



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 9 September 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	10/06/20	24/06/20	08/07/20	22/07/20	12/08/20	26/08/20
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 9 September 2020

Items of Business

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06	DA2017 - 736.4 Modification to Manufactured Home Estate and subdivision - 79 Batar Creek Road, Kendall	<u>58</u>
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Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 26 August 2020 be confirmed.

PRESENT

Members:

Paul Drake (Independent Chair)
Robert Hussey (Independent Member)
Group Manager Development Assessment (Dan Croft)

Other Attendees:

Mayor Peta Pinson
Councillor Sharon Griffiths
Development Assessment Planner (Steven Ford)
Development Assessment Planning Coordinator (Patrick Galbraith-Robertson)

The meeting opened at 2:00pm.

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 12 August 2020 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA2020 - 320.1 DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT 130
DP 1248149, NO. 4 SEAHORSE RISE LAKE CATHIE.**

Derek Collins (applicant)

CONSENSUS:

That DA2020 - 320.1 for a Dual Occupancy and Strata Subdivision at Lot 130, DP 1248149, No. 4 Seahorse Rise, Lake Cathie, be determined by granting consent subject to the recommended conditions.

**06 DA2020 - 447.1 ANCILLARY DEVELOPMENT - FRONT AND SIDE FENCING AT
LOT 1 DP 261189, NO 43 THE SUMMIT ROAD, PORT MACQUARIE**

Glenn Schwarzel (opposing the application)
Terrance Stafford (applicant)

CONSENSUS:

That DA2020 - 447 for an Ancillary Development - Front and Side Fencing at Lot 1, DP 261189, No. 43 The Summit Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

07 GENERAL BUSINESS

Nil.

The meeting closed at 2:50pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

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

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 05

Subject: DA2020 - 252.1 MULTI DWELLING HOUSING WITH TORRENS AND STRATA TITLE SUBDIVISION AT LOT 7 DP 758603, NO. 53 NORMAN STREET LAURIETON

Report Author: Development Assessment Planner, Steven Ford

Applicant:	B R Development Pty Ltd
Owner:	Halcyon Development Pty Ltd
Estimated Cost:	\$1,200,000
Parcel no:	14756

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 252.1 for a Multi Dwelling Housing with Torrens and Strata Title Subdivision at Lot 7, DP 14, No. 53 Norman Street, Laurieton, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for Multi Dwelling Housing with Torrens and Strata Title 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 in a significant adverse social, environmental or economic impact.

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

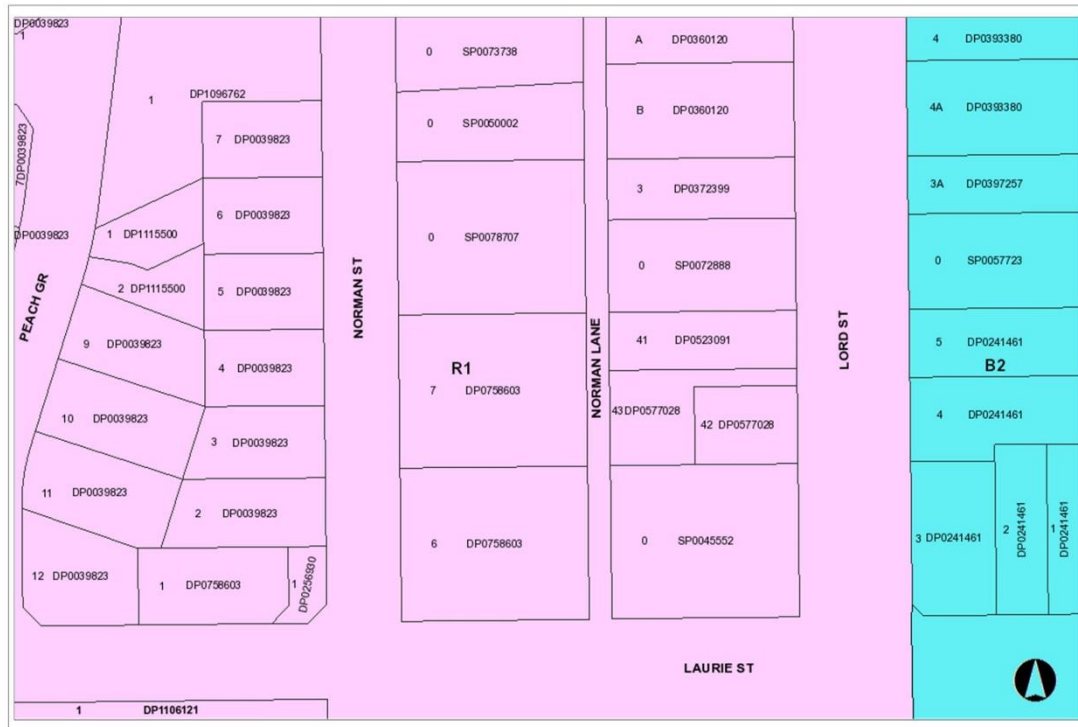
1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 2020m².

DEVELOPMENT ASSESSMENT PANEL
09/09/2020

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:

- Proposed development to occur on approved future Lot 2 of DA2019 - 392 - 1 into 2 lot subdivision.
- 1 into 3 Lot Torrens Title subdivision.
- Construction of 6 x 2 Bedroom Dwellings with Strata Subdivision.

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

Application Chronology

- 15 April 2020 - Application Received.
- 28 April to 11 May 2020 - Neighbour notification.
- 3 August 2020 - Additional Information Received - Amended Bushfire Assessment.

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 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 a coastal environment area.

Clause 7 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

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

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;

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

Clause 15 - The proposal is not likely to cause increased risk of coastal hazards on the land or other land.

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

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

BASIX certificates (number 1084597M, 1086599M and 1086602M) have 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 proposed development for multi dwelling housing is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - The development would provide for a variety of housing types and densities in the locality and contribute to meeting the housing needs of the community.
- Clause 4.1 and 4.1A - The minimum lot sizes do not apply to the proposal as it is characterised as multi dwelling housing development with Strata Subdivision.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is a maximum 6 m 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 0.62:1.0 which complies with the maximum 1:1 floor space ratio applying to the site.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

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

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road 	Front building line setback for each proposed unit is a minimum 4.5m which satisfies the requirements of this clause.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garages setback a minimum 5.5m from front boundary. Requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	All proposed units have a single garage, less than 1/3 of the proposed unit width. Requirements are complied with.	Yes
	Driveway crossover 1/3 max. of site	3x shared driveway	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	frontage and max. 5.0m width	crossings. Maximum driveway crossing is width is 6m (or 3m at each strata frontage). Driveway crossovers have been kept to a minimum. Allows stacked off street parking opportunity in front of garage doors. Shared driveways softens impact to street amenity. This is considered an acceptable outcome in this instance as objectives of this clause have been satisfied.	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback provisions only apply to Lot 3. Objectives have been addressed below.	No*
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	Northern boundary: Unit 1 - 0.98m Unit 3 - 1.53m Southern Boundary: Unit 6 - 0.98m All other side boundaries are internal facing and achieve a minimum 0.9m setback. The minimum side setback requirements are complied with. The wall articulation satisfies the objectives of the development provision.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m ² open space in the rear yard including a	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
		useable 4m x 4m area.	
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	The proposed front fence design is considered to meet the fencing provisions and objectives of DCP 2013. Provides privacy and casual surveillance. No adverse impacts will occur.	Yes
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	The front courtyard to each Unit provides both security and casual surveillance with slat screen infill panels. Fencing design complies.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	The development will not compromise privacy in the area due to a combination of building design and fencing.	Yes

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

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
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	No retaining walls greater than 1m proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m 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	The submitted plans show retaining walls inside of the front boundary of Unit 1 - 0.7m and Unit 2 - 0.2m. 1.8m high combination fence is achievable. No front fence will be longer than 6m and capable of incorporating landscaping. A condition has been recommended requiring plans to be amended demonstrating no front fence greater than 1.8m on the Construction Certificate plans.	Yes
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees have been identified.	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)	Tree over 3 m to be removed are Landscaping/fruit trees at the North West corner of the site.	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 distributor road.	N/A
	Driveway crossing/s minimal in number and width including	Driveway crossings are minimal in width	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	maximising street parking	including maximising street parking	
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.	Proposal involves 6 x 2 bedroom units. Therefore, 6 x 1 space + 6 x 0.25 visitor spaces = 7.5 spaces required, which rounds to 8 spaces. The development proposes 6 x single garages and each driveway has the opportunity for stacked parking in front of each garage door.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping capable around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas 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.	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 relating to 3.2.2.4 - Rear setbacks

The relevant objectives are:

- *To ensure no adverse overshadowing or privacy impacts to neighbouring properties.*

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

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

- Proposed rear boundaries are inward facing to the development.
- Each unit has 2.0m setback to proposed rear boundary, internally, giving 4.0m separation the rear building line of each unit.
- Each unit has 4x4m outdoor living area, and minimum private open space of 35m² min.
- Side setback for each unit is 0.9m and single level build, providing low impact to neighbouring properties.
- Due to single storey, there are no identifiable adverse impacts.

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

N/A

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

Context and setting

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

Roads

The site has road frontage Norman Street to the West, and Norman Lane to the East. Norman Street is a sealed public road under the care and control of Council. Norman Street is classified within AUSPEC as a Local Road with a 20m Reserve Width and a 10m Carriageway. It has existing SA ("upright") kerb and gutter, and intermittent 1.2m wide pedestrian paths along the Eastern Verge from infill development by others.

Norman Lane is also is a sealed public road under the care and control of Council, originally constructed to provided "back lane" secondary access to dwellings with primary access from Norman Street and Lord Street. It is a single lane access way with a relatively narrow 6m Reserve Width and a 3.5m Carriageway. It has intermittent SE ("Layback") kerb and gutter, which is present on the Western Side only where subject site fronts the site.

Traffic and Transport

The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality. The existing carriageway width in Norman Lane of 3.5m and road reserve width of 6m which was never intended to have primary frontage to lots. As a consequence of infill development, the lane currently provides primary vehicular to approximately 7 existing dwellings and secondary vehicular access to another 7. This proposed development would take the total number of dwellings with primary vehicular access to 11, which if a greenfield site would be required by AUSPEC to have an Access Place (carriageway width 5.5m-7m, road reserve width 13.5m-15m). It is also noted that this is one of the last vacant lots along this section of Norman Lane to be developed. The accumulative impact of the proposed development will not adversely impact the lane in such that there is reasonable cause for this development to be required to upgrade the pavement of the lane.

Site Frontage and Access

Proposed Lot 1 has direct frontage to Norman Street, and subsequently proposed access is via a single driveway to service the proposed Lot 1 duplex.

Proposed Lot 2 and 3 have direct frontage to Norman Lane, and subsequently each lot will have a separate driveway to service the proposed duplex on each respective lot.

Due to the type and size of development, additional works are required and will include concrete footpath paving (minimum 1.2m wide) along the full frontage to Norman Street.

Parking and Manoeuvring

A total of 6 parking spaces have been provided on-site within garages with additional 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.

No on-street parking is possible on Norman Lane, and subsequently it would reasonably be expected that proposed Lot 2 and 3 would utilise Norman Street for on-street parking.

Water Supply Connection

Each dwelling requires a separate metered water connection to Council's water main. Any required water main extension is to be at no cost to Council. All design and works shall be in accordance with Council's adopted AUSPEC Specifications.

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

Each Torrens Title lot requires a separate line to Council's sewer main. Any required sewer main extension is to be at no cost to Council. Any abandoned sewer junctions are to be capped off at Council's sewer main. All design and works shall be in accordance with Council's adopted AUSPEC Specifications.

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

Stormwater

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

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

- On site stormwater detention facilities
- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit

Other Utilities

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is in a residential context and 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 significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report together with additional information that has been received during the assessment of the DA prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

Site constraints of bushfire risk 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. A copy of the written submission has been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Privacy impacts to adjoining developments due to alfresco areas and windows proximity to boundaries.	<p>The proposal complies with the minimum requirements of the DCP for side setbacks. Due to a combination of a single storey development and the site's minimal slope, private open space will be adequately screened with boundary fences and visual privacy maintained. Additional screening is not considered necessary in this instance.</p> <p>Due to no variations of the minimum side setbacks, no adverse impacts are identifiable. The perceived impacts are not considered to be sufficient grounds to refuse the application or seek any further remedy via conditions of consent.</p>

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any risks associated with climate change.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
-
- For the purposes of Development Contributions, the layout of each dwelling in the development, and the adaptability of the living areas as habitable rooms, the development was levied as 6 x 3 bedroom dwellings.
-
- A copy of the contributions estimate is included as **Attachment 3**.







5. CONCLUSION AND STATEMENT OF REASON

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

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

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

Attachments

- 1   DA2020 - 252.1 Recommended Conditions
- 2   DA2020 - 252.1 Plans
- 3   DA2020 - 252.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/252****DATE: 31/08/2020****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	11295	B R Development Consulting	20/2/2020
Statement of Environmental Effects	-	B R Development Consulting	20/3/2020
Bush fire assessment	-	Krisann Johnson	3 August 2020
BASIX Certificate	1084597M, 1085599M, 1086602M	Concept Designs Australia	13 March 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:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
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 an appropriate receptacle;
 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.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20200609002022 and dated 14 August 2020, are attached and form part of this consent.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of the development along Norman Street. Footpath paving (unless varied in writing by Council) is to be in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A030) The restoration of any vehicle access or kerb outlet rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (12) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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.

- (13) This consent permits the carrying out the development in stages in any order in regards to construction of individual dwellings and/or subdivision of the Torrens title lots.

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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

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

Such works include, but not be limited to:

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

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate or Subdivision Works Certificate detailed design plans for

the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Road works along frontage.
 2. Sewerage reticulation.
 3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 4. Stormwater systems.
 5. Erosion and sedimentation controls
 6. Location of all existing and proposed utility services including; electricity and communications, water supply, sewerage and stormwater.
 7. Driveway profile and long section in accordance with AS2890, AUSPEC D1 and ASD207/ASD208.
 8. Provision of concrete footpath across the full road frontage of the property along Norman Street, to connect to the existing extents of footpath paving to the north, and to connect into the existing footpath to the south at Laurie Street.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

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

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.
- Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Works Certificate.
- (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) (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.
- (9) (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.
- (10) (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.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:

- a) The legal point of discharge for the proposed development is defined as the kerb and gutter of a public road.

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

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

- b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
- d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- e) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are are to be constructed with which civil works stage.

Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.

- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (13) Prior to the issue of a Construction Certificate, amended plans shall be submitted to the Principal Certifying Authority demonstrating that the combined height of the front fencing and any retaining walls does not exceed 1.8m, and constructed with slat screen infill panels.
- (14) (B195) Prior to issue of the Construction Certificate evidence of lot registration with the lands titles office is to be provided to the Principal Certifying Authority for creation of Lot 2 approved under DA2019 - 392.1.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

- (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.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE OR SUBDIVISION 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) (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) (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.
- (6) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Subdivision Works Certificate with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (7) (E039) An appropriately qualified and practising consultant is to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (8) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.

- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

- (9) (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.
- (10) (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.
- (11) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (12) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (13) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The matching of new infrastructure into existing or future design infrastructure
- (14) (E068) Prior to the issue of a Subdivision or Occupation Certificate, whichever occurs first, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings (including street lighting and fibre optic cabling where required).
- (15) Prior to issue of a Subdivision Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided. The easement and interallotment system, must comply with the requirements of AUSPEC D5.
- (16) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works
- (17) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.

- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) (E195) The Strata 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.
- (20) Before the release of the occupation or strata subdivision certificate, 1.8m high boundary fence is to be erected on all side and rear boundaries.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F035) The consent only permits the use of each unit as a single dwelling only and does not permit the adaption or use of any building so as to create an additional occupancy.

PROPOSED 6x2 BED VILLAS AND
3 LOT TORREN SUBDIVISION
3x 2 UNIT STRATA SUBDIVISION

FOR: HALCYON P/L

BUILDING/ENGINEERING DETAILS
DRAWING No 11295



B.R. Development Consulting
Surveying • Civil & Structural Engineering • Planning

A 64 Lord St, Port Macquarie
P (02) 6583 2733
E office@brconsulting.net.au

DRAWING SCHEDULE	
SHEET No	TITLE
1	COVER SHEET
2	SUBDIVISION PLAN - 3 LOTS
3	GENERAL SERVICES PLAN - 3 LOTS
4	GENERAL NOTES - 3 LOT SUBDIVISION
5	SITE PLAN LOT 1 - UNITS 1&2
6	FLOOR PLAN UNITS 1 & 2
7	ELEVATIONS UNITS 1 & 2
8	DRAFT STRATA SUBDIVISION PLAN UNITS 1 & 2
9	SITE PLAN LOT 1 - UNITS 3 &4
10	FLOOR PLAN UNITS 3 & 4
11	ELEVATIONS UNITS 3 & 4
12	DRAFT STRATA SUBDIVISION PLAN UNITS 3 & 4
13	SITE PLAN LOT 1 - UNITS 5 & 6
14	FLOOR PLAN UNITS 5 & 6
15	ELEVATIONS UNITS 5 & 6
16	DRAFT STRATA SUBDIVISION PLAN UNITS 5 & 6
17	SECTION/ SPECIFICATION
18	OH&S

PLAN FORM 2 (A2) SHEET 1 OF 1 SHEETS

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SP 78707

NORMAN STREET

NORMAN LANE

LOT 1
506.8m²

LOT 2
506.5m²

LOT 3
506.5m²

6
SEC 12
DP 758603

(A) EASEMENT TO DRAIN WATER 1.5 WIDE
(B) PROPOSED EASEMENT TO DRAIN WATER 1.5 WIDE

CAUTION
THIS PLAN IS PRELIMINARY AND IS
NOT TO BE USED FOR ANY
FURTHER SURVEY & INVESTIGATION,
& REGISTRATION AT THE LAND TITLES
OFFICE.
ALL AREAS & DIMENSIONS ARE
SUBJECT TO CORRECTION

PREPARED BY:
B.R. Development Consulting
Surveying & Civil & Structural Engineering & Planning
Office: 15-17/15-18
Phone: 08 836 1000
Fax: 08 836 1001
Email: admin@brdc.com.au

3 TORRENS LOTS
3 x 2 UNIT STRATA

Surveyor:
Date of survey:
Surveyor's ref: 11296

PLAN OF SUBDIVISION
OF LOT 7 SEC 12 DP 758603

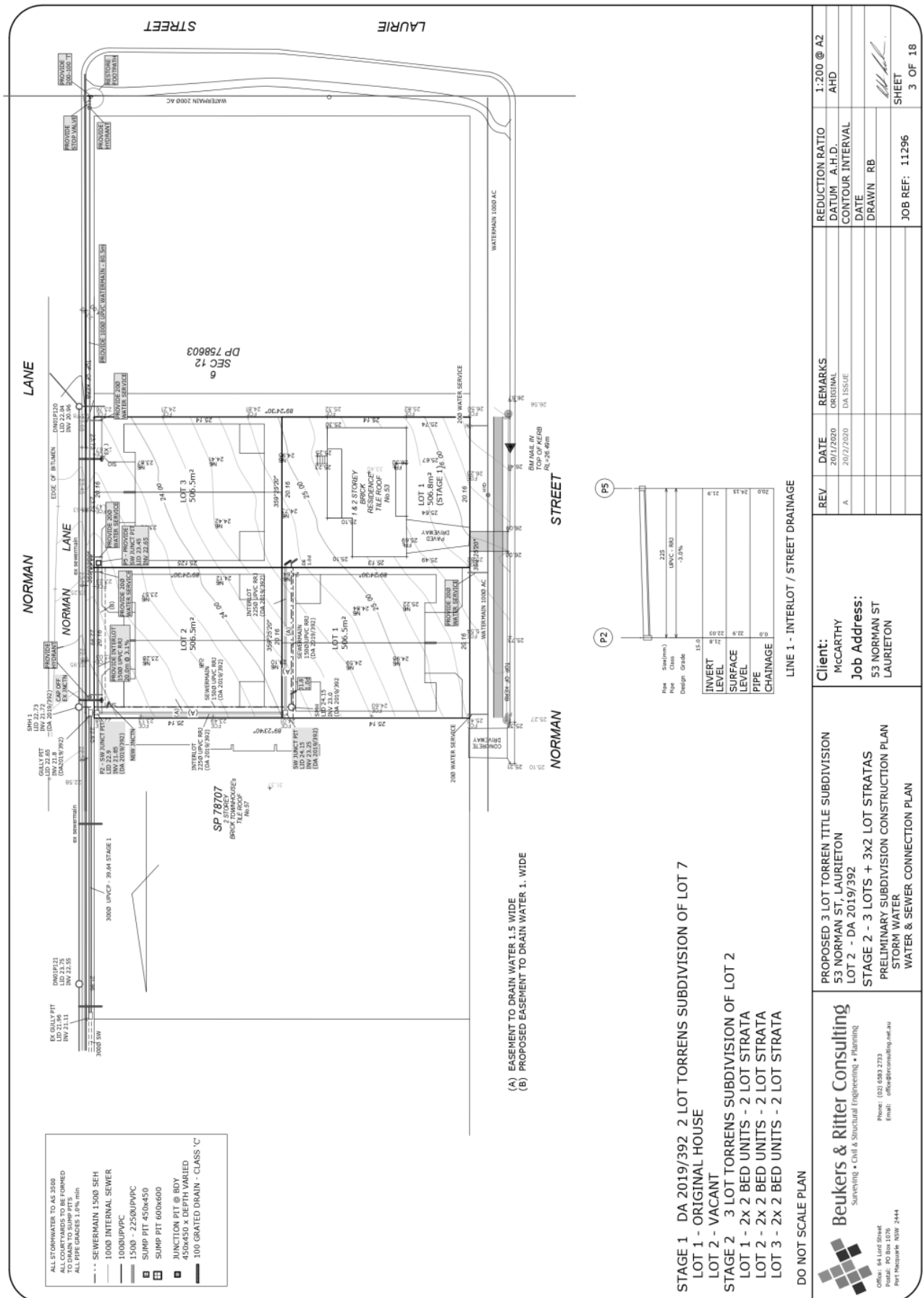
LGA:
Locality:
Subdivision No:

Registered

DP

Lengths are in metres. Reduction ratio 1:300

SHEET 2 OF 18



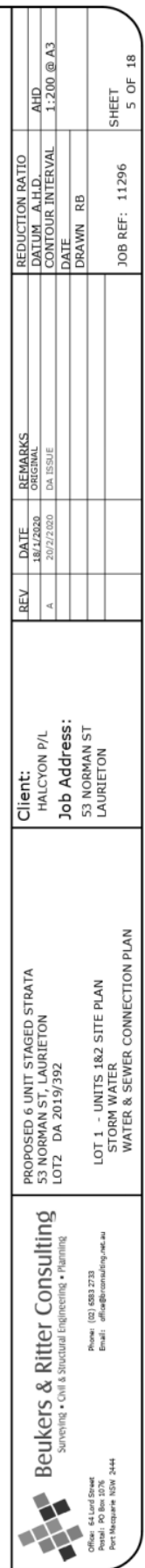
EXISTING SERVICES		GENERAL		ACCESS & SAFETY		SEWER NOTES		DO NOT SCALE PLAN					
<p>➤ All utility services indicated on the drawings originate from supplied data, therefore their accuracy and completeness is not guaranteed. It is the responsibility of the contractor to determine and confirm the location and level of all existing services prior to commencement of work.</p> <p>➤ Care to be taken when excavating near existing services. No mechanical excavations are to be undertaken over communication, gas or electrical services. Hand excavation only in these areas.</p> <p>➤ The contractor shall protect and maintain all existing services that are to be retained in the vicinity of the proposed works. Any damage to these services shall be repaired by the contractor under the supervision of the superintendent, and at no extra cost.</p> <p>➤ The contractor shall allow in the program for the adjustment of existing services (if required) in areas affected by the works unless otherwise noted on the drawings or by the superintendent.</p> <p>➤ The contractor shall ensure that at all times buildings not affected by the works are not disrupted.</p> <p>➤ Prior to commencement of work the contractor shall gain approval of the program of relocation and/or construction of temporary services and for any associated interruption of supply.</p> <p>➤ The contractor shall construct temporary services to maintain existing supply to buildings remaining in operation during works to the satisfaction & approval of the superintendent. Once diversion is complete and commissioned the contractor shall remove all such temporary services and make good to the satisfaction of the superintendent.</p>		<p>➤ This plan is to be read in conjunction with the engineering plans, and any other plans or written instructions that may be issued relating to development or the subject site.</p> <p>➤ Do not obtain dimensions by scaling the drawings.</p> <p>➤ In case of doubt or discrepancy, refer to superintendent for clarification or confirmation prior to commencement of construction.</p> <p>➤ Where new works about existing the contractor shall ensure that a smooth even profile, free from abrupt changes is obtained.</p> <p>➤ These plans shall be read in conjunction with all approved drawings & specifications prepared by other project consultants.</p> <p>➤ It is the contractors responsibility to ascertain in the field the location and level all existing services (Telstra, underground power, sewer, water etc.) and any other structure likely to be affected by the works and take appropriate measures to ensure no damage thereto. Any damage shall be made good at no cost to the proprietor.</p> <p>➤ Location of all drainage lines within easements to be fixed and verified by the superintendent prior to construction.</p> <p>➤ Subsoil drainage is generally required where depth to road subgrade from natural surface is 400mm or more. Install a 3m length of subsoil drain on the upstream side of all drainage pits with an upstream pipe.</p> <p>➤ Surface cut off drains, and other measures as required, to be constructed for erosion and siltation control prior to commencement of earthworks, such measures are to be maintained at all times during construction period.</p> <p>➤ All works in accordance with AUSPEC No. 1 Port Macquarie Hastings Council Version 2003 Edition.</p> <p>➤ All works within road reserves must be carried out by a council registered contractor.</p> <p>➤ Traffic control to AS1742.3.</p> <p>➤ Contractor to take appropriate dust suppression measures as necessary to prevent disturbances to adjoining residences.</p> <p>➤ Filling works shall be controlled fill as defined in AS2870 and AS3798.</p> <p>➤ Traffic management plan by contractor in accordance with AS1742.3.</p>		<p>The contractor shall comply with all statutory & industrial requirements for a safe working environment, including traffic control:</p> <p>➤ The contractor shall ensure that at all times access to all buildings adjacent the works is not disrupted.</p> <p>➤ Where necessary the contractor shall provide safe passage of vehicles and pedestrians through the site.</p>		<p>➤ The contractor shall provide & keep up to date at all times a set of drawings marked in such a manner as to show "Work As Executed." These drawings are to be returned to the surveyor/engineer at the end of construction.</p> <p>➤ One junction is to be installed for each lot as shown by the arrows. The junction is to be installed at the pipe joint nearest the location shown by the arrows. The junction is to be installed at a depth of 1.5m to D.5 manholes are to be shown on "Work As Executed" drawings by the contractor.</p> <p>➤ Junction position to be indicated by 75mmx50mm hardwood stake painted entirely in red oil paint and marked with a chiselled "J".</p> <p>➤ Manhole numbers are to be painted on each lid by the contractor in accordance with the council's standard requirement.</p> <p>➤ Pipe types to be U.P.V.C class S.E.H or ultra rib class S.H.E for line types greater than 3 metres depth and U.P.V.C class S.H for lines less than 3 metres depth. All pipes in water charged ground to be V.C.P. All pipes to be rubber ring jointed.</p> <p>➤ Step irons to be provided to manholes deeper than 1.2m to benching.</p> <p>➤ Trench stops to be provided on all sewer lines where grades exceed 10% or where directed.</p> <p>➤ All trenches in excess of 1.5m deep are to be benched or shored to the satisfaction of the superintendent.</p> <p>➤ Type "D" cement to be used on all sewer works.</p> <p>➤ Design and construction to be in accordance with AUSPEC development specification series No.'s D12 & C402.</p> <p>➤ Connection to council's sewer system to be carried out under supervision of council.</p> <p>➤ Sidelines are to be 150mm extensions constructed off and at the levels of the sewermain.</p>		<p>Client:</p> <p>HALCYON P/L</p> <p>Job Address:</p> <p>53 NORMAN ST LAURIEON</p>		<p>PROPOSED 3 LOT TORREN TITLE SUBDIVISION</p> <p>53 NORMAN ST, LAURIEON</p> <p>LOT 2 - DA 2019/392</p>		<p>REDUCTION RATIO</p> <p>1:200 @ A2</p>	
				<p>REMARKS</p> <p>ORIGINAL</p>		<p>DATE</p> <p>20/11/2020</p>		<p>DATUM</p> <p>A.H.D.</p>					
				<p>REV</p> <p>A</p>		<p>20/12/2020</p>		<p>CONTOUR INTERVAL</p> <p>DA ISSUE</p>					
								<p>DATE</p> <p>RB</p>					
								<p>DRAWN</p> <p>RB</p>					
								<p>JOB REF:</p> <p>11296</p>					
								<p>SHEET</p> <p>4 OF 18</p>					

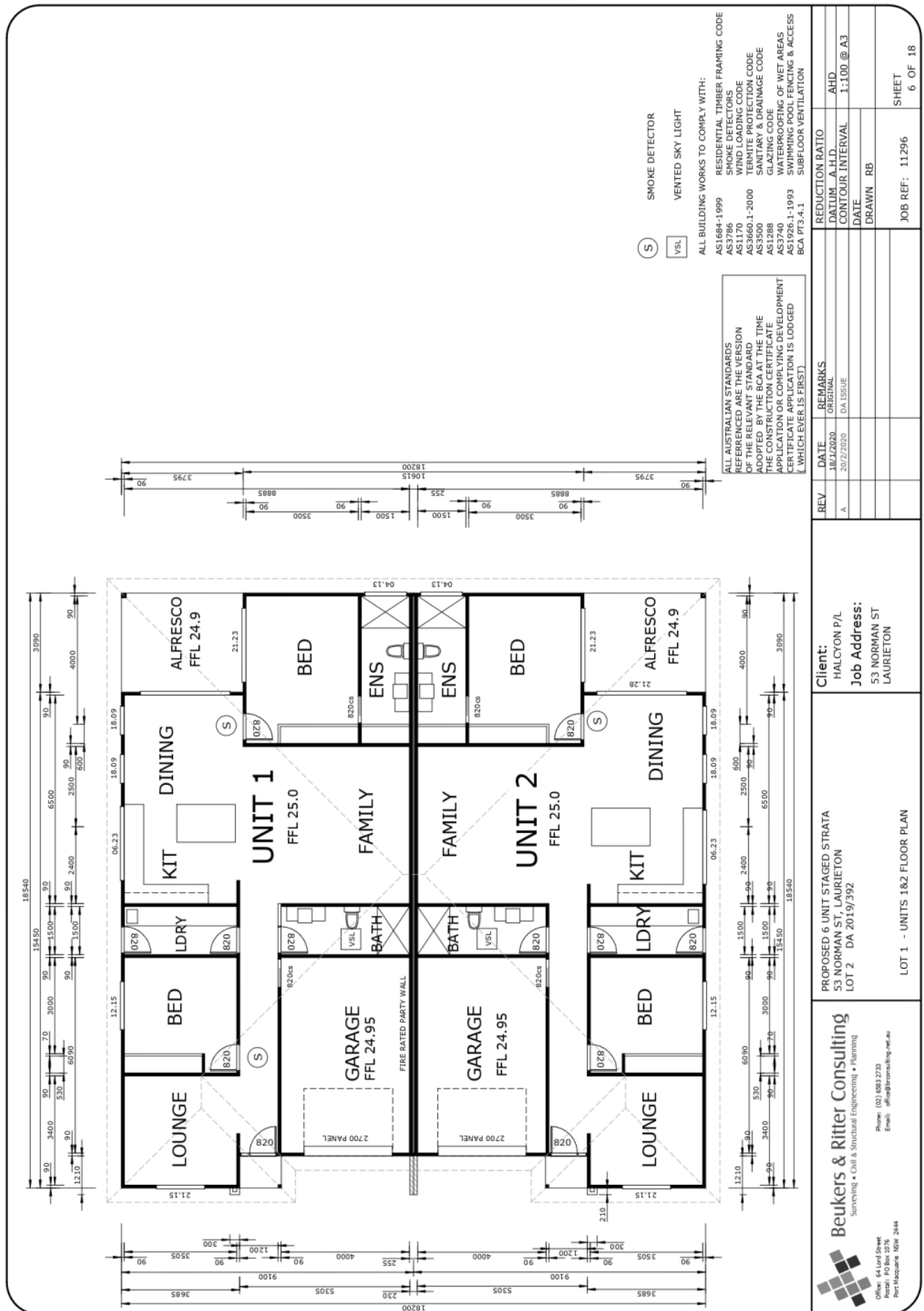


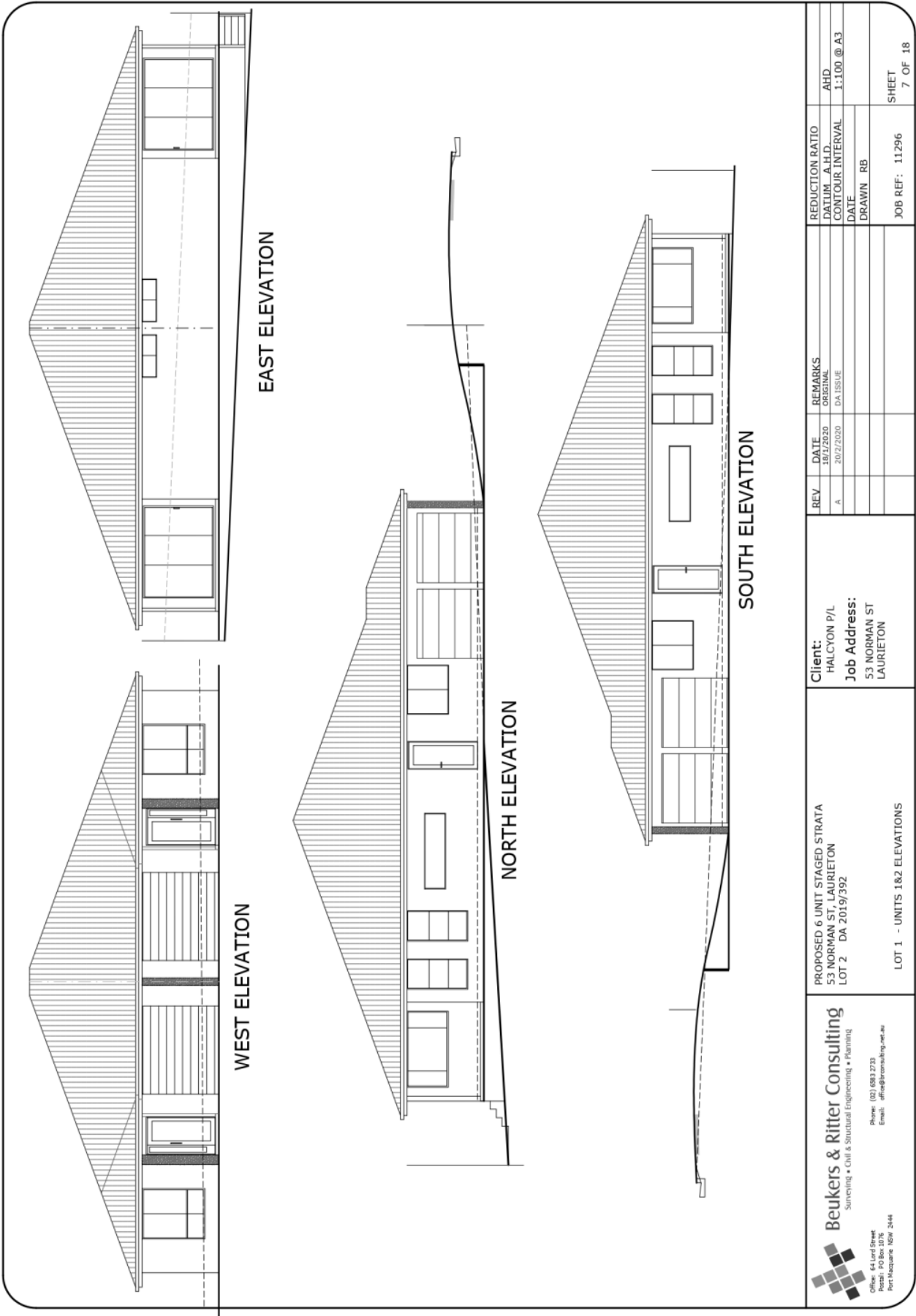
B.R. Development Consulting
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Office: 64 Lord Street
Maitland, NSW 2320
Port Macquarie NSW 2444







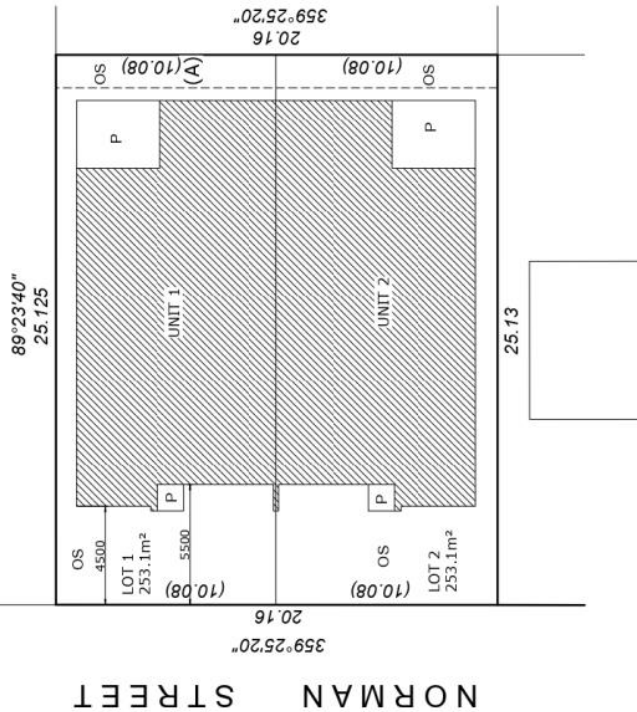
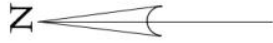
SHEET 2 OF 2 SHEETS

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA PLAN FORM 2 (A3)

NOTES

1. ALL STRUCTURAL FEATURES INCLUDING WALLS, FLOORS, CEILINGS AND ROOFING FORM PART OF THE LOT, EXCLUDING COMMON SERVICE LINES WHICH FORM COMMON PROPERTY.
2. THE STRATUM OF LOTS 1 & 2 EXTENDS BETWEEN 10 BELOW AND 10 ABOVE THE UPPER SURFACE OF THE GARAGE FLOOR OF EACH RESPECTIVE UNIT.
3. ANY SERVICE LINE WITHIN ONE LOT SERVING ANOTHER LOT IS COMMON PROPERTY.



NORMAN STREET

SCHEDULE OF UNIT ENTITLEMENT

LOT	UNIT ENTITLEMENT
1	10
2	10
AGGREGATE	20

CAUTION

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO COUNCIL APPROVAL, FURTHER SURVEY & INVESTIGATION, & REGISTRATION AT THE LAND TITLES OFFICE.
ALL AREAS & DIMENSIONS ARE SUBJECT TO CONFIRMATION

PREPARED BY:

Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning

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Registered

Surveyor: Dallas Laundry
of Beukers & Ritter Consulting P/L
Surveyor's Ref: 11296-LOT1
Subdivision No: 1

Lengths are in metres. Reduction Ratio 1:200

SP

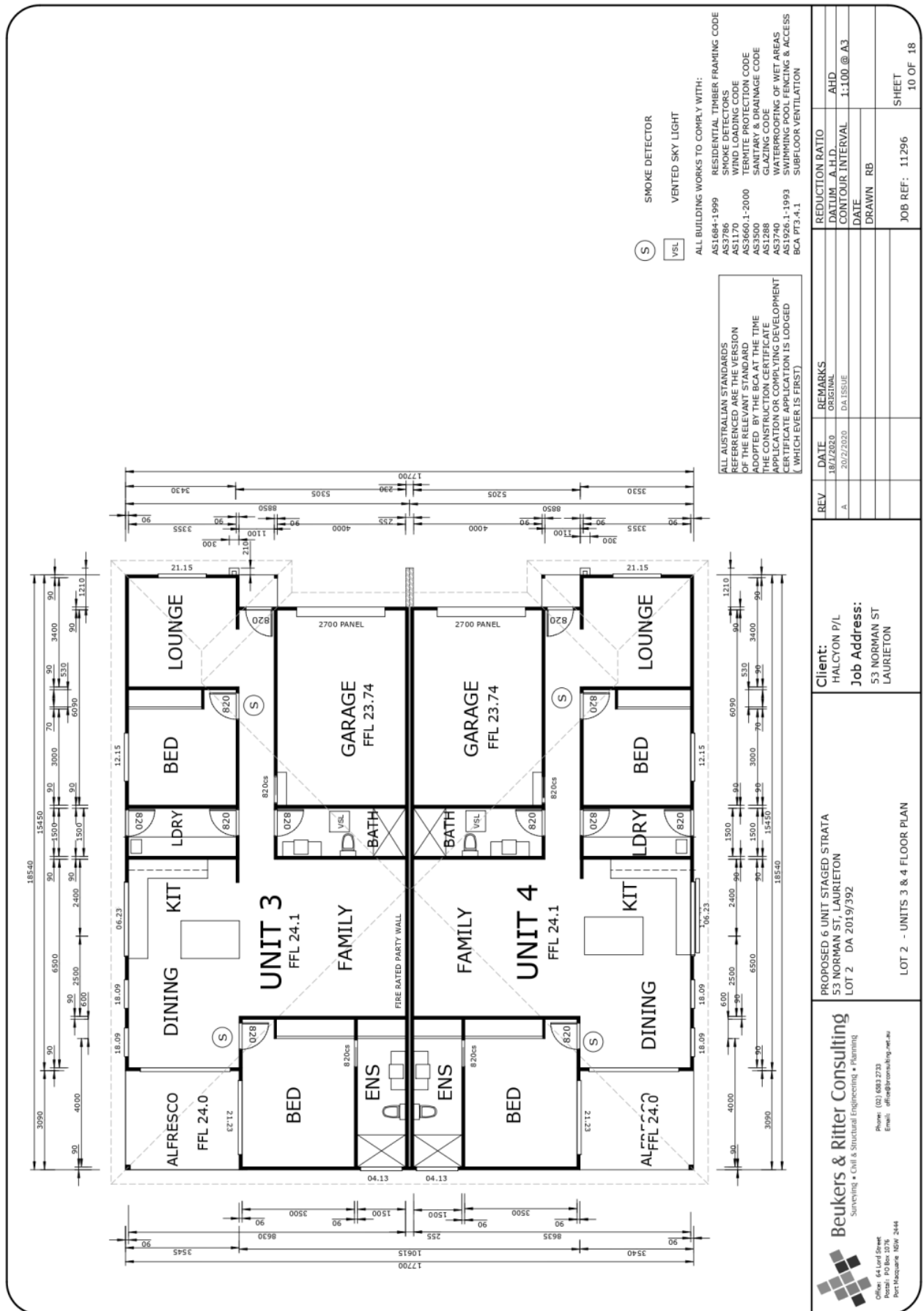
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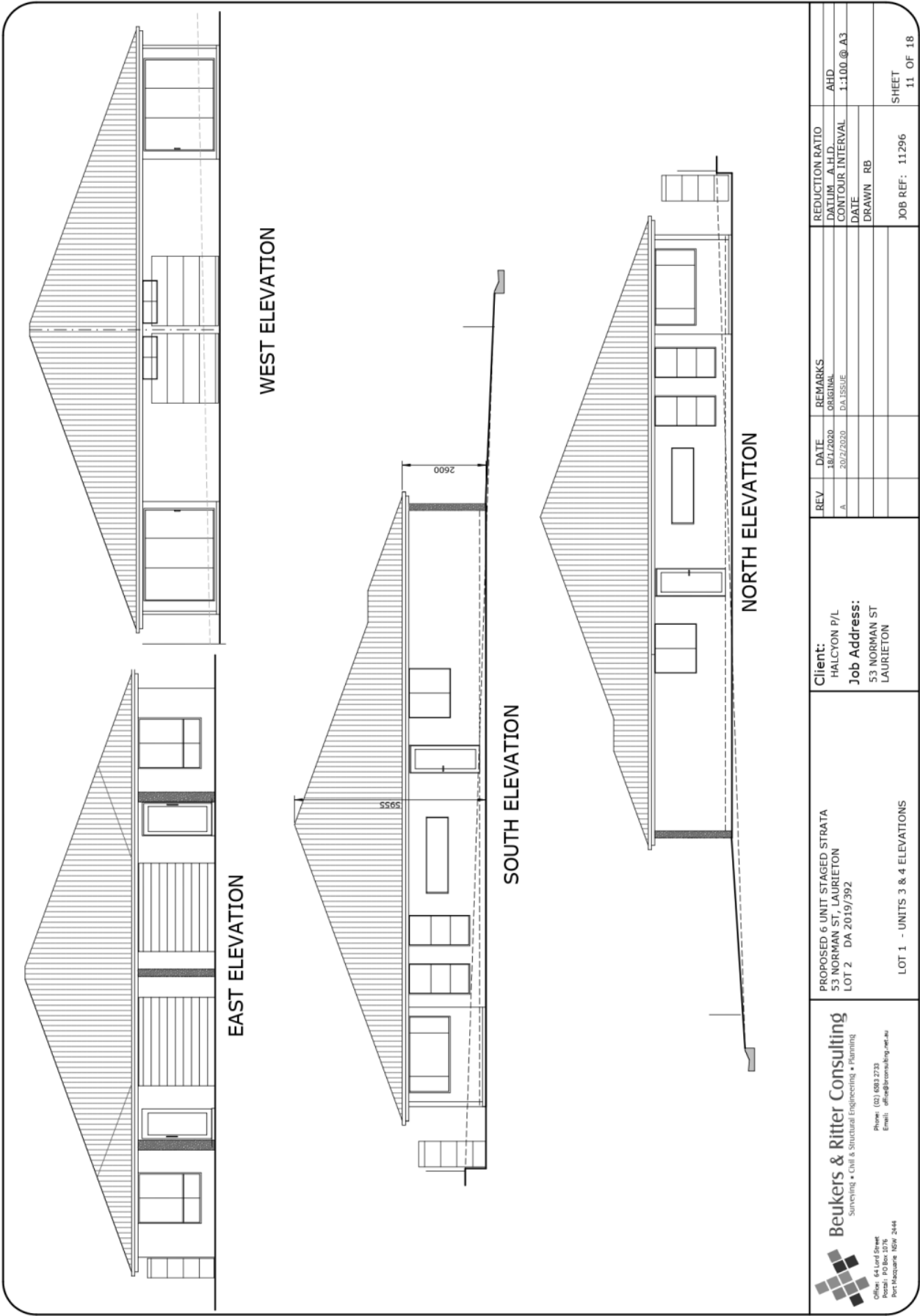
LEGEND:

- P - PATIO
OS - PRIVATE OPEN SPACE
CP - COMMON PROPERTY
F - PROLONGATION OF FACE OF WALL
CL - PROLONGATION OF CENTERLINE OF WALL
CENT. L - CENTERLINE OF CAVITY BETWEEN BRICK WALLS IS BOUNDARY
∟ - 90°

10	20	30	40	50	60	70	80	90	100	110	120	130	140
Table of mm													







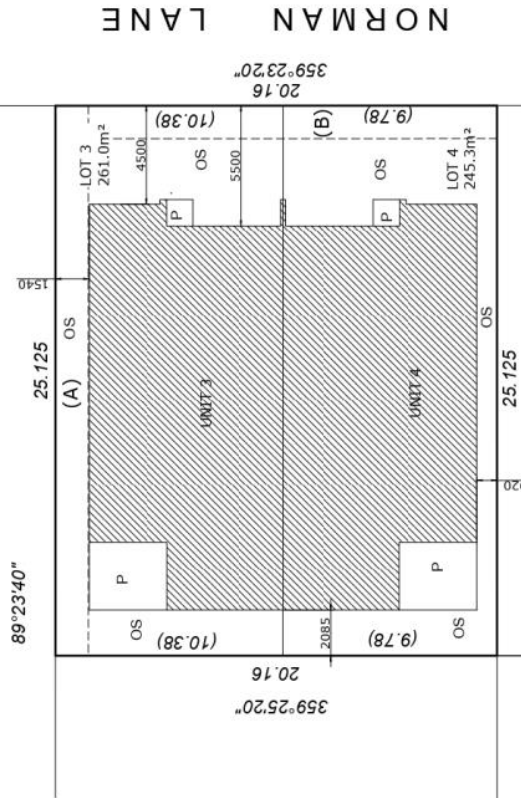
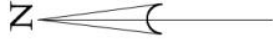
SHEET 2 OF 2 SHEETS

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**SCHEDULE OF UNIT ENTITLEMENT**

LOT	UNIT ENTITLEMENT
1	10
2	10
AGGREGATE	20

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 Fort Neirame: 609 3444

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 Email: office@beukers.com.au

Registered

Surveyor: Dallas Laundry
 of Beukers & Ritter Consulting P/L
 Surveyor's Ref: 11296-LOT2
 Subdivision No: 1

Lengths are in metres. Reduction Ratio 1:200

SP

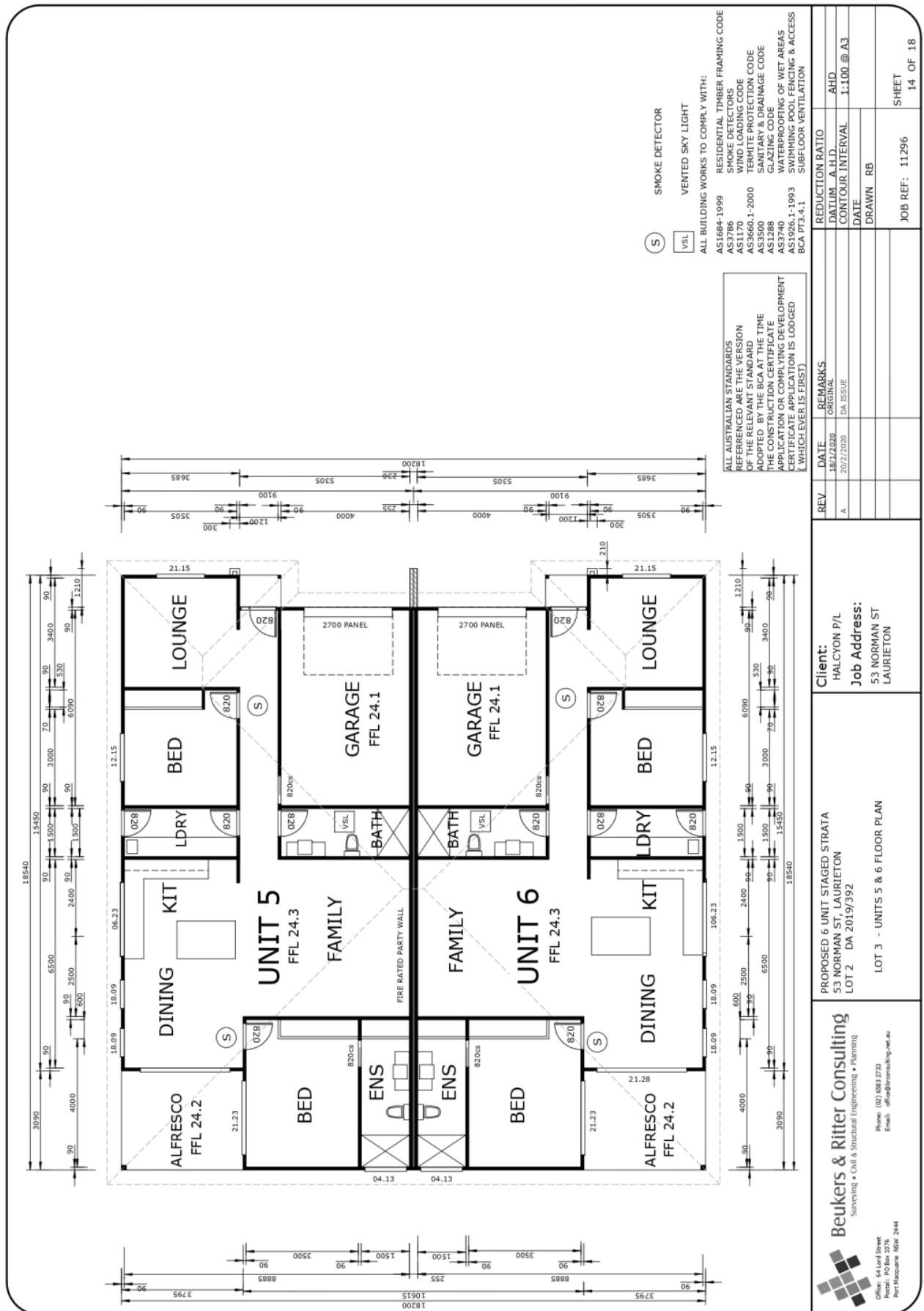
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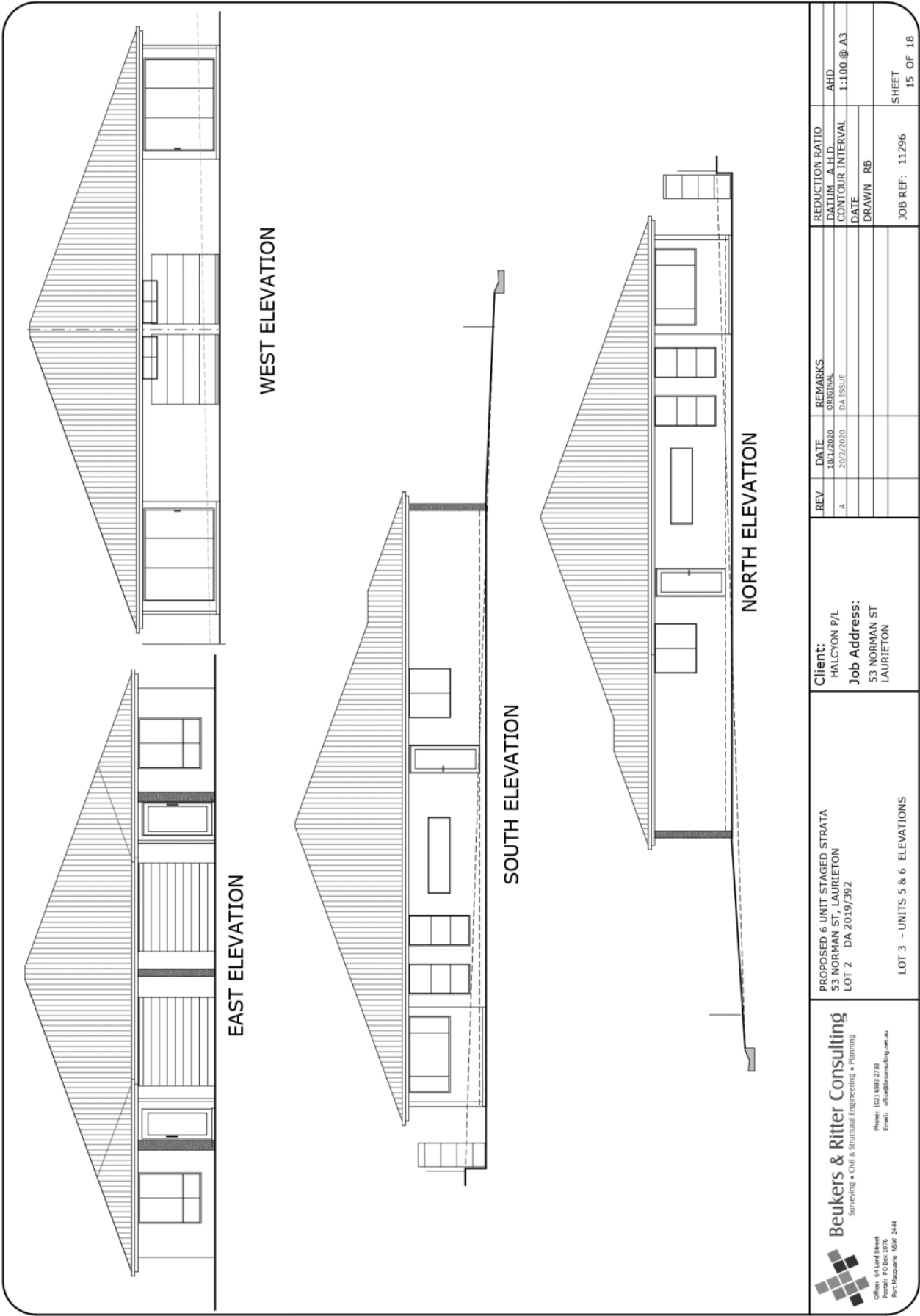
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 90°

Table of mm 90 100 110 120 130 140







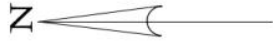
SHEET 2 OF 2 SHEETS

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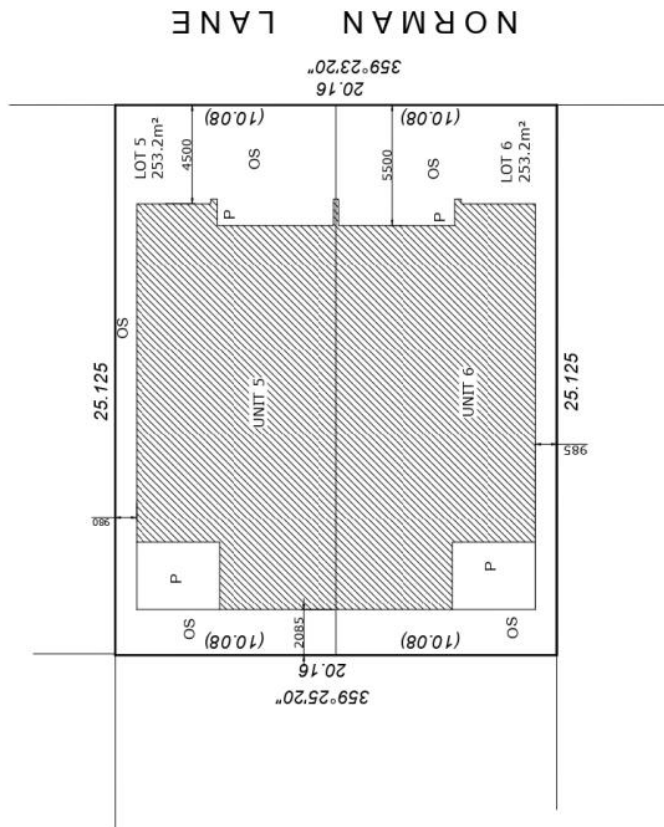
STRATA PLAN FORM 2 (A3)

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**SCHEDULE OF UNIT ENTITLEMENT**

LOT	UNIT ENTITLEMENT
1	10
2	10
AGGREGATE	20



CAUTION

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 Phone: (02) 683 7731
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 Email: info@beukers.com.au

Registered

Surveyor: Dallas Laundry
 of Beukers & Ritter Consulting P/L
 Surveyor's Ref: 11296-L0T3
 Subdivision No: 1

SP

SHEET 16 OF 18

LEGEND:

- P - PATIO
 OS - PRIVATE OPEN SPACE
 CP - COMMON PROPERTY
 F - PROLONGATION OF FACE OF WALL
 CL - PROLONGATION OF CENTERLINE OF WALL
 CENT. L - CENTERLINE OF CAVITY BETWEEN BRICK WALLS IS BOUNDARY
 90°

OH&S REGULATIONS 2011**GENERAL**

Purpose of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig). Where possible and practical, power lines should be disconnected or relocated. Where this is not practical, adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under construction poses a 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.

3. 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.

9. OPERATIONAL USE OF BUILDING

This building has been designed as a residential building. If it, 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.

7. CONFINED SPACES

EXCAVATION
Construction of this building and some maintenance on the existing building may require excavation or other work within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

Enclosed spaces where maintenance or other work is carried out may be required. Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

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. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided. Other manual activity should be restricted in small spaces.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be consulted. Where lifting is required, lifting techniques should be used. All material packaging, building 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. Advice 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 manufacturer's specifications and not used where faulty or in the case of electrical equipment not carrying a current electrical safety tag. All equipment should be used in accordance with the manufacturer's specifications. Personal Protective Equipment should be used in accordance with manufacturer's specifications.

6. HAZARDOUS SUBSTANCES**ASBESTOS**

For alterations to a building constructed prior to 1990: If this existing building was constructed prior to 1990 - it therefore may contain asbestos 1988 - it therefore is likely to contain asbestos. In the case of this building, the asbestos containing material (ACM) should be checked and if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

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 including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber in the structure. Dust or fumes from this material should be controlled. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment 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 packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated. Persons working on or in the building during construction, operational maintenance or demolition should be advised. The manufacturer's 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. Persons working on or in the building during construction, operational maintenance or demolition should wear Personal Protective Equipment including sensitive parts of the body. Personal Protective Equipment 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 and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

2. FALLING OBJECTS**LOOSE MATERIALS OR SMALL OBJECTS**

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that lifting is controlled and that access to areas below the load is prevented or restricted.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 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 in accordance with Code of Work Practice: Managing Risks of Plant at the Workplace. 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.

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



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PROPOSED 6 UNIT STAGED STRATA
53 NORMAN ST, LAURIE
LOT 2 DA 2019/392

LOTS 1-3 - OH & S

Client:
HALCYON P/L
Job Address:
53 NORMAN ST
LAURIE

REV	DATE	REMARKS
A	20/12/2019	DA ISSUE

REDUCTION RATIO	DATE	DATE	DATE
DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE

JOB REF: 11296

SHEET 18 OF 18

Developer Charges - Estimate

Applicants Name: B R Development Consulting Pty Ltd
Property Address: 53 Norman Street Laurieton
Lot & Dp: Lot(s):7,DP(s):758603
Development: Multi Dwelling Housing with Torrens and Strata Title 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	3.8	\$10,085.00 Per ET	\$38,323.00
2 Sewerage Scheme Camden Haven	5	\$3,826.00 Per ET	\$19,130.00
3 Since 1.7.04 - Major Roads - Camden Haven - Per ET	4.4	\$8,361.00 Per ET	\$36,788.40
4 Since 31.7.18 - Open Space - Camden Haven - Per ET	4.4	\$5,941.00 Per ET	\$26,140.40
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Camden Haven	4.4	\$4,403.00 Per ET	\$19,373.20
6 Com 1.3.07 - Administration Building - All areas	4.4	\$900.00 Per ET	\$3,960.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2%	S94 Contribution	\$1,897.70
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$145,612.70

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:

1-Sep-2020

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

B R Development Consulting Pty Ltd, 53 Norman Street Laurieton, 1-Sep-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06

Subject: DA2017 - 736.4 MODIFICATION TO MANUFACTURED HOME
ESTATE AND SUBDIVISION - 79 BATAR CREEK ROAD, KENDALL

Report Author: Development Assessment Planning Coordinator, Patrick
Galbraith-Robertson

Applicant: MHE No.2 Operations Pty Ltd CARE Land Dynamics
Owner: Allam MHE # 2 Pty Ltd
Estimated Cost: N/A - Modification only
Parcel no: 30146, 69622, 30145 and 59523

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 - 736.4 for a modification to manufactured home estate and subdivision at Lot 23, DP 112083, Lot 1 DP 1142845, Lot 1 DP 12219 and Lot 7 DP1262691, No. 79 Batar Creek Road, Kendall, be determined by granting consent subject to the recommended modified conditions.

Executive Summary

This report considers a modification application to a previous approved manufactured home estate and 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, three (3) submissions were received.

The proposal has been amended during the assessment of the application relating to additional changes to consent staging and consent conditions.

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

1. BACKGROUND

History

28 November 2018 - The subject original Development Application (DA2017 - 736.1) was approved by Council's Development Assessment Panel (DAP).

28 August 2019 - A modification application (DA2017 - 736.2) was approved by the DAP. Key aspects of this modification application included a reassessment of consent conditions relating primarily to the following:

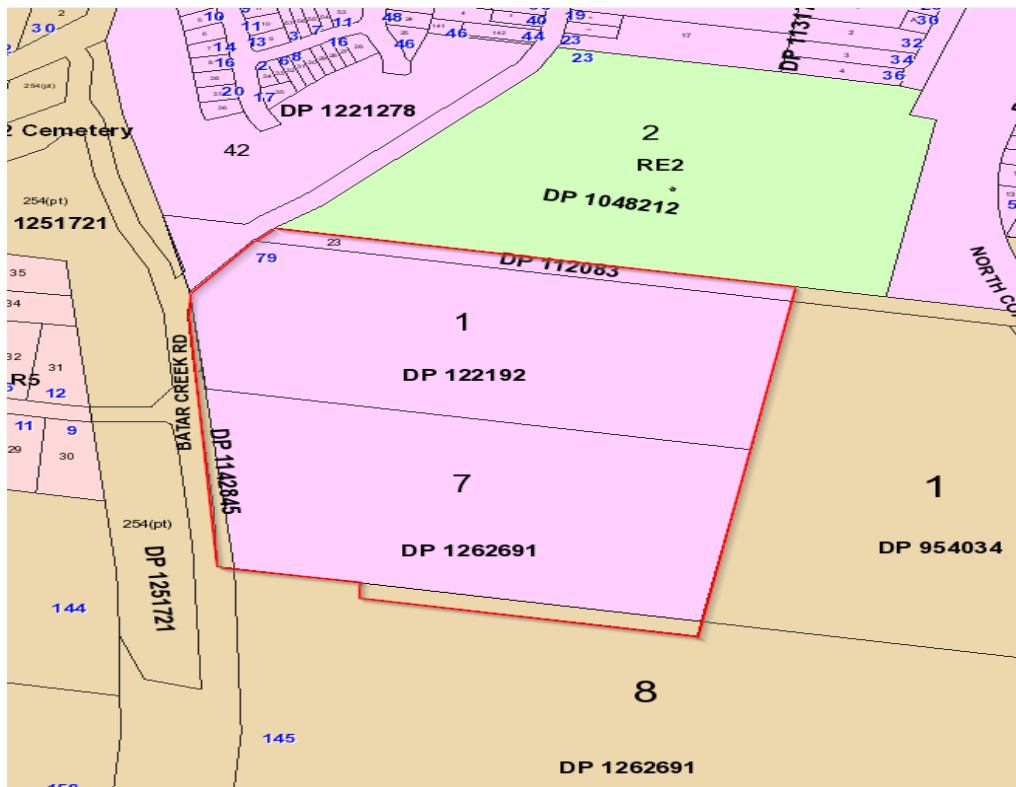
- Extent of road upgrade works, based upon revised traffic generation rates;
- Extent of pedestrian footpath / cycleways;
- Provision of sewer to the adjoining Showground and alignment relating to crossing of Camden Haven River for likely sewer main upgrades; and
- Ability for works in kind arrangements for works beyond those generated by this development.

On 20 May 2020 a modification application (DA2017 - 736.3) was approved by Council staff. Key aspects of this modification application included rectifying a boundary issue on subdivision plans associated with a previous approved DA2006 - 57.

Existing Sites Features and Surrounding Development

The site has a combined area of 21.96 hectares.

The site is zoned primarily R1 general residential and part RU1 primary production 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 (as amended) include the following:

- Changes to the timing of the final community facilities to be completed prior to the occupation of dwellings in Stage 2, rather than prior to occupation of any dwelling in Stage 1;
- Use of the maintenance shed and immediate surrounds as a temporary clubhouse until permanent facilities are operational and then convert building back to a maintenance shed;
- Maintenance shed (temporary clubhouse) moved south (to avoid sewer and stormwater services);
- Maintenance shed to be included as temporary clubhouse for Stage 1;
- Clubhouse moved slightly northwards (to avoid stormwater services);
- Bowling Green relocated (stormwater basin required in this area);
- Visitor parking changed throughout and reduced to 58 spaces;
- Stormwater basins and overflow channel revised (to suit detailed design that is now complete);
- Pathway along Batar Creek Road shown in detail (most suitable location with aim to reduce tree loss). External footpath from the north west corner of the subject property along the Batar Creek Rd frontage of the showground to be 1.5m wide concrete pathway and to assist with protecting the existing trees it is

- proposed than portions of the pathway be a permeable material (e.g. no fines concrete or similar as suggested by Council's engineering department);
- Stage 1 area revised to incorporate all services and earthworks required for Stage 1 facilities;
 - Revised staging plan to include a larger area in Stage 1 in the NE corner and corresponding reduction in size of communal area on Stage 2. This now allows for the maintenance shed (temporary clubhouse), stormwater basins, services and road extension to be part of Stage 1 works;
 - Benching of sites proposed;
 - Internal footpaths within the MHE altered;
 - Modify Condition A(1) to alter the approved layout, staging, servicing and landscape concept plans;
 - Modify Condition B(2) Point 13 and B(18) Point a) to reference 1.5m wide footpath;
 - Seek modification Condition F(4) as the proposed benching alters the current ground levels to be above the required minimum 1 in 100 year flood level including climate change of RL6.11m AHD, as required by Condition B(31). As such, all dwellings which have current habitable floor areas above the shown benched level, which is above RL6.11 (note issue with condition B(31)), should not require a Section 68 application for the installation and only provide a provide a Notice of Completion. Therefore, no sites will require a s68 application for installation and a Notice of Completion is to be lodged with Council within 7 days after its completion and accompanied by the required contributions for that dwelling(s), and specifying the location of each site.
 - Modify Condition F(5) and suggested additional conditions regarding the community facilities.
 - Modify Condition G(6) to allow an on-site manager to be on the site during business hours and be available at all times via an emergency contact phone number rather than permanently reside on the site.
 - Change proposed by Council staff to flooding condition B(31) with regards to the required freeboard required for dwellings to respond to mitigation of flood risk to be increased from 6.11m AHD to 6.61m AHD.
 - The Applicant originally requested a change to condition B(25) to state: *Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site include a 200mm diameter main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site, or as otherwise agreed with Council. Connection to the 100mm Benaroon Drive water main will be required.* The Applicant has subsequently removed this request from the modification application and the current consent condition relating to water supply remains as is.
 - Delete part of condition B(22) - During the assessment of the DA, part of the detailed design has recently raised an issue of street lighting along Batar Creek Road, which will also require the likely removal of any remaining vegetation to accommodate the underground cabling and poles every 40m. Applicant requests deletion of part of Condition B(22) as it is at odds with the work previously undertaken with Council's Engineers to reduce the width of the pathway to enable tree retention in a narrow area.
 - Remove cul-de-sac for Road 3 as the Applicant considers both current approved lots have frontage to the entrance road.

No other changes are proposed to the approved site numbers or road layout or land use.

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

Application Chronology

- 23 June 2020 - Modification application lodged with Council.
- 30 June 2020 - Owner's consent provided to lodge the modification application.
- 6 to 20 July 2020 - Notification of modification proposal including re-notification to previous submitters.
- 16 July 2020 - Additional application processing fees paid.
- 17 July 2020 - Additional information and amended plans lodged - Changes to completion timeframe for final community facilities. Addition of Stage 1B, removing road 3 cul-de-sac and relocate grass area for temporary clubhouse.
- 5 August 2020 - Additional information requested - copies of submissions provided to Applicant for consideration and suggested changes to minimum floor levels for dwellings to mitigate flood risk.
- 11 August 2020 - Applicant withdrawn request to change condition B(25) as currently approved in regards to water supply extension across property to the north-west, and submitted response to submission issues and preliminary engineering plans.

3. STATUTORY ASSESSMENT

Section 4.55 Modification of consents - generally

Section 4.55(1A)(a) Modifications involving minimal environmental impact

The application has been lodged as Section 4.55(1A) on the basis that it is substantially the same development to that which was originally lodged and consented and will have minimal environmental impact.

The likely environmental impacts associated with the modified proposal have been considered and have minimal environmental impact, noting that the change to the plans relate to a minor shift in the community facilities siting and staging, changes to footpaths design as a result of detailed civil design and changes to the timing of the permanent community facilities. There are no identifiable amenity impacts from these changes. The changes are necessary to enable the adequate services to be provided at the correct time and location and for the temporary community facilities to be easily accessed in Stage 1.

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modifications into Section 4.55(1) for modifications involving minor error, mis-description or miscalculation, Section 4.55(1A) for modifications involving minimal environmental impact and Section 4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented.

Section 4.55(1A)(b) Is the proposal substantially the same?

The subject application is being considered under the provisions of Section 4.55(1A).

The Applicant has provided the following details in regards to the substantially the same test:

- The minor change to the location of the maintenance shed (temporary clubhouse) and an increase in community land / drainage land in Stage 1 in the north-eastern corner of the approved MHE layout is substantially the same development due to the overall development remaining for a manufactured housing estate and associated two lot subdivision purposes, and there is no further loss of vegetation and the development is still for the same use with no material element of change (i.e. no additional land use or varying component added). The modification does not alter the nature of the approval and results from the detailed design of the development as approved.
- With respect to qualitative amenity impacts, there is no change to site numbers within the MHE and no external amenity impacts such as traffic or noise from the change. The proposed changes ensure the design of servicing remains adequate and responds to the detailed design currently underway as part of the Construction Certificate preparation. The development is substantially the same as that which was originally approved by Council.
- In considering whether the modified development will be “*substantially the same development*” as authorised by the original development consent, the proposed modified development is to be compared against the development as it was originally approved. That is a factual exercise (comparison of one set of plans and conditions against the proposed modified plans and/or conditions) and in this instance revealed that the proposal remains a manufactured housing estate and associated two lot subdivision purposes.
- The material and physical elements of the approved development remain the same. This modification application does not radically transform the approved development and the key issues relating to site layout, acoustic and aesthetic impacts, tree retention / ecology impacts, and bushfire remain satisfactory. The development remains with an on-site manager, however clarification in the condition is requested as to availability method to be more reasonable. The changes are necessary to ensure the servicing of the development can occur now that the detailed design is underway. The plan set has been updated for consistency and clearly demonstrates minimal change from approved. A comparison of the approved and modified plans would not easily identify the minor changes and would appear as essentially the same development.

Having regard to guidance principles set out in NSW Land and Environment Court caselaw *Moto Projects (No 2) Pty Ltd v North Sydney Council 1999*, the above general justification is considered acceptable to be satisfied that the proposal is substantially the same development. A comparison of the qualitative and quantitative elements of the original approved proposal to the modified proposal (as amended) reveals the proposal will present materially and essentially as a manufactured home estate, subdivision and associated works.

Section 4.55(1A)(c) Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?

Notification has been undertaken in accordance with the regulations and Council's Development Control Plan 2013.

Section 4.55(1A)(d) Any submissions made concerning the modification

Three (3) 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 comment are provided in the table below:

Submission Issue/Summary	Planning Comment/Response
Adverse impact on rural character.	The modification application does not propose to change the general layout or number of approved manufactured home estate sites. The likely impacts to character change were addressed as being acceptable as part of the original assessment and are not considered to be materially altered as a result of the modification.
Impacts of noise, land clearing, construction activity, trucks and traffic impacts in Kendall.	The modification application does not propose to change the general layout or number of approved manufactured home estate sites or the conditions relating to construction methods. No additional clearing is proposed and the traffic impacts are not proposed to change.
Location of bus stop and turnaround at frontage.	The current consent requires as a condition B(19) the following: <i>b) An indented bus bay and landing shall be provided on Batar Creek Road north of the roundabout in accordance with Council's standard drawing ASD 205.</i>
The new footpath will be an ambiguous track which does not connect to a specific location and requires trees to be removed which provide a buffer to other houses.	The Applicant has noted the concern raised in a submission regarding the loss of trees in the road reserve along Batar Creek Rd, in particular along the showground frontage. The modification application seeks in part to minimise the impact to trees with alternate construction methods, design and reduced width. The current consent conditions require: <i>a) A minimum 2.1m wide concrete footpath shall be constructed from the proposed intersection on Batar Creek Road (at Benaroon Drive), and north along the road to the northwest corner of the showground land through the torrens title subdivision to connect to the north-western corner of the site adjacent to the showground land (Lot 2 DP 1048212). The portion of the shareway through the manufactured home estate shall be dedicated to Council for public use1;</i> <i>b) A minimum 1.5m wide concrete footpath from the internal subdivision roads to Batar Creek Road, i.e. 1.5m footpath along future local roads;</i> <i>c) A footpath, min width of 1.5m shall be provided from the showground to the intersection with Albert Street as part of Stage 3 of the Manufactured Home Estate. Pram ramps shall be constructed as necessary. Details shall be provided as part of the Construction Certificate/Roads Act Application.</i>

	The above required footpaths are considered to be a legible public amenity which will provide connectivity opportunities for future residents to the centre of Kendall village.
There is no detail on sewer servicing to the site.	The Applicant has advised that they note the submission from the showground requesting details of the sewer, however stated that the DA includes a concept services plan and the detail is being prepared as part of the detailed Construction Certificate design. It has been further advised that potential lead in routes and the preferred location is still being finalised. The Applicant has advised that they are prepared to liaise with the showground should the preferred route affect their property.
The 20m landscape buffer to the showground has no landscape mound included which was assumed to be proposed to cancel noise to the showground and manage stormwater drainage.	The Applicant has noted the submission from the showground indicating a desire for mounding within the landscaped area between the MHE sites and the northern boundary. It has been advised that this area was identified on the DA plans for landscaping to provide a buffer between the dwellings and the showground. The Applicant has advised of no issue in considering mounding in this area adjacent to the dwellings, however noted it must be carefully designed with respect to the drainage swales in this area. The drainage design is also noted to assist with their concerns raised regarding ponding, with the subject land being lower and accommodating the existing overland flow.
The contour drawings now show the position of the swale to direct water coming down our site from Poets Ridge and past their retention dams and away to the river. Will this cause any back up of water over the adjoining Showground site.	This response is considered satisfactory. The modification application does not materially change this impact/issue.
Concerns with regard to the current water supply Works In Kind Agreement (WIK) and Gwynvill's (adjacent landowner to the west) conditional offer to release the Agreement for the delivery of the watermain from Albert Street to Batar Creek Road. Confirmation required as to whether Council are proposing any changes to the delivery of the adopted water supply strategy in this part of Kendall as part of the current modification to DA2017 - 736.4 and any implications that might have for the future development of Poets Ridge subdivision pursuant to	Following raising this issue with the Applicant, they have advised that with respect to the agreement with nearby adjacent Poet's Ridge subdivision for water supply condition B(25) changes, that they are happy to withdraw the request to change the condition if the agreement from the other party is formally in place in writing. The Applicant has advised that they have been communicating with consultant's King & Campbell on behalf of the owners and understand that they have no objection. The Applicant has advised that they endeavour to seek their landowner's agreement in writing and once received, the condition could remain unchanged. It is recommended that condition B(25) below remains unchanged in this regard: <i>(25) Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site</i>

development consent DA2003 - 638.	<i>include a 200mm diameter main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site. Connection to the 100mm Benaroon Drive water main will be required.</i>
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Section 4.55(3) Any matters referred to in section 4.15(1) Matters for Consideration relevant to the modification

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

State Environmental Planning Policy No. 36 - Manufactured Home Estates

The modified proposal remains satisfactory with respect to the relevant State Environmental Planning Policies. With respect to SEPP 36, the provision of temporary community facilities prior to any dwelling in Stage 1 and the final facilities at the completion of Stage 1 and before Stage 2 commences, ensures that SEPP 36 is satisfied with respect to Cause 9 (in particular point c)) which states:

“(1) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied—

- (a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and*
- (b) that the manufactured home estate is or will be provided with adequate transport services, and*
- (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and*
- (d) that the development will not have an adverse effect on any—*
 - conservation area*
 - heritage item*
 - waterway or land having special landscape, scenic or ecological qualities,*

which is identified in an environmental planning instrument applicable to the land concerned.”

Details have been submitted that the main reasoning proposed for the delay of the final community facilities being provided prior to any dwelling in Stage 1 is to enable practical civil construction. The community facilities are large and will take a considerable amount of time to construct, in excess of the civil or dwelling construction works. These can be under construction for the entire period that Stage 1 is being developed, and temporary facilities will be provided within the maintenance shed (temporary clubhouse) for early residents until such time as the final facilities are completed. In doing so, the issue of dwellings being completed and locked up unoccupied is avoided.

The above request has been assessed as being acceptable particularly given the limited number of MHE sites in Stage 1 (43 MHE sites) relating to the temporary community building and hold point condition for Stage 2 (further 29 MHE sites) occupation of individual manufactured homes within Stage 2. The minimum requirements of this SEPP are complied with.

The modification proposal also proposes a reduction in visitor parking from 70 parking spaces to 58 parking spaces on-site. The minimum required provision detailed in the original assessment was to be 29 visitor spaces provided on-site. The modified proposal provides satisfactory parking spaces numbers in this regard.

There are no other additional issues as part of the modification that change or alter the original assessment under the SEPP.

Appropriate rewording of consent conditions including Condition F(5) are recommended to address the above matters.

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

Clause 7.13 - Satisfactory arrangements remain in place for provision of essential services including the modified arrangements for provision of adequate stormwater disposal.

(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 modification proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

The modification proposal remains consistent with the original assessment and is considered to adequately address the planning controls for the area. The site for the MHE is zoned for residential purposes.

Footpath and street lighting required along Batar Creek Road

The original subdivision DA2006 - 57 on the site (which is to be modified in part by this new DA) was conditioned to construct a 2.1m wide shareway from the site to the showground.

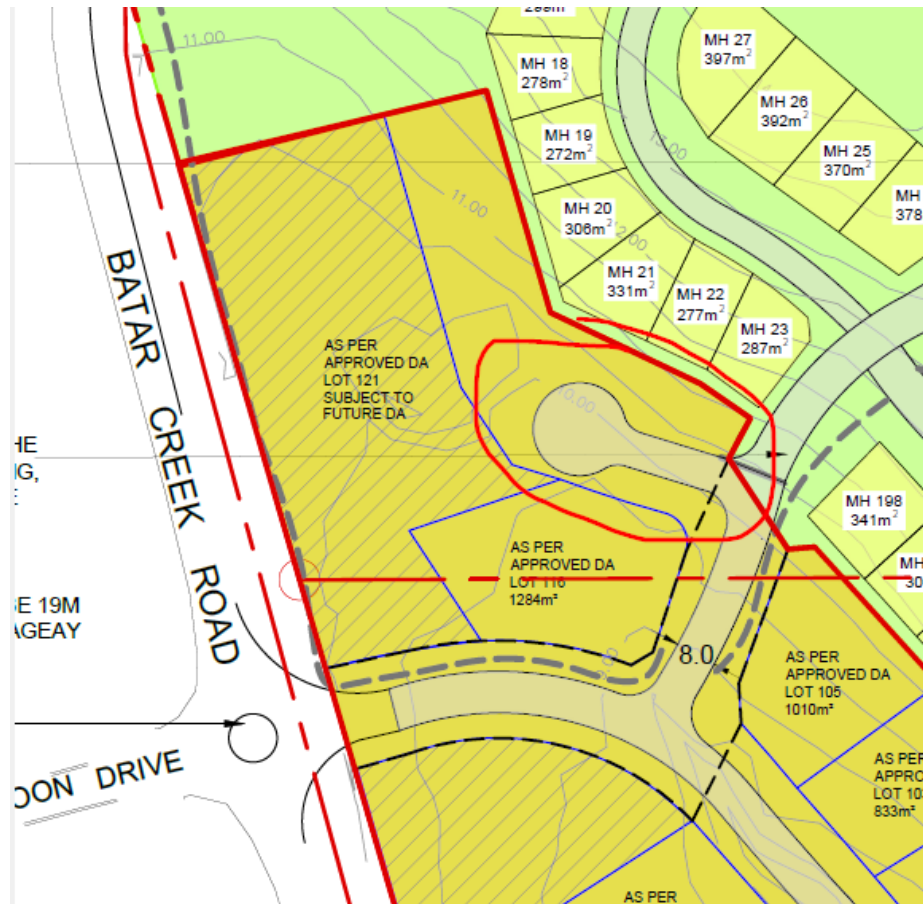
The current development consent for DA2017 - 736, has been conditioned to require a 2.5m wide shareway along Batar Creek road from the Benaroon Drive intersection to the showground and a 1.5m footpath up to the intersection with Albert Street.

Part of the detailed design has raised an issue relating to street lighting along Batar Creek Road, which will also require the likely removal of any remaining vegetation to accommodate the underground cabling and poles every 40m. The applicant has requested that Council consider deleting part of Condition B(22) as it is at odds with the work previously undertaken to reduce the width of the pathway to enable tree retention in a narrow area. The Applicant has confirmed that they have no issue with providing lighting to other public roads and private roads within the development and the approach to the round-a-bout. This change to lighting will assist with tree retention and retention of the rural feel of the road, which is appropriate given this development is on the rural fringe.

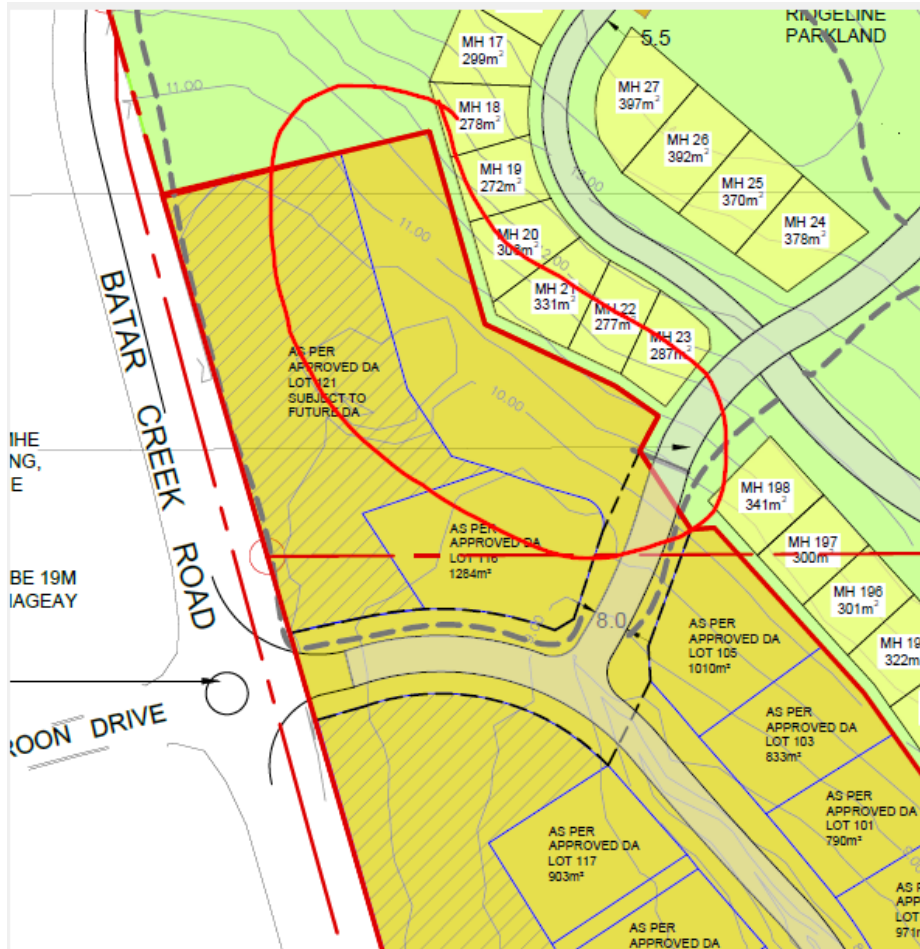
Having regard to the above appropriate changes to consent conditions are recommended.

Removal of cul-de-sac for Road 3

During the assessment of the application the Applicant has additionally requested deleting/removal of the cul-de-sac for previous approved Road No.3 shown below highlighted:

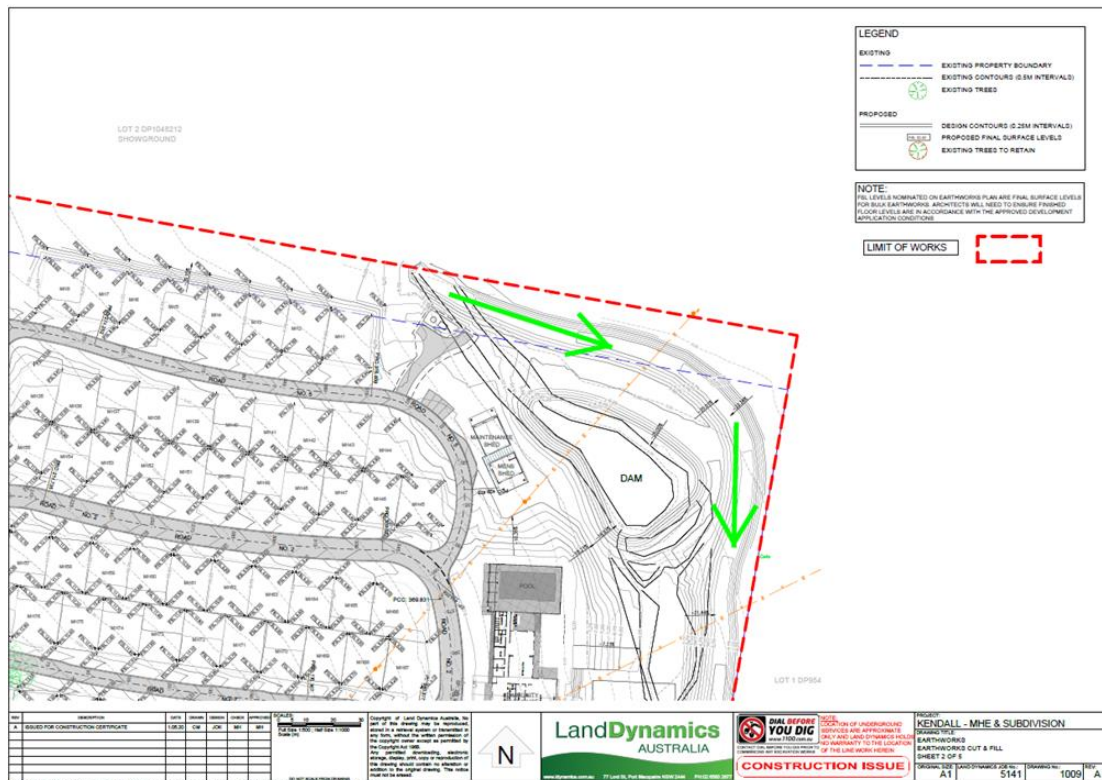


The Applicant considers both current approved lots have frontage to the entrance road. However, it is considered necessary to ensure that this section of land is attached to the residue Lot 121 to ensure there is future opportunity for access at a suitable distance from the intersection with Batar Creek Road. Condition A(28) is recommended to address this requirement. The below image identifies the area to which the new condition applies:



Stormwater

The amended layout has been reviewed in regards to management of stormwater and is generally acceptable. However, it is noted that the earthworks plans show that the existing gully traversing the NE corner of the site is proposed to be realigned around the proposed basins, as shown by the green arrows on the marked up plan excerpt below:



It is unclear if this realignment was required/proposed as part of the original submission, however the fact that the gully is now shown on an earthworks plan as being realigned (which was not originally submitted or assessed) is potentially the reason behind the upstream landowners objections to the modification on the grounds of potential stormwater inundation.

Having regard to the above issue, it is recommended that an additional requirement be added to the current stormwater condition B(35) requiring that:

- (k) Suitable 2D hydraulic modelling be submitted to demonstrate that the realigned natural flowpath/gully located within the north east corner of the site has been designed with equivalent or improved capacity when compared to the existing flowpath. The modelling shall in particular demonstrate that the channel works result in no afflux to up or downstream lots.

Flooding

Flood Planning Levels were documented in the previous consent conditions and Council Development Assessment report refer to extract of conditions below:

(31) The floor level of all habitable buildings must be a minimum of 500mm above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.

During the assessment it was identified by Council staff that there was an administrative error in the wording of the finished floor levels required identified below:

The Text "Suggested wording of Condition F4 should read: "floor level of the dwelling is above 6.61m AHD' not 6.11m AHD.

Clause B(31) required "1 in 100 year flood level including climate change + 500mm freeboard", $6.11m + 500mm = 6.61m$

The above issue has been raised with the Applicant and agreed to. A modified condition amendment has been recommended.

(c) The suitability of the site for the development

The proposal as modified, will satisfactorily fit into the locality. The site constraints have been adequately addressed and appropriate modified conditions of consent recommended.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Condition F(5) and Condition E(21) are proposed to be modified as detailed in **Attachment 1** to this report.
- Development contributions are required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993 in accordance with the current consent conditions. Condition E(21) is proposed to be amended to require a Certificate of Compliance under the Section 307 of the Water Management Act 2000. Staging changes can be addressed with appropriate updated Notices of Payment at the time of required payment.
- Development contributions will remain to 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. Staging changes can be addressed with appropriate updated Notices of Payment at the time of required payment.



5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.55 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.  DA2017 - 736.4 Recommended Conditions
2.  DA2017 - 736.4 Plans

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

ABN 11 236 901 601



?????? 2020

Parcel Number: 30146, 69622, 30145, 59523

MHE No. 2 Operations Pty Ltd
CARE Land Dynamics
77 Lord Street
PORT MACQUARIE NSW 2444

Dear Sir/Madam

DA 2017/736.4 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 23 June 2020 to modify to staging, design and consent conditions associated with previous approved staged manufactured estate, 2 lot subdivision and modification to previous approved subdivision (DA2006 - 57) under DA 2017/736 at LOT: 1 DP: 122192, LOT: 7 DP: 1262691, LOT: 23 DP: 112083, LOT: 1 DP: 1142845 79 Batar Creek Road KENDALL.

Please be advised that pursuant to Section 4.55 (1A) of the Act, your application to modify the consent has been granted, subject to:

- A. Amend the following conditions as outlined in modified consent:
 - A(1), B(2), B(18), B(22), B(31), B(35), E(21), F(4), F(5) and G(6)
- B. Add the following new condition as outlined in modified consent:
 - A(28)
- C. Reimposition of all other previously approved conditions of consent as originally determined 4 September 2010 and as modified 20 May 2020, 9 September 2020 and with this approval dated 9 September 2020.

The applicant is advised that Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

Yours sincerely

Apply electronic signoff

pmhc.nsw.gov.au

PORT MACQUARIE OFFICE
17 Burrawan Street, Port Macquarie NSW 2444

WAUCHOPE OFFICE
49 High Street, Wauchope NSW 2446

LAURIETON OFFICE
9 Laurie Street, Laurieton NSW 2443



SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2017/736 are as follows:

No.1	Modification No.1	4 September 2019
No.2	Modification No.2	20 May 2020
No.3	Modification No.3	9 September 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
Revised Option G – Staging Plan	Drawing No. 2	Land Dynamics Australia	30 June 2020
Revised Option F – Services Plan	Drawing No. 5	Land Dynamics Australia	19 June 2018
Revised Option G – Overall Layout	Drawing No. 1	Land Dynamics Australia	30 June 2020
Revised Option G – Landscape concept plan	Drawing No.3	Land Dynamics Australia	10 June 2020
Stormwater Management Plan for Batar Creek MHE, Batar Creek	5141-SW-RPT01	Land Dynamics Australia	June 2018
Statement of Environmental Effects		Land Dynamics Australia	June 2018
Plan of Consolidation and Subdivision of Lot 23 DP112083, Lot 1 DP122192, Lot 79 DP 655658			13 March 2020
Dwelling Design Reference Guide		Land Dynamics Australia & O'Connell	undated



		Architecture and Design	
Woodglen Character Analysis	Drawing No.4	Land Dynamics Australia	31 May 2018
Entry feature montage			undated
Community facility plans	Drawing 4 to 7	O'Connell Architecture and Design	11 August 2017
Statutory Ecological Assessment	Manufactured Housing Estate on Lot 1 DP 122192 and Lot 79 DP 655658, Batar Creek, Kendall	Naturecall Environmental	August 2017
Social Impact Assessment		All About Planning	31 August 2017
Temporary Community Facilities	Drawing 1	Land Dynamics Australia	30 June 2020
Benching plans	Sheets 1 to 5	Land Dynamics Australia	1 May 2020
Footpath concept plan - Batar Creek Road Showground Frontage	Drawing 1	Land Dynamics Australia	4 May 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.³

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

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

- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved staging plan.

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.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of



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

- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
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 an appropriate receptacle;
 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.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D17/3133 DA18070213789PC and dated 31 July 2018, are attached and form part of this consent.
- (9) (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.
- (10) (A032) The developer is responsible for any costs relating to alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (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.

- (12) Any assets (e.g. roads, pipes, earthworks, vegetation) or land which will be dedicated in future to Council shall only be approved by Council or an accredited certifier as part of a Construction Certificate for Subdivision Works, and shall be constructed under supervision of the Principal Certifying Authority (i.e. Council) even if the asset or land is not intended to be dedicated until a later stage.
- (13) Entrance threshold landscaping and signage shall be located in private lands.
- (14) Prior to issue of any Construction Certificate or Subdivision Certificate, A Notice of Modification to DA2006 – 57 under Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and Section 97(1) of the Environmental Planning and Assessment Regulation 2000 and shall be submitted to Council prior to issue of a Subdivision Certificate for this consent.
- (15) Compliance with the general terms of approval of the Department of Natural Resources under DA 2006/57 dated 29 March 2006, including attainment of a Part 3A permit (now known as a Controlled Activity Approval from the Office of Water) prior to works within 40m from the top of bank of a watercourse.
- (16) Submission prior to the issue of a subdivision certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (17) This consent provides for a total of 198 manufactured home sites within the approved Manufactured Home Estate.
- (18) Unless varied by this consent the manufactured home estate is to comply with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- (19) The development is not to be used for tourist (i.e. short term stay) purposes.
- (20) The use of the community and recreational facilities within the site are for residents or their guests use only.
- (21) Dwellings on the manufactured home estate sites shall only be installed in



accordance with the approved 'Woodglen Character Analysis' plan and 'Design Reference' design guideline.

- (22) The areas approved to be cleared of vegetation in the approved Statutory Ecological Assessment shall be clearly marked (e.g. with stakes and bunting before clearing in order to prevent inadvertent clearance beyond what is required and has been assessed.
- Site induction is to specify that no clearing is to occur beyond the marked area, and vehicles are only to be parked in designated areas. Similarly, any materials are to be stored outside the retained vegetation.
- Clearing and earthworks is to avoid damage to root zones of the retained trees.
- (23) A suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or other relevant service providers. The opportunity to use this space is to be promoted to local medical practitioners and other potential resident service providers by the MHE site manager.
- (24) The MHE operator is to adopt an Internal Neighbour Disputes Policy and this policy is to be referenced in all site lease agreements.
- (25) The MHE developer is to adopt a Local Workers Employment Priority Policy for suitably qualified and available trades for all construction and ongoing operational stages.
- (26) The following ameliorative measures should be carried during clearing works on-site:
1. The clearing extent is to be inspected for Koalas and other fauna by a qualified ecologist immediately prior to commencement of any vegetation removal involving machinery and/or tree-felling. This is to occur each morning if clearing spans over multiple days.
 2. If a Koala is present in an area subject to vegetation removal/modification, works must be suspended until the Koala moves along on its own volition. If the Koala is located in a position that a 50m buffer may be established, works may proceed outside this buffer.
 3. The ecologist is to remain on site to supervise clearing and dewatering of dams to retrieve any fauna detected during works, undertake appropriate action (e.g. euthanize severely injured animals) and ensure Koalas do not enter the site during clearing works.
 4. If any exotic aquatic species are captured during the dam dewatering (e.g. carp) they are to be euthanised on site by the ecologist. Any native aquatic species captured during the dam dewatering are to be released in suitable aquatic habitat nearby.
- (27) The installation of all new homes within the Manufactured Home Estate shall be limited to a maximum two (2) bedroom dwellings. Prior to installation/ construction of the Manufactured Homes the construction floor plan of each dwelling shall be confirmed in writing by a Council Development Assessment Planner to be 2 bedroom dwelling.¹
- (28) The portion of land (previously intended to be dedicated as public road) being included as part of proposed lot 121 (residue lot). This part of land is located to the north of proposed lot 116.³



B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. New roads within the subdivision.
 3. Earthworks, including filling of the land for flood protection.
 4. Sewerage reticulation.
 5. Water supply reticulation.
 6. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. Landscaping.
 10. Bridges/Major Culverts.
 11. Traffic management control plan.
 12. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings.
 13. Provision of pedestrian access ways/shareways a minimum of ~~2.5m~~ ~~2.4m~~ 1.5m wide, from the north-west corner of the site ~~proposed intersection on Batar Creek Road (at Benaroon Drive)~~ to the Showground entrance on Batar Creek Road as part of Stage 1 of the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.³
 14. Provision of a 1.5m wide concrete footpath along Batar Creek Road from the showground to Albert Street as part of Stage 3 of the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.¹



15. Provision of a 1.5m wide concrete footpath along the public roads inside proposed Lot 1 from the proposed intersection on Batar Creek Road to the entrance to the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.
 16. Detailed intersection layout at the junction of Benaroon Drive in accordance with the current version of the AUSTRROADS guidelines for Intersection design, giving particular attention to sight distance.
- (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.
 - (4) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.
 - (5) (B015) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main.
 - (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Construction Certificate.
 - (7) (B019) The local water supply reticulation mains are to loop within the subdivision to minimise dead ends and connect to the existing reticulation wherever possible.
 - (8) (B022) Prior to issue of a Construction Certificate, for the proposed total development, the proponent is to provide a water supply strategy detailing subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.
 - (9) (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.
 - (10) (B052) The provision of 3m x 3m splay corners at public road intersections or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.
 - (11) The design of all car parking, passing bays and internal access roads is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6), the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and Planning for Bushfire Protection 2006. Certification that the design meets these requirements by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.



- (12) (B056) The Stormwater network proposed with the application for Construction Certificate is to include provision to each subdivided lot of a direct point of connection to Council's future piped drainage system.
- (13) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (14) (B070) Where augmentation is required on adjoining property, owner's consent shall be provided to Council with any Section 68 application and/or Construction Certificate application for subdivision works where augmentation is required on adjoining property including:
 - Public and/or private drainage infrastructure (i.e. interallotment drainage, Council drainage)
 - Council's sewer infrastructure (i.e. sewer junction, sideline or manhole)
- (15) (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.
- (16) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (17) Prior to each Construction Certificate for subdivision works, a Compliance Certificate under Section 109(C) of the EP&A Act shall be issued by the Water Authority approving the design of water and sewer subdivision works. The certificate and stamped plans shall form part of the Construction Certificate for subdivision works.
- (18) The provision, at no cost to Council, of concrete foot paving in the following locations in accordance with Council's footpath policy and AUS-SPEC standards:
 - a) A minimum ~~2.5m~~^{2.1m} 1.5m wide concrete footpath shall be constructed from the proposed intersection on Batar Creek Road (at Benaroon Drive); ~~and north along the road to the northwest corner of the showground land~~ through the torrens title subdivision to connect to the north-western corner of the site adjacent to the showground land (Lot 2 DP 1048212). The portion of the shareway through the manufactured home estate shall be dedicated to Council for public use¹;
 - b) A minimum 1.5m wide concrete footpath from the internal subdivision roads to Batar Creek Road, i.e. 1.5m footpath along future local roads;
 - c) A footpath, min width of 1.5m shall be provided from the showground to the intersection with Albert Street as part of Stage 3 of the Manufactured Home Estate. Pram ramps shall be constructed as necessary. Details shall be provided as part of the Construction Certificate/Roads Act Application.¹
 - d) All paths shall be linked together and to bus stops by kerb ramps located safely outside of intersections, and shared cycleways shall connect with on-road cycleways; and
 - e) Approaches to kerb ramps and other hazards or changes in direction shall be fitted with Tactile Ground Surface Indicators to the extent recommended by AS/NZS 1428.4.³
- (19) Construction of a four-way single lane roundabout with the first stage of the development, on Batar Creek Road at the intersection of Road 1 and Benaroon Drive, in accordance with AUSTROADS and Council's AUS-SPEC standards, at no cost to Council, and the following items:



- a) The roundabout is to cater for Large Rigid and Articulated Vehicles (for use by buses, forestry trucks and construction deliveries), in accordance with AUSTRROADS. Swept paths demonstrating vehicle movement shall be provided on the plans.
 - b) An indented bus bay and landing shall be provided on Batar Creek Road north of the roundabout in accordance with Council's standard drawing ASD 205.
 - c) The existing bus shelter structure should (if required by Council's engineer) be relocated adjacent to the new bus bay, keeping the public paintings intact.
 - d) Any road reserve widening to accommodate the roundabout is to be dedicated at no cost to Council.
 - e) A mix of landscaped areas and street trees are to be provided adjacent to the roundabout to create an appropriate entry/exit statement at the town limit and the access to the estate.
 - f) The traffic-calming function of the roundabout shall be enhanced with suitable geometry and/or devices.
 - g) Lighting of the roundabout shall be provided in accordance with AS1158
 - h) Design details shall be approved by Council as part of a Roads Act (s138) application prior to construction.
 - i) The roundabout shall include suitable stormwater drainage infrastructure designed to meet the requirements of AUSPEC D5.
- (20) Batar Creek Road shall be upgraded to a ~~Collector~~ Local Standard with the first stage of the development, between Benaroon Drive and Albert Street, in accordance with Port Macquarie-Hastings Council AUS-SPEC standards and the following items:
- a) Benaroon Drive (Intersection) – Showground
 - i. The section of Batar Creek north of the proposed intersection with Benaroon Drive and south of the entry to the showground, shall have a min. pavement width of ~~7m~~ 6m¹ and 1m sealed shoulder to both sides of the pavement in accordance with Aus-Spec ~~Collector~~ Rural Local Standard. ¹
 - ~~ii. A 2.5m concrete footpath shall be required along this section of road in accordance with Aus-Spec¹~~
 - iii. A detailed Geotech report shall be provided to Council as part of the Roads Act application and shall detail all reconstruction works along this length of road that is required as a result of the road classification upgrade.
 - b) Showground – Albert Street
 - ~~i. This section of Batar Creek road shall be upgraded to Collector standard with kerb and gutter provided to both sides of the road for the full length, matching into existing sections of kerb and gutter.¹~~
 - ii. The culvert sections shall be widened line marked to delineate the lanes north and south bound to suit the collector standard requirements and provide adequate provision for future 1.5m footpaths both sides of the culvert (min. width 12m). ¹
 - iii. As part of this development and for connectivity to the town, a 1.5m footpath shall be provided on one side of Batar Creek Road for this section of road as part of the Manufactured Home Estate.¹
 - ~~iv. A detailed Geotech report shall be provided to Council as part of the Roads Act application and shall detail all reconstruction works along~~



this length of road that is required as a result of the road classification upgrade.¹

- v. ~~Piped stormwater drainage shall be incorporated into the road design to ensure that the upgraded carriageway complies with the requirements of AUSPEC D5~~¹

c) Batar Creek Road north and south of the Benaroon Intersection

- i. ~~A Geotech report shall confirm the integrity of the pavement section of Batar Creek Road south of the proposed intersection, within the 50km/h zone. Any reconstruction works highlighted from the geotech shall be addressed within the first stage of the development. At a minimum the~~ The surface of the existing pavement shall be re-sealed for 50m both sides of the future roundabout in accordance with the requirements of Aus-Spec.¹

- (21) The provision of additional civil works within Batar Creek Road at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Subdivision Construction Certificate.
- (22) All new roads including private roads within the Manufactured Home Estate shall be lit between sunset and sunrise. Batar Creek Road shall be provided with street lighting at the new intersection and roundabout on Batar Creek Road. ~~from the southern extent of the property frontage (R1 zoned land) to the northern extent of the showground land (Lot 2 DP 1048212), also illumination to the public shared cycleway where practicable.~~ For public roads, the lighting classification shall be nominated by Council prior to any Construction Certificate, using Essential Energy's prescribed form. Details of lighting installation shall be shown on the Construction Certificate plans for each relevant stage.³
- (23) Any proposed changes to speed zoning should be referred to Roads & Maritime for consideration prior to the issue of any Roads Act approval for the roundabout.
- (24) Any Regulatory signs and devices proposed on public roads will require the endorsement of the Local Traffic Committee prior to Council's approval.
- (25) Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site include a 200mm diameter main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site. Connection to the 100mm Benaroon Drive water main will be required.
- (26) Each dwelling site shall be individually metered for water supply with a master meter at the road frontage. 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.
- (27) The Council sewerage system adjacent to the proposed development does not have sufficient sewerage capacity to cater for this development. A Sewerage Reticulation Strategy shall be submitted to the Water and Sewer Section for approval prior to release of the Construction Certificate. The internal village sewerage lines are to be private owned and maintained.
- (28) A sewerage pumping station shall be constructed to Council's requirements and discharge into manhole KK04P008MH with an odour control device installed at no cost to Council. If flushing of the proposed sewer pump station is required to



facilitate a sufficiently sized turnover of sewage then this is to also occur at no cost to Council.

- (29) The extension of Council's sewerage system to serve the development by the applicant involves under boring of the North Coast Railway and as such requires Council to enter into a licence with the Australian Rail Track Corporation (ARTC). Prior to the issue of the construction certificate, the applicant is required to submit sewerage plans that satisfy both Council's and the ARTC's requirements. During construction the applicant must adhere to the requirements of Council for the construction of sewer and the ARTC with regard to the licence for the construction of infrastructure within the railway corridor.
- (30) ~~The proposed sewer infrastructure for this development shall be extended at no cost to Council to provide Lot 2 DP1048212 with a gravity sewer connection at the boundary.~~ The sewer rising main route is subject to the approval of the Water and Sewer Planning Manager. The proposed crossing of the bridge will require a detailed assessment and structural certification. Any sewer crossing of the railway reserve shall, as far as practicable, be at right angles to the railway lines.¹
- (31) The floor level of all habitable buildings must be a minimum of 500mm above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.61m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.³
- (32) The floor level of the Community Clubhouse and Men's Shed must be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (33) The floor level of the bowling green, tennis court and other ancillary open space facilities must be at or above the 1 in 20 year flood level. For the purpose of this requirement, the 1 in 20 year flood level may be assumed to be RL4.90m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (34) The level of all roads and land containing habitable buildings and community facility buildings must be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (35) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate and be submitted with the applications pursuant to section 68 of the Local Government Act, 1993 (internal private works) and section 138 of the Roads Act, 1993 (external site works). The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The design is to be generally in accordance with the 'Stormwater Management Plan for Batar Creek MHE, Batar Creek, prepared by Land Dynamics and dated June 2018.



- b) All torrens title allotments within proposed Lot 1 must be provided with a direct point of connection to the piped drainage system. Kerb outlets are not permitted.
 - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5.
 - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - f) Any vegetated stormwater assets to be dedicated to Council within the subdivision as a result of the proposed development must be located clear of any asset protection zones required for bushfire management purposes.
 - g) The design shall be accompanied by detailed modelling of the existing upstream catchment areas to the north/northwest of the development site. The modelling shall demonstrate how flows enter, cross and / or are conveyed along Batar Creek Rd and shall include an analysis of the capacity of the existing open drain and associated culverts located adjacent to the site along the western side of Batar Creek Rd. Any identified overland flowpaths through and / or into the development site shall be mapped.
 - h) The stormwater plan shall demonstrate that stormwater discharge from the development site matches pre-development conditions in relation to flow rates, volumes and the method of discharge across the property boundaries for all storm events up to and including the 1%AEP event.
 - i) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - j) Where other conditions of this approval require the upgrade of existing roadways and intersections servicing the site, the stormwater management plan shall incorporate modelling and details of the stormwater drainage infrastructure to be installed in conjunction with those upgrades to ensure that the upgraded roadways and intersections comply with the requirements of AUSPEC D5.
 - k) Suitable 2D hydraulic modelling be submitted to demonstrate that the realigned natural flowpath/gully located within the north east corner of the site has been designed with equivalent or improved capacity when compared to the existing flowpath. The modelling shall in particular demonstrate that the channel works result in no afflux to up or downstream lots.³
- (36) (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 for any community or recreational building containing food preparation areas.

- (37) (B071) Prior to the issue of any Construction Certificate for community and recreational buildings, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (38) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
 - earthworks that are more than 1m above or below ground level (existing) in any other location;

are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

- ~~(38)~~(39)¹(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 relating to all community and recreation facilities, 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

C – PRIOR TO ANY WORK COMMENCING ON SITE (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (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.
- (4) (C014) Prior to the commencement of work, the location and depth of any water mains on the development site and adjacent land affected by the development is to be established. The water mains are to be clearly marked and protected with safety fencing.



D – DURING WORK (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (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. prior to installing traffic management works
 - c. before commencement of any filling works;
 - d. when the sub-grade is exposed and prior to placing of pavement materials;
 - e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - f. at the completion of each pavement (sub base/base) layer;
 - g. before pouring of kerb and gutter;
 - h. prior to the pouring of concrete for sewerage works and/or works on public property;
 - i. on completion of road gravelling or pavement;
 - j. during construction of sewer infrastructure;
 - k. during construction of water infrastructure;
 - l. prior to sealing and laying of pavement surface course.

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

- (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) (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.
- (4) (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.
- (5) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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



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

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

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

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

[Asbestos Awareness](#)

- (6) (D040) Wastes including vegetation shall not be disposed of by burning.
- (7) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (8) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (9) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (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) (E002) A final report on any archaeological site excavations prepared by the archaeologist shall be submitted to Council and the Heritage Council prior to the occupation of any new development on the land.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E008) Payment to Council, prior to the issue of a Subdivision Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan



- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (5) (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 a Subdivision Certificate of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town sewerage system water supply headworks
 - augmentation of the local area town sewerage system headworks¹
- (6) (E011) Submission prior to the issue of a Subdivision Certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (7) (E013) Restrictions and/or positive covenant must be provided over the overland flow path for on site detention storage areas with appropriate public awareness signage.
- (8) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (9) (E022) Depth markers are to be installed on the swimming pool(s).
- (10) (E026) Occupation of the premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.
- (11) (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.
- (12) (E034) Prior to occupation or the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (13) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum



1.5m easement). Details shall be provided:

- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.

- (14) (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.

- (15) (E042) Creation of drainage easement between lots (i.e. interallotment)

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

- a. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.
- b. Where easements are associated with a subdivision, the easement shall be established with the plan of subdivision and Section 88B instrument.
Details to be submitted to Council prior to issue of Subdivision Certificate.

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

- (16) (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.

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

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

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

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (18) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

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

- (19) Prior to occupation or the issuing of any Occupation Certificate for a community or recreational building a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.



- (20) (E053) All works 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.
- (21) (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 or installation of any manufactured home.³
- (22) Landscaped areas being completed in accordance with the stamped approved landscaping plans and staging plans prior to occupation or issue of the Subdivision Certificate. Public landscaping may be bonded as agreed to by Council.
- (23) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.
- Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:
- Forward all plans to the service provider for comment;
 - Include instruction for completion of 'Lighting Requirements';
 - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
 - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.
- (24) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (25) (E068) Prior to the issue of a Subdivision Certificate or an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (26) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (27) (E076) The plan of subdivision and 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. Prohibiting direct vehicular access to and from Batar Creek Road.
- b. Restriction as to user in respect of the Manufactured Home Estate site for a private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractor. All wastes are to be collected as separate waste streams.
- c. Restriction as to user in respect of the Manufactured Home Estate to restrict all dwellings installed to be restricted to a maximum 2 bedroom dwellings.

Details are to be submitted to Council prior to issue of the Subdivision Certificate.¹

- (28) (E077) The completion of all works required under Council's consent to Development Application No. 2006/57 prior to the issue of a Subdivision Certificate or the registration of a satisfactory 88B instrument which restricts the development of proposed Lot to that approved under that consent.
- (30) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (31) The Applicant is required to make provision in the application for a Subdivision Certificate for dedication of any public road of a 3m splay corner.
- (32) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (33) (E027) A final site inspection of any community or recreational building containing any food preparation areas shall be arranged by the Applicant and shall be undertaken by Council's Environmental Health Officer.
- (34) Prior to release of Subdivision Certificate a Vegetation Management Plan (VMP) is to be prepared and submitted to Council for approval to manage the offset plantings of Koala food trees and regeneration areas on the property. This will detail the works required, location of planting areas, timeframes, and parties responsible for implementing the works and cost estimates to carry out the works. The approved VPM is to be implemented for the life of the consent.

F – PRIOR TO OCCUPATION OF INDIVIDUAL MANUFACTURED HOMES / ISSUE OF CERTIFICATE OF COMPLETION IN ACCORDANCE WITH SECTION 69 OF LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVANS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

- (1) The installation of a manufactured home within the estate is to comply with Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- (2) (E008) Payment to Council of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based



upon the number of bedrooms in the individual manufactured home/s, 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 Levy Contributions Plan
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (3) (DG026) 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 of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based upon the number of bedrooms in the individual manufactured home/s. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plans and towards the following:

- augmentation of the town water supply headworks
- augmentation of the town sewerage system headworks

- (4) Timing of payment of monetary contributions:

~~A Section 68 application for the installation of a manufactured home is to be lodged with Council, including a site map indicating the location of each site. Council may then issue notification of contributions payable.~~

Prior to occupation of any dwelling(s), a Notice of completion is to be lodged with council accompanied by the required contributions for that dwelling(s), and specifying the location of each site.³

- (5) Community facilities provision:

1. The temporary community facilities utilising the Maintenance Shed and surrounds shall be completed and Occupation Certificate issued prior to occupation or the issue of any certificate of completion of any manufactured home within the estate.
2. The permanent long term community and recreational facilities shall be completed and occupation certificate issued prior to Occupation or the issue of any certificate of completion of any manufactured home in Stage 2 within the estate.



3. Upon operation of the permanent community building, the temporary community building is to cease operation and be converted as part of Stage 2 works to a maintenance shed.³
- (6) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (7) (E034) 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.
- (8) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority that the construction of the car parking, passing bays and internal accesses has been completed in accordance with the certified design.
- (9) (E053) All public infrastructure works and works on public land shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue the issue of a certificate of completion for any dwelling or release of the security bond, whichever is to occur first.
- (10) (E062) 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.
- (14) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (15) (E064) Provision of street lighting to all new public and internal roads in accordance with AS1158. Certification from the lighting designer, indicating compliance with this condition, shall be submitted prior to the occupation of any dwelling on any site.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) within public roads shall include:

- Forward of all plans to the service provider for comment;
- The electricity authority's lighting consent form being completed to the satisfaction of Council;
- Referral to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
- Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.



- (16) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. The copyright for all information supplied, shall be assigned to Council.
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of works.

G – 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, residents and visitors to the Manufactured Home Estate.
- (2) (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.
- (3) (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.
- (4) A community bus service shall be available to the residents of the manufactured home estate. The bus service shall include daily return trips into the Kendall main street and regular trips into Laurieton. A community bus time table is to be developed and distributed to residents and is to be reviewed at annually in consultation with MHE residents by site management to ensure the community bus service is meeting the needs of the MHE residents.
- (5) A community bus timetable is to be developed and distributed to residents. The timetable shall be reviewed annually in consultation with residents by the onsite manager to ensure the community bus service continues to meet the needs of the residents.
- (6) An on-site manager shall ~~reside~~ be on the site during business hours and be available at all times via an emergency contact phone number. The contact details of the manager shall be displayed in prominent positions throughout the estate. The on-site Manager shall police regulation of the use of all recreation facilities.³
- (7) All future manufactured homes installed/dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (8) (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.
- (9) (F028) The operations of the public pool/spa is to comply with the requirements of the:
- a. Public Health Act 2010,
 - b. Public Health Regulation 2012, and



- c. NSW Ministry of Health Public Swimming Pool and Spa Pool Advisory Document 2013.
- (10) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (11) Prepare a MHE Showground Community Engagement Plan to minimise risk of complaints from MHE residents about ongoing showground events and activities. This plan is to be reviewed a minimum every 2 years. This plan is to be developed and subsequently reviewed in consultation with the Showground Executive and the MHE's on-site manager. A copy of this plan is to be provided to both the Showground Executive and the MHE Site Manager.

The reason for this decision is that site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

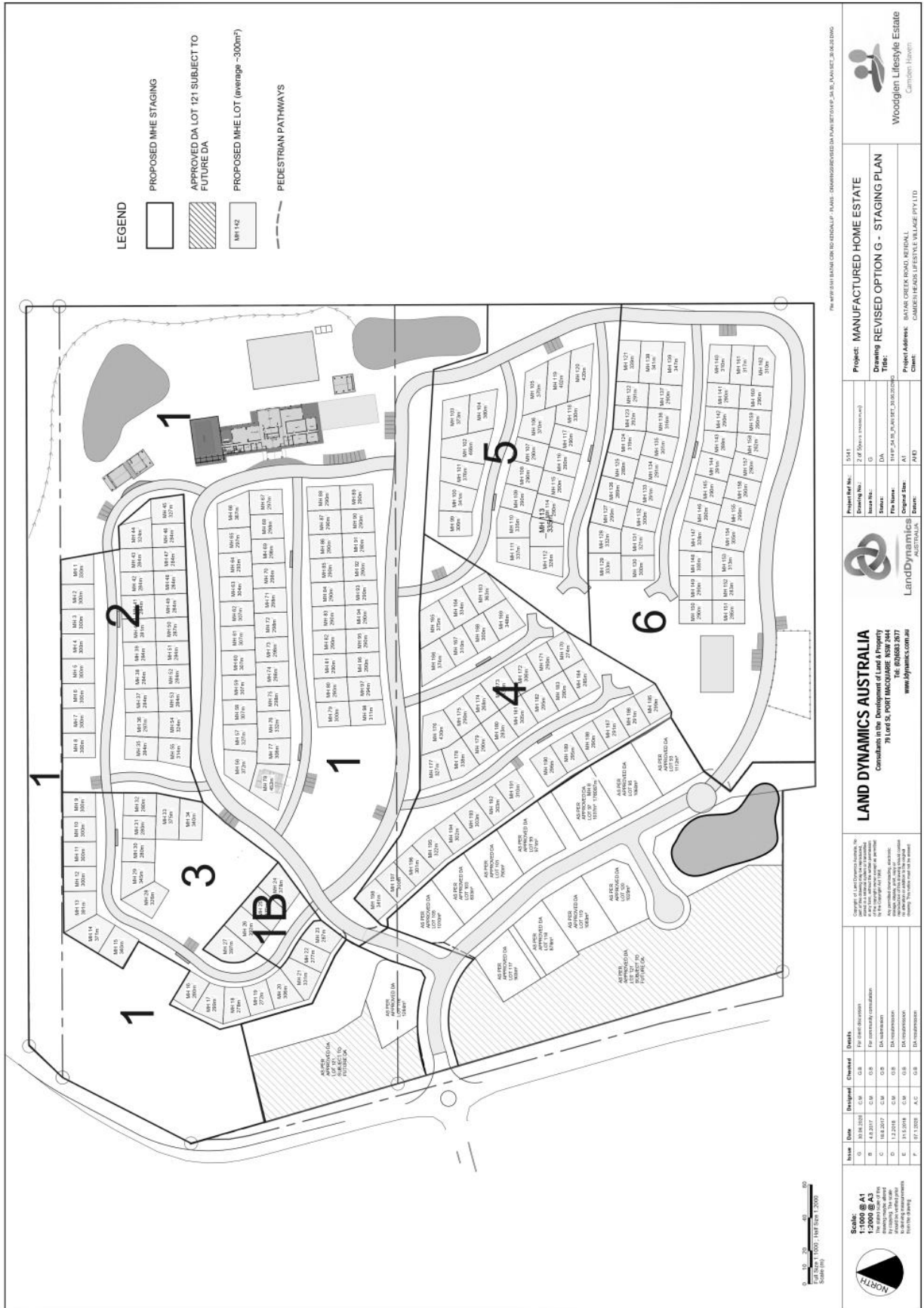
Rights of Appeal

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

Apply electronic signoff





LandDynamics
AUSTRALIA





