water supply to the whole site is metered with a single larger meter with private meters at each unit. There is also the option for



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utilising remotely read electronic meters. Details are to be provided on the hydraulic plans.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.

Council's existing 100mm asbestos cement water main which enters the site on the eastern side of Drew Close shall be removed, with the new termination point of the main being the existing duckfoot hydrant on the property frontage of 3 Drew Close.

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

Sewer Supply

Council records indicate that the development site is not currently connected to sewer. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

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

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

Stormwater

The site naturally grades towards the Drew Close frontage and is currently (un)served via a formal piped connection, with the nearest point of connection being a downstream stormwater kerb inlet located approximately 40m to the north of the site in Warlters St.

The legal point of discharge for the proposed development is defined as a direct connection to Council's downstream stormwater pit referred to above, which will necessitate the extension of the piped drainage system to the site frontage.

The site is traversed by two existing easements for drainage, located along the eastern and western site boundaries respectively. Neither of these existing easements are currently piped.

Stormwater from the proposed development is planned to be disposed via an extension of the piped drainage system in Warlters Street to the frontage of the site, which is consistent with the above requirements. Furthermore, the stormwater drainage plan submitted incorporates OSD facilities which have been conceptually designed to achieve compliance with the requirements of Council's AUSPEC specifications. The application has demonstrated that OSD facilities can be readily incorporated into the development.

However, the stormwater plans submitted only include the piping of one of the existing easements for drainage that traverse the site. IN this regard, Council pre-lodgement advice to the applicant was to construct suitably sized stormwater infrastructure within both of the existing easements for drainage traversing the site in conjunction with the proposed development. This advice was on the basis that the proposed development, including retaining walls, hard surfaces and other structures would make it extremely difficult for a future adjoining and upstream landowner to



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construct such infrastructure following the development of the site. A specific condition of consent is proposed to require that the detailed plans submitted with the s68 application prior to the issue of a CC include the piping of both easements for drainage traversing the site.

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

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No heritage items are known to exist on the site. Standard condition recommended advising of process should unexpected relics be uncovered during earthworks.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

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

Energy

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

Noise and vibration

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

Bushfire

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The site is identified as being bushfire prone. The application was supported by a bushfire risk assessment report which makes a number recommendations including bushfire attack level (BAL) construction standards. During assessment the vegetation classification and management regime of adjoining land was queried and having regard to the nature of the development a referral undertaken to NSW Rural Fire Service to confirm expected BAL construction standards.

The NSW Rural Fire Service provided advice and confirmed expected BAL construction standard a number of recommended conditions which form part of the recommend 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

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

One (1) written submission was received following public exhibition of the application. Copies of the written submission have been provided separately to members of the DAP.

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



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Submission Issue/Summary	Planning Comment/Response
Increased traffic to the area will lead to increased congestion especially opposite a school.	Refer to comment under transport and traffic heading of this report.
The buildings height is out of character with the buildings around it. Existing residential buildings are significantly lower in comparison.	Refer to comments under clauses 4.3 and 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011.
The height of the building will impact on views to the north enjoyed from 9 Hastings Avenue.	Refer to view sharing assessment comments within the report.
The height of the building will result in significant shadowing of adjoining properties.	The shadow diagrams supporting the application indicate the extent of overshadowing impact from the proposed development. The impacts are well within adopted standards for minimum solar access.
The proposal would reduce the resale value and development potential of 9 Hastings Avenue.	The impact to property value is not a relevant consideration under planning legislation.
A review of the height and scale of the building is requested with a view in providing a smaller scale development.	The proposed height and scale of the proposal is considered to be appropriate for the site having regard to the adopted planning controls.

(e) The Public Interest

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as **Attachment 3**.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered



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to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1. DA2019 - 676.1 Recommended Conditions
2. DA2019 - 676.1 Attachment 2 - Plans
3. DA2019 - 676.1 Attachment 3 - Contributions Quote
4. DA2019 - 676.1 Clause 4.6 Building Height Variation
5. DA2019 - 676.1 SEPP 65 Design Verification Statement
6. DA2019 - 676.1 Apartment Design Guide Assessment
7. DA2019 - 676.1 Bushfire Assessment Report
8. DA2019 - 676.1 Environmental Assessment Requirements (SEARS)
9. DA2019 - 676.1 SEARs.
10. DA2019 - 676.1 Stormwater Plan
11. DA2019 - 676.1 NSW RFS Bushfire comment and suggested conditions



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CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/676

DATE: 25/03/2020

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
Site survey	Job Ref: 8048	Frank O'Rourke and Associates	February 2006
Cover Sheet	Project No: 1906 Drawing No: D00	Wayne Architect Ellis	31 October 2019
Site Plan	Project No: 1906 Drawing No: D01	Wayne Architect Ellis	31 October 2019
Ground floor plan	Project No: 1906 Drawing No: D02	Wayne Architect Ellis	8 November 2019
First floor plan	Project No: 1906 Drawing No: D03	Wayne Architect Ellis	8 November 2019
Second floor plan	Project No: 1906 Drawing No: D04	Wayne Architect Ellis	8 November 2019
Third floor Plan	Project No: 1906 Drawing No: D05	Wayne Architect Ellis	8 November 2019
Fourth floor Plan	Project No: 1906 Drawing No: D06	Wayne Architect Ellis	8 November 2019
Fifth floor plan	Project No: 1906 Drawing No: D07	Wayne Architect Ellis	8 November 2019
Sixth floor plan	Project No: 1906 Drawing No: D08	Wayne Architect Ellis	8 November 2019
Elevations	Project No: 1906 Drawing No: D09	Wayne Architect Ellis	31 October 2019
Elevations	Project No: 1906 Drawing No: D10	Wayne Architect Ellis	31 October 2019
Sections	Project No: 1906 Drawing No: D11	Wayne Architect Ellis	31 October 2019

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Site analysis plan	Project No: 1906 Drawing No: D12	Wayne Architect	Ellis	31 October 2019
Window Schedule	Project No: 1906 Drawing No: D13	Wayne Architect	Ellis	31 October 2019
Height analysis plan	Project No: 1906 Drawing No: D14	Wayne Architect	Ellis	31 October 2019
Surface finishes plan	Project No: 1906 Drawing No: D15	Wayne Architect	Ellis	31 October 2019
Shadow diagrams plan	Project No: 1906 Drawing No: D16	Wayne Architect	Ellis	31 October 2019
Car parking manoeuvring plan	Project No: 1906 Drawing No: D17	Wayne Architect	Ellis	8 November 2019
Landscape plan and details	Project No: 1906 Drawing No: A01 and A02	Wayne Architect	Ellis	14 August 2019
Preliminary Stormwater and Detention Layout	Sheet C01 and C02 Drawing No: 2019-80	David Johnson Consulting Engineer Pty Ltd		August 2019

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

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via appropriate receptacles into separate waste streams;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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6. Building work being limited to the following hours, unless otherwise permitted by Council:
- Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays
- The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Drew Close, extension to the footpath paving along Warlters Street is required with design details in accordance with AUSPEC and Council Standard drawing ASD101 and 103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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.

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- (11) From the commencement of building works, and in perpetuity, the entire property shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- (12) New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- (13) Water, electricity and gas supply must comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- (14) Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993, to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Public parking areas including:
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is not currently connected to sewer. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
 4. Water supply reticulation. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Council records indicate that the development site is not currently metered for water.
 5. Retaining walls.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.

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8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, Port Macquarie-Hastings Council current version.
 10. Provision of a 1.5m (unless varied in writing by Council) concrete footpath along Drew Close connecting to the existing footpath on Wartlers Street.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the

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payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B021) A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site. Water service sizing is to be determined by a hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B030) Prior to issue of a Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a

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practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Certification that the construction of footings and piers has been carried out in accordance with the approved drawings and specifications shall be provided by a practising chartered professional civil and/or structural engineer to the Principal Certifying Authority with the application for the Section 307 - Certificate of Compliance/Occupation Certificate.

- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority and adjoining property owners.
- (12) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B064) The applicant's landscape consultant shall consult with service authorities regarding the selection and placement of street trees near services. The location of all proposed and existing overhead and underground service lines shall be indicated on the Detailed Landscape Plan to be submitted with the Construction Certificate application.
- (15) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Construction Certificate application.
- (16) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (17) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (18) (B195) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as <a direct connection to Council's downstream piped drainage system in Writers Street.
 - b) In this regard, Council's piped drainage system in Writers Street must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the northern end of Drew Close, where a junction pit must be installed, to allow direct piped connection from the development site into the public drainage system (Junction pit shall be located within Drew Close road reserve).

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- c) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No D2019-80 C01 and C02 prepared by David R Johnson and dated August 2019
- d) The design shall include the construction of an interallotment drainage system within the existing easements to drain water traversing the site including the provision of junctions to service each of the benefitted upstream and adjoining properties. In this regard, the stormwater plan referred to in Point c) above shall be amended to include the piping of the existing easement for drainage located along the western site boundary servicing Lot 31 Plan DP 869227 in addition to the easement along the eastern side of the site shown on those plans..
- e) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre-development flow rates for all storm events up to and including the 1%AEP event, with modelling undertaken in accordance with the requirements of ARR2019. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- f) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- g) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- i) The Stormwater Management Plan must include detail of how subsoil from the proposed basement will be drained. Pump-out of the subsoil drainage associated with the basement is not permitted unless it can be demonstrated that groundwater flows are minimal/ intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.
- Where subsurface waters are permitted to be pumped from the basement, discharge must be connected directly to Council's piped drainage system via the OSD storage.
- (19) (B197) Each individual unit shall be individually water metered with the meters either located at an easily accessible location unless the water supply to the whole site is metered with a single larger meter with private meters at each unit. There is also the option for utilising remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (20) (B198) Council's existing 100mm asbestos cement water main which enters the site on the eastern side of Drew Close shall be removed, with the new termination point of the main being the existing duckfoot hydrant on the property frontage of 3 Drew Close (Strata Plan 16979).
- (21) (B200) A certifier must not issue a Construction Certificate for the development unless the certifier has received the statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.
- (22) Drew Close is to be upgraded to provide a suitable end of road turn around treatment for a public road. The design is to be in accordance with AUSPEC and to the category of an Urban Access Place. Upgrade of Drew Close is to include kerb and gutter along the western extents to connect into the existing kerb and gutter of

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Walters Street. Details and designs are to be provided with the application pursuant to Section 138 of the Roads Act, 1993.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

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

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

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- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D007) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (5) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (6) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (7) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (8) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (9) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
- Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - Ensure dedicated overland flow paths are satisfactorily maintained through the site.
- Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.
- If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.
- Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.
- (10) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

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- (11) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
- CBR test results, and
 - Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
 - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or

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- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (10) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (11) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (12) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

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

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (13) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

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

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

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- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
 - b. The Proprietor shall have the SQID inspected annually by a competent person.
 - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
 - d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.
- The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (14) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.
Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.
 - (15) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
 - (16) (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.
 - (17) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
 - (18) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
 - (19) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
 - (20) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.

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- (21) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (22) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services.
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (23) (E068) Prior to the issue of a Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the dwellings (including street lighting and fibre optic cabling where required).
- (24) Prior to issue of a Occupation Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over the development lot to enable the gravity drainage of existing upstream properties. The easement and interallotment system, must comply with the requirements of AUSPEC D5.
- (25) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (26) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of an Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (27) (E195) A certifier must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifier has received the statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

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- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (F027) The swimming pool filtration motor shall be operated between the following hours only:
- Monday to Friday (other than a public holiday)
7.00 am – 8.00 pm
- Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm
- The pool filtration motor shall be enclosed with an effective soundproof unit.
- (6) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (7) (F195) Use of the pool and recreational facilities in communal areas are for residents and guests only.

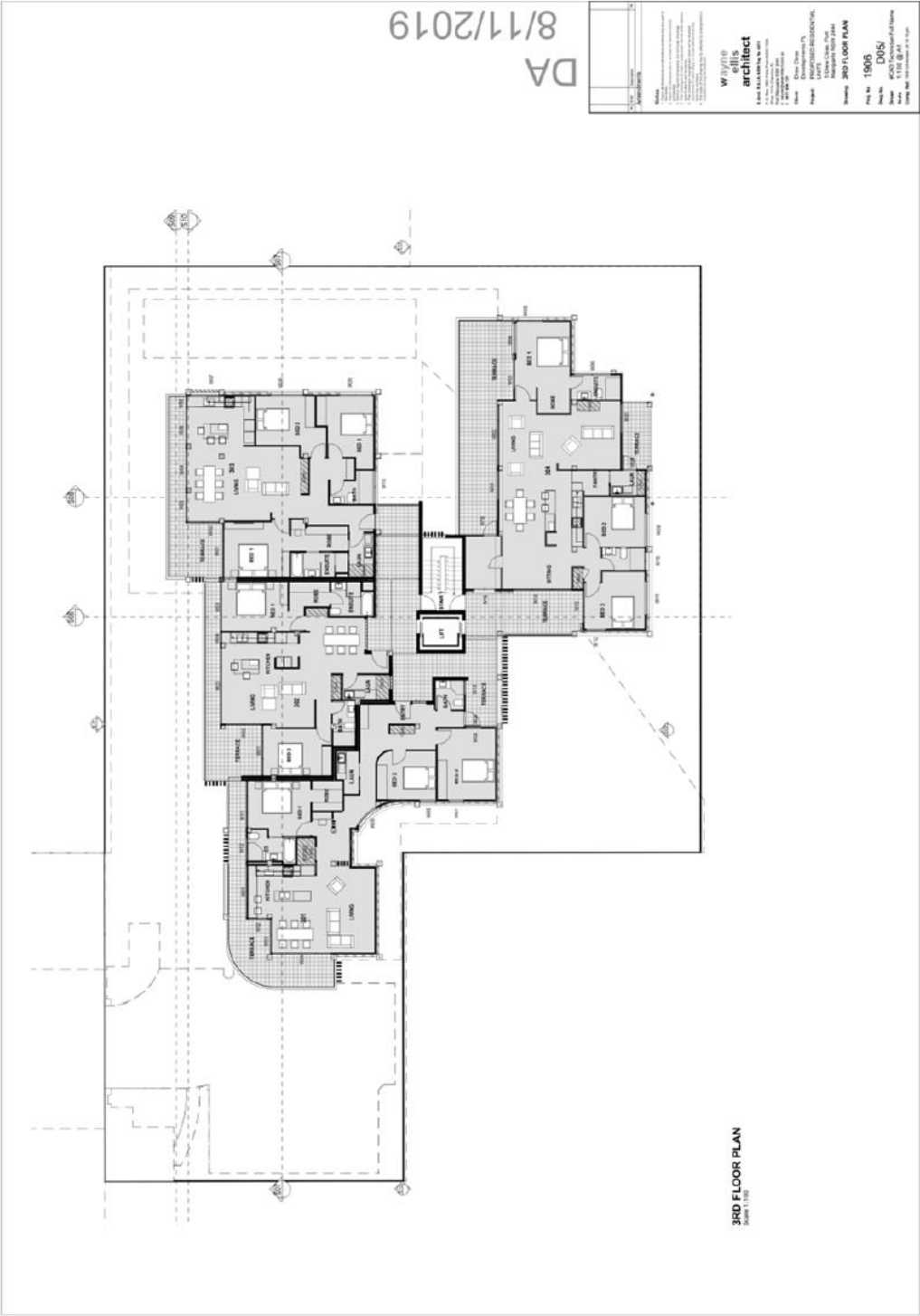
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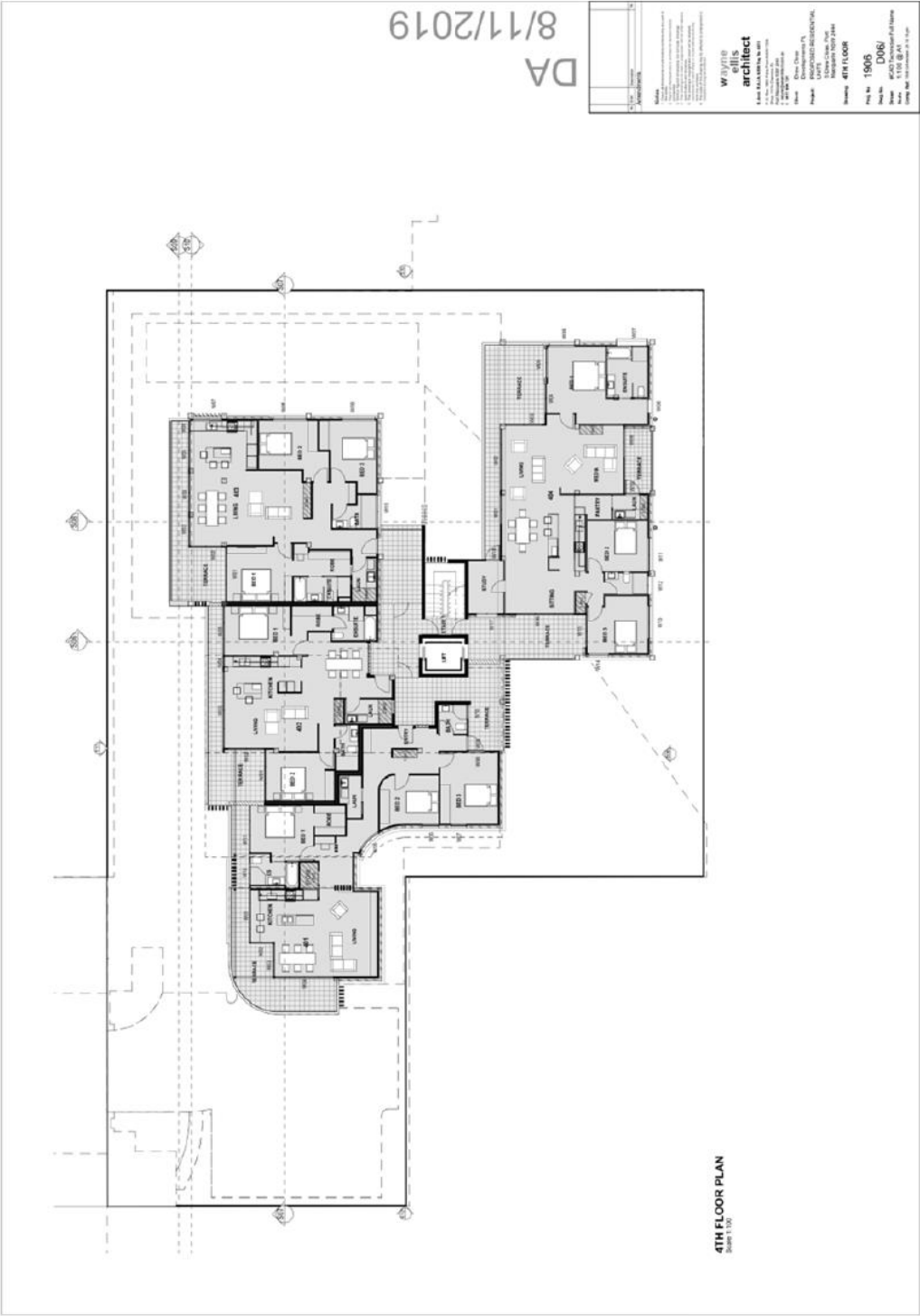






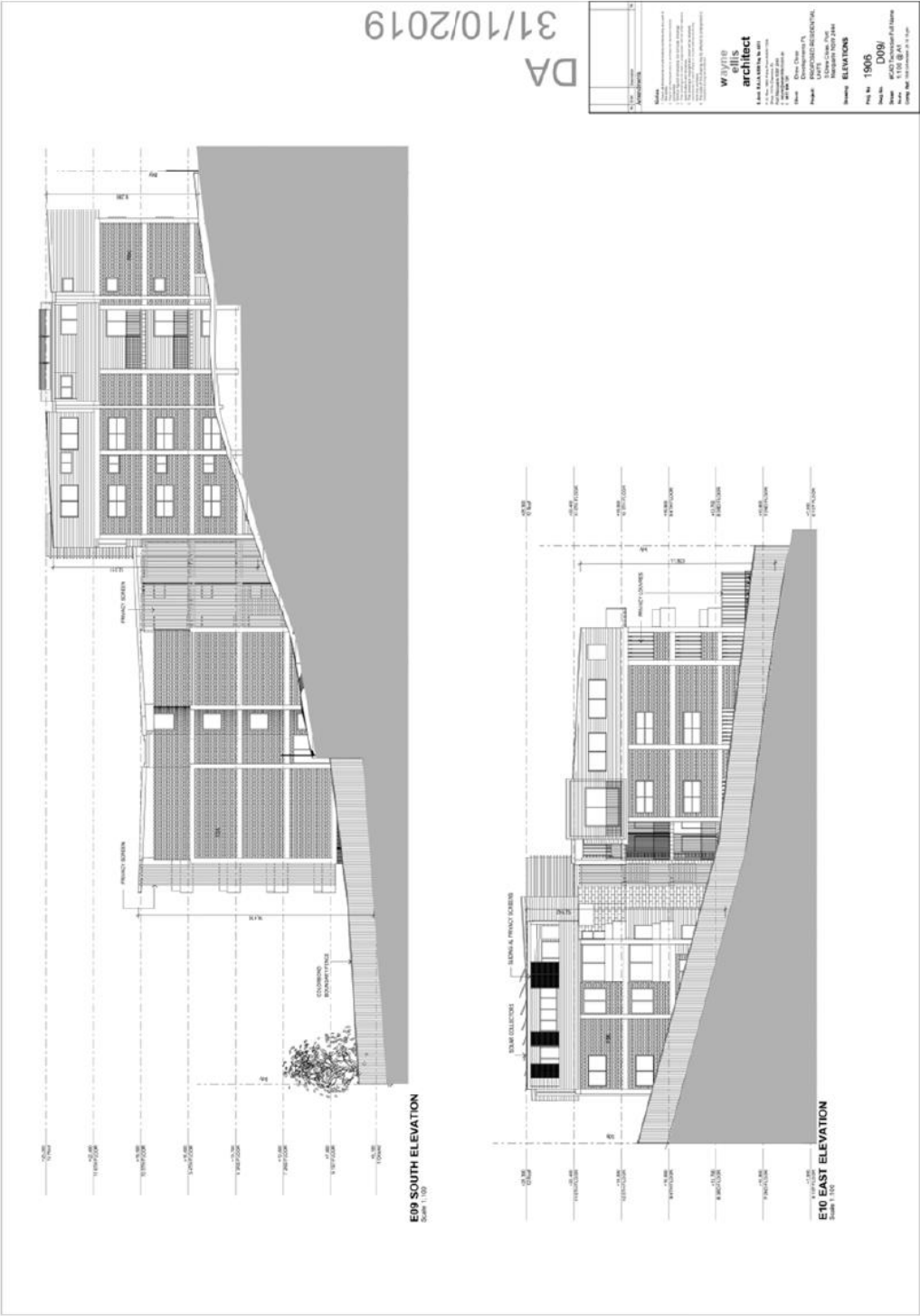










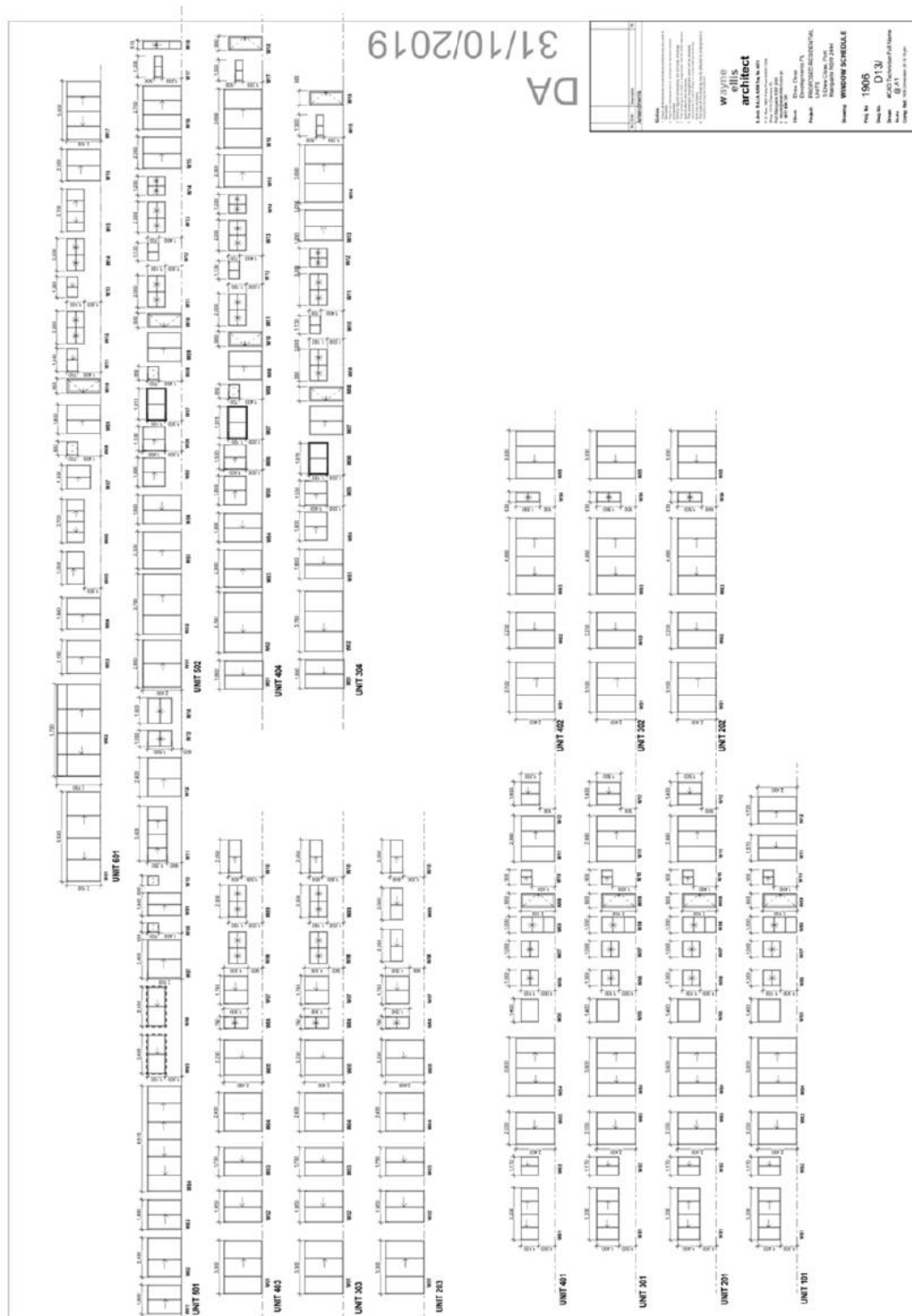








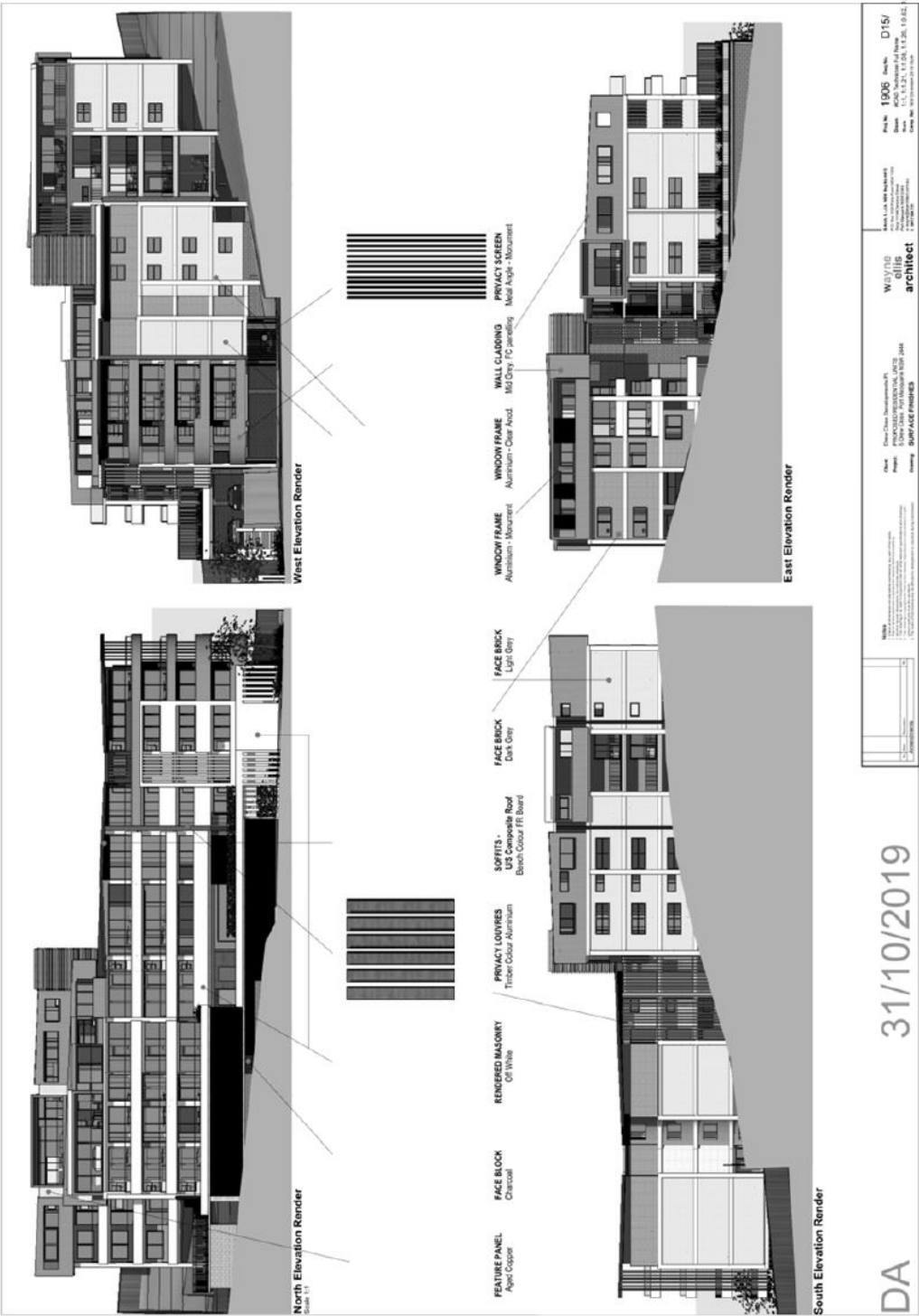
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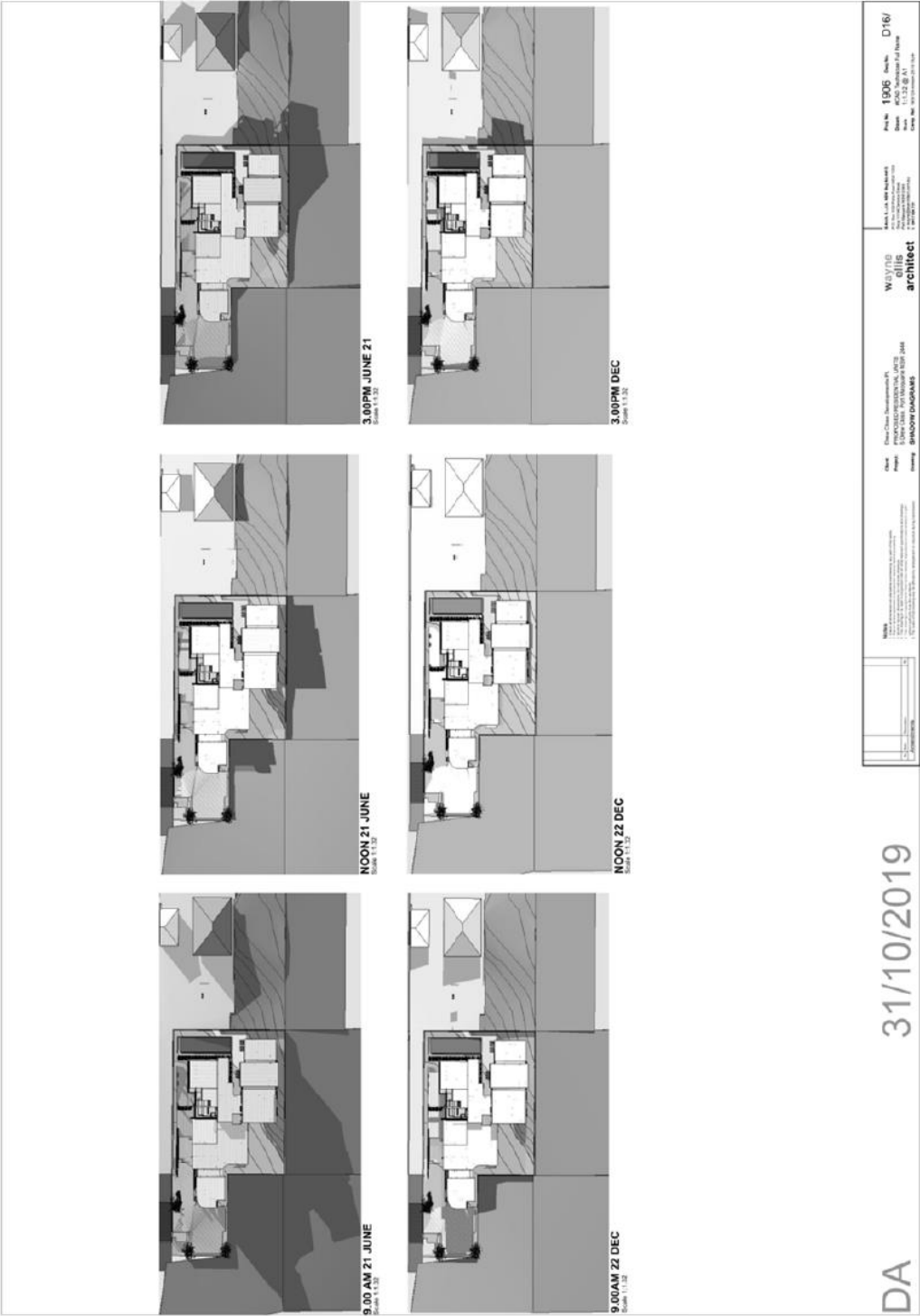
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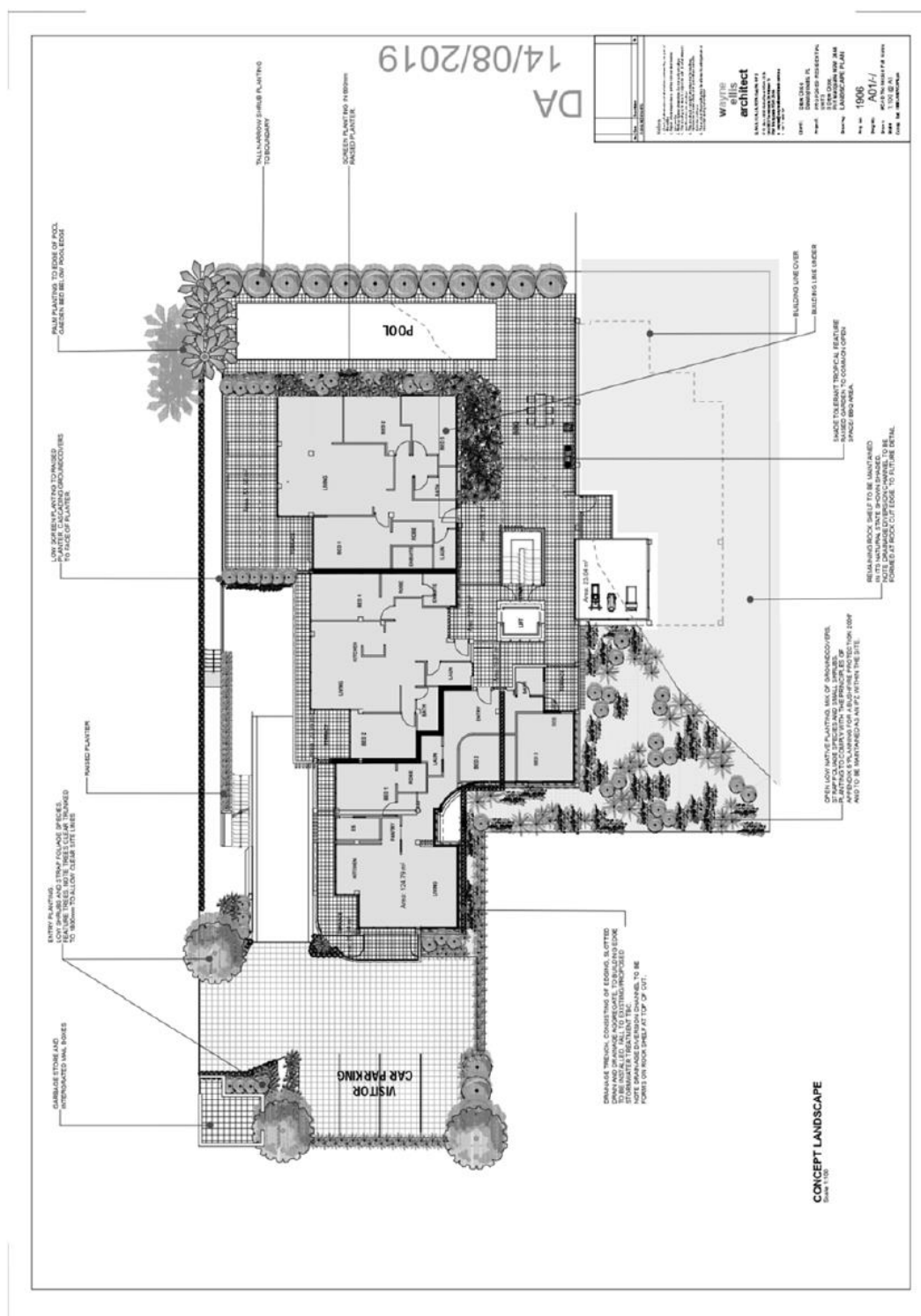


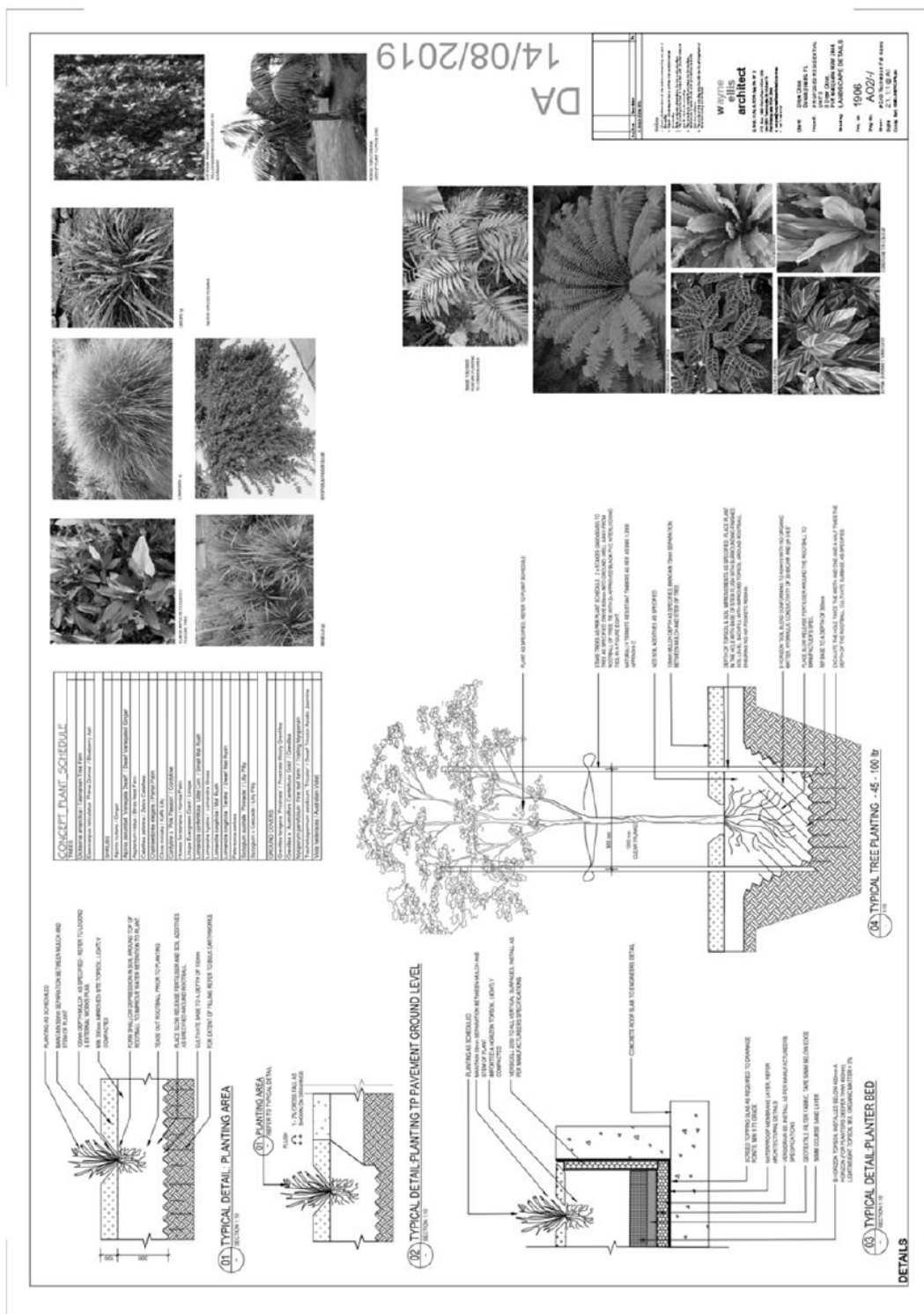
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Developer Charges - Estimate

Applicants Name: Wayne Ellis
Property Address: 5 Drew Close, Port Macquarie
Lot & Dp: Lot(s):1,DP(s):1211632
Development: Residential Flat Building



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2006.
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	8.54	\$10,296.00 Per ET	\$87,927.60
2 Sewerage Scheme Port Macquarie	13.25	\$3,906.00 Per ET	\$51,754.50
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	12.21	\$7,718.00 Per ET	\$94,236.70
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	12.21	\$5,666.00 Per ET	\$69,426.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	12.21	\$4,669.00 Per ET	\$57,008.40
6 Com 1.3.07 - Administration Building - All areas	12.21	\$919.00 Per ET	\$11,220.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2%	S94 Contribution	\$5,101.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$376,075.90

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:

26-Mar-2020

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

Wayne Ellis, 5 Drew Close, Port Macquarie, 26-Mar-2020.xls

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LEP 2011 Height Justification

**Justification of Variation to
Development Standard
Building Height –
Clause 4.3 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**Proposed Residential Flat
Development at
5 Drew Close,
PORT MACQUARIE NSW**

**For:
Drew Close Developments Pty Ltd**

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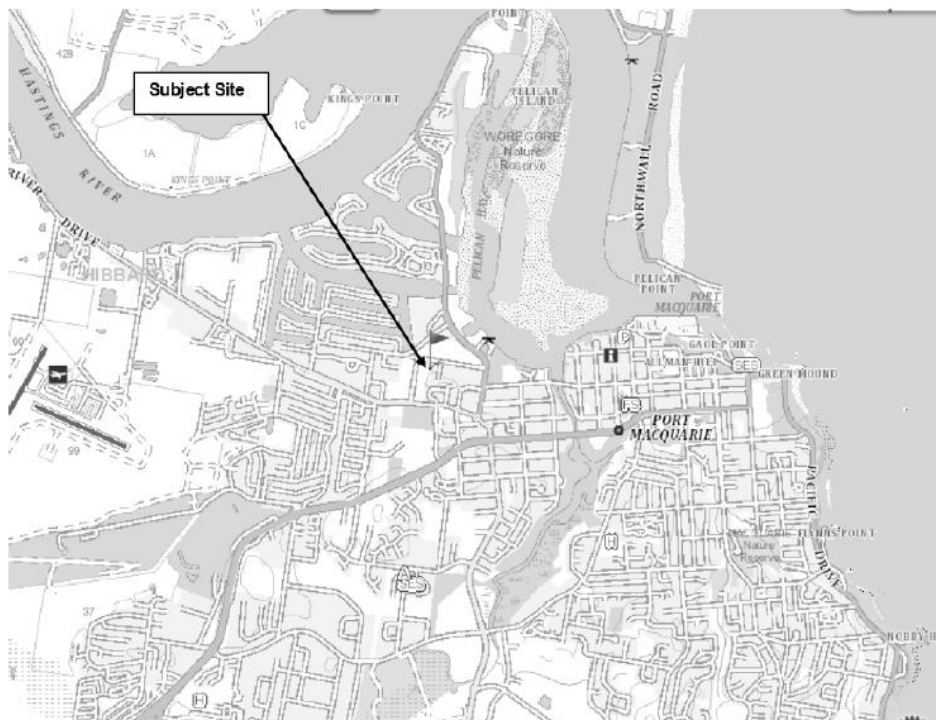
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LEP 2011 Height Justification

1. INTRODUCTION**1.1 Purpose of Report**

This report is submitted to Port Macquarie - Hastings Council as part of a development application for the construction of a residential flat development at Lot 1 DP 1007734, 5 Drew Close, Port Macquarie.

Figure 1 – Site Location

The purpose of this report is to provide justification for a variation to the Building Height provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the residential flat building development which is proposed to be undertaken on the subject site.

1.2 Background

The proposed development includes the construction of two separate residential flat buildings with shared access, carparking and recreational facilities. It is noted that the design of the building's provides for a step-

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in bulk and scale in response to changes in topographic conditions with the buildings providing for a maximum five (5) storey outcome in response to the sites northwesterly downslope condition. The northern most built form is five (5) storey's whilst the southernmost building is four (4) storey's in design.

The proposed development provides for fifteen (15) residential units comprising three (3) x 2-bedroom units and twelve (12) x 3-bedroom units with dedicated carparking by way of designated carparking areas within the proposed development.

The floor areas of the proposed residential units, (including perimeter walls), are as follows;

- Unit 101 – 135.07m²
- Unit 201 – 135.75m²
- Unit 202 – 101.52m²
- Unit 203 – 126.97m²
- Unit 301 – 135.75m²
- Unit 302 – 101.52m²
- Unit 303 – 126.97m²
- Unit 304 – 142.31m²
- Unit 401 – 135.75m²
- Unit 402 – 101.52m²
- Unit 403 – 126.97m²
- Unit 404 – 152.11m²
- Unit 501 – 120.45m²
- Unit 502 – 147.50m²
- Unit 601 – 141.62m²

Building parking infrastructure, (vehicle), will occupy the ground floor of the northern built form with a mixture of carparking, pedestrian access and a residential unit occupying the first-floor level. The remaining fourteen (14) residential units and recreation facilities, (common gymnasium, pool and BBQ areas), are spread amongst the remaining levels of the proposed buildings.

The proposed development will be a secure compound with keypad/remote control access via a front gate.

The site has approximately 13m fall from southeast to the northwest. The topography of adjoining and adjacent land contains moderate to steep down slopes and a westerly cross-fall. Topographic conditions in the locality flatten to the north and west of the subject site.

The topography of the subject site couple with the design of the proposed building's provides that the height of the proposed building's is in excess of the development standard provided for by Clause 4.3 of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height as proposed.

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LEP 2011 Height Justification

2. LEP 2011 REQUIREMENTS

2.1 Introduction

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- Lot size;
- Rural Subdivision;
- Building Height;
- Floor Space Ratio;

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is deemed to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the height of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of exceptions to LEP development standards Clause 4.6 (3) – (5) of the LEP establishes the process by which exceptions to development standards are to be lodged, assessed and determined. The LEP which are applicable are as follows;

(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.

(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 sub clause (3), and

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- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.*

This report will provide justification for the variation of the acceptable design solution for the height of the proposed residential flat building having regard to the relevant provisions of the LEP.

2.2 Building Height Development Standard

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 14.5m, refer to **Figure 2** below;

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Figure 2 - Building Height 'Deemed to Satisfy' Standard for Subject site.



It is noted that the follow definition applies to the determination of the actual height of the building;

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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2.3 Development Standard Exemption Sought

In general, the overall height of the proposed development complies with the intent of the 14.5m height limited with the roof of the main building being predominately below 14.5m above the variable ground level across the subject site.

Figure 3 - Building Heights below 14.5m

**VIEW FROM THE SOUTH ILLUSTRATING THE EXTENT OF WALL (RED)
PERMISSIBLE UNDER THE 14.5 METRE HEIGHT LIMIT**

It is however noted that due to the steep slopes in the southern portion of the subject site the height of the building increases to be a maximum of 15.7m on the northern façade of the rear building. It is also noted that the lift overrun is approximately 2.9m above the 14.5m height standard.

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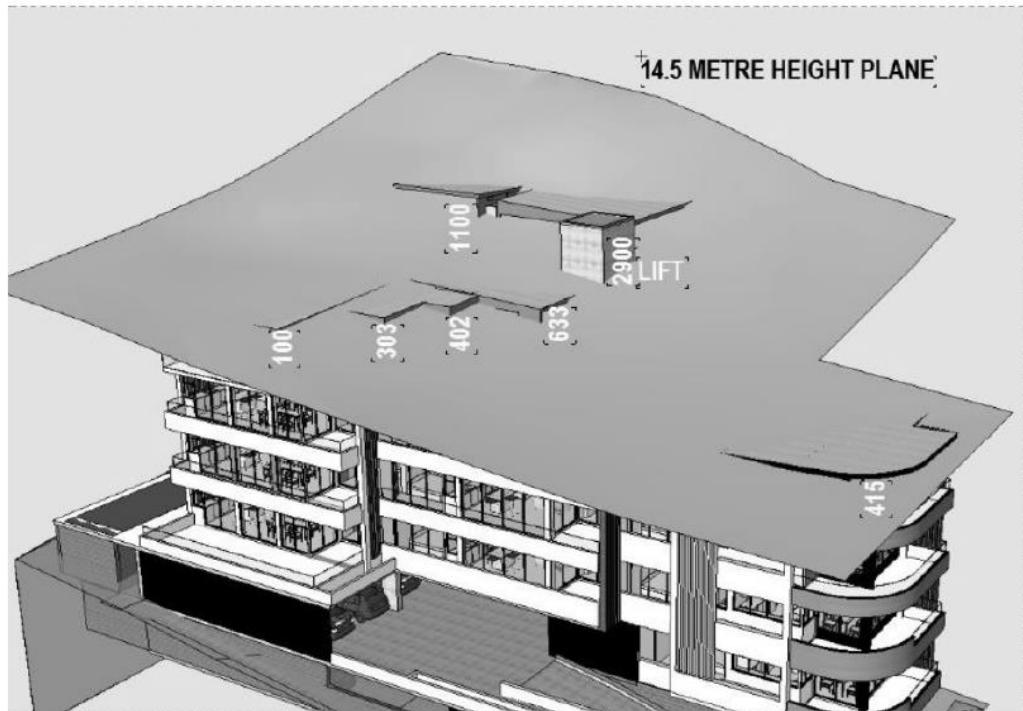
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The following figure indicates those portions of the proposed buildings which exceed the 14.5m height envelope as it pertains to the subject site.

Figure 4 - Building Heights above 14.5m



AERIAL VIEW FROM THE NORTH WEST CORNER ILLUSTRATING THE EXTENT OF ROOF THAT EXCEEDS THE 14.5 METRE HEIGHT PLANE

As can be seen in the above figure the majority of the proposed buildings is well below the 14.5m height standard with the bulk and scale of the majority of the proposed buildings being entirely consistent with the 14.5m height standard when viewed from Drew Close to the northwest and from the adjoining and adjacent properties to the northeast, south, east and west with the exceedance of the development standard masked by the significant changes in topography over the subject site and the response of the building design to the changes in topography.

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In this regard the design of the proposed development seeks to limit the exceedance of the development standard by stepping each of the proposed building in response to landform change. This approach limits the overall height of the building providing for a maximum 1.2m exceedance of the 14.5m development standard. This represents a variation to the development standard of only 8% which, having regard to the significant landform variation which exists over the subject site, is considered to be justifiable in the circumstances.

The following table summarizes the development standard together with the actual heights of the buildings together with the quantum of the variation which is sought. The following table has been prepared having regard to the building height definition provided for in Section 2.2 of this report;

Table 1 – Building Height Summary.

BUILDING HEIGHT DEVELOPMENT STANDARD	HEIGHT OF MAJOR BULK OF BUILDING	ACTUAL WORST CASE HEIGHT OF BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
14.5m	Approximately 12m - 13.5m	15.7m	1.2m approximately

3. PERFORMANCE ASSESSMENT

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a performance assessment is to be carried out.

3.1 Performance Objectives

The performance objectives that are relevant to the requested variation are contained within Clause 4.3(1) of LEP (2011) as follows;

'(1) The objectives of this clause are as follows:

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- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimize visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to minimize the adverse impact of development on heritage conservation areas and heritage items,
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan'.

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

3.2 Performance Assessment Method

To ensure that a performance-based solution meets the relevant Performance Objectives it must be assessed using a nominated/accepted Assessment Method. In this regard it is noted that PMHC LEP (2011) does not nominate a process/method of assessment of an alternative design solution. In this regard common assessment methods used for performance-based building design are as follows;

- (a) Evidence to support that a design meets a Performance Requirement or a Deemed-to-Satisfy Provision.
- (b) Verification Methods.
- (c) Comparison with the Deemed-to-Satisfy Provisions.
- (d) Expert Judgement.

Having regard to the above it is proposed to utilize a combination of (a) and (c) above as the method of assessing the proposed building design and the variation of the buildings height when compared to the 'Deemed to Satisfy' provision.

3.3 Performance Assessment

The following justification is provided in respect of each of the performance objectives listed in Section 3.1 of this report;

Table 2 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.	The existing and future character of the locality is one of higher density residential development with council's land use zoning and associated development controls and standards providing for buildings with a larger bulk and scale than contemplated in other residential areas.

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	<p>The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by two storey residential buildings which would, due to topographic conditions, provide for a height and scale outcome which would exceed a typical two storey building.</p> <p>Recognizing the intention of supporting higher density of development in the area a number of residential flat buildings, with heights in excess of five 5 storeys, are present on land to the east of the subject site. The presence of these buildings reflects the transitional nature of residential development in the general locality.</p> <p>It is further noted that a previously approved residential flat building development for the subject site, (and adjoining and adjacent land to the east), provided for a height, (bulk and scale), outcome which exceeds that which is now proposed for the subject site. In this regard the proposed development is consistent with the transitioning nature of building heights, (and bulk and scale), in the area.</p> <p>Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale.</p> <p><u>Future Character</u></p> <p>The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 14.5m which would typically provide for a 5 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard with the roof of the proposed buildings being between 12m and 15.7m above ground level which taking into account the topography of the area provides for a five (5) storey building.</p>
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	<p>It is noted that the majority of the height exceedance associated with the main bulk of the proposed buildings is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by;</p> <ul style="list-style-type: none"> existing and future residential development on adjoining land to the south and east. This will be particularly reinforced through the redevelopment of adjoining lots to the south and east; the presence of a disused quarry in the southern aspect which will restrict redevelopment opportunities in the southern aspect to the subject site; the stepping of the proposed buildings in response to landform change. This stepping seeks to minimize the bulk and scale of the buildings and seeks to ensure that the buildings present as four to five storey's; the limited development opportunities for land to the west of the subject site given the recreational land use zonings which are present in this aspect; the significant changes in topography over the subject site which allows for bulk and scale to of the bulk and scale to be shielded particularly when viewed from the south and east; the limited view paths which exist to the subject site from the north and west. <p>It is important to note that the adoption of a 14.5m height standard together with a floor space ratio of 1.5:1 reflects council's clear intention for the area to transition from lower density residential development to a higher density of development. With this in mind the nature of the development standards needs to have regard to impacts associated with transitioning the development form of a locality, i.e. the impacts of the proposed development need to be assessed having</p>
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	<p>regard to the future character of the area. In this regard the minor nature of the height exceedance, in the context of the location and nature of the height standard exceedances, is such that the height of the proposed development is entirely consistent with the desired future character of the locality.</p> <p>Whilst Drew Close is 'dead end' in design and construction its road reserve width can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles.</p> <p>In this regard when viewed from Drew Close those portions of the subject building which are in excess of the 14.5m development standard will have a negligible impact in relation to proposed buildings bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building particularly given the stepped nature of the building in relation to the south to north landform. • Will have a minimum impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of the undeveloped nature of adjoining and adjacent land to the south of the subject site. • Will be consistent with the height of buildings which could result through the future redevelopment of adjoining land to the north, south and east of the subject site. <p>Given the relatively minor nature of the height standard exceedance it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has as yet to transition with the proposed development representing the first development which responds to Councils vision for the immediate area. In the context of the life cycle of</p>
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	building infrastructure the most recent decisions of Council (LEP 2011 and DCP 2013) have not as yet had a significant impact upon the achievement of the desired future character envisaged by the LEP and associated development controls and standards.
<i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development</i>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development.</p> <p>Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard. Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>It is noted that when viewed from Drew Close the proposed development will present five (5) storey buildings which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will be minimal.</p> <p>Some impacts on views will be experienced particularly in relation to the existing dwelling on the adjoining allotment to the south (dwelling is diagonally to the southeast of the proposed development). It is however noted that the issue of view loss is related to the area of the building which is significantly less than the 14.5m height standard rather than the small portions of the proposed building which exceed the 14.5m height standard. In this regard it is the height of the proposed building immediately adjacent to the southern boundary which has the greatest impact on available view paths. In this regard Figure 3 above clearly shows that the height of the building along the southern elevation is significantly less than the 14.5m height standard.</p> <p>It is further noted that the relationship of the existing building to the south to those areas of the proposed building which exceed the 14.5m height standard is such that the impacts on predominant view paths is very limited. In this regard the main areas of view from the existing dwelling to the south are to the northeast and direct north whilst the height exceedance areas of the</p>

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	<p>proposed building retain a northwest relationship to the existing dwelling. Accordingly, the impact on views of those areas of the proposed building which exceed the 14.5m height standard are minimal in the context of the expectations associated with the development standards which are relevant to the subject site and general locality.</p> <p>Whilst some views to the northwest will be impacted upon it is considered that this outcome is acceptable in the context that;</p> <ul style="list-style-type: none"> • The proposed development continues to provide for view sharing; and • The development controls for the subject site, (and adjoining and adjacent land), clearly contemplate a height outcome which is different to that which has historically applied to the area. Accordingly impacts on views associated with the proposed development are entirely consistent with the transition which council is seeking to encourage in the locality. <p>Impacts on occupant privacy are minimized through the orientation of all proposed residential flats to the front (north) and rear (south) of the subject site. Where necessary privacy has been maintained via the use of walls and privacy screens. In this regard it is noted that the orientation of existing buildings to the north and south of the subject site provide for major living/habitable rooms facing the northern orientation.</p> <p>Accordingly, high levels of visual privacy are maintained through the design of the proposed buildings in that;</p> <ul style="list-style-type: none"> • window areas in the southern orientation are minimized; and • the northern orientation of habitable/living rooms has been maximized so as to reinforce the northerly focus of the residential building on adjoining land to the north. <p>Having regard to the above it is clear that quality urban planning and building design outcomes will be achieved as a result of the proposed development and the associated building height design solution will have minimal impact in relation to visual impact, views, loss of</p>
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	privacy and loss of solar access issues.
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>The subject site does not form part of an area which the LEP identifies as being of potential heritage importance and as such proposed development will have negligible impact on heritage conservation areas and heritage items.</p> <p>In a broader context identified items/issues of heritage significance are not located in the general area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.</i>	<p>Refer to previous comments and height justification report.</p> <p>The proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The building design has had regard for views from adjoining properties and continues to provide for the sharing of views. • The bulk and scale of the development is consistent with the development densities and bulk and scale provisions which are relevant to the future development of land within the locality. • The site is steep and strict compliance with the standard is difficult to achieve and considered unreasonable in the circumstances. • The building contains articulation to break up the bulk of the building. • The north/south aspect will ensure overshadowing impacts are minimal. • Windows and outlook from the development are focused towards the north with windows on the southern side of the development minimized and associated with low activity areas or are well separated from adjoining properties. • The height transitions well with the adjoining properties to the south and east. In this regard the exceedance of the 14.5m height requirement is confined to areas which are to the west of the predominant view paths of the residential buildings on land to the south land east of the subject site. In this regard the

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	<p>exceedance of the height standard has no bearing on the loss of views from the existing buildings to the south and east.</p> <ul style="list-style-type: none"> • The building design provides a suitable height that has regard for and responds to the current legislative height controls which are relevant to the subject site and other properties in the locality.
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Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.4 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard performance objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *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*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council approval the variation to the height standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

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Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.

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DESIGN VERIFICATION STATEMENT

14th August 2019. Job No: 1906

Project: Proposed Residential Apartments
5 Drew Close. Port Macquarie. NSW 2444

Dear Sir/Madam,

Please be advised that the proposed development referred to above has been prepared in accordance with all relevant requirements of governing Authorities, National Construction Code Series 2017 and relevant Australian Standards.

I hereby verify that (a) that I have directed the design of the development, and

(b) the residential flat development achieves the design principles set out in Part 2 of SEPP No 65 Design Quality of Residential Flat Development.

Wayne Ellis
B.Arch. R.A.I.A. NSW Reg No 4415
Wayne Ellis Architect

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APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT REPORT 5 DREW CLOSE, PORT MACQUARIE		
PART 3 – SITING THE DEVELOPMENT		
OBJECTIVE	COMMENT	
3A Site Analysis		
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Compliant <i>An Infill building that reflects the adjoining existing & proposed buildings, all designed to take best advantage of prevailing breezes, orientation, views etc.</i>	
3B Orientation		
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	Compliant - Living rooms and open spaces, balconies, face northwards. <i>The separate buildings which comprise the development and proposed units maintain a northern orientation thereby ensuring that solar access to the development is maximized.</i>	
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	Compliant - Overshadowing to the south is N/A. <i>The impact of the proposed buildings on solar access has been reviewed for the adjoining site to the south and east. The assessment indicates that the proposed development will have no overshadowing impacts due to the nature of the design of buildings on adjoining and adjacent land to the south and east.</i>	
3C Public Domain Interface		
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	Compliant - The entry area is well lit and activated and overlooked. <i>The proposal has been designed to minimize the risk of crime and maximize safety and</i>	

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	<p><i>security.</i></p> <p><i>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The buildings car parking areas are secured via a controlled roller door at the site boundary.</i></p> <p><i>All units will have good casual surveillance of recreation facilities on the site from the internal and external living areas (without sacrificing privacy).</i></p>
Objective 3C-2 Amenity of the public domain is retained and enhanced	<p>Compliant - <i>The design of the development will enhance the amenity of the area whilst retaining privacy and security for the residential occupants of the proposed development.</i></p> <p><i>The 'dead end' design of Drew Close together with the proposed setback of the built form of the development will ensure that amenity impacts on the public domain will be minimal as the majority of the proposed development will be obscured from public spaces.</i></p>
3D Communal and Public Open Space	
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<p>Design criteria</p> <p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Compliant - <i>given the nature and size of the proposed development private open space will be the predominately used recreation area.</i></p> <p><i>The proposed communal open space (BBQ area) is designed to allow for a range of activities,</i></p>
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<p><i>Communal areas are available in the eastern aspect of the subject site.</i></p> <p><i>An area of >50m² is available for use. However given the nature and size of the proposed development private open space will be the predominately used recreation area.</i></p>

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Objective 3D-3 Communal open space is designed to maximise safety	<i>responds to site conditions and will be attractive and inviting.</i> Compliant - given the nature and size of the proposed development private open space will be the predominately used recreation area. <i>The location of the communal open space along the eastern portion of the propose development provides for safety and security.</i> <i>Not Applicable</i>
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<i>Not Applicable</i>
3E Deep soil Zones	
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	<div> <div>Design criteria</div> <p>Deep soil zones are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> • 3m minimum dimension • 7% of site area </div>
3F Visual Privacy	
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<div> <div>Design criteria</div> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> • Habitable Room/balcony setback – 9m • Non habitable rooms setback – 4.5m </div>
	Compliant
	Compliant

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<p>Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</p>		<p>Direct views are minimized through the orientation of all residential flats to the front (north) and rear (south) of the subject site.</p> <p>Where necessary privacy has been maintained via the use of walls and privacy screens.</p> <p>In this regard it is noted that the orientation of existing buildings to the north and south, east and southeast of the subject site provide for major living/habitable rooms facing the northern orientation. Accordingly high levels of visual privacy are maintained through the design of the proposed building:</p> <ul style="list-style-type: none"> • Minimizing window areas in the southern orientation; and • Maximizing the northern orientation of habitable/living rooms so as to reinforce the northerly focus of the adjoining residential buildings.
<p>Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</p>	<p>Compliant - To the north & south privacy is retained via topography, distance and external screening.</p> <p>Direct views are minimized through the orientation of all units to the front and rear of the subject site.</p> <p>Where necessary privacy has been maintained via the use of walls and screens.</p> <p>The unit layouts have emphasis on access to sunlight and ventilation via extensive north</p>	

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	facing glazing and openings.
3G Pedestrian access and entries	
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	Compliant - pedestrian access connects to the public domain of Drew Close.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	Compliant - the proposed building's entries, pedestrian access and pathways are accessible and easy to identify.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	Not Applicable
3H Vehicle Access	
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Compliant - Vehicle access points are located at the western end of the northern property boundary and connect directly with Drew Close.</p> <p>The design of the access point provides that it is easy to identify and has been designed to the relevant design standards in order to respond to the safety and security issues that are relevant to the subject site. The integration of the vehicle access point into the overall design concept for the development site provides for a high-quality streetscape outcome.</p> <p>It is further noted that the setback of the built form from the western property boundary provides that the proposed development will be partially obscured from Drew Close thereby reducing its impact upon the streetscape.</p> <p>The access location would not create unacceptable headlight glare for habitable rooms.</p> <p>The driveway crossover is the minimum width possible to facilitate safe passing of vehicles at the site access.</p> <p>Sight lines are available where the vehicular access crosses pedestrian areas.</p>

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<p>3J Bicycle and Car Parking</p> <p>Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>	<table border="1"> <thead> <tr> <th data-bbox="560 808 603 1189"><u>Design criteria</u></th><th data-bbox="560 432 603 808"><u>Compliant</u></th></tr> </thead> <tbody> <tr> <td data-bbox="603 808 948 1189"> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p> </td><td data-bbox="603 432 948 808"> <p>The subject site is within 400m of a B3 zone in a nominated regional centre and parking can be provided in accordance with the RTA Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p><u>RTA Guide</u></p> <p>The RTA Guide requires a minimum of 1 space for each unit, plus an additional 1 space per each 5 x 2-bedroom unit or part thereof, plus an additional 1 space per each 2 x 3 or more-bedroom unit or part thereof.</p> <p>An additional one space per each five units for visitor parking or part thereof is also required. The development includes 3 x 2 bed units, and 12 x 3 bed units. A total of 25 spaces would be required under the RTA Guide.</p> <p><u>Council DCP</u></p> <p>(i) Residential Flat - 1.0 per 2-bedroom unit = 3 1.5 per 3-bedroom unit = 18</p> </td></tr> </tbody> </table>	<u>Design criteria</u>	<u>Compliant</u>	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>	<p>The subject site is within 400m of a B3 zone in a nominated regional centre and parking can be provided in accordance with the RTA Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p><u>RTA Guide</u></p> <p>The RTA Guide requires a minimum of 1 space for each unit, plus an additional 1 space per each 5 x 2-bedroom unit or part thereof, plus an additional 1 space per each 2 x 3 or more-bedroom unit or part thereof.</p> <p>An additional one space per each five units for visitor parking or part thereof is also required. The development includes 3 x 2 bed units, and 12 x 3 bed units. A total of 25 spaces would be required under the RTA Guide.</p> <p><u>Council DCP</u></p> <p>(i) Residential Flat - 1.0 per 2-bedroom unit = 3 1.5 per 3-bedroom unit = 18</p>
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		<p>+ 1 visitors' space per 4 per units = 3.75</p> <p>Total Onsite Parking Requirements = 25</p> <p>A total of 25 spaces is required under Council's DCP and the RTA Guidelines. The development proposes 32 off street parking spaces and therefore satisfies this requirement.</p> <p>Having regard to the above it is noted that all required carparking is able to be provided onsite to service the proposed development.</p>
Objective 3J-2 Parking and facilities are provided for other modes of transport		Compliant – the proposed development provides opportunities for parking and facilities for other modes of transport (e.g. Bicycles and motor bikes).
Objective 3J-3 Car park design and access is safe and secure		<p>Compliant – The Drew Close street frontage is well lit.</p> <p>The entry to the building is well defined via paving, will be well and continuously illuminated and will be covered via casual surveillance.</p> <p>The carparking areas can only be accessed via remote control activation of the security gate at the boundary.</p>
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		Not Applicable
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised		<p>Compliant – The design of the buildings is such that visual and environmental impacts are minimized.</p> <p>The design of the buildings is such that whilst the vehicle entries to the subject site are</p>

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Objective 3I-6 Visual and environmental impacts of above ground enclosed car parking are minimised	clearly defined the access to the enclosed car parking is obscured from view and is not readily apparent from public places. The internalization of the entry to the car parking areas ensures that visual impacts are minimized.
	<p>Compliant – The design of the building is such that visual and environmental impacts are minimized.</p> <p>The design of the building is such that whilst the vehicle entries to the subject site are clearly defined the access to the enclosed car parking is obscured from view and is not readily apparent from public places. The internalization of the entry to the car parking areas ensures that visual impacts are minimized.</p>
PART 4 – DESIGNING THE BUILDING	
4A Daylight and Solar Access	
<p>Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	<p>Design criteria</p> <ol style="list-style-type: none"> 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter <p>Compliant</p> <p>Compliant</p> <p>Compliant</p>

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	winter	
Objective 4A-2 Day/light access is maximised where sunlight is limited	Compliant - All of north facing facades incorporate window elements. Major window areas face north. All units have dual orientations (north and south).	
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	Compliant - Deep balconies & vertical sun control louvres provided.	
4B Natural Ventilation		
Objective 4B-1 All habitable rooms are naturally ventilated	Compliant – significant areas of openable windows and doors have been provided to all habitable rooms. Natural ventilation of habitable rooms is compliant with the requirements of the NCC.	
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	Compliant - All units have dual orientations (north and south).	
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p>Design criteria</p> <ol style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed Overall depth of a cross-over or cross-through apartment does not 	<p>Compliant - All apartments have cross ventilation.</p> <p>Compliant - The open plan layout has not led to a compromise in respect to ventilation,</p>

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	exceed 18m, measured glass line to glass line	solar access and view amenity. The proposed design is considered to be consistent with the performance objective.
4C Ceiling Heights		
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	Design criteria 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> • 2.7m habitable rooms • 2.4m non habitable rooms 	Compliant for units – habitable areas proposed to be a minimum of 2.7m and non-habitable will be a minimum of 2.4m.
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Compliant – common ceiling height throughout all habitable rooms with service bulk heads positioned so as to minimize visual and amenity impacts within spaces. Services to be centralized in non-habitable areas whereby reduced ceiling height is proposed and allowable.	
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	Compliant – ceiling heights are in general consistent with the minimum required.	
4D Apartment Size and Layout		
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Design criteria Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> • 2 bedroom – 70m² • 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional	Compliant

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	<p>bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <ul style="list-style-type: none"> Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms 	Compliant
Objective 4D-2 Environmental performance of the apartment is maximised	<p>Design criteria</p> <ol style="list-style-type: none"> Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window 	<p>Compliant</p> <p><i>All bedrooms are compliant</i></p> <p><i>Living Room & Dining room Compliant.</i></p>
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	<p>Design criteria</p> <ol style="list-style-type: none"> Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 	<p>Compliant</p> <p>Compliant</p> <p>Compliant</p>

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	<ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<i>Compliant</i>
4E Private Open Space and Balconies		
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	<p>Design criteria</p> <p>1. All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> ○ Minimum area – 12m² ○ Minimum depth – 2.4m <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	<i>Compliant</i>
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	<i>Compliant – The design provides for a direct link to Bedrooms & Living Area</i>	
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	<i>Compliant – It is the expression of form and façade articulation.</i>	

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Objective 4E-4 Private open space and balcony design maximises safety	Compliant - NCC compliant balustrades are proposed.		
4F Common circulation and spaces			
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	Design criteria 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Compliant N/A	Compliant <i>N/A –The design of the common entry/terrace areas provides for opportunities for social interaction between residents whilst its open nature and location provides for high levels of surveillance and security.</i>
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents			
4G Storage			
Objective 4G-1 Adequate, well designed storage is provided in each apartment	Design criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • 10m ² At least 50% of the required storage is to be located within the apartment	Compliant	Compliant <i>Compliant - significant areas available in the carparking level to accommodate additional storage for each unit.</i>
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments			

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4H Acoustic privacy	
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	Compliant – there are no opposing openings, i.e. parallel unit arrangement. The residential units have been designed to comply with the noise transmission requirements of the NCC.
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Compliant – The design of the units minimizes the interface between non habitable areas and habitable areas.
4J Noise and pollution	
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	N/A – the location is not considered to be a noisy or hostile environment.
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Compliant – Building construction techniques and choices of materials are used to mitigate noise transmission.
4K Apartment mix	
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	Compliant – the proposed development provides for three 2 x bed units and twelve 3 x bed units which provides for variation in size and layout. Given that the overall development is integrated compliance is achieved.
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Compliant – refer to comments above.
4L Ground floor apartments	
Objective 4L-1	N/A – the design of the proposed development and its spatial relationship and context with

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Street frontage activity is maximised where ground floor apartments are located	Drew Close provides that street frontage activity is not relevant
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	Compliant – the design of the proposed development provides that the amenity and safety of the residents of ground floor apartments is protected.
4M Facades	
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	<p>Compliant - Non repetitive levels and dissimilar to adjoining developments.</p> <p>The building facade is a decorative pattern that will explain to the spectator that the floor levels are similar and thereby indicate uniformity with the development on the north and west whilst not being a repetition. The use of a dominant form/element will give the buildings some individuality whilst it provides for buildings of similar function and doesn't add the perception of more repetitive building mass.</p> <p>The facade treatment will retain the base, middle and top effect. The form of the southern and eastern facades is less articulated but still incorporates massing that defines the base, middle and top of each of the buildings.</p> <p>Windows and openings to the north are proposed to be generally full height to maximise ventilation and sun access.</p> <p>The building facades provide visual interest whilst respecting the character of the local area.</p>
Objective 4M-2 Building functions are expressed by the facade	Compliant - Clearly residential development.
	The building facades provides visual interest whilst respecting the residential character of the local area.
4N Roof design	
Objective 4N-1 Roof treatments are integrated into the building design and	N/A – No roof treatments proposed.

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positively respond to the street	
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	<i>N/A – No roof top terraces proposed.</i>
Objective 4N-3 Roof design incorporates sustainability features	<i>Compliant – Solar panels are proposed.</i>
40 Landscape design	
Objective 4O-1 Landscape design is viable and sustainable	<p><i>Compliant – The subject site does not have any native vegetation.</i></p> <p><i>New landscaping will be incorporated into the development.</i></p> <p><i>The landscaping will be designed to be in scale with the buildings, improve the privacy of the residential flats, relate to the building forms, add to the amenity of the balconies/terraces by screening excessive sun and generally soften the buildings.</i></p> <p><i>The landscaping will comply with the requirements of port Macquarie Hastings Councils DCP 2013.</i></p>
Objective 4O-2 Landscape design contributes to the streetscape and amenity	<i>Compliant – refer to comments above.</i>
4P Planting on structures	
Objective 4P-1 Appropriate soil profiles are provided	<p><i>Compliant – refer to comments in above section.</i></p> <p><i>Building design provides for landscaping to be incorporated into design.</i></p>
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	<i>Compliant – refer to comments in above section.</i>
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	<p><i>Compliant – refer to comments in above section.</i></p> <p><i>Building design provides for landscaping to be incorporated into design.</i></p>

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4Q Universal design	
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Compliant - Suitable for long term residential accommodation. Open plan design provides for various levels of mobility and adaptation for where mobility impairment requires adaption of fixtures and facilities.
Objective 4Q-2 A variety of apartments with adaptable designs are provided	Compliant - Variety provided in the context of similar developments in the immediate precinct. Variation in design provided. Design provides for: <ul style="list-style-type: none"> • high level of solar access; • minimal structural change and residential amenity loss if adapted; • additional car parking spaces for accessibility
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Compliant - 3 x two bedroom apartments and 12 x three bedroom apartment provides flexibility and accommodates a range of lifestyle needs lettable options. Design provides for: <ul style="list-style-type: none"> • rooms with multiple functions • master bedroom apartments with separate bathrooms • larger apartments with various living space options
4R Adaptive reuse	
Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	N/A
Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	N/A

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4S Mixed use	
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	N/A
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	N/A
4T Awnings and signage	
Objective 4T-1 Awnings are well located and complement and integrate with the building design	N/A
Objective 4T-2 Signage responds to the context and desired streetscape character	N/A
4U Energy efficiency	
Objective 4U-1 Development incorporates passive environmental design	Compliant - refer to BASiX assessment.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Compliant - refer to BASiX assessment.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Compliant - refer to BASiX assessment. Significant areas of openable windows and doors have been provided to all habitable rooms. Natural ventilation of habitable rooms is compliant with the requirements of the NCC.
4V Water management and conservation	
Objective 4V-1 Potable water use is minimised	N/A

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Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Compliant - Stormwater Retention system to be incorporated into proposed development.
Objective 4V-3 Flood management systems are integrated into site design	N/A
4W Waste management	
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Compliant - a waste storage area has been provided on the ground floor level of the proposed development adjacent to the site entry. Providing the waste storage area on the ground floor area ensures that the facilities are easily accessible to all occupants. The ground floor location also provides for ease of servicing.
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Compliant - via Domestic waste removal service using the source separated 'coloured bin' system. Design provides for; <ul style="list-style-type: none"> • waste and recycling to be convenient and accessible; • residential waste and recycling storage areas and access are separate and secure.
4X Building maintenance	
Objective 4X-1 Building design detail provides protection from weathering	Compliant – the building design provides for; <ul style="list-style-type: none"> • balcony (roof) overhangs to protect walls (north and southern elevations); • detailing horizontal edges with drip lines to avoid staining of surfaces; • use of waterproof membranes to minimize planter box leaching; • appropriate design and material selection

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Objective 4X-2 Systems and access enable ease of maintenance	<p>Compliant - access to roof available to enable servicing/maintenance. North and south balconies make glass accessible for cleaning and maintenance.</p> <p>High levels of access to internal fixtures/fittings/services and plant available through good design and construction practices.</p>
Objective 4X-3 Material selection reduces ongoing maintenance costs	<p>Compliant - the building has been designed with architectural, construction details and material selections which provide protection from weathering; and which have been selected in consideration of ongoing maintenance requirements.</p> <p>The use of face brickwork, glass, clear anodised and prefinished aluminium incorporated specifically to reduce ongoing maintenance requirements and costs.</p>

DAVID PENSINI
Building Certification and
Environmental Services

BUSHFIRE HAZARD ASSESSMENT

**PROPOSED RESIDENTIAL FLAT
BUILDING
INCORPORATING STRATA TITLE
SUBDIVISION**

**LOT 1 DP 1007734,
5 DREW CLOSE
PORT MACQUARIE**

**CLIENT:
DREW CLOSE
DEVELOPMENTS PTY LTD

AUGUST 2019**

3 Blair Street, Port Macquarie NSW 2444 – PO Box 5581, Port Macquarie NSW 2444 – Phone 0434 166 150 – Email kdpensini@bjapond.com
ABN 55 183 050 741

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BUSHFIRE HAZARD ASSESSMENT
5, DREW CLOSE, PORT MACQUARIE

AUGUST 2019

This report has been prepared by David Pensini - Building Certification and Environmental Services with all reasonable skill, care and diligence for Lloyd Coastal Property P/L.

The information contained in this report has been gathered from discussions with representatives of Lloyd Coastal Property P/L, a review of the plans provided by Lloyd Coastal Property P/L.

No inspection or assessment has been undertaken on other aspects of the proposed development outside the scope of this report.

This report does not imply, nor should it be implied, that the proposed building design will comply fully with relevant legislation.

The report shall not be construed as relieving any other party of their responsibilities or obligations.

David Pensini - Building Certification and Environmental Services disclaims any responsibility to Lloyd Coastal Property P/L and others in respect of any matters outside the scope of this report.

The report is confidential, and the writer accepts no responsibility of whatsoever nature, to third parties who use this report, or part thereof is made known. Any such party relies on this report at their own risk.

For and on behalf of David Pensini - Building Certification and Environmental Services.

Prepared by: David Pensini

Signed:





Dated: 12th August 2019

DP - BUILDING CERTIFICATION AND ENVIRONMENTAL SERVICES

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020BUSHFIRE HAZARD ASSESSMENT
5, DREW CLOSE, PORT MACQUARIE

AUGUST 2019

Version	Date	Information relating to report			
1.0	6 th August 2019		Draft		
2.0	12 th August 2019		Issued to Client		
			Prepared by	Verified by	Approved by
		Name	David Pensini		David Pensini
		Signature			

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020BUSHFIRE HAZARD ASSESSMENT
5 DREW CLOSE, PORT MACQUARIE

AUGUST 2019

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020BUSHFIRE HAZARD ASSESSMENT
5 DREW CLOSE, PORT MACQUARIE

AUGUST 2019

1.0 INTRODUCTION

The single lot which comprises the subject site is currently known as Lot 1 DP 1007734, 5 Drew Close, Port Macquarie.

It is proposed to construct a residential flat building development on the subject site which contains fifteen (15) residential units. It is also proposed to subdivide the subject lot so as to create fifteen (15) separate Strata Title lots which will enable the separate ownership and occupation of each of the residential units.

The report is based on a site assessment carried out on 8th August 2019.

This report is to demonstrate that the bushfire risk is manageable for the proposed residential flat building development and associated Strata Title subdivision and to determine the bushfire protection management measures which would be applicable to the subject site and proposed residential flat building development.

The development is an integrated development and has a requirement for a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

NOTE

The report has been prepared with all reasonable skill, care and diligence.

The information contained in this report has been gathered from field survey, experience and has been completed in consideration of the following legislation.

1. Rural Fires Act 1997.
2. Environmental Planning and Assessment Act 1979.
3. Building Code of Australia.
4. Council Local Environment Plans and Development Control Plans where applicable.
5. NSW Rural Fire Services, Planning for Bushfire Protection, 2006.
6. AS 3959 - 2009 Construction of Buildings in Bushfire Prone Areas.
7. AS 3959 - 2018 Construction of Buildings in Bushfire Prone Areas

The report recognizes the fact that no property and lives can be guaranteed to survive a bushfire attack. The report examines ways the risk of bushfire attack can be reduced where the site falls within the scope of the legislation.

The report is confidential, and the writer accepts no responsibility of whatsoever nature, to third parties who use this report or part thereof is made known. Any such party relies on this report at their own risk.

This report has been based upon the vegetation characteristics observed at the time of site inspection. No responsibility is taken where the vegetation characteristics of the subject site or surrounding areas is changed or modified beyond that which is presented within this report.

1.1 Objectives

The objectives of this report are to:

- Ensure that the proposed residential flat development of the subject site has measures sufficient to minimize the impact of bushfires; and
- Reduce the risk to property and the community from bushfire.

1.2 Legislative Framework

On 1st August 2002 the Environmental Planning and Assessment Act, 1979, and the Rural Fires Act, 1997, were both amended to enhance bush fire protection in NSW through the development assessment process.

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In broad terms, the planning considerations provide two main steps. These involve:

(i) Strategic Planning through;

- the mapping of bush fire prone;
- determining suitable bush fire requirements during the preparation of a Local Environmental Plan/Development Control Plan; and
- the identification of the extent to which land is bushfire prone.

(ii) Development assessment through;

- obtaining a bush fire safety authority for residential or rural-residential subdivision and special fire protection purpose developments in bushfire prone areas from the Rural Fire Service (RFS); and
- seeking advice from the RFS in relation to infill and other developments in bushfire prone areas that cannot comply with the requirements of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006; and
- the application of additional requirements of the Building Code of Australia (BCA) in relation to construction standards for Class 1, 2, 3, 4 and some Class 9 buildings in bushfire prone areas.

It is noted that this report focuses upon the development assessment processes associated with the proposed residential flat building development on the subject site which includes the Strata Title subdivision of each of the proposed residential apartments. In this regard the proposed development is an integrated development and has a requirement for a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

As per the NSW Rural Fire Service's Fast Fact of 01/10 all development on bushfire prone land in NSW should comply with the requirements of Addendum Appendix 3 and the other bushfire protection measures identified within Rural Fire Services, *Planning for Bushfire Protection*, 2006.

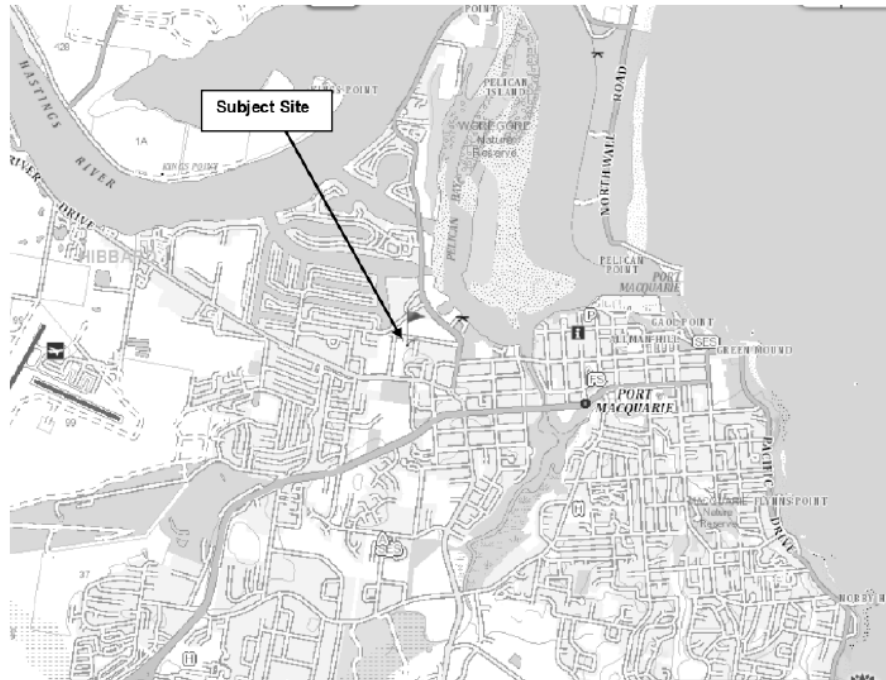
This report therefore examines the relevant provisions of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 to determine the bushfire protection measures required to be implemented in conjunction with the residential flat building development on the subject site.

1.3 Location and Site Description

The subject site is located on the western fringe of the West Port Macquarie area. It is within easy walking distance to the services and facilities located within the CBD as well as Town Beach and the Hastings River, refer to **Figure 1**.

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Figure 1 – Site Location

The subject site is also in proximity to a range of community/recreational facilities including entertainment venues and sporting and recreational facilities.

The area is characterized by a mix of commercial and residential development which reflects the subject sites CBD fringe location. The locality contains a range of residential development including older multistory and low-density residential flat and unit developments. The age of existing building infrastructure is mixed with more recent developments, (i.e. <5 years old), intermingled with historical developments which are in excess of 40 – 50 years old.

The character of the immediate locality, particularly to the north and east is dominated by larger low-density residential developments which are generally up to two (2) storey in bulk and scale. The western aspect of the subject site is dominated by a large parcel of land which supports the activities of the Local Aboriginal Lands Council before a transition to a mixture of open space, residential, recreational and commercial development. A residential allotment adjoins immediately to the south of the subject site before a transition to the parcel of land which extends from the west into the southern aspect. A large disused quarry is present in the southern aspect beyond the immediately adjoining residential allotment.

The subject site comprises one (1) Torrens Title lot and is irregular in shape with a total site area of approximately 1684.4m². It has a narrow frontage to Drew Close in the western portion of its northern boundary with Drew Close acting as the access to the subject site, refer to **Figure 2**.

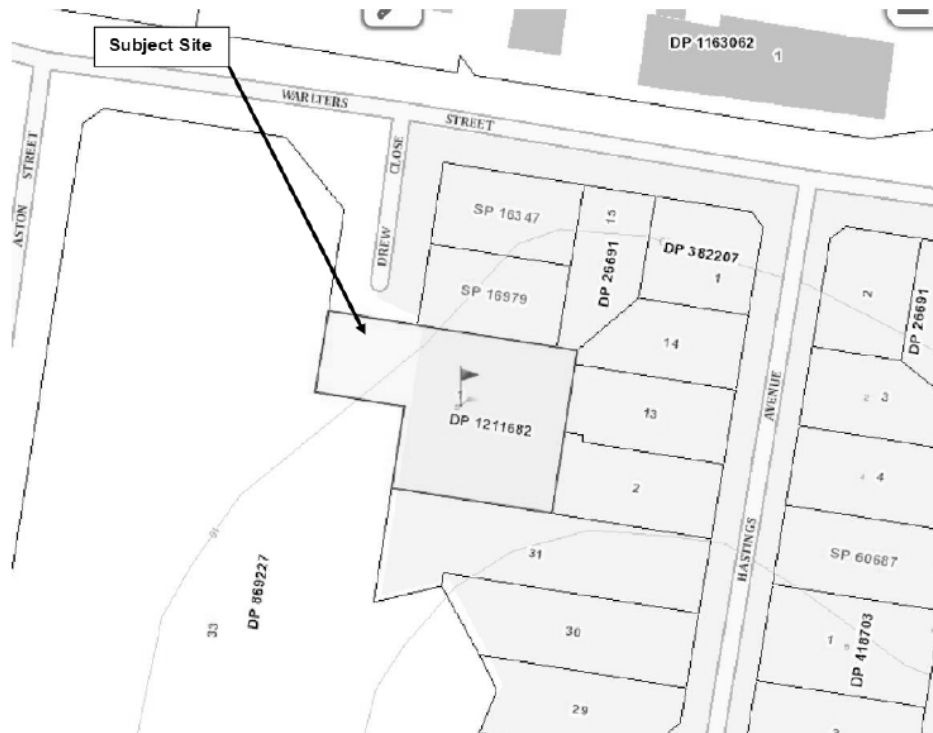
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Figure 2 – Subject Site



The topography of the subject site is dominated by a small hill/ridgeline the crest of which is located to the southeast of the subject site. Being located on the northwestern side slopes of the hill/ridgeline slope conditions over the subject site are dominated by moderate to steep south to north downslopes in the southern and eastern portions of the subject site with slope conditions becoming gentle in the far northern and northwestern portions of the subject site. A moderate to steep east to west cross fall is also present. The subject site has approximately 13m fall from southeast to the northwest. The topography of adjoining and adjacent land contains moderate to steep south to north down slopes with a westerly cross-fall. Topographic conditions in the locality generally flatten to the north and west of the subject site. The topography to the south of the subject site contains upslope conditions before vertical transition to flat conditions before a return to southerly upslope conditions. The vertical slope transition reflects the presence of an abandoned 'hard rock' quarry which involved the easterly excavation into the hill/ridgeline which is the dominant topographic feature in the area.

The subject site does not have any significant vegetation with some grasses and exotic regrowth being the predominant vegetation on the subject site. Managed garden areas are present within adjoining and adjacent developed residential lots whilst managed vegetation and an area of remnant Forested Wetland are the predominant vegetation on adjoining land to the west. It is noted that vegetation in the southern aspect is limited by the presence of rock outcrops in this aspect.

Access to the subject site is gained off Drew Close which adjoins the subject site along the far western portion of its northern boundary and connects with Walters Street to the north which is a connecting road in the locality.

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The nearest Fire Service is in Port Macquarie, (Port Macquarie NSW Fire Brigade), and the nearest fire control centre is located in Wauchope.

1.4 Site History

The subject site currently vacant of any improvements.



Subject site –
looking from
the northwest
towards the
southeast

The subject site forms part of a historical subdivision with the majority of lots within the locality being developed for a mix of residential, commercial, and educational purposes.

The subject site is zoned Medium Density Residential (R3). Land with a Medium Density Residential (R3) zoning is also present to the north, east and south whilst land with a Private Recreation (RE2) zoning is present to the west and at distance to the south, refer to **Figure 3**.

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Figure 3 – Land Use Zoning

The environmental and heritage features of the subject site are summarized as follows;

Table 1 – Environmental and Heritage Features

ENVIRONMENTAL/HERITAGE FEATURE	COMMENT
Riparian corridors	There are no riparian corridors on or adjacent to the subject site.
SEPP (Coastal Management) 2018	The subject site is subject to the SEPP. It is noted that whilst the subject site is not identified as being within the Littoral Rainforests Area or Coastal Vulnerability Area, it is shown to be located within the Coastal Wetland, Coastal Use and Coastal Environment Areas.
SEPP 44 – Koala Habitat	The site of the proposed development does not contain any vegetation of Koala Habitat significance.
Areas of geological interest	The subject site is not identified as being subject to

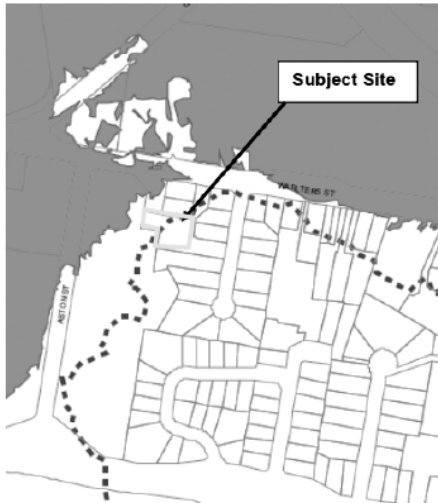
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	acid sulphate soil conditions.
Environmental protection zones	The subject site does not contain any land or area with an environmental protection zoning or classification.
Land slip	It is noted that the subject site does not involve areas where land slip is considered to be an issue for the subject site or proposed development.
Flood prone land	<p>The north-western portion of the subject site is identified as being within the probable maximum flood level and is therefore subject to compliance with the flood planning area provisions of Port Macquarie-Hastings Councils LEP, 2011, refer to below figure.</p>  <p>Due to the topography of the subject site and the positioning of the built form on the subject site the proposed development will be located to the east of the eastern most extent of the Level of Probable Maximum Flood and accordingly there will be no specific flood impact considerations for the proposed development.</p>
National Park Estate or other Reserves	The subject site does not form part of the National Park Estate or other Reserves.
Threatened species, populations, endangered ecological communities and critical habitat	Threatened species, populations, endangered ecological communities and critical habitat are unlikely to be present in the area of the proposed development.
Aboriginal Heritage	Items of aboriginal heritage are unlikely to be present on the subject site due to the landform alteration which has occurred over time.

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1.5 Development Proposal

The proposed residential flat building development provides for fifteen (15) residential units comprising three (3) x 2-bedroom units and twelve (12) x 3-bedroom units with dedicated car parking by way of designated car parking areas within the proposed development.

The proposed development includes the construction of two separate residential flat buildings with shared access, carparking and recreational facilities. It is noted that the design of the building's provides for a step-in bulk and scale in response to changes in topographic conditions with the buildings providing for a maximum five (5) storey outcome in response to the sites northwesterly downslope condition. The northern most built form is five (5) storey's whilst the southernmost building is four (4) storey's in design, refer to **Appendix 1**.

The floor areas of the proposed residential units, (including perimeter walls), are as follows;

- Unit 101 – 135.07m²
- Unit 201 – 135.75m²
- Unit 202 – 101.52m²
- Unit 203 – 126.97m²
- Unit 301 – 135.75m²
- Unit 302 – 101.52m²
- Unit 303 – 126.97m²
- Unit 304 – 142.31m²
- Unit 401 – 135.75m²
- Unit 402 – 101.52m²
- Unit 403 – 126.97m²
- Unit 404 – 152.11m²
- Unit 501 – 120.45m²
- Unit 502 – 147.50m²
- Unit 601 – 141.62m²

Building parking infrastructure, (vehicle), will occupy the ground floor of the northern built form with a mixture of carparking, pedestrian access and a residential unit occupying the first-floor level. The remaining fourteen (14) residential units and recreation facilities, (common gymnasium, pool and BBQ areas), are spread amongst the remaining levels of the proposed buildings.

Access to the proposed development will be gained off Drew Close which adjoins the subject site along the far western portion of its northern boundary and connects with Walters Street to the north which is a connecting road in the locality. Onsite car parking and manoeuvring will be accessed by an internal road which will connect directly with Drew Close.

1.6 Fauna and Flora Issues

A fauna and flora evaluation has not been undertaken in conjunction with this bushfire hazard assessment and as such issues pertaining to fauna and flora are outside the scope of this report.

2.0 BUSHFIRE HAZARD ASSESSMENT**2.1 Assessment Methodology**

Several factors need to be considered in determining the bushfire hazard for the subject site. These factors are slope, vegetation type, and distance from hazard, access/egress and fire weather. Each of these factors has been reviewed in determining the bushfire protection measures which are applicable to the subject site and proposed development.

An assessment of the slopes and vegetation structures on and surrounding the subject site was carried out by David Pensini - Building Certification and Environmental Services on 8th August 2019.

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The assessment of slope and vegetation being carried out in accordance with Appendix 2 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006, Section 2 of AS 3959 – 2009 and Section 2 of AS 3959 – 2018.

2.2 Hazard Vegetation

Bushfire Prone Land Risk Mapping of the area provides that the subject site is located within the 100m buffer zone to Category 1 vegetation which is located at distance to the south of the subject site. The subject site is also located within the 30m buffer zone to an area of Category 2 bushfire hazard vegetation located on adjoining land to northwest of the subject site; refer to Figure 4.

Figure 4 - Bushfire Prone Land Mapping



The inspection of the subject site confirmed the presence of the hazard vegetation to the south and northwest of the subject site with the spatial relationships of hazard vegetation shown in the above mapping being confirmed as being representative of actual conditions.

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Importantly the hazard vegetation which is shown to be present to the northwest has been classified as Category 2 vegetation and as such a 30m buffer zone is applicable to this area of vegetation. The adoption of a Category 2 classification needs to be considered in the development of threat management strategies which are applicable to the development of the subject site as the adoption of this category of vegetation indicates a lesser bushfire risk profile for the subject vegetation. The level of risk indicated by a Category 2 classification is also important in the context of development implications for other properties in the locality.

2.3 Slope Assessment

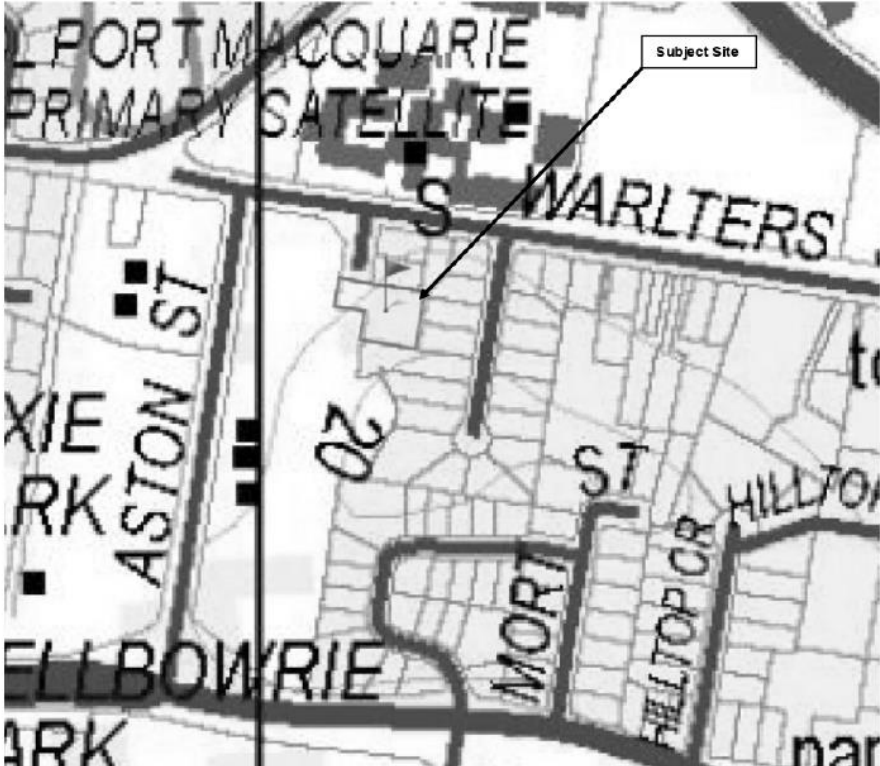
Slope is a major factor to consider when assessing the bushfire hazard of the proposed subdivision. Therefore, the slope of the subject site and surrounding area, (to a distance of 100m), was measured using a Suunto PM-5/360 PC Clinometer.

The hazard vegetation on the subject site and adjacent and adjoining land was identified and the slopes within the vegetation measured.

The topography of the subject site is dominated by a small hill/ridgeline the crest of which is located to the southeast of the subject site. Being located on the northwestern side slopes of the hill/ridgeline slope conditions over the subject site are dominated by moderate to steep south to north downslopes in the southern and eastern portions of the subject site with slope conditions becoming gentle in the far northern and northwestern portions of the subject site. A moderate to steep east to west cross fall is also present. The subject site has approximately 13m fall from southeast to the northwest. The topography of adjoining and adjacent land contains moderate to steep south to north down slopes with a westerly cross-fall. Topographic conditions in the locality generally flatten to the north and west of the subject site. The topography to the south of the subject site contains upslope conditions before vertical transition to flat conditions before a return to southerly upslope conditions. The vertical slope transition reflects the presence of an abandoned 'hard rock' quarry which involved the easterly excavation into the hill/ridgeline which is the dominant topographic feature in the area.

The topographic features of the subject site and adjoining land are shown in **Figure 5** below,

Figure 5 – Topographic Features



Given the nature of the proposed development, the determination of slope conditions was focussed upon identifying the worst-case slope conditions which would be relevant to bushfire attack for the proposed development.

Therefore, the following table indicates the worst-case slopes which have been adopted for the purposes of this bushfire hazard assessment.

Table 2 – Hazard Vegetation Slopes

HAZARD	SLOPE RANGE	UPSLOPE/DOWN SLOPE
Northwest	0°	Flat
South	8° - 9°	Downslope

***Note: In accordance with NSW Rural Fire Services, Planning for Bushfire Protection, 2006, AS3959 – 2009 all upslope vegetation is considered to be 0°.*

All the above slopes were considered when assessing the required Asset Protection Zones and Bushfire Attack Levels for the proposed residential flat building development.

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2.4 Vegetation Assessment

The vegetation on and surrounding the subject site was assessed over a distance of 140m from the proposed development.

The vegetation formations were classified using the system adopted as per Keith (2004) and in accordance with Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 and Table 2.3 of AS 3959 - 2009.

2.4.1 Vegetation within Subject Site

The subject site currently contains exposed earth, rock outcrops, grasses and exotic species.



Grasslands and
exotics over the
subject site



Grasslands and
exotics over the
subject site

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Given the nature of the proposed development no areas of hazard vegetation will be present on the subject site.

2.4.2 Vegetation on Adjoining and Adjacent Land to Subject Site

Managed vegetation and including scattered and clusters of trees and landscaping associated with developed residential and commercial allotments dominate the vegetation characteristics to the north and east of the subject site. Accordingly, no areas of bushfire hazard vegetation were identified within 140m to the north or east of the subject site.



Existing
residential
development to
the north of the
subject site



Existing
residential
development to
the east of the
subject site

A residential allotment with managed vegetation and significant rock outcrops is present immediately to the south of the subject site before a transition to landscaping and managed grasslands with scattered and clusters of trees within a large parcel of land which supports the cultural and administrative functions of the Local Aboriginal Lands Council. It is noted that this

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aspect includes significant vertical rock walls which have been created via the operation of an historic 'hard rock' quarry on the land. Given the sheer nature of the quarry excavation no areas of hazard vegetation were assessed as being present.



Vertical quarry excavation to the south of the subject site

It is however noted that to the south of the historic 'hard rock' quarry is an area of Wet Sclerophyll Forest. Whilst this area of Forest vegetation is small in size, fragmented and isolated from other areas of hazard vegetation in adopting a conservative approach to bushfire hazard assessment a Wet Sclerophyll Forest specification has been adopted for the hazard vegetation in the southern aspect. It is noted that due to the topography of the subject site and the presence of the historic 'hard rock' quarry excavation to the south of the subject site, the proposed development is shielded from the Forest vegetation in the southern aspect.



Wet Sclerophyll Forest vegetation at distance to the south of the subject site

Land to the west of the subject site contains a mixture of managed vegetation with scattered and clusters of trees in the active use areas of the large parcel of land which supports the

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cultural and administrative functions of the Local Aboriginal Lands Council however in the far northern portion of this parcel of land is a small area of remnant Forested Wetland. Given its small size and its isolation from other areas of bushfire hazard vegetation in the locality a specification similar to Rainforest has been adopted for the remnant Forested Wetland. It is further noted that the remnant Forested Wetland is separated from the subject site by approximately 5m wide strip of managed grassland.



Managed vegetation to west of the subject site in and around active use areas by the Local Aboriginal Lands Council

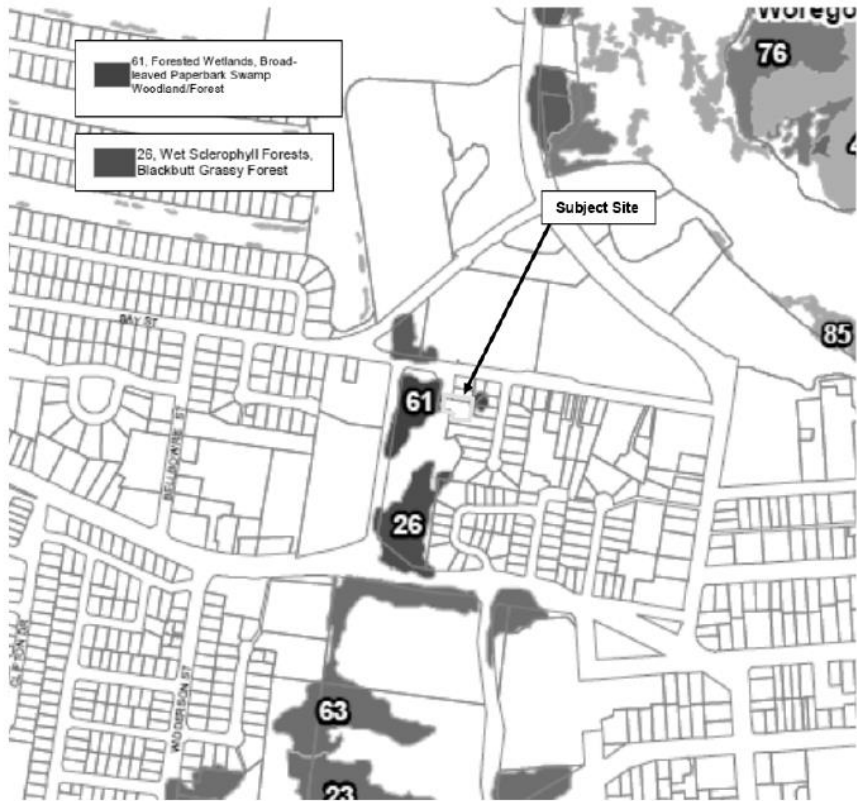


Fragmented and highly disturbed remnants of Forested Wetland vegetation to the northwest of the subject site

The identification of vegetation of bushfire hazard significance to the subject site is consistent with the vegetation mapping of the area which was carried out by Port Macquarie-Hastings Council in 2013; refer to **Figure 6** below;

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Figure 5 - Vegetation Relationships to Subject Site



The following table summarizes the worst-case vegetation structures which are of bushfire significance and have been adopted for the purposes of this report.

Table 3 – Summary of Vegetation Characteristics

ASPECT	VEGETATION DESCRIPTION	VEGETATION CLASSIFICATION – (Keith, 2004)	VEGETATION CLASSIFICATION – (AS3959 - 2009) **
Northwest	Remnant and highly disturbed areas of Forested Wetland within adjoining land	Similar in specification to Rainforest	Rainforest
South	Wet Sclerophyll Forest to the south of the historic 'hard rock' quarry	Wet Sclerophyll Forest	Forest

** Refer to Appendix 3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006.

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2.5 Fire Danger Index

The fire weather for the site is assumed on the worst-case scenario. In accordance with NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006, Table 2.1 of AS 3959 – 2009 and Table 2.1 of AS 3959 – 2018, the fire weather for the site is based upon the 1:50 year fire weather scenario and has a Fire Danger Index (FDI) of 80.

3.0 BUSHFIRE THREAT REDUCTION MEASURES

The following bushfire issues and constraints have been identified through considering the requirements of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 in relation to the proposed development.

In order to reduce the bushfire threat, it is suggested the following measures be included in any strategy developed for the proposed residential flat building development.

3.1 NSW Rural Fire Services, Planning for Bushfire Protection, 2006**3.1.1 Asset Protection Zones**

To ensure that the aims and objectives of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 are achieved for the proposed residential subdivision, an Asset Protection Zone (APZ) between the asset and the hazard should be provided.

The APZ provides for; minimal separation for safe firefighting, reduced radiant heat, reduced influence of convection driven winds, reduced ember viability and dispersal of smoke. The APZ consists of an Inner Protection Area (IPA) and Outer Protection Area (OPA). The IPA is an area closest to the buildings that incorporates defensible space and is used for managing heat intensities at the building surface. The OPA is positioned adjacent to the hazard and the purpose of the OPA is to reduce the potential length of flame by slowing the rate of spread, filtering embers and suppressing the crown fire.

Section 4.1.3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 provides the performance requirements and acceptable solutions that must be complied with in relation to the provision of APZ's for the proposed residential flat building development. These requirements are summarized as follows;

Table 4 - APZ Requirements (PIBP 2006)

<i>Intent of measures: to provide sufficient space and maintain reduced fuel loads, so as to ensure radiant heat levels at buildings are below critical limits and to prevent direct flame contact with a building.</i>	
Performance Criteria	Acceptable Solutions
The intent may be achieved where:	
• radiant heat levels at any point on a proposed building will not exceed 29 kW/m ²	<ul style="list-style-type: none"> • an APZ is provided in accordance with the relevant tables/ figures in Appendix 2 of NSW RFS Planning for Bushfire Protection 2006 • the APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3 of NSW RFS Planning for Bushfire Protection 2006)
• APZs are managed and maintained to prevent the spread of a fire towards the building.	<ul style="list-style-type: none"> • in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005) <p><i>Note: A Monitoring and Fuel Management Program should be required as a condition of development consent.</i></p>

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• APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated	• the APZ is located on lands with slopes less than 18 degrees.
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The following table indicates the minimum required APZ's between bushfire hazards and the proposed residential flat building development based upon the vegetation and slope characteristics provided for in Section 2 of this report.

Table 5 - Asset Protection Zone Requirements (PFBP 2006)

DIRECTION OF HAZARD	VEGETATION TYPE	SLOPE	IPA	OPA	TOTAL APZ	MINIMUM APZ ACHIEVEABLE	COMPLIANCE (with Minimum APZ Requirements)
Northwest	Similar in specification to Rainforest	0° Flat	10m	-	10m	>15m	✓
South	Wet Sclerophyll Forest	8° - 9° Down slope	18m	15m	33m	>70m**	✓

****Note: APZ includes subject site, adjoining residential properties and the managed vegetation within the private recreation open space area (including disused quarry).**

It is therefore considered that appropriate APZ's are available for the proposed residential flat building development having regard to the proposed new lot shapes and sizes.

It is therefore considered that suitable APZ's will be available for the proposed residential flat building development. Compliance with the APZ requirements of NSW Rural Fire Service, **Planning for Bushfire Protection**, 2006 is demonstrated as follows,

Table 6 - Compliance with PFBP 2006 APZ Requirements

Intent of measures: to provide sufficient space and maintain reduced fuel loads, so as to ensure radiant heat levels at buildings are below critical limits and to prevent direct flame contact with a building.		
Performance Criteria	Acceptable Solutions	Compliance
The intent may be achieved where:		
• radiant heat levels at any point on a proposed building will not exceed 29 kW/m ²	• an APZ is provided in accordance with the relevant tables/ figures in Appendix 2 of NSW RFS Planning for Bushfire Protection 2006 • the APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3 of NSW RFS Planning for Bushfire Protection 2006)	✓ APZ's can be provided in accordance with Appendix 2 of NSW RFS Planning for Bushfire Protection 2006.
• APZs are managed and maintained to prevent the spread of a fire towards the building.	• in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005) <i>Note: A Monitoring and Fuel Management Program should be required as a condition of development consent.</i>	✓ APZ's can be managed and maintained in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005).
• APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated	• the APZ is located on lands with a slope less than 18 degree.	✓ All APZ's will be located on land with a slope less than 18 degree.

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A concept plan for the provision of APZ's to the proposed residential flat building development is included as **Appendix 2**.

3.1.2 Defendable Space/Asset Protection Zone Management

Areas identified as forming part of the minimum APZ requirements for the proposed residential flat building development must be managed so as to comply with the standards which are applicable to Asset Protection Zones as follows;

Inner Protection Area (IPA)

An IPA should provide a tree canopy cover of less than 15% and should be located greater than 2 metres from any part of the roofline of a dwelling.

Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10m from an exposed window or door.

Trees should have lower limbs removed up to a height of 2 metres above the ground.

3.1.3 Operational Access and Egress

Access to the proposed residential flat building development will generally remain consistent with the existing arrangements in that access to the proposed residential flat building development will be via Drew Close which adjoins the subject site in the western portion of the northern property boundary. Drew Close connects with Walters Street to the north with Walters Street serving as a connecting road in the locality. Onsite car parking and manoeuvring associated with the proposed residential flat building development will be accessed by an internal road which will connect directly with Drew Close.

Both Drew Close and Walters Street are two-wheel drive, all weather two-way bitumen sealed public roads. Walters Street connects to the east with the main distributor road in the locality being Park Street. As Park Street is located to the east of the subject site, movement to and from the subject site and proposed development is to and from areas which would be protected from the effects of bushfire.



Drew Close
extending to the
north of the
subject site

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Walters Street to
the north of the
subject site

The existing public road infrastructure in the immediate area therefore provides for a number of access and egress options to and from areas that would be protected from any bushfire threat. Having regard to the relatively short travel distances involved to areas that would be protected from the effects of fire and the variety in access and egress options to and from the subject site and proposed development, it is considered that adequate access and egress is available.

Section 4.1.3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 provides that no specific access requirements apply to dwellings in an urban area where a 70-metre unobstructed path can be demonstrated between the most distant external part of a proposed dwelling and the nearest part of the public access road, (where the road speed limit is not greater than 70kph), that supports the operational use of emergency fire fighting vehicles (i.e. a hydrant or water supply). In this regard the speed limit along Drew Close and Walters Street in this location is a maximum of 50kph and the maximum unobstructed path between available hydrants in Drew Close and the proposed residential apartments is likely to be less than 70m. Accordingly where the worst-case distance between the proposed residential apartments and hydrants is less than 70m then there are no specific internal access road requirements.

However, where compliant internal access road infrastructure is required then such is to be designed and constructed so as to comply with the relevant internal road design requirements provided for in Section 4.1.3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006. The relevant internal road provisions which are applicable to the proposed development are summarized as follows;

Table 7 - Acceptable Solutions (Access/Internal Roads)

Intent of measures: to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.		
Performance Criteria	Acceptable Solutions	Compliance
The intent may be achieved where:		
Access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants.	At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road	✓ An alternative property access road is not required if the proposed dwellings are located <200m from a public road

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The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles. All weather access is provided.	Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.	✓ Future design of road infrastructure to comply where necessary
	Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	✓ Future design of road infrastructure to comply where necessary
Internal road widths and design enable safe access for emergency services and allow crews to work with equipment about the vehicle	<p>A minimum carriageway width of four metres for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).</p> <p><i>Note: No specific access requirements apply in a urban area where a 70 metres unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles (i.e. a hydrant or water supply).</i></p> <p>In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay.</p> <p>A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches.</p> <p>Internal roads for rural properties provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.</p> <p>Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.</p> <p>The minimum distance between inner and outer curves is six metres.</p> <p>The cross fall is not more than 10 degrees.</p> <p>Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.</p> <p><i>Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply</i></p>	✓ Future design of road infrastructure to comply where necessary

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	<p>to community style development property access roads in addition to the above.</p> <p>Access to a development comprising more than three dwellings has formalized access by dedication of a road and not by right of way</p>	
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Given the existing nature of the public road infrastructure and the nature of the proposed development it is considered that access and egress arrangements for the future residential development of the subject site can be consistent with the relevant performance requirements of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006.

3.1.4 Services - Water, Gas and Electricity

As set out in Section 4.1.3 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006, developments in bushfire prone areas must maintain a water supply reserve dedicated to firefighting purposes.

Given that the proposed development will have access to the reticulated water supply which currently services the area, the extension of which will be required by Port Macquarie-Hastings Council to service the proposed development, a water supply suitable for firefighting purposes will be available. It is however noted that in accordance with NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 the determination of a guaranteed water supply is to be made by the water supply authority where mains water supply is available.

Electricity supply is available and will be accessible to the residential development of the land.

Reticulated gas services are not available to the site; however, any reticulated or bottled gas supply is to be installed and maintained in accordance with AS1596 and the requirements of the relevant authorities. Metal piping is to be used. All fixed gas cylinders are to be kept clear of all flammable materials to a distance of 10m and shielded on the hazard side of the installation.

If gas cylinders need to be kept close to a building, the release valves are to be directed away from the building and at least 2m away from any combustible material, so that they do not act as a catalyst to combustion. Connects to and from gas cylinders need to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used.

The incorporation into the proposed development of the relevant provisions of the following acceptable solutions as provided for by Section 4.1.3 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 will ensure compliance with the intent for the provision of services to the proposed residential flat building development.

Table 8 – Service Provision Requirements

Intent of measures: 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	
Performance Criteria	Acceptable Solutions
The intent may be achieved where:	
Reticulated water supplies • water supplies are easily accessible and located at regular intervals	• reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads. • fire hydrant spacing, sizing and pressures comply with AS 2419.1 – 2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority. In such cases, the location, number and sizing of hydrants shall be determined using fire engineering principles. • hydrants are not located within any road carriageway

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	<ul style="list-style-type: none"> all above ground water and gas service pipes external to the building are metal, including and up to any taps. the provisions of parking on public roads are met.
Electricity Services <ul style="list-style-type: none"> location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings regular inspection of lines is undertaken to ensure they are not fouled by branches. 	<ul style="list-style-type: none"> where practicable, electrical transmission lines are underground. where overhead electrical transmission lines are proposed: <ul style="list-style-type: none"> lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).
Gas services <ul style="list-style-type: none"> location of gas services will not lead to ignition of surrounding bush land or the fabric of buildings 	<ul style="list-style-type: none"> reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation. if gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal. polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

It is considered that the relevant acceptable solutions as provided for by Section 4.1.3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 are capable of being complied with in relation to the proposed residential flat building development.

As such the intent for the provision of services to the proposed development can be achieved.

3.1.5 Landscaping

Landscaping is a major cause of fire spread to dwellings and therefore any future landscaping on the proposed development will need careful planning to produce gardens that do not contribute to the spread of a bushfire.

Appendix 5 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006, contains standards that are applicable to the provision and maintenance of landscaping. Any landscaping proposed to be undertaken in conjunction with the proposed development is to comply with the principles contained in Appendix 5 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006.

Compliance with Appendix 5 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006, will satisfy the intent of the bush fire protection measures that are applicable to the provision of landscaping.

3.1.6 Construction of Buildings

It is noted that Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 now contains specific construction requirements which the NSW Rural Fire Service will seek to impose, through the development control process, in addition to the construction requirements contained within AS3959 – 2009.

Based upon the nature of the proposed residential development it is considered that the requirements of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 for the siting, design and construction of residential buildings can be satisfied.

The relevant requirements of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006, are summarized as follows;

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Table 9 – Building Siting and Design Requirements (PBP 2006)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
in relation to siting and design: • buildings are sited and designed to minimize the risk of bush fire attack.	• buildings are designed and sited in accordance with the siting and design principles
in relation to construction standards: • it is demonstrated that the proposed building can withstand bush fire attack in the form of wind, smoke, embers, radiant heat and flame contact.	• construction determined in accordance with Appendix 3 and the Requirements for attached garages and other structures

3.1.7 High Rise Development

Consideration has also been given to the NSW Rural Fire Service Practice Note 2/12 'Planning Instruments and Policies', specifically in relation to high-rise development within bushfire prone land albeit that the proposed development would not typically be considered a 'high rise' building.

The aforementioned practice note details additional points of consideration when assessing high-rise development within bushfire prone areas. In adopting a conservative approach to bushfire hazard assessment and threat management the matters provided for in Practice Note 2/12 have been considered. The following table lists the additional consideration points and our comment of the proposals ability to address them.

Table 10 – High Rise Development in Bushfire Prone Land

CONSIDERATION	COMMENT
Location – high-rise buildings should not be located along ridges or along slopes with significant fire runs	The proposed development is located on hill side slopes with the topography of the area flattening in the northern and western aspects. Fire run conditions towards the subject site are extremely limited.
Existing infrastructure – when high-rise developments are proposed their impact during potential bush fire emergencies needs to be considered, particularly in terms of evacuating occupants along the road network and the availability of water supplies available for high-rise firefighting;	The proposed apartment buildings will have street frontage to public roads to the north. Hydrants are available along the existing public roads. Furthermore where required other essential fire safety provisions will be installed in accordance with the National Construction Code. In consideration of the bushfire threat posed to the subject development and site specific circumstances the subject site is considered acceptable for high-rise development.
External facades – external facades may result in increased exposure to radiant heat and also convection columns. Specialized modelling may be needed and APZs may need to be increased over and above those specified to account for this.	The highest Bushfire Attack Level to the proposed residential flat buildings was determined from Table 2.4.2 of AS3959 – 2009 to be 'BAL 19'.
Potential for entrapment - the risk associated with occupant egress is	In consideration of the bushfire threat posed to the subject development and site-specific circumstances

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higher in high-rise buildings than for lower-rise structures and therefore the potential for entrapment during a bush fire emergency should be addressed	and egress routes the subject site is considered acceptable for high-rise development.
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3.2 AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas**3.2.1 General**

In NSW, the bushfire protection provisions of the Building Code of Australia, (BCA), are applied to Class 1, 2, 3, Class 4 parts of buildings, some Class 10 buildings and Class 9 buildings that are Special Fire Protection Purposes (SFPP's).

The BCA references AS3959 – 2009 as the Deemed-to-Satisfy (DTS) solution for construction requirements in bushfire prone areas for NSW.

It is however noted that there are a number of NSW variations to the application of AS3959 – 2009 including a restriction on the utilization of the Bushfire Attack Level – Flame Zone requirements of the Australian Standard as a 'deemed to satisfy solution' for these situations. Consequently, in NSW all situations which are determined as being subject to the Bushfire Attack Level – Flame Zone requirements of AS3959 – 2009 must be treated on merit with construction requirements being determined on a specific site assessment basis.

As the development concept involves the construction of residential dwellings (BCA Class 2) the requirements of AS3959 – 2009 will be applicable to the proposed development.

The following assessment of Bushfire Attack Levels in accordance with AS 3959 – 2009 is provided as it applies to the future residential flat building development on the subject site. This assessment is based upon the provision of the minimum required APZ as provided for by **Table 6** of this report.

3.2.2 Vegetation

To complete the assessment under AS 3959 (2009) the vegetation, as originally assessed in accordance with Keith, has to be converted to Specht. The following table shows the conversion:

Table 11 – Summary of Vegetation Characteristics

ASPECT	VEGETATION CLASSIFICATION – (Keith, 2004)	VEGETATION CLASSIFICATION – (Specht)
Northwest	Similar in specification to Rainforest	Rainforest
West	Wet Sclerophyll Forest	Forest

3.2.3 AS3959 (2009) Construction of Buildings in Bushfire Prone Areas

The following construction requirements in accordance with AS 3959 (2009) *Construction of Buildings in Bushfire Prone Areas* is required for the bushfire attack level categories.

Table 12 – Bushfire Attack Levels

BUSHFIRE ATTACK LEVEL (BAL)
No construction requirements under AS 3959 (2009)
BAL - 12.5
BAL - 19
BAL - 40

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BAL - FZ

Based upon the information presented in Section 2 of this report the worst-case Bushfire Attack Levels pursuant to AS3959 (2009) have been determined as being applicable to the residential flat buildings on the subject site.

It is noted that the following BAL assessment has been based upon the provision of the worst case minimum required Asset Protection Zones to the proposed residential flat building development on the subject site.

Table 13 – Worst Case Bushfire Attack Levels for Nominated Vegetation Classifications and Slopes

ASPECT	VEGETATION CLASSIFICATION	DISTANCE (between future dwelling and hazard vegetation)	SLOPE	BUSHFIRE ATTACK LEVEL (BAL) AS 3959 2009
Northwest	Rainforest	>15m	0° Flat	BAL 19
South	Forest	>70m	8° - 9° Down slope	BAL 12.5

The information presented in the above table indicates that under the worst-case spatial separation scenario between the proposed residential flat building development and areas of bushfire hazard vegetation, the proposed development would be subjected to a worst-case Bushfire Attack Level of BAL 19 (AS 3959 – 2009). The BAL 19 construction requirements as amended by NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 are provided as **Appendix 3**.

However, in accordance with Section 3.5 of AS3959 – 2009 those elevations of the proposed development which are facing the northern, eastern and southern aspects are considered to be shielded from the worst-case hazard vegetation to the west and as such a lower level of construction can be applied to these elevations of the proposed residential flat building development. Accordingly, those aspects of the elevations of the proposed residential flat building development which are shielded from the bushfire hazard vegetation in accordance with Section 3.5 of AS3959 – 2009 can be constructed so as to comply BAL 12.5 requirements of AS 3959 – 2009. The BAL 12.5 construction requirements as amended by NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 are provided as **Appendix 4**.

4.0 SUMMARY REQUIREMENTS

The following requirements are provided in response to the proposed residential flat building development as provided in **Appendix 1**.

- (i) Asset Protection Zones for existing and proposed development are to be provided to the proposed development in accordance with **Table 5** of this report.
- (ii) Water and other services are to be provided to the proposed residential flat building development in accordance with the requirements detailed in Section 3.1.4 of this report.
- (iii) Where the proposed residential flat building is located in excess of 70m from available hydrants in Drew Close then an internal property access road complying with the requirements of Section 3.1.3 of this report is to be provided.
- (iv) The proposed residential flat building is to be constructed so as to comply with the BAL 19 construction requirements of AS 3959 – 2009 as amended by NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006, refer to **Appendix 3**.

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However in accordance with Section 3.5 of AS3959 – 2009 those elevations of the proposed residential flat building development which are assessed to be shielded from areas of hazard vegetation can be constructed so as to comply with the BAL 12.5 construction requirements of AS 3959 – 2009 as amended by NSW Rural Fire Service, **Planning for Bushfire Protection**, 2006, refer to **Appendix 4**.

- (v) Adopt the landscaping principals in accordance with Section 3.1.5 of this report.

5.0 CONCLUSION

It is considered that the proposed residential flat building development on land known as Lot 1 DP 1007734, 5 Drew Close, Port Macquarie is at risk of bushfire attack; however, it is in our opinion that with the implementation of the bushfire threat reduction measures and consideration of the recommendations in this report, the bushfire risk is manageable for the proposed development.

With the implementation of the recommendations it is considered that it will be possible for the proposed residential flat building development to meet the applicable acceptable solutions as provided for in NSW Rural Fire Service, **Planning for Bushfire Protection**, 2006 having regard to the existing subdivision layout, the size of the subject site and the extent of development on adjoining and adjacent land.

This report is however contingent upon the following assumptions and limitations.

Assumptions

- (i) For a satisfactory level of bushfire safety to be achieved regular inspection and testing of proposed measures, building elements and methods of construction, specifically nominated in this report, is essential and is assumed in the conclusion of this assessment.
- (ii) There are no re-vegetation plans in respect to hazard vegetation and therefore the assumed fuel loading will not alter.
- (iii) Any future residential developments are constructed and maintained in accordance with the risk reduction strategy in this report.
- (iv) The vegetation characteristics of the subject site and surrounding land remains unchanged from that observed at the time of inspection.
- (v) The information contained in this report is based upon the information provided for review, refer to **Appendices 1**.

No responsibility is accepted for the accuracy of the information contained within the above plans.

Limitations

- (i) The data, methodologies, calculations and conclusions documented within this report specifically relate to the building and must not be used for any other purpose.
- (ii) A reassessment will be required to verify consistency with this assessment if there is building alterations and/or additions, change in use, or changes to the risk reduction strategy contained in this report

6.0 REFERENCES

NSW Rural Fire Services, **Planning for Bushfire Protection**, 2001

NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006

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AS 3959-2009, **Construction of Buildings in Bushfire Prone Areas**

AS 3959-2018, **Construction of Buildings in Bushfire Prone Areas**

Keith David 2004, Ocean **Shores to Desert Dunes, The Native Vegetation of New South Wales and the ACT**, Department of Environment and Conservation

NSW State Government, **Rural Fires Act**, 1997

Port Macquarie-Hastings Councils, **Bushfire Prone Land Mapping**

NSW Rural Fire Service, **Guideline for Bushfire Prone Land Mapping**, 2002

Australian Building Codes Board, **Building Code of Australia**, 2010

NSW Rural Fire Service – **Guideline for Bushfire Prone Land Mapping 2002**

Disclaimer

The findings referred to in this report are those which, in the opinion of the author, are required to meet the requirements of NSW Rural Fire Service, **Planning for Bushfire Protection**, 2006. It should be noted that the Local Authority having jurisdiction for the area in which the property is located may, within their statutory powers, require different, additional or alternative works/requirements to be carried out other than those referred to in this report.

This report has been prepared partially on information provided by the client. Information provided by the client in respect of details of construction.

The author denies any legal liability for action taken as a consequence of the following:

- The Local Authority requiring alternative or additional requirements to those proposed or recommended in this report.
- Incorrect information, or misinformation, provided by the client with regard the proposed building which is in good faith included in the strategies proposed in this report and later found to be false.

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APPENDIX 1

Proposed Development



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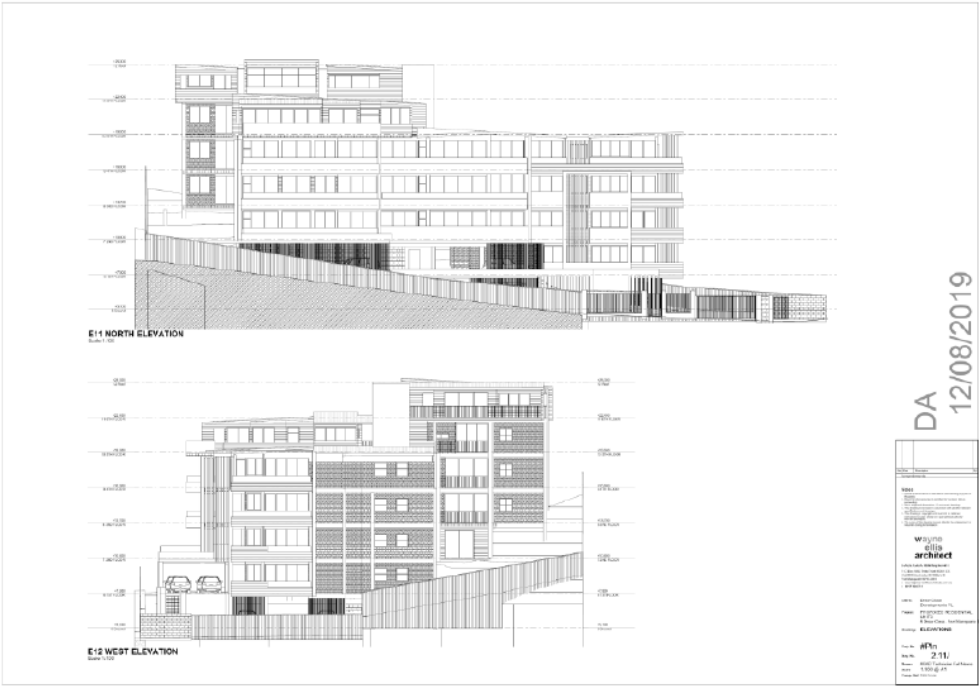
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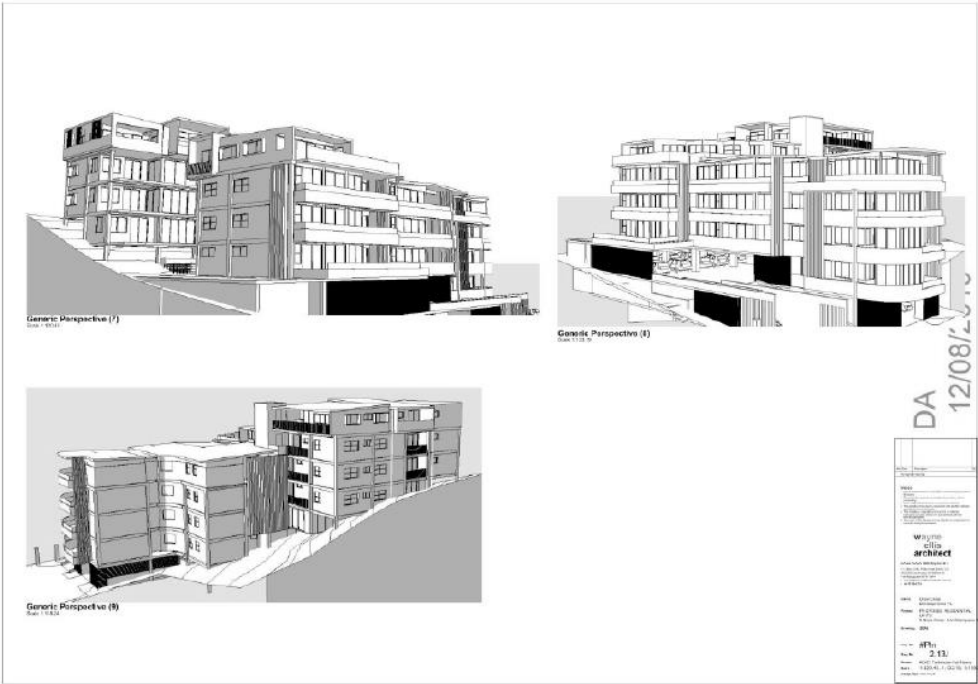


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APPENDIX 3**Bushfire Attack Level 19 (Construction Requirements)****CONSTRUCTION FOR BUSHFIRE
ATTACK LEVEL 19 (BAL-19)**

Version 2.2

Part of Building	Specifically	Construction requirements in accordance with AS 3959-2009 and Appendix 3 (2010) of Planning for Bushfire Protection (2006)
Subfloor supports		<p>This standard does not provide construction requirements for subfloor supports where the subfloor space is enclosed with:</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) Corrosion resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be:</p> <ul style="list-style-type: none"> (i) of non combustible material; or (ii) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (iii) a combination of items above. <p>NOTE: This requirement applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 7.7)</p>
Floors	Concrete slabs on ground	This Standard does not provide concrete slabs on ground.
	Elevated floors	<p>Enclosed subfloor</p> <p>This standard does not provide construction requirements for elevated floors, including bearers, joists and flooring, where the subfloor space is enclosed with:</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) corrosion-resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Unenclosed subfloor space</p> <p>Where the subfloor space is unenclosed, bearers, joists and flooring, less than 400 mm above finished ground level, shall be one of the following:</p> <ul style="list-style-type: none"> (a) Materials that comply with the following: <ul style="list-style-type: none"> (i) Bearers and joists shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers (see Appendix F of AS 3959-2009); or (C) a combination of items above. (ii) Flooring shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers, (see Appendix F of AS 3959-2009); or (C) timber, (other than bushfire-resisting timber), particle board or plywood flooring where the underside is lined with sarking-type material mineral wool insulation; or (D) a combination of items above; or

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		<p>(b) A system complying with AS 1530.8.1</p> <p>This standard does not provide construction requirements for elements which are 400 mm or more above finished ground level.</p>
External walls	Walls	<p>The exposed components of an external wall that are less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall shall be:</p> <p>(a) Non-combustible material; or</p> <p>(b) Timber logs of a species with a density of 680 kg/m³ or greater at a 12 percent moisture content; of a minimum nominal overall thickness of 90 mm and a minimum thickness of 70 mm (see Clause 3.11); and gauge planed; or</p> <p>(c) Cladding that is fixed externally to a timber-framed or a steel-framed wall and is —</p> <p>(i) non-combustible material; or</p> <p>(ii) fibre-cement a minimum of 6 mm in thickness; or</p> <p>(iii) bushfire-resisting timber (see Appendix F); or</p> <p>(iv) a timber species as specified in Paragraph E1, Appendix E; or</p> <p>(v) a combination of any of items (i), (ii), (iii) or (iv) above; or</p> <p>(d) a combination of any of items (a), (b) or (c) above.</p> <p>This Standard does not provide construction requirements for the exposed components of an external wall that are 400 mm or more from the ground or 400 mm or more above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall.</p>
	Joints	All joints in external surface material of walls shall be covered, sealed, overlapped, backed or butt jointed to prevent gaps greater than 3 mm.
	Vents and weep holes	Vents and weepholes in external walls shall be screened with a mesh with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium, except where the vents and weepholes have an aperture less than 3 mm (see Clause 3.6 of the standard), or are located in an external wall of a subfloor space.
External glazed elements and assemblies and external doors.	Bushfire shutters	<p>Where fitted, bushfire shutters must comply with Clause 3.7 of AS 3959-2009 and be made from:</p> <p>(a) non Combustible material; or</p> <p>(b) a timber species as specified in Paragraph E1 Appendix E of AS 3959-2009; or</p> <p>(c) bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(d) a combination of any items (a) (b) or (c)</p>

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	Screens for windows and doors	Where fitted, screens for windows and doors shall have corrosion-resisting steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm. Gaps between the perimeter of the screen assembly and the building elements to which it is fitted shall not exceed 3 mm. The frame supporting the mesh or perforated sheet shall be made from either: (a) metal; or (b) bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a timber species in Paragraph E2, Appendix E of AS 3959-2009.
	Windows	Window assemblies shall comply with one of the following: (a) They shall be completely protected by a bushfire shutter that complies with clause 6.5.1 of AS 3959-2009; or (b) They shall be completely protected externally by screens that comply with Clause 6.5.1A of AS 3959-2009; or (c) They shall comply with the following: (i) For window assemblies less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings (such as masonry sills) having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see Figure D3, Appendix D), window frames and window joinery shall be made from: (A) bushfire resisting timber, (see Appendix F of AS 3959-2009); or (B) a timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (C) metal; or (D) metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the frame and sash must be able to hold the design load and structural strength. (ii) Externally fitted hardware that supports the sash in its functions of opening and closing shall be metal. (iii) Where glazing is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings, having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see Figure D3, Appendix D), the glazing shall be toughened glass minimum 5 mm in thickness, or glass blocks with no restriction on glazing methods. NOTE: Where double-glazed units are used, the above requirements apply to the external face of the window assembly only. (iv) Where glazing is other than specified in (iii), annealed glass can be used. Where annealed glass is used, both the fixed and openable portions of windows shall be screened externally with screens that comply with Clause 6.5.1A of AS 3959-2009. (v) Where toughened glass is used, it shall be toughened glass minimum 5 mm and the openable portions of windows shall be screened internally

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		or externally with screens that comply with Clause 6.5.1A of AS 3959-2009.
		(vi) Glazed elements that are designed to take internal screens shall be toughened glass minimum 5 mm and the openable portion shall be screened with screens that comply with Clause 6.5.1A of AS 3959-2009.
	Doors- Side hung external doors (including French doors, panel fold and bi-fold doors)	<p>These doors must comply with one of the following:</p> <ul style="list-style-type: none"> (a) They shall be protected by a bushfire shutter that complies with Clause 6.5.1 of AS 3959-2009; or (b) They shall be completely protected externally by screens that comply with Clause 6.5.1A of AS 3959-2009; or (c) They shall comply with the following: <ul style="list-style-type: none"> (i) Doors shall be- <ul style="list-style-type: none"> (A) non combustible; or (B) a solid timber, laminated timber or reconstituted timber door, having a minimum thickness of 35 mm for the first 400 mm above the threshold; or (C) a door, including a hollow core door, non combustible kick plate on the outside for the first 400 mm above the threshold; or (D) a fully framed glazed door, where the framing is made from materials required for bushfire shutters (see Clause 6.5.1 of AS 3959-2009), or from a timber species as specified in Paragraph E2, Appendix E of AS 3959-2009. (E) a fully framed glazed door, where the framing is made from materials specified for bushfire shutters (see Clause 6.5.1), or from a timber species as specified in Paragraph E2, Appendix E of AS 3959-2009. (ii) Where doors incorporate glazing, the glazing shall be toughened glass minimum 5 mm in thickness. (iii) Doors must be tight fitting to the door frame and to an abutting door, if applicable. (iv) Where any part of the door frame is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the door (see Figure D3, Appendix D), that part of the door frame shall be made from one of the following: <ul style="list-style-type: none"> (a) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (b) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (c) Metal; or (d) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the frame must be able to hold the design load and structural strength. (v) Weather strips, draught excluders or draught seals

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		shall be install at the base of side hung external doors.
	Doors- sliding doors	<p>Sliding doors shall comply with one of the following;</p> <p>(a) They shall be protected by a bushfire shutter that complies with Clause 6.5.1 of AS 3959-2009; or</p> <p>(b) They shall be completely protected externally by screens that comply with Clause 6.5.1A of AS 3959-2009; or</p> <p>(c) They shall comply with the following:</p> <p>(i) Any glazing incorporating in sliding doors shall be toughened glass minimum 5 mm.</p> <p>(ii) Both the door frame supporting the sliding door and the framing surrounding any glazing shall be made from:</p> <p>(A) Bushfire resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(B) A timber species as specified in Paragraph E2 of AS 3959-2009, Appendix E of AS 3959-2009; or</p> <p>(C) Metal; or</p> <p>(D) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the frame must be able to hold the design load and structural strength.</p> <p>(iii) There are no requirements to screen the openable part of the sliding door. However if screened the screens must comply with Clause 6.5.1A of AS 3959-2009.</p> <p>(iv) Sliding doors shall be tight-fitting in the frames.</p>
	Doors- vehicle access doors (garage doors)	<p>The following applies:</p> <p>(a) The lower portion of vehicle access doors that are within 400 mm of the ground when the door is closed shall be made from:</p> <p>(i) non combustible material; or</p> <p>(ii) bushfire resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(iii) fibre-cement sheet a minimum of 6 mm in thickness; or</p> <p>(iv) a timber species as specified in Paragraph E1, Appendix E of AS 3959-2009; or</p> <p>(v) a combination of items above.</p> <p>(b) Panel lift, tilt doors or side-hung doors shall be fitted with weather strips, draught excluders, draught seals or guide tracks, as appropriate to the door type with a maximum gap of no more than 3 mm.</p> <p>(c) Roller doors shall have guide tracks with a maximum gap no greater than 3 mm and fitted with a nylon brush that is in contact with the door, (see figure D4, Appendix D of AS 3959-2009).</p> <p>(d) Vehicles access doors shall not include ventilation slots.</p>
Roofs (including veranda and attached carport roofs, penetrations, eaves, fascias, gutters and	General	<p>The following apply to all types of roofs and roofing systems.</p> <p>Roof tiles, roof sheets and roof covering accessories shall be non-combustible.</p> <p>The roof/wall must be sealed to prevent openings greater than 3 mm, by using fascia and eaves lining or by sealing between the top of wall and</p>

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downpipes)		underside of roof and between the rafters at the line of the wall. Roof ventilation openings such as gable and roof vents, shall be fitted with ember guards made of non combustible material or a corrosion-resistant steel, bronze or aluminium mesh or perforated sheet with maximum aperture size of 2mm.
	Tiled roofs	Tiled roofs shall be fully sarked. The sarking shall— (a) be located on top of the roof framing, except that the roof battens may be fixed above the sarking; (b) cover the entire roof area including ridges and hips; and (c) extend into gutters and valleys.
	Sheet roofs	Sheet roofs shall— (a) be fully sarked in accordance with Clause 6.6.2 of AS3959 - 2009, except that foil-backed insulation blankets may be installed over the battens; and (b) have any gaps greater than 3 mm (such as under corrugations or ribs of sheet roofing and between roof components) sealed at the fascia or wall line and at valleys, hips and ridges by— (i) a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium; or (ii) mineral wool; or (iii) other non-combustible material; or (iv) a combination of any of items (i), (ii) or (iii) above.
	Veranda, carport awning roofs	The following apply to veranda, carport and awning roofs: A veranda, carport or awning roof forming part of the main roof space (see figure D1 (a), Appendix D of AS 3959-2009) shall meet all requirements for the main roof, as specified in Clauses 6.6.1, 6.6.2, 6.6.3, 6.6.5 and 6.6.6 of AS 3959-2009. A veranda, carport or awning roof separated from the main roof space by an external wall (see figures D1 (b) and D1 (c), Appendix D of AS 3959-2009) complying with clause 6.4 of AS 3959-2009, shall have a non-combustible roof covering.
	Roof penetrations	The following apply to roof penetrations: Roof penetrations, including roof lights, roof ventilators, roof mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors, shall be adequately sealed at the roof to prevent gaps greater than 3 mm with non combustible materials. Openings in vented roof lights, roof ventilators or vent pipes shall be fitted with ember guards made from a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium. This requirement does not apply to the exhaust flues of heating or cooking devices with closed combustion chambers. In the case of gas appliance flues, ember guards shall not be fitted. NOTE: Gasfitters are required to provide a metal flue pipe above the roof and terminate with a certified gas flue cowl complying with AS 4566. Advice may be obtained from State gas technical regulators. Grade A safety glass complying with AS 1288 is required for all overhead glazing. Glazed elements in roof lights and skylights may be of polymer, provided

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Verandas, Decks, Steps, Ramps and landings.		<p>a Grade A safety glass diffuser, complying with AS 1288, is installed under the glazing. Where glazing is an insulating glazing unit (IGU), Grade A toughened safety glass of minimum 4 mm in thickness shall be used in the outer pane of the IGU.</p> <p>Flashing elements of tubular skylights may be of a fire-retardant material, provided the roof integrity is maintained by an under-flashing of a material having a flammability index of no more than 5.</p> <p>Evaporative cooling units shall be fitted with non-combustible butterfly closers as close as practicable to the roof level, or the unit shall be fitted with non-combustible covers with a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.</p>
	Eaves lining, fascias and gables.	<p>The following apply to eaves linings, fascias and gables:</p> <ul style="list-style-type: none"> (a) Gables shall comply with Clause 6.4 of AS 3959-2009. (b) Eaves penetration shall be protected the same as for roof penetrations, as specified in Clause 6.6.5 of AS 3959-2009. (c) Eaves ventilation openings greater than 3 mm shall be fitted with ember guards made of non combustible material or corrosion-resistant steel, bronze and aluminium mesh or perforated sheet with a maximum aperture size of 2mm. <p>Joints in eaves lining, fascias and gables may be sealed with plastic joining strips or timber storm moulds.</p> <p>This standard does not provide construction requirements for fascias, bargeboards and eaves linings.</p>
	Gutters and downpipes.	<p>This standard does not provide material requirements for:</p> <ul style="list-style-type: none"> (a) Gutters, with the exception of box gutters; and (b) Downpipes. <p>If installed, gutter and valley leaf guards shall be non-combustible.</p> <p>Box gutters shall be non-combustible and flashed at the junction with the roof with non-combustible materials.</p>
	General	<p>Decking may be spaced.</p> <p>There is no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings.</p>
	Enclosed subfloor spaces of verandas, decks, steps, ramps and landings.	<p>Materials to enclose a subfloor space</p> <p>The subfloor spaces of verandas, decks, steps, ramps and landing are considered to be 'enclosed' when-</p> <ul style="list-style-type: none"> (a) the material used to enclose the subfloor space complies with Clause 7.4 of AS 3959-2009; and (b) all openings greater than 3 mm are screened with a corrosion-resistant steel, bronze or aluminium mesh with a maximum aperture of 2mm. <p>Supports</p> <p>This standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.</p> <p>Framing</p> <p>This standard does not provide construction requirements for the framing of verandas, decks, ramps or landing (i.e., bearers and joists).</p>

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		Decking, stair treads and the trafficable surfaces of ramps and landings Decking, stairs treads and trafficable surfaces of ramps and landings shall be- (a) of non combustible material; or (b) of bushfire-resisting timber (see Appendix F); or a combination of items above.
	Unenclosed subfloor spaces of verandas, decks, ramps and landings.	Supports Support posts, columns, stumps, stringers, piers and poles shall be; (a) of non combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of items above. Framing Framing of verandas, decks, ramps or landing (i.e. bearers and joists), shall be: (a) of non combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of the items above Decking, stair treads and the trafficable surfaces of ramps and landings Decking, stair treads and the trafficable surfaces of ramps and landings shall be - (a) of non combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of items above.
	Balustrades, handrails or other barriers	Those parts of the handrails and balustrades less than 125 mm from any glazing or any combustible wall shall be- (a) of non combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of items above Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.
	Water and gas supply pipes	Above-ground water and gas supply pipes shall be metal.
Note: Any sarking shall be: a. Non-combustible; or b. Breather-type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside frame; or c. An insulation material conforming to the appropriate Australian Standard for that material. * This Includes Addendum: Appendix 3 of Planning for Bushfire Protection, 2006.		

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APPENDIX 4

Bushfire Attack Level 12.5 (Construction Requirements)

**CONSTRUCTION FOR BUSHFIRE
ATTACK LEVEL 12.5 (BAL-12.5)**

Version 2.2

Part of Building	Specifically	Construction requirements in accordance with AS 3959-2009 and Appendix 3 (2010) of Planning for Bushfire Protection (2006)
Subfloor supports		<p>This standard does not provide construction requirements for subfloor supports where the subfloor space is enclosed with:</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) Corrosion resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be:</p> <ul style="list-style-type: none"> (i) of non-combustible material; or (ii) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (iii) a combination of items above. <p>NOTE: This requirement applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 7.7)</p>
Floors	Concrete slabs on ground	This Standard does not provide construction requirements for concrete slabs on the ground.
	Elevated floors	<p>Enclosed subfloor</p> <p>This standard does not provide construction requirements for elevated floors, including bearers, joists and flooring, where the subfloor space is enclosed with</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) corrosion-resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Unenclosed subfloor space</p> <p>Where the subfloor space is unenclosed, bearers, joists and flooring, less than 400 mm above finished ground level, shall be one of the following:</p> <ul style="list-style-type: none"> (a) Materials that comply with the following: <ul style="list-style-type: none"> (i) Bearers and joists shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers (see Appendix F of AS 3959-2009); or (C) a combination of items above. (ii) Flooring shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers (see Appendix F of AS 3959-2009); or (C) timber (other than bushfire-resisting timber), particle board or plywood flooring where the

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		underside is lined with sarking-type material mineral wool insulation; or (D) a combination of items above; or (b) A system complying with AS 1530.8.1 This standard does not provide construction requirements for elements which are 400 mm or more above finished ground level.
External walls	Walls	The exposed components of an external wall that are less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D of AS3959 - 2009) shall be: (a) Non-combustible material. NOTE: Examples include, but are not limited to, the following (with a minimum of 90 mm in thickness): (a) Full masonry or masonry veneer walls with an outer leaf of clay, concrete, calcium silicate or natural stone. (b) Precast or in situ walls of concrete or aerated concrete. (c) Earth wall including mud brick. or (b) Timber logs of a species with a density of 680 kg/m ³ or greater at a 12 percent moisture content; of a minimum nominal overall thickness of 90 mm and a minimum thickness of 70 mm (see Clause 3.11 of AS3959 - 2009); and gauge planed. or (c) Cladding that is fixed externally to a timber-framed or a steel-framed wall and is— (i) non-combustible material; or (ii) fibre-cement a minimum of 6 mm in thickness; or (iii) bushfire-resisting timber (see Appendix F of AS3959 - 2009); or (iv) a timber species as specified in Paragraph E1, Appendix E of AS3959 - 2009; or (v) a combination of any of Items (i), (ii), (iii) or (iv) above. or (d) A combination of any of Items (a), (b) or (c) above. This Standard does not provide construction requirements for the exposed components of an external wall that are 400 mm or more from the ground or 400 mm or more above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D of AS3959 - 2009).
	Joints	All joints in external surface material of walls be covered, sealed, overlapped, backed or butt jointed to prevent gaps greater than 3 mm.
	Vents and weep holes	Vents and weep holes in external walls shall be screened with a mesh with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium, except where the vents and weep holes have an aperture less than 3 mm (see Clause 3.6 of AS3959-2009), or are located in an external wall of a subfloor space.
External glazed elements and assemblies and external doors.	Bushfire shutters	Where fitted, bushfire shutters must comply with Clause 3.7 of AS 3959-2009 and be made from— (a) Non-Combustible material; or (b) A timber species as specified in Paragraph E1 Appendix E of AS 3959-2009; or (c) Bushfire-resisting timber (see Appendix F of AS 3959-2009); or (d) A combination of any items (a) (b) or (c) above.

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	Screens for windows and doors	<p>Where fitted, screens for windows and doors shall have corrosion-resisting steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm. Gaps between the perimeter of the screen assembly and the building elements to which it is fitted shall not exceed 3 mm.</p> <p>The frame supporting the mesh or perforated sheet shall be made from—</p> <p>(a) metal; or</p> <p>(b) bushfire-resisting timber (see Appendix F of AS3959 - 2009); or</p> <p>(c) a timber species as specified in Paragraph E2, Appendix E of AS3959 - 2009).</p>
	Windows	<p>Window assemblies shall comply with one of the following:</p> <p>(a) They shall be completely protected by a bushfire shutter that complies with Clause 5.5.1 of AS 3959-2009; or</p> <p>(b) They shall be completely protected externally by screens that comply with Clause 5.5.1A of AS 3959-2009; or</p> <p>(c) They shall comply with the following:</p> <p>(i) For window assemblies less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fitting having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see figure D3, Appendix D of AS 3959-2009), window frames and window joinery shall be made from:</p> <p>(A) Bushfire resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(B) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or</p> <p>(C) Metal; or</p> <p>(D) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion-resistant steel and the frame and sash shall satisfy the design load, performance and structural strength of the member.</p> <p>(ii) Externally fitted hardware that supports the sash in its functions of opening and closing shall be metal.</p> <p>(iii) Where glazing is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame, the glazing shall be Grade A safety glass minimum 4 mm thickness, or glass blocks with no restrictions on glazing methods.</p> <p>(iv) Where glazing is other than specified in (iii), annealed glass can be used.</p> <p>(v) Openable portions of windows shall be screened internally and externally with screens that apply with Clause 5.5.1A of AS 3959-2009.</p>
	Doors- Side hung external	<p>These doors must comply with one of the following:</p>

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	doors (including French doors, panel fold and bi-fold doors)	<p>(a) Doors and door frames shall be protected by bushfire shutters that comply with Clause 5.5.1 of AS3959 - 2009.</p> <p>or</p> <p>(b) Doors and door frames shall be protected externally by screens that comply with Clause 5.5.1A AS3959 - 2009.</p> <p>or</p> <p>(c) Doors and door frames shall comply with the following:</p> <p>(i) Doors shall be—</p> <p>(A) non-combustible; or</p> <p>(B) a solid timber, laminated timber or reconstituted timber door, having a minimum thickness of 35 mm for the first 400 mm above the threshold; or</p> <p>(C) a door, including a hollow core door, with a non-combustible kick plate on the outside for the first 400 mm above the threshold; or</p> <p>(D) a door, including a hollow core door, protected externally by a screen that complies with Clause 5.5.1A AS3959 - 2009; or</p> <p>(E) a fully framed glazed door, where the framing is made from materials specified for bushfire shutters (see Clause 5.5.1 of AS3959 - 2009), or from a timber species as specified in Paragraph E2, Appendix E of AS3959 - 2009.</p> <p>Where doors incorporate glazing, glazing must comply with glazing requirements for windows.</p> <p>Doors must be tight fitting to the door frame and to an abutting door, if applicable.</p> <p>Where any part of the door is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the door (see figure D3, Appendix D of AS 3959-2009), that part of the door frame shall be made from;</p> <p>(a) Bushfire resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(b) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or</p> <p>(c) Metal; or</p> <p>(d) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the door assembly shall satisfy the design load, performance and structural strength of the member.</p> <p>Weather strips, draught excluders or draught seals shall be installed at the base of side-hung external doors.</p>
	Doors- sliding doors	<p>Sliding doors shall comply with one of the following;</p> <p>a) They shall be completely protected by a bushfire shutter that complies with Clause 5.5.1 of AS 3959-2009; or</p> <p>b) They shall be completely protected externally by screens that comply with Clause 5.5.1A of AS 3959-2009; or</p> <p>c) They shall comply with the following:</p> <p>(i) Any glazing incorporating in sliding doors shall be Grade A safety glass complying with AS 1288.</p> <p>(ii) Both the door frame supporting the sliding door and the framing surrounding any glazing shall be made from:</p>

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		<ul style="list-style-type: none"> (a) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (b) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (c) Metal; or (d) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the frame must be able to hold the design load and structural strength. <p>(iii) No requirements to screen the openable part of the sliding door. However, if screened must comply with Clause 5.5.1A of AS 3959-2009.</p> <p>(iv) Sliding doors shall be tight-fitting in the frames.</p>
	Doors- vehicle access doors (garage doors)	<p>The following applies:</p> <ul style="list-style-type: none"> (a) Lower portion of vehicle access door that is within 400 mm of the ground when door is closed shall be made from: <ul style="list-style-type: none"> (i) Non-combustible material; or (ii) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (iii) Fibre cement sheet, a minimum of 6 mm in thickness; or (iv) A timber species as specified in Paragraph E1, Appendix E of AS 3959-2009; or (v) A combination of any item above. b) Panel lift, tilt doors or side-hung doors shall be fitted with weather strips, draught excluders, draught seals or guide tracks, as appropriate to the door type with maximum gap no more than 3 mm. c) Roller doors shall have guide tracks with maximum gap no greater than 3 mm and fitted with a nylon brush that is in contact with the door, (see figure D4, Appendix D of AS 3959-2009). d) Vehicles access doors shall not include ventilation slots.
Roofs (Including veranda and attached carport roofs, penetrations, eaves, fascia's, gutters and downpipes)	General	<p>The following apply to all types of roofs and roofing systems.</p> <p>Roof tiles, roof sheets and roof covering accessories shall be non-combustible.</p> <p>The roof/wall junction must be sealed to prevent openings greater than 3 mm, by using fascia and eaves lining or by sealing between the top of wall and underside of roof and between the rafters at the line of the wall.</p> <p>Roof ventilation openings such as gable and roof vents, shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.</p>
	Tiled roofs	<p>Tiled roofs shall be fully sarked. The sarking shall—</p> <ul style="list-style-type: none"> (a) be located on top of the roof framing, except that the roof battens may be fixed above the sarking; (b) cover the entire roof area including ridges and hips; and (c) extend into gutters and valleys.
	Sheet roofs	<p>Sheet roofs shall—</p> <ul style="list-style-type: none"> (a) be fully sarked in accordance with Clause 5.6.2, except that foil-backed insulation blankets may be installed over the battens; and (b) have any gaps greater than 3 mm (such as under corrugations or ribs of sheet roofing and between roof components) sealed at the fascia or

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		<p>wall line and at valleys, hips and ridges by—</p> <p>(i) a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium; or</p> <p>(ii) mineral wool; or</p> <p>(iii) other non-combustible material; or</p> <p>(iv) a combination of any of Items (i), (ii) or (iii) above.</p>
	Veranda, carport awning roofs	<p>The following apply to veranda, carport and awning roof:</p> <p>A veranda, carport or awning roof forming part of the main roof space, (see figure D1 (a), Appendix D of AS 3959-2009), shall meet all requirements for the main roof, as specified in Clauses 5.6.1, 5.6.2, 5.6.3, 5.6.5 and 5.6.6 of AS 3959-2009.</p> <p>A veranda, carport or awning roof separated from the main roof space by an external wall, (see figures D1 (b) and D1 (c), Appendix D of AS 3959-2009), complying with clause 5.4 of AS 3959-2009, shall have a non-combustible roof covering.</p>
	Roof penetrations	<p>The following applies to roof penetrations:</p> <p>Roof penetrations, including roof lights, roof ventilators, roof mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors, shall be adequately sealed at the roof to prevent gaps greater than 3 mm. The material used to seal the penetration shall be non-combustible.</p> <p>Openings in vented roof lights, roof ventilators or vent pipes shall be fitted with ember guards made from a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium. This requirement does not apply to the exhaust flues of heating or cooking devices with closed combustion chambers. In the case of gas appliance flues, ember guards shall not be fitted.</p> <p>NOTE: Gasfitters are required to provide a metal flue pipe above the roof and terminate with a certified gas flue cowl complying with AS 4566. Advice may be obtained from State gas technical regulators.</p> <p>Grade A safety glass complying with AS 1288 is required for all overhead glazing.</p> <p>Glazed elements in roof lights and skylights may be a polymer provided a Grade A safety glass diffuser, complying with AS 1288, is installed under the glazing. Where glazing is an insulating glazing unit (IGU), Grade A toughened safety glass minimum 4 mm thickness, shall be used in the outer pane of the IGU.</p> <p>Flashing elements of tubular skylights may be of a fire-retardant material, provided the roof integrity is maintained by an under-flashing of a material having a flammability index no more than 5.</p> <p>Evaporative cooling units shall be fitted with non-combustible butterfly closers as close as practicable to the roof level or the unit shall be fitted with non-combustible covers with a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.</p> <p>Vent pipes made from PVC are permitted.</p>
	Eaves lining, fascia's and gables.	<p>The following apply to eaves linings, fascia's and gables:</p> <p>(a) Gables shall comply with Clause 5.4 of AS 3959-2009.</p> <p>(b) Eaves penetration shall be protected the same as for roof</p>

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		<p>penetrations, as specified in Clause 5.6.5.</p> <p>(c) Eaves ventilation openings greater than 3 mm shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.</p> <p>Joints in eaves linings, fascia's and gables may be sealed with plastic joining strips or timber storm moulds.</p> <p>This Standard does not provide construction requirements for fascia's, bargeboards and eaves linings.</p>
	Gutters and downpipes.	<p>This Standard does not provide requirements for—</p> <p>(a) Gutters, with the exception of box gutters; and</p> <p>(b) Downpipes.</p> <p>If installed, gutter and valley leaf guards shall be non-combustible.</p> <p>Box gutters shall be non-combustible and flashed at the junction with the roof with non-combustible material.</p>
Verandas, Decks, Steps, Ramps and landings.	General	<p>Decking may be spaced.</p> <p>There is no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings.</p>
	Enclosed subfloor spaces of verandas, decks, steps, ramps and landings.	<p>Materials to enclose a subfloor space</p> <p>The subfloor spaces of verandas, decks, steps, ramps and landing are considered to be 'enclosed' when-</p> <p>(a) the material used to enclose the subfloor space complies with Clause 7.4 of AS 3959-2009; and</p> <p>(b) all openings greater than 3 mm are screened with a corrosion-resistant steel, bronze or aluminium mesh with a maximum aperture of 2mm.</p> <p>Supports</p> <p>This standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.</p> <p>Framing</p> <p>This standard does not provide construction requirements for the framing of verandas, decks, ramps or landing (i.e., bearers and joists).</p> <p>Decking, stair treads and the trafficable surfaces of ramps and landings</p> <p>Decking, stairs treads and trafficable surfaces of ramps and landings shall be-</p> <p>(a) of non-combustible material; or</p> <p>(b) of bushfire-resisting timber (see Appendix F); or</p> <p>a) a combination of items above.</p>
	Unenclosed subfloor spaces of verandas, decks, ramps and landings.	<p>Supports</p> <p>Support posts, columns, stumps, stringers, piers and poles shall be;</p> <p>(a) of non-combustible material; or</p> <p>(b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(c) a combination of items above.</p> <p>Framing</p> <p>Framing of verandas, decks, ramps or landing (i.e. bearers and joists), shall be:</p> <p>(a) of non-combustible material; or</p>

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		<p>(b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(c) a combination of the items above</p> <p>Decking, stair treads and the trafficable surfaces of ramps and landings</p> <p>Decking, stair treads and the trafficable surfaces of ramps and landings shall -</p> <p>(a) of non-combustible material; or</p> <p>(b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>a combination of items above</p>
	Balustrades, handrails or other barriers	<p>Those parts of the handrails and balustrades less than 125 mm from any glazing or any combustible wall shall be-</p> <p>(a) of non-combustible material; or</p> <p>(b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(c) a combination of items above</p> <p>Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.</p>
Water and gas supply pipe		Above-ground water and gas supply pipes shall be metal.
<p>Note: Any sarking shall be:</p> <p>a. Non-combustible; or</p> <p>b. Breather-type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside frame; or</p> <p>c. An insulation material conforming to the appropriate Australian Standard for that material.</p> <p>* This includes Addendum: Appendix 3 of Planning for Bushfire Protection, 2006.</p>		

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020
**Planning &
Environment**

Industry Assessments
Contact: Mary Ellen Trimble
Phone: (02) 9274 6213
Email: maryellen.trimble@planning.nsw.gov.au

Mr Craig Swift-McNair
General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

SEAR 1376

Dear Mr Swift-McNair,

**Residential Flat Building in Coastal Wetland from the Coastal Management SEPP
5 Drew Close, Port Macquarie (Lot 1 and DP 1007734)
Planning Secretary's Environmental Assessment Requirements (SEAR) 1376**

For your information, I have attached a copy of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above proposal, which have been provided to the Applicant.

If a development application (DA) and EIS are subsequently lodged with Council, please forward one electronic copy to the Director, Industry Assessments, Department of Planning, Industry and Environment, prior to the commencement of the public exhibition period. This will allow the Department to exhibit the document in its head office concurrently with Council's exhibition.

Following the exhibition period, Council must send the Department a copy of all the submissions it has received, in accordance with Clause 81 of the Environmental Planning and Assessment Regulation 2000. **If the Department does not respond within 21 days, Council may proceed to determine the application.**

In addition, it would be appreciated if Council would forward the Department a copy of the determination of the DA.

Should you have any enquiries, please contact me on the details above.

Yours sincerely

Mary Ellen Trimble
Student Para Planner
Industry Assessments

64675

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020Planning,
Industry &
Environment

Mr David Pensini
Building and Environmental Services
PO Box 5581
PORT MACQUARIE NSW 2444

SEAR 1376

Dear Mr Pensini,

**Residential Flat Building in Coastal Wetland from the Coastal Management SEPP
5 Drew Close, Port Macquarie (Lot 1 and DP 1007734)
Planning Secretary's Environmental Assessment Requirements (SEAR) 1376**

Thank you for your request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

In support of your application, you indicated that your proposal is both designated and integrated development under Part 4 of the *Environmental Planning and Assessment Act 1979* and requires an approval under the *Rural Fires Act 1997*. In preparing the SEARs, the Department of Planning, Industry and Environment (the Department) has consulted with the Rural Fire Service NSW. A copy of their requirements is attached.

The Department also consulted with the Department of Primary Industries – Fisheries. A copy of their additional requirements for the EIS is attached.

If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake direct consultation with the relevant agencies, and address their requirements in the EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of the Environment and Energy on (02) 6274 1111.

Should you have any further enquiries, please contact Mary Ellen Trimble, Planning and Assessment, at the Department on (02) 9274 6213 or via maryellen.trimble@planning.nsw.gov.au.

Yours sincerely

Chris Ritchie
Director
Industry Assessments
as delegate of the Planning Secretary

17/9/19.

Planning Secretary's Environmental Assessment Requirements

Section 11(1)(b) of the *Environmental Planning and Assessment Act 1979*
 Division 3 of the *Environmental Planning and Assessment Regulation 2000*
 Designated Development

SEAR Number	1376
Proposal	Residential Flat Building
Location	5 Drew Close, Port Macquarie (Lot 1 DP 1007734), Port Macquarie-Hastings LGA
Applicant	David Pensini Building and Environmental Services
Date of Issue	16 September 2019
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
Key Issues	<p>The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed:</p> <ul style="list-style-type: none"> • strategic and statutory context – including: <ul style="list-style-type: none"> – a detailed justification for the proposal and suitability of the site for the development – a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. • hazards and risk – including: <ul style="list-style-type: none"> – an assessment of the risk of bushfire, including addressing the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers) – any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this – an assessment of flood risk on the site. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, and the development's impact (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event • soil and water – including: <ul style="list-style-type: none"> – a description of local soils, topography, drainage and landscapes – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment – details of sediment and erosion controls – an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures – a detailed site water balance – an assessment of potential impacts on the quality and quantity of surface

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	<ul style="list-style-type: none"> and groundwater resources details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts characterisation of the nature and extent of any contamination on the site and surrounding area a description and appraisal of impact mitigation and monitoring measures traffic and transport – including: <ul style="list-style-type: none"> details of road transport routes and access to the site road traffic predictions for the development during construction and for residential car parking use. an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. biodiversity – including a description of any potential vegetation clearing needed to undertake the proposal and any impacts to flora and fauna. visual – including an impact assessment at private receptors and public vantage points. heritage – including Aboriginal and non-Aboriginal cultural heritage
Environmental Planning Instruments and other policies	<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Vegetation in Non-Rural) 2017 State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development Port Macquarie-Hastings Local Environmental Plan 2011 relevant development control plans and section 7.11 plans.
Guidelines	<p>During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Industries. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.</p>
Consultation	<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> Department of Planning, Industry and Environment, specifically the: <ul style="list-style-type: none"> Water Group Department of Primary Industries – Fisheries NSW Rural Fire Service Birpai Local Aboriginal Land Council Port Macquarie-Hastings Council the surrounding landowners and occupiers that are likely to be impacted by the proposal. <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>
Further consultation after 2 years	<p>If you do not lodge an application under Section 4.12(8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Planning Secretary in relation to any further requirements for lodgement.</p>

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020

NSW RURAL FIRE SERVICE



The Secretary
NSW Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Your Ref: EAR 1376
Our Ref: D19/2892
DA19082720197 AB

ATTENTION: Mary Ellen Trimble

13 September 2019

Dear Ms Trimble

Agency Comment:- Environmental Assessment Requirements for Residential Flat Buildings – 1/1211682 - 5 Drew Close Port Macquarie

I refer to your correspondence dated 23 August 2019 seeking comment from the NSW Rural Fire Service (NSW RFS) on matters to be included in the Secretary's environmental assessment requirements for an environmental impact statement for the above development proposal.

Port Macquarie Hasting Council maps the subject land as bush fire prone. The NSW RFS considers that the environmental impact statement for the proposed development should address the following:

- Where no subdivision is proposed, A1.1 of Planning for Bush Fire Protection 2006; and/or
- Where strata subdivision is proposed, A1.3 A1.1 of Planning for Bush Fire Protection 2006.

For any enquiries regarding this correspondence please contact Alan Bawden on 6691 0400.

Yours sincerely,

Nika Fomin

Manager – Planning and Environment Services

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Postal address
Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 8691 0400
F (02) 8691 0499
www.rfs.nsw.gov.au
Email: ps@rfs.nsw.gov.au

ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020**Mary Ellen Trimble**

From: sophia.stanley@dpi.nsw.gov.au on behalf of DPI Cabinet
<dpi.cabinet@dpi.nsw.gov.au>
Sent: Thursday, 12 September 2019 9:49 AM
To: Mary Ellen Trimble
Cc: Brendan Stone; Jane Bak
Subject: Request for Input: Proposed Residential Flat Buildings on land partly mapped as Coastal Wetlands and Bushfire Prone Land- 5 Drew Close, Port Macquarie (Lot 1 DP 1211682) – SEAR 1376 Agency Referral To: Adam Oehlman
<landuse.enquiries@dpi.nsw.gov.au>
Attachments: SEARs Request - 5 Drew Close, Port Macquarie.pdf; Planning Report - 5 Drew Close, Port Macquarie.pdf; SEARs REQUEST - FORM A.pdf

Dear Mary Ellen

Subject: Proposed Residential Flat Buildings on land partly mapped as Coastal Wetlands and Bushfire Prone Land- 5 Drew Close, Port Macquarie (Lot 1 DP 1211682) – SEAR 1376 Agency Referral

I refer to your email of 29 August 2019 to the Department of Primary Industries (DPI) regarding the above matter.

DPI has reviewed the request and advises that:

- the subject site (i.e. Lot 1 DP 1080285) includes areas mapped as Coastal Wetlands in accordance with the Coastal Management State Environmental Planning Policy. Coastal Wetlands are Type 1 Highly Sensitive Key Fish Habitat in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (accessible via <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation>) and are consequently afforded the highest level of protection
- the EIS for this proposal should address the requirements of the Policy and Guidelines, noting that impacts to Coastal Wetlands may require offsetting
- the final EIS should be referred to DPI Fisheries for review.

DPI notes that it is responsible for ensuring:

- that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Coastal Systems Unit assesses activities under Part 4 and Part 5 of the *Environmental Planning and Assessment Act 1979* in accordance with:
 - the *Fisheries Management Act 1994* objectives,
 - the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the *Fisheries Management Act 1994*, and
 - the Policy and Guidelines for Fish Habitat Conservation and Management
- the sustainable management of viable commercial fishing and aquaculture; quality recreational fishing; and to promote the continuation of Aboriginal cultural fishing within NSW.

If the applicant has any further questions, please contact Peter Henwood, Fisheries Manager, Coastal Systems (North Coast) on peter.henwood@dpi.nsw.gov.au or 0417 343 393.

Kind regards
Sophia

DPI Coordination Team:
Cass McNamara, Manager - 0404 087 481
Jane Bak, A/Manager - 0438 458 914 (27 Aug - 20 Sept)
Sophia Stanley, Policy & Project Officer - 0427 326 931

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*.
Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Designated Development

SEAR Number	1376
Proposal	Residential Flat Building
Location	5 Drew Close, Port Macquarie (Lot 1 DP 1007734), Port Macquarie-Hastings LGA
Applicant	David Pensini Building and Environmental Services
Date of Issue	16 September 2019
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
Key Issues	<p>The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed:</p> <ul style="list-style-type: none"> • strategic and statutory context – including: <ul style="list-style-type: none"> – a detailed justification for the proposal and suitability of the site for the development – a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. • hazards and risk – including: <ul style="list-style-type: none"> – an assessment of the risk of bushfire, including addressing the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers) – any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this – an assessment of flood risk on the site. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, and the development's impact (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event • soil and water – including: <ul style="list-style-type: none"> – a description of local soils, topography, drainage and landscapes – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment – details of sediment and erosion controls – an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures – a detailed site water balance – an assessment of potential impacts on the quality and quantity of surface

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DEVELOPMENT ASSESSMENT PANEL
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	<ul style="list-style-type: none"> and groundwater resources – details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts – characterisation of the nature and extent of any contamination on the site and surrounding area – a description and appraisal of impact mitigation and monitoring measures • traffic and transport – including: <ul style="list-style-type: none"> – details of road transport routes and access to the site – road traffic predictions for the development during construction and for residential car parking use. – an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. • biodiversity – including a description of any potential vegetation clearing needed to undertake the proposal and any impacts to flora and fauna. • visual – including an impact assessment at private receptors and public vantage points. • heritage – including Aboriginal and non-Aboriginal cultural heritage
Environmental Planning Instruments and other policies	<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Vegetation in Non-Rural) 2017 • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Port Macquarie-Hastings Local Environmental Plan 2011 • relevant development control plans and section 7.11 plans.
Guidelines	<p>During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Industries. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.</p>
Consultation	<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> • Department of Planning, Industry and Environment, specifically the: <ul style="list-style-type: none"> ◦ Water Group • Department of Primary Industries – Fisheries • NSW Rural Fire Service • Birpai Local Aboriginal Land Council • Port Macquarie-Hastings Council • the surrounding landowners and occupiers that are likely to be impacted by the proposal. <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>
Further consultation after 2 years	<p>If you do not lodge an application under Section 4.12(8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Planning Secretary in relation to any further requirements for lodgement.</p>

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DEVELOPMENT ASSESSMENT PANEL
08/04/2020

NSW RURAL FIRE SERVICE



The Secretary
NSW Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Your Ref: EAR 1376
Our Ref: D19/2892
DA19082720197 AB

ATTENTION: Mary Ellen Trimble

13 September 2019

Dear Ms Trimble

Agency Comment:- Environmental Assessment Requirements for Residential Flat Buildings – 1/1211682 - 5 Drew Close Port Macquarie

I refer to your correspondence dated 23 August 2019 seeking comment from the NSW Rural Fire Service (NSW RFS) on matters to be included in the Secretary's environmental assessment requirements for an environmental impact statement for the above development proposal.

Port Macquarie Hasting Council maps the subject land as bush fire prone. The NSW RFS considers that the environmental impact statement for the proposed development should address the following:

- Where no subdivision is proposed, A1.1 of Planning for Bush Fire Protection 2006; and/or
- Where strata subdivision is proposed, A1.3 A1.1 of Planning for Bush Fire Protection 2006.

For any enquiries regarding this correspondence please contact Alan Bawden on 6691 0400.

Yours sincerely,

Nika Fomin
Manager – Planning and Environment Services

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Postal address
Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au
Email: pes@rfs.nsw.gov.au



ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020**Mary Ellen Trimble**

From: sophia.stanley@dpi.nsw.gov.au on behalf of DPI Cabinet
<dpi.cabinet@dpi.nsw.gov.au>
Sent: Thursday, 12 September 2019 9:49 AM
To: Mary Ellen Trimble
Cc: Brendan Stone; Jane Bak
Subject: Request for Input: Proposed Residential Flat Buildings on land partly mapped as Coastal Wetlands and Bushfire Prone Land- 5 Drew Close, Port Macquarie (Lot 1 DP 1211682) – SEAR 1376 Agency Referral To: Adam Oehlman
 <landuse.enquiries@dpi.nsw.gov.au>
Attachments: SEARs Request - 5 Drew Close, Port Macquarie.pdf; Planning Report - 5 Drew Close, Port Macquarie.pdf; SEARS REQUEST - FORM A.pdf

Dear Mary Ellen

Subject: Proposed Residential Flat Buildings on land partly mapped as Coastal Wetlands and Bushfire Prone Land- 5 Drew Close, Port Macquarie (Lot 1 DP 1211682) – SEAR 1376 Agency Referral

I refer to your email of 29 August 2019 to the Department of Primary Industries (DPI) regarding the above matter.

DPI has reviewed the request and advises that:

- the subject site (i.e. Lot 1 DP 1080285) includes areas mapped as Coastal Wetlands in accordance with the Coastal Management State Environmental Planning Policy. Coastal Wetlands are Type 1 Highly Sensitive Key Fish Habitat in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (accessible via <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation>) and are consequently afforded the highest level of protection
- the EIS for this proposal should address the requirements of the Policy and Guidelines, noting that impacts to Coastal Wetlands may require offsetting
- the final EIS should be referred to DPI Fisheries for review.

DPI notes that it is responsible for ensuring:

- that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Coastal Systems Unit assesses activities under Part 4 and Part 5 of the *Environmental Planning and Assessment Act 1979* in accordance with:
 - the *Fisheries Management Act 1994* objectives,
 - the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the *Fisheries Management Act 1994*, and
 - the Policy and Guidelines for Fish Habitat Conservation and Management
- the sustainable management of viable commercial fishing and aquaculture; quality recreational fishing; and to promote the continuation of Aboriginal cultural fishing within NSW.

If the applicant has any further questions, please contact Peter Henwood, Fisheries Manager, Coastal Systems (North Coast) on peter.henwood@dpi.nsw.gov.au or 0417 343 393.

Kind regards
Sophia

DPI Coordination Team:
Cass McNamara, Manager - 0404 087 481
Jane Bak, A/Manager - 0438 458 914 (27 Aug - 20 Sept)
Sophia Stanley, Policy & Project Officer - 0427 326 931

ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020

Client

Lloyd Coastal Property P/L

Proposed Residential Development

No. 5 Drew Close, Port Macquarie NSW 2444

C01 - Stormwater Layout

C02 - Detention Layout



DAVID R. JOHNSON

Consulting Engineer Pty Ltd.

A.B.N. 67 102 381 281

Telephone 0265 811 190

Mobile 0488 000 038

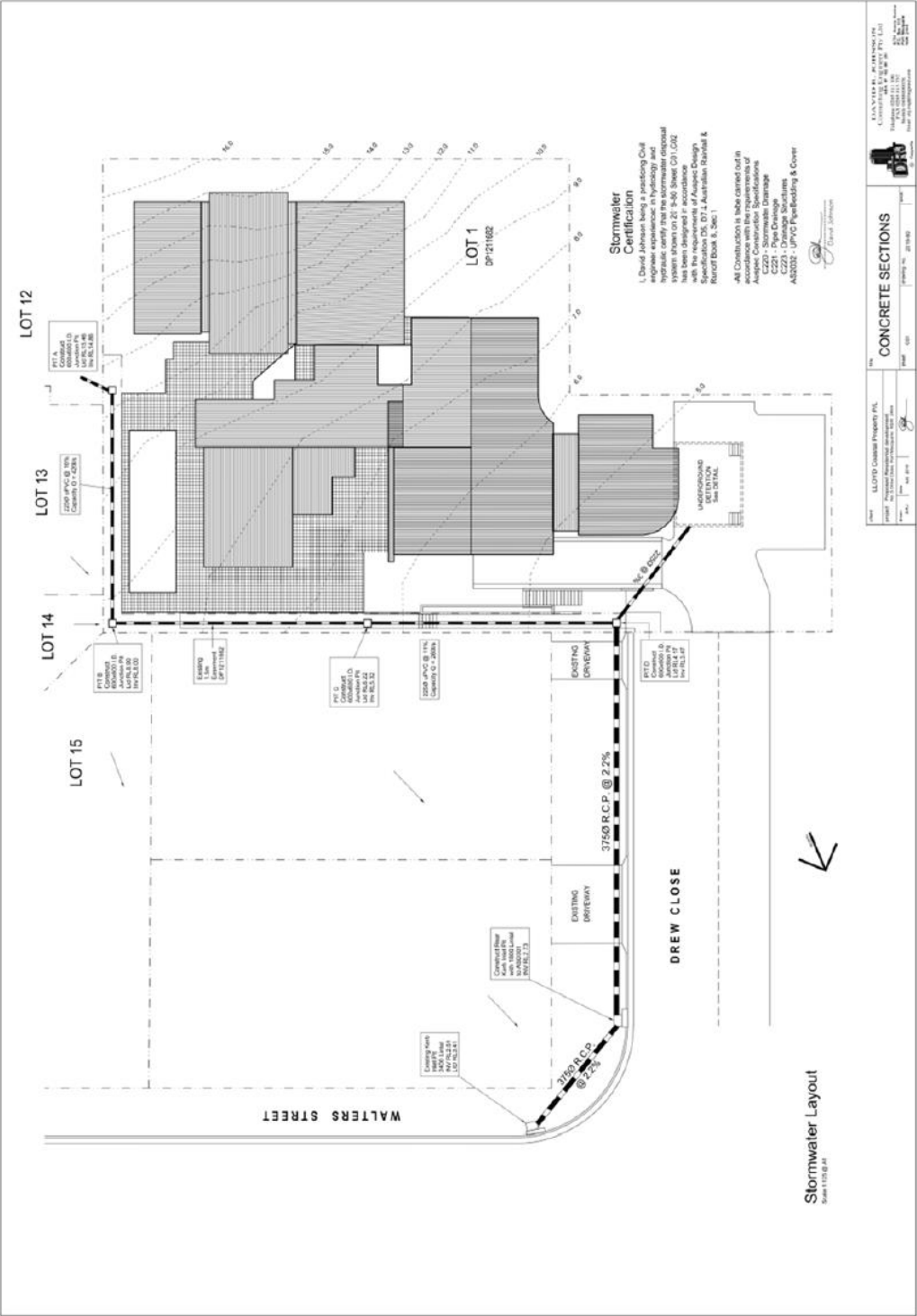
Email d.r.johnson@bigpond.com

6/34 Acacia Av

P.O. Box 510

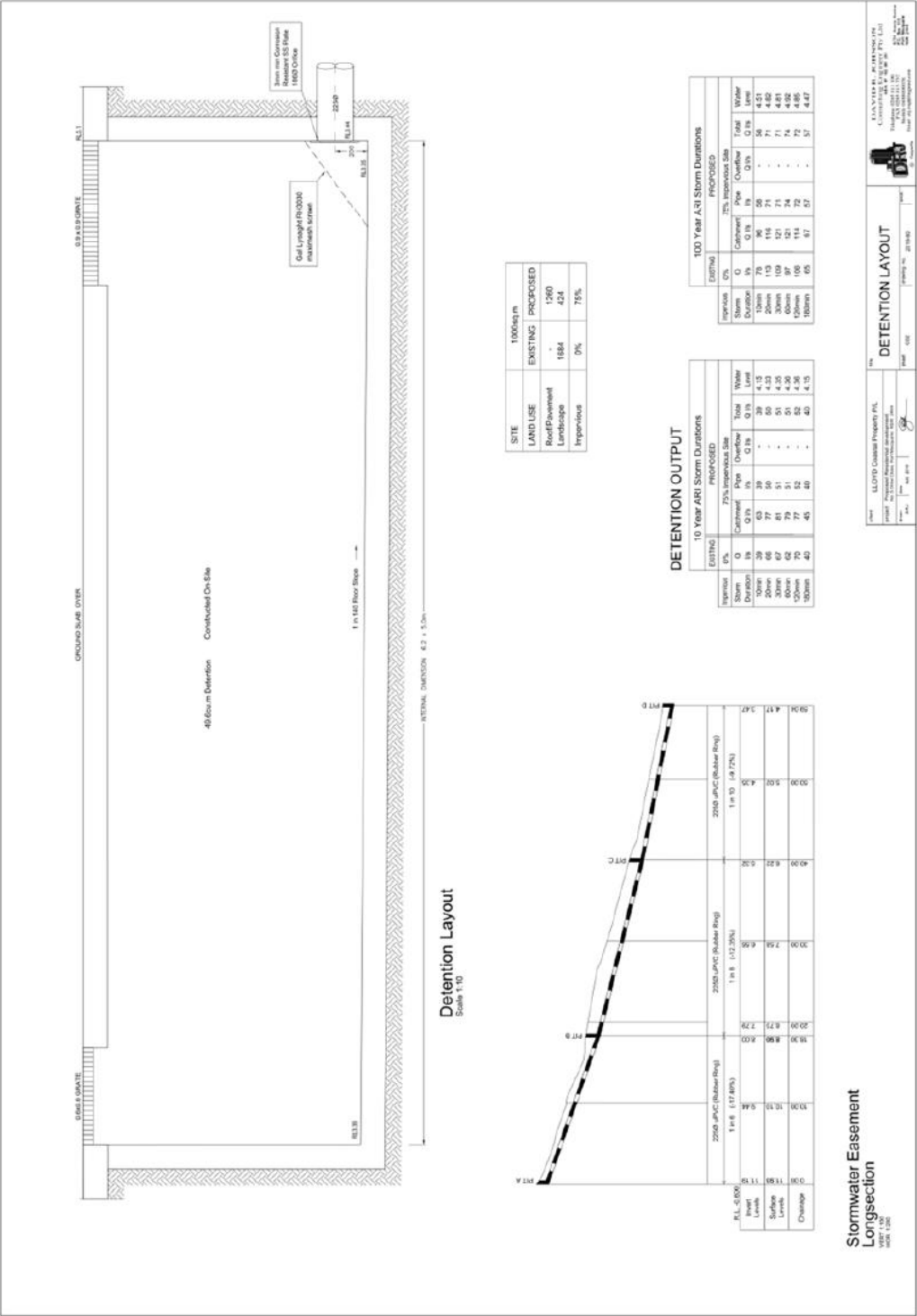
Port Macquarie

NSW 2444



ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020



ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020

NSW RURAL FIRE SERVICE

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

Your reference: 2019/676
Our reference: DA2020011000061-Original-1

ATTENTION: Benjamin Roberts

Date: Wednesday 22 January 2020

Dear Sir/Madam,

Development Application

s4.14 - Multiple Dwelling - Multi Dwelling Housing
5 Drew close PORT MACQUARIE NSW 2444 AUS, 1//DP1211682

I refer to your correspondence dated 31/12/2019 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. From the commencement of building works, and in perpetuity, the entire property shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

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:

2. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006'.

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1

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

ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
08/04/2020

3. Water, electricity and gas supply must comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

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

4. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – Consent Authority to Note

The above advice is based on the drawing titled 'Site Plan' prepared by Wayne Ellis Architect, numbered 1906 and dated 18th September, 2019.

For any queries regarding this correspondence, please contact Danette Cook on 1300 NSW RFS.

Yours sincerely,

Alan Bawden

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



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/676****DATE: 17/04/2020****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
Site survey	Job Ref: 8048	Frank O'Rourke and Associates	February 2006
Cover Sheet	Project No: 1906 Drawing No: D00	Wayne Architect Ellis	31 October 2019
Site Plan	Project No: 1906 Drawing No: D01	Wayne Architect Ellis	31 October 2019
Ground floor plan	Project No: 1906 Drawing No: D02	Wayne Architect Ellis	14 April 2020
First floor plan	Project No: 1906 Drawing No: D03	Wayne Architect Ellis	14 April 2020
Second floor plan	Project No: 1906 Drawing No: D04	Wayne Architect Ellis	14 April 2020
Third floor Plan	Project No: 1906 Drawing No: D05	Wayne Architect Ellis	8 November 2019
Fourth floor Plan	Project No: 1906 Drawing No: D06	Wayne Architect Ellis	8 November 2019
Fifth floor plan	Project No: 1906 Drawing No: D07	Wayne Architect Ellis	8 November 2019
Sixth floor plan	Project No: 1906 Drawing No: D08	Wayne Architect Ellis	8 November 2019
Elevations	Project No: 1906 Drawing No: D09	Wayne Architect Ellis	31 October 2019
Elevations	Project No: 1906 Drawing No: D10	Wayne Architect Ellis	31 October 2019
Sections	Project No: 1906 Drawing No: D11	Wayne Architect Ellis	31 October 2019

Site analysis plan	Project No: 1906 Drawing No: D12	Wayne Architect	Ellis	31 October 2019
Window Schedule	Project No: 1906 Drawing No: D13	Wayne Architect	Ellis	31 October 2019
Height analysis plan	Project No: 1906 Drawing No: D14	Wayne Architect	Ellis	31 October 2019
Surface finishes plan	Project No: 1906 Drawing No: D15	Wayne Architect	Ellis	31 October 2019
Shadow diagrams plan	Project No: 1906 Drawing No: D16	Wayne Architect	Ellis	31 October 2019
Car parking manoeuvring plan	Project No: 1906 Drawing No: D17	Wayne Architect	Ellis	14 April 2020
Landscape plan and details	Project No: 1906 Drawing No: A01 and A02	Wayne Architect	Ellis	14 August 2019
Preliminary Stormwater and Detention Layout	Sheet C01 and C02 Drawing No: 2019-80	David Johnson Consulting Engineer Pty Ltd		August 2019

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

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via appropriate receptacles into separate waste streams;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

6. Building work being limited to the following hours, unless otherwise permitted by Council;

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

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

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Drew Close, extension to the footpath paving along Warlters Street is required with design details in accordance with AUSPEC and Council Standard drawing ASD101 and 103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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.

- (11) From the commencement of building works, and in perpetuity, the entire property shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- (12) New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- (13) Water, electricity and gas supply must comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- (14) Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993, to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is not currently connected to sewer. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
 4. Water supply reticulation. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Council records indicate that the development site is not currently metered for water.
 5. Retaining walls.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.

8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, Port Macquarie-Hastings Council current version.
 10. Provision of a 1.5m (unless varied in writing by Council) concrete footpath along Drew Close connecting to the existing footpath on Warlters Street.
 11. If warranted by Council, a give way sign is to be installed at the intersection Drew Close and Warlters Street.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B021) A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site. Water service sizing is to be determined by a hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B030) Prior to issue of a Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

and;

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

- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Certification that the construction of footings and piers has been carried out in accordance with the approved drawings and specifications shall be provided by a practising chartered professional civil and/or structural engineer to the Principal Certifying Authority with the application for the Section 307 - Certificate of Compliance/Occupation Certificate.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority and adjoining property owners.
- (12) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B064) The applicant's landscape consultant shall consult with service authorities regarding the selection and placement of street trees near services. The location of all proposed and existing overhead and underground service lines shall be indicated on the Detailed Landscape Plan to be submitted with the Construction Certificate application.
- (15) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Construction Certificate application.
- (16) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (17) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (18) (B195) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as <a direct connection to Council's downstream piped drainage system in Warlters Street.
 - b) In this regard, Council's piped drainage system in Warlters Street must be extended by an appropriately sized pipeline (minimum 375mm diameter) to

the northern end of Drew Close, where a junction pit must be installed, to allow direct piped connection from the development site into the public drainage system (Junction pit shall be located within Drew Close road reserve).

- c) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No D2019-80 C01 and C02 prepared by David R Johnson and dated August 2019
- d) The design shall include the construction of an interallotment drainage system within the existing easements to drain water traversing the site including the provision of junctions to service each of the benefitted upstream and adjoining properties. In this regard, the stormwater plan referred to in Point c) above shall be amended to include the piping of the existing easement for drainage located along the western site boundary servicing Lot 31 Plan DP 869227 in addition to the easement along the eastern side of the site shown on those plans..
- e) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre-development flow rates for all storm events up to and including the 1%AEP event, with modelling undertaken in accordance with the requirements of ARR2019. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- f) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- g) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- i) The Stormwater Management Plan must include detail of how subsoil from the proposed basement will be drained. Pump-out of the subsoil drainage associated with the basement is not permitted unless it can be demonstrated that groundwater flows are minimal/ intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.

Where subsurface waters are permitted to be pumped from the basement, discharge must be connected directly to Councils piped drainage system via the OSD storage.

- (19) (B197) Each individual unit shall be individually water metered with the meters either located at an easily accessible location unless the water supply to the whole site is metered with a single larger meter with private meters at each unit. There is also the option for utilising remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (20) (B198) Council's existing 100mm asbestos cement water main which enters the site on the eastern side of Drew Close shall be removed, with the new termination point of the main being the existing duckfoot hydrant on the property frontage of 3 Drew Close (Strata Plan 16979).
- (21) (B200) A certifier must not issue a Construction Certificate for the development unless the certifier has received the statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

- (22) Drew Close is to be upgraded to provide a suitable end of road turn around treatment for a public road. The design is to be in accordance with AUSPEC and to the category of an Urban Access Place. Upgrade of Drew Close is to include kerb and gutter along the western extents to connect into the existing kerb and gutter of Walters Street. Details and designs are to be provided with the application pursuant to Section 138 of the Roads Act, 1993.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

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:
- at completion of installation of erosion control measures
 - at completion of installation of traffic management works
 - before commencement of any filling works;
 - when the sub-grade is exposed and prior to placing of pavement materials;
 - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - at the completion of each pavement (sub base/base) layer;
 - before pouring of kerb and gutter;
 - prior to the pouring of concrete for sewerage works and/or works on public property;
 - on completion of road gravelling or pavement;
 - during construction of sewer infrastructure;
 - during construction of water infrastructure;
 - prior to sealing and laying of pavement surface course.

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

- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D007) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (5) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (6) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (7) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (8) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (9) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
 - a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

- (10) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act*

1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

- (11) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (6) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:

- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (10) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (11) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (12) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.
- The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
 - b. The Proprietor shall have the OSD inspected annually by a competent person.
 - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
 - d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.
- The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (13) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.
- In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans.

This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

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

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (14) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.
- (15) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (16) (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.
- (17) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (18) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (19) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

- (20) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (21) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (22) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (23) (E068) Prior to the issue of a Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the dwellings (including street lighting and fibre optic cabling where required).
- (24) Prior to issue of a Occupation Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over the development lot to enable the gravity drainage of existing upstream properties. The easement and interallotment system, must comply with the requirements of AUSPEC D5.
- (25) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (26) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of an Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (27) (E195) A certifier must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifier has received the statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must

only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (F027) The swimming pool filtration motor shall be operated between the following hours only:

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

Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm

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

DEVELOPMENT APPLICATION ISSUE**PROJECT:** RESIDENTIAL FLAT BUILDING**ADDRESS** 5 DREW CLOSE
PORT MACQUARIE NSW 2444
Lot 1 DP 1211682**Client:** Drew Close Developments PL**Applicant:** Wayne Ellis architects**DRAWING SCHEDULE**

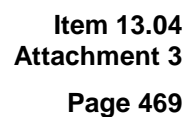
ARCHITECTURAL	D00
COVER SHEET	D01
SITE PLAN	D02
GROUND FLOOR	D03
FIRST FLOOR PLAN	D04
2ND FLOOR PLAN	D05
3RD FLOOR PLAN	D06
4TH FLOOR PLAN	D07
5TH FLOOR PLAN	D08
ELEVATIONS	D09
SECTIONS	D10
SITE ANALYSIS	D11
WINDOW SCHEDULE	D12
HEIGHT ANALYSIS	D13
SURFACE FINISHES SCHEDULE	D14
SHADOW DIAGRAMS	D15
CAR PARKING AS2890.1	D16
SURVEY PLAN	D17

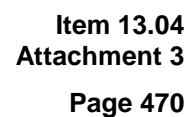
LANDSCAPE	A01
LANDSCAPE PLAN	A02
LANDSCAPE DETAILS	

**PROPOSED DEVELOPMENT****VIEW FROM NORTH EAST CORNER DREW CLOSE****STATISTICS**

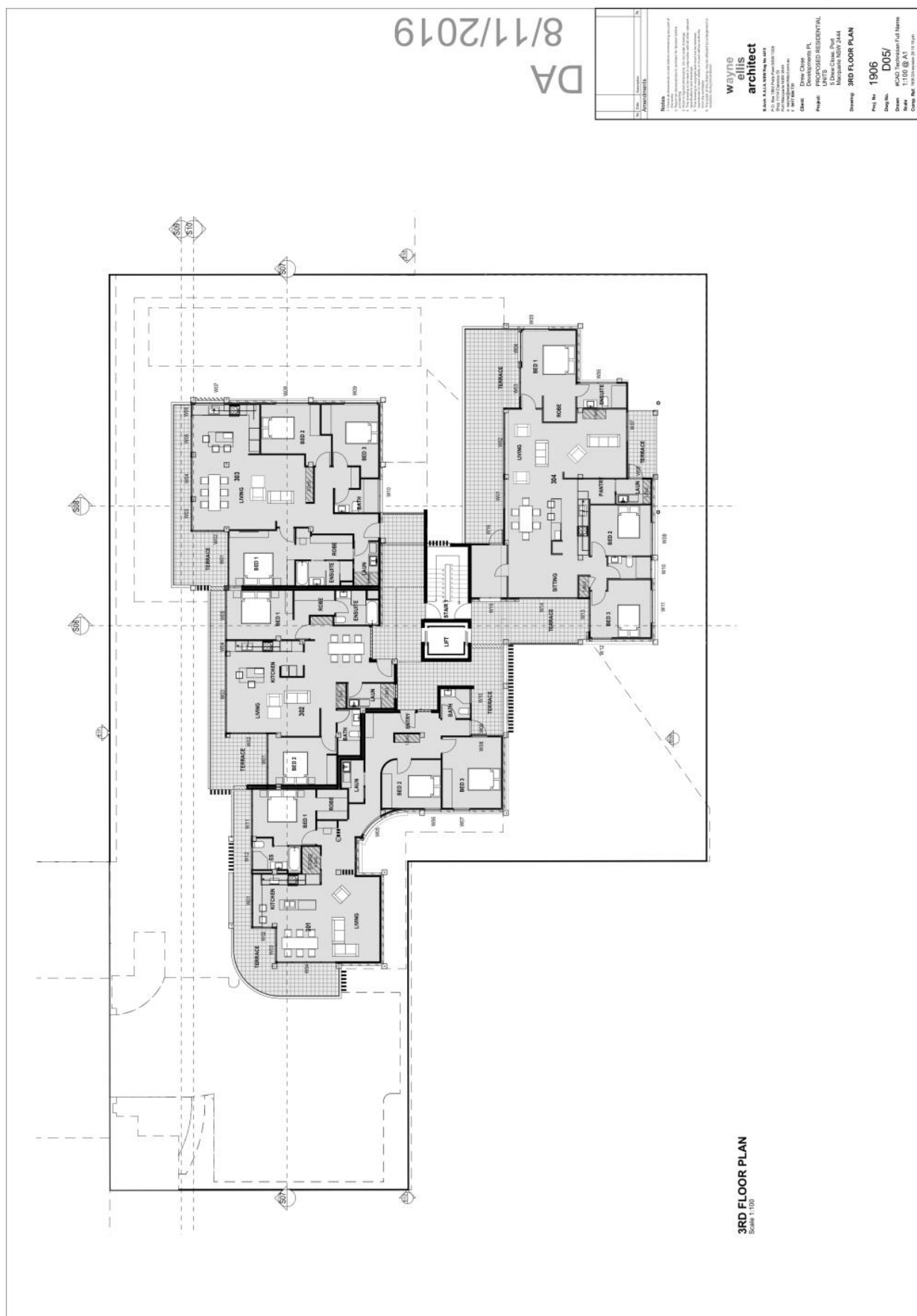
LOCATION:	LOT 1 DP 1211682
	PORT MACQUARIE NSW 2444
SITE AREA:	1.684 Hect
ZONE:	R3 Medium Density Residential
FSR:	PERMISSIBLE 157.19
	PROPOSED 115.10
UNIT	Gross Floor Area
191	121.64
192	121.64
202	121.64
203	126.97
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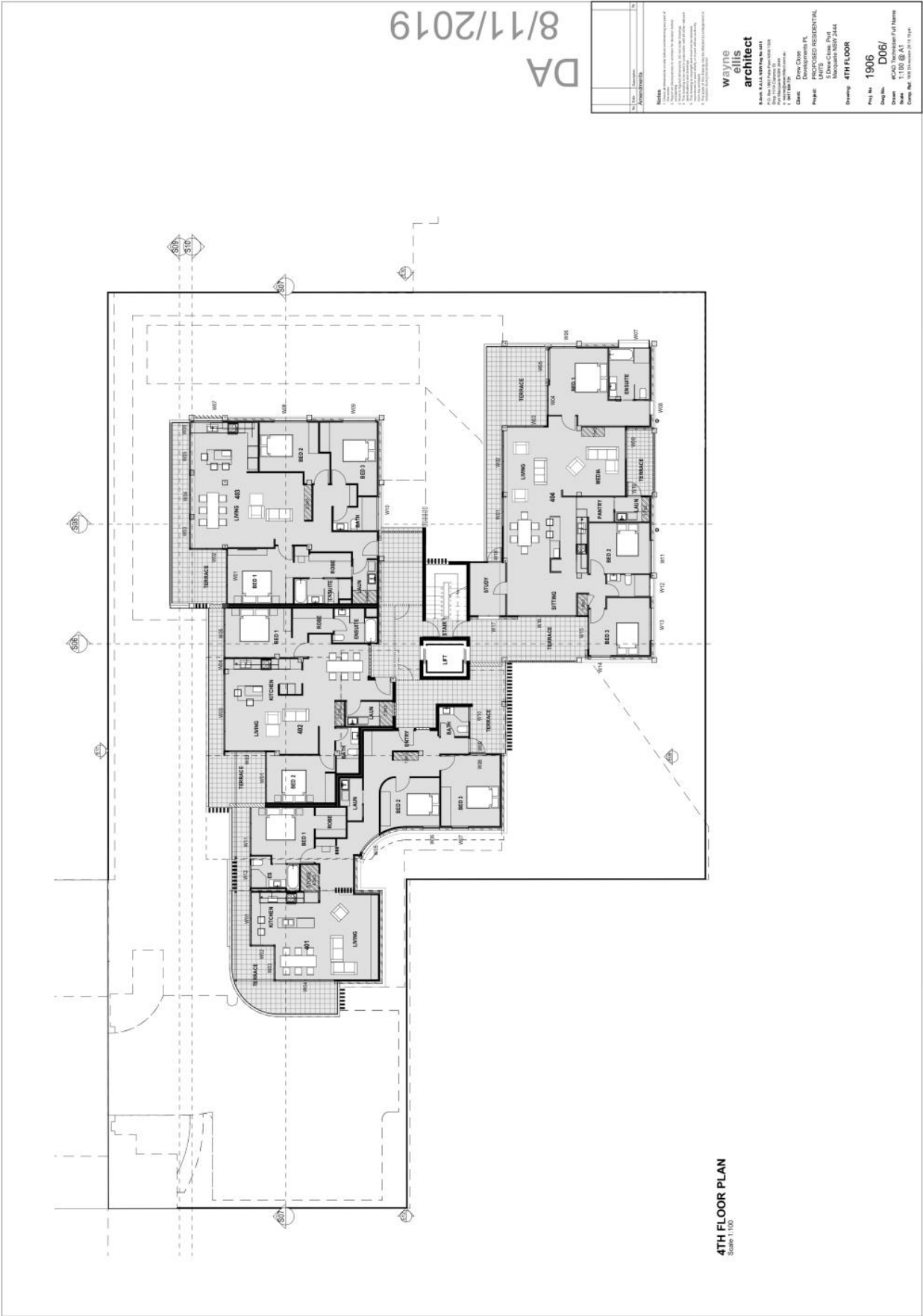


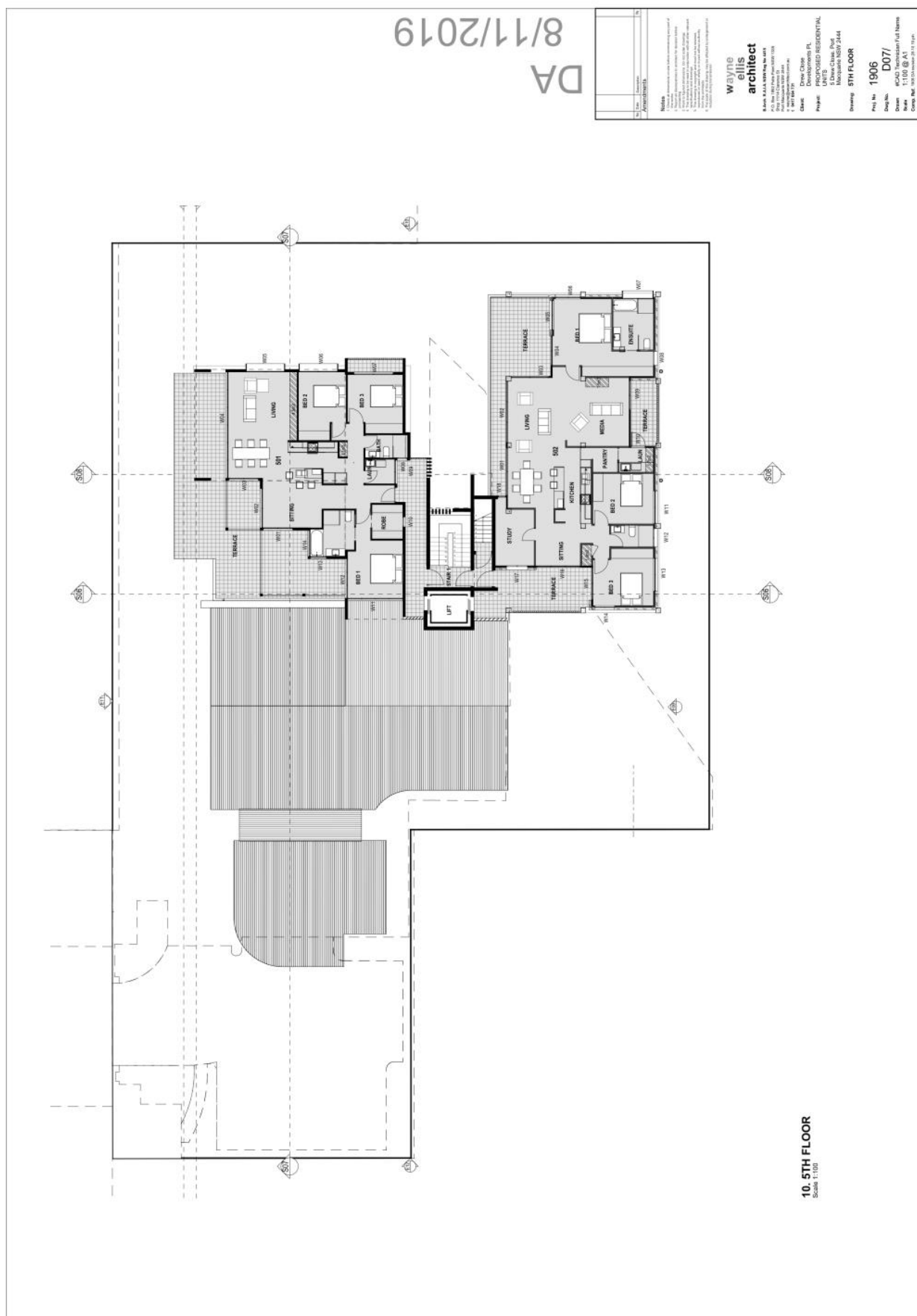


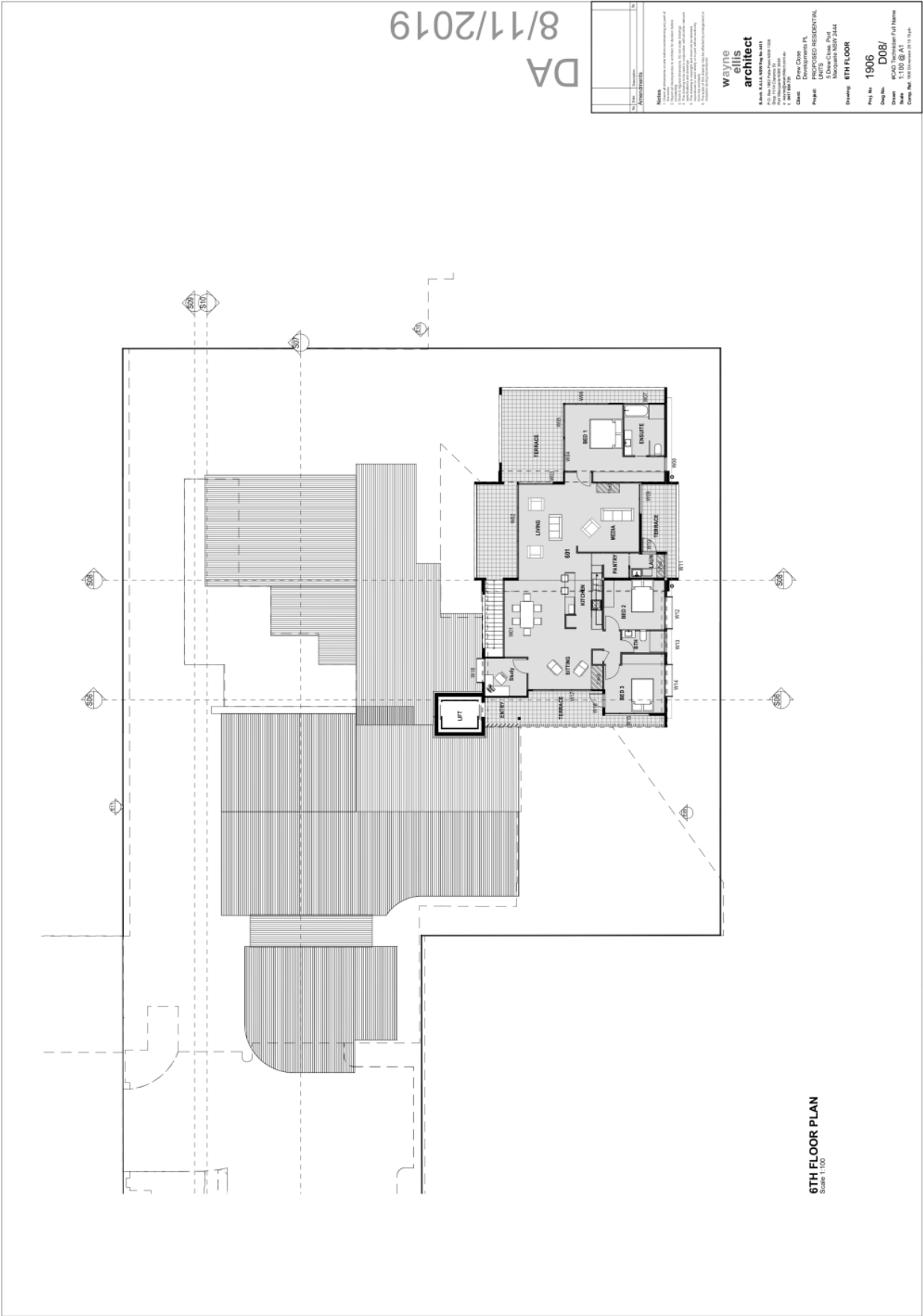


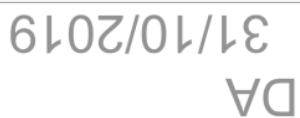


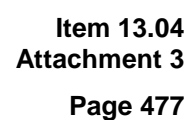


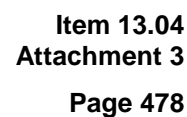


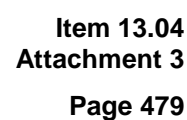










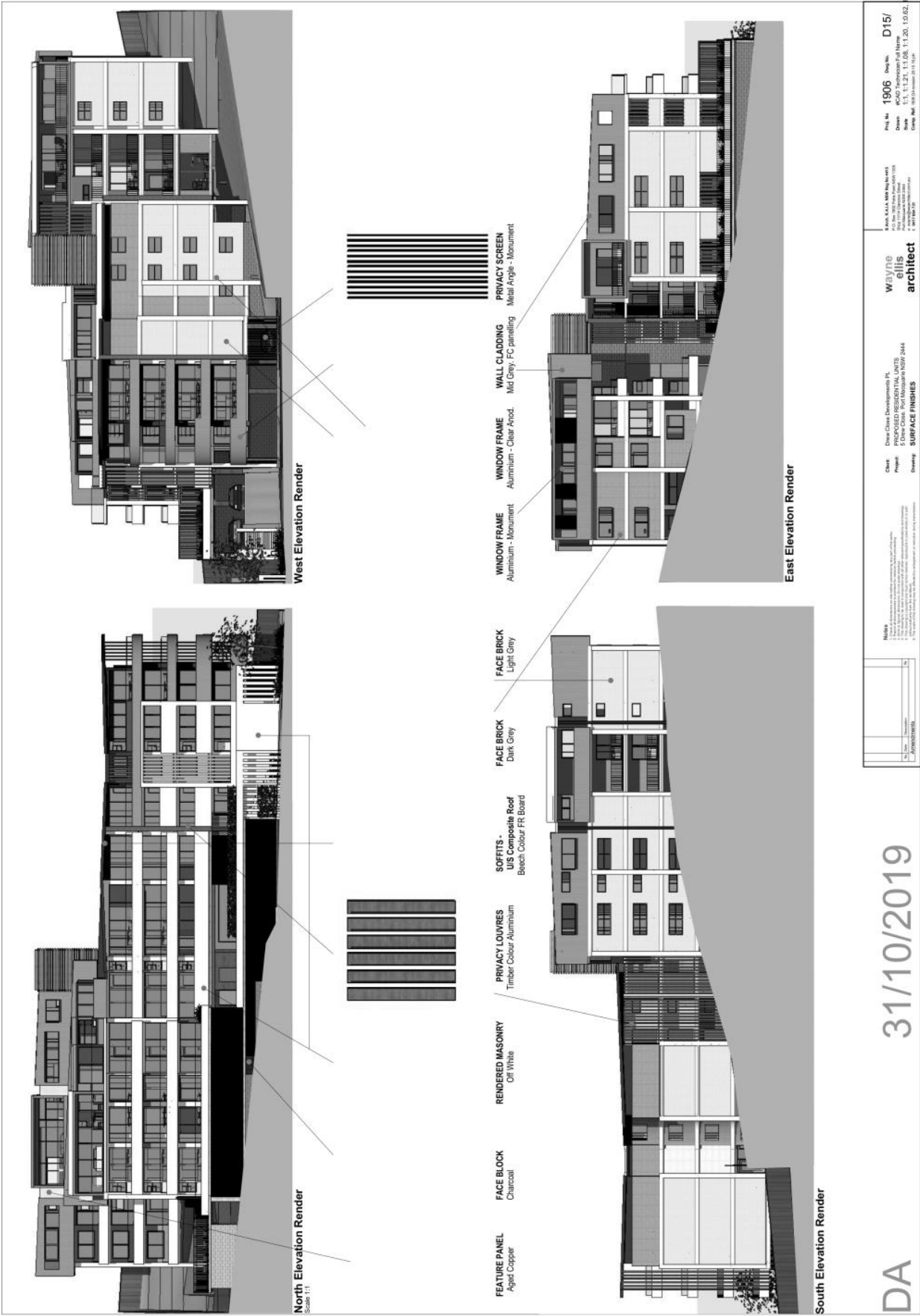


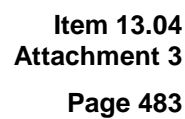




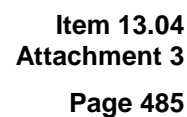
DA 31/10/2019

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