



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

date of meeting: Wednesday 8 July 2020

location: Via Skype

time: 2:00pm

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

## **Development Assessment Panel**

### **CHARTER**

---

#### **1.0 OBJECTIVES**

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

#### **2.0 KEY FUNCTIONS**

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

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

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

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

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

#### **3.0 MEMBERSHIP**

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

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

be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

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

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

- Not applicable

### **3.3 Obligations of members**

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

### **3.4 Member Tenure**

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

### **3.5 Appointment of members**

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

## **4.0 TIMETABLE OF MEETINGS**

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

## **5.0 MEETING PRACTICES**

### **5.1 Meeting Format**

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

### **5.2 Decision Making**

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

### **5.3 Quorum**

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

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

- Independent Chair (alternate, second independent member)

### **5.5 Secretariat**

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

### **5.6 Recording of decisions**

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



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

Not applicable.

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

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

## **8.0 LOBBYING**

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

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	25/03/20	08/04/20	06/05/20	27/05/20	10/06/20	24/06/20
Paul Drake	✓	✓	✓	✓	✓	✓
Robert Hussey		✓				
David Crofts (alternate member)	✓		✓	✓	✓	✓
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner	✓	✓	✓	✓	✓	✓

**Key:** ✓ = Present

**A** = Absent With Apology

**X** = Absent Without Apology

### Meeting Dates for 2020

22/01/2020	Function Room	2:00pm
12/02/2020	Function Room	2:00pm
26/02/2020	Function Room	2:00pm
11/03/2020	Function Room	2:00pm
25/03/2020	Function Room	2:00pm
8/04/2020	Function Room	2:00pm
6/05/2020	Function Room	2:00pm
27/05/2020	Function Room	2:00pm
10/06/2020	Function Room	2:00pm
24/06/2020	Function Room	2:00pm
8/07/2020	Function Room	2:00pm
22/07/2020	Function Room	2:00pm
12/08/2020	Function Room	2:00pm
26/08/2020	Function Room	2:00pm
9/09/2020	Function Room	2:00pm
30/09/2020	Function Room	2:00pm
14/10/2020	Function Room	2:00pm
28/10/2020	Function Room	2:00pm
11/11/2020	Function Room	2:00pm
25/11/2020	Function Room	2:00pm
16/12/2020	Function Room	2:00pm

# Development Assessment Panel Meeting

Wednesday 8 July 2020

## Items of Business

Item	Subject	Page
01	Acknowledgement of Country .....	<u>8</u>
02	Apologies.....	<u>8</u>
03	Confirmation of Minutes .....	<u>8</u>
04	Disclosures of Interest.....	<u>13</u>
05	DA2018 - 799.1 Community Facility at Lot 2 DP 1089895, Oxley Highway, Port Macquarie .....	<u>17</u>
06	DA2020 - 355.1 Dwelling and Swimming Pool at Lot 1623 DP1250286, No 47 Diamond Drive, Port Macquarie .....	<u>109</u>
07	DA 2020 - 268.1 - Staged Development: Dwelling and Secondary Dwelling and conversion to Dual Occupancy & Strata Subdivision at Lot 328 DP 1241368, No. 25 Cohen Way THRUMSTER .....	<u>146</u>
08	General Business	

---

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

---

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

---

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

---

**RECOMMENDATION**

That the apologies received be accepted.

---

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

---

**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 24 June 2020 be confirmed.

---

**PRESENT**

***Members:***

Paul Drake  
David Crofts  
Dan Croft

***Other Attendees:***

Grant Burge  
Robert Slater  
Chris Gardiner  
Steven Ford

---

The meeting opened at 2:30pm.

---

---

**01 ACKNOWLEDGEMENT OF COUNTRY**

---

The Acknowledgement of Country was delivered.

---

---

**02 APOLOGIES**

---

Nil.

---

---

**03 CONFIRMATION OF MINUTES**

---

**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 10 June 2020 be confirmed.

---

---

**04 DISCLOSURES OF INTEREST**

---

There were no disclosures of interest presented.

---

---

**05 DA2020 - 369.1 - DWELLING, SECONDARY DWELLING, SHED AND SWIMMING POOL AT LOT 30 DP 1239206, NO. 24 OXBOW CIRCUIT KING CREEK**

---

**Speakers:**

Michael Laws (opposing the application)

Jayson Shelly (applicant)

Submission from Michael and Lynette Laws tabled at the meeting.

**CONSENSUS:**

That DA 2020 - 369.1 for a Staged Dwelling, Secondary Dwelling, Shed and Swimming Pool at Lot 30, DP 1239206, No. 24 Oxbow Circuit, King Creek, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate a landscaping plan is to be submitted for approval providing for a vegetative screen, achieving a mature height of 4m, between the proposed shed and secondary dwelling and the western side boundary.'
- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate a site survey and amended building plans are to be submitted for approval for the shed and secondary dwelling demonstrating that the ridge height of the building is not more than 500mm higher than the ridge height of the shed on the adjoining property at 30 Oxbow Crescent.'
- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate amended plans are to be submitted for approval deleting the privacy screens on the windows of the secondary dwelling and relocating the bedroom 1 window from the western elevation to the northern elevation of the building.'

---

**06 DA2020 - 340.1 ALTERATIONS AND ADDITIONS TO DWELLING AT LOT 417 DP 208523, NO 5 CUNNING STREET, PORT MACQUARIE**

---

**Speakers:**

Craig Maltman (applicant)

**CONSENSUS:**

That DA2020 - 340.1 for Alterations and Additions to Dwelling at Lot 417, DP 208523, No. 5 Cunning Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

---

**07 DA2020 - 101.1 SHOP TOP HOUSING AND ALTERATIONS AND ADDITIONS TO COMMERCIAL BUILDING, AT LOT 1 DP 1041388 NO. 36 HIGH STREET WAUCHOPE.**

---

Speakers:  
Joseph Khoury (applicant)

**CONSENSUS:**

That DA 2020.101.1 for Shop Top Housing and Alterations and Additions to Commercial Building at Lot 1, DP 1041388, No. 36 High Street, Wauchope, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate amended plans are to be submitted for approval providing for details of secure and lockable access at ground level to the lift and all pedestrian accesses to the building.'
- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate amended plans are to be submitted for approval providing for a reorientation of the ground floor accessible amenities so as to remove the concealed lift alcove so as to provide a direct line of sight from High St.'

---

**08 DA2020 - 38.1 MULTI DWELLING HOUSING AND COMBINATION OF TORRENS AND STRATA TITLE SUBDIVISION AT LOT 350 DP 1241368 POUNTNEY AVENUE, THURMSTER**

---

Speakers:  
Fiona Petterson (applicant)

**CONSENSUS:**

That DA2020 - 38.1 for Multi Dwelling Housing and a Combination of Torrens and Strata Subdivision at Lot 350, DP 1241368, Pountney Avenue, Thurmster, be determined by granting consent subject to the recommended conditions.



---

**09 GENERAL BUSINESS**

---

Nil.

---

The meeting closed at 4:15pm.

---

Item: 04  
Subject: DISCLOSURES OF INTEREST

---

**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

### Pecuniary Interest

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

### Non-Pecuniary

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

#### Managing non-pecuniary conflicts of interest

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

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

---

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

---

**Item: 05**

**Subject: DA2018 - 799.1 COMMUNITY FACILITY AT LOT 2 DP 1089895,  
OXLEY HIGHWAY, PORT MACQUARIE**

**Report Author: Development Assessment Planner, Clint Tink**

---

**Applicant: Chris Jenkins Design Architects Pty Ltd**

**Owner: Minister for Education and Training**

**Estimated Cost: \$2,380,000.00**

**Parcel no: 47960**

---

### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

- 1. That the Koala Plan of Management prepared by JBEnviro, Revision 3 dated 27 April 2020 be approved using the delegations provided under the Development Assessment Panel Charter.**
- 2. That DA 2018 - 799.1 for a staged community facility at Lot 2, DP 1089895, Oxley Highway, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### **Executive Summary**

This report considers a development application for a staged community facility 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, two (2) submissions were received.

The site is core koala habitat and the application also includes a Koala Plan of Management (KPOM). The report recommends that the KPOM be approved and that appropriate conditions be imposed to ensure consistency with the Plan.

The proposal has been amended during the assessment of the application with primary changes relating to the front setback, retention of trees, carparking layout and approach to management of stormwater disposal.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.



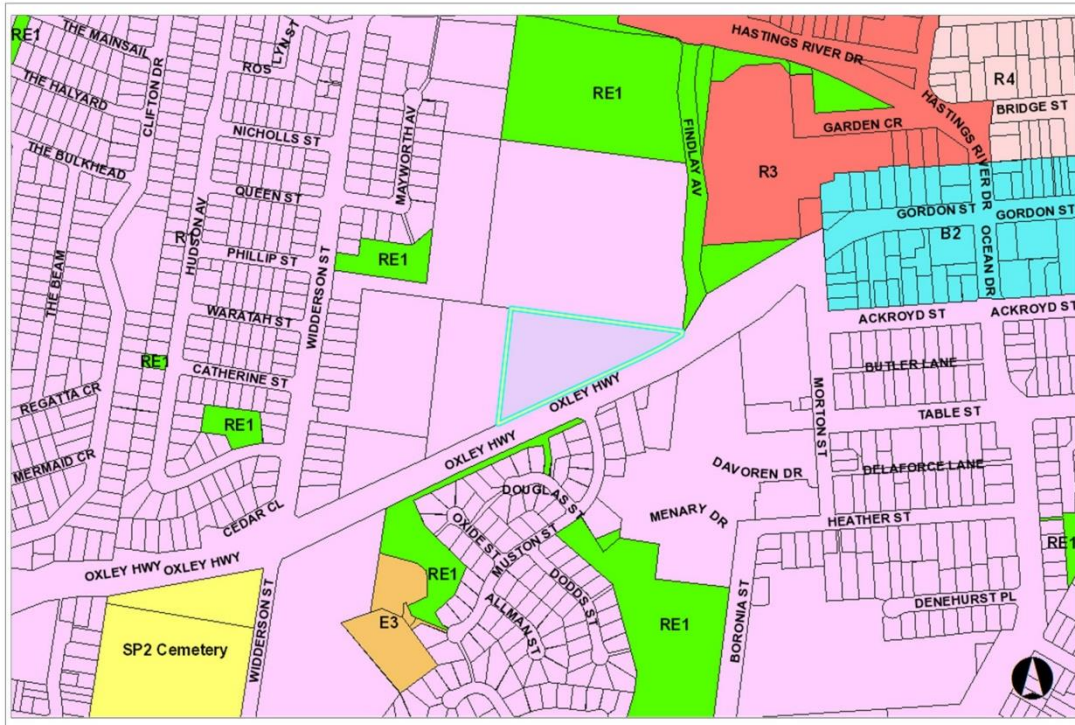
This report recommends that the development application be approved subject to the attached conditions (**Attachment 1**).

## 1. BACKGROUND

### Existing Sites Features and Surrounding Development

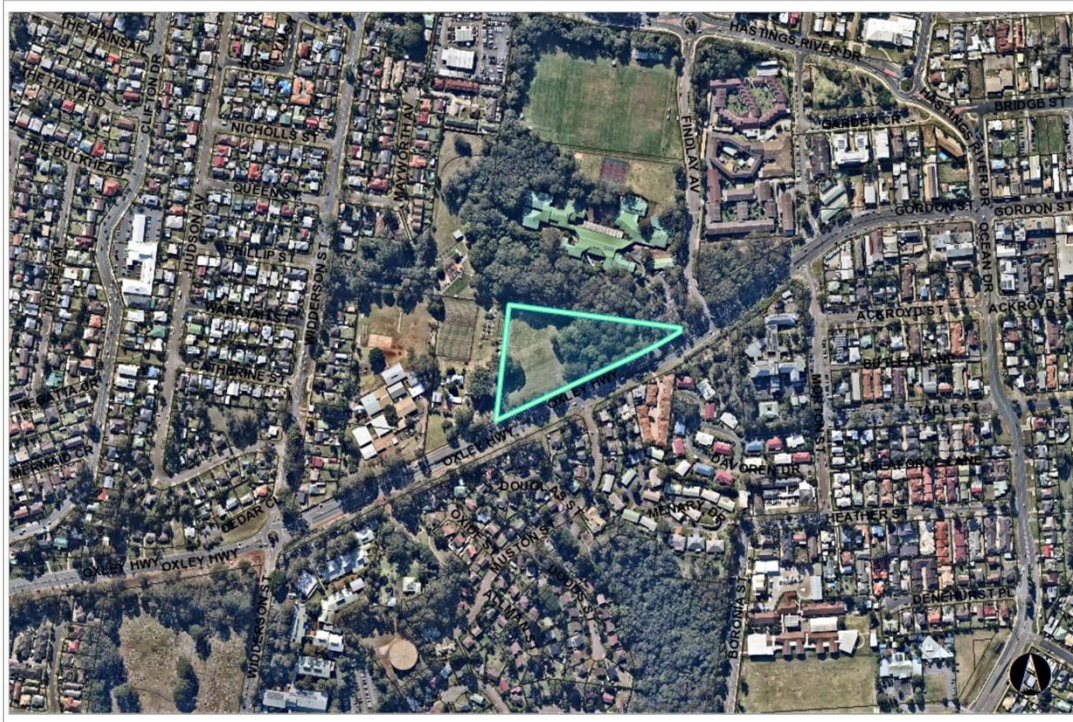
The site has an area of 1.872ha.

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



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





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The development application is for a community facility comprising a community Arts and Crafts Centre and Hastings Men's Shed.
- The development is proposed to be completed in 3 stages. Stage 1 is for preliminary works, excavation, access, car parking and services. Stage 2 is for the Hastings Men's Shed building. Stage 3 is for the Arts and Craft Centre.
- The Arts and Crafts Centre will be contained in one single storey building and have weaving, spinning, art, gallery, lapidary, pottery and woodworking components. An ancillary dining/amenities area is also provided for use by occupants.
- The Hastings Men's Shed will be located in a separate single storey building.
- The buildings will occupy a floor space of 1,706m<sup>2</sup>.
- 56 car parking spaces are provided with 2 loading bays.
- Access and egress to the community facility will occur via a single point of connection to the Oxley Highway.
- A KPOM is triggered under State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44). It is noted that 5 koala food trees are specifically being removed.
- The site adjoins the locally listed heritage item, Douglas Vale.

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

### Application Chronology

- 13/3/2018 - Proposal presented to Council's Pre-lodgement Meeting.

- 27/9/2018 - Development Application (DA) lodged with Council.
- 9-22/10/2018 - Exhibition period.
- 10/10/2018 - Council staff requested additional information on owner's consent, ecological assessment including compliance with SEPP 44 and Biodiversity Conservation Act 2016, heritage, signage, parking calculations, cut & fill, hours of operation and staging. Subsequent to the above, there were emails between Council staff and the applicant regarding owners consent. It was acknowledged that the DA wouldn't be determined without owners consent but the matter could be parked until leasing arrangements had been further resolved with the Minister/Department of Education.
- 11/10/2018 - Comments from Council's Heritage Advisor on the DA were received and provided to the applicant for consideration.
- 16-17/10/2018 - Discussion between Council staff and the applicant on whether or not comments from the NSW Rural Fire Service were required.
- 17/10/2018 - Discussion between Council staff and the applicant regarding the inability to waive SEPP 44 requirements.
- 17/10/2018 - Comments on the DA received from the Roads and Maritime Services (RMS).
- 19/10/2018 - Request to extend submission period received and granted.
- 22/10/2018 - Request to extend submission period received and granted.
- 22/10/2018 - Applicant responded to part of the additional information request from 10/10/2018 and included an updated Statement of Environmental Effects (SOEE) and set of plans. Owners consent still to be resolved along with relevant ecological assessments.
- 23/10/2018 - Council staff requested clarification on signage and provided initial feedback on ecology and heritage. Applicant provided response on signage and noted feedback the same day.
- 3/11/2018 - Submission received.
- 6/11/2018 - Submission received.
- 7/11/2018 - Revised SOEE received with additional heritage comment. Revised information provided to Council's Heritage Advisor.
- 15/11/2018 - Comments received from Council's Heritage Advisor, which did not support the location of the proposed building in relation to the impact on interpreting the historical approach to the adjoining heritage listed Douglas Vale.
- 26/11/2018 - Heritage Advisor comments from 15/11/2018 provided to the applicant for consideration.
- 28/11/2018 - Applicant responded to Heritage Advisor comments, which were acknowledged by the assessing officer on 3/12/2018.
- 14/12/2018 - Council staff requested clarification from the applicant on potential noise impacts from the development and mitigation measures.
- 18/12/2018 - Initial feedback provided on noise impacts.
- 23/1/2019 - Council staff requested update from the applicant on the outstanding items being ecological assessments and owners consent. Applicant provided an update with the information still being complied/to be resolved.
- 25/1/2019 - Applicant submitted revised plans seeking initial comment from Council before proceeding with additional ecological assessment etc. The revised plans were in response to preliminary feedback from the ecologist.
- 5/2/2019 - Council staff did follow up with RMS regarding comments and conditions on the DA.
- 8/2/2019 - Redacted submissions provide to the applicant.
- 19/3/2019 - Applicant submitted ecological assessments comprising a Biodiversity Development Assessment Report (BDAR) and KPOM). In addition, minor amendments to the plans and stormwater design were made.



- 29/3/2019 - KPOM referred to the Department of Planning Infrastructure & Environment (DPIE). BDAR referred to the Office of Environment & Heritage (OEH).
- 1/5/2019 - DPIE requested confirmation that the KPOM was supported in principle by Council.
- 10/5/2019 - Council staff advised DPIE that a decision on whether or not to support the KPOM had not yet been made. Council staff requested DPIE place a hold on their assessment until a decision had been made whether to support the KPOM from a Council staff level. DPIE subsequently agreed to put the assessment of the KPOM on hold.
- 10/5/2019 - Applicant requested an update on the DA, which was provided by Council staff.
- 21/5/2019 - Update on the assessment of the BDAR was provided by OEH.
- 23/5/2019 - Update on the assessment of the BDAR provided to the applicant.
- 24/5/2019 - OEH provided response on the BDAR, which requested additional information.
- 31/5/2019 - OEH response forwarded to the applicant for comment.
- 25/6/2019 - Applicant provided response to OEH issues.
- 4/7/2019 - Council staff emailed the applicant acknowledging the information provided on 25/6/2019. In addition, Council staff had received a separate request (not from the applicant) to pause the DA until such time as the stormwater design had been resolved. In particular, changes to the stormwater design had potential to impact on the ecological assessments.
- 5/7/2019 - DPIE requested update on whether Council supported the KPOM. Council staff advised that the KPOM was still being reviewed.
- 4-9/7/2019 - Discussion between Council staff and the applicant were held regarding stormwater, including a meeting on 5/7/2019. Applicant advised Council staff to continue assessing the application.
- 17/7/2019 - Council staff forwarded the applicants response/information provided on 25/6/2019 to OEH for consideration.
- 2/8/2019 - Applicant requested update on the DA, which was provided on 6/8/2019.
- 6/8/2019 - OEH provided response on the BDAR, outlining issues to consider. 13-14/8/2019 Council staff discussed issues with OEH.
- 29/8/2019 - Applicant requested update on the DA.
- 3/9/2019 - Council provided updated to applicant on status of the DA and also requested clarification on matters pertaining to the ecological assessments and issues raised by OEH.
- 9/10/2019 - Council staff provided DPIE an update on the status of the DA and KPOM being on hold pending additional information.
- 14/10/2019 - Applicant sought feedback from Council staff on a revised stormwater system/approach.
- 6/11/2019 - Meeting between Council staff, the applicant and the State Government around the status of the DA.
- 8/11/2019 - Applicant requested meeting with Council staff to discuss stormwater design.
- 11/11/2019 - Email received from Education School Infrastructure (ESI) raising concerns with the proposed stormwater design and that it did not meet their intended lease arrangement/owners consent. Applicant raised concerns with ESI on the approach of the various State Government Departments on the DA.
- 18/11/2019 - Applicant provided update to Council staff on status of the outstanding information and discussions with the various State Government Departments.

- 17/1/2020 - Council staff received email noting a change in applicant.
- 30/1/2020 - Council staff received email noting applicant to remain the same.
- 30/3/2020 - Revised stormwater detail and plans provided to Council. Council staff requested clarification on the revised detail and also status of the revised ecological response.
- 31/3/2020 to 2/4/2020 - Discussion between Council staff and the applicant on the revised stormwater design.
- 27/4/2020 - Applicant submitted revised BDAR and KPOM assessments noting the amended stormwater design.
- 28/4/2020 - Council staff discussed owners consent requirements with the applicant.
- 29/4/2020 - Applicant requested update on the DA, which was provided by Council staff.
- 30/4/2020 to 1/5/2020 - Council staff discussed owners consent requirements with ESI/owner.
- 8/5/2020 - Applicant requested update on the DA. Council staff advised on 11/5/2020 that the revised BDAR and KPOM were being considered and that owners consent was still outstanding.
- 15/5/2020 - Applicant requested update on the DA. Council staff advised on 18/5/2020 that the assessment of the BDAR and KPOM were almost complete.
- 19/5/2020 - Owners consent received.
- 20/5/2020 - Council staff advised the applicant that the BDAR and KPOM had been accepted in principle by Council staff. The revised KPOM would also be forwarded to DPIE for approval and noting that Council staff provide in principle support.
- 20/5/2020 - Revised KPOM sent to DPIE.
- 29/5/2020 - DPIE requested clarification on the revised KPOM. Council staff provided a response, summarising the key changes.
- 1/6/2020 - Applicant requested an update on the DA/KPOM. Council staff advised that the KPOM was being considered by DPIE.
- 12/6/2020 - Applicant questioned Council staff's response on 1/6/2020 having contacted the former OEH Department at Coffs Harbour and received different advice. Council staff advised that the KPOM was not being handled by the former OEH but rather DPIE out of Tamworth. Applicant had contacted the wrong Department. Council staff reiterated that the advice provided on the 1/6/2020 was correct.
- 15/6/2020 - Discussion between the applicant and Council staff on dates for Council's Development Assessment Panel.
- 19/6/2020 - Council staff provided a response to the applicant on status of the DA.
- 22-23/6/2020 - Council staff received advice/had discussions with the applicant and other parties involved in the DA regarding the KPOM.
- 24/6/2020 - KPOM approved by DPIE.

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(1) Matters for Consideration**

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

#### **(a) The provisions (where applicable) of:**

**(i) Any Environmental Planning Instrument****State Environmental Planning Policy (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. Therefore, the application is 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**

With reference to clauses 6 and 7, the subject land is greater than 1 hectare and therefore the provisions of SEPP 44 must be considered.

The applicant has submitted an ecological assessment and KPOM prepared by JBEnviro, dated 27 April 2020. The assessment includes consideration of SEPP 44.

The vegetation on the site consists of greater than 15% Schedule 2 Koala food trees and therefore meets the definition of 'potential koala habitat'.

The ecologist carried out further investigations to determine whether the site is 'core koala habitat', including:

- Direct surveys.
- Call playback.
- Scat searches.
- Tree usage/activity.

The investigations identified limited scats onsite but trees along the road reserve were shown to be well scratched, identifying use by koalas. It was noted that the use of the trees onsite for shading by stock saw ground disturbance, which did limit scat detection.

No koalas were observed onsite during the survey.

Regardless of the above, the ecologist also considered the context of the site within the larger locality, along with other completed studies and recorded sightings of koalas in the area. Overall, the site was considered to play a significant linkage and role in the viability of koalas in the middle-north Port Macquarie area.

In conclusion, the ecologists stated the following:

*SEPP 44 defines Core Koala Habitat as "an area of land with a resident population of Koalas, as evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a Koala population". The attributes are provided as examples of only some characteristics Core Koala Habitat may demonstrate, and thus to meet the definition of Core Koala Habitat, a site does not necessarily need to show all of these attributes, and may even show other evidence indicating the site is Core Koala Habitat (Dept of Planning, pers. comm.).*

*In regards to the above, the following evidence is provided:*

- 1) *"Breeding females (that is, females with young)". The consultant has previously observed a female Koala with a joey on adjoining land. School staff and the PMKPS have advised of similar records over many years, as well as*

*activities of breeding males ie calls and combat. This readily confirms breeding activity consistently occurs in directly interconnected habitat.*

- 2) *"Recent sightings and historical records of a Koala population". As mentioned earlier, the survey recorded Koalas on site via recent scats and scratches. Bionet records a cluster of records within 0.1-1km of the site and school staff provided numerous records of Koalas over the school grounds, which are complimented by records of Koala rescues and releases in the area by the KPS. Thus, it is considered that there is ample recent and historical evidence of a local population in the area and this population includes the site as part of its home range.*

*The information collated for this assessment thus indicates that the subject land readily qualifies as part of Core Koala Habitat. Hence a Koala Management Plan will be required to be submitted with the Development Application.*

Having considered the above and in accordance with Clause 9 of the SEPP, a KPOM prepared by JBEnviro, dated 27 April 2020 was submitted with the application. The KPOM is included as **(Attachment 3)** and includes the following summarised recommended ameliorative measures:

- Instigating clearing protocols including preclearing surveys and staged clearing and the presence of a trained ecological or licensed wildlife handler during clearing events. The KPOM requires:
  - The area of work is to be inspected for koalas by an ecologist immediately prior to commencement of any vegetation removal.
  - The ecologist is to remain on-site during vegetation removal to maintain surveillance for koalas and rescue other fauna as required.
  - No such vegetation removal is to be carried out while any koala is present in the area of operation unless a 50m buffer is established. If the koala shows signs of sickness or injury, the Port Macquarie Koala Hospital is to be advised.
  - A report by the ecologist is to be provided to Council within 7 days of the clearing event detailing methods and results of the supervision.
- Two koala ladders (of a design that meets the Koala Hospital's approval, and does not compromise the school's security) to be installed over the fence to the east and north of the site.
- No new fence design (either temporary or permanent) is to include a material or design feature that may potentially injure koalas (or other fauna).
- Offset plantings of Koala Food Trees (KFTs) on northern side of site at 1:2 (ie 5 KFTs to be removed so 10 replacement KFTs required). This is to occur at the construction stage.
- Perpetual replacement of KFTs as they succumb to attrition.
- Dogs are prohibited from the site unless a certified medical assistance dog.
- Disease is a current threat to the local koala population and habitat loss associated with development of the site has the potential to increase the current disease risk. To help reduce this, the following measures are to be implemented:
  - A poster or similar information source indicating a sick koala (ie wet bottom, weeping eyes, blindness, abnormal behaviour etc).
  - Contact details for Koala Hospital at site office during construction.
  - Koala warning signage is to detail contact details for the Koala Hospital to facilitate prompt reporting of sick or injured koalas.



- The provision to Council of an annual KPOM Compliance Check by the proponent will assist in ensuring the provisions of the KPOM are implemented and provide a means of feedback for compliance assessment. The checklist to be completed is provided in the KPOM.

In accordance with Clause 13(2) of the SEPP, the Secretary of the NSW Department of Planning, Industry & Environment (DPIE) has approved the KPOM in a letter dated 24 June 2020. The KPOM has also been reviewed by Council's Natural Resources staff and is considered satisfactory. Accordingly, it is recommended that the KPOM be approved by Council's Development Assessment Panel.

Conditions of consent have been recommended to ensure that the proposed development is consistent with the approved KPOM.

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

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

#### **State Environmental Planning Policy No. 64 – Advertising and Signage**

Two signs will be located on the Oxley Highway frontage adjacent to both the vehicular and pedestrian entries. In addition, signage identifying both the Port Macquarie Arts and Crafts Centre and the Hastings Men's Shed will be applied to the faces of both buildings within the location facing the internal car park.

The signs along the Oxley Highway will be 3.3m wide x 1.5m high (overall height 3m) and will be used to identify the overall community facility.

The following assessment table provides an assessment checklist against the relevant requirements of the SEPP:

<b>Applicable clauses for consideration</b>	<b>Comments</b>	<b>Satisfactory</b>
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Being a business identification sign, Part 3 of the SEPP does not apply as per Clause 9. The objectives and Schedule 1 are considered in detail below.	Yes
Clause 3(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and	The quality of the sign will be consistent with others in the area, is not excessive in number or size and will provide effective communication.  Based on the above, the proposed development is consistent with the objectives of the SEPP.	Yes



finish,		
Schedule 1(1) Character of the area.	The quality of the sign is consistent with others located in the vicinity and along the Oxley Highway (ie existing school signs, vet, Douglas Vale etc). The signage is not excessive and provides effective communication.	Yes
Schedule 1(2) Special areas.	The proposal will not detract from the visual amenity of the area.	Yes
Schedule 1(3) Views and vistas.	The limited number and size of the signs proposed will ensure no adverse impact on views or vistas. Impacts on heritage are considered later in this report.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportions of the signage is appropriate for the streetscape. No signage protrudes above the building or tree canopies.	Yes
Schedule 1(5) Site and building.	The location and scale of the signage is appropriate to the buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	None proposed and to be reinforced by conditions.	N/A
Schedule 1(7) Safety.	The signage is not expected to reduce safety for vehicles, cyclists, or pedestrians. The signage is positioned and oriented in a manner that would not be distracting to road users.	Yes

### **State Environmental Planning Policy (Infrastructure) 2007**

#### **Part 3, Division 17, Subdivision 2 - Development in or adjacent to road corridors and road reservations**

The application has existing frontage to a classified road being the Oxley Highway.

Clauses 101 and 102 - Relate to development with frontage to a classified road and consideration of potential impacts associated with reduced operation/function of the classified road and noise and vibration impacts from the classified road on the proposed use.

In terms of traffic impacts, the proposal has been assessed by Council's Engineering Section and deemed acceptable, subject to conditions and specific access/egress arrangements being implemented. It should be noted that a detailed assessment on traffic impacts is contained later in this report under Roads, Transport and Traffic, Roads and Maritime Services, Site Frontage and Access headings. Access from a non-classified road is also noted as not being possible in this case.

In relation to consideration of noise and vibration impacts, there are no new residential or sensitive receivers proposed. Therefore, no adverse impacts or conflict will occur.

Clause 104 - The development is considered to trigger the traffic generating provisions, comprising a car park that exceeds 50 spaces. The application was subsequently forwarded to the RMS for comment. The RMS provided a list of preliminary issues for Council to consider as follows:

- *There is no sealed parking lane for this section of the Oxley Highway.*
- *Entering traffic will have to turn into through traffic lane.*
- *Proposed driveway design does not allow turning traffic to turn quickly out of through traffic.*
- *Traffic Reports indicates garbage collection will be from the Oxley Highways through traffic lane.*
- *It has not been shown that a service vehicle can enter and leave in a forward manner to access the Men's Shed skip bin.*
- *It is unclear from the swept path if a rigid vehicle can turn left out into the kerbside lane."*

Council staff sent follow up emails to the RMS in January and February 2019 regarding the issues raised and suggesting the use of potential conditions to address the RMS' concerns. No further response was received from RMS and the report has been prepared on this basis.

Having considered the comments from the RMS, Council's Engineering Section believe that the development will create no adverse impact on the classified road, subject to conditions around ingress/egress design, internal driveway/parking design and noting the use of the site.

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

The proposed development does not trigger any clauses or thresholds in the SEPP.

#### **Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011)**

The proposal is consistent with LEP 2011 having regard to the following:

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a community facility is a permissible landuse with consent.
  - 1.
  2. The objectives of the R1 zone are as follows:
    - To provide for the housing needs of the community.
    - To provide for a variety of housing types and densities.
    - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
  - 3.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
  - The proposal is a land use compatible with the adjoining school and Douglas Vale non-residential uses.
  - The proposal creates an additional community facility to meet the day to day arts, crafts and hobby needs of residents both in the locality and wider community.
- 4.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) does not exceed 6m, which complies with the standard height limit of 8.5m applying to the site.
- 5.

- Clause 4.4 - The floor space ratio of the proposal is 0.09:1.0, which complies with the maximum 1:1 floor space ratio applying to the site.
- 6.
- Clause 5.10 - The development is not listed in the LEP as containing any known or listed heritage item.

7. It is noted that the development does adjoin the locally heritage listed Douglas Vale complex. Consideration of heritage impacts on this context are considered later in this report under the Heritage heading.

- 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**

There are no draft instruments on exhibition that are relevant to the proposal.

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

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

It should be noted that the development is located in a residential zone but is a non-residential use. Section 3.4 of the DCP that relates to non-residential uses only applies to the commercial zones. Section 3.2 of the DCP that would normally be utilised in a residential zone, only applies to residential uses. Therefore, the DCP assessment below will only address the General Provisions. Whilst technically not applicable, additional comments will be provided at the end of the assessment table on provisions from 3.2 and 3.4 that have been considered for context purposes only.

<b>DCP 2013: General Provisions</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	The proposed signs do not identify products or services.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council	No signage proposed outside the property boundary.	Yes

	under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .		
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m <sup>2</sup> , and should contain a sign written heading indicating the premises to which it refers.	Not proposed.	N/A
	On-premise signs should not project above or to the side of building facades	Proposed signs do not project above or beyond the building.	Yes
2.2.2.2	Where there is potential for light spill from signage in a non-residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	No illumination of signage proposed and to be reinforced through conditions of consent.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Proposal includes cut and fill over 1m. Given the larger scale of the site, the cut and fill is not considered excessive and helps create a level site for users. The location of the cut and fill is also central to the site and well setback off any boundary. This ensures there will be no damage or instability caused to adjoining properties. There will also be no adverse impacts on privacy or drainage. Based on the above, whilst the cut and fill does not comply with the numerical standard, the development meets the objectives of the clause and is considered acceptable in this case.	No, but acceptable.
2.3.3.5	a) Any habitat/vegetation which will be lost as a	A condition is recommended requiring	Yes

	<p>consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.</p> <p>b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.</p> <p>c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.</p> <p>d) VMPs are required to address Council's VMP "Heads of Consideration"</p>	approval of a detailed Vegetation Management Plan, prior to the issue of a Construction Certificate and prior to the removal of any of the existing vegetation on the site.	
2.3.3.7	For koala habitat refer to clause 7.5 of the Port Macquarie-Hastings LEP 2011.	See comments under SEPP 44. Clause 7.5 of the LEP does not apply to the land.	N/A
2.3.3.8-9	Removal of hollow bearing trees	Two (2) hollow bearing trees (HBTs) were identified onsite but are proposed to be retained. No impact or further consideration required.	Yes
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	A new access will need to be created to the Oxley Highway (classified road). Opportunities for an alternate access point are limited in this case. As a result, a suitable access point has been selected and will be designed to ensure no adverse impact on the classified road.	No, but acceptable.
	Driveway crossing/s	Only one driveway crossing	Yes



	minimal in number and width including maximising street parking	proposed.	
2.5.3.3	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	Community facilities require 1 space per 30m <sup>2</sup> GFA in accordance with Table 2.5.1. The proposed development has a total gross floor area of 1706m <sup>2</sup> and requires 56.86 spaces, which rounds to 57 spaces.  The proposal has provided 56 spaces including disabled parking. The one (1) space shortfall is considered acceptable as all parts of the building are unlikely to be used at once. There are also a number of areas that either won't generate parking demand or operate ancillary (ie the wood store, storage areas, meeting rooms, kitchen area), which were included in the calculations.	No, but acceptable.
2.5.3.7-9	Parking layout designed to be safe and accessible for a range of users.	The parking layout/design has been accepted by Council's Engineering Section, provides for people with a disability and is accessible for a range of vehicle types/users.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	The site allows for the area around the car parking to be suitably landscaped.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed surfaces proposed and conditioned.	Yes
2.5.3.15-16	Driveway grade requirements.	Driveway grade accepted by Council's Engineering Section.	Yes
2.5.3.17	a) Parking areas to be designed to avoid concentrations of water runoff on the surface. b) Vehicle washing facilities – grassed area etc available. c) No direct discharge to K&G or swale drain.	Car parking design and associated drainage has been accepted by Council's Engineering Section. Washing facilities not relevant to the subject community based use No direct discharge to K&G or swale proposed.	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and	The development will drain to an onsite infiltration system that has been	Yes

	infiltration areas	accepted by Council's Stormwater Engineer.	
2.5.3.19-20	<p>Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2</p> <p>Loading bays will be provided in accordance with the following requirements;</p> <ul style="list-style-type: none"> <li>• Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle).</li> <li>• Vertical clearance shall be a minimum of 5m.</li> <li>• Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area.</li> <li>• A limited number of 'employee only' car parking spaces may be combined with loading facilities.</li> <li>• Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site.</li> <li>• Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic.</li> </ul> <p>Vehicles are to stand wholly within the site during such operations.</p>	The development has provided two (2) designated loading areas that are considered acceptable, especially given the community nature of the development - not a true commercial use.	Yes
2.6	Tree removal requirements.	The proposal includes the removal of Camphor Laurel trees located within the building footprint. It is noted	Yes



		<p>that Camphor Laurel is identified as a weed species.</p> <p>Five (5) Koala Food Trees (KFTs) will also be removed. Replacement trees at 2:1 will be required and conditioned accordingly.</p> <p>The removal of the trees has been assessed by an ecologist and Council's Natural Resource Section and deemed acceptable.</p>	
2.7.2.2	<p>Design addresses generic principles of Crime Prevention Through Environmental Design guideline:</p> <ul style="list-style-type: none"> <li>• Casual surveillance and sightlines</li> <li>• Land use mix and activity generators</li> <li>• Definition of use and ownership</li> <li>• Lighting</li> <li>• Way finding</li> <li>• Predictable routes and entrapment locations</li> </ul>	<p>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.</p> <p>The increased activity and supervision of the area is likely to improve safety and reduce the potential for anti-social behaviour.</p> <p>The proximity to the Oxley Highway being a busier classified road will also afford a level of external supervision of the site by passing motorists.</p> <p>Additional security lighting and CCTV can also be installed at a later date if the need arises.</p>	Yes
<b>Relevant provisions from 3.2 and 3.4 of DCP considered below and where issues are not specifically addressed elsewhere in this report.</b>			
3.4.3.1	<p>Setbacks:</p> <p>A zero metre setback to ground floor is preferred in all business zone developments.</p>	<p>The development has opted to use a setback more conducive to existing development in the area and the residential zone. The approach is supported by Council staff.</p>	Noted.

3.4.3.22	Any ramps are to be integrated into the overall building and landscape design. The development complies with AS1428—Design for Access and Mobility.	Capable of compliance. To be further reinforced through conditions.	Yes
3.4.3.33	Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	The site contains informal areas for bike parking that are within view of internal areas.	Yes
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>Min. 6.0m classified road</li> <li>Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>Min. 3.0m secondary road</li> <li>Min. 2.0m Laneway</li> </ul>	The development is setback over 8m from the front boundary, noting the Oxley Highway (classified road) frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The development is setback over 4m from the rear boundary.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	The development is setback over 3m from side boundaries.	Yes

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

**(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 relating to the site.

**iv) Any matters prescribed by the Regulations**

None relevant.

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

### **Context and Setting**

The proposal is to be located on the existing vacant site owned by the Minister for Education and Training, which fronts the Oxley Highway.

The site is bounded by the locally heritage listed Douglas Vale complex to the west, residential development to the south (over the Oxley Highway) and the Hastings Secondary College to the north/east.

The proposal will not have any significant adverse impacts to existing adjoining properties or the public domain. The building has been designed to predominantly address the Oxley Highway frontage and ecology onsite, whilst also fitting within a specific leased area afforded by the Minister for Education and Training.

The proposal is considered to be compatible with other existing non-residential development in the locality. The bulk, scale and setbacks of the development are also acceptable in the context of the area and range of constraints applying to the site. Specific impacts on the locally heritage listed Douglas Vale complex are addressed later in this report under the Heritage heading.

The proposal will not create any adverse lighting impacts, privacy issues or overshadowing.

### **Roads**

The site has road frontage to Oxley Highway.

Adjacent to the site, Oxley Highway is a sealed public road under the care and control of Council and RMS (RMS for through lanes, Council for footpath, K&G and shoulder).

Oxley Highway is an arterial road with a 22.5m road formation within a 36m road reserve. Oxley Highway has SE kerb and gutter, with footpaths both sides. There are no parking lanes in this section of road.

### **Traffic and Transport**

The application includes a Traffic Impact Assessment from TTM Traffic Consultant dated 20 June 2018. Findings of the study determined:

*“The access is proposed to be via a 6.7m wide Category 2 access crossover on the Oxley Highway. TTM expect that the proposed access driveway would not have a significant impact on the local road network operations.*

*The car parking provision generally exceeds the Council’s minimum parking requirements. The car park layout, as a minimum, comply with the Australian Standard requirements. Overall, TTM considers the proposed car parking arrangements for this development are adequate.*

*Assessment of the proposed development indicates that the development will not have a significant impact on the future road network. As such, no further mitigating road works are required.*

*Servicing for this development will be facilitated in the designated on-site loading areas, accessed from the Oxley Highway. The largest design vehicle, a 6.4m long SRV, can manoeuvre on site in order to enter and exit in a forward gear. Overall, the proposed service vehicle arrangements are considered adequate to meet the needs of the proposed development.*

*The current public transport infrastructure and proposed site provisions for pedestrian facilities is considered adequate for the development.*

*TTM recommends that the development incorporate 4 bicycle parking spaces.*

*Based on the assessment contained within this report, TTM see no traffic engineering reason why the relevant approvals should not be granted."*

The submitted Traffic Assessment Report is considered to satisfactorily address the traffic impact of the development. A significant matter of concern was the site distance on the approach to the proposed entrance. TTM's report has confirmed complying site distance are achieved.

### **Roads and Maritime Services (RMS)**

Consistent with RMS requirements, the proposal was referred to the RMS on 3 October 2018 with preliminary informal questions received on 17 October 2018 stating

*"As discussed on 17 October 2018 concerning DA2018/799 for the proposed Life Long Learning Centre and Men's Shed the following safety impacts have been identified by Roads and Maritime Services that need further consideration:*

- 1. There is no sealed parking lane for this section of the Oxley Highway.*
- 2. Entering traffic will have to turn into through traffic lane.*
- 3. Proposed driveway design does not allow turning traffic to turn quickly out of through traffic.*
- 4. Traffic Reports indicates garbage collection will be from the Oxley Highways through traffic lane.*
- 5. It has not been shown that a service vehicle can enter and leave in a forward manner to access the Men's Shed skip bin.*
- 6. It is unclear from the swept path if a rigid vehicle can turn left out into the kerbside lane."*

Follow up emails were sent to RMS from Councils staff requesting required conditions. No response was received.

Nonetheless, Council's Engineering Section considered the RMS' concerns and propose to address the issues as follows:

1. Conditioning the development to cover the turning paths for access, egress and manoeuvring of large vehicles.
2. The issue of no sealed parking lane and garbage collection is an existing issue for this site. A private garbage collection onsite will be conditioned.
3. Turning or slip lanes would generally not be required for a development of this nature by Council.

### **Site Frontage and Access**

Vehicle access to the site is proposed through one access driveway to Oxley Highway. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Oxley Highway is a Roads and Maritime Services (RMS) road and will require concurrence and/or a Works Authorisation Deed (WAD) from the RMS prior to works on this road. Details shall be provided as part of a Roads Act (Section 138) application to Council.

**Parking and Manoeuvring**

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

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

**Water Supply Connection**

Council records indicate that the development site does not have a water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

Requirements are considered achievable and reinforced via conditions of consent.

**Sewer Connection**

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs along the northern property boundary. A sewer reticulation plan shall be submitted to the Water and Sewer Section for approval.

Requirements are considered achievable and reinforced via conditions of consent.

**Stormwater**

The site naturally grades towards the eastern end of the site which is traversed by an existing public stormwater drainage system servicing the adjacent and upstream Oxley Hwy.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pipeline traversing the site and referred to above.

Plans submitted with the development application do not define the point of discharge from the site, however do include the provision of on-site stormwater detention facilities to limit the flow of stormwater discharge from the site to pre-development rates. Refer to concept stormwater plan (**Attachment 4**). It should be noted that leasing arrangements and ecology limit connection to the existing legal point of discharge.

Overall, Council's Stormwater Engineer has reviewed the stormwater design for the development and believes it is capable of complying with Council requirements and pre-development flows. The specific detailed design will be required to be submitted for assessment with the s68 application and prior to the issue of the Construction Certificate.

**Other Utilities**

Telecommunication and electricity services are available to the site.



**Heritage**

The site adjoins the locally heritage listed Douglas Vale complex. As a result, the application was referred to Council's Heritage Advisor for comment. A copy of the Heritage Advisors comments are included as **(Attachment 5)**.

Overall, the Heritage Advisor supported the design of the building but did not support the location/arrangement of the buildings and their impact on the interpretation of the historical approach to the Douglas Vale complex.

Whilst the comments from the Heritage Advisor are noted, there are other issues that need to be considered on balance. These are provided below:

1. Since the original comments from the Heritage Advisor were made, the development has been shifted further north. This coupled with the development being cut into the site will assist maintain the view of the historical approach from Douglas Vale.
2. The historical approach to Douglas Vale is now located on a separately owned lot of land. This makes the onus of preserving such an approach difficult. In particular, the current owner could plant vegetation or do exempt development that could impact on the historical approach.
3. Components of the historical approach (ie trees, driveway) no longer exist on the subject land.
4. Trees, car parking and fencing have been introduced that obstruct the historic approach.
5. Ecological considerations and leasing limitations by the owner, restrict the ability to move the development.

Having considered the above, the proposed development on balance is considered acceptable and the ability to make further changes to the development are limited.

The land is not known to contain any Aboriginal cultural heritage significance. However, as a precaution, a condition of consent has been recommended that works are to cease in the event heritage items are found (including European). Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item. The inclusion of European items in the condition will cover an event whereby heritage items linked to Douglas Vale are found.

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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



The large setbacks to adjoining properties will ensure no adverse impact on neighbours.

Standard precautionary site management and operation conditions (ie to cover potential air and odour impacts associated with the various arts and crafts uses) recommended.

**Flora and fauna**

The proposal involves vegetation removal that triggered the need for a Biodiversity Development Assessment Report (BDAR) under the Biodiversity Conservation Act 2016. The report has been reviewed by the former Office of Environment and Heritage (OEH) and Council's Natural Resources Section. Overall, it is considered that adequate measures have been taken to avoid or minimise impacts and the development would not result in serious and irreversible impacts on biodiversity.

The ecological assessment noted the following matters and/or recommendations:

- No Endangered Ecological Communities were found onsite.
- One Plant Community Type (PCT) was identified onsite.
- One threatened species (koala) was likely to use the site
- Five (5) koala food trees (KFTs) are proposed to be removed and will be replaced at 2:1.
- The Biodiversity Assessment Method (BAM) calculator determined that 4 ecosystem credits and 3 species credit are required.
- KPOM was required under SEPP 44.
- Survey and identification of trees prior to removal.
- Retention of habitat features (hollow bearing trees and koala food trees).
- Pre-clearing surveys and supervision of clearing by an ecologist.
- Remove remaining Camphor Laurel on-site to prevent seed dispersal.
- Sediment barriers or sedimentation ponds to control the quality of water released from the site into the receiving environment.
- Two (2) koala ladders to be installed over fence to the east and north of the site.
- No new fence design (either temporary or permanent) is to include a material or design feature that may potentially injure Koalas (or other fauna).
- Hygiene protocols to prevent the spread of weeds or pathogens between infected areas and uninfected areas (washdown of construction machinery before entering site).
- Staff training and site briefing to communicate environmental features to be protected and measures to be implemented.
- Perpetual replacement of KFTs as they succumb to attrition.
- Dogs are prohibited from the site unless a certified medical assistance dog.
- Disease management protocols for koalas.

Appropriate conditions have been recommended incorporating these requirements.

**Waste**

Satisfactory arrangements can be put in place for proposed storage and collection of waste and recyclables. In particular, conditions will be imposed to require temporary onsite waste storage and subsequent collection by a private service.

Standard precautionary site management condition will also be applied to cover waste during construction.

**Energy**

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

**Noise and vibration**

The application was referred to Councils' Environmental Health Officer who raised initial concerns with potential noise impacts on the adjoining school, especially from the use of power tools within the Men's Shed.

Clarification was sought from the applicant on potential noise sources and/or agreement to conditions being imposed on the consent that would restrict openings, noise levels etc. The applicant clarified that the openings towards the school could be closed and that use of mechanical tools was limited (not a commercial business).

Through the imposition of conditions restricting openings and noise levels, Council's Environmental Health Officer was satisfied that the development would not create any adverse noise impacts.

In the unlikely event noise levels were exceeded, options exist to add screening to the Men's Shed building and further restrictions on the use of power tools/hours of operation.

**Bushfire**

The site is identified as being bushfire prone.

Management of bushfire risk is acceptable given the non-residential nature of the use and the predominant threat being located towards the north east of the site (away from the buildings and exit). There is also sufficient cleared areas/defendable space between the buildings and threat.

The aims and objectives of the NSW Rural Fire Service Planning For Bushfire Protection 2006 (historical version now updated) are satisfied.

**Safety, security and crime prevention**

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

The increased activity and supervision of the area is likely to improve safety and reduce the potential for anti-social behaviour.

The proximity to the Oxley Highway being a busier classified road will also afford a level of external supervision of the site by passing motorists.

Additional security lighting and CCTV can also be installed at a later date if the need arises.

**Social impacts in the locality**

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

The proposal will create an important positive social impact through the provision of a facility that allows people with an interest in arts and craft/mens shed to come together and interact.

**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**

Overall, the proposed development design satisfactorily responds to the site attributes and constraints. In particular, the development has managed to balance the requirements of a range of constraints and create an acceptable building design.

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

Two (2) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
The vehicular access is relatively close to the entry to Douglas Vale. Douglas Vale is aware of the traffic dangers that it's driveway creates. An additional driveway is of great concern.	Council's Engineering Section have reviewed the proposed access and consider that it is acceptable and meets relevant design requirements.
Understood that RMS have concerns with the driveway.	The location of the access was considered to be the most appropriate from a traffic and ecological aspect.
A one way system with the entry located further to the east should be considered.	
There is adequate space onsite to provide additional parking. Concern raised that parking is not sufficient.	Refer to comments on parking in the Development Control Plan section of this report. Overall, the proposed

Submission Issue/Summary	Planning Comment/Response
<p>There is no detail on the number of expected occupants of the facility.</p> <p>Events will compound the problem.</p>	<p>parking is considered acceptable and follows the same approach taken on other similar Men's Shed/community facilities.</p> <p>Whilst the site may appear to have additional space for parking, only a limited lease area (not the whole site) has been provided to the applicant/future occupants of the buildings and there are additional ecological constraints.</p> <p>One off special events are noted as generating additional parking needs. However, a development is rarely required to provide parking based on one off special events. If this were the case, a development would be required to provide excessive parking that rarely gets used and changes how developments are constructed (ie become heavily parking focused rather than a more balanced design).</p>
<p>Concern raised about the impact on the locally heritage listed Douglas Vale complex.</p> <p>Site formed part of the historical approach to Douglas Vale.</p> <p>Siting ignores locally listed heritage item Douglas Vale and associated Heritage Advisor comments.</p> <p>Potential exists for artefacts.</p>	<p>Refer to comments provided under the Heritage heading of this assessment report.</p>
<p>Concern raised over the impact of the development on the Norfolk Pines and other trees on Douglas Vale. Arborist advice obtained suggests that there should be no ground activity within the drip line of these trees.</p> <p>The Moreton Bay fig tree should be retained as it was planted in 1902 by a Douglas Vale family member.</p> <p>Moving the development further east would reduce the risk to these trees.</p>	<p>The development only proposes to remove vegetation onsite, none of which is heritage listed and much of which is identified as a weed species.</p> <p>There is a driveway proposed along the western boundary of the site but has minimal encroachments onto the drip line/root zone of the Norfolk Pines and Moreton Bay Fig located on Douglas Vale. As a result, the development is unlikely to create any adverse impact on the heritage listed trees.</p> <p>Siting of the building has been selected in response to a range of</p>

Submission Issue/Summary	Planning Comment/Response
	constraints.
<p>Siting of the facility is unnecessarily close to the Oxley Highway and Douglas Vale, especially considering the size of the parcel.</p> <p>Cut and fill is not consistent with the adjoining uses.</p> <p>Courtyard is excessive and costly.</p>	<p>Whilst the site may appear to have additional space, only a limited lease area (not the whole site) has been provided to the applicant/future occupants of the buildings. There are also additional ecological constraints that have impacted the design.</p> <p>It is considered that the cut and fill assists create a level site for future occupants and will also assist hide the building from the view from Douglas Vale towards the historical approach.</p> <p>The courtyard provides separation and a suitable break out area/element between the buildings.</p> <p>It should also be noted that the siting of the facility in terms of setbacks allowed in a residential zone is compliant. In fact, the setbacks are significantly more than what could occur if a residential development was proposed onsite.</p>
Concern over driveway requiring cut, retaining walls and impact on Douglas Vale.	No cut or retaining walls are proposed in the vicinity of the Douglas Vale boundary in association with the proposed driveway.
Concern raised over the fill and potential runoff.	<p>Standard erosion and sediment controls will be conditioned to be in place during construction. This will allow vegetation growth and ensure a non-hard stand area is created for post construction and stormwater infiltration.</p> <p>In addition to the above, Council's Stormwater Engineer has reviewed the application and a concept stormwater design and considers that the development will not impact on pre-development flows.</p>
Environmental consideration of stormwater detention, solar, air pollution from woodworking areas, spray booths etc, grease traps from work areas, insulation, acoustic controls and waste management.	<p>Stormwater is addressed under the Stormwater heading of this report.</p> <p>Installation of solar is optional and not enforceable by Council under the current requirements of the DCP.</p> <p>Council's Environmental Health Officer reviewed the application and accepted</p>



Submission Issue/Summary	Planning Comment/Response
	<p>the proposal subject to conditions being imposed to control noise.</p> <p>Potential for air pollution was considered to be minimal due to setbacks of the buildings and the non-commercial nature of the site. Conditions will also be imposed to manage odour impacts.</p> <p>Conditions will be imposed to cover waste management.</p>
Koalas are noted as using the site and koala food trees should be insisted.	Noted - refer to comments on SEPP 44 above in this assessment report.
The building resembles the nearby TAFE and could possibly become an extension of that facility.	The use of the building by TAFE (educational establishment) is not the subject of this assessment.
Limited public transport facilities available to the site, which will compound parking.	<p>It is noted that there are several bus stops within 200m walking distance of the site, which is considered a suitable compromise to having one directly out the front of the site.</p> <p>Community organisations do not always have the opportunity to find a site that meets every possible design requirement, whilst still remaining cost effective. In this case and having considered all the constraints, the development is considered suitable on balance.</p>
The number and size of rooms appears excessive.	Noted. The size of the rooms have been nominated by the applicant/future occupant. Council relies on the occupant to determine what size rooms they need.
Impacts and details of Kiln, Lapidary and Woodwork. Limited design shown on the plans regarding ventilation, filtration, waste disposal.	<p>The detailed design of these uses/rooms can be resolved at the construction certificate.</p> <p>Conditions of consent will be applied to control noise, odour and waste.</p>
The size of the Mens Shed is not adequate - should be bigger.	Noted. The size of the building has been nominated by the applicant/future occupant. Council relies on the occupant to determine what size building they need.

**(e) The Public Interest**

The proposed development is not a Crown development as outlined in Division 4.6 of the Environmental Planning and Assessment Act 1979. In particular, whilst the DA is on Crown land, the DA has not been made by or on behalf of the Crown.



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

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

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979.  
8.
- A copy of the contributions estimate is included as **(Attachment 6)**.  
9.













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

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

#### **Attachments**

1.   DA2018 - 799.1 Recommended Conditions
2.   DA2018 - 799.1 Plans
3.   DA2018 - 799.1 Contributions Quote
4.   DA2018 - 799.1 Koala Plan of Management
5.   DA2018 - 799.1 Stormwater Concept
6.   DA2018 - 799.1 Heritage Advisors Comments

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/799****DATE: 29/06/2020****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects		Chris Jenkins Design Architects Pty Ltd	24/10/2018
Plans	Project Number 1804, DA01-08, Revision C	Chris Jenkins Design Architects Pty Ltd	27/3/2020
Biodiversity Development Assessment Report	Revision 3	JBEnviro	27/4/2020
Koala Plan of Management	Revision 3	JBEnviro	27/4/2020

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

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1 - Preliminary works, excavation, access, car parking and services.
  - Stage 2 - Hastings Mens Shed building.
  - Stage 3 - Arts & Craft Centre.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
  1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via appropriate receptacles into separate waste streams;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (10) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

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

- (11) (A195) Separate development consent will be required for any proposed signage not covered by this consent, unless considered exempt development.
- (12) (A196) The signage must not be illuminated, use symbols and wording that conflict with road or warning signs.
- (13) (A197) The development is to comply with the requirements of the approved Koala Plan of Management at all times.
- (14) (A198) Clearing under the 10/50 rule is not allowed under this consent.

#### **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 the 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. Sewerage reticulation.
3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
4. Stormwater systems.
5. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 208, Port Macquarie-Hastings Council current version.

- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

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

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

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

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

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – “Design, Construction and Fit-Out of Food Premises”, Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (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) (B031) The application for the Construction Certificate is to be accompanied by an execution of a Works Authorisation Deed (WAD) with The Roads and Maritime Services (RMS) or evidence of agreement from the RMS that no WAD is required.
- (9) (B048) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:
- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
  - b. Provided with a hose tape connected to the water supply;
  - c. Paved with impervious material;
  - d. Graded and drained to the sewer system, and
  - e. Roofed to prevent the entry rainwater.
- (10) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019.
- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1). 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.
- (12) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (13) (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.
- (14) (B195) Prior to release of the Construction Certificate and commencement of any works onsite, the class and number of ecosystems credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and



number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to release of the Construction Certificate and commencement of any works onsite.

Impacted plant community type	Number of credits	IBRA sub-region	Plant community type(s) or species that can be used to offset the impacts from development
Phascolarctos cinereus (Koala)	3	Any in NSW	Phascolarctos cinereus (Koala)
695 - Blackbutt - Turpentine - Tallowood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion.	4	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	North Coast Wet Sclerophyll Forests  This includes PCT's: 487, 613, 661, 684, 686, 692, 693, 694, 695, 699, 747, 748, 752, 812, 1073, 1208, 1217, 1222, 1237, 1244, 1245, 1257, 1259, 1260, 1261, 1265, 1266, 1282, 1284, 1285, 1504, 1561, 1562, 1563, 1566, 1567, 1568, 1569, 1572, 1573, 1575, 1579, 1841, 1843, 1915

Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

- (15) (B196) Prior to release of the Construction Certificate or work occurring onsite, a Vegetation Management Plan (VMP) is to be submitted to Council for approval. The VMP is to incorporate the requirements/recommendations of the Biodiversity Development Assessment Report and Koala Plan of Management along with future management and reporting requirements. The VMP must contain, but not be limited to, the design, construction, and installation of koala stiles and the planting, establishment and care of offset koala food trees. Once approved, the VMP and associated compliance the document will form part of this consent.

#### 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 clearing onsite or to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

- (2) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (3) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (4) (C195) The Port Macquarie Koala Hospital is to be contacted at least one (1) business day prior to the tree clearing commencing. The contractor should take all reasonable steps to work with the Koala Hospital to stockpile and harvest any suitable foliage from the site. The Koala Hospital can be contacted on (02) 6584 1522.

#### D – DURING WORK

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

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.
- (2) (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) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council
- (5) (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.

- (6) (D033) Should any Aboriginal heritage items 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.
- (7) (D037) Noise from construction activities (measure as the  $L_{AeqT}$  noise level) shall not exceed the background noise level (measured as the  $L_{A90}$  noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (8) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (9) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (10) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.
- (11) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location. A Clearing Inspection Report prepared by the ecologist and including preclearance survey prior to tree felling, inspection during removal, and post clearance

inspection of fallen trees, shall be submitted to Council within 2 weeks of the completion of works.

- (12) (D046) Should any historical European relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
- (13) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.
- (14) (D195) No excavation or compaction is to occur within the drip line of any tree that is located on Douglas Vale, including the Norfolk Pines or Moreton Bay Fig, unless such work has been certified by a suitably qualified arborist as having no adverse impact on the subject tree(s).

#### **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) (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.
- (4) (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.
- (5) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (6) (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.
- (7) (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.

- (8) (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.
- (9) (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.
- (10) (E076) Prior to release of the Occupation Certificate, a Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
  - a. Compliance with the requirements of the approved Vegetation Management Plan and Koala Plan of Management.

Details are to be submitted to Council prior to issue of the Subdivision Certificate.

- (11) (E62) 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. The private collection arrangements are to be implemented and maintained at all times.
- (12) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.

#### **F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 56 spaces are to be provided onsite.

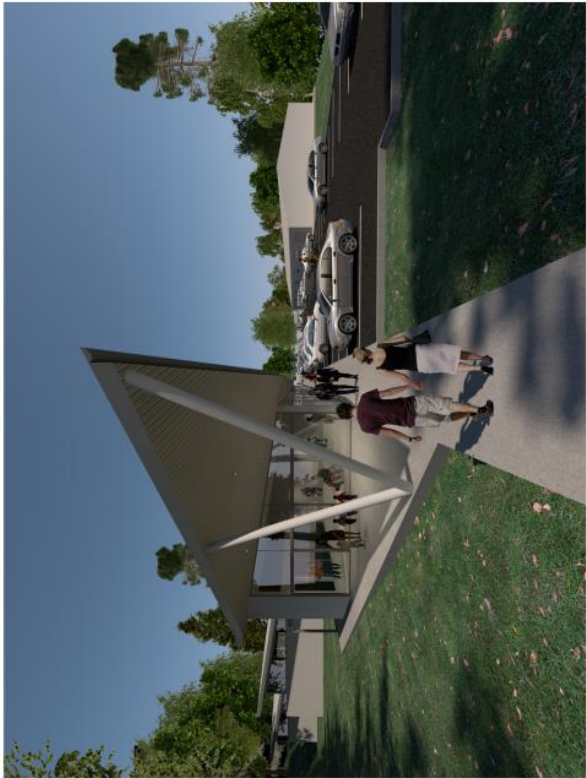
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F016) Offensive odours shall not be generated by the development.
- (5) (F022) Greasy mechanical parts should only be cleaned in an appropriate parts washing facility.
- (6) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (7) (F025) Hours of operation of the development are restricted to the following hours:
- Hastings Mens Shed  
- 9am to 4pm - Mondays to Fridays
- Arts and Crafts Centre  
- 9am to 9pm - Mondays to Fridays  
- 9am to 5pm - Saturdays.
- No work/use is to be carried out on Sundays and Public Holidays
- (8) (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.
- (9) (F195) The development is not to be used as a food and drink premises.
- (10) (F196) Openings on the Mens Shed that face towards the Hastings Secondary College are to be kept closed when power tools and the like are being used onsite.



# OXLEY VALE LIFE LONG LEARNING PRECINCT

FOR PORT MACQUARIE ARTS + CRAFTS CENTRE AND HASTINGS MENS SHED

LOT 2 DP 1089895 OXLEY HIGHWAY  
PORT MACQUARIE, 2444



DRAWING INDEX:		
Layout No:	Layout Name	Rev
DA01	LOCATION PLAN	C
DA02	SITE PLAN	C
DA03	FLOOR PLAN	C
DA04	CUT AND FILL PLAN	C
DA05	ELEVATIONS	C
DA06	ELEVATIONS	C
DA07	SECTIONS	C
DA08	SECTIONS	C

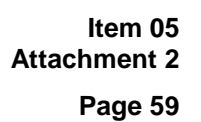


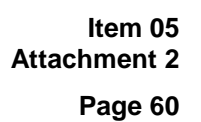
DEVELOPMENT APPLICATION





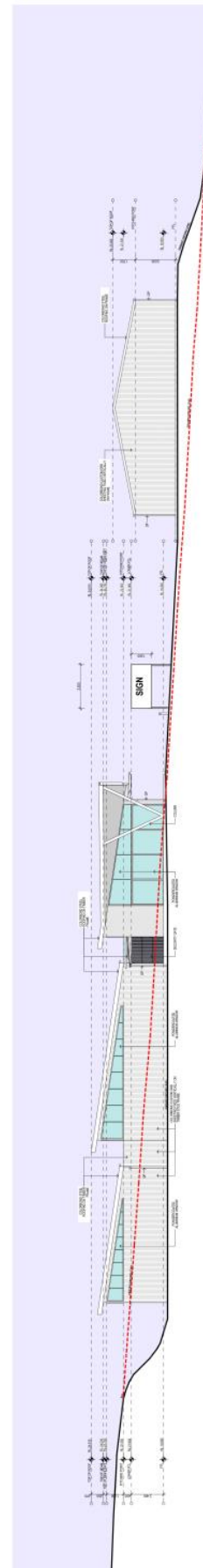




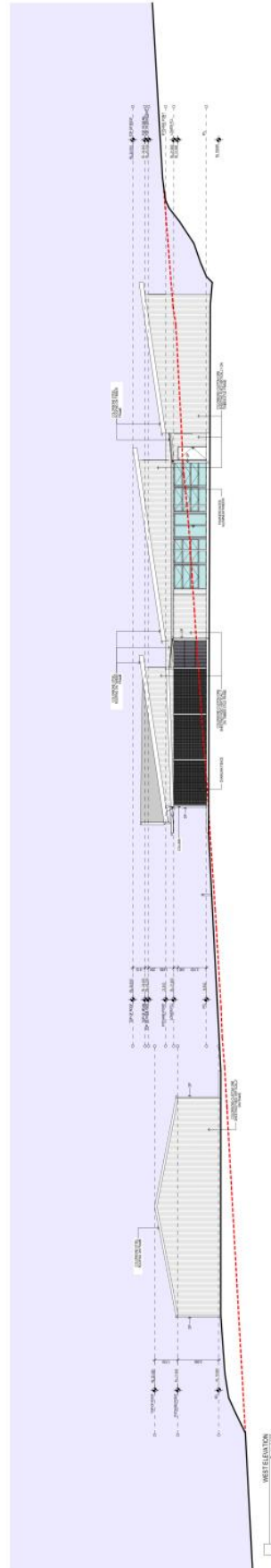






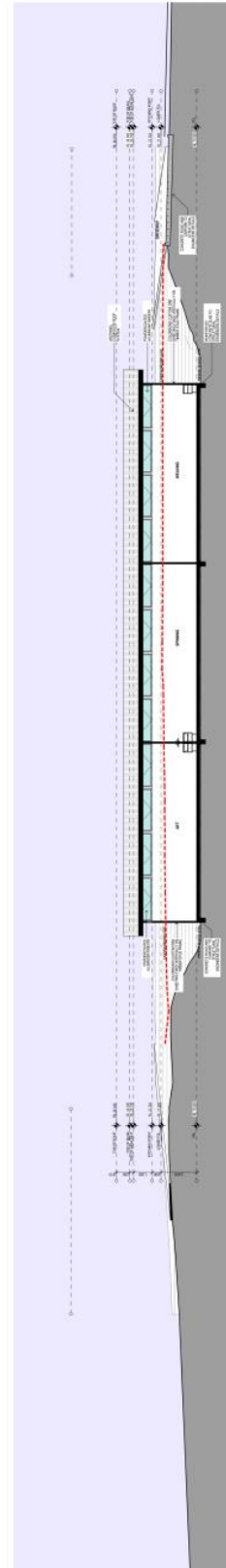
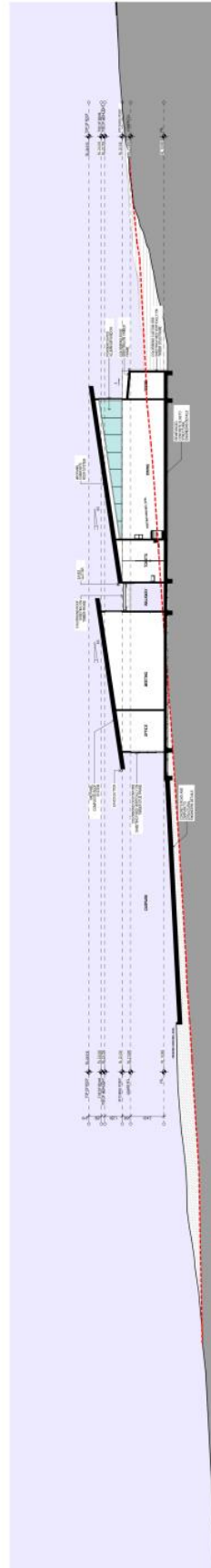
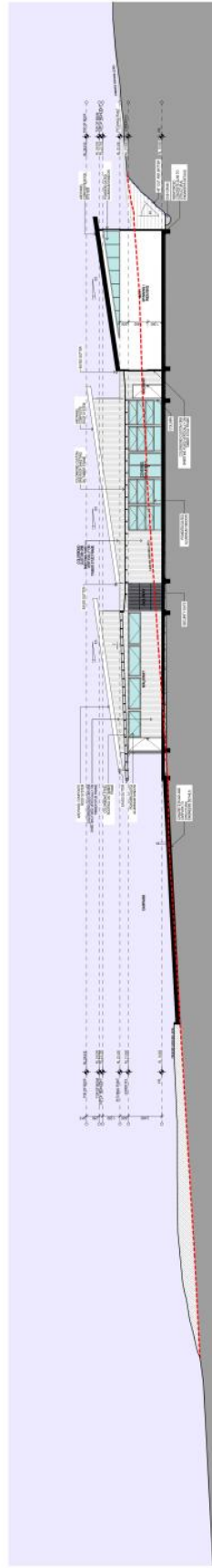
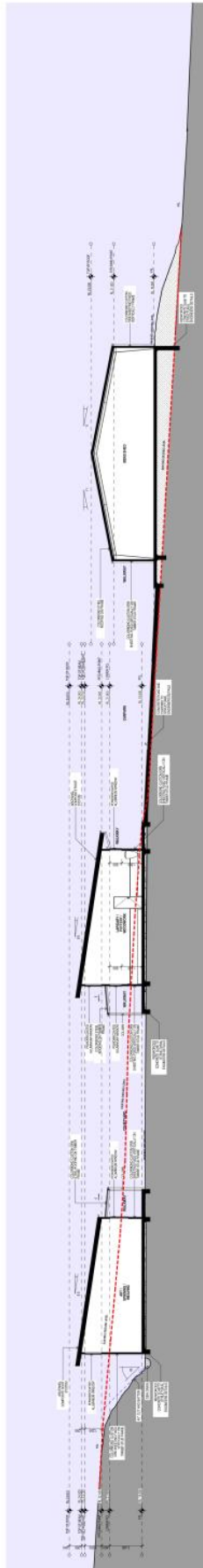
[illegible]





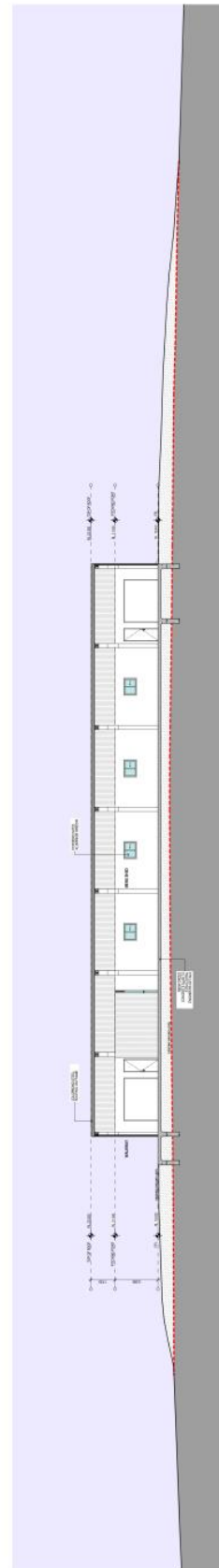
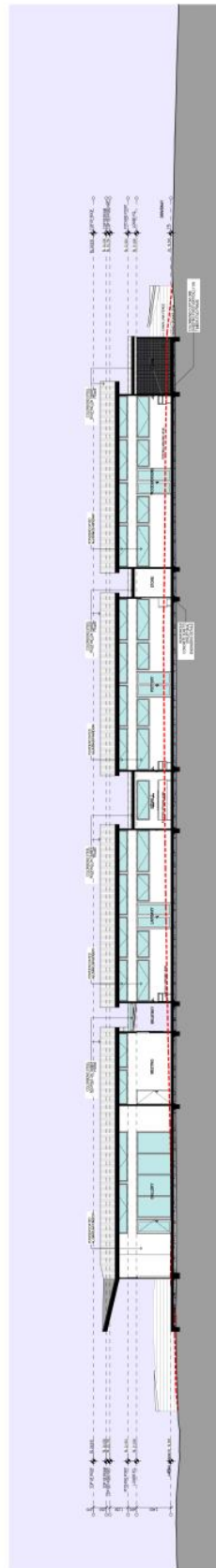
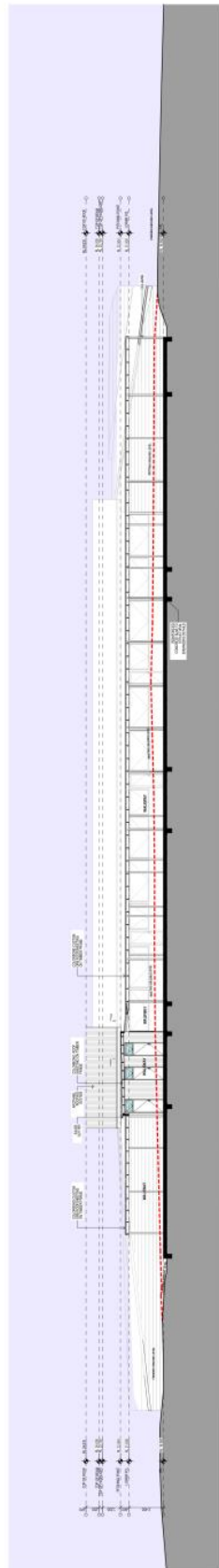
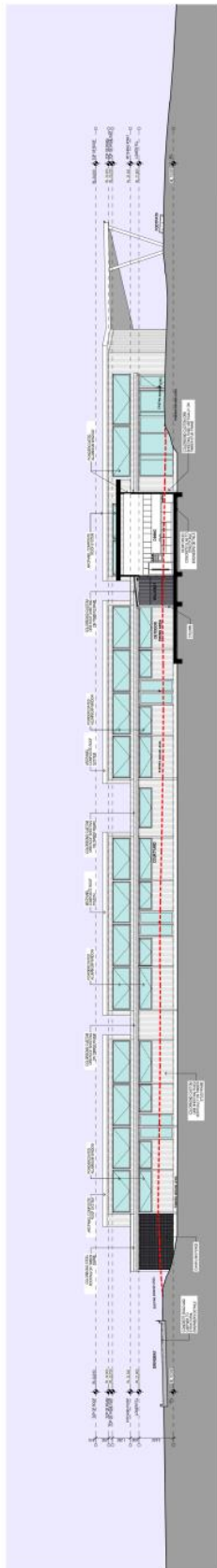
**LEGEND:**

[illegible]



LEGEND:  
BY: [signature]

<p>SECTION A-A Scale 1/80</p>		<p>SECTION B-B Scale 1/80</p>		<p>SECTION C-C Scale 1/80</p>		<p>SECTION D-D Scale 1/80</p>	
<p>DATE: 08/07/2020 PROJECT: [text] DRAWN BY: [text] CHECKED BY: [text] APPROVED BY: [text]</p>		<p>DATE: 08/07/2020 PROJECT: [text] DRAWN BY: [text] CHECKED BY: [text] APPROVED BY: [text]</p>		<p>DATE: 08/07/2020 PROJECT: [text] DRAWN BY: [text] CHECKED BY: [text] APPROVED BY: [text]</p>		<p>DATE: 08/07/2020 PROJECT: [text] DRAWN BY: [text] CHECKED BY: [text] APPROVED BY: [text]</p>	



LEGEND:  
BY: [signature]

		<b>SECTIONS</b>	
Project Name: [blank] Project Number: [blank] Project Location: [blank]	Date: [blank] Drawn By: [blank] Checked By: [blank]	Scale: 1/8" = 1'-0" Date: 1804 Drawn By: [blank]	Checked By: [blank]

## Developer Charges - Estimate

**Applicants Name:** Chris Jenkins Design Architects Pty Ltd  
**Property Address:** Oxley Highway, Port Macquarie  
**Lot & Dp:** Lot(s):2, DP(s):1089895  
**Development:** Community Facility



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

Levy Area	Units	Cost	Estimate
1 Water Supply	2.435	\$10,322.00 Per ET	\$25,134.00
2 Sewerage Scheme Port Macquarie	1.132	\$3,916.00 Per ET	\$4,432.90
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 2,450,982	\$24,509.00
15			
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$54,075.90</b>

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

**DATE OF ESTIMATE:** 29-Jun-2020

**Estimate Prepared By** Clinton Tink

This is an ESTIMATE ONLY - NOT for Payment Purposes

Design Architects Pty Ltd, Oxley Highway, Port Macquarie, 29-Jun-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



## KOALA PLAN OF MANAGEMENT:

For Oxley Vale Lifelong Learning Project on  
Part Lot 2 DP1089895, Oxley Highway,  
Port Macquarie.

Prepared For: **Chris Jenkins Design**

6 John St Port Macquarie NSW 2444  
Mobile: 0431 833 968  
jbenvirosw@gmail.com

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

JBEnviro

**User Notice**

This report is presented on an objective basis to fulfil the stated legislative obligations, considerations and requirements in order to satisfy the client's instructions to undertake the appropriate studies and assessments. It is not directly intended to advocate the proponent's ambitions or interests, but is to provide information required in the determination of development consent by the decision-making authority for the subject proposal.

To the best of our knowledge, the proposal described in this assessment accurately represents the proponent's intentions when the report was completed and submitted. However, it is recognised and all users must acknowledge that conditions of approval at time of consent, post development application modification of the proposal's design, and the influence of unanticipated future events may modify the outcomes described in this document. Completion of this report has depended on information and documents such as surveys, plans, etc provided by the proponent. While checks were made to ensure such information was current at the time, this consultant did not independently verify the accuracy or completeness of these information sources.

The ecological information contained within this report has been gathered from field survey, literature review and assessment based on recognised scientific principles, techniques and recommendations, in a proper and scientific manner to ensure thoroughness and representativeness. The opinions expressed and conclusions drawn from this report are intended to be objective, based on the survey results and this consultant's knowledge, supported with justification from collated scientific information, references/citations or specialist advice.

Furthermore, it is clarified that all information and conclusions presented in this report apply to the subject land at the time of the assessment, and the subject proposal *only*.

This report recognises the fact, and intended users must acknowledge also, that all ecological assessments are subject to limitations such as:

- Information deficits (eg lack of scientific research into some species and availability of information)
- Influences on fauna detectability eg season in which survey is undertaken
- Influences on species occurrence eg stage of lifecycle, migratory, etc
- Time, resource and financial constraints.

All users should take into account the above information when making decisions on the basis of the findings and conclusions of this report.

Document Status	Distribution	Date	Authorised By
Revision 1	CJD	6/3/2019	JB
Revision 2	CJD, PMHC	17/3/2019	JB
Revision 3	CJD, PMHC	27/4/2020	JB



TABLE OF CONTENTS
-------------------

<b>1 INTRODUCTION .....</b>	<b>6</b>
<b>2 BACKGROUND INFORMATION .....</b>	<b>6</b>
2.1 KEY DEFINITIONS .....	6
2.2 SITE LOCATION AND ACCESS .....	6
2.3 THE DEVELOPMENT PROPOSAL .....	6
<b>3 LEGISLATIVE AND POLICY FRAMEWORK .....</b>	<b>9</b>
3.1 COMMONWEALTH .....	9
3.1.1 <i>Environmental Protection and Biodiversity Conservation Act 1999</i> .....	9
3.1.2 <i>National Koala Conservation and Management Strategy 2009-2014</i> .....	9
3.2 NSW .....	9
3.2.1 <i>SEPP No. 44 - Koala Habitat Protection</i> .....	9
3.2.2 <i>Koala Recovery Plan 2008</i> .....	10
3.2.3 <i>Biodiversity Conservation Act 2016</i> .....	10
3.2.4 <i>Saving our Species Iconic Koala Project and NSW Koala Strategy</i> .....	11
<b>4 KPOM OBJECTIVES AND PERFORMANCE CRITERIA .....</b>	<b>11</b>
4.1 GUIDELINES FOR INDIVIDUAL KOALA PLANS OF MANAGEMENT .....	11
4.2 OBJECTIVES .....	12
4.3 PERFORMANCE CRITERIA .....	13
<b>5 KOALA HABITAT AND POPULATION CHARACTERISTICS .....</b>	<b>13</b>
5.1 SITE VEGETATION COMMUNITIES .....	13
5.2 SEPP 44 KOALA HABITAT ASSESSMENT .....	13
5.2.1 <i>Koala Habitat Assessment</i> .....	13
5.3 CHARACTERISTICS OF THE CORE KOALA HABITAT .....	14
5.3.1 <i>Estimate of Population Size</i> .....	14
5.3.2 <i>Preferred Tree Species</i> .....	17
5.3.3 <i>Distribution of Koala Populations, Site Context and Linkages</i> .....	17
<b>6 THREAT ASSESSMENT .....</b>	<b>22</b>
6.1 CURRENT THREATS .....	22

6.1.1	<i>Loss of Forage Trees/Habitat</i> .....	22
6.1.2	<i>Potential Injury During Clearing</i> .....	23
6.1.3	<i>Traffic Collision (Road Kills)</i> .....	23
6.1.4	<i>Pets and Feral Predators</i> .....	23
6.1.5	<i>Drowning In Pools</i> .....	24
6.1.6	<i>Barriers</i> .....	24
6.1.7	<i>Bushfire</i> .....	24
6.1.8	<i>Disease</i> .....	25
<b>7</b>	<b>AMELIORATIVE MEASURES</b> .....	<b>25</b>
7.1	HABITAT RETENTION, CONSOLIDATION AND LINKAGE ENHANCEMENT .....	25
7.1.1	<i>Habitat Retention and Protection</i> .....	25
7.1.2	<i>Habitat Replacement and Linkage Enhancement</i> .....	25
7.2	CLEARING MANAGEMENT .....	26
7.3	DOG MANAGEMENT .....	26
7.4	BARRIERS .....	26
7.5	DISEASE .....	26
<b>8</b>	<b>IMPLEMENTATION, MONITORING AND COMPLIANCE</b> .....	<b>27</b>
8.1	MONITORING AND REVIEW .....	27
8.2	IMPLEMENTATION SCHEDULE .....	27
<b>9</b>	<b>REFERENCES</b> .....	<b>30</b>
	<b>APPENDIX 1: COMPLIANCE CHECKLIST</b> .....	<b>37</b>

**FIGURES**

Figure 1: Location of study site and regional corridors. ....	7
Figure 2: Development concept. ....	8
Figure 3: Vegetation zones on-site ....	15
Figure 4: Potential Koala Habitat on site ....	16
Figure 5: Aerial photo of the study site and local area showing local linkages. ....	21

**TABLES**

Table 1: SEPP 44 KPoM guidelines ....	12
Table 2: PMHC LGA primary preferred Koala food trees per soil landscape.....	17
Table 3: Implementation schedule for ameliorative measures.....	28

## 1 INTRODUCTION

This Koala Plan of Management (KPoM) for part Lot 2 DP1089895, Oxley Highway, Port Macquarie, forms part of a Development Application to Port Macquarie Hastings Council (PMHC).

## 2 BACKGROUND INFORMATION

### 2.1 Key Definitions

The “**study site/site**” is the area of land indicated by the polygon in **Figure 1**, which was surveyed for this KPoM. The study site has a total area of 1.11ha and forms part of a larger holding owned by the NSW Government.

For the purposes of potential occurrence and impact assessment, the “**study area**” consists of the site and the adjacent land within 100m (the detectable limit of potential impacts associated with the proposal). The “**locality**” is defined as land within a 10km radius of the study site.

The definitions of site, study area and locality are in line with OEH (2018).

### 2.2 Site Location and Access

Refer to Figure 1 for the general location of the site and the locality. The site is located adjunct to the Oxley Highway with no current formal access.

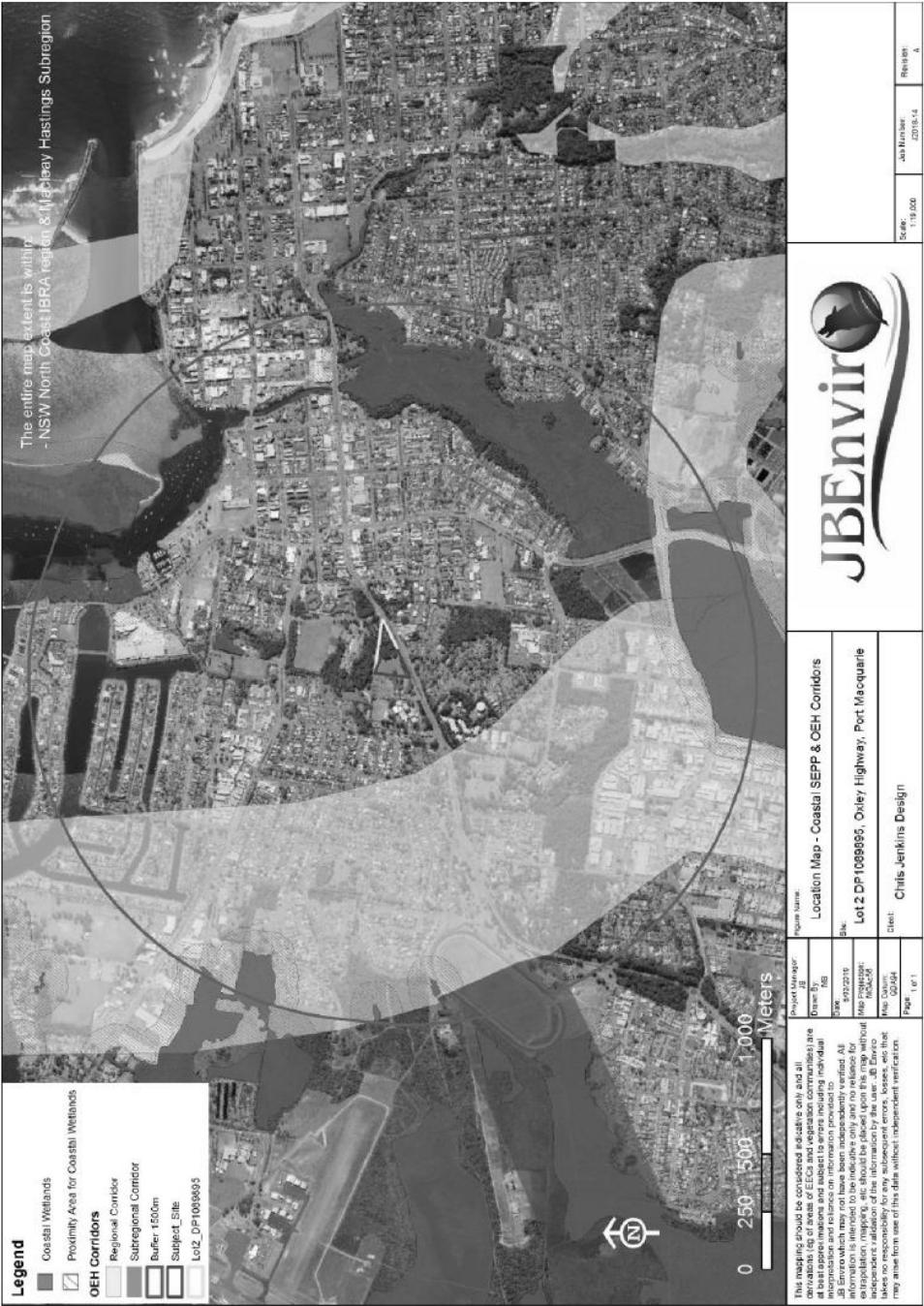
### 2.3 The Development Proposal

A development concept plan is provided in **Figure 2**.

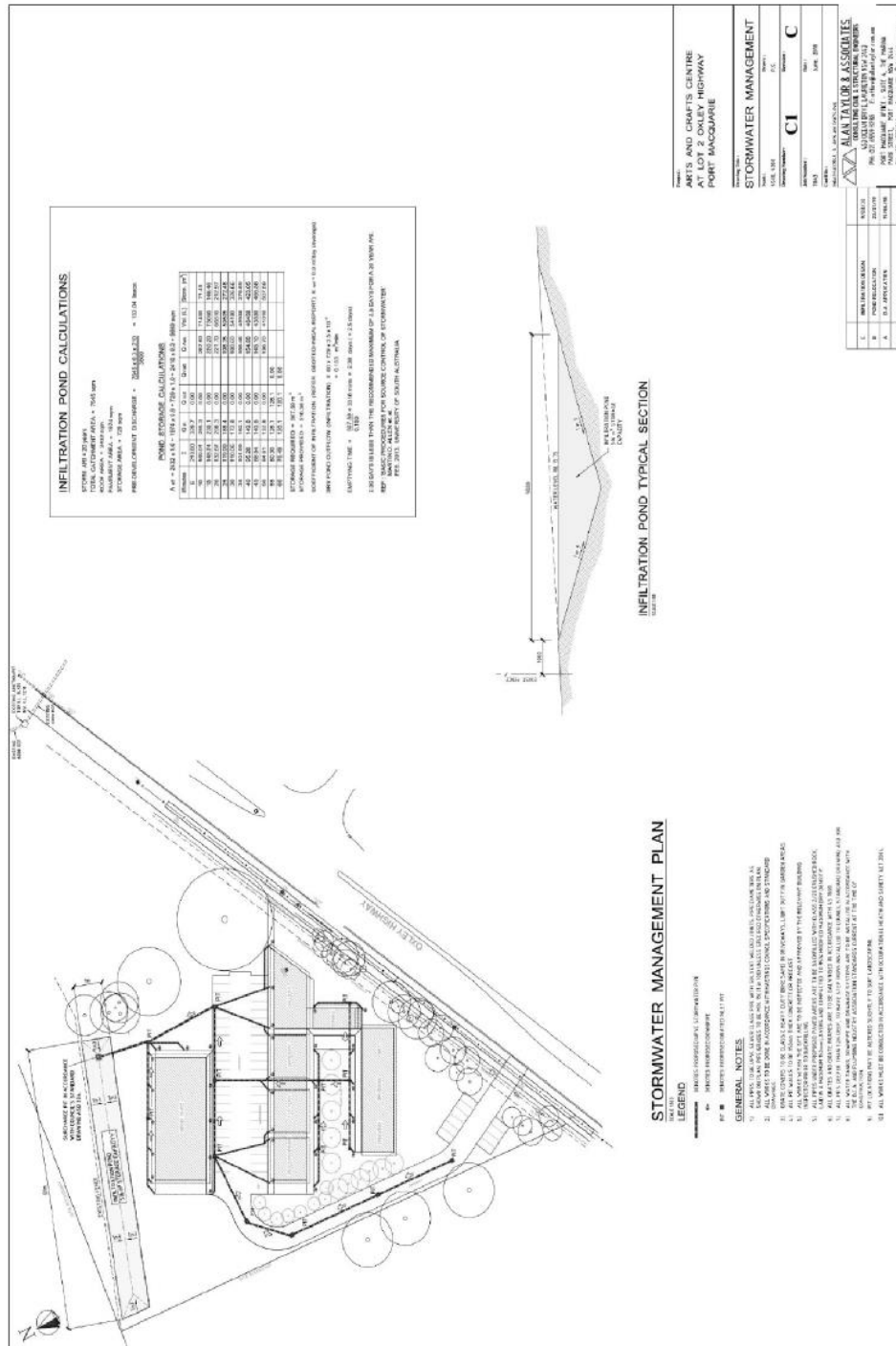
The proposed development is an education facility comprising a building for the Hastings Men Shed and an art and craft centre for use by the public. A carpark and access road to the Oxley Highway is to be established, plus a stormwater treatment facility.

An Asset Protection Zone is not required, and any potential for future tree removal under the 10/50 rule is to be prevented via the Consent Conditions.

Figure 1: Location of study site and regional corridors.



**Figure 2: Development concept.**





### 3 LEGISLATIVE AND POLICY FRAMEWORK

#### 3.1 Commonwealth

##### 3.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Federal Government's primary environmental legislative instrument. This act necessitates approval for any action that will have a Significant Impact on Matters of National Environmental Significance (MNES). MNES recognised under the EPBC Act, that act as a trigger for the Commonwealth assessment and approval process include;

- World Heritage properties;
- National Heritage Places;
- RAMSAR wetlands of international significance;
- Threatened species and ecological communities;
- Migratory species;
- Nuclear actions, including uranium mining;
- The Commonwealth marine environment;
- A water resource, in relation to coal seam gas development and large coal mining development

The Koala was listed as Vulnerable under the EPBC Act in April 2012. This listing covered the most at-risk Koala populations in Queensland, NSW and the ACT. As a result, any actions that are likely to have a significant impact on the Koala in these states must be referred to the Minister who will decide whether an assessment is required under the EPBC Act (DoE 2014).

##### 3.1.2 National Koala Conservation and Management Strategy 2009-2014

This report was prepared by the Natural Resource Management Ministerial Council to supersede the 1998 National Koala Strategy, and was effective from December 2009 with a review undertaken in 2014. It identified shortcomings of the 1998 strategy by including a detailed implementation plan and setting up an implementation team to coordinate the identified actions which were linked to outputs, prioritised, and given a timeframe

The plan also aimed to strengthen partnerships between government, stakeholders and the community and effectively engage the community in Koala conservation.

#### 3.2 NSW

##### 3.2.1 SEPP No. 44 - Koala Habitat Protection

State Environmental Planning Policy no. 44 – Koala Habitat Protection (SEPP 44) is a planning policy that “aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline”.

---

JBEnviro

SEPP 44 requires the identification of Potential and Core Koala Habitat on development sites and planning areas, and the preparation of a Koala Plan of Management (KPOM) if Core Koala Habitat is found.

SEPP 44 also allows local governments to prepare LGA wide Koala management plans referred to as Comprehensive Koala Plans of Management (CKPoM). Coastal LGA's that have implemented CKPoMs include Kempsey, Coffs Harbour, Port Stephens and Lismore.

No CKPoM has been approved for the Port Macquarie-Hastings LGA to date.

### 3.2.2 Koala Recovery Plan 2008

A NSW Recovery Plan for the Koala was prepared by the then Department of Environment and Climate Change (DECC) in 2008. The overall objective of the plan is *"to reverse the decline of the Koala in New South Wales, to ensure adequate protection, management and restoration of Koala habitat, and to maintain healthy breeding populations of Koalas throughout their current range."*

The plan adopted the specific objectives of the National Koala Conservation Strategy (ANZECC 1998) to achieve broader conservation outcomes. A number of specific recovery actions and performance criteria were formulated to implement the objectives.

### 3.2.3 Biodiversity Conservation Act 2016

As of August 25th 2017, the *Biodiversity Conservation (BC) Act 2016* replaced the *Threatened Species Conservation Act 1995*. The BC Act 2016 still relates to the conservation of threatened species and ecological communities, but also introduces the Biodiversity Offset Scheme (BOS) and a series of triggers for development which may require biodiversity offsets to be acquired. Developments which trigger off the BOS are assessed via the Biodiversity Assessment Methodology (BAM), which aims for "no net loss" in calculating the number of Ecosystem and/or Species Credits required. The Act also drives development proposals to consider and demonstrate avoidance and mitigation, before offsets are calculated.

Developments which do not enter the BOS or are activities assessed under Part 5 are subject to assessment under the Five Part Tests.

The Act also introduces thresholds for "Serious and Irreversible Impacts" (Sall). Council cannot approve a DA that has or is likely to have a Sall.

The Koala remains listed as Vulnerable under the Act. A Bilateral Agreement is currently being negotiated to recognise the offsets under the Framework for Biodiversity Assessment (FBA) under the EPBC Act.

Future Development Applications for the site under Part 4 of the *Environmental Planning and Assessment Act 1979* will have to address the new provisions of the BC Act 2016 and associated *Biodiversity Conservation Regulation 2017*, which may include offsets for clearing. The Koala is listed as both an Ecosystem and Species Credit entity, with Species Credits required for Core Koala Habitat..

### 3.2.4 Saving our Species Iconic Koala Project and NSW Koala Strategy

The NSW Koala Strategy is under development, but is intended to be a whole of government approach to recovering the Koala in NSW. The strategy aims to:

- Collect and collate knowledge of Koala ecology, including filling in data gaps and establishing a new NSW Koala habitat map inform about habitat preferences and extent, population trends and threats.
- Provide a foundation for a coordinated approach to manage and mitigate identified threats to the Koala.

The NSW Koala strategy will include the Saving our Species Iconic Koala Project. The Project aims to secure the Koala in the wild in NSW for 100 years. Actions undertaken from 2012-2015 are:

- Provide incentives to landholders to manage and improve priority Koala habitat on their land.
- Identify Koala habitat and threats, and recommend mitigation measures for councils and the community.
- Evaluate the effectiveness of previous tree plantings to better target future conservation actions.
- Investigate where remedial actions can be most effective in providing drought refuges and reducing the impact of disease.
- Undertake community surveys to track changes in Koala populations.
- Develop a standard approach to mapping Koala habitat.

The Project has now identified a series of actions to address threats from 2017-2021. These actions include measures to address threats through to training programs for carers rehabilitating Koalas, and targeted research, as well as funding priorities. The Project's success is to be measured against specified performance criteria to refine the approach and achieve its objectives.

## 4 KPOM OBJECTIVES AND PERFORMANCE CRITERIA

### 4.1 Guidelines for Individual Koala Plans of Management

The SEPP 44 B35 Circular (Department of Urban Affairs and Planning 1995) provides guidelines for the preparation of individual Koala plans of management. These are shown in Table 1 below along with the section in which they are addressed in the KPOM.

Table 1: SEPP 44 KPOM guidelines

Number	Criteria	Section Addressed
i)	An estimate of population size	Section 5.3.1
ii)	Identification of preferred tree species for the locality and extent of resource available	Section 5.2.1, 5.3.2
iii)	An assessment of the regional distribution of Koalas and the extent of alternative habitat available to compensate for that to be affected by the actions	Section 5.3.3
iv)	Identification of linkages of Core Koala Habitat to other adjacent areas of habitat and movement of Kolas between areas of habitat. Provision of strategies to enhance and manage these corridors	Section 5.3.3 Section 6.1
v)	Identification of major threatening processes such as disease, clearance of habitat, road kill and dog attack which impact on the population. Provision of methods for reducing these impacts	Section 6
vi)	Provision of detailed proposals for amelioration of impacts on Koala populations from any anticipated development within zones of Core Koala Habitat	Section 7
vii)	Identification of any opportunities to increase size or improve condition of existing core habitat, this should include lands adjacent to areas of identified Core Koala Habitat	Section 7
viii)	The plan should state clearly what it aims to achieve (for example, maintaining or expanding the current population size or habitat area)	Section 4.2
ix)	The plan should state criteria against which achievement of these objectives is to be measured (for example, a specified population size or specific time frame or the abatement of threats to the population)	Section 4.3
x)	The plan should also have provisions for continuing monitoring, review and reporting. This should include an identification of who will undertake further work and how it will be funded.	Section 8 and appendices

## 4.2 Objectives

The principle objective of this Koala Plan of Management is to ensure the study site and area retains its ability to support a Koala population, and also to enhance this by increasing potential carrying capacity and linkages within the broader Core Koala Habitat.

The objective of this Koala Plan of Management (KPOM) is to maintain the viability of the current Koala population which occurs in the local area via:

- Retaining the majority of existing mature Koala food trees.
- Increasing the net extent of primary browse species to increase its carrying capacity and potentially allow population expansion;
- Maintaining and enhancing linkages with other habitat known to be required by the local Koala population; and,
- Effectively mitigate threats to the viability of Koalas induced by the proposal.

### 4.3 Performance Criteria

The criteria against which achievement of the objectives are to be measured are:

1. A net increase of food trees within the site.
2. Maintenance of effective linkages within the study area.
3. Nil Koala losses or injury due to road strike, drowning in pools, or attack by dogs via adequate mitigation measures.
4. No increase in disease incidence.
5. No unmitigated increase in threats to Koalas within the study area.

## 5 KOALA HABITAT AND POPULATION CHARACTERISTICS

### 5.1 Site Vegetation Communities

As shown in **Figure 3**, the site vegetation is highly modified from its original state. An adjacent remnant around Westport High School/Hastings Secondary College Westport Campus indicates a close semblance of the original vegetation which appears match the Plant Community Type (PCT) 695 Blackbutt - Turpentine - Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion.

On site, all that remains of this PCT are a handful of mature and senescent Tallowwoods (*Eucalyptus microcorys*) and single trees of Brushbox (*Lophostemon conferta*), Pink Bloodwood (*Corymbia intermedia*) and a Rusty Fig (*Ficus rubiginosa*). Generally pasture and Camphor Laurel comprise the remaining vegetation.

The Oxley Highway frontage has been planted on separate occasions with predominantly Koala food trees comprising Tallowwood, Swamp Mahogany (*E. robusta*), Forest Red Gum (*E. tereticornis*), Grey Gum (*E. propinqua*); and Lemon-scented Gum (*Corymbia citriodora*). Some of these trees have poor structure/vigor and hence limited canopy which limits their value as Koala food trees ie. branches too small to support browsing.

### 5.2 SEPP 44 KOALA HABITAT ASSESSMENT

#### 5.2.1 Koala Habitat Assessment

##### 5.2.1.1 Potential Koala Habitat assessment

Three Schedule 2 browse species are present on the site: Tallowwood, Forest Red Gum and Swamp Mahogany.

A formal Potential Koala Habitat Assessment was undertaken (JBEnviro 2019), with the site vegetation readily surpassing the 15% threshold required by SEPP 44. The general location of Koala food trees are shown in **Figure 4**.

##### 5.2.1.2 Core Koala Habitat assessment.

As detailed in JBEnviro (2019), the adjacent remnants associated with Westport High School has have previously identified to contain Core Koala Habitat. The site directly adjoins this

habitat, and while no Koalas were observed on site by this survey, definite scratches on Grey Gums plus scats indicated periodic Koala activity.

The site is thus part of the adjacent Core Koala Habitat.

## **5.3 Characteristics of the Core Koala Habitat**

### **5.3.1 Estimate of Population Size**

While no Koalas were observed on site by JBE (2019), previous sightings of a female and joey and reports from school staff have ascertained that around 2-3 Koalas have been seen at one time in the adjacent Westport High School grounds. Some sightings have included combat between males, and female with young and a male.

Collectively, this evidence and a review of Koala ecology indicates that it is likely that a minimum of 2-3 Koalas constituting a dominant male and at least 1-2 mature females (and potentially their offspring), may regularly utilise the site, adjacent remnants, and the surrounding adjacent urban woodland as part of a larger area of habitat. At times, other transients may occur for short periods eg sub-adults dispersing to establish their own range, or more likely other members of the aggregate moving through the matrix of habitat and cleared land as part of their normal life cycle movements (DECC 2008, AKF 2008, 2004, 2000, Dique *et al* 2004, Wilkes and Snowden 1998). The observation and records of Koalas along local roads and residential areas, plus the landscape distribution of habitat in the area evidences this hypothesis, and also that the site's Koalas are part of a larger local population (collective of aggregates). This larger population would utilise this broader mosaic of intact remnant habitat and urban woodland in the north to northwest of Port Macquarie, which is in turn interconnected to major areas of habitat and Koala populations in Kooloonbung Creek/Lake Innes Nature Reserve to the southeast and south (Wilkes and Snowden 1998, Connell Wagner 2000b, DECC 2008a, Berrigan 2003d, 2001e, 1999a, 1999b, Darkheart 2006f, 2004f, Wildthing 2001a, 2001b, JBEnviro 2018, Biolink 2013a, Darkheart 2010) confirm that the site is part of a wider area of Core Koala Habitat used by a population of Koalas which utilise a network of urban and peri-urban remnants interlinked by an urban woodland containing food trees.

Hence at any given time, due to the limited extent of habitat, at least 2-3 Koalas are expected to be on or near the site.



Figure 3: Vegetation zones on-site

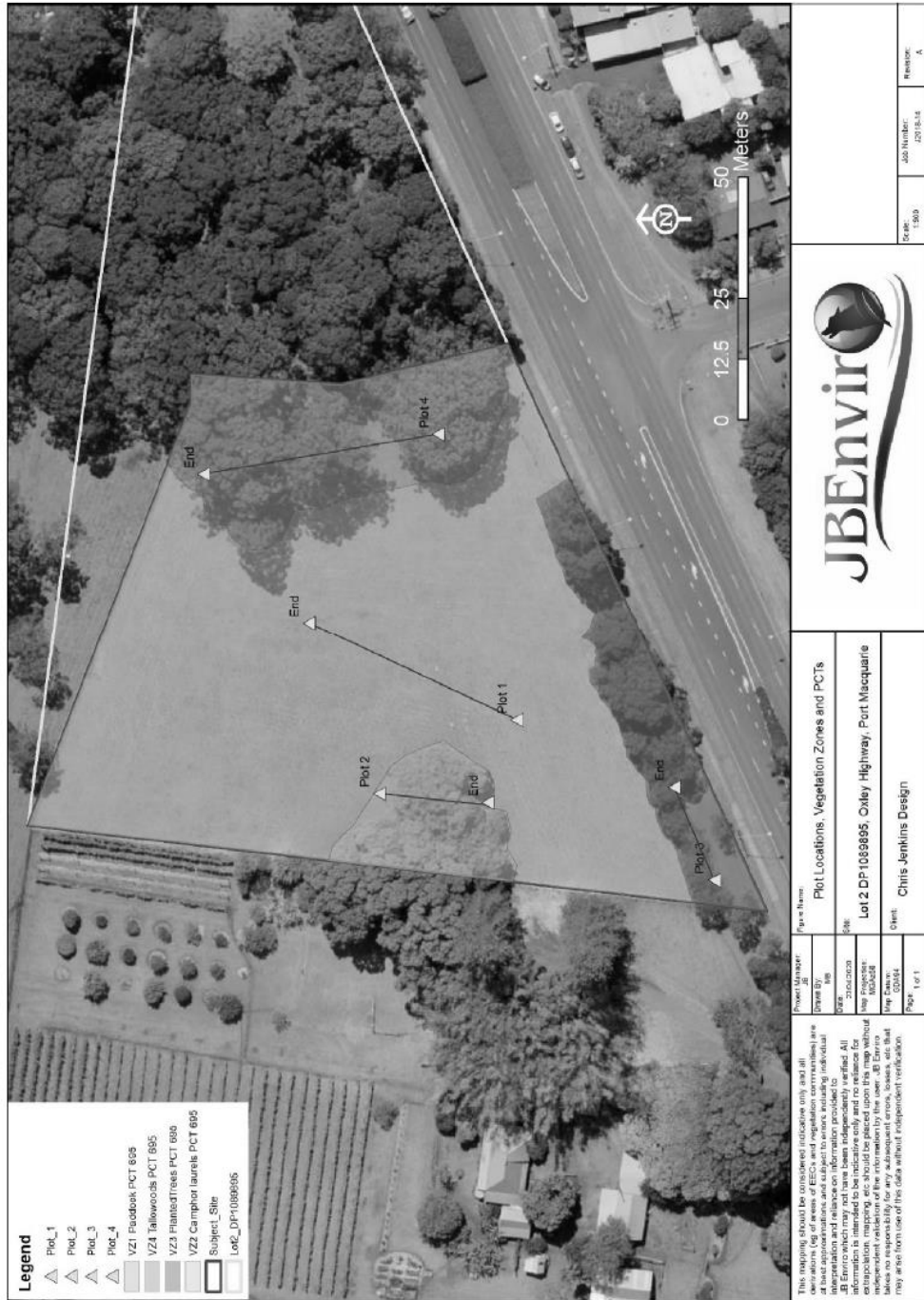


Figure 4: Potential Koala Habitat on site



### 5.3.2 Preferred Tree Species

From a collation of previous landscape-based Koala food tree research and data collected the coastal LGA study, Biolink (2013a) determined that the following are the primary preferred Koala browse species in the PMHC LGA, depending on soil landscape:

**Table 2: PMHC LGA primary preferred Koala food trees per soil landscape**

Transferral, Alluvial, Swamp and Thrumster Residual (TASr) Soil Landscapes: Medium to High Fertility	Erosional, other Residuals, Colluvial, Beach and Aeolian (ERCBA) Soil Landscapes: Low to Medium Fertility
Tallowwood ( <i>E. microcorys</i> )	*Tallowwood ( <i>E. microcorys</i> )
Swamp Mahogany ( <i>E. robusta</i> )	Swamp Mahogany ( <i>E. robusta</i> )
Grey Gum ( <i>E. propinqua</i> )	
Forest Red Gum ( <i>Eucalyptus tereticornis</i> )	

\* Tallowwood use appears to be size dependent on low to medium soil landscapes (Biolink 2013).

The site falls on the Thrumster soil landscape (TaStr) and all 4 preferred Koala browse species on site. Tallowwood, Forest Red Gum, Grey Gum and Swamp Mahogany show use on site.

### 5.3.3 Distribution of Koala Populations, Site Context and Linkages

#### 5.3.3.1 Regional Distribution of Koalas

Koala numbers have declined throughout most of their previous range in NSW, with the main occurrences being in the northeast of the state (DECC 2008). Most coastal populations now persist in fragmented and isolated areas of habitat (predominantly secondary class A with some localised primary areas supporting high density populations), with extensive areas of potential habitat appearing to be devoid of Koalas (DECC 2008). In contrast, some well-known western populations appear to be increasing, though recent climatic extremes have resulted in elevated mortality. The difference is considered to primarily be due to increasing development pressure eg from agriculture and urban expansion in the coastal region (DECC 2008, AKF 2019).

In the north coast and mid-north coast regions, areas with large numbers of records are restricted to localities such as Ballina, Port Stephens, Port Macquarie, Coffs Harbour, Tweed and Lismore (Connell Wagner 2000b, Lunney *et al* 1999, Port Stephens Council 2001, DECC 2008, AKF 2008, 2007). The Koala Recovery Plan (DECC 2008) notes that in addition to these major population centres are numerous small populations many of which are disjunct to urban and rural development, as well as natural barriers (DECC 2008).

#### 5.3.3.2 Distribution and Abundance of Koalas in the PMHC LGA:

The coastal sector of the Hastings Local Government Area (LGA) is well known to contain a viable Koala population in varying densities, generally within the following major areas (Biolink 2013, Connell Wagner 2000a, 2000b, Starr 1990, Biolink 2003, 2005a, 2005c, 2008,

JBEnviro

2013a, AMBS 2003, Biosis 2004, Darkheart 2013, 2008a, 2008b, 2006e, 2005a-i, 2005a-h, Berrigan 2003a-d, 2002a-c, 2001a-e, 2000a-f, 1999a-c, 1998, 1997, Kendall 1993, 1991, Mt King Ecological Surveys 1993, OEH 2014a):

- Port Macquarie urban area
- Lake Cathie Plains to Lakes Innes/Thrumster area (approaching Sancroix)
- Lake Innes Nature Reserve/Kooloonbung Creek Nature Reserve and adjoining private lands
- Lake Cathie area
- Dunbogan Peninsula
- Point Plomer area

A number of other well-known smaller population centres also occur in scattered occurrences eg Broken Bago State Forest, Telegraph Point, North Brother, Bonny Hills, North Shore and Huntington area (OEH 2019a, Biolink 2013a, 2005c, 2013, Darkheart 2005a, 2005b, 2004a, Kel Mackay pers. comm., Mrs Penny Marshall BHCC pers. comm.).

Biolink (2013a) in their major study estimated a population of approximately 2000 Koalas in the coastal LGA, occupying an Area of Occupancy of only 24% of available habitat.

Studies of the nearby Lake Innes Nature Reserve (Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b), Thrumster (Biolink 2008, 2005a, 2005b, 2005d, 2003, Darkheart 2005g, 2006e) and Port Macquarie (Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b, Wilkes and Snowden 1998, Martin 1996) have estimated that a sizeable Koala population exists in the locality. Estimates range from 400-500 in Port Macquarie (Martin 1996) with a similar number in the northern reaches of Lake Innes Nature Reserve (NPWS 1999, Phillips unpub. data cited in Biolink 2008, 2005a, 2005b), to >200 in the Thrumster area (Biolink 2008, 2005a, 2005c). These are however only estimates or based on modelling and hence a number of limitations of this data must be considered e.g. reliance on extrapolation from SAT data with limited validation.

An estimated 300 Koalas in the Lake Cathie area has been proposed though given limitations on survey methodology (ie. public records which may be many sightings of the same Koala), this figure is recommended by Biolink to be treated with caution (Biolink 2005a, 2005c).

The Lake Innes-Thrumster population is considered by Biolink (2013a) to be of national and state significance (Biolink 2008, 2005a, 2005b, 2013a).

#### 5.3.3.3 Local Populations

Studies of Lake Innes Nature Reserve (Biolink 2013a, Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b), the majority of Vilro Pty Ltd land holding (Biolink 2005a, 2005b, Darkheart 2006e), Thrumster (Biolink 2008, 2003) and Port Macquarie (Starr 1990, Mt King Ecological Surveys 1991, Connell Wagner 2000b, Wilkes and Snowden 1998, Martin 1996) have determined that a sizeable Koala population exists in the locality.

As noted above, estimates have been proposed in the range of 400-500 in Port Macquarie (Martin 1996) with a smaller number in the northern reaches of Lake Innes Nature Reserve (NPWS 1999, Phillips unpub. data cited in Biolink 2005a, 2005c), and the Thrumster area (Biolink 2008). These numbers are only provisional estimates however, with no comprehensive survey or verified statistical census undertaken to date (DECC 2008). Biolink

JBEnviro

(2005a, 2008) has offered estimates from their work in the northern Lake Innes Peninsular and Thrumster area, but these have not been independently verified or validated by using comparative methodologies e.g. Dique et al 2004.

A review of the trend of Port Macquarie Koala Hospital data suggest the Port Macquarie Koala population may be in a state of significant decline eg. due to low recruitment. Any lack of firm knowledge about the extent and health status of the local Koala population is a significant concern for planning. Over-estimation of the Koala population size and poor understanding of health status (eg low fertility due to Chlamydia) can mask declines, hence in the absence of adequate data, the Uncertainty Principle must be applied to management of Koalas in Port Macquarie and its environs.

#### 5.3.3.4 Linkages

##### Regional:

The Office of Environment and Heritage (OEH) has mapped corridors at a regional scale throughout northern NSW. This map is shown in **Figure 1**.

The subject site does not fall within a regional or sub-regional corridor. As evident in Figure 1, a regional corridor is mapped to the west of the site, over residential precincts of Port Macquarie which would significantly limit its effectiveness.

The focal species of these corridors are the Koala, Brushtailed Phascogale and the Eastern Chestnut Mouse (Scotts 2002). Due to the lack of fragmentation of this portion of the corridor, it is considered likely to support Koala movement as this species may use as little as 1 tree/ha - Wilkes and Snowden 1998).

##### Local:

As shown in Figures 1 and 5, the study area and immediate locality has a high level of fragmentation by urban development. Koalas occurring in this local matrix are also increasingly threatened by further fragmentation and gradual attrition of habitat via residential development, increased exposure to predators (wild and domestic dogs), and the introduction of barriers/mortality threats posed by local roads which may all contribute to the decline of the local population (DECC 2008, AKF 2011m, 2019, Curtin *et al* 2002, Port Stephens Council 2001, Hindell and Lee 1990, Connell Wagner 2000b, Dique *et al* 2004, Hume 1995, Jurskis and Potter 1997, Phillips 2000, Phillips *et al* 2000, Biolink 2013a, 2005a, 2005b, 2008).

As shown in Figure 5, the site falls within a mosaic of small urban remnants which provide a local corridor from the northern remnant just north of Hastings River Drive, southeast to Kooloonbung Creek Nature Reserve. Many of these are part of identified Core Koala Habitat (eg. Biolink 2013b, Darkheart 2005b, 2005d, 2004a, 2004b). Linkage between these remnant is however limited by the Oxley Highway and local roads which are associated with Koala road kills; and residential areas with associated threats (eg. dogs) and barriers ie. fencing.

In terms of habitat links, the site has limited value as it is mostly cleared. The trees in the eastern end of the site and the underscrubbed forest in the eastern end of Lot 2; and the planted trees fronting the site provide a linkage for the Koala to urban woodland to the west and other remnants to the southwest of the Oxley Highway. The patch of Camphor Laurel in the west at best offers some temporary refuge for Koalas, but has no significant value as it forms part of vegetation which is virtually all exotic.

**Site Context:**

In the local context, appraisal of **Figure 5** shows that the site's and adjacent land's limited remnant habitat combined with the wooded road reserves form part of a larger matrix of remnants amongst mostly developed land in the Lake Road to Hastings River Drive area. Historical photos also show that this area has been subject to a cumulative loss of Koala habitat, particularly in the last 20 years.

As detailed previously, there are a plethora of Koala records in the locality. This includes several records very close to the site, and numerous records within approximately 1km of the site (eg OEH 2019a, Biolink 2013a, 2008, 2005a, 2005b, Berrigan 2003c, 2003g, 2003h, 2001b, 2001c, 2001d, 2000b, 2000c, 1999a, 1999b, Naturecall 2015, Darkheart 2010, 2007e, 2006e, 2005d, 2005f, 205l, 2004g, 2004l, 2004g, 2004l, 2004n, 2004p, 2004q, etc, Connell Wagner 2000b, Wilkes and Snowden 1998, Biosis 2005, 2004, AMBS 2003).

Koalas occurring on site thus form part of the local sub-population within the larger population which use the site as part of their range. This range is likely to extend over adjacent remnants and the urban woodland depending on sex, social status (eg. dominant males and dispersing sub-adults) and season (eg. breeding season).

JBEnviro

Figure 5: Aerial photo of the study site and local area showing local linkages.





## 6 THREAT ASSESSMENT

### 6.1 Current Threats

The following impacts/threats are generally associated with development of Koala habitat (Connell Wagner 2000a, 2000b, Wilkes and Snowden 1998, Biolink 2003, 2005a, 2005b, 2005c, 2008, 2013a, Dr Stephen Phillips pers. comm., Lunney *et al* 1999, Port Stephens Council 2001, AKF 2007, 2000, State Forests 2000, DECC 2008). In context of the development, these are first identified, and then the ameliorative measures/recommendations to address this threat/impact are described in this section.

Identified threatening processes are:

- Loss of forage trees/habitat
- Injury during clearing
- Road kill
- Dog attack
- Drowning in pools
- Physical barriers
- Bushfire
- Disease

These are described in detail below.

#### 6.1.1 Loss of Forage Trees/Habitat

Habitat loss and/or fragmentation is the most serious threat to Koalas both historically and at present (DECC 2008, AKF 2014, 2007, 2000, Connell Wagner 2000b, Port Stephens Council 2001, Lunney *et al* 1999, Wilkes and Snowden 1998, etc.).

Five Koala food trees will be removed, comprising:

- 2 Swamp Mahogany: 2 trees <20cm trunk diameter at breast height (DBH) about 5m tall, with small crowns, located on a hill crest. A decaying stump 1m high with a few epicormic shoots is also to be removed but as this offers no habitat value and is near dead, it is not counted.
- 1 Tallowwood: One near mature tree about 14m high with trunk diameter with a very good crown and high vigour.
- 2 Forest Red Gums about 4m tall with trunk DBH <20cm, with poor form and small crowns.

All other trees will be retained. The loss of 5 trees is to be offset via replantings on site.

### 6.1.2 Potential Injury During Clearing

Tree-felling and clearing will pose an associated risk of injury or mortality to any Koalas present on site at the time (AKF 2007).

At least 1-3 Koalas are known to have an association with the site, hence pre-clearing surveys and supervision by an ecologist will be required during any clearing undertaken on the site to reduce the risk of injury or mortality.

### 6.1.3 Traffic Collision (Road Kills)

Wilkes and Snowden (1998) and Connell Wagner (2000b) note that traffic collision (usually resulting in death) is a major threatening process to the Port Macquarie Koala population, particularly to males, who account for most of the injured animals (most likely due to more frequent and longer movements during their life cycle eg during breeding seasons).

The proposal will see an access road to the Oxley Highway established in the southwest corner. This will remove 4 of the aforementioned trees. The road will run along the southwest boundary and then circle the site around the buildings. Speed will be <20kph due to the short road, its alignment, and nature of the development. As the access also crosses a public patch, pedestrians will have right of way to traffic.

Given the physical constraints on the new road, it is not considered likely to pose a threat of vehicle strike, hence no measures are proposed.

### 6.1.4 Pets and Feral Predators

#### Domestic Dogs

Dog attack is a major cause of Koala mortality. Domestic dogs are probably the main source of dog attack mortality near residential areas (Wilkes and Snowden 1998, Lunney *et al* 1999, Port Stephens Council 2001, Connell Wagner 2000, State Forests 2000).

To meet the performance criteria of nil injuries or mortality due to domestic animal attack, dogs will be required to be excluded from the site to avoid the risk of dog/Koala interaction. The only exception may be medical assistance dogs.

#### Feral Cats and Foxes

Cats are not considered a serious predator to the Koala (NSWSC 2000a, Dickman 1996, Wilkes and Snowden 1998, DECC 2008, Lunney *et al* 1999, Connell Wagner 2000b, etc). Hence no specific prescription is provided in this KPoM.

Foxes are not considered a significant threat to Koalas, though there is the potential for attack on sick, injured or juvenile Koalas (DECC 2008). These vermin are also a serious threat to native species ie recognised as Key Threatening Processes (NSWSC 2000a, 2000b, Dickman 1996). These are subject to current controls under the PMHC Feral Species Management Strategy.

Foxes are likely to occur in the Westport High School remnant and the surrounding residential area. The species is not likely to be attracted to the site as food wastes are unlikely to be

significant and no intact forested habitat will be modified or removed. No mitigation measures are thus proposed.

### **6.1.5 Drowning In Pools**

Koalas can swim, but have been recorded drowning in pools where they could not climb out. Koalas may enter the pool via falling from overhanging branches, or walking in by mistake (DECC 2008). Wilkes and Snowden (1998) state that since the implementation of child-proof fencing around pools, accidental drowning has ceased to be a significant threatening process in Port Macquarie.

No pools are proposed hence no further mitigation is required.

### **6.1.6 Barriers**

Developments may result in physical and behavioural barriers that impair Koala usage of the site or access to adjacent areas.

Fences offer the main physical barrier. Koalas can climb sturdy chain mesh, wooden paling or solid-type fences with wooden fences on both sides (Port Stephens Council 2001, Wilkes and Snowden 1998). Busy roads, barking or aggressive dogs, and adverse human contact may pose behavioural barriers (DECC 2008).

The site is currently fenced along all boundaries. Anti-personnel fencing exists on the southern and western boundaries. These pose an existing barrier to the Koala, especially the southern fence which runs east to Findlay Avenue, and hence poses a barrier to Koala access to habitat in the school grounds.

This fence is proposed to be retrofitted with a structure that will readily allow the Koala to access the adjacent habitat and that on-site. No new fencing is proposed on the site that will be Koala impermeable. The existing stock fence on the southern boundary is to be removed.

### **6.1.7 Bushfire**

Bushfires, particularly intense, crown-burning fires, are a major threat to wildlife and threatened fauna such as Koalas (DECC 2008). Extensive fires that burn out a large extent of habitat – particularly habitat that is isolated or fragmented, and thus limited in escape, refuge or re-colonisation potential, are particularly damaging if not catastrophic via direct mortality or indirectly (e.g. insufficient resources left to support the population).

Less intense fires may also cause secondary problems such as smoke-inhalation/breathing disorders, loss of food supply, stress and displacement (e.g. via complete burning of an individual's home range).

Altered fire frequency can also ultimately simplify or alter the character of vegetation communities by removing fire sensitive species (e.g. convert wet sclerophyll to dry), and even develop fire-prone communities e.g. promote development of a grassy groundcover (NSWSC 2000).

The site is within an urban area where fire is not used in any remnants, hence there is no risk of fire approaching the site from these areas. No measures are proposed.

### 6.1.8 Disease

Most Koalas are naturally infected with Chlamydia pathogens (Sharp and Phillips 1999, Phillips 1997). Chlamydia and other diseases may develop when Koalas are under stress, of which one cause is habitat loss/disturbance (DECC 2008, Catling 1991, McFarland 1999, AKF 2007, Port Stephens Council 2001). Chlamydia infections may lead to urinary tract and reproductive tract infections which can cause female infertility.

This disease occurs throughout the Port Macquarie Koala population (Connell Wagner 2000b, PMHC 2018). This is a concern given the risk potential sterilisation of dominant adults limiting recruitment and fecundity.

The proposal is expected to have minimal stress on the local aggregate as the trees to be removed are small and have limited forage value; no new threat will be introduced (eg. dogs); the existing barrier to adjacent habitat will be mitigated; and 10 new primary preferred Koala food trees will be planted, representing a significant net increase in carrying capacity.

## 7 AMELIORATIVE MEASURES

### 7.1 Habitat Retention, Consolidation and Linkage Enhancement

#### 7.1.1 Habitat Retention and Protection

The development layout in Figure 2 is the 'best fit' considering all constraints eg. solar access and stormwater management. The removal of trees for the Oxley Highway access was unavailable due to traffic constraints ie. could not be located in an existing clearing in the east.

During construction, the retained trees in the eastern end of the site and along the road reserve will be treated in compliance with Australian Standard 4970 - 2009 *Protection of trees on development sites* to ensure retained trees are not damaged during construction.

#### 7.1.2 Habitat Replacement and Linkage Enhancement

To offset the loss of 5 primary preferred Koala food trees, 10 new trees (1:2) will be planted on the site. The ratio selected matches the PMHC DCP 2013 ratio, and is in addition to Koala and ecosystem credits required to be retired for the development under the *Biodiversity Conservation Act 2016*.

The offset plantings are to comprise Tallowwoods and Forest Red Gum as they best fit the site edaphics. Council's internal policy prefers that replacement plantings are to be spaced at a minimum of 10m apart on cleared land or 5m apart where existing canopy gaps exist to allow maximum crown development via allowing low branching (woodland form) and reduced competition. A closer spacing may be required on this site due to space requirements, but site selection must avoid conflict with proposed or existing services eg. overhead electricity and underground services along the Oxley Highway.

Trees to be used are also preferred to advanced size trees (120mm high) that meet NATSPEC *Specifying Trees*, unless plantings are undertaken pre-emptively (preferably at least 5 years before actual tree loss) in which case smaller size classes may be used.

---

JBEnviro

All plantings should either be planted with soil derived from the root zone Koala trees being cleared, or inoculated with commercially available mycorrhizal inoculant for native hardwoods to maximise their vigour.

All retained and planted trees will need to be permanently protected from removal for any future development. Offset are to be in perpetuity, and hence cannot be removed.

The eventual attrition of current Koala food trees is to be addressed by on-going replacement at a 1:1 ratio, as the need arises. This is to ensure the Koala habitat does not erode over time.

## 7.2 Clearing Management

In order to minimize the risk of Koala's being killed or injured during any clearing works on the site; the following measures must be implemented:

- The area of work is to be inspected for Koalas by an ecologist immediately prior to commencement of any vegetation removal.
- The ecologist is to remain on-site during vegetation removal to maintain surveillance for Koalas and rescue other fauna as required.
- No such vegetation removal is to be carried out while any Koala is present in the area of operation unless a 50m buffer is established. If the Koala shows signs of sickness or injury, the Port Macquarie Koala Hospital is to be advised.
- A report by the ecologist is to be provided within 7 days of the clearing event detailing methods and results of the supervision.

## 7.3 Dog Management

Dogs are prohibited from the site unless a certified medical assistance dog.

## 7.4 Barriers

The boundary fence east of the site on the remainder of Lot 2 within an underscrubbed forest containing Koala food trees is to be retrofitted with a 'Koala ladder' of a design that meets the Koala Hospital's approval, and does not compromise the school's security.

The structure is recommended to be installed in the woodland to the east as this is where Koalas are currently the most likely to occur.

## 7.5 Disease

Disease is a current threat to the local Koala population and habitat loss associated with development of the site has the potential to increase the current disease risk. To help reduce this, the following measures are to be implemented:

- A poster or similar information source indicating a sick Koala eg. wet bottom, weeping eyes, blindness, abnormal behaviour.
- Contact details for Koala Hospital at site office during construction.
- Koala warning signage is to detail contact details for the Koala Hospital to facilitate

prompt reporting of sick or injured Koalas.

## **8 IMPLEMENTATION, MONITORING AND COMPLIANCE**

### **8.1 Monitoring and Review**

The checklist appended to this document summarises the specific actions required to be undertaken by responsible authorities to implement the recommendations of the KPoM. This can assist to ensure the provisions of the KPoM are implemented over a 5 year monitoring period.

The provision of an annual KPoM Compliance Check will assist in ensuring the provisions of the KPoM are implemented and provide a means of feedback for compliance assessment.

The KPoM will be deemed successful if monitoring determines that the objectives stated in section 4.0 are achieved as per the listed specified performance criteria.

### **8.2 Implementation Schedule**

The following table provides a summary of the timeline for implementation of the ameliorative measures for assisting with compliance assessment.

JBEnviro

Table 3: Implementation schedule for ameliorative measures

Issue	Pre-DA/Rezoning Stage	DA Approval	Construction Phase	Operation Phase
Retention of Key Habitat	<ul style="list-style-type: none"> <li>Koala food trees to be removed or retained identified.</li> <li>Planning mechanisms to protect retained habitat implemented.</li> <li>DA to demonstrate compliance with KPoM</li> </ul>	<ul style="list-style-type: none"> <li>Approval of plan detailing trees/habitat to be removed.</li> <li>Restriction on use of 10/50 rule in future.</li> </ul>	<ul style="list-style-type: none"> <li>Clear identification and fencing off of trees/vegetation to be removed/retained.</li> <li>Construction undertaken in accordance with KPoM and consent conditions.</li> <li>Compliance enforcement by Council.</li> </ul>	<ul style="list-style-type: none"> <li>All planted trees managed and protected permanently.</li> <li>Implementation of any recommendations for improvements of current measures.</li> <li>Compliance enforcement by Council.</li> </ul>
Habitat replacement	<ul style="list-style-type: none"> <li>Identify Koala food trees to be removed.</li> <li>Identify and map proposed location of all planting areas in relation to development, and estimate number of replacements.</li> </ul>	<ul style="list-style-type: none"> <li>Plans for offset plantings approved and become binding on proponent to execute as detailed.</li> <li>Commence and complete planting works.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain plantings as applicable per development stage.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of plantings until established.</li> <li>Ongoing maintenance until all plantings self-sufficient.</li> <li>Compliance enforcement by Council. Implementation of any recommendations for improvements until plantings are self-sufficient.</li> </ul>
Predator Control	<ul style="list-style-type: none"> <li>Planning provisions to prohibit dogs.</li> </ul>	<ul style="list-style-type: none"> <li>Condition of Consent specifying prohibition.</li> </ul>	<ul style="list-style-type: none"> <li>Compliance enforcement by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Compliance enforcement by Council.</li> </ul>
Mortality/injury during clearing of habitat	<ul style="list-style-type: none"> <li>Survey and mapping of all habitat to be retained/removed.</li> </ul>	<ul style="list-style-type: none"> <li>Consent condition specifying ecologist to supervise clearing and manage Koala welfare.</li> </ul>	<ul style="list-style-type: none"> <li>Clearing as per protocol.</li> <li>Report to PMHC confirming compliance.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>



JBEnviro

Issue	Pre-DA/Rezoning Stage	DA Approval	Construction Phase	Operation Phase
Physical Behavioural Barriers (fences)	<ul style="list-style-type: none"> <li>DA plans to show permanent fencing is required</li> <li>Measures to ensure temporary construction fences Koala friendly where required.</li> </ul>	<ul style="list-style-type: none"> <li>Consent approval subject to Koala friendly fencing where applicable (ladder installation).</li> <li>Compliance enforcement by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Fencing constructed as per development consent conditions</li> <li>Compliance enforcement by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Reporting of any injured Koalas to Koala Hospital.</li> <li>Remedial action taken following reporting of injuries.</li> <li>Compliance enforcement by Council.</li> </ul>
Disease	<ul style="list-style-type: none"> <li>Provisions for signage to include Koala Hospital number.</li> </ul>	<ul style="list-style-type: none"> <li>Signage required as condition of consent.</li> </ul>	<ul style="list-style-type: none"> <li>Construction undertaken in accordance with plans.</li> <li>Contact details for Koala Hospital provided on site during construction</li> </ul>	<ul style="list-style-type: none"> <li>Records kept and included in monitoring reports.</li> <li>Poster or information sheet for symptoms of disease.</li> <li>Permanent signage with Koala Hospital phone number.</li> </ul>

## 9 REFERENCES

Berrigan J, A. (2003a). Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed School Playing Field On Lot 581 DP 754434, Major Innes Drive, Port Macquarie. Unpublished Report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan J, A. (2003b). Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed School Playing Field On Lot 581 DP 754434, Major Innes Drive, Port Macquarie. Unpublished Report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2003c). Threatened Species, EPBC Act and SEPP 44 Assessment for Proposed Manufactured Housing Estate (The Retreat) on Lot 2 DP 748837, off Lincoln Rd, Port Macquarie. Unpublished report to Luke and Co. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan J, A. (2003d). Threatened Species, EPBC Act and SEPP 44 Assessments for Residential Subdivision On Lot 9 DP 255991, The Ruins Way, Port Macquarie. Unpublished Report to King and Campbell Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2002a). Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed Port Oxley Residential Estate, Oxley Highway, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2002b) Threatened Species, EPBC Act and SEPP 44 - Koala Habitat Assessment For Proposed Multi-Storey Tourist Resort on Lot 331 DP 828346 and Lot 24 DP 22883 (Taskers Beachside Palms), Flynn St, Port Macquarie. Unpublished report to King and Campbell Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2002c). Northgate Koala Monitoring Report – 2002. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2001a). Northgate Koala Monitoring Report – 2001. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2001b). Threatened Species and SEPP 44 - Koala Habitat Assessment For Proposed Combined School on Lot 591 DP 754434, Major Innes Drive, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2001c). Threatened Species and SEPP 44 – Koala Habitat Assessment for Proposed Residential Subdivision, Lot 4, DP 788598, The Oxley Highway, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2001d). Threatened Species and SEPP 44 – Koala Habitat Assessment for Proposed Residential Subdivision, Lot 581 DP 754434, Major Innes Drive, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2001e). SEPP 44 Assessment for Lot 1 DP 536256, The Ruins Way. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2000a). Threatened Species and SEPP 44 Assessment for Lot 1, DP 748977; Lot 21, DP 866801; and Lot 221, DP 868193, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2000b). Updated Threatened Species Assessment for Proposed Rezoning, Lot 1, DP 829920, Greenmeadows Drive. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2000c). Threatened Species and SEPP 44 Assessment for Proposed Subdivision, "The Lowe Property", Lake Rd Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2000d). Threatened Species and SEPP 44 Koala Habitat Assessment for Lot 8 in Plan of Subdivision of Lots 8 and 9 DP 263651, Kingfisher Rd, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J.A. (2000e). Threatened Species and SEPP 44 Assessment for Lot 1, DP 748977; Lot 21, DP 866801; and Lot 221, DP 868193, Yaluma Drive, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (2000f). Threatened Species and SEPP 44 Assessment for Proposed Subdivision, "The Lowe Property", Lake Rd Darkheart Eco-Consultancy, Port Macquarie.

---

JBEnviro

Berrigan, J. A. (1999a). Threatened Species and SEPP 44 - Koala Habitat Assessment for Proposed Subdivision, Lot 2, DP 589082, The Ruins Way, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J. A. (1999b). Threatened Species and SEPP 44 - Koala Habitat Assessment for Proposed Residential Subdivision, Lots 3 and 5, The Ruins Way, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J.A. (1999c). Threatened Species and SEPP 44 Assessment for Hastings District Hospital - Residual Land. Darkheart Eco-Consultancy, Port Macquarie

Berrigan, J. A. (1998). Threatened Species Assessment for Proposed Development, Lot 496, Pacific Drive, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Berrigan, J. (1997). Threatened Species Assessment for Proposed Rezoning at Willandra Park Estate, Port Macquarie. Darkheart Eco-Consultancy, Port Macquarie.

Biolink (2013a). Port Macquarie-Hastings Koala Habitat & Population Assessment. Final Report to Port Macquarie-Hastings Council. Biolink, Uki.

Biolink (2013b). Vegetation of the Port Macquarie-Hastings Local Government Area. Final Report to Port Macquarie-Hastings Council. Biolink, Uki.

Biolink (2008). Area 13 UIA Koala Plan of Management. Unpublished report to Port Macquarie-Hastings Council, Port Macquarie.

Biolink (2005a). An Ecological Overview of Koalas and their Habitats on the Lake Innes Peninsula, Port Macquarie, NSW. Unpublished report to Villro Pty Ltd and Luke and Company Pty Ltd, Port Macquarie.

Biolink (2005b). Koala Plan of Management for Part Lot 32 DP 809231 – Mahers Headland, Port Macquarie, NSW. Unpublished report to Villro Pty Ltd and Luke and Company Pty Ltd, Port Macquarie.

Biolink (2005c). Area 14 Master Planning Area - Koala Plan of Management. Unpublished report to Port Macquarie-Hastings Council, Port Macquarie.

Biolink (2003). An Ecological Overview of the Area 14 Master Planning Area. Unpublished report to Hastings Council. Biolink – Natural History and Environmental Consultants, Uki.

Briggs, B. (1996). Tracks, Scats and Other Traces. Oxford University Press, Melbourne.

Connell Wagner Pty Ltd (2000a). Koala Plan of Management – Coastal Area. Part A: The KPOM – Hastings Council. Connell Wagner Pty Ltd, Neutral Bay.

Connell Wagner Pty Ltd (2000b). Koala Plan of Management – Coastal Area. Part B: Resource Study – Hastings Council. Connell Wagner Pty Ltd, Neutral Bay.

Darkheart Eco-Consultancy (2013a). Ecological Survey and Constraints Assessment: Part Lot 289 DP 1184284 and Lot 6 DP110560, The Ruins Way, Port Macquarie. Unpublished report to Charley Bros Pty Ltd. Darkheart Eco-Consultancy, Kew.

Darkheart (2010). Seven Part Tests and SEPP 44 Assessment/KPoM for Tree Removal at Westport High School, Port Macquarie. Unpublished report to NSW Department of Commerce.

Darkheart Eco-Consultancy (2008a). Threatened Species, EPBCA and SEPP 44 Assessments for Proposed for Residential Subdivision of Lot 2 DP 1091253, Beach Street, Bonny Hills. Unpublished report to Beach Street Projects Pty Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2008b). SEPP 44 Koala Plan of Management for Residential Subdivision of Lot 1 and 2 DP 1091253, Beach Street, Bonny Hills. Unpublished report to Beach Street Projects Pty Ltd. Darkheart Eco-Consultancy, Laurieton.

---

JBEnviro

Darkheart Eco-Consultancy (2008c). Threatened Species, EPBCA and SEPP 44 Assessments for Proposed for Residential Subdivision of Lot 5 DP 998125, The Ruins Way, Port Macquarie. Unpublished report to Luke and Co. Pty Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2007a). Carnegie Cove SIS: Summer Fauna Survey on Lot 106 DP 754444 McGilvray Rd, Bonny Hills. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2007b). Threatened Species, EPBCA and SEPP 44 Assessments for Proposed Re-Development of Taskers Residential Village, Ocean St, Port Macquarie. Unpublished report to King and Campbell. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2007c). Threatened Species, EPBCA and SEPP 44 Assessments for Proposed Rural Subdivision on Lots 108, 109 and 113 DP754444 & Lot 112 DP661717, Waterloo Creek Road, Bonny Hills. Unpublished report to Hopkins Consultants Pty Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2007d). Threatened Species, EPBCA and SEPP 44 Assessments for Proposed Residential Subdivision of 168 Pacific Drive, Port Macquarie. Unpublished report to All About Planning Pty Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2006a). Ecological Impact Assessment Volume 1: Flora and Fauna Survey and SEPP 44- Koala Habitat Assessment of Future Effluent Irrigation Area/ Sports Fields on Portion of Lot 5 DP 558822, The Boulevard, Dunbogan. Unpublished report to Port-Macquarie Hastings Council. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2006b). Flora and Fauna Survey and SEPP 44 Assessment of Proposed Rezoning and Residential Subdivision of Lot 1 DP 827937 Ocean Drive, West Haven. Unpublished report to King and Campbell. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2006c). Flora and Fauna Survey and SEPP 44 Assessment of Proposed Residential Subdivision of Lot 1 DP 506306 Lighthouse Road, Port Macquarie. Unpublished report to Frank O'Rourke and Associates Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2006d). Flora and Fauna Survey and SEPP 44 Assessment of Artificial Wetland and Filling on Part Lot 92 DP 1078055, Ocean Drive, Lake Cathie. Unpublished report to Luke and Company Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2006e). Commonwealth EPBCA 1999, NSW Threatened Species Conservation Act 1995: Fauna Assessments of Proposed Residential Subdivision of Part of Lot 32 DP 809231, Phillip Charley Drive, Port Macquarie. Unpublished report to Luke and Company Pty. Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2006f). Statutory Ecological Assessments of Proposed Residential Subdivision of Lot 5 DP 998125, The Ruins Way, Port Macquarie. Unpublished report to Luke and Company Pty. Ltd. Darkheart Eco-Consultancy, Laurieton.

Darkheart Eco-Consultancy (2005a) Flora and Fauna Survey and SEPP 44 Assessment of Rainbow Beach Holiday Village, Beach St, Bonny Hills. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005b) Flora and Fauna Survey and SEPP 44 Assessment of Lot 192 DP 106102, Beach St, Bonny Hills. Unpublished report to King and Campbell. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005c). Flora and Fauna Survey and SEPP 44 Assessment of Lot 192 DP 106102, Beach St, Bonny Hills. Unpublished report to King and Campbell. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005d). Flora and Fauna Survey and SEPP 44 Assessment of Proposed Rural-Residential Subdivision on Lot 1 DP 574308, and Lots 4 & 5 DP 785611, Sancroft Rd, Sancroft. Unpublished report to King and Campbell. Darkheart Eco-Consultancy, Port Macquarie.

---

JBEnviro

Darkheart Eco-Consultancy (2005e) Koala Threatened Species, EPBC Act and SEPP 44 Assessments for Rural Residential Subdivision on Portions 246 and 247 and Lot 2 DP 553191 and Lot 2 in DP 555095 Bushland Drive. Unpublished report to Luke and Company. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005f). SEPP 44 Assessment of Lot 22, Wrights Rd, Port Macquarie. Unpublished report to Budden Nandle Michael Hudson Architects. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005g) Koala monitoring study of Mahers Headland. Unpublished report to Luke and Company. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005h). Flora and Fauna Survey and SEPP 44 Assessment of Proposed Filling and Future Industrial Development on Lot 2, DP 442098 Boundary Street, Port Macquarie. Unpublished report to Luke and Company Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2005i). Flora and Fauna Survey and SEPP 44 Assessment of Proposed Shopping Extension of Coastside Church on Lot 2 DP 601094, Mumford Street, Port Macquarie. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart (2004a). Carnegie Cove Ecological Assessment Volume 1: Flora and Fauna Assessment. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart (2004b). Carnegie Cove Ecological Assessment Volume 2: Statutory Considerations. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2004c) Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed Community Facilities Building, Lot 5 DP 790668, Tulloch Rd, Port Macquarie. Unpublished report to Hastings Council. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2004d) Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed Tourist Accommodation, Taskers Caravan Park, Port Macquarie. Unpublished report to King and Campbell Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2004e) Threatened Species, EPBC Act and SEPP 44 Assessments for Proposed Emergency Services Centre, Lots 1 and 2 DP 804235, Central Rd, Port Macquarie. Unpublished report to Hastings Council. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy. (2004f). Threatened Species, EPBC Act and SEPP 44 Assessments for Residential Estate – “Innes Downs”, Major Innes Drive. Unpublished report to O'Rourke and Associates. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy. (2004g). Threatened Species and State Environmental Planning Policy 44 - Koala Habitat Assessment for Proposed High School on Lot 12, DP 819462 & Pt Lots 3 DP 813358 & Lot 2 DP 547484 and Lot 1 DP 242345 (Closed Road), Corner of Boundary Street and Tuffins Lane, Port Macquarie. Unpublished report to Hopkins Consultants. Darkheart Eco-Consultancy, Port Macquarie.

Darkheart Eco-Consultancy (2004h). Ecological Assessment for Proposed Subdivision of Lot 124 DP 1034771, Seafront Circuit, Bonny Hills. Unpublished report to King and Campbell Pty Ltd. Darkheart Eco-Consultancy, Port Macquarie.

Davey, S.M. (1984). Habitat preferences of arboreal marsupials within a coastal forest in southern NSW. pp 509-16. In: Smith, A. and Hume, I.D. (Eds) (1984). Possums and Gliders. Australian Mammal Society.

Department of the Environment (2014). *Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)* in Species Profile and Threats Database, Department of the Environment, Canberra. Available from: <http://www.environment.gov.au/sprat>.

Department of the Environment (2013). Draft EPBC Act referral guidelines for the vulnerable Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory). Department of the Environment, Canberra.

- DECC (2008). NSW Koala Recovery Plan. NSW Department of Environment and Climate Change, Hurstville.
- Department of Urban Affairs and Planning (1995). Circular B35 – State Environmental Planning Policy 44 – Koala Habitat Protection.
- Dickman, C. (1996). Overview of the Impacts of Feral Cats on Australian Native Fauna. Report prepared for the Australian Nature Conservation Agency, Canberra.
- EcoPro (1999a). Koala Management Plan Mill Hill, Port Macquarie. EcoPro, Lansdowne.
- EcoPro (1999b). Eight Point Test Assessment: Mill Hill Residential Development, Port Macquarie. EcoPro, Lansdowne.
- Ellis, W.A., Hale, P.T. and Garrick, F.N. (2002). Breeding dynamics of Koalas in open woodlands. Wildl. Res. 29: pp 19-25.
- Ellis, W.A., Sullivan, B.J., Lisle, A.T., and Garrick, F.N. (1998). The spatial and temporal distribution of Koala faecal pellets Wildl. Res. 25: pp 663-668.
- Gilmore, A. and Parnaby, H. (1994). Vertebrate fauna of conservation concern in northeast NSW forests. Northeast Forests Biodiversity Study Report No. 3e. Unpublished report, NSW NPWS.
- Hastings Council (2003). Development Control Plan 45: Innes Peninsula.
- Hindell, M.A. and Lee, A.K. (1990). Tree preferences of the Koala. pp117-21 In: Biology of the Koala. Ed. by A.K. Lee, K.A. Handasyde and G.D. Sanson. Surrey Beatty and Sons, Sydney.
- Hume, I.D. (1995). The mystery of Koala food choice. In: Proceedings on a Conference on the Status of the Koala in 1995. pp 55-64. Australian Koala Foundation, Brisbane.
- Imrie, M (2001). Correspondence to Hastings Council. Department of Urban Affairs and Planning.
- Jurskis, V. and Potter, M. (1997). Koala Surveys, Ecology and Conservation at Eden. Research Paper No. 34. State Forests, Sydney.
- Jurskis, V., Rowell, D. and Ridley, D. (1994). Survey Techniques and Aspects of the Ecology of the Koala Near Eden. Research Paper No. 22. State Forests, Sydney.
- King and Campbell Pty Ltd (2002). Koala Plan of Management for Residential Subdivision Lot 1 DP 387920 Part Lot 2 DP 369206, Oxley Highway, Port Macquarie. Unpublished report by King and Campbell Pty Ltd, Port Macquarie.
- Kendall, K. and Kendall, P. (1993). Koala Survey on Land Owned by Jimneva Pty Ltd at Dunbogan. Kendall and Kendall Environmental and Ecological Consultants, Yessabah.
- Kendall, K. and Kendall, P. (1991). Fauna Survey – Environmental Impact Statement – Camden Shores Residential Canal Development – Planning Workshop. Kendall and Kendall Environmental and Ecological Consultants, Yessabah.
- Lee, A.K., Martin, R.W. and Handasyde, K.A. (1988). Experimental translocation of Koalas to new habitat. In: Biology of the Koala. Ed. by A.K. Lee, K.A. Handasyde and G.D. Sanson. pp 299-312. Surrey Beatty and Sons, Sydney.
- Lee, A.K. and Martin, R.W. (1988). The Koala – A Natural History. NSW University Press, Kensington.
- Lunney, D, Moon, C, Matthews, A., and Turbill, J. (1999). Coffs Harbour City Koala Plan of Management: Part B Coffs Harbour Koala Study. NSW NPWS, Hurstville.
- Mackay, K. (1996). Fauna Impact Statement for Portion 118, Padmans Rd, Elands, parish of Bulga for Boral Timber Division.

- Martin, R.W. and Lee, A. (1984). The Koala, *Phascolarctos cinereus*, The Largest Marsupial Folivore. In: Possums and Gliders. Smith, A.P. and Hume, I.D. (Eds). Australian Mammal Society, Sydney.
- Mt. King Ecological Surveys (1993a). Proposed residential canal development at Dunbogan - Fauna Impact Statement.
- Mt. King Ecological Surveys (1993b). Fauna Survey of the Kempsey and Wauchope Forest Management Areas. Prepared for the Forestry Commission of NSW.
- Office of Environment and Heritage (2019). [www.bionet.nsw.gov.au/](http://www.bionet.nsw.gov.au/)
- Port Macquarie-Hastings Council (2018). Coastal Koala Plan of Management. Version 3 Draft February 2018.
- Naturecall (2016). South Lindfield KPOM Stage 2: Koala Plan of Management. Unpublished report to PMHC.
- Naturecall (2015a). South Lindfield KPOM Stage 1: SEPP 44 Assessment, Literature Review, Tree Marking and Review of Development Concepts. Unpublished report to PMHC.
- NSW National Parks and Wildlife Service (1999). Threatened Species Management – Species Information.
- NSW National Parks and Wildlife Service (1994a). Lake Cathie/Lake Innes Management Study: Appendix D - Terrestrial Biological System.
- NSWSC (2000a). Predation by feral cats - Key Threatening Process declaration. [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).
- NSWSC (2000b). Predation by the European red fox - Key Threatening Process declaration. [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).
- Naturecall (2014). Statutory Ecological Assessment for Hastings River Drive Upgrade Stage 1: Aston St to Park St, Port Macquarie. Unpublished report to Port Macquarie-Hastings Council.
- Osawa, R. (1993). Dietary preferences of the Koala, *Phascolarctos cinereus*, for *Eucalyptus* spp. with a specific reference to their simple sugar contents. *Aust. Mammalogy*, 16:87-89.
- Pahl, L.I. and Hume, I.D. (1990). Preferences for *Eucalyptus* species of the New England Tablelands and initial development of an artificial diet for Koalas. In: *Biology of the Koala* (Eds: Lee, A.K, Handasyde, K.A. and Sanson, G.D.). pp 123-128. Surrey Beatty and Sons, Sydney.
- Phillips, S., Callaghan, J. and Thompson, V. (2000). The tree preferences of Koalas (*Phascolarctos cinereus*) inhabiting forest and woodland communities on Quaternary deposits in the Port Stephens area, NSW. *Wildl. Res.* 27: pp 1-10.
- Phillips, S. (1997). Some issues associated with the translocation of Koalas (*Phascolarctos cinereus*). Paper presented to the Australian Veterinary Association Symposium.
- Port Stephens Council (2001). Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) – June 2001). Prepared by Port Stephens Council with the Australian Koala Foundation.
- Predavec, M. (2008). Review of progress in implementing the 1998 National Koala Conservation Strategy. Report prepared by Parsons Brinckerhoff for the Commonwealth Department of the Environment, Water, heritage and the Arts, Canberra.
- Reed, P.C, Lunney, D. and Walker, P. (1990). A 1986-87 survey of the Koala, *Phascolarctos cinereus*, in NSW, and an ecological interpretation of its distribution. In: *Biology of the Koala*. Lee, A.K. Handasyde, K.A. and Sanson, G.D. (Eds). Surrey Beatty and Sons, Sydney.
- Sarre, A. (1999). Caught in the Crossfire – The Koala. *Ecos* 99, April-June: 9- 14.
- Sharp, A. and Phillips, S. (1999). Koalas, Science and Conservation. In: *Saving Our Natural Heritage - The role of science in managing Australia's ecosystems*.



---

JBEnviro

Standing, V. (1990). A Study Of Koalas in the Macleay Valley District - Past, Present and Future. Koala Preservation Society of NSW, Port Macquarie.

State Forests of NSW (2000). Koala Management Plan – Pine Creek State Forest. State Forest of NSW, North East Region.

Strahan, D. (Editor) (1991 and 2000). Complete Book of Australian Mammals. Cornstalk Publishing, Sydney.

Ullrey, D.E., Robinson, P.T. and Whetter, P.A. (1981). Composition of preferred and rejected Eucalyptus browse offered to captive Koalas, *Phascolarctos cinereus*. Aust. J. Zool, 29: 839-846.

Wildthing (2001a). Statement of Effect on Threatened Flora and Fauna at Lot 5 DP 998125 The Ruins Way Port Macquarie NSW. Unpublished report to Luke and Co.

Wildthing (2001b) Statement of Effect on Threatened Flora and Fauna at Lot 1 DP 782186 The Ruins Way Port Macquarie NSW. Unpublished report to Luke and Co.

JBEEnviro

**APPENDIX 1: COMPLIANCE CHECKLIST**

The following checklist details the specific actions to be taken to achieve the objectives the KPoM and the responsible authorities for implementation. This Plan will help compliance assessment of the KPoM in regards to its performance criteria.

Number	Action	Responsible Organisation	Timeframe	Action completed	Comments
<b>In-situ Habitat Retention</b>					
1a	Koala food trees identified to be retained and protected achieved.	PMHC Proponents	Construction During development	<input type="checkbox"/>	
1b	Trees retained and protected as per Australian Standard 4970 - 2009 <i>Protection of trees on development sites</i> .	Proponents	Pre-DA DA Construction	<input type="checkbox"/>	
1c	Trees retained in-situ protected from future removal via other planning processes and mechanisms including 10/50 rule.	Proponents PMHC	Pre-DA DA	<input type="checkbox"/>	
<b>Offset Plantings</b>					
2a	Trees planted as per required specifications.	Proponents	Pre-DA DA Post DA	<input type="checkbox"/>	
2b	Offsets located in secure area where cannot be removed under other planning processes and mechanisms.	Proponents PMHC	Pre-DA DA	<input type="checkbox"/>	
<b>Clearing and Construction Management</b>					
3a	All trees to be removed surveyed by a registered surveyor and mapped on plan for DA approval to demonstrate KPoM Compliance	Surveyor PMHC	Pre-DA DA	<input type="checkbox"/>	

JBEEnviro

Number	Action	Responsible Organisation	Timeframe	Action completed	Comments
3b	Pre-clearing survey by ecologist prior to clearing	Ecologist		<input type="checkbox"/>	
3c	Clearing monitoring by ecologist	Ecologist	Clearing Phase	<input type="checkbox"/>	
3d	Any Koalas found to be monitored during clearing and inspected for signs of disease. Any welfare concerns to be referred to the Koala Hospital	Ecologist		<input type="checkbox"/>	
3e	Report to PMHC on clearing monitoring	Ecologist	Post-clearing.	<input type="checkbox"/>	
<b>Dog Attack</b>					
4a	Prohibition of dogs via effective planning mechanism, excluding medical assistance dogs	PMHC	Rezoning	<input type="checkbox"/>	
<b>Barriers</b>					
5a	No new fence design (either temporary or permanent) is to include a material or design feature that may potentially injure Koalas (or other fauna) eg barbs and loose wire.	PMHC Proponents Construction Contractors	DA Construction	<input type="checkbox"/>	
5b	Koala ladder installed on northern boundary in adjacent woodland	PMHC Proponent	DA	<input type="checkbox"/>	
<b>Disease</b>					
6a	Signage/information detailing symptoms and contact details for the Koala Hospital to facilitate prompt reporting of sick or injured Koalas.	PMHC Proponent	DA	<input type="checkbox"/>	
6b	Contact details for Koala hospital at construction site during construction to report any sick or injured Koalas	PMHC Construction Contractor	DA Construction Phase	<input type="checkbox"/>	

JBE<sub>Enviro</sub>

39 | Page



Heritage Advisory Inspection 157

November 15, 2018

3

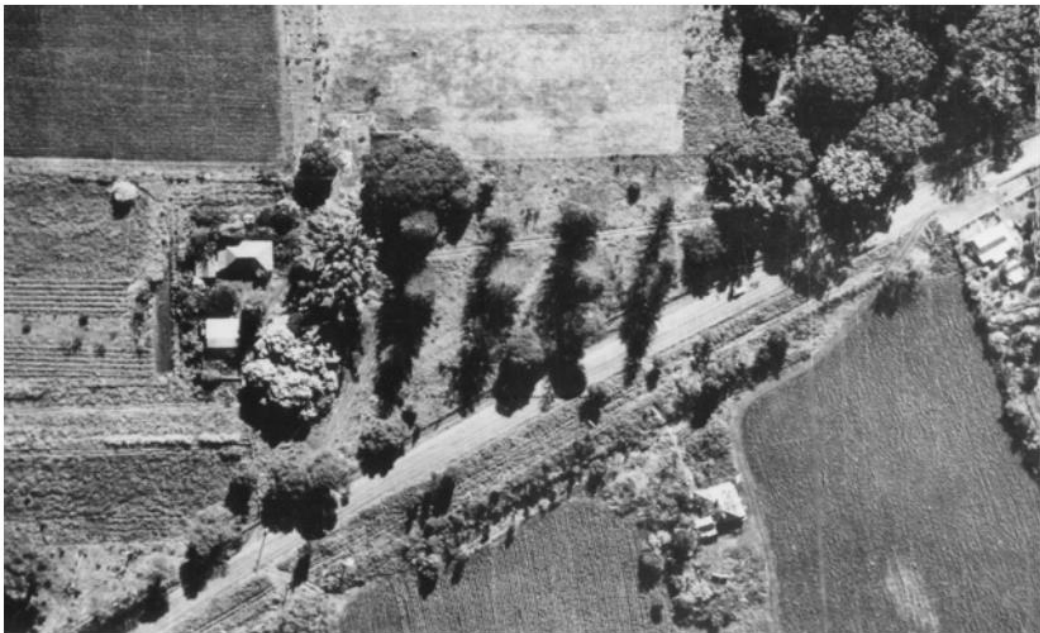
**2. DA2018 799.1 Community Facility Lot 2, DP 1089895, Oxley Highway, Port Macquarie**

The building is located adjacent the Westpac Bank building.

I have reviewed the revised Statement of Environmental Effects and Reiterate the following:

1. I find that the proposed buildings are of good design quality and their form, materiality and proposed colour palette are a fitting intervention in this location.
2. The visibility of Douglas Vale weatherboard building is not at issue. What is at issue is the retention for interpretation of the historical approach to Douglas Vale, a vista that I have identified graphically on two previous occasions that could be retained and reinforced simply by the adjustment of the building arrangement, car park location and entry location. The cover sheet image of the covered spine walkway could readily be adopted if realigned to follow the axis I have informed the applicant of in previous comment, to define the historical entrance to Douglas Vale.

To clearly demonstrate what I have been recommending /requiring is best illustrated in the following photos.

**Douglas Vale Vineyard****1959**

Original entrance of Norfolk Pines are still in place  
(A lot of the property was then a market garden)



m: 0427 432 720

e: admin@carste.com.au



Heritage Advisory Inspection 157

November 15, 2018

4



The photos cant be any clearer in illustrating the importance of the entry across the adjacent site.

Paying credence to this axis will be respecting the broader curtilage of Douglas Vale, mitigating a potential negative impact on Douglas Vale and its interpretability, and will not detract from the proposed building group but make it far more contextually responsive.

My recommendation is for the site planning to be adjusted to take into account this tangible element of Douglas Vale that will enhance its interpretability.

Until some gesture is made to incorporate this facet, I am not supportive of the site planning, but I do support the built form and character.

**Stephen Booker**  
Heritage Advisor PMHC

---

Item: 06

Subject: DA2020 - 355.1 DWELLING AND SWIMMING POOL AT LOT 1623  
DP1250286, NO 47 DIAMOND DRIVE, PORT MACQUARIE

Report Author: Development Assessment Planner, Fiona Tierney

---

Applicant: K R & M R Rule

Owner: K R & M R Rule

Estimated Cost: \$760,000

Parcel no: 68563

---

### Alignment with Delivery Program

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

### RECOMMENDATION

**That DA 2020 - 355.1 for a Dwelling and Swimming Pool at Lot 1623, DP 1250286, No. 47 Diamond Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### Executive Summary

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

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

Following the notification period, amended plans were received in consideration of the submission.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

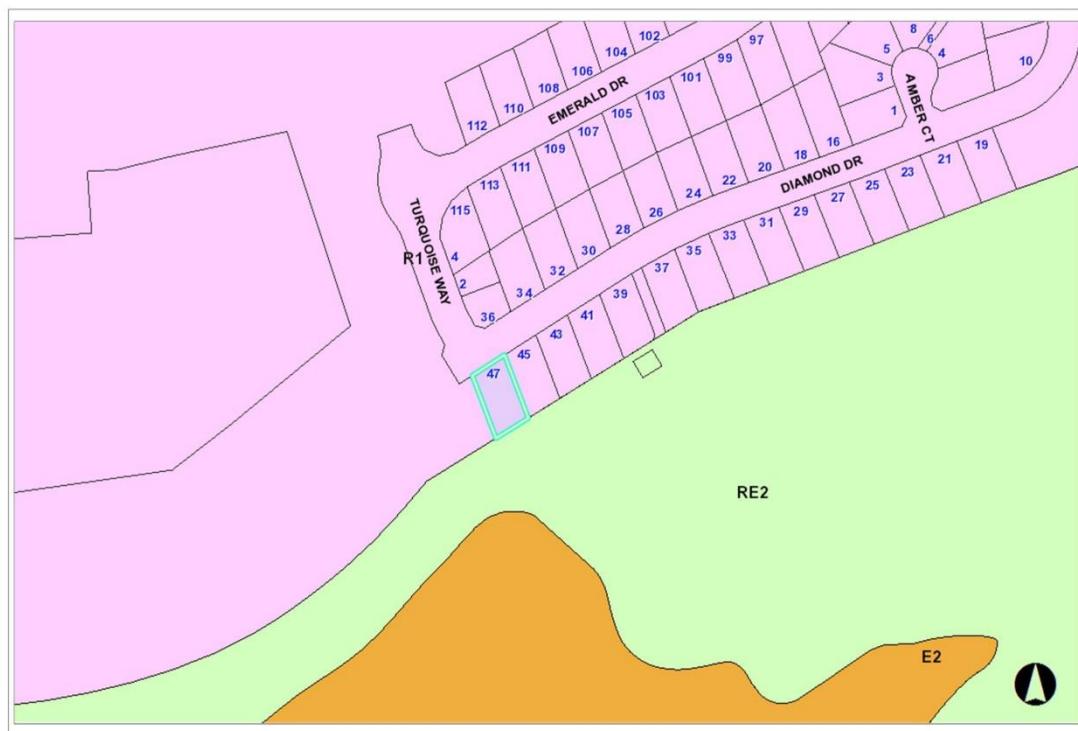
This report recommends that the development application be approved subject to the attached conditions (**Attachment 1**).

## 1. BACKGROUND

### Existing Sites Features and Surrounding Development

The site has an area of 707.5m<sup>2</sup>.

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



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- New two storey dwelling
- Swimming Pool

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

**Application Chronology**

- 07 May 2020 - Application lodged.
- 22 May to 04 June 2020 - Public notification period. 1 submission received.
- 27 May 2020 - Additional information requested review privacy/view loss.
- 4 June 2020 - Discussion J E Miller Builders - Accepted shadow diagrams not required. Various meetings between objectors agent and applicant. Agreements reached.
- 14 June 2020 - Amended plans received - window and screen changes.
- 16 June 2020 - Shadow diagrams requested.
- 17 June 2020 - Shadow diagrams submitted.

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

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

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

**State Environmental Planning Policy (Koala Habitat Protection) 2019**

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 10 - The site isn't identified on the Koala Development Application Map or under a Koala Plan of Management and the land has an area less than 1 hectare including adjoining land in the same ownership. The SEPP does not prevent the granting of consent on the land being less than 1 hectare in area. The application has also demonstrated that no habitat will be removed or modified therefore no further investigations are required.

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

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

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within proximity area to a mapped coastal wetland.

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 11, the proposal will be unlikely to result in any identifiable significant adverse impact to:

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

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

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

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

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

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The dwelling and ancillary structures to a dwelling are permissible with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential character of the locality. The proposal contributes to the range of housing options in the locality.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 8.3m, which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.44:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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



No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tank is appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	The dwelling contains a deck within the articulation zone. The deck does not exceed 25% of the articulation zone and is still setback over 3m.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 4.5m local road</li> </ul>	Front building setback is 5.229m	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Min. 5.5m to garage door	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door, 5m wide, is compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	4.5m wide driveway at approximately 22% proportion.	Yes
3.2.2.4	4m min. rear setback.	Rear setback 6.210m.	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	Variation subject to site analysis and provision of private open space		
3.2.2.5	<b>Side setbacks:</b> <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	N/E: 2.080m S/W: 2.10m	Yes - demonstrated no adverse over shadowing.
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m <sup>2</sup> useable private open space area	Yes
3.2.2.10	<b>Privacy:</b> <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> </ul> Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings.  The proposed dwelling has no primary living area directly adjoining or overlooking neighbouring primary living areas. The applicant has agreed to modify windows to increase privacy to windows opposite due to concerns raised by the adjoining neighbour.  The amended plans have provided a solid wall at the BBQ area for half the width of the balcony. The development will not compromise privacy in the area and adjoining private open space or living areas due to a combination of positioning of windows, having high sill windows or highlight windows that face	Yes



<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		side boundaries, limiting living areas that face adjoining living areas/open space and use of privacy screening.	
<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	N/A	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	Cleared building envelope. No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed.	Yes

The proposal seeks to vary Development Provision relating to 3.2.2.5

- b) First floors and above should setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3 hrs between 9am - 3pm on 21 June.

The relevant objectives are:

- To reduce overbearing perceptions of building bulk on adjoining properties and to maintain privacy.
- To provide for visual and acoustic privacy between dwellings.

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

- Shadow diagrams have been submitted with the application that demonstrate that no adverse overshadowing will take place on the lots bordering the site for greater than 3 hours between 9am - 3pm on 21 June.



There are no significant adverse privacy impacts.

### View sharing

During the neighbour notification period concerns surrounding view loss were raised by the adjoining owner at No 45 Diamond Drive. The properties adjoin the Emerald Downs golf course and they enjoy views along the fairways along their rear boundaries and angled views across side boundaries.

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 planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regard 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:

No. 45 Diamond Drive enjoy views along the fairway. The dwelling has been designed to take advantage mainly of the view to the rear and south east. There is no set rear boundary setback other than a desired DCP requirement of 4m, which may be reduced if it can be demonstrated that appropriate light and ventilation can be provided. A review of the other dwellings in the street indicate a variety of setbacks to the golf course. The proposed dwelling is setback 6.21m from the rear boundary. The significance of this view is considered to be low. Whilst aesthetically pleasing and valued it is not considered iconic.

#### Step 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:

Affected views from are obtained from both levels which are the primary living areas and alfresco/balcony areas. Views are obtained from both a sitting and standing position and are available directly to the rear and across side boundaries.

#### 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:

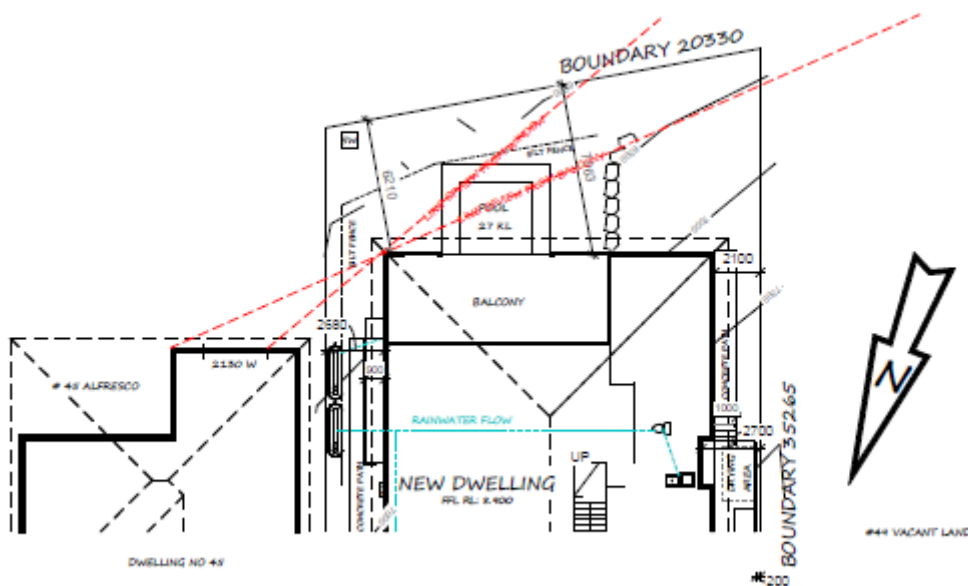
The extent of the impact upon the views enjoyed from No.45 Diamond Drive is considered minor. The view to which the house is designed to take most advantage of still remains.

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 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:

The proposal complies (and exceeds) the desired setback requirements and is considered reasonable in the circumstances and is consistent with similar dwellings in the street.



*Expected view lines from 45 Diamond Drive.*





*View from rear yard location across development site and adjoining property looking South East.*

**Access, Traffic and Transport**

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

**Water Supply Connection**

Service available – details required with S.68 application.

**Sewer Connection**

Service available – details required with S.68 application.

Condition included regards proximity to exist sewer line, engineering details noted on plans.

**Stormwater**

Service available at the rear of the property – details required with S.68 application.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

This site does not contain or adjoin any known heritage item or site of significance. The site is considered to be disturbed land.

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone.

The Applicant has submitted a BAL certificate prepared by a Certified Consultant.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 12.5 shall be required.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.



**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**

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

**Construction**

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

**Cumulative Impacts**

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

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

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

Site constraints of bushfire 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 has been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
View loss	The dwellings are located adjoining the Emerald Downs Golf Course. Houses are designed to face the extensive views up and down the course. The objector has designed their dwelling to take advantage of the views but with a particular emphasis on the view to the South East - Noting the bedroom location that extends level with the upper floor balcony. See additional analysis previously in report.
Overshadowing	The applicant has submitted shadow diagrams that indicate that solar access complies with the required 3hrs to Private Open Space areas and is considered acceptable. See

Submission Issue/Summary	Planning Comment/Response
	additional analysis previously in report.
Loss of privacy	The applicant has amended the plans to provide improved privacy separation to the adjoining dwelling. Slats have been replaced with a solid wall for half the width of the balcony. The remainder has been replaced with a solid balcony side to rail height with a translucent screen above. Given the separation due to the bench combined with the half solid wall, staggered setback and adjoining bedroom blank wall, privacy is adequately addressed. Casual overlooking is minimal.

**(e) The Public Interest**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- 
- Development contributions will not be required under S64/S7.11 as the proposal is for a single dwelling on an existing residential lot.




**5. CONCLUSION AND STATEMENT OF REASON**

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

1.  DA2020 - 355.1 Recommended Conditions
2.  DA2020 - 355.1 Plans
3.  DA2020 - 355.1 SOEE

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED  
CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/355****DATE: 27/06/2020****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
SOEE		Draftworx	5/5/2020
Architectural Plans and specifications	1153RUL Pages 1-12	Draftworx	14/6/2020
Bushfire BAL		Krisann Johnson	29/4/2020
Basix	1099384S	Draftworx	5/5/2020

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

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:

- a. the appointment of a Principal Certifying Authority; and
- b. the date on which work will commence.

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

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

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

  - i. Footway and gutter crossing
  - ii. Functional vehicular access
- (3) (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.
- (4) (B046) The building shall be designed and constructed so as to comply with Section 3 & 5 - Bush Fire Attack (BAL) 12.5 requirements of Australian Standard 3959-2009 & Addendum 3 Planning for Bush Fire Protection.

Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

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

Nil

**D – DURING CONSTRUCTION**

- (1) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (2) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (3) (D017) In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
  - (a) Bears a notice containing the words "This swimming pool is not to be occupied or used", and
  - (b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
  - (c) Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (6) (E021) Pool is to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.

**F – OCCUPATION OF THE SITE**

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

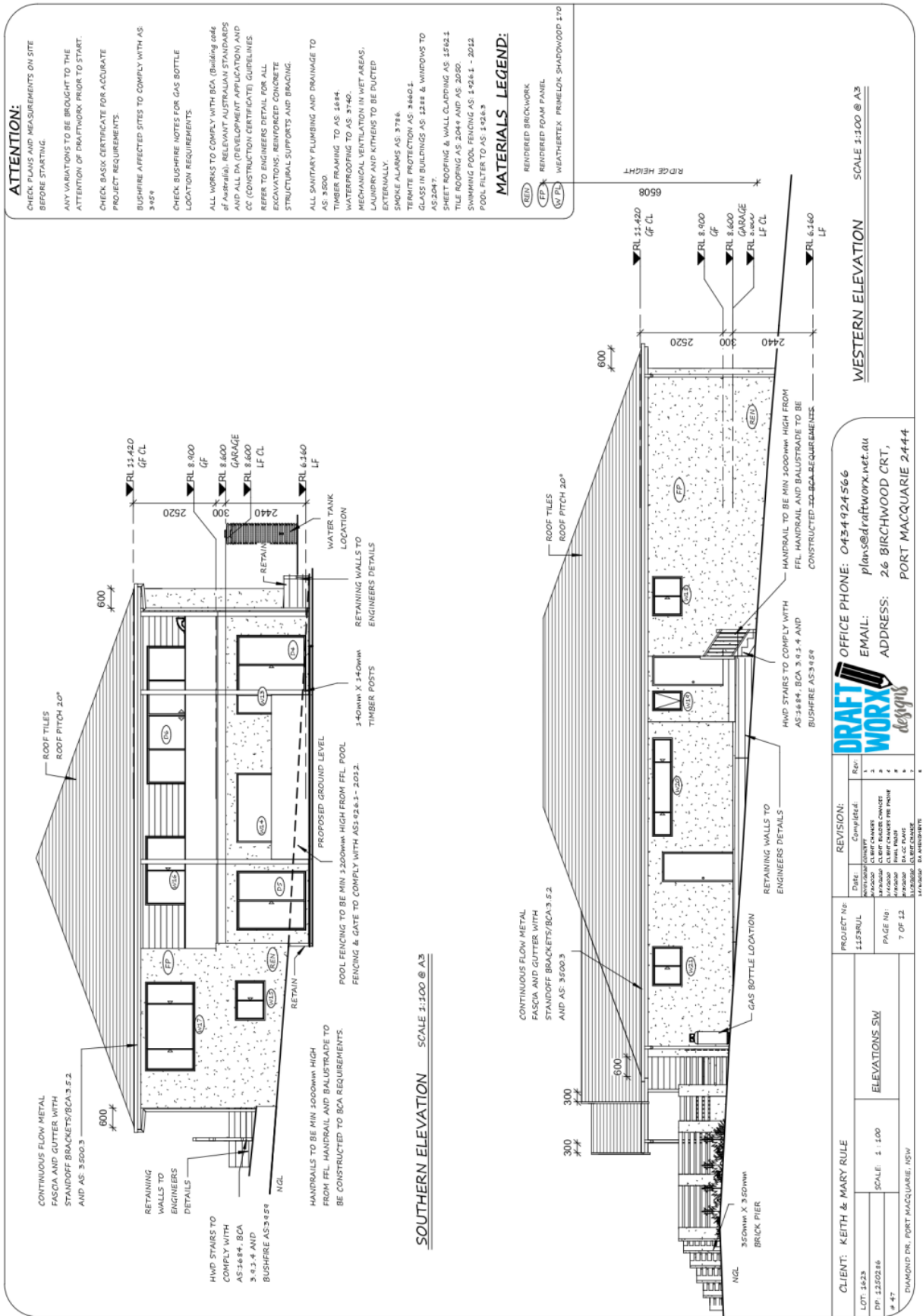
- (2) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.
- (3) (F027) The swimming pool filtration motor shall be operated between the following hours only:
- Monday to Friday (other than a public holiday)  
7.00 am – 8.00 pm
- Saturday to Sunday and Public Holidays  
8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

DRAFT













KEITH &amp; MARY RULE

LOT: 1623

DP: 1250286

# 47


DIAMOND DR, PORT MACQUARIE, NSW



# DRAFTWORKX

*designs*

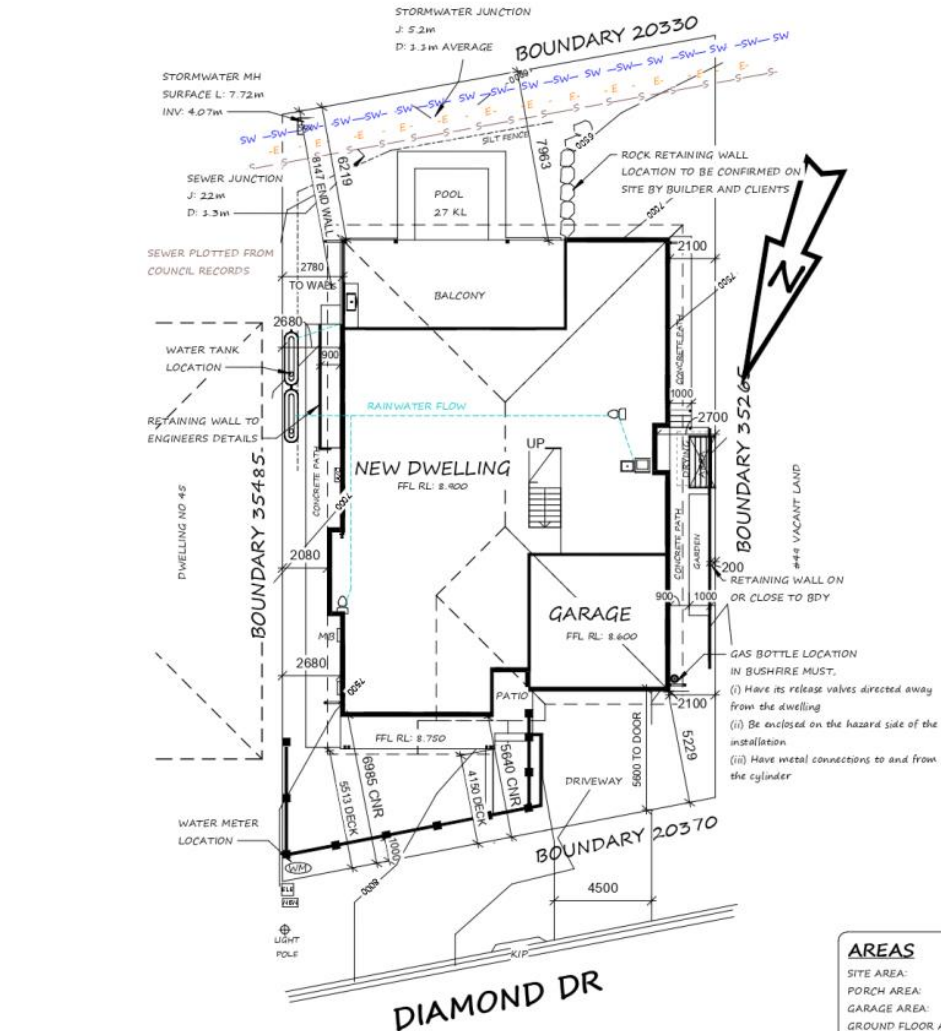
*Creating your dreams, one line at a time.*

CLIENT: KEITH & MARY RULE			PROJECT No:	REVISION:				OFFICE PHONE: 02 65854057	
LOT: 1623	SCALE: NOT TO SCALE	COVER PAGE	1153RJUL	Date:	Completed:	Rev:		EMAIL: plans@draftworx.net.au	
DP: 1250286				06/01/2020	02/03/2020	1		ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE, 2444.	
# 47				07/01/2020	03/04/2020	2			
				04/01/2020	03/04/2020	3			
DIAMOND DR, PORT MACQUARIE, NSW			PAGE No:	1 OF 12	04/01/2020	04/01/2020	4		
					04/01/2020	04/01/2020	5		
					04/01/2020	04/01/2020	6		
					04/01/2020	04/01/2020	7		
					04/01/2020	04/01/2020	8		



**CONTOURS COMPLETED BY COASTAL SURVEY SOLUTIONS. CONTOURS TO BE CHECKED PRIOR TO THE START OF CONSTRUCTION**

**BAL (BUSHFIRE ATTACK LEVEL)-12.5**  
REFER TO THE BUSHFIRE REPORT FOR DETAILS



**SITE PLAN** SCALE 1:200 @ A3

#### AREAS

SITE AREA:	707.5m <sup>2</sup>
PORCH AREA:	35.6m <sup>2</sup>
GARAGE AREA:	38.2m <sup>2</sup>
GROUND FLOOR AREA:	227.4m <sup>2</sup>
LOWER FLOOR AREA:	63.8m <sup>2</sup>
BALCONY FLOOR AREA:	45.4m <sup>2</sup>
TOTAL ROOF AREA:	384.4m <sup>2</sup>
TOTAL FLOOR AREA (INCL DECKS ETC):	384.4m <sup>2</sup>
TOTAL GROSS FLOOR AREA FOR FSR:	309.4m <sup>2</sup>
FLOOR SPACE RATIO (FSR):	44%

#### ATTENTION:

CHECK PLANS AND MEASUREMENTS ON SITE BEFORE STARTING.

ALL MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT. ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF DRAFTWORK PRIOR TO START.

CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3459.

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.

ALL WORKS TO COMPLY WITH BCA (Building Code of Australia), RELEVANT AUSTRALIAN STANDARDS AND ALL DA (DEVELOPMENT APPLICATION) AND CC (CONSTRUCTION CERTIFICATE) GUIDELINES.

REFER TO ENGINEERS DETAIL FOR ALL EXCAVATIONS, REINFORCED CONCRETE STRUCTURAL SUPPORTS AND BRACING.

ALL SANITARY PLUMBING AND DRAINAGE TO AS: 3500.

TIMBER FRAMING TO AS: 1644.

MECHANICAL VENTILATION IN WET AREAS, LAUNDRY AND KITCHENS TO BE DUCTED EXTERNALLY.

SMOKE ALARMS AS: 3746.

TERMITE PROTECTION AS: 3460.1.

GLASS IN BUILDINGS AS: 1288 & WINDOWS TO AS: 2047.

SHEET ROOFING & WALL CLADDING AS: 1562.1.

TILE ROOFING AS: 2044 AND AS: 2050.

SWIMMING POOL FENCING AS: 1926.1 - 2012.

POOL FILTER TO AS: 1926.3.

#### SITE INFORMATION

ELC	ELECTRICITY	SW	KERB INLET PIT
NBN	NBN	WM	RECYCLED WATER
T	EXTERNAL TAP	WM-WM	WATER MAIN
DP	DOWN PIPE	---	SILT FENCING
WM	WATER METRE	---	SEWER LINE
S	SEWER MANHOLE	SW-SW-SW	STORMWATER LINE
SW	STORMWATER DRAIN	RW	RAINWATER FLOW
SA	SMOKE ALARM	---	LINE OF CUT
H	HYDRANT	---	DRAINAGE EASMENT

CLIENT: KEITH & MARY RULE

LOT: 5623

DP: 1250286

# 47

SCALE: As indicated

SITE PLAN

DIAMOND DR, PORT MACQUARIE, NSW

PROJECT No:

1153RUL

PAGE No:

2 OF 12

REVISION:

Date	Completed	Rev
20/07/2020	CONCEPT	1
20/07/2020	CLIENT CHANGES	2
18/08/2020	CLIENT CHANGES	3
14/09/2020	CLIENT CHANGES PER PHONE	4
14/09/2020	FINAL PLAN	5
14/09/2020	DA CC PLANS	6
14/09/2020	CLIENT CHANGE	7
14/09/2020	DA AMENDMENTS	8

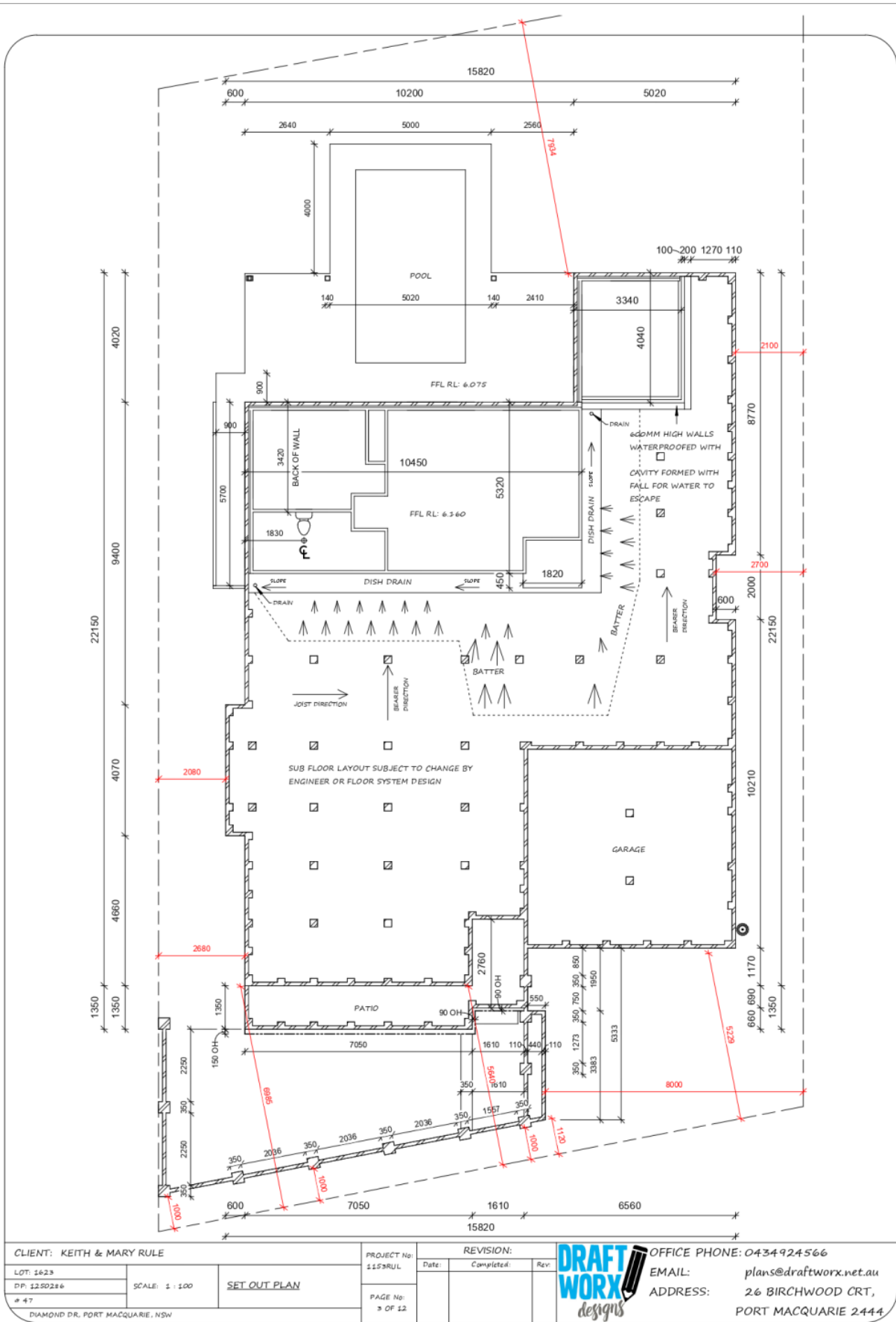
**DRAFTWORK**  
designs

OFFICE PHONE: 0434924566

EMAIL: plans@draftworx.net.au

ADDRESS: 26 BIRCHWOOD CRT,  
PORT MACQUARIE 2444









**SUMMARY OF BASIX CERTIFICATE COMMITMENTS**  
(REFER TO THE BASIX CERTIFICATE 20193845 FOR THOROUGH DETAILS)**WATER COMMITMENTS -**

INDIVIDUAL WATER TANK -	The applicant must place and install a low water use species of vegetation throughout 10 square metres of the site.
FIXTURES -	SHOWSHOWER minimum rating of 5 star (1 star shower minimum plus sprayfoam shower coverage only) in all showers in the development. TOILETS minimum rating of 5 star in each toilet in the development. TUBS minimum rating of 5 star in the kitchen and all bathrooms.
INDIVIDUAL RAINWATER TANK -	5000 LITRES
INDIVIDUAL RAINWATER COLLECTION -	200m <sup>2</sup>
RAINWATER CONNECTION -	Rainwater must be connected to: • A fixture in the development. • The water supply that supplies each fixture water in the development. • At least one outdoor tap in the development.
SWIMMING POOL -	The swimming pool must not have a volume greater than 50 kilolitres. The swimming pool must have a pool cover. The swimming pool must be shaded. The swimming pool must be outdoors.

**THERMAL COMFORT COMMITMENTS -**

FLOOR, WALLS AND CEILING/ROOF ADDITIONAL INSULATION REQUIRED-	Concrete slab on ground: R1.0 Suspended floor with one layer of timber framed (R1.1) - Additional insulation (R1.0) (R1.1) for R1.1 including construction. Suspended floor above habitable room: framed (R1.1) - R1.0 Roof wall half brick masonry - Additional insulation R1.0 (or R1.0 including construction) Roof wall half framed (masonry/brick, fibre, metal clut) - Additional insulation R1.0 (or R1.0 including construction) R1.0 Ceiling / R1.0 Roof - Additional insulation ceiling R1.0 (or R1.0 including construction)
WINDOWS, GLAZED DOORS AND SKYLIGHTS -	Applicant must install a window and/or skylight in 8 bedrooms (1) in the development for natural lighting. Insulated glass double and/or triple panes in the table in the BASIX Certificate to be installed in accordance with the specifications table.
HOT WATER SYSTEM -	ELECTRIC STORAGE

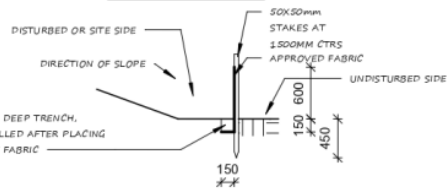
COOLING SYSTEM-	CEILING FAN FIVE PHASE 2.0 RECONDITIONED MUST BE INSTALLED • In at least 3 living areas • In at least 3 bedrooms The cooling system must provide for draughtproofing between living areas and bedrooms.
HEATING SYSTEM-	2 PHASE AIR-CONDITIONING MUST BE INSTALLED • In at least 3 living areas • In at least 3 bedrooms The cooling system must provide for draughtproofing between living areas and bedrooms.
VENTILATION -	At least 3 bedrooms: Individual exhaust fan, ducted or fan-cooled or roof with manual switch on/off. ATTIC: Individual exhaust fan, ducted or with manual switch on/off. LAUNDRY: Exhaust fan-cooled only.
ARTIFICIAL LIGHTING -	The applicant must ensure that the primary type of artificial lighting is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears: • At least 2 of the living / dining rooms, dedicated. • The kitchen, dedicated. • A bathroom / toilets, dedicated. • The laundry, dedicated. • The hallway, dedicated.
NATURAL LIGHTING -	The applicant must install a window and/or skylight in the location of the dwelling for natural lighting. The applicant must install a window and/or skylight in 4 bedrooms (1) in the development for natural lighting.
SWIMMING POOL -	The development must install an electric base pump for the swimming pool or no heating at all. The applicant must install a cover for the swimming pool pump in the development.
ALTERNATE ENERGY -	The applicant must install a photovoltaic system with the capacity to generate at least 1000 kilowatts of electricity at peak of the development. The applicant must connect this system to the development's electrical system.
OTHER -	The applicant must install a gas supply to electric oven in the kitchen of the dwelling. The applicant must provision each refrigerator space in the development so that it is "well-ventilated". The applicant must install a first aid kit in the living area.

**WINDOW AND DOOR SCHEDULE**  
(REFER TO BASIX FOR THOROUGH DETAILS)

ROOM	No.	ORIENTATION	FLOOR	H	W	STYLE	FRAME TYPE	GLAZING
ENTRY	W3	NORTH	GF	2100	300	LOUVRE	ALUMINIUM	STANDARD
BED 2	D3	NORTH	GF	2100	3500	SLIDING DOOR	ALUMINIUM	STANDARD
BED 2	W2	NORTH	GF	2100	600	LOUVRE	ALUMINIUM	STANDARD
BED 3	W3	NORTH	GF	2100	600	LOUVRE	ALUMINIUM	STANDARD
BED 3	D2	NORTH	GF	2100	3500	SLIDING DOOR	ALUMINIUM	STANDARD
BATH	W4	EAST	LF	600	600	AWNING	ALUMINIUM	STANDARD
BED 4	W5	EAST	LF	600	2400	SLIDING	ALUMINIUM	STANDARD
CRAFT	W6	EAST	LF	3200	3800	SLIDING	ALUMINIUM	STANDARD
BED 3	W7	EAST	GF	600	2400	SLIDING	ALUMINIUM	STANDARD
WC	W8	EAST	GF	500	3500	SLIDING	ALUMINIUM	STANDARD
BATH	W9	EAST	GF	500	3500	SLIDING	ALUMINIUM	STANDARD
KITCHEN	W10	EAST	GF	600	3500	SLIDING	ALUMINIUM	STANDARD
DINING	W11	EAST	GF	3200	2100	SLIDING	ALUMINIUM	STANDARD
DINING	W12	EAST	GF	3200	2100	SLIDING	ALUMINIUM	STANDARD
BED 3	D3	EAST	GF	2100	2100	SLIDING DOOR	ALUMINIUM	STANDARD
BED 4	D4	SOUTH	LF	2100	3800	SLIDING DOOR	ALUMINIUM	STANDARD
BED 4	W3	SOUTH	LF	2100	600	FIXED	ALUMINIUM	STANDARD
RUMPUS	W14	SOUTH	LF	2100	2100	FIXED	ALUMINIUM	STANDARD
RUMPUS	D5	SOUTH	LF	2100	3800	SLIDING DOOR	ALUMINIUM	STANDARD
CRAFT	W15	SOUTH	LF	900	3200	SLIDING	ALUMINIUM	STANDARD
DINING	D6	SOUTH	GF	2100	4200	SLIDING DOOR	ALUMINIUM	STANDARD
LIVING	W16	SOUTH	GF	2100	2100	SLIDING	ALUMINIUM	STANDARD
BED 3	W17	SOUTH	GF	3500	2100	SLIDING	ALUMINIUM	STANDARD
ENSUITE	W18	WEST	GF	900	3200	SLIDING	ALUMINIUM	STANDARD
LAUNDRY	W19	WEST	GF	900	600	AWNING	ALUMINIUM	STANDARD
MEDIA	W20	WEST	GF	600	3000	SLIDING	ALUMINIUM	STANDARD
GARAGE	W21	WEST	GF	900	3200	SLIDING	ALUMINIUM	STANDARD

**WINDOWS AND GLAZING MUST COMPLY WITH THE FOLLOWING:**

- AS4055 - 2012: STANDARD WIND LOADS FOR HOUSING
- AS1288 - 2006: GUIDES FOR GLASS IN BUILDING
- AS2047 - 2014: AUSTRALIAN WINDOW CODE
- AS1370 - Part 2: WIND ACTIONS
- AS2048: AUSTRALIAN INSTALLATION STANDARDS
- AS3959 - 2009: CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS
- BEDROOM WINDOWS TO COMPLY WITH VOL 2 OF THE BCA PART 3.9.2.5 (WHEN A BEDROOM FLOOR LEVEL IS 2m OR MORE ABOVE THE BELOW SURFACE).

**SILT FENCE DETAIL**

CLIENT: KEITH &amp; MARY RULE

LOT: 1623

DP: 1250286

# 47

DIAMOND DR. PORT MACQUARIE, NSW

SCALE: As indicated

WINDOW SCHEDULE BASIX

PROJECT No: 1153RUL

PAGE No: 9 OF 12

REVISION:

Date:	Completed:	Rev:
10/01/2020	CONCEPT	1
10/02/2020	CLIENT CHANGES	2
10/03/2020	CLIENT CHANGES	3
10/04/2020	CLIENT CHANGES PER PHONE	4
10/05/2020	FINAL PROOF	5
10/06/2020	CLIENT CHANGES	6
14/07/2020	DR AMENDMENTS	7

**DRAFT  
WORX**  
designs

OFFICE PHONE: 0434924566


EMAIL: plans@draftworx.net.au

ADDRESS: 26 BIRCHWOOD CRT,

PORT MACQUARIE 2444



**GENERAL SPECS**

CLIENT: KEITH & MARY RULE		PROJECT No: 1153RUL		REVISION:	
LOT: 1623	SCALE: 1:100	GENERAL SPECS	Date: 09/07/2020	Completed:	Rev:
D.P. 1250286			09/07/2020	09/07/2020	09/07/2020
# 47			PAGE No: 10 OF 12		
DIAMOND DR. PORT MACQUARIE, NSW					

**GENERAL**

ALL SITE CONTOURS AND FINISHED LEVELS TO BE VERIFIED BY BUILDER ON SITE.  
BOUNDARY DIMENSIONS, BORDERING ON MINIMUM LOCAL COUNCIL SETBACKS TO BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO COMMENCEMENT.  
ALL OUT AND FILL BATTERS WHERE NOT RETAINED TO BE NO GREATER GRADIENT WHERE PRACTICAL THAN 1:4 BATTERED EMBANKMENT.  
WHERE RETAINING IS REQUIRED, ANY WALL EXCEEDING 1.0m IN HEIGHT ARE TO BE DESIGNED BY A CERTIFIED ENGINEER.

**SERVICES**

**PLUMBING**  
ALL PLUMBING TO COMPLY WITH THE REQUIREMENTS OF THE RELEVANT SUPPLY AUTHORITY AND AS 3500.3  
STORMWATER DRAINAGE TO AS 3500.3  
PLUMBING WORKS TO BE CARRIED OUT BY A LICENSED PLUMBER. ALL FITTINGS TO BE SUPPLIED AND INSTALLED TO MANUFACTURERS' INSTRUCTIONS. HOT WATER SYSTEM AND RAINWATER TANK WILL BE INSTALLED TO MEET BASIX COMMITMENTS.

**ELECTRICAL**

ALL ELECTRICAL TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL SUPPLY AUTHORITY AS/NZS 3000  
ELECTRICAL WORKS TO BE CARRIED OUT BY A LICENSED ELECTRICIAN. UNLESS OTHERWISE SPECIFIED, THE ELECTRICAL SERVICE WILL BE 240 VOLT SINGLE PHASE SUPPLY.

**GAS**

ALL GAS WORKS (including LPG) TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL SUPPLY AUTHORITY.

GAS WORKS TO BE CARRIED OUT BY A LICENSED GAS FITTER.

**EXCAVATIONS, FOUNDATIONS AND FOOTINGS/SLAB.**

**EXCAVATIONS**  
THE PART OF THE SITE TO BE COVERED BY THE PROPOSED BUILDING OR BUILDINGS AND AN AREA OF AT LEAST 2000mm WIDE AROUND OR TO THE BOUNDARIES OF THE SITE, WHICHEVER IS LESSER, SHALL BE CLEARED OF ALL TOPSOIL, DEBRIS AND ORGANIC MATTER. IF EARTHWORKS REVEAL GROUND ANOMALIES, INCLUDING ROCK OR QUESTIONABLE MATERIALS, AN ENGINEER'S INSPECTION MUST BE CARRIED OUT.

ALL CONCRETE FOOTINGS AND CONCRETE SLABS TO AS 2870, BCA AND ENGINEERS' DETAILS.  
REFER TO BCA 3.2.3 CONCRETE REINFORCEMENT  
REFER TO BCA 3.2 FOOTINGS AND SLABS

TERMITES TREATMENT TO COMPLY WITH THE BCA AND AS 3640.1 TERMITES MANAGEMENT NEW BUILDING WORKS  
A DURABLE NOTICE IS TO BE PERMANENTLY FIXED TO THE BUILDING TO BCA 3.1.4.4  
THE INTENT IS TO PROVIDE FOR A TERMITE BARRIER THAT WILL ENSURE THAT TERMITES WILL NOT ENTER A BUILDING BY A CONCEALED ROUTE.

**TIMBER FRAMING**

ALL TIMBER FRAMEWORK TO COMPLY WITH THE BCA AND AS 1684.4 OR TO STRUCTURAL ENGINEERS' DETAILS.

**ROOF TRUSSES**

ROOF TRUSSES SUPPLIED BY TRUSS MANUFACTURERS SHALL COMPLY TO AS 1720 AND MANUFACTURERS' DESIGN SOFTWARE MUST BE IN ACCORDANCE WITH THE ABCB PROTOCOL FOR STRUCTURAL SOFTWARE.

**BRACING**

BRACING TO COMPLY WITH AS 1684.4 AND/OR AS DESIGNED BY THE TRUSS MANUFACTURER OR STRUCTURAL ENGINEER.

**TIMBER FLOORING**

FLOOR JOISTS TO BE COVERED BY SHEET OR STRIP FLOORING AS SHOWN ON PLANS AND INSTALLED TO COMPLY WITH AS 1684.4.

**TIMBER POSTS**

POSTS USED EXTERNALLY, TO BE OF SUITABLE TIMBERS FOR AN EXTERNAL APPLICATION AND COMPLY WITH AS 1684.4.  
POSTS TO BE SUPPORTED ON GALVANISED OR TREATED POST SHOES, UNLESS OTHERWISE SPECIFIED. ALL POSTS TO BE BOLTED TO ANY ADJOINING BEAMS.

**STEEL FRAMING****ROOFING**

ALL ROOFING TO COMPLY WITH THE BCA PART 3.5.1 ROOF CLADDING AS 2204.7 AND AS 2050 FOR ROOF TILES AND AS 1582.1 FOR METAL ROOFING AND INSTALLED TO MANUFACTURERS' INSTRUCTIONS.  
ROOF BATTENS TO COMPLY TO BCA AND/OR AS 1684.4.  
SARKING TO TILED ROOFS TO BE LOCATED DIRECTLY UNDER BATTENS WITH A FLAMMABILITY INDEX NOT MORE THAN 5.

GUTTERS AND DOWNPIPES TO BE FIXED TO MANUFACTURERS' INSTRUCTIONS AND COMPLY WITH BCA PART 3.5.2 AND AS 2174.  
BCA 3.5.2 REQUIRES DOWNPIPES TO BE BASED ON ROOF CATCHMENT AREAS AND FIVE MINUTE RAINFALL INTENSITIES/ TWENTY YEAR AVERAGE.  
GUTTERS TO BE SLOTTED TO ALLOW OVERFLOW.  
DOWNPIPES TO COMPLY WITH BCA 3.5.3 AND INSTALLED TO MANUFACTURERS' INSTRUCTIONS.

**SEALANTS**

APPROPRIATE SEALANTS SHALL BE USED WHERE NECESSARY AND APPLIED TO MANUFACTURERS' INSTRUCTIONS.

**FLASHINGS**

FLASHINGS TO COMPLY WITH AND INSTALLED IN ACCORDANCE TO THE BCA. INCOMPATIBLE MATERIALS ARE NOT TO BE USED TOGETHER.

**INSULATION**

THERMAL INSULATION TO BE INSTALLED TO MANUFACTURERS' INSTRUCTIONS AND AS 4854  
ACHIEVE THE R-VALUES REQUIRED BY BCA AND THE BASIX CERTIFICATE

**BRICK AND BLOCKWORK**

**GENERAL**  
ALL BRICKWORK TO BE ERECTED IN ACCORDANCE WITH AS 3700 AND BCA.

**DAMP PROOF COURSE**

ALL DAMP PROOF COURSES TO COMPLY WITH BCA AND AS 3700

**CAVITY AND SUB FLOOR VENTILATION**

WEEPHOLES OR VENTS MUST BE CREATED/PLACED DIRECTLY ABOVE ANY DAMP PROOF COURSE OR FLASHINGS AT CENTRES NO MORE THAN 1.2m AND COMPLY TO BCA.  
SUBFLOOR VENTILATION TO BCA 3.4.1

**LINTELS**

LINTELS USED TO SUPPORT BRICKWORK OPENINGS TO COMPLY TO BCA.  
LINTELS TO HAVE CORROSION PROTECTION IN ACCORDANCE WITH BCA PART 3.4.4.

**CLEANING**

ALL EXPOSED BRICKWORK TO BE CLEANED BY AN APPROVED SYSTEM.

**CLADDINGS, INTERNAL AND EXTERNAL**

**EXTERNAL**  
ALL EXTERNAL WALL CLADDINGS AND EAVE LININGS TO BE INSTALLED TO MANUFACTURERS' INSTRUCTIONS AND BCA.

**INTERNAL**

WALL AND CEILING LININGS TO BE INSTALLED AND FINISHED TO MANUFACTURERS' INSTRUCTIONS.  
WET AREA LININGS TO BE INSTALLED TO MANUFACTURERS' INSTRUCTIONS AND BCA.

**WATERPROOFING**

WET AREA WATERPROOFING TO BE INSTALLED TO MANUFACTURERS' INSTRUCTIONS AND THE BCA 3.1.1 AND AS 3740 AND APPLIED BY AN APPROVED WATERPROOFER.  
EXTERNAL ABOVE GROUND MEMBRANES TO BCA 3.1.1.9 AS 4654.1 AND AS 4654.2

**WINDOWS**

WINDOWS TO BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH THE BCA AND:  
AS 2047 WINDOWS IN BUILDINGS-SELECTION AND INSTALLATION  
AS 4055 WIND LOADS FOR HOUSING  
AS 1218 GLASS IN BUILDINGS-SELECTION AND INSTALLATION  
WINDOWS TO MEET RELEVANT BAS REQUIREMENTS  
BEDROOM WINDOWS TO COMPLY WITH BCA 3.4.2.6

**STAIRS AND BALUSTRADES**

STAIRS TO BE CONSTRUCTED TO BCA 3.4.1  
RIDERS AND GONINGS TO COMPLY TO BCA TABLE 3.4.1.1  
STAIRS TO HAVE A SLIP-RESISTANCE CLASSIFICATION TO BCA TABLE 3.4.2.3

BALUSTRADES TO BCA PART 3.4.2  
HEIGHT OF BALUSTRADE TO BE A MINIMUM OF 1000mm FROM FLOORS/LANDINGS, DECKS AND BALCONIES AND A MINIMUM OF 850mm ABOVE THE NOSING OF THE STAIR TREADS.  
A HANDRAIL IS TO BE PROVIDED TO ONE SIDE OF EACH STAIRWAY TO BCA 3.4.2.4

**CONDENSATION MANAGEMENT**

A FLEABLE BUILDING MEMBRANE INSTALLED IN AN EXTERNAL WALL MUST COMPLY WITH BCA 3.1.2  
EXTERNAL EXHAUST FANS FROM A BATHROOM, SANITARY COMPARTMENT OR LAUNDRY TO BE EXTERNALLY DUCTED.

**SANITARY COMPARTMENTS**

BCA 3.1.3.3 REQUIRES THE DOOR TO A FULLY CLOSED SANITARY COMPARTMENT (WC) TO:  
(A) OPEN OUTWARDS  
(B) SLIDE OR  
(C) BE EASILY REMOVABLE FROM THE OUTSIDE UNLESS THERE IS A CLEAR SPACE OF AT LEAST 1.3m BETWEEN THE PAN AND THE NEAREST PART OF THE DOORWAY.

**JOINERY**

**GENERAL**  
ALL JOINERY WORK TO BE MANUFACTURED AND INSTALLED TO ACCEPTABLE BUILDING PRACTICES.

**DOOR FRAMES**

EXTERNAL DOOR FRAMES TO BE A MINIMUM OF 32MM THICK AND SOLID REBATED 12mm DEEP INTERNAL JAMBS TO BE A MINIMUM OF 18mm THICK AND HAVE 12mm THICK DOOR STOPS.

**DOORS**

ALL INTERNAL AND EXTERNAL DOOR AND DOOR SETS TO BE INSTALLED TO ACCEPTABLE BUILDING PRACTICES AND MANUFACTURED IN ACCORDANCE WITH AS 2488 AND AS 2684, UNLESS WRITTEN OTHERWISE.

**WALL AND FLOOR TILING**

INSTALLATION OF TILES TO BCA AND AS 9403.1 AND INSTALLED TO MANUFACTURERS' INSTRUCTIONS.

**SMOKE ALARMS**

SMOKE ALARMS MANUFACTURED IN ACCORDANCE WITH AS 3786 ARE TO BE INSTALLED TO COMPLY WITH BCA.

**ALL BUILDING WORKS**

ALL BUILDING WORKS TO COMPLY WITH:  
AS 1484 RESIDENTIAL TIMBER FRAMED CONSTRUCTION  
AS 3786 SMOKE ALARMS  
AS 1170 STRUCTURAL DESIGN ACTIONS - WIND LOADS  
AS 3440.1 TERMITE MANAGEMENT  
AS 3500 PLUMBING AND DRAINAGE CODE  
AS 1218 GLASS IN BUILDINGS - SELECTION AND INSTALLATION  
AS 3740 WATERPROOFING OF DOMESTIC WET AREAS  
AS 426.1 SAFETY BARRIERS FOR SWIMMING POOLS  
AS 2044 TILE ROOFING  
AS 1582.1 DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING  
BCA 3.4.1 SUBFLOOR VENTILATION TO BCA 3.4.1

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT, THIS INCLUDES ( but not excluded to), OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, MAINTENANCE WORKERS AND DEMOLISHERS

# WHS REGULATIONS 2011

## SERVICES

### PUBLIC ACCESS

PUBLIC ACCESS TO CONSTRUCTION AND DEMOLITION SITES AND TO AREAS UNDER MAINTENANCE CAUSES RISK TO WORKERS AND PUBLIC. WARNING SIGNS AND SECURE BARRIERS TO UNAUTHORISED ACCESS SHOULD BE PROVIDED. WHERE ELECTRICAL INSTALLATIONS, EXCAVATIONS, PLANT OR LOOSE MATERIALS ARE PRESENT, THEY SHOULD BE SECURED WHEN NOT FULLY SUPERVISED.

### FALL, SLIPS, TRIPS

WORKING AT HEIGHTS

DURING CONSTRUCTION

WHEREVER POSSIBLE, COMPONENTS FOR THIS BUILDING SHOULD BE PRE-ASSEMBLED OFF-SITE OR AT GROUND LEVEL TO MINIMISE THE RISK OF WORKERS FALLING MORE THAN TWO METRES. HOWEVER, CONSTRUCTION OF THIS BUILDING WILL REQUIRE WORKERS TO BE WORKING AT HEIGHTS WHERE A FALL IN EXCESS OF TWO METRES IS POSSIBLE AND INJURY IS LIKELY TO RESULT FROM SUCH A FALL. THE BUILDER SHOULD PROVIDE A SUITABLE BARRIER WHEREVER A PERSON IS REQUIRED TO WORK IN A SITUATION WHERE FALLING MORE THAN TWO METRES IS A POSSIBILITY.

### DURING OPERATION OR MAINTENANCE

FOR HOUSES OR OTHER LOW-RISE BUILDINGS WHERE SOAFOLDING OR APPROPRIATE CLEANING AND MAINTENANCE OF THIS BUILDING WILL REQUIRE PERSONS TO BE SITUATED WHERE A FALL FROM A HEIGHT IN EXCESS OF TWO METRES IS POSSIBLE, WHERE THIS TYPE OF ACTIVITY IS REQUIRED, SCAFFOLDING, LADDERS OR TRESLES SHOULD BE USED IN ACCORDANCE WITH RELEVANT CODES OF PRACTICE, REGULATIONS OR LEGISLATION. FOR BUILDINGS WHERE SOAFOLDS, LADDERS OR TRESLES ARE NOT APPROPRIATE, CLEANING AND MAINTENANCE OF WINDOWS, WALLS, ROOF OR OTHER COMPONENTS OF THIS BUILDING WILL REQUIRE PERSONS TO BE SITUATED WHERE A FALL FROM A HEIGHT IN EXCESS OF TWO METRES IS POSSIBLE. WHERE THIS TYPE OF ACTIVITY IS REQUIRED, SCAFFOLDING, FALL BARRIERS OR PERSONNEL PROTECTIVE EQUIPMENT (PPE) SHOULD BE USED IN ACCORDANCE WITH RELEVANT CODES OF PRACTICE, REGULATIONS OR LEGISLATION.

### STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

IF FINISHES HAVE BEEN SPECIFIED BY DESIGNER, THESE HAVE BEEN SELECTED TO MINIMISE THE RISK OF FLOORING AND PAVED SURFACES BECOMING SLIPPERY WHEN WET OR WHEN WALKED ON WITH WET SHOES/FEET. ANY CHANGES TO THE SPECIFIED FINISH SHOULD BE MADE IN CONSULTATION WITH THE DESIGNER OR IF THIS IS NOT PRACTICAL, SURFACES WITH AN EQUIVALENT OR BETTER SLIP RESISTANCE SHOULD BE USED.

### TRAFFIC MANAGEMENT

BUSY CONSTRUCTION AND DEMOLITION SITES PRESENT A RISK OF COLLISION WHERE DELIVERIES AND OTHER TRAFFIC ARE MOVING WITHIN THE SITE. A TRAFFIC MANAGEMENT PLAN, SUPERVISED BY TRAINED TRAFFIC MANAGEMENT PERSONNEL SHOULD BE ADOPTED FOR THE WORK SITE.

### HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

HAZARDOUS SUBSTANCES

CLIENT: KEITH & MARY RULE

LOT: 1623

D.P. 1250286

# 47

SCALE: 1:100

WHS

DIAMOND DR. PORT MACQUARIE, NSW

PROJECT No: 1153RUL

PAGE No: 11 OF 12

REVISION:

Date:	Completed:	Rev:
01/01/2011	CONCEPT	1
01/01/2011	CLIENT CHANGES	2
01/01/2011	CLIENT CHANGES	3
01/01/2011	CLIENT CHANGES PER PHASE	4
01/01/2011	FINAL PLAN	5
01/01/2011	BA-CC PLAN	6
01/01/2011	CLIENT CHANGE	7
01/01/2011	BA-CC CHANGE	8



OFFICE PHONE: 0434924566

EMAIL: plans@draftworx.net.au

ADDRESS: 26 BIRCHWOOD CRT,

PORT MACQUARIE 2444

## HAZARDOUS SUBSTANCES

### ASBESTOS

FOR ALTERATIONS TO A BUILDING CONSTRUCTED PRIOR TO 1940, IF THIS EXISTING BUILDING WAS CONSTRUCTED PRIOR TO 1940, THEREFORE MAY CONTAIN ASBESTOS. 1940-IT THEREFORE IS LIKELY TO CONTAIN EITHER IN CLADDING MATERIAL OR IN FIRE RETARDANT INSULATION MATERIAL. IN EITHER CASE, THE BUILDER SHOULD CHECK AND, IF NECESSARY, TAKE APPROPRIATE ACTION BEFORE PENOLISHING, CUTTING, SANDING, DRILLING OR OTHERWISE DISTURBING THE EXISTING STRUCTURE.

### POWDERED MATERIALS

MANY MATERIALS USED IN THE CONSTRUCTION OF THIS BUILDING CAN CAUSE HARM IF INHALED IN POWDERED FORM. PERSONS WORKING ON OR IN THE BUILDING DURING CONSTRUCTION, OPERATIONAL MAINTENANCE OR DEMOLITION SHOULD ENSURE GOOD VENTILATION AND WEAR PERSONAL PROTECTIVE EQUIPMENT (PPE) INCLUDING PROTECTION AGAINST INHALATION OF HARMFUL MATERIAL WHEN SANDING, DRILLING, CUTTING OR OTHERWISE DISTURBING OR CREATING POWDERED MATERIAL.

### TREATED TIMBER

THE DESIGN OF THIS BUILDING MAY INCLUDE THE PROVISION FOR THE INCLUSION OF TREATED TIMBER WITHIN THE STRUCTURE. DUST OR FUMES FROM THIS MATERIAL CAN BE HARMFUL TO PERSONS WORKING ON OR IN THE BUILDING DURING CONSTRUCTION, OPERATIONAL MAINTENANCE OR DEMOLITION. PERSONS SHOULD ENSURE GOOD VENTILATION AND WEAR PERSONAL PROTECTIVE EQUIPMENT (PPE) INCLUDING PROTECTION AGAINST INHALATION OF HARMFUL MATERIAL WHEN SANDING, DRILLING, CUTTING OR USING TREATED TIMBER IN ANY WAY THAT MAY CAUSE HARMFUL MATERIAL TO BE RELEASED. DO NOT BURN TREATED TIMBER.

### VOLATILE ORGANIC COMPOUNDS

MANY TYPES OF GLUE, SOLVENTS, SPRAY PACES, PAINTS, VARNISHES AND SOME CLEANING MATERIALS AND DISINFECTANTS HAVE DANGEROUS EMISSIONS. AREAS WHERE THESE ARE USED SHOULD BE KEPT WELL VENTILATED WHILE THE MATERIAL IS BEING USED AND FOR A PERIOD AFTER INSTALLATION. PERSONAL PROTECTIVE EQUIPMENT (PPE) MAY ALSO BE REQUIRED. THE MANUFACTURERS RECOMMENDATIONS FOR USE MUST BE CAREFULLY CONSIDERED AT ALL TIMES.

### SYNTHETIC MINERAL FIBRE

FIBREGLASS, ROCKWOOL, CERAMIC AND OTHER MATERIAL USED FOR THERMAL OR SOUND INSULATION MAY CONTAIN SYNTHETIC MINERAL FIBRE WHICH MAY BE HARMFUL IF INHALED OR IF IT COMES IN CONTACT WITH THE SKIN. EYES OR OTHER SENSITIVE PART OF THE BODY. PERSONAL PROTECTIVE EQUIPMENT (PPE) INCLUDING PROTECTION AGAINST INHALATION OF HARMFUL MATERIAL SHOULD BE USED, WHEN INSTALLING, REMOVING OR WORKING NEAR BULK INSULATION MATERIAL.

### TIMBER FLOORS

THIS BUILDING MAY CONTAIN TIMBER FLOORS WHICH HAVE AN APPLIED FINISH. AREAS WHERE FINISHES ARE APPLIED SHOULD BE KEPT WELL VENTILATED DURING SANDING, APPLICATION AND FOR A PERIOD AFTER INSTALLATION. PERSONAL PROTECTIVE EQUIPMENT (PPE) MAY ALSO BE REQUIRED. THE MANUFACTURERS RECOMMENDATIONS FOR USE MUST BE CONSIDERED AT ALL TIMES.

### SMALL SPACES

FOR BUILDINGS WITH SMALL SPACES WHERE MAINTENANCE OR OTHER ACCESS MAY BE REQUIRED, SOME SMALL SPACES WITHIN THIS BUILDING WILL REQUIRE ACCESS BY CONSTRUCTION OR MAINTENANCE WORKERS. THE DESIGN DOCUMENTATION CALLS FOR WARNING SIGNS AND BARRIERS TO UNAUTHORISED ACCESS. THESE SHOULD BE MAINTAINED THROUGHOUT THE LIFE OF THE BUILDING.

### OTHER HIGH RISK ACTIVITY

ALL ELECTRICAL WORK SHOULD BE CARRIED OUT IN ACCORDANCE WITH THE CODE OF PRACTICE, MANAGING ELECTRICAL RISKS AT THE WORKPLACE, AS/1372:2013 AND ALL LICENSING REQUIREMENTS. ALL WORK USING PLANT SHOULD BE CARRIED OUT IN ACCORDANCE WITH CODE OF PRACTICE, MANAGING RISKS OF PLANT AT THE WORKPLACE. ALL WORK SHOULD BE CARRIED OUT WITH CODE OF PRACTICE, MANAGING NOISE AND PREVENTING HEARING LOSS AT WORK. DUE TO THE HISTORY OF SERIOUS INCIDENTS IT IS RECOMMENDED THAT PARTICULAR CARE BE EXERCISED WHEN UNDERTAKING WORK INVOLVING STEEL CONSTRUCTION AND CONCRETE PLACEMENT. ALL THE ABOVE APPLIES.

### MANUAL TASKS

COMPONENTS WITHIN THIS DESIGN WITH A MASS IN EXCESS OF 25kg SHOULD BE LIFTED BY TWO OR MORE WORKERS OR BY MECHANICAL DEVICE. WHERE THIS IS NOT PRACTICAL, SUPPLIERS OR FABRICATORS SHOULD BE REQUIRED TO LIMIT THE COMPONENT MASS. ALL MATERIAL PACKAGING, CLEADING AND MAINTENANCE COMPONENTS SHOULD CLEARLY SHOW THE TOTAL MASS OF PACKAGES AND WHERE PRACTICAL, ALL ITEMS SHOULD BE STORED ON SITE IN A WAY WHICH MINIMISES BENDING BEFORE LIFTING. SERVICE SHOULD BE PROVIDED ON SAFE LIFTING METHODS IN ALL AREAS WHERE LIFTING MAY OCCUR. CONSTRUCTION, MAINTENANCE AND DEMOLITION OF THIS BUILDING WILL REQUIRE THE USE OF PORTABLE TOOLS AND EQUIPMENT. THESE SHOULD BE FULLY MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND NOT USED WHERE FAULTY OR (IN THE CASE OF ELECTRICAL EQUIPMENT) NOT CARRYING A CURRENT SAFETY TAG. ALL SAFETY GUARDS OR DEVICES SHOULD BE REGULARLY CHECKED AND PERSONAL PROTECTIVE EQUIPMENT (PPE) SHOULD BE USED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION.

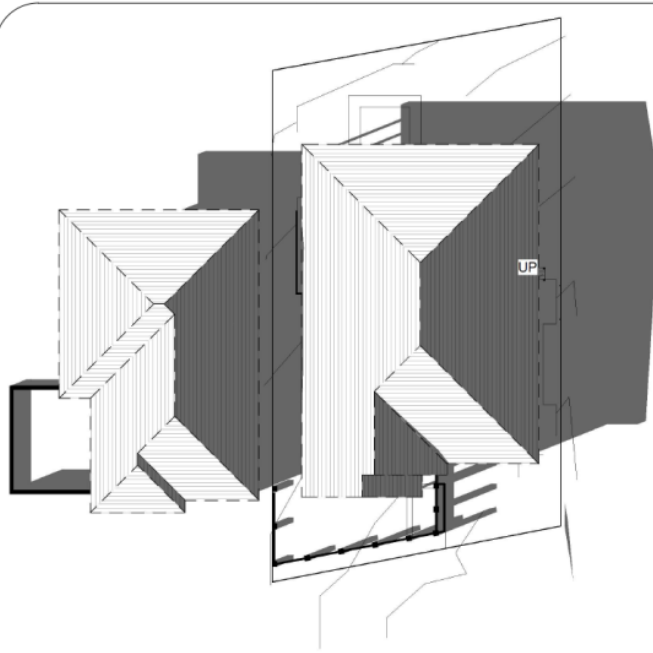
### OPERATIONAL USE OF BUILDING

THIS BUILDING HAS BEEN DESIGNED AS RESIDENTIAL BUILDING. IF, AT A LATER DATE, IS USED OR INTENDED TO BE USED AS A WORKPLACE, THE PROVISIONS OF THE WORK HEALTH AND SAFETY ACT 2011 OR SUBSEQUENT REPLACEMENT ACT SHOULD BE APPLIED TO THE NEW USE.

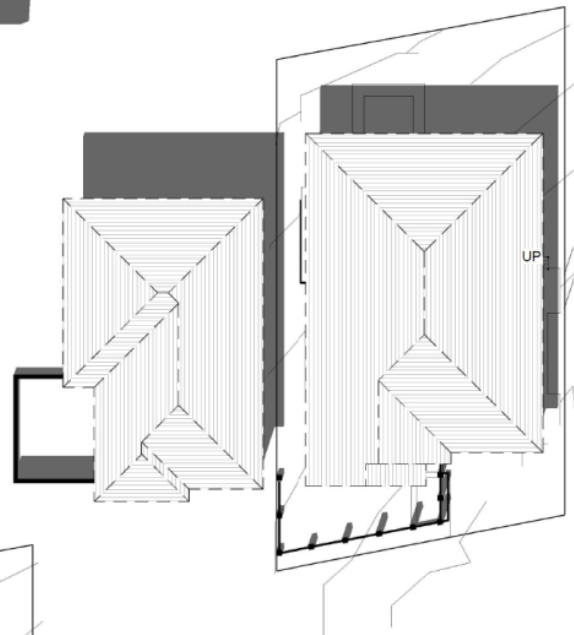
THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT, THIS INCLUDES (but not excluded to), OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, MAINTENANCE WORKERS AND DEMOLISHERS



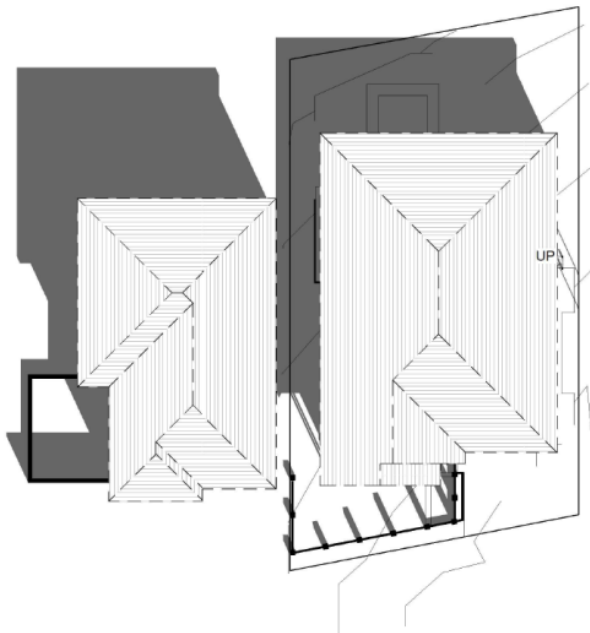
**Item 06**  
**Attachment 2**  
**Page 140**




**SHADOW DIAGRAM** SCALE 1:300 @ A3  
WINTER SOLSTICE 4AM



**SHADOW DIAGRAM** SCALE 1:300 @ A3  
WINTER SOLSTICE 12PM



**SHADOW DIAGRAM** SCALE 1:300 @ A3  
WINTER SOLSTICE 3PM

CLIENT: KEITH & MARY RULE			PROJECT No: 1153RUL		REVISION:				OFFICE PHONE: 0434924566		
LOT: 1623		SCALE: 1 : 300	SHADOW DIAGRAMS	PAGE No: 13	Date:	Completed:	Rev:		EMAIL: plans@draftworx.net.au		
DP: 1250286					10/01/2018	CONCEPT	1		ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE 2444		
# 47					18/05/18	CLIENT CHANGES	2				
DIAMOND DR. PORT MACQUARIE, NSW									3		
									4		
									5		
									6		
									7		
									8		
									9		
									10		





## STATEMENT OF ENVIRONMENTAL EFFECTS

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

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

### 1. PROPERTY DETAILS

Lot No 1623 Section No. .... DP/SP No 1250286 Street No 47  
 Street Name DIAMOND DR  
 Suburb/Town PORT MACQUARIE Postcode 2444

### 2. PROPOSAL DESCRIPTION

Provide a description of the proposed development. ....

NEW TWO STOREY HOME AND POOL

.....  
 .....  
 .....

The following questions are to be completed for applications relating to home business/industry, shops, commercial and industrial premises.

Hours of operation? .....

Client and staff numbers? .....

Type, size and quantity of goods to be made, stored or transported? .....

.....  
 Details of any deliveries (i.e. hours, frequency, type of vehicles)? .....

.....  
 Details of any retailing? .....

Comments: .....

.....

.....

### 3. PLANNING INFORMATION

What is the zoning of the subject land? R1

What is the current use of the land/building? VACANT LAND

Is your proposal:

- permissible in the zone? Yes ☒ No ☐
- consistent with the zone objectives? Yes ☒ No ☐

Does your proposal comply with the relevant:

- development standards (i.e. FSR, heights) in the Local Environmental Plan? Yes ☒ No ☐
- development control plan (e.g. setbacks, car parking)? Yes ☐ No ☒

If you answered "no" to any of the above questions, a detailed justification is required. Additionally, you should discuss your proposal with the Duty Planner before lodging your development application.

### 4. SITE SUITABILITY

Will the development:

- affect any neighbouring residences by overshadowing or loss of privacy? Yes ☐ No ☒
- result in the loss or reduction of views? Yes ☐ No ☒
- impact on any item of heritage or cultural significance? Yes ☐ No ☒
- result in land use conflict or incompatibility with neighbouring premises? Yes ☐ No ☒
- be out of character with the surrounding area? Yes ☐ No ☒
- be visually prominent within the existing landscape/streetscape? Yes ☐ No ☒
- require excavation or filling in excess of 1 metre? Yes ☐ No ☒
- require the erection or display of any advertising signage? Yes ☐ No ☒

Comments: .....

.....

.....

## 5. ENVIRONMENTAL IMPACTS

Is the site affected by any of the following natural hazards?

Yes ☒ No ☐

If yes, please indicate which hazard.

Flooding ☐ Bushfire ☒ Acid sulfate soils ☐

(Note: Information on natural hazards available from Council.)

Will the proposal:

- result in any form of air pollution (smoke, dust, odour, etc)? Yes ☐ No ☒
- have the potential to cause any form of water pollution? Yes ☐ No ☒
- emit noise levels that could affect neighbouring properties? Yes ☐ No ☒
- be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? Yes ☐ No ☒
- affect native or aquatic habitat? Yes ☐ No ☒
- have an impact on a threatened species or habitat? Yes ☐ No ☒
- involve the removal of any trees? (If yes, detail type and number below.) Yes ☐ No ☒

Comments: .....

.....

.....

## 6. ACCESS, TRAFFIC &amp; UTILITIES

Are electricity and telecommunications services available to the site?

Yes ☒ No ☐

Does the site have access to town water?

Yes ☒ No ☐

Does the site have access to town sewerage?

Yes ☒ No ☐

If you answered no to the above, is a waste water report attached?

Yes ☐ No ☐

Provide details of on-site parking, including number of spaces. ....

.....

Is lawful and practical access available to the site?

Yes ☒ No ☐

Will the development increase local traffic movements and volumes?

Yes ☐ No ☒

Are appropriate manoeuvring, unloading and loading facilities available on site?

Yes ☒ No ☐

(Note: Turning templates may be required for medium density, commercial and industrial.)

Provide details of proposed method of stormwater disposal (e.g. street, rubble drain, rainwater tank)

RAINWATER TANK WITH OVERFLOW TO COUNCIL MAIN

.....

Comments: .....  
.....  
.....

**7. SOCIAL & ECONOMIC IMPACTS** *(Not applicable to new dwellings, additions or like.)*

Will the proposal have any social or economic impacts in the area? Yes ☐ No ☐

Have you conducted any community consultation (e.g. neighbours, Police)? Yes ☐ No ☐

Have you considered Council's Social Impact Assessment Policy? Yes ☐ No ☐

Comments: .....  
.....  
.....

**8. WASTE DISPOSAL**

Provide details of waste management, including reuse and recycling .....

..... SKIP BINS .....  
.....

How and where will the wastes be stored? ..... ON SITE IN SKIP BINS .....

Does the proposed use generate any special wastes (e.g. medical, contaminated)? Yes ☐ No ☒

Will the use generate trade wastes (e.g. greasy or medical wastes)? Yes ☐ No ☒

Comments: .....  
.....  
.....

APPLICANT'S SIGNATURE *Craig Maltman C/O DRAFTWORK* DATE 5/5/2020



---

Item: 07

Subject: DA 2020 - 268.1 - STAGED DEVELOPMENT: DWELLING AND SECONDARY DWELLING AND CONVERSION TO DUAL OCCUPANCY & STRATA SUBDIVISION AT LOT 328 DP 1241368, NO. 25 COHEN WAY THRUMSTER

Report Author: Development Assessment Planner, Robert Slater

---

Applicant: Hibbards Pty Ltd  
Owner: J A Dodds  
Estimated Cost: 437,000.00  
Parcel no: 68391

---

#### Alignment with Delivery Program

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

#### RECOMMENDATION

That DA 2020 - 268.1 for a staged development: dwelling and secondary dwelling and strata subdivision at Lot 328 DP 1241368, No. 25 Cohen Way, Thrumster, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for a staged development: dwelling, secondary dwelling, conversion to dual occupancy and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

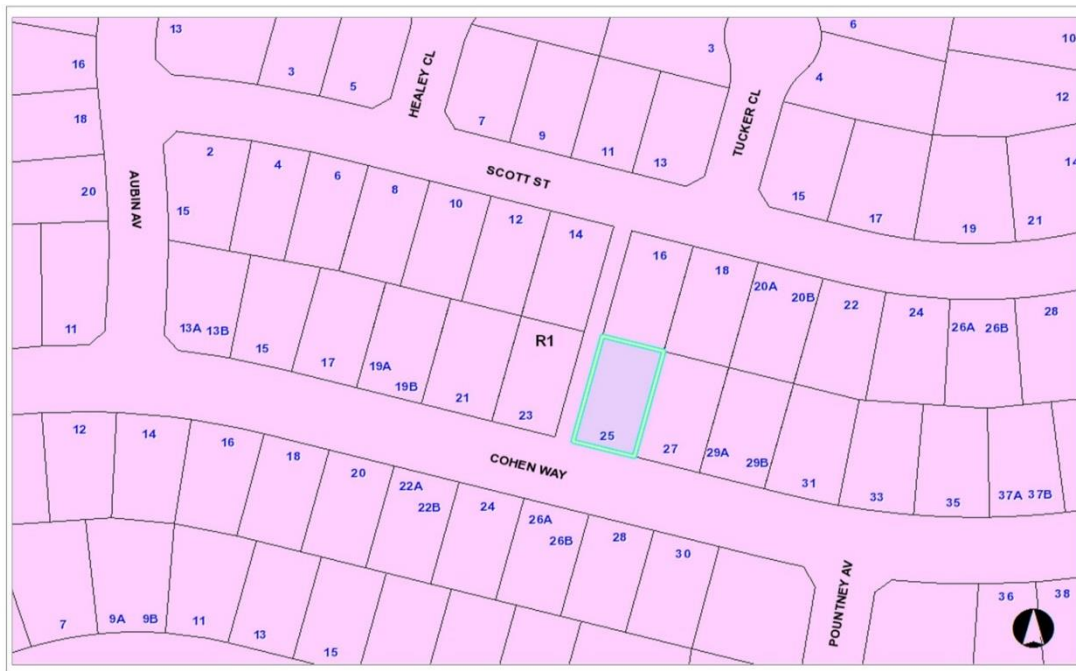
This report recommends that the development application be approved subject to the conditions included in **Attachment 1**.

#### 1. BACKGROUND

##### Existing Sites Features and Surrounding Development

The site has an area of 527m<sup>2</sup>.

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



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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Stage 1: Dwelling and secondary dwelling
- Stage 2: Change of use to dual occupancy and strata subdivision

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

**Application Chronology**

- 15 April 2020 - Application lodged
- 27 April 2020 - Development notified
- 7 May 2020 - Submission received
- 11 May 2020 - Request from CWC received to stage the DA
- 27 May 2020 - Draft strata and amended SoEE received
- 27 May 2020 - Application re-notified

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

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

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

**State Environmental Planning Policy (Koala Habitat Protection) 2019**

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 8 - The site is subject to the adopted Area 13 Koala Plan of Management. No tree removal is proposed and the proposal is consistent with the adopted plan of management.

**State Environmental Planning Policy No. 55 – Remediation of Land**

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

**State Environmental Planning Policy (Coastal Management) 2018**

The site is not located within a coastal use area / coastal environment area.

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

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

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

Clause 20 - The site is in a prescribed zone and secondary dwellings are permissible with consent pursuant to the SEPP.

Clause 22(2) - The development would not result in there being a dwelling other than the primary dwelling and the secondary dwelling.

Clause 22(3) - The proposed secondary dwelling would not have a floor area exceeding 60m<sup>2</sup> and the combined floor area of the primary and secondary dwelling would not exceed the maximum permitted under the Port Macquarie-Hastings Local Environmental Plan 2011 (see comments below under LEP).

Clause 22(4) - It is noted that consent cannot be refused on the grounds of site area or parking.

Clause 24 - It is noted that the consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out. Stage 2 conversion to dual occupancy will permit subdivision to occur.

The requirements of this SEPP are therefore satisfied.

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

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

- Clause 2.2 a - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The dwelling and secondary dwelling and conversion to dual occupancy are a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the establishing residential locality. The proposal will contribute to the range of housing available in the locality.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 5.45m. It is noted that there is no building height limit applying to the locality however the proposal would comply with the standard height limit of 8.5m which applies to other typical residential areas in the Port Macquarie-Hastings Local Government Area.



- Clause 4.4 - The floor space ratio of the proposal is 0.35:1. It is noted that there is no floor space ratio control applying to the locality however the proposal would generally comply with the maximum 0.65:1 floor space ratio which applies to other typical residential areas in the Port Macquarie-Hastings Local Government Area.
- Clause 5.4 – Controls relating to the maximum floor area of secondary dwellings does not exceed 60m<sup>2</sup>.
- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

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

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	No ancillary development proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 4.5m local road</li> </ul>	The specified front building line setback of 6.58m to the garage and 5.5m to the primary dwelling respectively are compliant with the minimum front setback requirements.	Yes
3.2.2.3	Garage 5.5m min. and 1m	The specified garage	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	behind front façade. Garage door recessed behind building line or eaves/overhangs provided	door setback of 6.58m is compliant with the minimum front setback requirements. Garage door recessed.	
	6m max. width of garage door/s and 50% max. width of building	The specified combined garage door width of 4.8m is equivalent to 40.3% of the building width. The width of garage doors are compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	The specified width of the driveway crossover is 5.0m which is equivalent to 29.4% of the site frontage. The driveway crossing width is compliant with the maximum width requirements.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The specified rear boundary setback to the primary and secondary dwellings is 5.5m. The proposal complies with the minimum rear boundary setback requirements.	Yes
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m  • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.  • Building wall set in and out every 12m by 0.5m	The specified minimum side boundary setback to the eastern wall is 1.68m and 1.5m to the western wall is respectively. The setbacks are compliant with the minimum requirements.  Single storey development. Slab on ground construction.  The building wall articulation is satisfactory to address the objective intent of the development	Yes  N/A  No - For the eastern setback only. Objectives



<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		provision.	of DCP satisfied as building single storey and setback greater than 0.9m and varied slope across the site.
3.2.2.6	35m <sup>2</sup> min. private open space (POS) area including a useable 4x4m min. area which has 5% max. grade	The specified POS area for each dwelling in one area including a useable 4m x 4m area is 44m <sup>2</sup> .  The POS minimum requirements are satisfied.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>	No front fences proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No front fences proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has</li> </ul>	The development is not expected to adversely impact on the privacy of the adjoining properties. The following design measures have been incorporated into the development:	Yes

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

	Requirements	Proposed	Complies
	25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc. which have <3m side/rear setback and floor level height >1m	<ul style="list-style-type: none"> <li>Minimising windows on the building elevations that are adjacent to side/rear boundaries where the potential exists for overlooking into adjoining living spaces and/or POS areas;</li> <li>Limiting living areas that face adjoining living areas and private open space areas of adjoining properties through the siting of the dwelling and internal layout design; and</li> <li>Compliant separation distances to the adjoining boundaries; and the erection of 1.8m high boundary fences.</li> </ul> <p>No privacy screens are recommended.</p>	

**DCP 2013: General Provisions**

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill >1.0m change 1m outside the perimeter of the external building walls.  A 1.2m cut and 800mm fill is proposed to prepare a level building pad for the dwelling and garage slabs.	No *
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in	The specified retaining	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	height to be certified by structure engineer	wall height is 1.2m.  Condition recommended to require engineering certification	
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall and front fence combination is proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking. <i>Parking for secondary dwelling optional.</i>	1 parking space behind the building line has been provided for both the dwellings for stage 1 and stage 2 conversion to dual occupancy.  Additional stacked parking is available on the driveway.	Yes
2.5.3.11	Section 94 contributions	Stage 2 works include subdivision infrastructure works, installation of the second water meter and	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		<p>payment of Developer Contributions.</p> <p>However, as advised by Council's development engineer a condition is recommended requiring the provision of a second water meter at stage one works which will incur contributions for augmentation of the town water supply headworks.</p>	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	The development is for a dwelling and secondary dwelling only with standard driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Concrete driveway proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	<p>Driveway grades capable of satisfying Council standard driveway crossover requirements.</p> <p>Condition recommended for section 138 Roads Act permit</p>	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Development is for a secondary dwelling only with standard driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

*Note: Subdivision provisions of the DCP (except battleaxe handle width) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment. Servicing requirements are discussed later in this report.*

The proposal seeks to vary development provision 2.3.3.1 which aims to ensure that the design of any building or structure integrates with the topography of the land and to minimise the extent of site disturbance caused by excessive cut and fill to the site to ensure there is no damage or instability to adjoining properties caused by excavation or filling.

Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building

*Note: This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building.*

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

- The site is 527.0m<sup>2</sup> in area and has an approximate fall of 1.25m across the block sloping from the north-western corner towards the south-eastern corner of the site, which equivalent to a 1:35 slope or 28% grade.
- To achieve the building pad design levels for the site a 1.2m cut is proposed to create a level pad area RL21.60 (dwelling) and RL21.514 (garage).
- The proposed site cut will facilitate access to the two single garages situated under the main roof of the dwelling via a concrete driveway with compliant grades.
- All site cuts a subsequent retaining, fill batters and stabilising works are to be designed and signed off by a practising structural engineer.
- The proposed land reforming works are not expected to result in damage or instability to the adjoining properties.
- The proposed development is not expected to alter the existing subdivision drainage patterns and therefore the impact on adjoining properties is expected to be minimal.
  - (a)
- Additional stormwater collection sumps are provided around the perimeter of the building to manage stormwater runoff.
- The existing topography of the site which remains largely unaltered combined with boundary setbacks ensures that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided and existing ones are maintained.
- It is anticipated that the site cut and fill will have minimal adverse impacts on the adjoining properties privacy and will integrate the proposed built design into the landscape of the site.
  - (b)

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

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

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

**(iv) Any matters prescribed by the regulations**

None prescribed.

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

**Context and Setting**

The proposal is for a dwelling and secondary dwelling and later conversion to dual occupancy and strata title subdivision. It is proposed to stage the development as follows:

- **Stage 1:** Construction of Dwelling and Secondary Dwelling
- **Stage 2:** Conversion to Dual Occupancy with Strata Titled Subdivision

The proposed stage 2 works include subdivision infrastructure works, installation of the second water meter and payment of Developer Contributions. However, a condition is recommended requiring the provision of a second water meter at stage one works which will incur contributions for augmentation of the town water supply headworks.

The site is 527.0m<sup>2</sup> in area and has an approximate fall of 1.25m across the block sloping from the north-western corner towards the south-eastern corner of the site, which equivalent to a 1:35 slope or 28% grade.

To prepare a level building pad at RL21.614 a site cut/fill of 1.2m and 0.800m respectively is proposed to facilitate the concrete slab construction.

The proposed dwelling and secondary dwelling have a 6.58m primary setback to the single garage structures and a 5.5m setback to the brickwork on the front façade of the primary dwelling.

The proposed development has a total site coverage of 50.7% and is not expected to have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

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

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

**Parking and Manoeuvring**



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

**Water Supply Connection**

Council records indicate that the development site has an existing 20mm sealed water service from the 200mm PVC water main situated in Cohen Way. This water service can be adopted for Unit 1 (Lot 1) with a new meter required. A second metered water service is required for Unit 2 (Lot 2).

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

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

**Sewer Connection**

Council records indicate that the development site is connected to Sewer via junction to the existing sewer main which runs inside the southern lot boundary. The whole of the site may drain to this existing point of connection.

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

**Stormwater**

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

The legal point of discharge for the proposed development is defined as a direct connection to the existing stormwater junction which connects to the Council's piped network.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Access, Traffic and Transport**

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

**Heritage**

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

**Other land resources**

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

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is not identified as being bushfire prone, therefore no further investigation or comment is required.

**Safety, security and crime prevention**

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

**Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. 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 and appropriate conditions of consent recommended.

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

Following exhibition of the application in accordance with DCP 2013, one (1) submission was received.

Submission Issue/Summary	Planning Comment/Response
This site is not suitable for this planned development.	<p>The proposed development is consistent with the LEP having regard to the following:</p> <p>In accordance with Clause 2.2 - the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling and secondary dwelling is a permissible landuse with consent.</p> <p>The objectives of the R1 zone are as follows:</p> <p><i>To provide for the housing needs of the community.</i></p> <p><i>To provide for a variety of housing types and densities.</i></p> <p><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></p> <p>In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality.</p>
This is not a duplex site.	Refer to comments above.
This is over development of this site and not in the public interest.	<p>The development site is 527.0m<sup>2</sup> in area. The specified boundary setbacks are compliant with the numerical setback requirements contained in the DCP.</p>
If sites of this size are given permission for this type of development it would have a detrimental impact on the local community. Therefore putting more	<p>The bulk, scale and size of the proposed development is compatible with the surrounding built environment which includes several examples of attached and detached dwellings in the precinct.</p>

Submission Issue/Summary	Planning Comment/Response
pressure on the fragile infrastructure of roads, parking, water and sewage.	Port Macquarie-Hastings Council has adopted a number of Development Contributions and Servicing Plans.  These plans set out the contributions required from new development to provide for funding towards the provision, extension or augmentation of public amenities and infrastructure identified by Council as necessary to support the expected growth and development in the Thrumster Precinct (or towards recouping the cost of their provision, extension or augmentation).
My privacy would be impacted by this over development.	Having regard to the standard DCP guidelines for the area, the proposed development is not expected to adversely impact on the visual or acoustic privacy of the adjoining properties given the single storey nature of the proposed development and the proposed 1.8m high boundary fencing.
The town plans for Sovereign Hills and Sterling Green in Thrumster were not meant to be a very high density development.	The South Oxley Precinct is characterised by residential uses in the form of attached and detached dwellings and other forms of medium density development.  The proposed development is sympathetic to the desired future character of the precinct. The proposal is not considered to be high density development.

**(e) The public interest**

The proposed development will be in the wider public interest with provision of appropriate additional housing.

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts 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. A condition is recommended requiring the provision of a second water meter at stage one works which will incur contributions for augmentation of the town water supply headworks. Alternatively, the Stage 2 conversion to dual occupancy will trigger the need for payment of development contributions for water and sewer contributions.

- The proposed secondary dwelling has a floor area not exceeding 60m<sup>2</sup> and is exempt from Section 7.11 contributions. The Stage 2 conversion to dual occupancy will trigger the need for payment of 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.  
(c)
- A copy of the contributions estimate is included as **Attachment 3**.

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

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the **Attachment 1** to this report.

### **Attachments**

1. [!\[\]\(e548a391c65118ac2476924cdb5db38c\_img.jpg\) DA2020 - 268.1 Recommended Conditions](#)
2. [!\[\]\(6fc1fda334fce799e3b50f6cf68d70a8\_img.jpg\) DA2020 - 268.1 Plans](#)
3. [!\[\]\(a85cf8a5f7692437e8653d157b475e72\_img.jpg\) DA2020 - 268.1 Contributions Estimate](#)
4. [!\[\]\(1ed54328d83d1d02ca08b870ce12dc0d\_img.jpg\) DA2020 - 268.1 Draft Strata](#)
5. [!\[\]\(a8b2f012531f42fd6c29766b578f1f22\_img.jpg\) DA2020 - 268.1 Engineering](#)
6. [!\[\]\(5ded9cae272c9f794645a910790b12ee\_img.jpg\) DA2020 - 268.1 SOEE](#)

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

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2020/268**

**DATE: 29/06/2020**

### **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
Archeticial Plans & Specifications	10441	Hibbards Homes Pty Ltd	16/04/2020
Basix Certificate	1086819M_02	Stellar Thermal Assessments	17/04/2020
SoEE	Lot 328 DP 1241368 No 25 Cohen Way, Thrumster	Collins W Collins Pty Ltd	May 2020
Draft Strata Plan	D4428	Collins W Collins Pty Ltd	18/05/2020

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.



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

Stage 1: Dwelling and Secondary Dwelling  
Stage 2: Strata Subdivision

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via appropriate receptacles into separate waste streams;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidays

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

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A044) The secondary dwelling shall be provided with a separate water meter. This additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

#### **B – PRIOR TO ISSUE OF 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) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil Works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access
- (3) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.

**D – DURING WORK**

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D017) 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.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (e.g. the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (7) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
- (8) (E009) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of the Strata Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply works
  - augmentation of the town sewerage system headworks
- (9) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to occupation or issue of the Strata Subdivision Certificate.
- (10) (B010) Payment to Council, prior to the issue of the Strata Subdivision Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levee Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Areas 13, 14, and 15 Local Roads

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.

**F – OCCUPATION OF THE SITE**

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

The reason for this decision is that the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

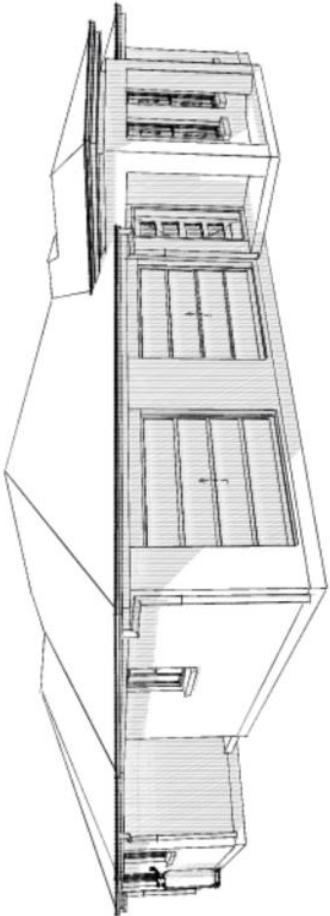
**(1) Rights of Appeal**


If you are dissatisfied with this decision:

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

Yours sincerely

**PROPOSED NEW DWELLING**  
**LOT 328 DP 1241368 COHEN WAY**  
**PORT MACQUARIE 2444 NSW FOR:**





**DRAWING SCHEDULE**

SHEET	DESCRIPTION/TITLE
01	COVER SHEET + DRAWING SCHEDULE
02	BASIX + CONSTRUCTION NOTES
03	SITE PLAN + ANALYSIS
04	SERVICES PLAN
05	SLAB LAYOUT
06	FLOOR PLAN
07	ELEVATIONS
08	SECTION & TYPICAL DETAILS
09	LANDSCAPE PLAN
10	ELECTRICAL PLAN
11	WET AREA DETAILS
12	KITCHEN DETAILS
13	RAISED PORTICO DETAIL

**BASIX REQUIREMENTS**

- 3-STARS SHOWERHEADS.
- 4-STARS WC, 4-STARS TAPS.
- RETICULATED WATER MUST COLLECT WATER FROM 100m<sup>2</sup> OF ROOF AREA.
- SIGAL TUFF WALL WRAP TO EXTERNAL WALLS.
- DRAINAGE SYSTEM - 200mm ANTICOR BLANKET TO ALL CEILINGS, INCLUDING GARAGE.
- DWELLING 1 - SOLAR SYSTEM - 2kW MINIMUM.
- DWELLING 2 - R2.0 HIGH DENSITY INSULATION BATTIS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- DWELLING 2 - R2.5 INSULATION BATTIS + R1.3 ANTICOR BLANKET TO ALL CEILINGS, INCLUDING GARAGE.
- ROOF - MEDIUM, EXTERNAL WALLS - LIGHT.
- WINDOWS W1 TO W15 - SINGLE CLEAR.
- 6-STARS GAS INSTANTANEOUS HOT WATER SYSTEM TO EACH DWELLING, LPG.
- EXHAUST FANS TO BATHROOM, ENSUITE AND KITCHEN RANGEHOOD FOR EACH DWELLING.
- DRAIN WETTER MULTISTAGE PUMP CONDITIONING SYSTEM TO BED1 AND FAMILY TO EACH DWELLING.
- COOKTOP - CHEF LPG GAS CH6G4S2A TO EACH DWELLING.
- RANGEHOOD - WESTINGHOUSE RECIRCULATING WRR614SA TO EACH DWELLING.
- DISHWASHER - DISHLEX ROTARY ELECTRONIC DSF6105X 3/S TO EACH DWELLING.

**CONSTRUCTION NOTES**

- ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE USED IN PREFERENCE TO SCALED MEASUREMENTS.
- ALL LEVELS ARE TO BE VERIFIED ON THE SITE BY THE BUILDER PRIOR TO WORK COMMENCING.
- FLOORS ARE TO BE SITUALLY GRADED AND DRAINED.
- FLOORS ARE TO BE SITUALLY GRADED AND DRAINED.
- ALL TIMBER SPACING, SPANS AND SIZES SHALL COMPLY WITH TIMBER FRAMING CODE AS 1684.
- ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF BUILDING CODE OF AUS IN RELATION TO SIDE BOUNDARY CLEARANCE.
- ALL SEWER AND STORMWATER DRAINAGE TO BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE FLOOR AND WALL AND 1500 HIGH IN THE SHOWER RECESS CORNERS WITH AN APPROVED WET AREA SEAL.
- POWDER COATED ALUMINIUM WINDOWS AND DOORS TO BE USED THROUGHOUT. COLOUR SELECTION BY BUILDER.
- ALL FIXINGS, TIE DOWNS AND CONSTRUCTION METHODS ARE TO BE IN STRICT ACCORDANCE WITH AS3601-1.
- TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS3601-1.

**GENERAL NOTES:**

- ALL DIMENSIONS ARE TO BE VERIFIED ON THE SITE BY THE BUILDER PRIOR TO CONSTRUCTION.
- EROSION / SEDIMENT CONTROL IN STRICT ACCORDANCE WITH COUNCIL REQUIREMENTS (REFER BUILDER).
- PROVIDE HARDWARE ALL WEATHER ACCESS, DURING CONSTRUCTION.
- NOMINATED WATER TO TANK, OVERFLOW TO STREET.
- BUILDER TO CONFIRM ALL FINISHED FLOOR LEVELS ON SITE.
- WIND - E.G. "N3"
- SITE - E.G. "N3"
- SOL - E.G. "N"

**COVER SHEET**

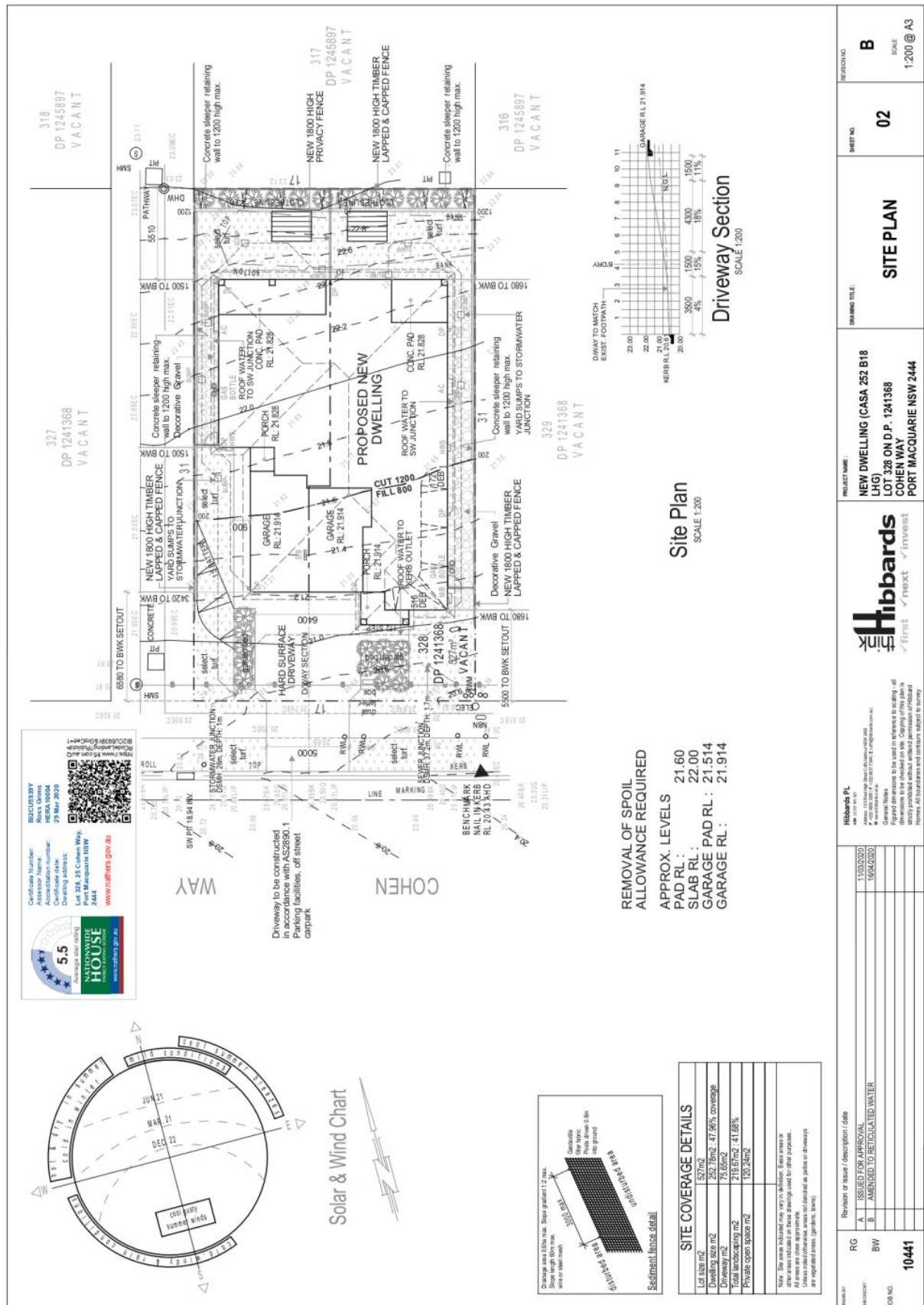
PROJECT NAME: NEW DWELLING CASA 252 B18 LHG LOT 328 ON DP 1241368 COHEN WAY PORT MACQUARIE NSW 2444

DRAWING TITLE: COVER SHEET

SHEET NO: 01

REVISION NO: B

SCALE: 1:1 @ A3



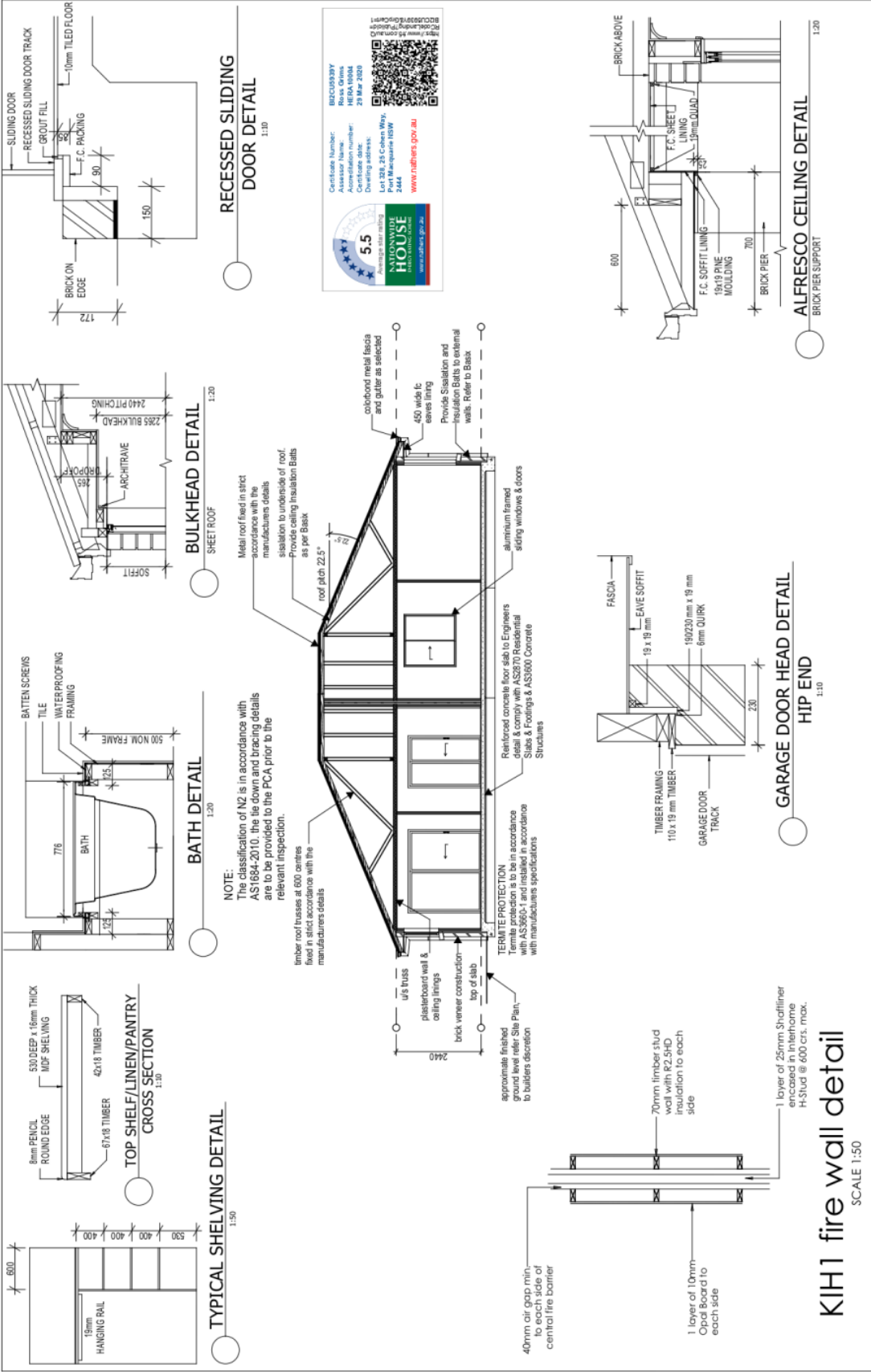




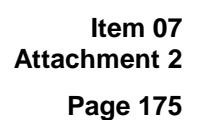




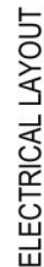


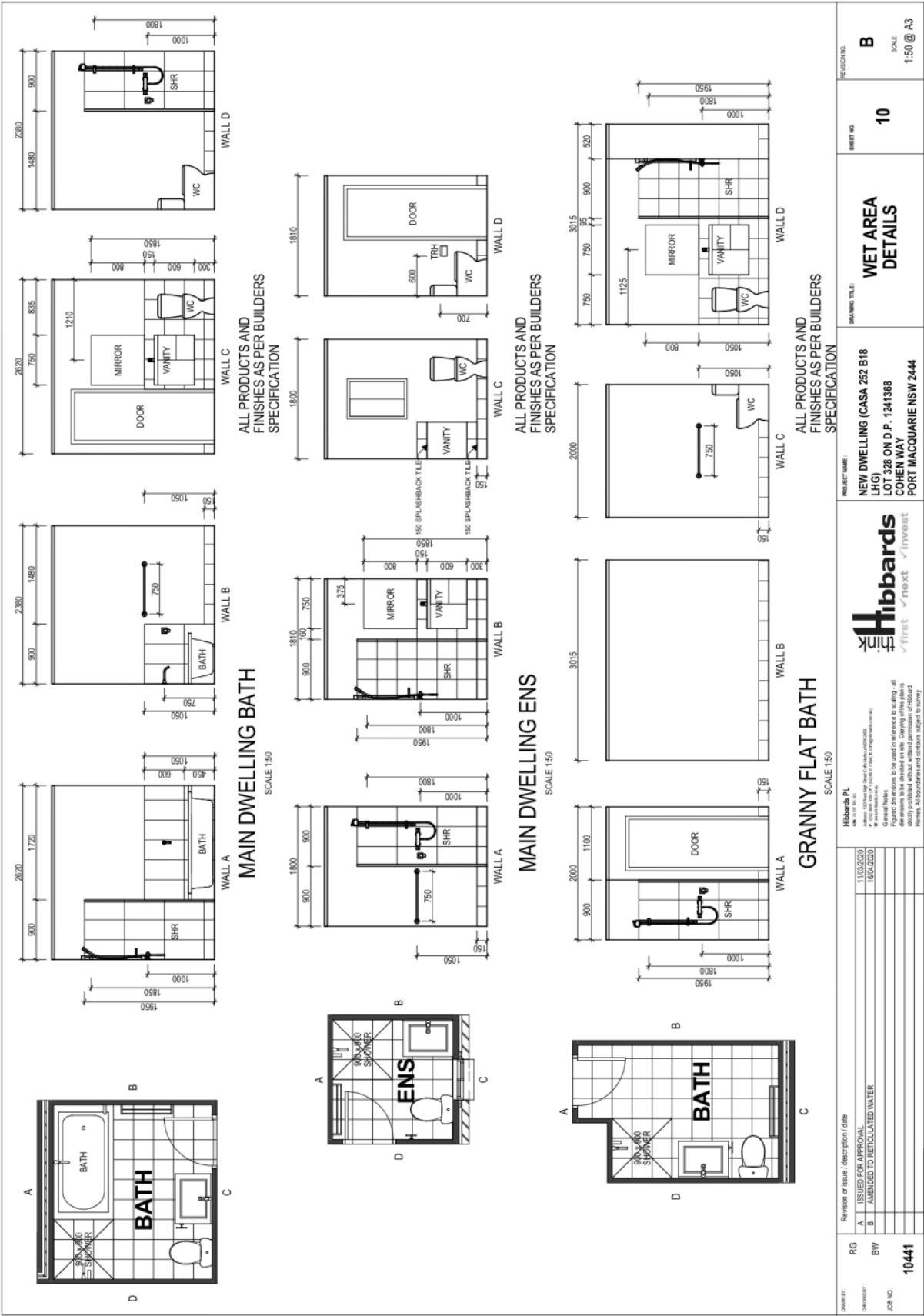


Revision or Issue / description / date		Revision or Issue / description / date	
A	ISSUED FOR APPROVAL	1	11/03/2020
B	AMENDED TO RETICULATED WATER	2	16/04/2020
RG			
BW			
JOB NO.			
10441			
PROJECT NAME:		NEW DWELLING CASA 252 B18	
PROJECT NO.		LHG	
DRAWING TITLE:		SECTION & TYPICAL DETAILS	
SHEET NO.		07	
REVISION NO.		B	
SCALE		1:100 @ A3	

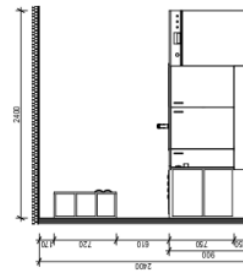


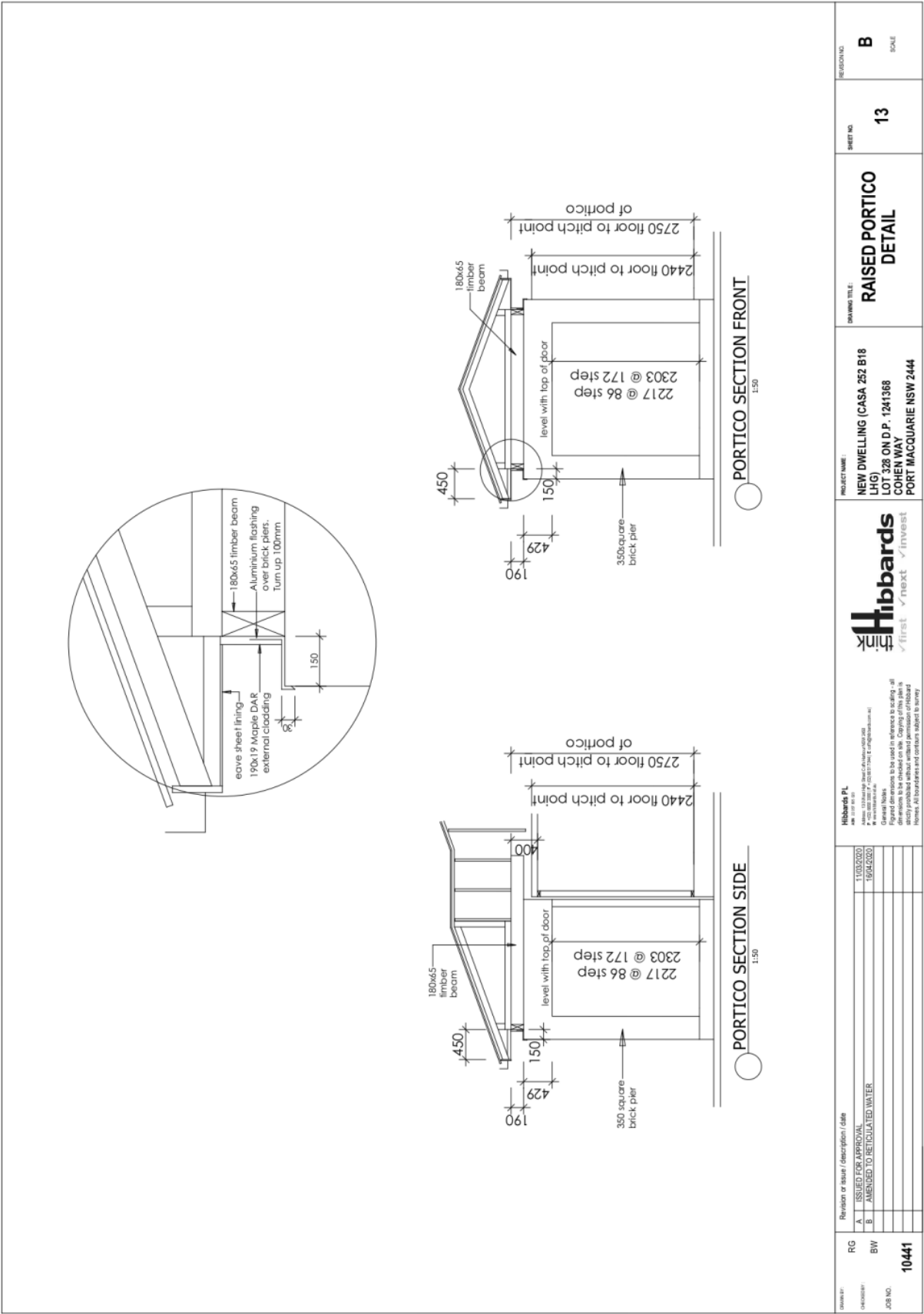






**Item 07**  
**Attachment 2**  
**Page 178**

[illegible]



## Developer Charges - Estimate

**Applicants Name:** Hibbards Pty Ltd  
**Property Address:** 25 Cohen Way, Thrumster  
**Lot & Dp:** Lot(s):328,DP(s):1241368  
**Development:** Staged Dwelling and Granny Flat to Dual Occupancy and Subdivision



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

Levy Area	Units	Cost	Estimate
1 Water Supply	0.4	\$10,322.00 Per ET	\$4,128.80
2 Sewerage Scheme Port Macquarie	0.75	\$3,916.00 Per ET	\$2,937.00
3 Since 13.6.14 - Local Roads - Thrumster - Area 13	0.57	\$13,953.00 Per ET	\$7,953.20
4 Since 31.7.18 - Open Space - Thrumster - Per ET	0.57	\$6,749.00 Per ET	\$3,846.90
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Sandrox Thrumster	0.57	\$5,284.00 Per ET	\$3,011.80
6 Com 1.3.07 - Administration Building - All areas	0.57	\$921.00 Per ET	\$524.90
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	0.57	\$511.00 Per ET	\$291.20
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		\$343.80
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$23,037.60</b>

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

DATE OF ESTIMATE: 29-Jun-2020

Estimate Prepared By Clinton Tink

This is an ESTIMATE ONLY - NOT for Payment Purposes

hibbards Pty Ltd, 25 Cohen Way, Thrumster, 29-Jun-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



CURRENT REVISION + NOTES

Date: Description:  
18.05.20 INITIAL ISSUE

Issue: Drawn:  
A AE

SUB DIVISION

LOT No: 328 DP No: 1241368

STREET No: 25

STREET NAME: COHEN WAY, THURMSTER

CWC JOB #: D4428

CONTENTS

SHEET # SHEET NAME

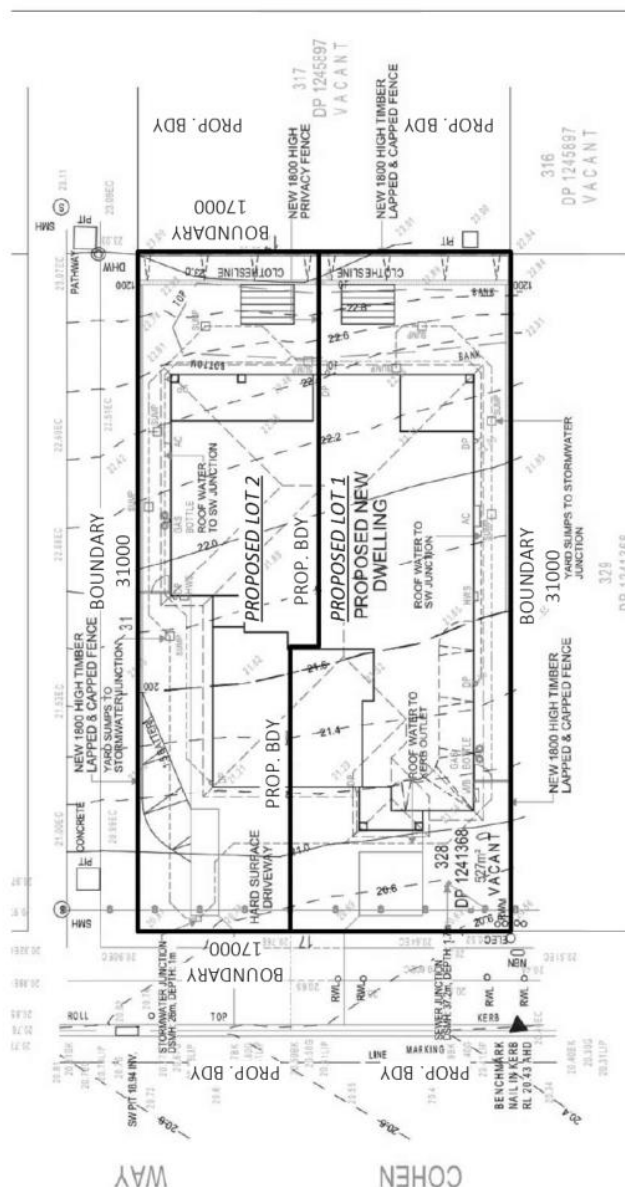
1 DRAFT SUBDIVISION PLAN



EXISTING LOT SCHEDULE	
Name	Area
EXISTING	527.00 m <sup>2</sup>
TOTAL: 1	527.00 m <sup>2</sup>

PROPOSED LOT SCHEDULE	
Name	Area
PROPOSED LOT 1	288.31 m <sup>2</sup>
PROPOSED LOT 2	238.69 m <sup>2</sup>
TOTAL: 2	527.00 m <sup>2</sup>



DRAFT SUBDIVISION SCALE 1:200  
PLAN

PROJECT: SUB DIVISION		DRAFT SUBDIVISION PLAN	
LOT No: 328	DP No: 1241368	SHEET:	1 OF 1
STREET No: 25		SCALE:	As indicated
STREET NAME: COHEN WAY THURMSTER		SHEET SIZE:	A3

DRAWING REVISION + NOTES			Issue	Drawn:
Date:	Description:		A	AE
18.05.20	INITIAL ISSUE			

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS



**collinswright**  
Building Designers

99A Lord street (PO Box 5667), Port Macquarie NSW 2444 | Shop 17 Centrepoint Arcade, Taree NSW 2430

920	SHEET NO. 5
-----	-------------

NOTE: REFER TO SHEET "S3" FOR PER LOCATION & SPACING.

6. FOR VERTICAL ARTICULATION JOINT NOTES REFER TO SHEET 'S2'

DURABILITY CLASSIFICATION				
CATEGORY (DURABILITY)	WALL TIES	GRADE OF BRICKS	MORTAR	STRUCTURAL STEEL (SURFACE FINISH)
SEVERE MARINE	RK (STAINLESS OR POLYMER)	AS/ANZ 3700	AS/ANZ 4456.10	(GALVANISED G.I.P.P.)
MARINE	R2	EXPOSURE	M4 (14)	(60kg PER SQUARE METRE)
EXTREME	R3	GENERAL PURPOSE	RK (15)	AS/ANZ 2382/2014
		GENERAL PURPOSE	RK (12.8)	AS/ANZ 2374/2014

6. FOR VERTICAL ARTICULATION JOINT NOTES REFER TO SHEET 'S2'

3. SHRINKAGE CRACKING IS ALMOST INEVITABLE & DOES NOT REPRESENT FAILURE HOWEVER, IS OF CONCERN UNDER BOTTLE FLOOR COVERINGS. DAMAGE MAY BE REDUCED BY USING FLEXIBLE MORTARS & GLUES FOR FIXING TILES. ALL FIXING OPERATION MUST BE DELAYED AS LATE AS POSSIBLE.

**STRUCTURAL STEELWORK NOTES:**

- UNLESS NOTED OTHERWISE:
  - USE 10mm THICK GUSSET, FN & END PLATES WELDED ALL ROUND.
  - ALL BOLTS 6mm CONTINUOUS FILLET.
  - ALL BOLTS 20mm DIA.
  - ALL BOLTS GRADE 8.8/9 INCLUDING PARLIN / GRT BOLTS.
  - ALL BOLTS INCLUDING HOLDING DOWN BOLTS ARE TO BE HOT DIP GALVANISED.
  - ALL FILLET WELDS TO BE CATEGORY GP.
  - BUTT WELD ALL FLANGES AT END PLATES & AT ALL MITRE CUTS.
  - BUTT WELD ALL STIFFENER PLATES TO FLANGES ONLY.
  - ALL BUTT WELDS SHALL BE FULL PENETRATION, GRADE SP.
  - ALL CONNECTIONS TO HAVE A MINIMUM OF 2 BOLTS.
  - STUDS FABRICATED TO AS 1554.2.
  - ALL SHEAR STUDS COMPOSITE SLAB TO STEEL GRADE 400MPa.
  - ALL THREADED STUDS (STEEL TO STEEL) GRADE 300MPa.
- BOLTING CATEGORIES ARE IDENTIFIED ON THE DRAWINGS IN THE FOLLOWING MANNER:
  - 4.4/5 COMPOUND BOLTS OF GRADE 4.6 SNUG TIGHTENED.
  - 8.8/5 HIGH STRENGTH BOLTS OF GRADE 8.8 SNUG TIGHTENED.
  - 8.8/70 HIGH STRENGTH BOLTS OF GRADE 8.8 FULLY TENSIONED TO AS 4300 AS A BEARING TYPE JOINT.
  - 8.8/7P HIGH STRENGTH BOLTS OF GRADE 8.8 FULLY TENSIONED TO AS 4300 AS A FRICTION TYPE JOINT WITH FATTING SURFACES LEFT UNCOATED.
- NOTE: GRADE 8.8 BOLTS ARE NOT TO BE WELDED.
- CHP ALL WELDS FREE OF SLAG.
- CONTRACTOR IS TO CONFORM WITH ARCHITECT AS TO WHERE EXPOSED WELDS ARE TO BE GROUND FLUSH / SMOOTH.
- PROVIDE TEMPORARY BRACING TO MAINTAIN STABILITY OF STEELWORK DURING CONSTRUCTION.
- DO NOT GROUT UNDER BASE PLATE UNTIL FIRST LEVEL STEELWORK IS PLUMB & FIXED BY WELDING OR BOLTING.

STEELWORK FINISHES		
LOCATION	TYPE	CODE
INTERNAL	PAINT SYSTEM ALKA	
BUILT INTO MASONRY	GALVANISED	HOG 600
EXTERNAL	GALVANISED	HOG 600
MARINE	GALVANISED	HOG 900

- FOR FINISH TYPE & CODE REFER TO STANDARD AS/NZS 2312:2014.
- FOR DECORATIVE FINISH REFER TO ARCHITECTURAL OR OWNERS SPECIFICATIONS.

**TERMITE PROTECTION:**

- A PHYSICAL OR CHEMICAL BARRIER IN ACCORDANCE WITH AS 3660.1:2016 IS TO BE INSTALLED.
- ALL CONCRETE TO BE MECHANICALLY VIBRATED DURING POUR.
- 75mm CLEAR SMOOTH CONCRETE TO BE EXPOSED AROUND ENTIRE PERIMETER OF SLAB.
- CRUSHED GRANITE OR STAINLESS STEEL MESH TO BE USED AROUND ALL PIPE PENETRATIONS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.
- INSPECTIONS OF THE RESIDENCE & IMMEDIATE SURROUNDS TO BE CARRIED OUT BY A QUALIFIED PEST EXPERT ON AN ANNUAL BASIS.
- ANY FUTURE CRACKING OCCURRING IN THE SLAB IS TO BE ASSESSED BY A QUALIFIED PEST EXPERT & WHERE DIRECTED BE SEALED BY EPOXY INJECTION.
- SITE MAINTENANCE IS THE RESPONSIBILITY OF THE HOME OWNER. ALL RECOMMENDATIONS OUTLINED BY THE CSRO IN BTF 18 TO BE CARRIED OUT.



**NASTASI & ASSOCIATES**  
**CONSULTING CIVIL & STRUCTURAL ENGINEERS**  
 10th/16.03.22nd FLOOR  
 100/100 MARKET STREET, PRESTON, NSW 2170  
 OLD : RFPO 14006, AVEW ST. SURFACE PARADISE, GOLD COAST 4217  
 NEW : RFPO 14006, AVEW ST. SURFACE PARADISE, GOLD COAST 4217  
 WWW.NASTASIANDASSOCIATES.COM.AU  
 PH: (02) 8672864 / 8796817

**TIMBER NOTES:**

- ALL TIMBER DESIGN, CONSTRUCTION & MATERIAL TO BE TO AS 1720 & NEW SOUTH WALES TIMBER FRAMING MANUAL.
- AS 1684 SHALL BE APPLIED TO DOMESTIC CONSTRUCTION IN SHELTERED LOCATIONS.
- SOFTWOOD TO BE MINIMUM GRADE F7 UNDO. HARDWOOD TO BE MINIMUM GRADE F14.
- EXTERNAL TIMBER TO BE EITHER HARDWOOD DURABILITY CLASS 1 OR CLASS 2 AS PER AS 1720.2 OR IMPREGNATED PINE GRADE F7, PRESSURE TREATED TO AS 1614 & RE-DRIED PRIOR TO USE. SUPPLEMENTARY TREATMENT SHALL BE APPLIED TO ALL CUT SURFACES. SUPPLY SUPPORTING DOCUMENTATION FOR PRESERVATIVE TREATMENT.
- ALL BOLTS IN TIMBER CONSTRUCTION TO BE MINIMUM M16 UNDO. BOLT HOLES TO BE DRILLED EXACT SIZE. WASHERS UNDER HEADS AND NUTS TO BE AT LEAST 2.5 TIMES BOLT DIAMETER.
- TIMBER DIMENSIONS ON THE FINISHED WIDTH & THICKNESS TO BE:
  - SEASONED SOFTWOOD +5/-0mm
  - UNSEASONED SOFTWOOD +7/+3/-3mm.
  - LESS THAN OR EQUAL TO F7+2/-4mm
  - SEASONED SOFTWOOD +2/-0mm
  - UNSEASONED SOFTWOOD +3/-5mm (SEE ALSO CLAUSE 14.2 IN AS 1682).
- ALL TIMBER JOINT & NOTCHES ARE TO BE 100mm MINIMUM AWAY FROM LOOSE ENDS, SEVERE SLOPING GRAIN, GUM VENTS OR OTHER MINOR DEFECTS.

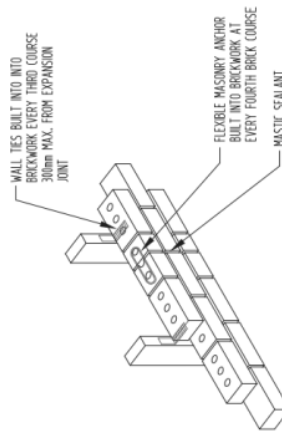
TIMBER DURABILITY		
LOCATION	HAZARD CLASS	DURABILITY CLASS
INTERNAL ABOVE GROUND	H2	CLASS 1 OR 2
EXTERNAL ABOVE GROUND	H3	CLASS 1 OR 2
BELOW GROUND	H5	CLASS 1

**GALVANISE 'T' BAR:**

- PLACE GALVANISE 'T' BAR OVER OPENING ALLOWING A MINIMUM OF 50mm END BEARING EACH END.
- GALVANISE 'T' BAR MUST BE PROPPED BEFORE BRICKLAYING.
  - FROM 240mm TO 330mm SPAN 2 PROPS.
  - FROM 330mm TO 510mm SPAN 3 PROPS.
  - FROM 510mm TO 570mm SPAN 2 PROPS.
  - SPACE EQUALLY ALONG THE LENGTH & UNDER THE BASE OF THE BAR.
- WHEN LAYING BRICKS, MORTAR MUST BE APPLIED TO ALL BRICK FACES COMING IN CONTACT WITH THE 'T' BAR.
- PROPS TO REMAIN IN PLACE UNTIL MORTAR ACHIEVES FULL STRENGTH (7 DAYS MIN)
- A MINIMUM 14 MORTAR MIX IS TO BE USED & APPLIED TO ALL FACE BETWEEN STEEL & BRICKS (VERTICAL & HORIZONTAL LEGS) & BETWEEN BRICKS ABOVE THE STEEL SECTION.
- CHECK ROOF TRUSS LAYOUT PRIOR TO INSTALLATION & REFER NON STANDARD LOADING CONDITION TO ENGINEER. TIMBER BEAMS TO MANUFACTURER'S SPECIFICATION.

**VERTICAL ARTICULATION JOINT NOTE:**

- ARTICULATION JOINTS MUST HAVE A WIDTH NO LESS THAN 10mm
- MASTIC SEALANT IS OPTIONAL IN CAVITY BRICK CONSTRUCTION, HOWEVER IS RECOMMENDED.
- FLEXIBLE MASONRY ANCHORS MUST BE BUILT IN AT EVERY FOURTH 14TH COURSE.
- ARTICULATION JOINTS MUST BE PROVIDED:
  - IN STAGHT, CONTINUOUS WALLS HAVING NO OPENINGS. REFER TO TABLE 4.3 OF AS 3704:2011
  - AT THE POSITION WHERE THE WALL HEIGHT CHANGES BY MORE THAN 20%.
  - AT NO MORE THAN 500mm CENTRES, WHERE OPENINGS GREATER THAN 900x900 OCCUR.
  - WHERE WALLS CHANGE IN THICKNESS.
  - AT CONTROL OR CONSTRUCTION JOINTS IN FOOTING SLAB
  - AT JUNCTIONS OF WALLS CONSTRUCTED OF DIFFERENT, COMPRESSIBLE MATERIAL.
- FOR SINGLE LEAF MASONRY WALLS STABILISED WITH RETURN WALLS, OR ENGAGED PEERS ANY ARTICULATION JOINTS MUST BE WITHIN 300mm OF THE VERTICAL SUPPORT ELEMENT. THESE JOINTS MUST BE SEALED WITH A FLEXIBLE, COMPRESSIBLE MATERIAL.
- WALL TIES TO BE BUILT IN AND FIXED TO THE TIMBER FRAME 200 EACH SIDE OF THE EXPANSION JOINT AT EVERY THIRD EPSO COURSE.
- INSPECTIONS OF THE RESIDENCE & IMMEDIATE SURROUNDS TO BE CARRIED OUT BY A QUALIFIED EXPERT ON AN ANNUAL BASIS.
- ANY FUTURE CRACKING OCCURRING IN THE SLAB IS TO BE ASSESSED BY A QUALIFIED PEST EXPERT & WHERE DIRECTED BE SEALED BY EPOXY INJECTION.
- SITE MAINTENANCE IS THE RESPONSIBILITY OF THE HOME OWNER. ALL RECOMMENDATIONS OUTLINED BY THE CSRO IN BTF 18 TO BE CARRIED OUT.



ISSUED FOR CONSTRUCTION		REVISIONS	
ISSUE:	DATE:	ISSUED FOR CONSTRUCTION	
A	26-Mar-20	DRAWN: A.B.	ENG: C.H.M.
GENERAL NOTES		DATE:	26-Mar-20
		SCALE:	N.T.S
		JOB No:	18920
		SHEET No:	S2

APPROVED:   
 S. NASTASI  
 B.E. M.T.E. AUSTR. CHENG

CUSTOMER: HIBBARDS  
 CLIENT No: 10441  
 PROJECT: LOT 328 COHEN WAY, PORT MACQUARIE, NSW.

**DESIGN SUMMARY:**

SITE CLASSIFICATION	"H" IN ACCORDANCE WITH GEOTECH REFERENCE & AS 2870
SOIL CLASSIFICATION	"H"
AND CLASSIFICATION	"N"
DURABILITY CLASS	NORMAL
SALINITY SITE (REFER TO SALINITY NOTE)	"."
ALLOWABLE BEARING PRESSURE	100kPa

**SLAB DETAILS:**

WAFFLE POD HEIGHT	300 & 225 UNO.
WAFFLE POD SIZE	100x100
SLAB THICKNESS	85mm
BEAM DEPTH	305 & 310
SLAB MESH	SL82
SLAB / FOOTING CONCRETE STRENGTH	25 MPa
PIER	20 MPa

**PIER SPACING (IF REQUIRED):**

PERIMETER BEAM SPACING	F REQUIRED (MAX. 2400)
INTERNAL BEAM SPACING	F REQUIRED (MAX. 3600)

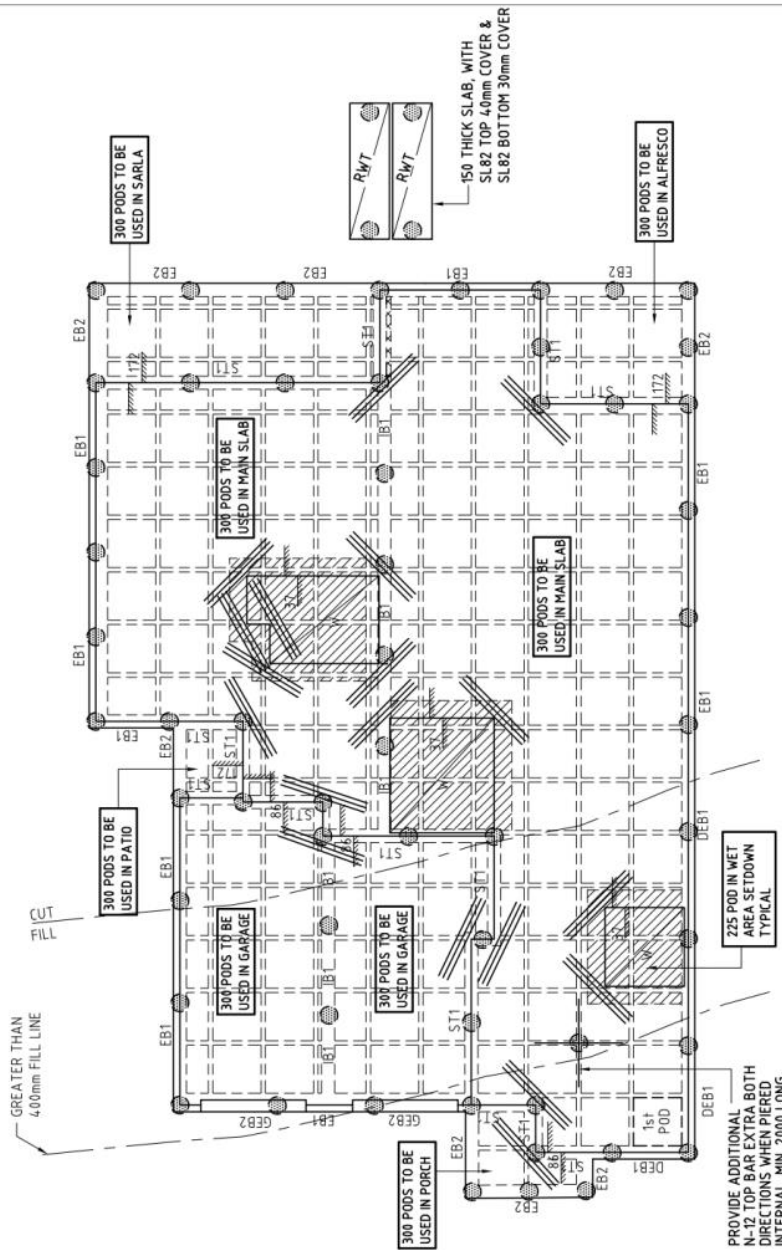
**PIER NOTES:**

- ESTIMATED PIER EMBEDMENT DEPTHS 'D' BELOW NATURAL GROUND 1.1m  
REFER TO SITE INVESTIGATION REPORT.
- ALLOWABLE PIER TYPES:
  - MASS CONCRETE PIERS  $\phi$  400mm UNO.

**LEGEND:**

- REINOTES 3/4-12 OR EQUIVALENT (OR 3-FIFTH OR 2N6) CRACK CONTROL BARS  
200mm LONG TIED TO UNDERSIDE OF SLAB TOP FABRIC.
- BARS MAY BE DELETED WHERE SLAB MESH LAPS AT INTERNAL CORNERS.
- REINOTES WET AREA SETDOWN.
- CONCRETE PIERS
- SHADED AREA DENOTES PODS SET DOWN.
- DENOTES POD EXTENSION.

NOTE: ALL DRAINAGE LINES OR SERVICE TRENCHES MUST BE INSTALLED OUTSIDE THE SLAB ZONE OF INFLUENCE IN ORDER TO NOT AFFECT THE STRUCTURAL INTEGRITY OF THIS SLAB.



**CONCRETE SLAB LAYOUT**  
SCALE 1:100

ISSUED FOR CONSTRUCTION	
ISSUE:	DATE:
A	26-Mar-20
REVISIONS	
ISSUED FOR CONSTRUCTION	
DRAWN:	A.B.
ENG:	C.H.M.
DATE:	26-Mar-20
SHEET NO:	AS NOTED
JOB NO:	18920
SHEET NO:	S3

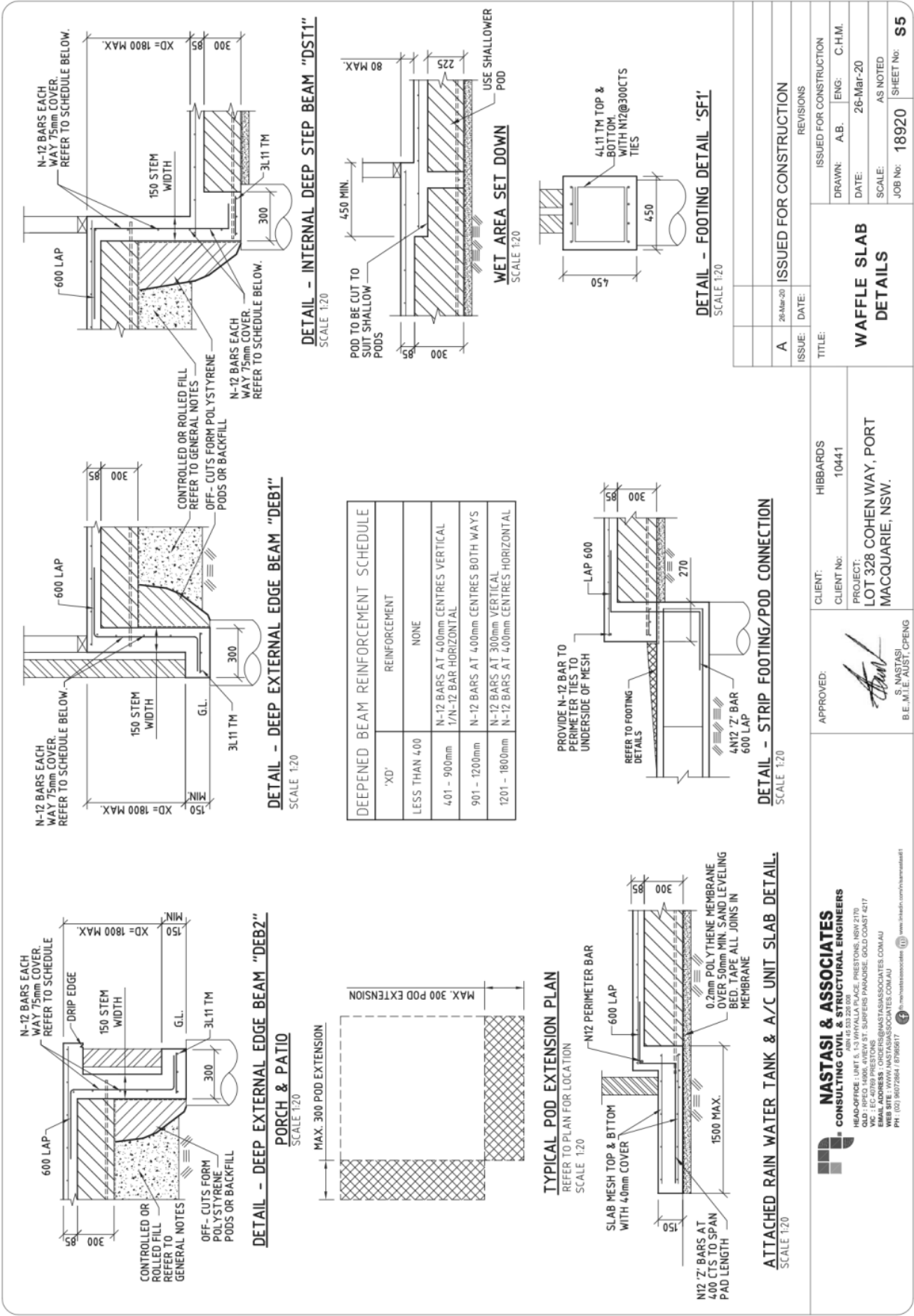
**NASTASI & ASSOCIATES**  
CONSULTING CIVIL & STRUCTURAL ENGINEERS  
HEAD OFFICE: UNIT 15, 18A-18C/23-25/30-32  
QLD: RPOD 1400, 4/VEV ST, SURFERS PARADISE, GOLD COAST 4217  
VIC: EC 40789 PRESTONS  
WA: 40789 PRESTONS  
WEB SITE: WWW.NASTASIASSOCIATES.COM.AU  
PH: (02) 96072864 / 97969517

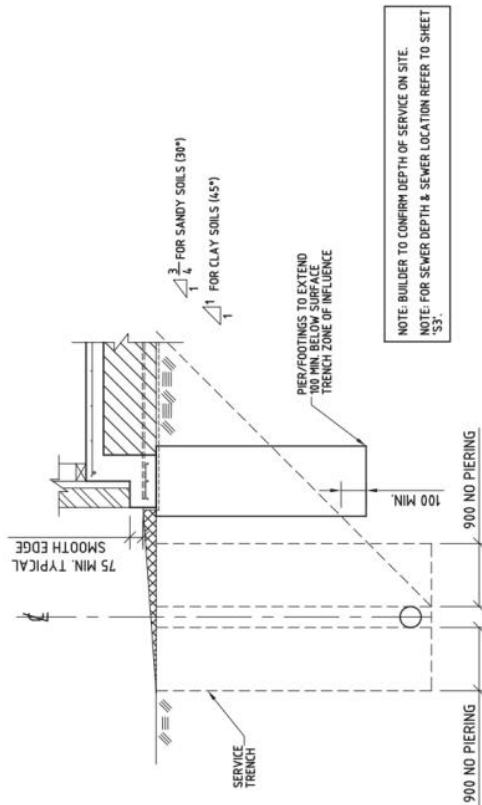
APPROVED:   
S. NASTASI  
B.E. M.T.E. AUSTRALIA

CUSTOMER: HIBBARDS  
CLIENT NO: 10441  
PROJECT: LOT 328 COHEN WAY, PORT  
MACQUARIE, NSW.









**DETAIL - SERVICE TRENCH**  
SCALE 1:20

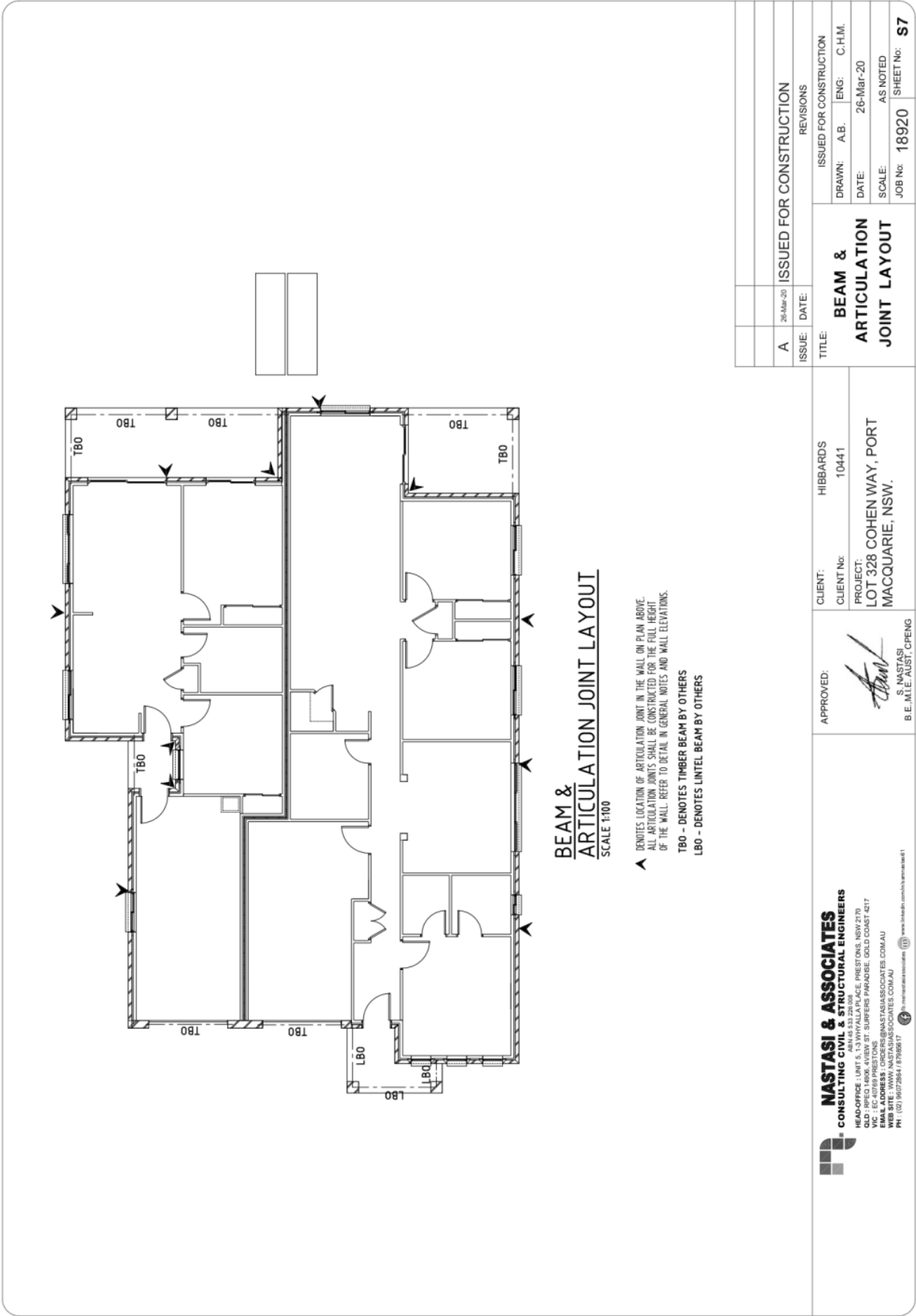
BUILDER IS TO ENSURE THAT THE DRAINAGE CONTRACTOR COMPLIES WITH THIS DETAIL. IT IS OUTSIDE THE CONTROL OF THE ENGINEER TO ENSURE THAT DRAINAGE CONTRACTOR COMPLIES WITH THESE DETAILS

				A	26-Mar-20	ISSUED FOR CONSTRUCTION									
						REVISIONS									
				TITLE:		ISSUED FOR CONSTRUCTION									
				DRAWN:	A.B.	ENG:		C.H.M.							
				DATE:	26-Mar-20										
				SCALE:	AS NOTED										
				JOB No:	18920					SHEET No: S6					

**NASTASI & ASSOCIATES**  
CONSULTING CIVIL & STRUCTURAL ENGINEERS

NEW YORK 10015, 1-3 WHYYALA PLACE, PRESTON, NSW 2170  
HEAD OFFICE 14500, 4 VIEW ST. SURFERS PARADISE, GOLD COAST 4217  
TEL: 07 5591 1111 FAX: 07 5591 1112  
EMAIL: [info@nastasi.com.au](mailto:info@nastasi.com.au)  
WEB SITE: [www.nastasiassociates.com.au](http://www.nastasiassociates.com.au)  
E-MAIL ADDRESS: [orders@nastasiassociates.com.au](mailto:orders@nastasiassociates.com.au)  
PH: (02) 96072864 / 87965617





**NASTASI & ASSOCIATES**  
Consulting Civil & Structural Engineers

### Structural Design Certification

LOT 328 COHEN WAY, PORT MACQUARIE, NSW.

We confirm that Nastasi & Associates are the consulting Structural Engineers for the subject development

This is to certify that the design of the structural elements for the above project has been carried out to conform to the relevant SAA Codes, in particular the following:

<b>AS</b>	<b>1170</b>	<b>Structural Design Actions</b>
		<b>Part 1 Permanent, Imposed and other Actions</b>
		<b>Part 2 Wind Actions</b>
		<b>Part 4 Earthquake Loads</b>
<b>AS</b>	<b>2159</b>	<b>Piling Code</b>
<b>AS</b>	<b>2870</b>	<b>Residential Slabs and Footings</b>
<b>AS</b>	<b>3600</b>	<b>Concrete Structures</b>
<b>AS</b>	<b>4100</b>	<b>Steel Structures</b>
<b>AS</b>	<b>4678</b>	<b>Earth Retaining Structures, (As Applicable to this Design).</b>

I am an appropriately qualified and competent person in this area being listed in the National Professional Engineers Register (NPER) and as such can certify that the design and performance of the design systems comply with the above.

I possess Indemnity Insurance to the satisfaction of the building owner or my principal

<b><u>Name of Design</u></b>	Salvatore Nastasi
<b><u>Qualifications</u></b>	B.E.M.I.A AUST CpEng Nper-3 Accredited Certifier (Structural & Civil) No BPB0289 Board of Professional Engineers (QLDS) RPEQ – 14906 Registered Building Practitioner (VIC) RBP No EC40769
<b><u>Address of Designer</u></b>	Unit 5, 1-3 Whyalla Place, Prestons
<b><u>Business Telephone No.</u></b>	(02) 9607 2864
<b><u>Fax No.</u></b>	(02) 9731 2081
<b><u>Name of Employer</u></b>	Nastasi & Associates

### SIGNED

**SAM NASTASI – B.E.M.I.E AUST CpEng Nper-3**  
Accredited Certifier (Structural & Civil) No BPB0289

BUILDING DESIGNERS | INNOVATIVE | AFFORDABLE | INDIVIDUAL



## STATEMENT OF ENVIRONMENTAL EFFECTS

Date May 2020

CWC Ref D4428

Lot 328 DP 1241368 No 25 Cohen Way, Thrumster

  
collinswcollins PTY LTD

Collins W Collins Pty Ltd  
D4428\_Statement of Environmental Effects.docx

CWC Reference – D4428  
May 2020

**Statement of Environmental Effects**  
**Dwelling and Secondary Dwelling and**  
**Strata Titled Subdivision**  
**(Staged Development)**  
**on Lot 328 DP 1241368 No 25 Cohen Way, Thrumster**

<b>1.0</b>	<b>Proposal Overview .....</b>	<b>3</b>
<b>2.0</b>	<b>Port Macquarie-Hastings Local Environment Plan 2011 .....</b>	<b>3</b>
<b>3.0</b>	<b>State Environmental Planning Policy .....</b>	<b>4</b>
3.1	Building Sustainability Index: BASIX 2004 .....	4
3.2	No 62 – Sustainable Aquaculture.....	4
3.3	Coastal Management.....	4
<b>4.0</b>	<b>Development Control Plan .....</b>	<b>5</b>
4.1	Port Macquarie-Hastings Development Control Plan 2013.....	5
4.2	Non-Compliances .....	7
<b>5.0</b>	<b>Conclusion .....</b>	<b>8</b>



Collins W Collins Pty Ltd

D4428\_Statement of Environmental Effects.docx

CWC Reference – D4428

May 2020

## 1.0 Proposal Overview

An application for a dwelling and secondary dwelling has been submitted by Hibbard Homes – DA 2020.268 and is currently under assessment.

It is proposed to stage the development as follows:

- **Stage 1:** Construction of Dwelling and Secondary Dwelling
- **Stage 2:** Conversion to Dual Occupancy with Strata Titled Subdivision including subdivision infrastructure works, installation of the second water meter and payment of Developer Contributions

The subject site is not mapped as being bushfire prone land.

The information provided in this Statement of Environmental Effects relates to the proposed Stage 2 works – Conversion to a Dual Occupancy with Strata Title subdivision component of the application.

Information relating to the proposed dwelling and secondary dwelling has been previously submitted by Hibbard Homes for DA 2020.268.

## 2.0 Port Macquarie-Hastings Local Environment Plan 2011

### Land Zoning

The subject site is zoned R1 – General Residential. The objectives of this zoning are as follows:

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

The proposed dual occupancy development with subdivision is a permissible land use and provides a housing type that will meet the needs of a community segment. In this regard, the proposal is consistent with the R1 zone objectives.

### Minimum Lot Size

The minimum lot size specified on the Lot Size Map is 450m<sup>2</sup>. The proposal includes an application for Strata Title subdivision to create two (2) lots, with each lot size less than 450m<sup>2</sup>.

Collins W Collins Pty Ltd

D4428\_Statement of Environmental Effects.docx

CWC Reference – D4428

May 2020

As per *Clause 4.1A (3)*, the proposal is permissible given the subdivision of land creates 2 lots and includes the erection of a dwelling on each lot resulting from the subdivision.

**Height of Building**

The proposed new development has a maximum ridge height that is less than 6.5m above existing ground level which complies with the LEP and is consistent with neighbouring developments.

**Floor Space Ratio**

The proposal has a floor space ratio of 0.4796:1, calculated in accordance with the LEP definition, which is compliant with LEP provisions.

**Other**

The subject site is not mapped as having Acid Sulphate Soils, affected by Flood or within a Koala Habitat zoning.

### 3.0 State Environmental Planning Policy

#### 3.1 Building Sustainability Index: BASIX 2004

A BASIX Certificate, and a NatHERS Certificate to satisfy the Thermal Comfort section, have been submitted as part of the Hibbard Homes application (DA 2020.268) demonstrating that the proposed development will comply with the requirements of the SEPP.

#### 3.2 No 62 – Sustainable Aquaculture

Given the nature of the proposed development and the proposed stormwater controls, it is unlikely that the proposal will have any adverse impact on existing aquaculture industries.

#### 3.3 Coastal Management

The subject site is not mapped as being a Littoral Rainforest or Coastal Wetlands and is not within the proximity area for Littoral Rainforests or Coastal Wetlands.

Collins W Collins Pty Ltd

D4428\_Statement of Environmental Effects.docx

CWC Reference – D4428

May 2020

## 4.0 Development Control Plan

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

	DCP Requirements	Proposal	Complies Yes/No
<b>Front Setback</b>	Articulation Zone: 3.0m	N/A	N/A
	4.5m min to primary frontage	4.6m	Yes
	3.0m min to secondary frontage	N/A	N/A
<b>Garage, Carport or Car Parking Space</b>	1.0m behind dwelling line where dwelling is set back 4.5m or more	1.98m	Yes
	5.5m from front boundary where dwelling has less than 4.5m front setback	6.58m	Yes
	6.0m max door width or 50% max of the building width	4.8m = 40.3% of building width	Yes
	5.0m max crossover width or 1/3 max of site frontage	5.0m = 29.4% of site frontage	Yes
	Dual Occupancy on corner lot, garage & driveway to be provided on each road frontage	N/A	N/A
<b>Rear Setback</b>	4.0m to any part of building	5.51m	Yes
	900mm to sheds and swimming pools	N/A	Yes
<b>Side Setback</b>	Ground Floors: 900mm	E: 1.68m W: 1.5m	Yes Yes
	First Floors & Above: 3.0m	N/A	N/A
	12m max unarticulated wall length	E: 17.39m W: 8.03m	No Yes
<b>Open Space</b>	35m <sup>2</sup> in one area	Exceeds 35m <sup>2</sup>	Yes
	4m x 4m min dimension	Yes	Yes
	5% maximum grade for min 4m x 4m area	Less than 5% after construction	Yes
	Accessible from internal living areas	Yes	Yes

Collins W Collins Pty Ltd

CWC Reference – D4428

D4428\_Statement of Environmental Effects.docx

May 2020

<b>Front Fences</b>	Solid: 1.2m max height, 1.0m setback, landscaped  1.8m max height  6m length or 50% of boundary on front boundary OR include landscaped recesses that occupy no less than 50% of overall fence	N/A - no front fences proposed	N/A
<b>Visual Privacy</b>	Ground & First Floor windows 9m radius are screened or obscured	Yes by boundary fence	Yes
	Windows with a floor level 1m above NGL and a sill height of less than 1.5m are screened or obscured	N/A	N/A
	Other floor windows 12m radius are screened or obscured	N/A	N/A
	Direct views within 12m radius from living rooms and principle areas of open space screened or obscured	Yes by boundary fence	Yes
	Privacy screen to deck where setback is less than 3m from side or rear boundary, is greater than 3m <sup>2</sup> and more than 1m above ground level	N/A	N/A
<b>Tree Management</b>	Tree/s listed in Table 2.6.1 to be removed.  Removal of tree 3m or more in height; or, Trunk diameter of 100mm, measured 1m above ground; or, Mangrove or cycad	N/A – no trees to be removed	N/A
<b>Driveway Grades</b>	Driveway crossing max grade of 5% (1 in 20).	Able to comply	Yes
	Transitional grades min of 2m long.	Able to comply	Yes
<b>Car Parking</b>	1 space per dwelling	1 space provided per dwelling	Yes

Collins W Collins Pty Ltd

D4428\_Statement of Environmental Effects.docx

CWC Reference – D4428

May 2020

## 4.2 Non-Compliances

We provide the following in relation to the non-complying issues identified in the table above:

**Issue:** Unarticulated wall length exceeds 12m

**DCP 2013 Clause 3.2.2.5 Objective**

*To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy*

*To provide for visual and acoustic privacy between dwellings*

The proposal incorporates an unarticulated wall length of 17.39m adjacent the eastern boundary which does not comply with the provisions contained in DCP 2013.

The subject wall is single storey with a traditional hip style roofline. In this regard, the proposal will not create visual perceptions of overbearing. The proposal provides an increased side setback of 1.68m to the eastern boundary line which will further assist in reducing perceptions of overbearing and building bulk.

The subject wall contains two (2) bedroom windows, an ensuite window and a media room window, all of which will be adequately screened by the proposed 1.8m high boundary fence. In this regard, the proposal will have minimal, if any, impacts to residential privacy.

Additionally, it is noted that the proposed boundary fence will provide effective screening of the proposed wall which will assist in reducing visual perceptions of building bulk.

Collins W Collins Pty Ltd  
*D4428\_Statement of Environmental Effects.docx*

CWC Reference – D4428  
May 2020

## 5.0 Conclusion

The above assessment has been completed and the proposed dual occupancy with subdivision complies with:

- the State Environmental Planning Instruments;
- Port Macquarie-Hastings Local Environmental Plan 2011; and
- Port Macquarie-Hastings Development Control Plan 2013.

The proposal will not adversely impact on the natural or built environment.

The proposal will benefit the community, both socially and economically.

The proposal is suitable for the site.

This Statement of Environmental Effects is submitted to Port Macquarie-Hastings Council for review.