



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 14 October 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	24/06/20	08/07/20	22/07/20	12/08/20	26/08/20	09/09/20	30/09/20
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 14 October 2020

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>8</u>
02	Apologies.....	<u>8</u>
03	Confirmation of Minutes	<u>8</u>
04	Disclosures of Interest.....	<u>11</u>
05	DA2020 - 682.1 Staged Alterations and Additions to Dwelling at Lot 9 DP 18862, 18 Bartlett Street, Bonny Hills	<u>15</u>
06	DA2020 - 600.1 Dual Occupancy and Strata Subdivision at Lot 410 DP 1244641 No.18 Octagonal Rise, Port Macquarie	<u>41</u>
07	DA2019 - 681.1 Farm Stay Accommodation at Lot 89 DP 754416, No. 2001 Toms Creek Road, Toms Creek	<u>90</u>
08	DA2020 - 433.1 Alterations and Additions to Dwelling, Part Change of Use to Secondary Dwelling and Construction of Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 392 DP 236950, No. 1 Vendul Crescent, Port Macquarie	<u>127</u>
09	DA2016.88.9 Subdivision Modification, Lot 146 DP 1256576 (now known as Lot 2 DP 1263561), South Atlantic Drive, Lake Cathie.....	<u>181</u>
10	General Business	

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 30 September 2020 be confirmed.

PRESENT

Members:

Paul Drake (Independent Chair)
David Crofts (Independent Member)
Group Manager Development Assessment (Dan Croft)

Other Attendees:

Mayor Peta Pinson
Development Assessment Planner (Robert Slater)
Acting Development Engineer Coordinator (Grant Burge)

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 9 September 2020 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2020-614.1 DWELLING AND CARPORT AT LOT 11, DP 22571, NO. 37 BELL STREET, DUNBOGAN

Speakers:
George Watt (applicant)

CONSENSUS:

That DA2020-614.1 for the construction of a Dwelling and Carport at Lot 11, DP 22571, No. 37 Bell Street Dunbogan be determined by granting consent subject to the recommended conditions.

06 GENERAL BUSINESS

Nil.

The meeting closed at 2:10pm.

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 - 682.1 STAGED ALTERATIONS AND ADDITIONS TO DWELLING AT LOT 9 DP 18862, 18 BARTLETT STREET, BONNY HILLS

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: Davy Watt and Associates
Owner: E A Bullingham
Estimated Cost: \$81,470
Parcel no: 1277

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2020 - 682.1 for Staged Alterations and Additions to Dwelling at Lot 9, DP 18862, No. 18 Bartlett Street, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

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

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

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

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 328.8m².

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:

- Staged alterations and additions to existing dwelling.

- Stage 1 comprising garage alteration and addition.
- Stage 2 comprising north facing first floor verandah addition, south facing roof addition, and replacement of tiled roofing with colourbond.
- Stage 3 comprising lower floor alteration including new wall, new window and top existing slab.

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

Application Chronology

- 24 August 2020 - Application lodged.
- 1 to 14 September 2020 - Public exhibition via neighbour notification.
- 3 September 2020 - Additional information request to applicant.
- 14 September 2020 - Additional information response with revised plans incorporating new fencing treatment to Bartlett Street frontage.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

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

Clause 10 - The site is identified on the Koala Development Application Map. However, the site is not 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 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 use and coastal environment area.

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

Having regard to clauses 13 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funnelling and the loss of views from public places to foreshores; 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.

In accordance with Clause 15 the proposal is not likely to cause increased risk of coastal hazards on that land or other land.

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out:
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line,
- (c) installation of a swimming pool any part of which is:
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool

Site inspection revealed a single exposed overhead power line running along the edge of Jordan Avenue. The line appeared to be approximately 3m (conservatively) from the boundary. See site photo below:



Noting the proposed verandah extension is setback 3m it would be well over 5m from the overhead line. No referral to Essential Energy triggered.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the alterations and additions to the dwelling and ancillary garage structure are a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.

- Clause 2.7 - The part demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 - The maximum overall height of the building above ground level remains unchanged and complies with the standard height limit of 8.5m applying to the site.

- Clause 4.4 - The floor space ratio of the proposal complies with the maximum 0.65:1 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.

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

No draft instruments apply.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

<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 	The proposed extension incorporates a verandah within the articulation zone. The verandah is setback over 3m and has the same pitch as the roof of the dwelling.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback to Jordan Avenue (being the road with the higher volume of traffic) remains unchanged and complies with the minimum 4.5m front setback requirement.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback to Bartlett Street frontage is 1.83m. Garage door recessed.	No*
	6m max. width of garage door/s and 50% max. width of building	Width of garage door is compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and	Driveway crossing width is compliant with the maximum	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	max. 5.0m width	width requirements	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback remains unchanged.	N/A
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 	The minimum side setback requirements are complied with. The building wall articulation is compliant and/or satisfactory to address the objective intent 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	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
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 	No front fencing proposed	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	N/A	N/A
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 	The development will not compromise privacy. Screening is proposed to the western elevation of the front verandah being setback 1.6m from that side boundary. The eastern elevation of the verandah is setback 5.715m from the eastern boundary	Yes

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

	Requirements	Proposed	Complies
	<p>open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> • 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 	and does not require privacy screening.	

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Approval is sought for the removal of 4 bangalow palms. 2 within the property and 2 partly on the road reservation to Bartlett Street.	Yes. Council's tree management section have no objection

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
			to their removal without replacement.
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	N/A
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Development Provision 45 relates to garages and parking spaces being setback at least 1m behind the building line, where the dwelling has a setback from a front boundary of 4.5m or more. While the Bartlett Street boundary is not the front boundary the objective of this clause is to minimise garage impact and dominance upon the streetscape. The proposed double garage to this frontage is setback 1.83m from this boundary and therefore considered a variation and considered as follows.

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.
- To provide safe and functional vehicular access.

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

- There is an existing single garage building setback 1.83m from the Bartlett Street boundary and this is considered to be a secondary frontage.
- The adjoining property at No 20 Bartlett contains an existing double garage fronting Bartlett Street with a similar setback which provides for some precedent.
- There is also an existing driveway crossover off Jordan Avenue with an unrestricted (i.e. no garage doors) secondary parking area available underneath the verandah extension which is more than 5.5m in depth. Having regard to this arrangement, requiring stacked parking in front of the Bartlett Street garage is not considered necessary in this instance.
- The proposal incorporates a new slatted timber fence with openings to replace the old solid timber fence along the Bartlett Street frontage. The fence design helps soften the appearance and dominance of the garage.
- There is also some recessing provided in the new fence either side of the driveway providing for further landscaping treatment.
- Having regard to the existing garage and setback there is considered to be a slight improvement to safety and functionality of the access.

Based on the above assessment, the variation proposed is considered acceptable and the relevant objectives have been satisfied. The variation does not amount to an adverse impact or of a significance that would justify refusal of the application.

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

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

Part demolition of the existing building is capable of compliance with the relevant Australian Standard and suitable consent condition recommended.

(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 not have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. The extension of the first floor verandah north is setback 5.715m from the eastern side boundary. Consistent with the provisions of DCP 2013 (i.e. setback over 3m from the side boundary) the eastern elevation does not require privacy screening. Given the slope of the land the proposed verandah will be elevated well above the adjoining dwelling and deck. As a result, views enjoyed north east from the verandah will extend over the roof of the adjoining dwelling and associated deck underneath. It is also noted that the adjoining deck at 20 Bartlett Street contains privacy screening on the western elevation. Refers to site photos below for context:



There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, traffic and transport

The proposal will not have any significant adverse impacts in terms access, transport and traffic.

Water supply connection

Service existing and no changes proposed.

Sewer connection

Service existing and no changes proposed.

Stormwater

Service existing and available. Details of new roof connections will be required with S.68 application. Appropriate standard condition recommended.

Other utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

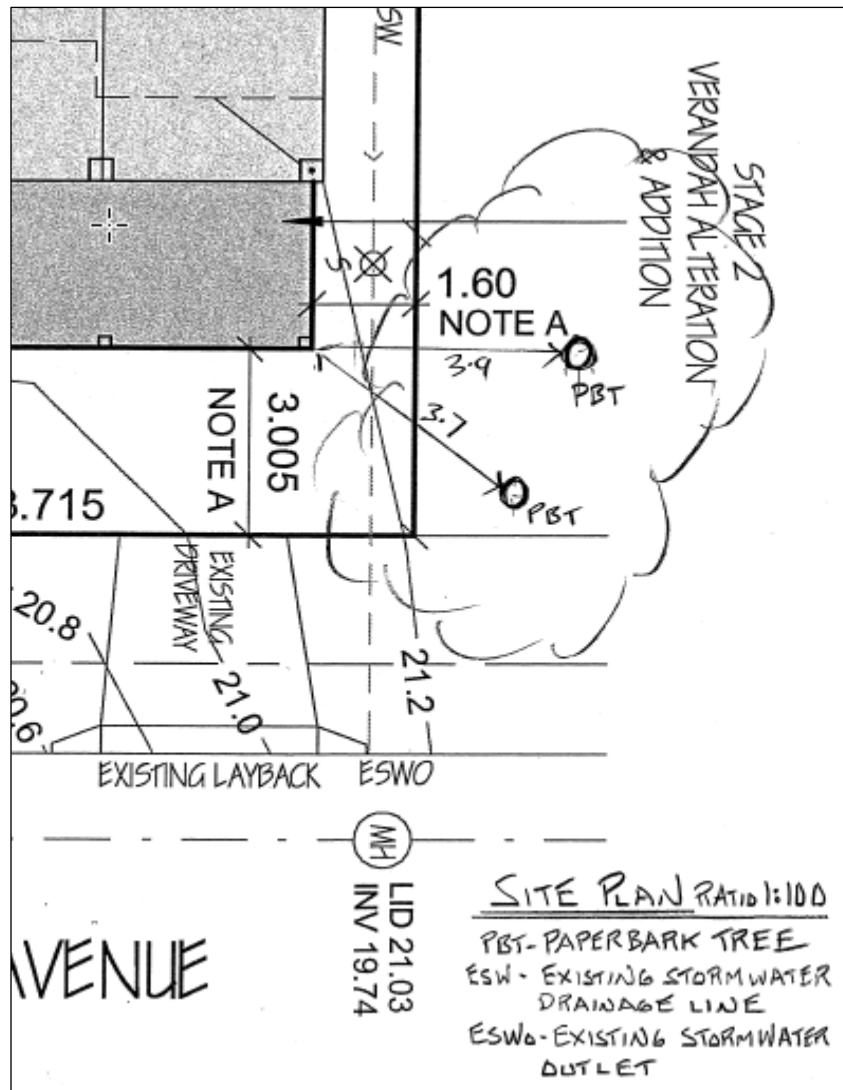
Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant native vegetation. The four (4) bangalow palms to be removed are not considered to represent any ecological value. The proposal does not trigger the biodiversity offsets scheme and part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

The proximity of the Paperbark trees located on the adjoining western property were noted at the time of site inspection. The applicant subsequently provided further details and measurements confirming no impact would result from the proposed northward verandah extension. Specifically, the verandah post footing is to be incorporated into the existing driveway pavement and will not extend below ground or impact any root zones. See screenshot below of measurements provided:



Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone. The applicant has submitted a bushfire report. An assessment of bushfire risk having regard to Planning for Bushfire Protection including vegetation classification and slope concludes that a Bushfire Attack Level 12.5 shall be required.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraint of bushfire has been adequately addressed and appropriate condition of consent recommended.

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

One (1) written submission was received following public exhibition of the application. Copies of the written submission have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Loss of amenity and privacy to the deck of the adjoining dwelling at 20 Bartlett Street. Suggest that privacy screening be provided to the eastern elevation of the proposed verandah.	Refer to comment under context and setting heading of this report. There are not considered to be any adverse privacy or amenity impacts that would result from the proposal.

(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 not be required under s64/s7.11 being for alterations and additions to an existing dwelling and no additional residential components are proposed.

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 - 682.1 Recommended Conditions

2.  DA2020 - 682.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/682****DATE: 22 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
Statement of Environmental Effects	25 Jordan Avenue, Bonny Hills	Davy Watt & Associates	17 August 2020
Development Plans as stamped	20/035 Sheets 1 to 7	Davy Watt & Associates	11 September 2020
Bushfire Protection Assessment	25 Jordan Avenue, Bonny Hills	Davy Watt & Associates	17 August 2020
BASIX Certificate	A386405	Davy Watt & Associates	24 August 2020

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

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

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

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

- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1: Garage alteration and addition.
- Stage 2: north facing first floor verandah addition, south facing roof addition, and replacement of tiled roofing with colourbond.
- Stage 3: lower floor alteration including new wall, new window and top existing slab.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging

resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via appropriate receptacles into separate waste streams;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
- (2) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

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

C - PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D - DURING CONSTRUCTION

- (1) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (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.

F – OCCUPATION OF THE SITE

- (1) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

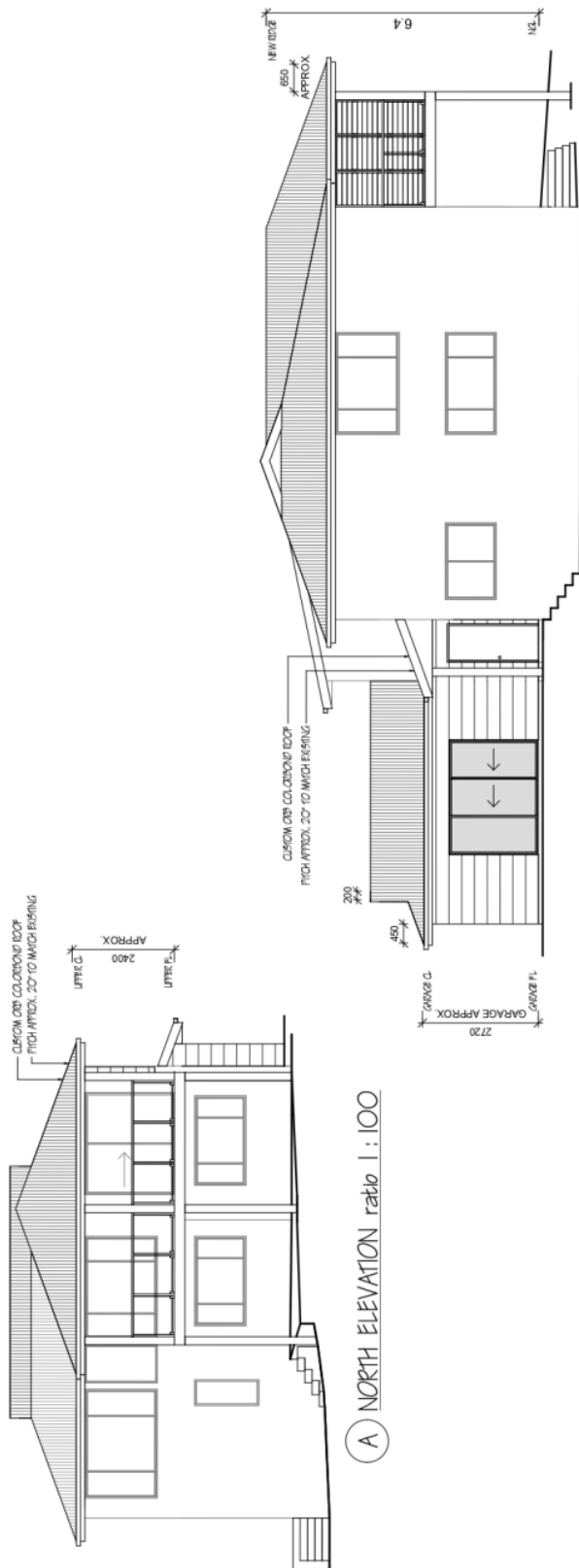
**PROPOSED ALTERATION
& ADDITION
AT LOT 9 D.P. 18862
No. 25 JORDAN AVENUE
BONNY HILLS. FOR
E. BULLINGHAM**



D+W

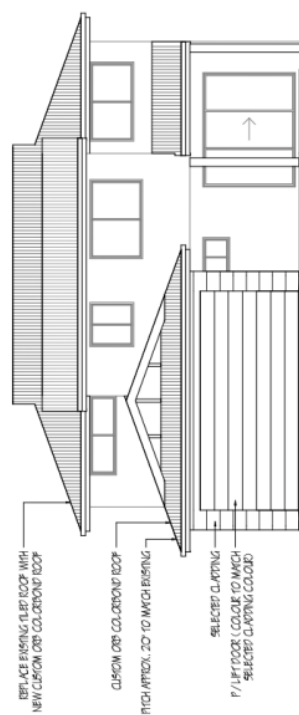
Davy Watt & Associates
1 Bonny Ridge
Bonny Hills NSW 2445
Q2 65 855 455
design@davywatt.com
www.davywatt.com
Building Designers Association of Australia
Membership No. 076 Accreditation No. 6113

REFERENCE NO.	20/095
DATE	24-8-2020
NUMBER OF SHEETS	7
DRAWN BY	GFW BMD
ISSUE	DEVELOPMENT APPLICATION
REVISED	11-9-2020

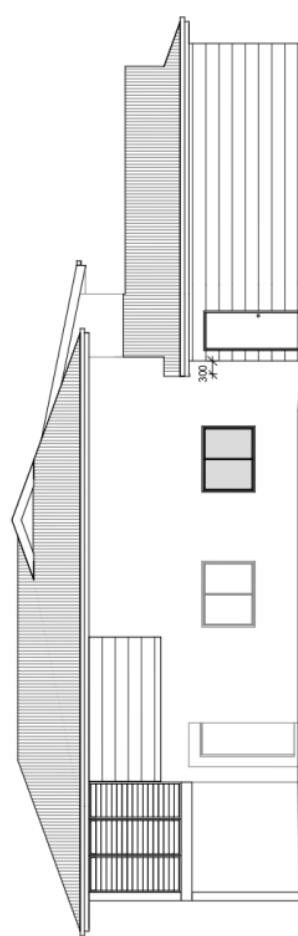


A NORTH ELEVATION ratio 1 : 100

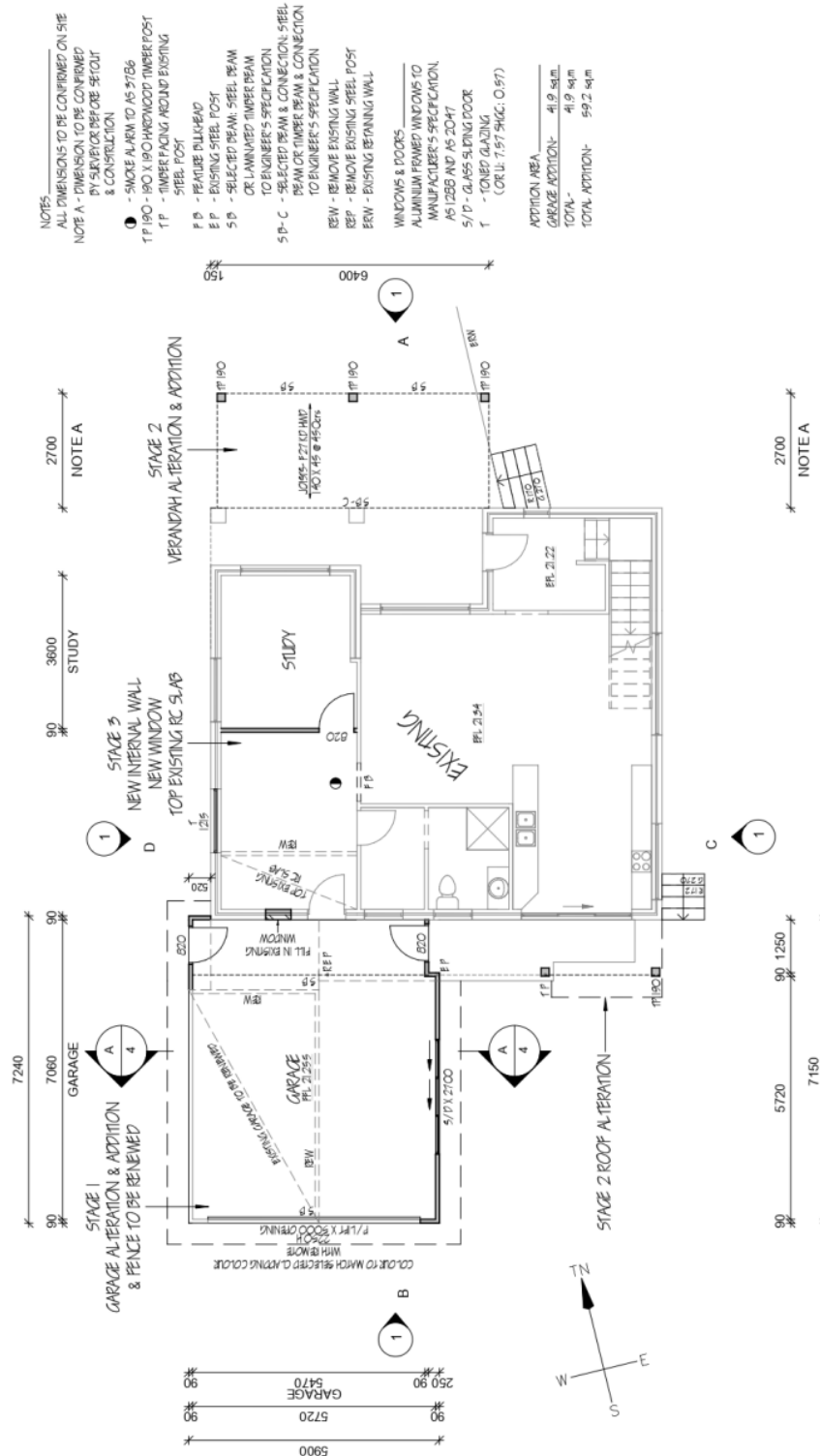
C EAST ELEVATION ratio 1 : 100

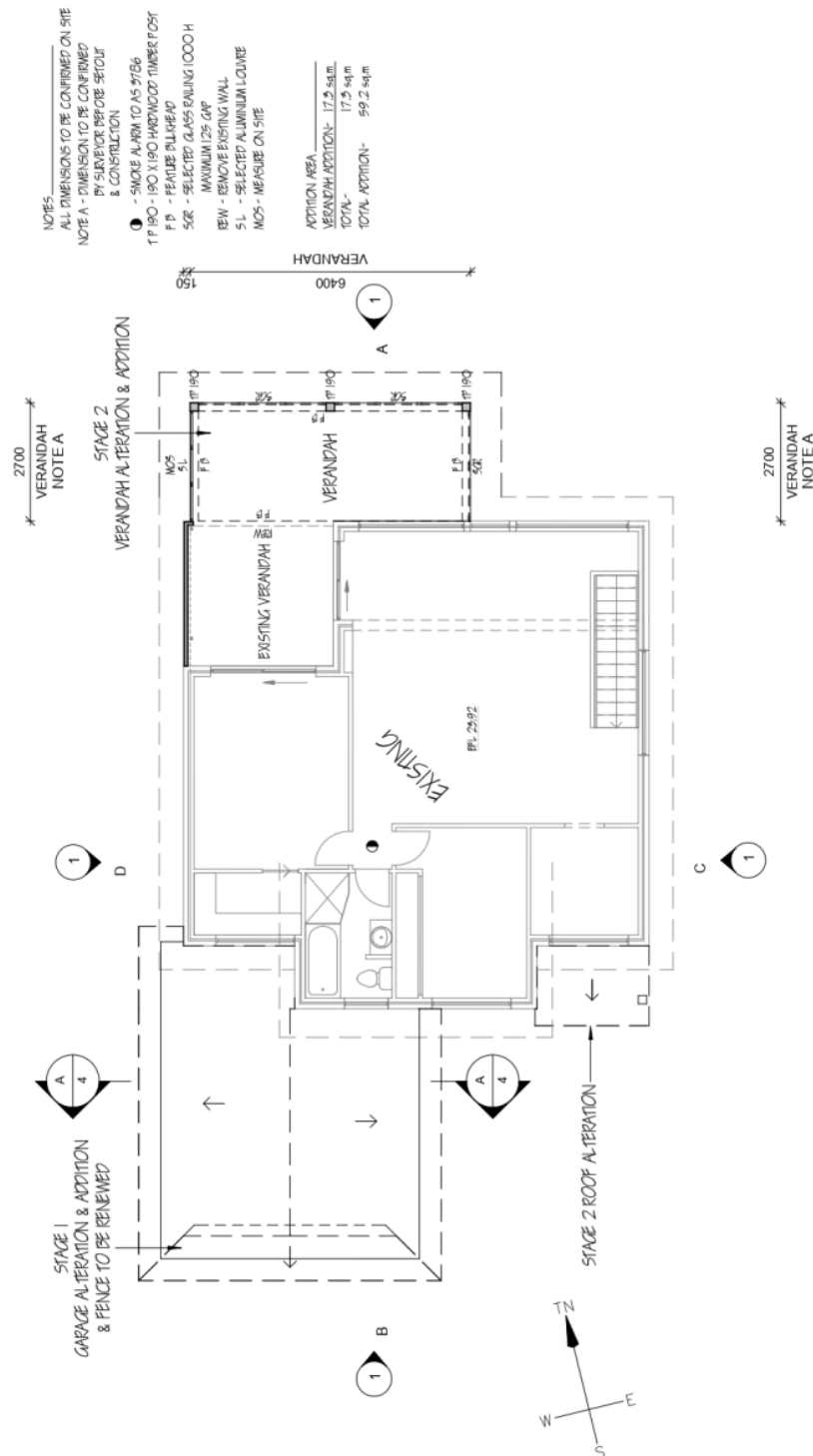


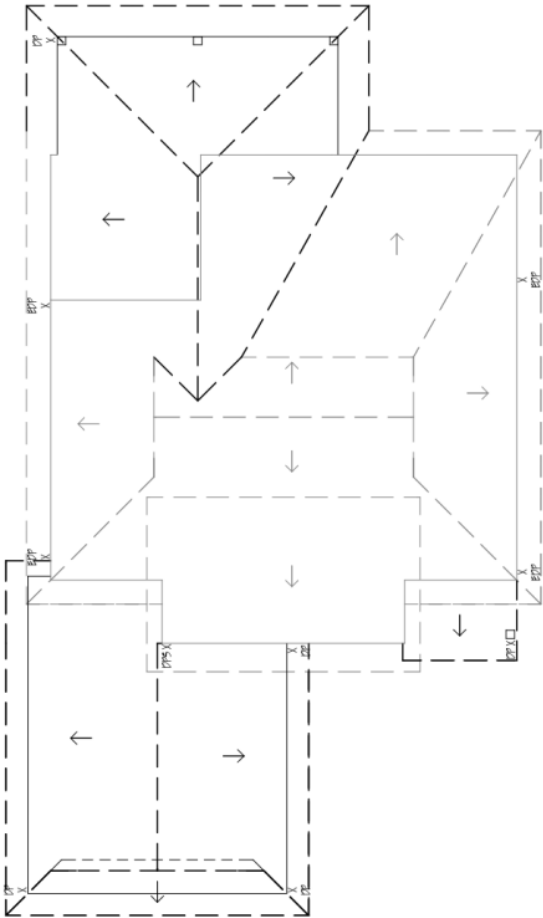
B SOUTH ELEVATION ratio 1 : 100



D WEST ELEVATION ratio 1 : 100

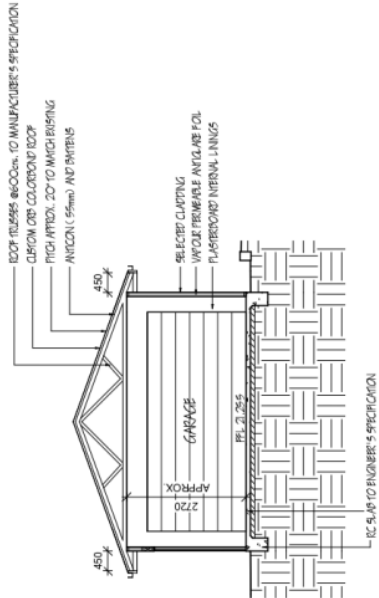






NOTES
EPP X - RAISING DOWNPIPE
DP X - DOWNPIPE
DPS X - DOWNPIPE WITH SPREADER

____ ROOF LAYOUT PLAN ratio 1:100 ____



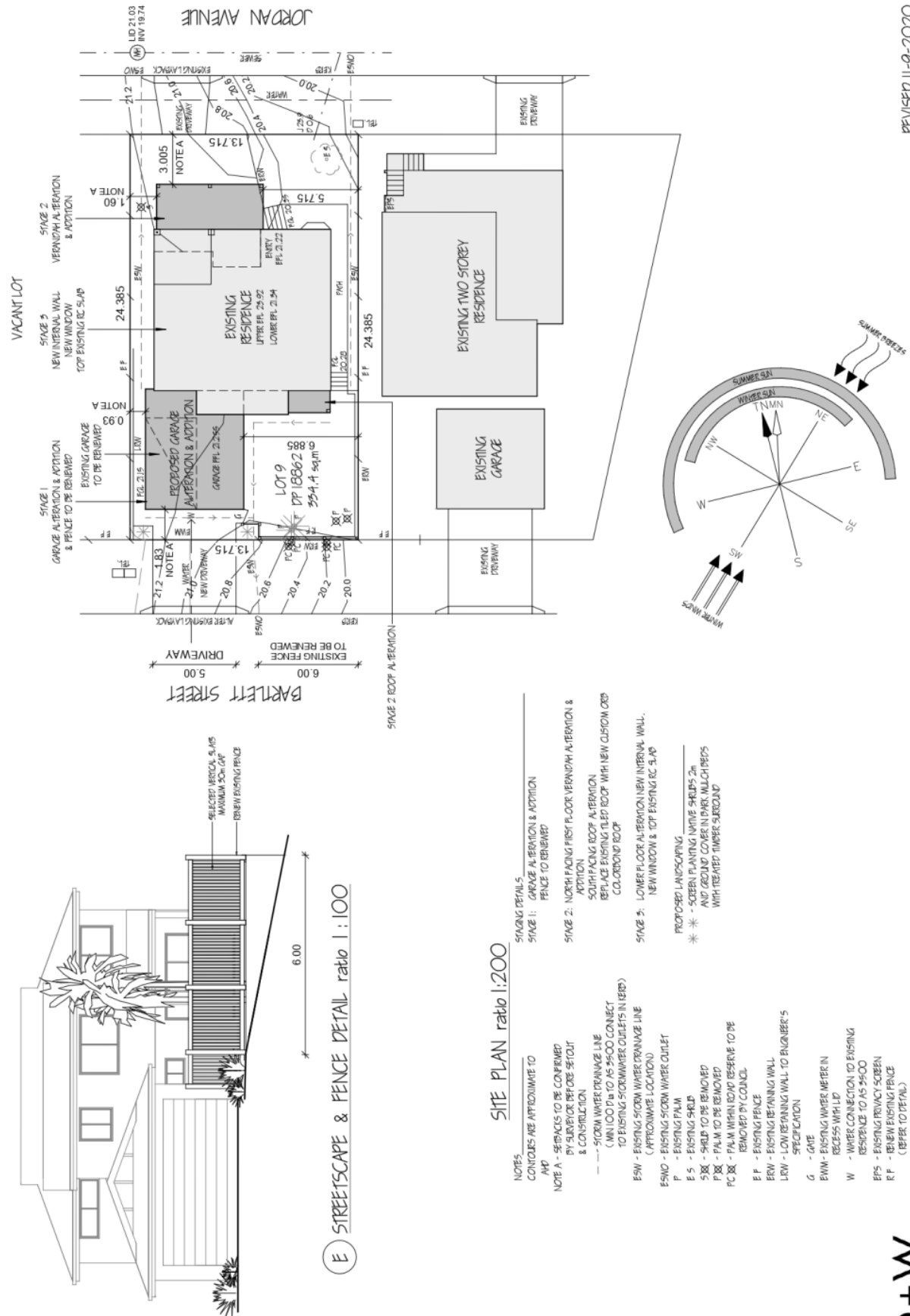
A SECTION ratio 1:100

NOTES
TIMBER FRAME TO AS 1684.2

TILES
TILES DESIGN DETERMINED USING
COMPUTER SOFTWARE PROVIDED
BY THE TECHNICAL DIVISION WITHIN
PRIMA TILES SYSTEM

CONSTRUCTION IN BUSHFIRE PRONE AREA: BAL 12.5

[illegible]





REVISED 11-9-2020
PAGE 7

BULLINGHAM, LOT 9 JORDAN AVENUE, BONNIE HILLS

D+W
Dany West & Associates

Item: 06

Subject: DA2020 - 600.1 DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT 410 DP 1244641 NO.18 OCTAGONAL RISE, PORT MACQUARIE

Report Author: Development Assessment Planner, Fiona Tierney

Applicant: F Wholohan & N McGregor

Owner: F Wholohan & N McGregor

Estimated Cost: \$566,500

Parcel no: 68035

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2020 - 600.1 for a Dual Occupancy and Strata Subdivision at Lot 410, DP 1244641, No. 18 Octagonal Rise, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, two (2) submissions were received.

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

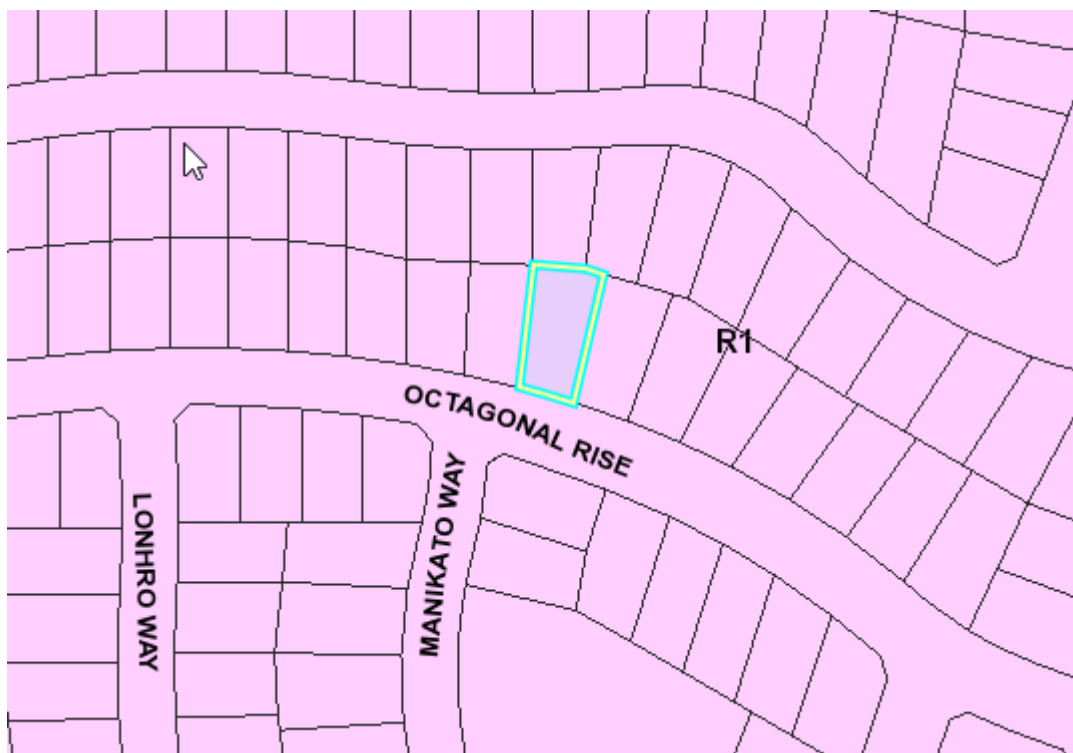
This report recommends that the development application be approved subject to the attached conditions in **Attachment 1**.

1. BACKGROUND

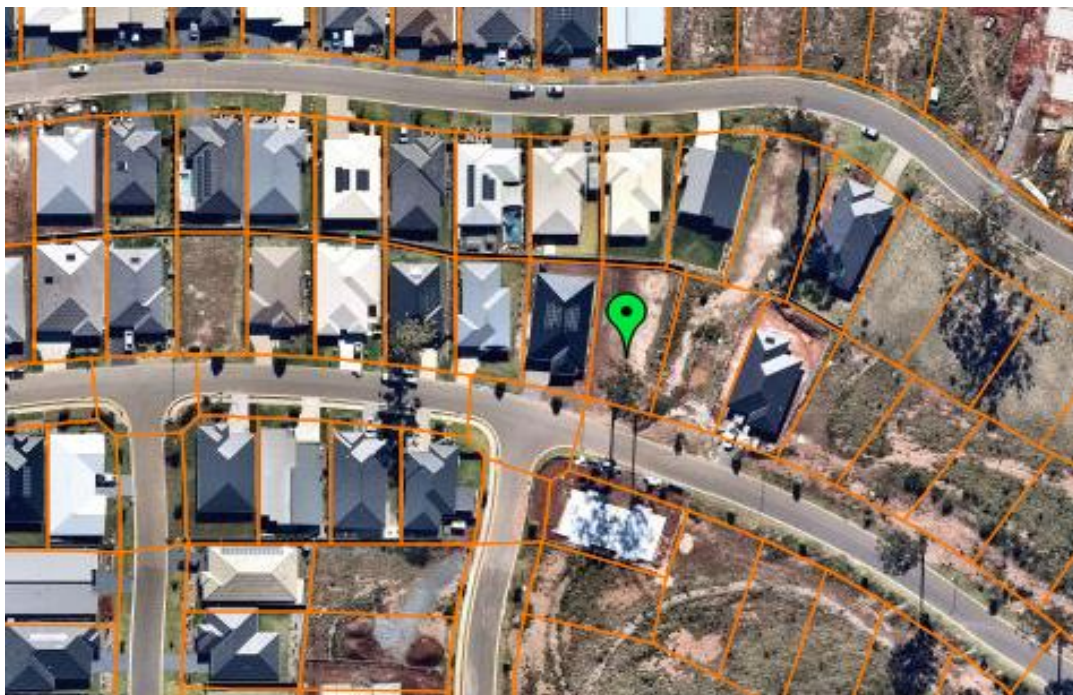
Existing Sites Features and Surrounding Development

The site has an area of 576m².

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:

- Construction of a single storey attached dual occupancy with 2 x 3 bedroom dwellings and 2 lot Strata title subdivision.

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

Application Chronology

- 29 July 2020 - Application lodged.
- 10 August 2020 to 24 August 2020 - Neighbour notification.
- 9 September 2020 - Bush Fire Safety Authority issued by NSW Rural Fire Service.
- 21 September 2020- Additional confirmation stormwater inlets provided.

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

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

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

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

Clause 8 - The site is subject to the adopted Mahers Headland Koala Plan of Management.

Whilst tree removal has been indicated, the removal has been addressed under a separate application and consideration of KPOM matters. Trees were considered dangerous.

Therefore, no tree removal is proposed and the proposal is consistent with the adopted plan of management.

State Environmental Planning Policy No. 55 - Remediation of Land

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

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

A BASIX certificate (number 1116563M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for a dual occupancy (attached) and strata subdivision is a permissible landuse with consent. Following subdivision, each lot will contain a semi-detached dwelling.

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 development will contribute to the variety of housing types and densities to meet the housing needs of the community.
- Clause 4.1(4) - The minimum 450m² lot size for subdivision does not apply to the proposal as it proposes a strata subdivision. A satisfactory strata plans has been provided and dwellings are proposed as part of this application.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 3.767m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.44:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	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 	None proposed	N/A
	Front setback <ul style="list-style-type: none"> • Min. 4.5m local road 	5.572 minimum to posts.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	•		
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	7.786m garage door setback.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage doors 6m and <50% width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	4m wide driveway crossing width which is < 1/3 width of site.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	2.718m min setback. Demonstrated site analysis POS and property at rear setback.	No- but has provided satisfactory justification and site analysis.
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m • Building wall set in and out every 12m by 0.5m	0.95m min The wall articulation is compliant and 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 one area including a useable 4m x 4m area.	Yes
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. The development will not compromise privacy in the area due to a combination of building design and boundary fencing.	Yes

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

	Requirements	Proposed	Complies
	have <3m side/rear setback and floor level height >1m		

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	1.8m high fence with 25% transparency.	Yes
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 maximising street parking	Driveway crossing is minimal in width including maximising street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal involves dual occupancy, which will be 2 semi-detached dwellings following subdivision. Each dwelling provides 1 parking space behind the building line.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		NOP.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed 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.

(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

No matters prescribed by the regulations are applicable to the proposal.

(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 to Octagonal Rise. Adjacent to the site, Octagonal Rise is a sealed public road under the care and control of Council.

The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site frontage and access

Vehicle access to the site is proposed through a shared driveway with direct frontage to Octagonal Rise. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Parking and manoeuvring

A total of 2 parking spaces have been provided on-site within garages with additional parking available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Water supply connection

Council records indicate that the development site is currently serviced by a 100mm water main on the same side of Octagonal Rise. Each Strata Title lot requires a separate metered water connection to Council's water main. All design & 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.

Sewer connection

Both Strata Title lots can drain to the existing junction provided in the north west corner of the site. All design & 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

The site can achieve floor level grades towards the front and can drain to Council's street drainage system. Surface inlets have been provided on the site to suitably manage concentrated flows on the site.

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

Other utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is 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 of the *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 prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority.

A condition has been recommended incorporating the requirements of the Bushfire Safety Authority.

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.

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

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

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

Submission Issue/Summary	Planning Comment/Response
<p>The cumulative impact of this development and other similar proposals in the street will result in a significant number of vehicles and congestion of street parking, pedestrian access and degrade the amenity of the neighbourhood.</p>	<p>The proposal is a permissible landuse in the R1 general residential zone.</p> <p>The proposal complies with the minimum parking requirements in DCP 2013 (one off-street parking space per dwelling for dual occupancies).</p> <p>Other similar developments within the area have been assessed as adequately addressing relevant planning controls.</p> <p>Section 4.15(3A) of the Environmental Planning and Assessment Act 1979 provides that:</p> <p><i>If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—</i></p> <p><i>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development</i></p> <p>Based on the merits of the proposed development, the site is considered suitable for the proposed development and the proposal adequately complies with relevant planning controls.</p>
<p>Stormwater- issues with surface flows through property at the rear. No stormwater drainage shown.</p>	<p>The applicant has submitted hydraulic engineering details that proposes surface inlets and stormwater drainage to be directed to Octagonal rise. Surface levels to the rear will be raised and a 600mm retaining wall constructed. This will reduce the amount and velocity of surface flows directed into the property to the rear.</p>

(e) The Public Interest

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

(f) 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.

(g) 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.
-
- 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 - 600.1 Recommended Conditions
2.  DA2020 - 600.1 Plans
3.  DA2020 - 600.1 Contributions Estimate
4.  DA2020 - 600.1 SOEE

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/600****DATE: 2/10/2020****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	RT709	Rob Tate Family Homes	13 July 2020
Statement of Environmental Effects	RT709	Collins W Collins Pty Ltd	July 2020
BASIX Certificate	1116563M	Collins W Collins Pty Ltd	28 July 2020
Bushfire Assessment	-	Krisann Johnson	24 June 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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20200807002876-Original-1 and dated 9 September 2020, are attached and form part of this consent.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (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. 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) (B010) Payment to Council, prior to the issue of a 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 either the provisions of the following plans (as amended) or a Planning Agreement:
 - 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
- Innes Peninsula Contributions Plan- Road Works 2003

The plans may be viewed on Council's website or 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) Prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, 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 and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (6) (B017) Submission to Council of an application for water main connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (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) All allotments must be provided with a direct point of connection to the public piped drainage system.
- (12) Council records indicate that the development site is currently serviced by a 100mm water main on the same side of Octagonal Rise. Each Strata Title lot requires a separate metered water connection to Council's water main. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (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.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / 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) (E009) Prior to occupation or the issue of an Occupation or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.
 - Note 1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, is required prior to occupation or the issue of an Occupation 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 either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.
 - Note 2: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.
 - Note 3: 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.
- (3) (E051) Prior to occupation or the issuing of any Subdivision/Occupation Certificate (whichever occurs first) a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (4) (E034) Prior to occupation or the issuing of the Subdivision/Occupation Certificate (whichever occurs first) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (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.

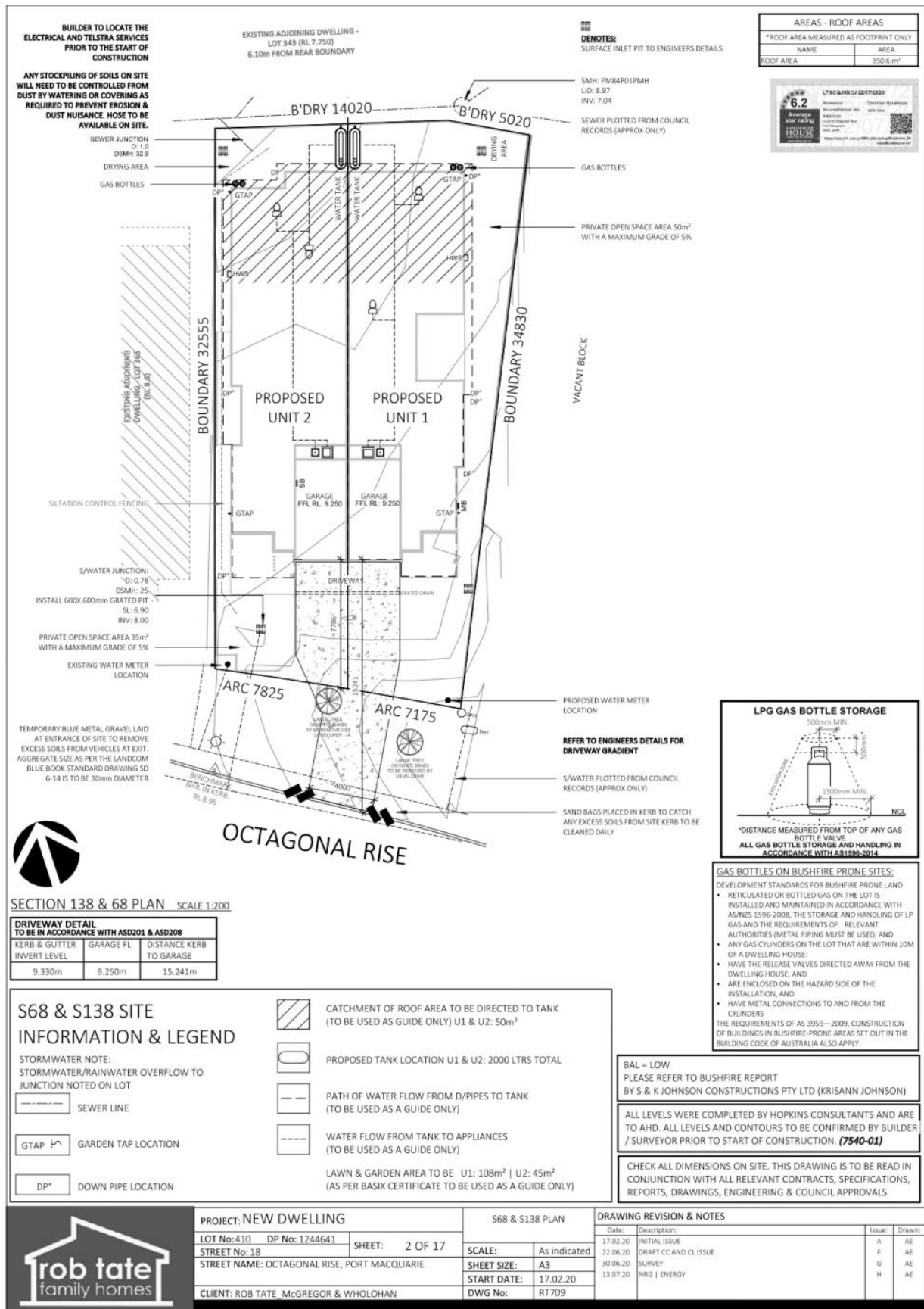
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (9) (E195) The strata certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

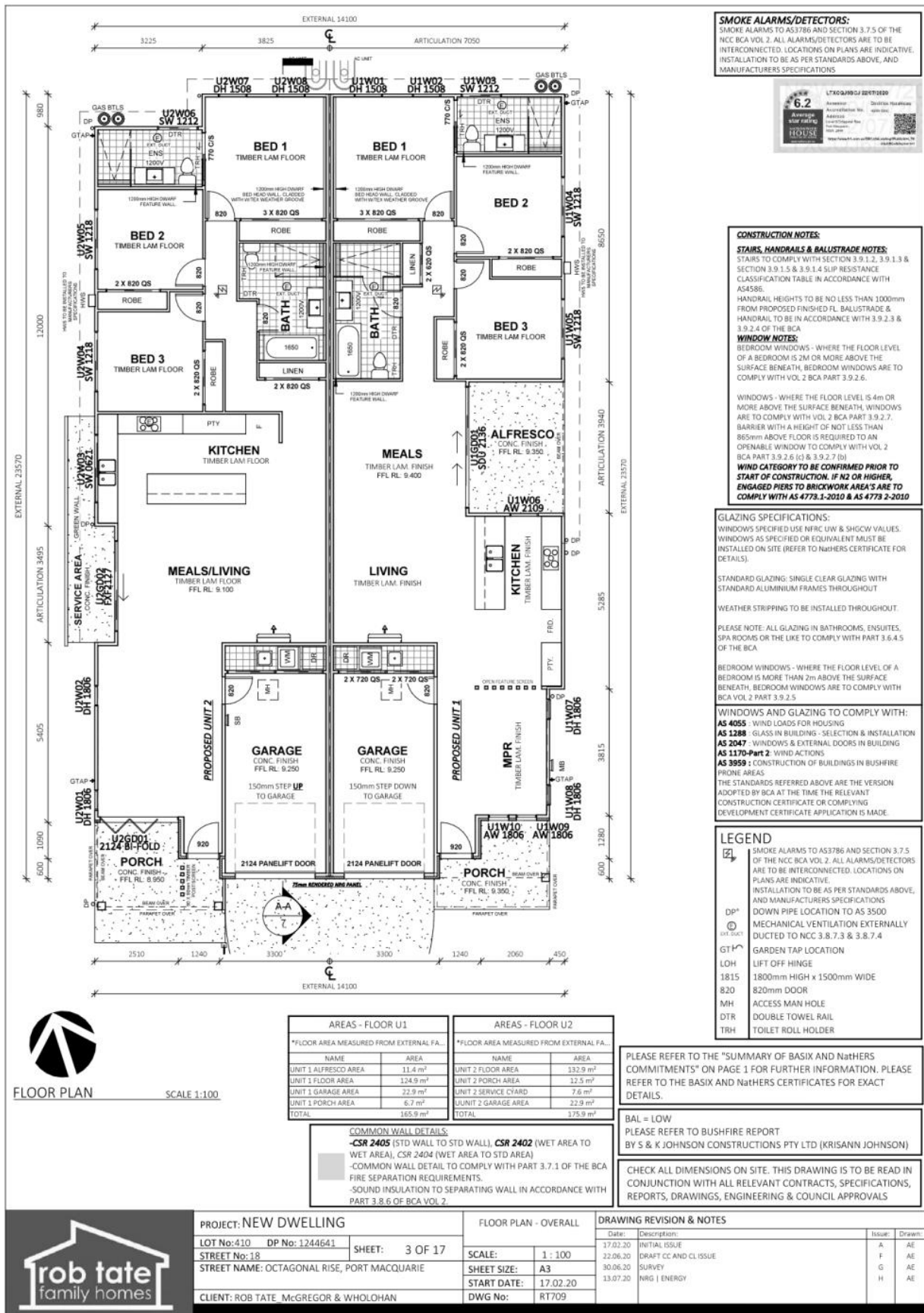
F – OCCUPATION OF THE SITE

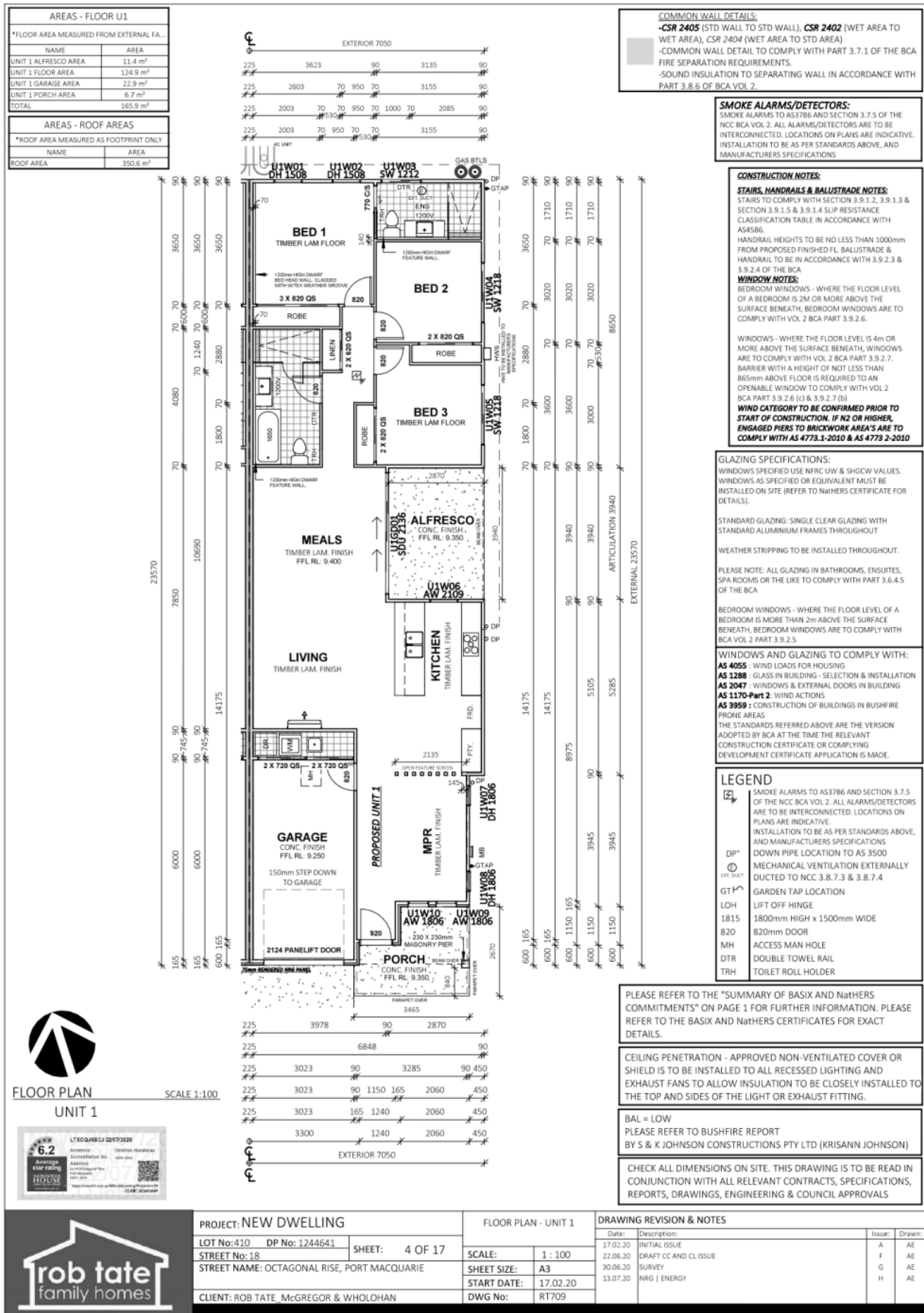
- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

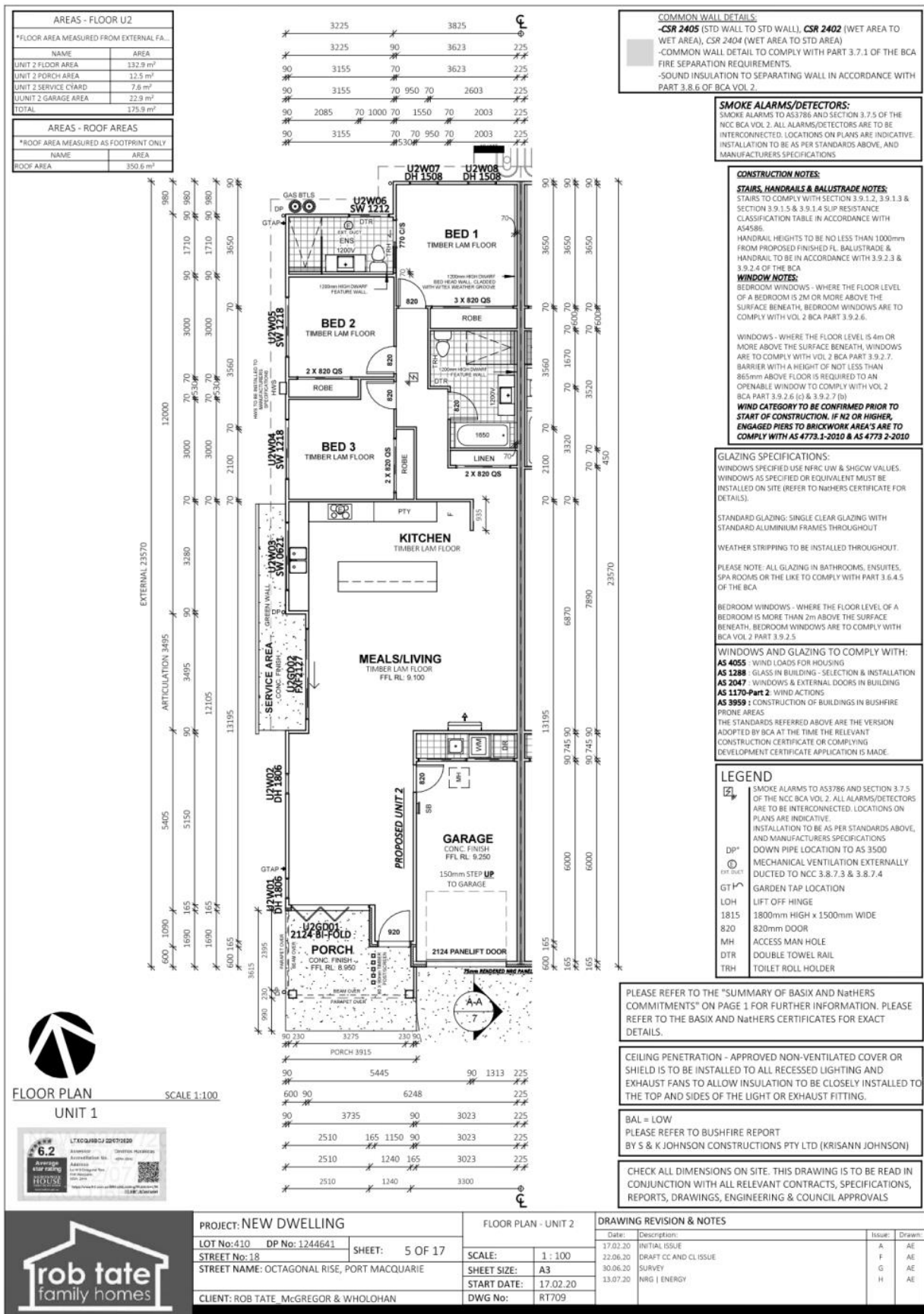
DRAFT











EXTERNAL FINISHES	
LABEL	MATERIAL DESCRIPTION
ES5(B)	JAMES HARDIE EASY LAP 1200mm x 3000mm CLADDING
KLUP(M)	KLIP-LOK METAL SHEET ROOFING (MEDIUM)
NRG	RENDERED 75mm NRG FOAM PANEL (SEE CC NOTES)

WINDOW GLAZING SCHEDULE U1					
WINDOWS SPECIFIED USE NRC UNW & SHGCW VALUES. CERTIFICATE FOR DETAILS MUST BE INSTALLED ON SITE (REFER TO ASBA AS 1288 - GLASS IN BUILDING - SELECTION & INSTALLATION AS 2047 - WINDOWS & EXTERNAL DOORS IN BUILDING AS 1370-PART 2: WINDOW ACTIONS AND PERFORMANCE PRONE AREAS AS 3959 - CONSTRUCTION ABOVE ARE THE VERSION ADOPTED BY RICA AT THE TIME THE RELEVANT CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION IS MADE.					
NUMBER	LEVEL	ROOM	HEIGHT	WIDTH	GLAZING

U1W01	U2 01 FL	WIR	1470	850	STD ALUMINIUM SGL - CLEAR - STD
U1W02	U2 01 FL	WIR	1470	850	STD ALUMINIUM SGL - CLEAR - STD
U1W03	U2 01 FL	ENS	1215	1210	STD ALUMINIUM SGL - CLEAR - STD
U1W04	U2 01 FL	BED 2	1215	1810	STD ALUMINIUM SGL - CLEAR - STD
U1W05	U2 01 FL	BED 3	1215	1810	STD ALUMINIUM SGL - CLEAR - STD
U1W06	01 FL	ALFRESCO	2112	850	STD ALUMINIUM SGL - CLEAR - STD
U1W07	01 FL	MPR	1810	610	STD ALUMINIUM SGL - CLEAR - STD
U1W08	01 FL	MPR	1810	610	STD ALUMINIUM SGL - CLEAR - STD
U1W09	01 FL	MPR	1810	610	STD ALUMINIUM SGL - CLEAR - STD
U1W10	01 FL	MPR	1810	610	STD ALUMINIUM SGL - CLEAR - STD

WINDOW GLAZING SCHEDULE U2					
NUMBER	LEVEL	ROOM	HEIGHT	WIDTH	GLAZING

U2W01	U2 01 FL	MEALS/LIVING	1810	610	STD ALUMINIUM SGL - CLEAR - STD
U2W02	U2 01 FL	MEALS/LIVING	1810	610	STD ALUMINIUM SGL - CLEAR - STD
U2W03	U2 01 FL	KITCHEN	620	2050	STD ALUMINIUM SGL - CLEAR - STD
U2W04	U2 01 FL	BED 3	1215	1810	STD ALUMINIUM SGL - CLEAR - STD
U2W05	U2 01 FL	BED 2	1215	1810	STD ALUMINIUM SGL - CLEAR - STD
U2W06	U2 01 FL	ENS	1215	1210	STD ALUMINIUM SGL - CLEAR - STD
U2W07	U2 01 FL	BED 1	1470	850	STD ALUMINIUM SGL - CLEAR - STD
U2W08	U2 01 FL	BED 1	1470	850	STD ALUMINIUM SGL - CLEAR - STD

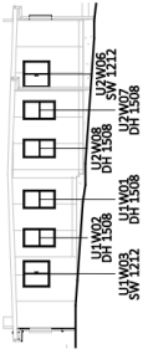
DOOR GLAZING SCHEDULE U1					
NUMBER	LEVEL	ROOM	HEIGHT	WIDTH	GLAZING

U1GD01	01 FL	ALFRESCO	2112	3650	STD ALUMINIUM SGL - CLEAR - STD
--------	-------	----------	------	------	---------------------------------

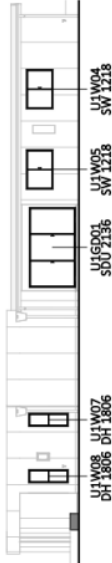
DOOR GLAZING SCHEDULE U2					
NUMBER	LEVEL	ROOM	HEIGHT	WIDTH	GLAZING

U2GD01	U2 01 FL	MEALS/LIVING	2112	2350	STD ALUMINIUM SGL - CLEAR - STD
U2GD02	U2 01 FL	MEALS/LIVING	2112	2775	ALUMINIUM SGL - CLEAR - STD

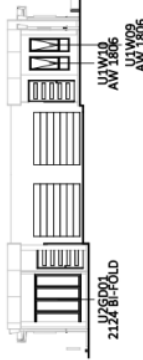
DRAWING REVISIONS & NOTES					
PROJECT: NEW DWELLING		GLAZING			
LOT No: 10	DP No: 244641	SHEET: 8 OF 17	SCALE: As Indicated	Date: 17.02.20	Issue: A
STREET No: 8		SHEET SIZE: A3		22.06.20	AE
STREET NAME: OCTAGONAL RISE, PORT MACQUARIE		START DATE: 17.02.20		30.06.20	F
CLIENT: TATE, MCGREGOR & WHOLEHAN		DWG No: RT709		13.07.20	G
				NHG ENERGY	AE
					H
					AE



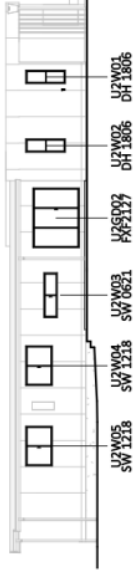
NORTH FACE GLAZING
SCALE 1:200



EAST FACE GLAZING
SCALE 1:200



SOUTH FACE GLAZING
SCALE 1:200



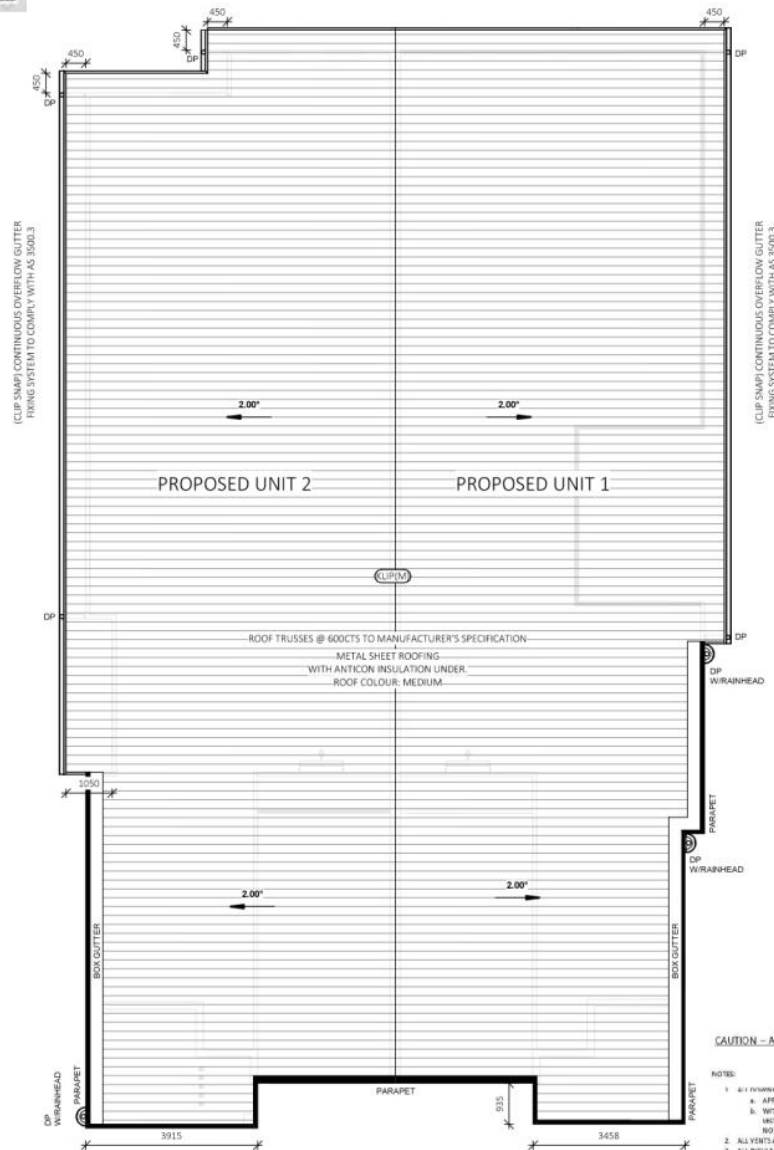
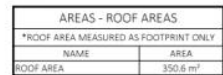
WEST FACE GLAZING
SCALE 1:200

PLEASE REFER TO THE "SUMMARY OF BASIX AND NATHERS COMMITMENTS" ON PAGE 1 FOR FURTHER INFORMATION. PLEASE REFER TO THE BASIX AND NATHERS CERTIFICATES FOR EXACT DETAILS.

BAL = LOW
PLEASE REFER TO BUSHIRE REPORT BY S & K JOHNSON CONSTRUCTIONS PTY LTD (KRISANN JOHNSON)

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS





NOTES:

NOTES:

1. **IF FURNISHINGS ARE:**
 - A. **FLUOROPOLYMER-ETHER NON-VENTILATED**
 - B. **NON-FLUOROPOLYMER-ETHER TO ALLOW CONTINUOUS INSULATOR**
WETTING AND INSULATOR LIGHT RAY TO BE INSTALLED THIS CERTIFICATION
NOT VALID
2. **ALL VENTS AND WALLS OPENING INSTALLED TO BE THE "SEALED" TYPE:**
3. **ALL INSULATION IS TO BE INSTALLED BY ACCORDANCE WITH PERCC PART 3.22.1.3:**
 - A. **CREATION OF CONTINUOUS THERMAL BARRIER**
 - B. **COMPLIANCE WITH ASBESTOS**
 - C. **MAINTAINING THERMOS OF BULK INSULATION AND AIR FATS FOR**
REFLECTIVE INSULATION
4. **WINDSTILL SEALING AS PER PERCC PART 3.2.3.3**
 - A. **WEATHER SEALS AND CLOSURES**
 - B. **DRIFT STOPPERS**
5. **DESIGNS SURE MEET PART 3.1.5.5**
 - A. **INSULATION OF SPACES, FLOOR AND CEILING WORK**



EXTERNAL FINISHES	
LABEL	MATERIAL DESCRIPTION
ESY(B)	JAMES HARDIE EASY LAP 1200mm X 3000mm CLADDING
KLUP(M)	KLIP-LOK METAL SHEET ROOFING (MEDIUM)
NRG	RENDERED 75mm NRG FOAM PANEL (SEE CC NOTES)

Project Information		Tenth Floor Automated Energy Efficiency Upgrade E:\engproj\tenth\2014\7-24-14\7-24-14.dwg		 www.aecna.com 800.333.2464																																																																																																				
Project Address: Lett 400 Gateway Blvd., Plant Macomb																																																																																																								
This Project Specification includes <u>only</u> some of the <u>Manufacturer's</u> recommendations. For the full list, you must refer to the <u>Manufacturer's</u> literature.																																																																																																								
<table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Interior Wall's Specification:</th> <th></th> </tr> </thead> <tbody> <tr> <td>Type</td> <td>Material</td> <td>Acoustic Insulation</td> <td>Control</td> <td>Detail</td> </tr> <tr> <td>Control</td> <td>Other Wall Control</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> <tr> <td></td> <td>Control</td> <td></td> <td>Methods</td> <td>As per drawings</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Interior Wall's Specification:</th> <th></th> </tr> </thead> <tbody> <tr> <td>Type</td> <td>Material</td> <td>Acoustic Insulation</td> <td>Control</td> <td>Detail</td> </tr> <tr> <td>Control</td> <td>Other Wall Control</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> <tr> <td></td> <td>Control</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> <tr> <td>Control</td> <td>Other Wall Control</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Roof Specification:</th> <th></th> </tr> </thead> <tbody> <tr> <td>Type</td> <td>Material</td> <td>Acoustic Insulation</td> <td>Control</td> <td>Detail</td> </tr> <tr> <td>Control</td> <td>Other Wall Control</td> <td>Acoustic 0-12" or 14"</td> <td>Methods</td> <td>As per drawings</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Ceiling's Specification:</th> <th></th> </tr> </thead> <tbody> <tr> <td>Type</td> <td>Material</td> <td>Acoustic Insulation</td> <td>Control</td> <td>Detail</td> </tr> <tr> <td>Material</td> <td>Other's materials</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> <tr> <td>Material</td> <td>Other's materials</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Window Specification:</th> <th></th> </tr> </thead> <tbody> <tr> <td>Type</td> <td>Material</td> <td>Acoustic Insulation</td> <td>Control</td> <td>Detail</td> </tr> <tr> <td>Material</td> <td>Other's materials</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> <tr> <td>Material</td> <td>Other's materials</td> <td>0-6"b</td> <td>Methods</td> <td>As per drawings</td> </tr> </tbody> </table>							Interior Wall's Specification:			Type	Material	Acoustic Insulation	Control	Detail	Control	Other Wall Control	0-6"b	Methods	As per drawings		Control		Methods	As per drawings			Interior Wall's Specification:			Type	Material	Acoustic Insulation	Control	Detail	Control	Other Wall Control	0-6"b	Methods	As per drawings		Control	0-6"b	Methods	As per drawings	Control	Other Wall Control	0-6"b	Methods	As per drawings			Roof Specification:			Type	Material	Acoustic Insulation	Control	Detail	Control	Other Wall Control	Acoustic 0-12" or 14"	Methods	As per drawings			Ceiling's Specification:			Type	Material	Acoustic Insulation	Control	Detail	Material	Other's materials	0-6"b	Methods	As per drawings	Material	Other's materials	0-6"b	Methods	As per drawings			Window Specification:			Type	Material	Acoustic Insulation	Control	Detail	Material	Other's materials	0-6"b	Methods	As per drawings	Material	Other's materials	0-6"b	Methods	As per drawings
		Interior Wall's Specification:																																																																																																						
Type	Material	Acoustic Insulation	Control	Detail																																																																																																				
Control	Other Wall Control	0-6"b	Methods	As per drawings																																																																																																				
	Control		Methods	As per drawings																																																																																																				
		Interior Wall's Specification:																																																																																																						
Type	Material	Acoustic Insulation	Control	Detail																																																																																																				
Control	Other Wall Control	0-6"b	Methods	As per drawings																																																																																																				
	Control	0-6"b	Methods	As per drawings																																																																																																				
Control	Other Wall Control	0-6"b	Methods	As per drawings																																																																																																				
		Roof Specification:																																																																																																						
Type	Material	Acoustic Insulation	Control	Detail																																																																																																				
Control	Other Wall Control	Acoustic 0-12" or 14"	Methods	As per drawings																																																																																																				
		Ceiling's Specification:																																																																																																						
Type	Material	Acoustic Insulation	Control	Detail																																																																																																				
Material	Other's materials	0-6"b	Methods	As per drawings																																																																																																				
Material	Other's materials	0-6"b	Methods	As per drawings																																																																																																				
		Window Specification:																																																																																																						
Type	Material	Acoustic Insulation	Control	Detail																																																																																																				
Material	Other's materials	0-6"b	Methods	As per drawings																																																																																																				
Material	Other's materials	0-6"b	Methods	As per drawings																																																																																																				

PLEASE REFER TO THE "SUMMARY OF BASIX AND NATHERS COMMITMENTS" ON PAGE 1 FOR FURTHER INFORMATION. PLEASE REFER TO THE BASIX AND NATHERS CERTIFICATES FOR EXACT DETAILS.

BAL = LOW
PLEASE REFER TO BUSHFIRE REPORT
BY S & K JOHNSON CONSTRUCTIONS PTY LTD (KRISANN JOHNSON)

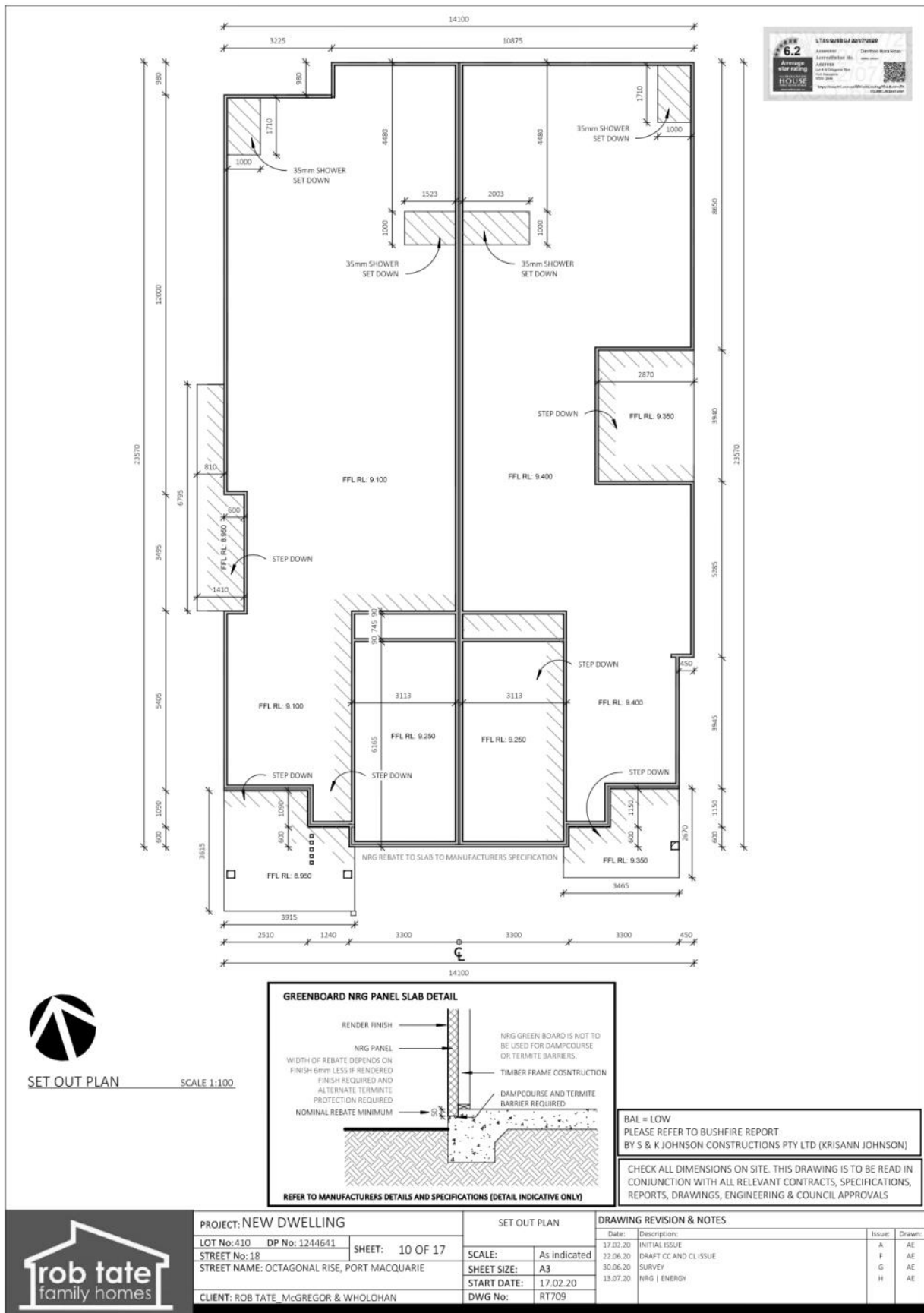
CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS

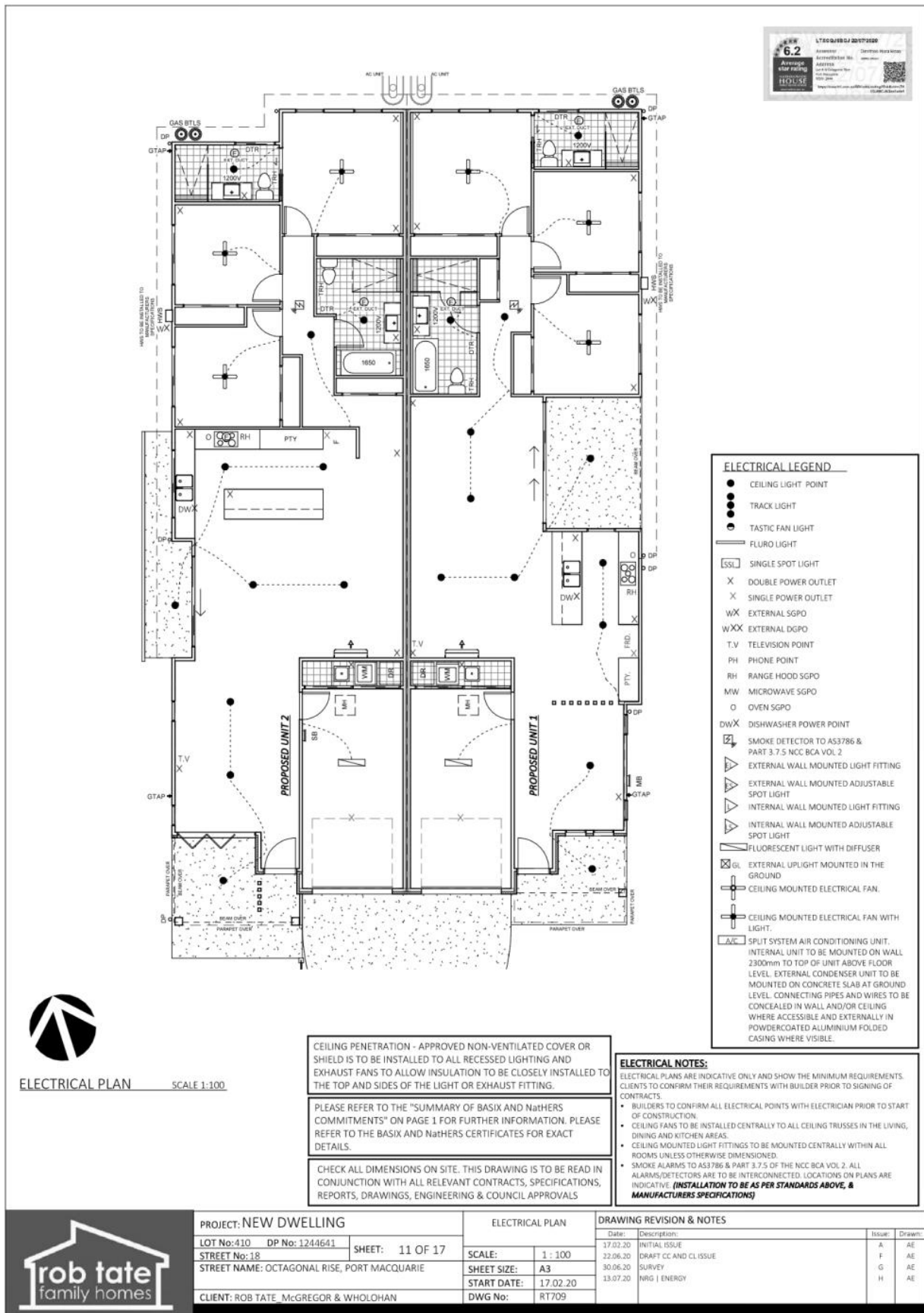


PROJECT: NEW DWELLING		
LOT No: 410	DP No: 1244641	SHEET: 9 OF 17
STREET No: 18		
STREET NAME: OCTAGONAL RISE, PORT MACQUARIE		
CLIENT: ROB TATE McGREGOR & WHOLOHAN		


ROOF PLAN	
SCALE:	1 : 100
SHEET SIZE:	A3
START DATE:	17.02.20
DWG No:	RT709


DRAWING REVISION & NOTES			
Date:	Description:	Issued:	Drawn:
17.02.20	INITIAL ISSUE	A	AE
22.06.20	DRAFT CC AND CL ISSUE	F	AE
30.06.20	SURVEY	G	AE
13.07.20	NRG ENERGY	H	AE



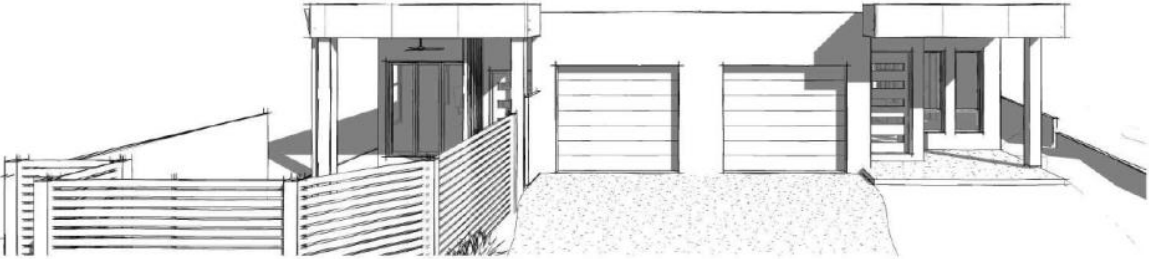




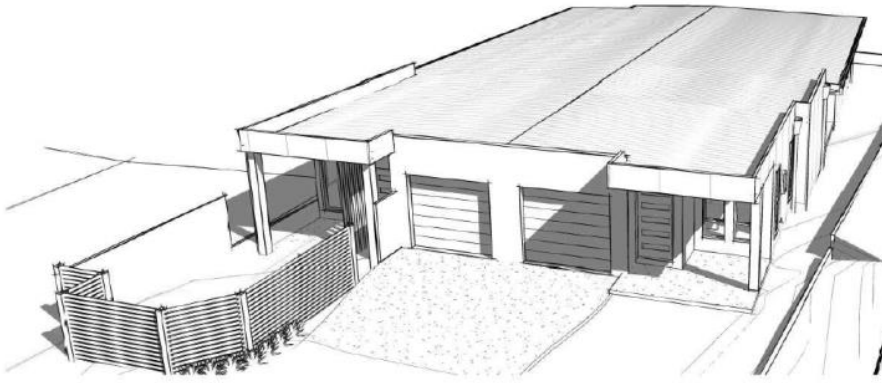




PERSPECTIVE 1 NOT TO SCALE




PERSPECTIVE 2 NOT TO SCALE



PERSPECTIVE 3 NOT TO SCALE

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS

	PROJECT: NEW DWELLING		BIRDS EYE & PERSPECTIVES		DRAWING REVISION & NOTES				
	LOT No: 410	DP No: 1244641	SHEET: 13 OF 17	SCALE:	1 : 100	Date:	Description:	Issue:	Drawn:
	STREET No: 18			SHEET SIZE:	A3	17.02.20	INITIAL ISSUE	A	AE
	STREET NAME: OCTAGONAL RISE, PORT MACQUARIE		START DATE:	17.02.20	22.06.20	DRAFT CC AND CL ISSUE	F	AE	
	CLIENT: ROB TATE MCGREGOR & WHOLOHAN		DWG No:	RT709	30.06.20	SURVEY	G	AE	
						13.07.20	NRG ENERGY	H	AE

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

REVISED DECEMBER 2019

BUILDING SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS

All works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of Australia (BCA), Volume 2 and the Plumbing Code of Australia (PCA), Volume 3 as applicable.

All Australian Standards listed are the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Certificate or Complying Development Certificate Application.

STRUCTURAL PROVISIONS

Structural Design Manuals – is satisfied by complying with:

- a) 3.0.3, 3.0.4, 3.0.5 of the BCA; or
- b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements; or
- c) any combination thereof.

3.0.5. Structural Software – Must comply with the Australian Building Codes Board (ABCB) Protocol for Structural Software and Part 3.4.0.2 of the BCA.

SITE PREPARATION

Earthworks – Earthworks are to be undertaken in accordance with Part 3.1.1 of the BCA.

Earth Retaining structures (ie. retaining walls & batter) to be in accordance with AS4678.

Drainage – Stormwater drainage is to be undertaken in accordance with AS/NZS 3500.3, or, the Acceptable Construction Practice as detailed in Part 3.1.3 of the BCA.

Termite Risk Management – Where a primary building element is considered susceptible to termite attack the building shall be protected in accordance with the following:

- a) AS 3600.1, and
- b) A durable notice is permanently fixed to the building in a prominent location, such as in a meter box or the like, including the details listed in Part 3.1.4.4 of the BCA.
- c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.4 of the BCA.

FOOTINGS AND SLABS

The footing or slab is to be constructed in accordance with AS 2870, except that for the purposes of Clause 5.3.3.1 of AS 2870, a damp proofing membrane is required to be provided, or, the Acceptable Construction Practice detailed in Part 3.2 of the BCA.

Piled footings are to be designed in accordance with AS 2159.

MASONRY

Unreinforced Masonry – to be designed and constructed in accordance with:

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2.

Reinforced Masonry – to be designed and constructed in accordance with:

- a) AS 3700; or
- b) AS 4773 parts 1 and 2.

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

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2.

Weatherproofing of Masonry – This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1 Building.

This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class 1 building.

The weatherproofing of masonry is to be carried out in accordance with:

- a) AS 3700; except as provided for by Part 3.3.2.0 (a), or
- b) AS 4773 Part 2.1 and 2.

FRAMING

Sub-Floor Ventilation – is to comply with the Acceptable Construction Practice of Part 3.4.1 of the BCA.

Steel Framing – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.2 of the BCA, or, one of the following manuals:

- a) Steel structures: AS 4100.
- b) Cold formed steel structures: AS/NZS 4600.
- c) Residential and low-rise steel framing: NASH Standard.

Timber Framing – is to be designed and constructed in accordance with the following, as appropriate:

- a) AS 1684.2.
- b) AS 1684.4.

Structural Steel Members – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.4 of the BCA, or, one of the following manuals:

- a) Steel Structures: AS 4100.
- b) Cold-formed steel structures: AS/NZS 4600.

Roof and Wall Cladding – is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.1 of the BCA, or, one of the following:

- a) Roofing tiles: Part 3.5.1 BCA - AS2050.
- b) Metal Roof Cladding: Part 3.5.1 BCA - AS1562.1.
- c) Plastic sheet roofing: AS/NZS 4256 Parts 1, 2, 3 and 5; and AS/NZS 1562.3.

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

Timber & Composite Wall Cladding – is to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.4 of the BCA.

Autoclaved Aerated Concrete to AS1562.1.

Metal wall cladding to be designed and constructed in accordance with AS 1562.1.

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

- a) AS 2047.
- b) AS 1288.

FIRE SAFETY

Fire Hazard properties of materials to comply with Part 3.7.1 of the BCA.

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

Fire Separation of separating walls & floors to comply with Part 3.7.3 of the BCA.

Fire Separation of garage top dwelling to comply with Part NSW 1.1 of the BCA.

Smoke Alarms & Evacuation lighting to comply Part 3.7.5 of the BCA.

Bushfire Areas – This section relates to:

- a) A Class 1 building; or
- b) A Class 10a building or deck associated with a Class 1 building, if it is constructed in accordance with the following:

- c) AS 3959, except as amended by planning for bushfire protection and, except for Section 9 Construction for Bushfire Attack Level FZ (BAL FZ).
- d) The requirements of (c) above as modified by the development consent for development consent for construction at this level; or
- e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

Alpine Areas – to be constructed in accordance with the Acceptable Construction Practice of Part 3.10.4 of the BCA if located in an alpine area.

Health and Amenity – building elements in wet areas within a building must:

- a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA; and
- b) Comply with AS 3740.

Room Heights – are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA.

Facilities – are to be constructed in accordance with Acceptable Practice of Part 3.8.3 of the BCA.

Light – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.4 of the BCA.

Ventilation – is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.5 of the BCA.

Sound Insulation – (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

Condensation Management to be provided in accordance with ACP Part 3.8.7 BCA.

SAFE MOVEMENT AND ACCESS

Stair Construction – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.1 of the BCA.

Barriers and Handrails – to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.

Protection of operable windows to Part 3.9.2 of the BCA.

ANCILLARY PROVISIONS & ADDITIONAL CONSTRUCTION REQUIREMENTS

3.10.1 - Swimming Pools

Swimming Pool Access – to be designed and installed in accordance with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and AS 1926 Parts 1 and 2.

Swimming Pool Water recirculation Systems – is to be designed and constructed in accordance with AS1926.3.

High Wind Areas – Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA). To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA.

3.10.2 - Earthquake Areas subject to "seismic activity" to be constructed in accordance with Part 3.0 BCA.

3.10.3 - Flood Hazard Areas – applies to areas on a site (whether or not mapped) encompassing the land lower than the flood hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be constructed in accordance with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

3.10.4 - Construction "Alpine Areas" in accordance with Part 3.10.4.

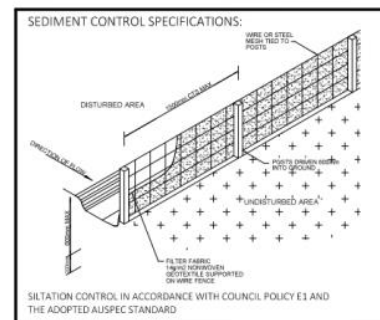
3.10.5 - Construction in Bushfire Prone Areas in accordance with Part 3.10.5.

3.10.6 - Attachment of Decks & Balconies to external walls of buildings to be in accordance with the acceptable construction practice of Part 3.10.6 of the BCA, or alternatively be engineer designed in accordance with Part 3.0 of the BCA.

3.10.7 - Boilers, Pressure Vessels, Heating Appliances, Fire Places, Chimneys & Flues to be in accordance with Part 3.10.7 of the BCA.

ENERGY EFFICIENCY

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



PROJECT: NEW DWELLING

LOT No: 410 DP No: 1244641 SHEET: 14 OF 17

STREET No: 18

STREET NAME: OCTAGONAL RISE, PORT MACQUARIE

CLIENT: ROB TATE MCGREGOR & WHOLOHAN

BUILDING SPECIFICATIONS

SCALE: As indicated

SHEET SIZE: A3

START DATE: 17.02.20

DWG No: RT709

DRAWING REVISION & NOTES

Date:	Description:	Issue:	Drawn:
17.02.20	INITIAL ISSUE	A	AE
22.06.20	DRAFT CC AND CL ISSUE	F	AE
30.06.20	SURVEY	G	AE
13.07.20	NRG ENERGY	H	AE



Installation Guide

This guide provides information on the correct procedures for the installation of NRG Greenboard™. The details are provided to assist carpenters/ installers and cover most common applications.

1 START

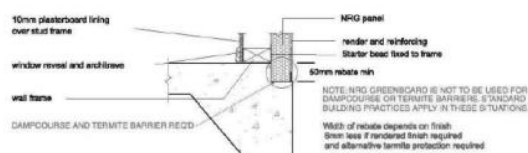
(A) Before commencing to fix NRG panels check that

- The frames are straight and plumb
- All windows and flashing are correctly installed
- Breathable sarking has been fitted
- Solid back blocking where required

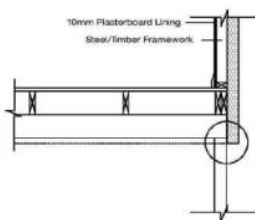
Consideration should be given to the installation of wall mounting accessories i.e. taps, electrical, fittings etc. It is important to allow for adequate back blocking for these items.

(B) POSITIONING OF STARTER BEAD:

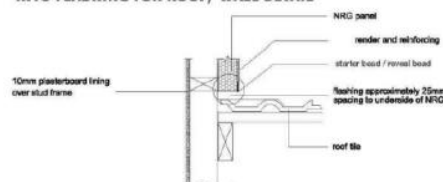
INTO A REBATE FOR SLAB DETAIL



INTO BEARER/ JOIST FOR TIMBER FLOOR DETAIL



INTO FLASHING FOR ROOF/ WALL DETAIL



2 FIXING / CUTTING / BACK BLOCKING

(A) NRG panels can be laid horizontally or vertically depending on what suits the job.

- Position NRG panel into starter bead, check for level and fix into studs using NRG washers and screws.
- Standard fixings are 300c vertically and 450c horizontally (refer to fixing table).

NRG Greenboard™ Minimum Stud & Fastener Spacing's

Regions - Wind Category		Stud Spacings (mm)	Fastener Spacings (mm-Vertically)	Number of Fasteners /m
Non Cyclonic	N1	450	300	12
	N2	450	300	12
	N3	450	300	12
	N4	450	200	18
	N5	450	150	24
Cyclonic	C1	450	200	18
	C2	450	150	24
	C3	450	100	37

* In accordance with AS1684 – 2006/ AS4005 – 1992

* in accordance with AS1684 - 2006 / AS4005 - 1992

Metal Fixings



Timber Fixings

(B) Adjoining NRG panels are to be glued on both horizontal and vertical edges using recommended construction adhesive (i.e. NRG Greenboard Adhesive or Soudal Strong As Nails) or an expanda foam.

(C) Measure and cut NRG panels using a straight edge and a standard power saw with a masonry diamond blade.

(D) At external corners, NRG panels are overlapped the full thickness of the sheets and glued using recommended construction adhesive.

(E) Allow a 3mm gap between NRG panels and openings (door, windows) for sealing. It is recommended the straight edge of the sheet be fixed next to the openings for easier sealing.

BACK BLOCKING

(F) Where the NRG panel has a vertical join off a stud it is necessary to back-block as follows.

- Fixing stud material vertically (widest facing outwards) and securing between bottom plate and noggin. Alternately between noggin and top plate, making sure to glue both NRG panels and fix through each panel with screws and washers into back block at 300c.

5029 NRG Intall Guide A4 06-18.indd 1

25/06/2016 10:00am



PROJECT: NEW DWELLING

LOT No: 410 DP No: 1244641 SHEET: 15 OF 17

STREET No: 18

STREET NAME: OCTAGONAL RISE, PORT MACQUARIE

CLIENT: ROB TATE MCGREGOR & WHOLOHAN

NRG SPECIFICATIONS 1

SCALE:

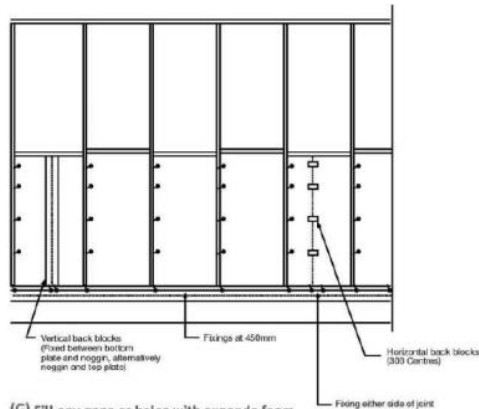
SHEET SIZE: A3

START DATE: 17.02.20

DWG No: RT709

DRAWING REVISION & NOTES

Date:	Description:	Issue:	Drawn:
17.02.20	INITIAL ISSUE	A	AE
22.06.20	DRAFT CC AND CL ISSUE	F	AE
30.06.20	SURVEY	G	AE
13.07.20	NRG ENERGY	H	AE



(G) Fill any gaps or holes with expanda foam.

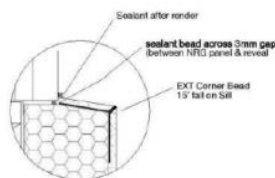
3

BEADING & SEALING

At this point particular care needs to be exercised to ensure that the installation of all beading around windows and doors is completed correctly. This is not a gap filling exercise but an integral part of the total NRG Greenboard™ walling system.

(A) Rendered Reveals 60mm, 75mm, 100mm Greenboard™

- All sills, heads & jambs to be rendered.
- Using marking tape, accurately adhere to frame of joinery, 4mm from the edge creating a neat parallel margin.
- Using a Primer, and a clean rag, dampen cloth with Primer and quickly clean the window reveal, ready for sealant application.
- Cut a medium size end off the nozzle of the sealant. Apply a bead of sealant into the gap between the Greenboard™ and the taped window reveal. Using a coving tool, neatly create an internal cove finish.

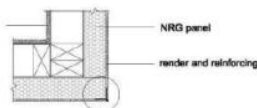


- Remove masking tape from joinery leaving a 100% water proof seal
- This procedure is repeated after rendering and prior to texture coating, to ensure double sealing around windows and doors

(B) External Beads

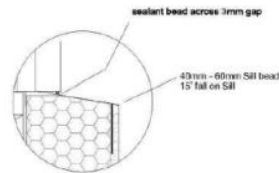
- External points of building, columns etc.
- All sill, head and jambs (60mm, 75mm, 100mm)
- Install external bead by applying a bead of Bostik No More Nails to internal sides of the bead.

Then press firmly into position, check for plumb and straightness, scraping of excess glue, tacking into position until dry.



(c) 40mm Reveal Bead

- Allow a 3mm gap between Greenboard™ and opening
- Glue 40mm reveal bead into 3mm gap pressing firmly against the Greenboard™. Make sure there is sufficient glue to fix bead to Greenboard™
- Tape and prime reveal bead and opening reveal. Apply a bead of sealant into the gap between the reveal bead and opening reveal. Smear sealant with tool. Remove tape and Paint.



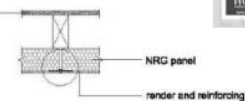
(d) Expansion Beading Joints

Expansion joints allow movement within the building & avoid unsightly cracking.

- Vertical Expansion Beading Joints: Every 8 metres (above / below window)

approximately 8 metres apart

10mm plasterboard lining over stud frame



- Horizontal Beading Expansion Joints: Located between floor levels

10mm plasterboard lining over stud frame



- Install "Render Expansion Bead" between both Greenboard™ surfaces, applying a bead of No More Nails to both internal surfaces of bead. Press into position, scrape off excess glue, and tack fix until dry.

(Expansion Joints) Option 2

- Chalk line after render
- 10mm cut through render and into panel
- Tape either side of joint
- Seal
- Remove tape and Paint



Free Call 1800 674 001

FOR FURTHER INFORMATION CONTACT NRG HEAD OFFICE

Unit 2, 13-15 Octal Street Yatala Qld 4207

Phone: 07 3382 7742 Fax: 07 3382 7741

email. sales@nrggreenboard.com www.nrggreenboard.com

5629 NRG Intel Guide A4 06-18.indd 2

28/06/2016 10:00am



PROJECT: NEW DWELLING

LOT No: 410 DP No: 1244641 SHEET: 16 OF 17

STREET No: 18

STREET NAME: OCTAGONAL RISE, PORT MACQUARIE

CLIENT: ROB TATE MCGREGOR & WHOLOHAN

NRG SPECIFICATIONS 2

SCALE:

SHEET SIZE: A3

START DATE: 17.02.20

DWG No: RT709

DRAWING REVISION & NOTES

Date:	Description:	Issue:	Drawn:
17.02.20	INITIAL ISSUE	A	AE
25.05.20	SITE MEASURE	E	AE
22.06.20	DRAFT CC AND CL ISSUE	F	AE
30.06.20	SURVEY	G	AE
13.07.20	NRG ENERGY	H	AE

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.**1. FALLS, SLIPS, TRIPS****AI WORKING AT HEIGHTS****DURING CONSTRUCTION**

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation. For buildings where scaffolds, ladders, trestles, are not appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

BI SLIPPERY OR UNEVEN SURFACES**FLOOR FINISHES SPECIFIED**

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES BY Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces specified be selected in accordance with AS 1687 1997-1999 and AS/NZS 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to persons carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

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 CONSTRUCTION

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 and/or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when temporary bracing 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 loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road: Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. For building where on-site loading/unloading is restricted: Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas. For all buildings: 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.

4. SERVICES**GENERAL**

Disruption 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), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, 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.

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 required to limit the component mass

All material packaging, building and maintenance components should clearly show the total mass of packages and where critical 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 safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES**ASBESTOS**

For alterations to a building constructed prior to 1990: If this existing building was constructed prior to: asbestos 1990 - it therefore may contain asbestos 1996 - it therefore is likely to contain either in cladding material or in fire retardant insulating material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

Many materials used in the construction of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. 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 while the material is being used 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.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used 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.

7. CONFINED SPACES

Excavation Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to 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

For buildings with enclosed spaces where maintenance or other access 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 small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Where construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING**RESIDENTIAL BUILDINGS**

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

10. OTHER HIGH RISK ACTIVITY

Code All electrical work should be carried out in accordance with Practice: Managing Electrical Risks at the Workplace, AS/NZ and all licensing requirements. 2012 All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. Code of All work should be carried out in accordance with Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

EXCAVATIONS**1. Excavations**

The part of the site to be covered by the proposed building or buildings and an area at least 1000mm wide around that part of the site or to boundaries of the site, whichever is the lesser, shall be cleared or graded as indicated on the site works plan.

Top soil shall be cut to a depth sufficient to remove all vegetation. Excavation for all footings shall be in accordance with the Engineer's Recommendations or the BCA requirements.

FOUNDATIONS AND FOOTINGS**1. Underfloor Fill**

Underfloor fill shall be in accordance with the BCA.

2. Termite Risk Management

Termite treatment shall be carried out in accordance with the BCA.

3. Vapour Barrier

The vapour barrier installed under slab-on-ground construction shall be 0.2mm nominal thickness, high impact resistance polyethylene film installed in accordance with the BCA.

4. Reinforcement

Reinforcement shall conform and be placed in accordance with the Engineer's Recommendation and the BCA. Support to all reinforcement shall be used to correctly position and avoid any undue displacement of reinforcement during the concrete pour.

5. Concrete

Structural shall not be less than Grade N20 except otherwise approved by the engineer and in accordance with the BCA.

6. Curing

All concrete slabs shall be cured in accordance with AS 3600.

7. Footings and Slabs on Ground

Concrete slabs and footings shall not be poured until approval to pour concrete is given by the engineer or the Local Authority.

8. Sub-Floor Ventilation

Where required, adequate cross ventilation will be provided to the space under suspended ground floor. Construction is to meet the requirements of the BCA. No section of the under floor area will be constructed in such manner that will hold pockets of still air.

9. Sub-Floor Access

If required, access will be provided under suspended floors in position where indicated on plan.

EFFLUENT DISPOSAL/DRAINAGE**1. Storm Water Drainage**

Stormwater drainage shall be carried out in accordance with the BCA. The Builder will allow for the supplying and laying of stormwater drains where shown on the site plan.

TIMBER FRAMING**1. Generally**

All timber framework sizes, spans, spacing, notching, checking and fixing all floor, wall and roof structure shall comply with the BCA or AS 1684. Alternative structural framing shall be to structural engineer's details and certification. The work shall be carried out in a proper and trades personal like manner and shall be in accordance with recognised and accepted building practices.

2. Roof Trusses

Where roof truss construction is used, trusses shall be designed in accordance with AS 1720 and fabricated in a properly equipped factory and erected, fixed and braced in accordance with the fabricator's written instructions.

3. Bracing

Bracing units shall be determined and installed in accordance with AS 1684 as appropriate for the design wind velocity for the site. Bracing shall be evenly distributed throughout the building.

4. Flooring

Floor joists will be covered with strip or sheet flooring as shown on plan with particular regard to ground clearance and installation in wet areas as required by the BCA. Thickness of the flooring is to be appropriate for the floor joist spacing. Strip and sheet flooring shall be installed in accordance with AS 1684. When listed in Schedule of Works, floors shall be sanded to provide an even surface and shall be left clean throughout.

5. Timber Posts

Timber support for the carports, verandas and porches shall be timber suitable for external use, or as otherwise specified, supported on galvanised or treated metal post shoes, unless otherwise specified. Posts shall be bolted to all adjoining beams as required by AS 1684 for the wind speed classification assessed for the site.

6. Corrosion Protection

All metal brackets, facing plates and other associated fixings used in structural timber joints and bracing must have appropriate corrosion protection.

STEEL FRAMING**1. Generally**

Steel floor, wall or roof framing shall be installed in accordance with the manufacturer's recommendations and the BCA.

ROOFING

All roof cladding is to comply with the relevant structural performance and weathering requirements of the BCA and be installed in accordance with the manufacturer's recommendations.

1. Tiled Roofing

The Builder will cover the roof of the dwelling with approved tiles as selected. The tiles are to be fixed (as required for appropriate design and wind speed) to battens of eaves appropriate to the spacing of rafters/trusses in accordance with the manufacturer's recommendations. The Builder will cover hips and ridges with capping and all necessary accessories including starters and apex caps. Capping and verge tiles are to be well bedded and neatly pointed. Roofing adjacent to valleys should be fixed so as to minimise water penetration as far as practicable. As roof tiles are made of natural products slight variation in colour is acceptable.

2. Metal Roofing

The Builder will provide and install a metal roof together with accessories all in accordance with the manufacturer's recommendations.

Except where design prohibits, sheets shall be in single lengths from fascia to ridge. Fixing sheets shall be strictly in accordance with the manufacturer's recommendation as required for the appropriate design and wind speed. Incompatible materials shall not be used for fixings, fasteners or downpipes.

3. Gutters and Downpipes

Gutters and downpipes shall be manufactured and installed in accordance with the BCA. Gutters and downpipes are to be compatible with other materials used.

4. Sarking

Sarking under roof coverings must comply with and be fixed in accordance with manufacturer's recommendations.

5. Sealants

Appropriate sealants shall be used where necessary and in accordance with manufacturer's recommendations.

6. Flashing

Flashing shall comply with, and be installed in accordance with the BCA.

MASONRY**1. Damp Proof Courses**

All damp proof courses shall comply with the BCA and Clause 1.0.10. The damp proof membrane shall be visible in the external face of the masonry member in which it is placed and shall not be bridged by any applied coating, render or the like.

2. Cavity Ventilation

Open vertical joints (weepholes) must be created in the course immediately above any DPC or flashing at centres not exceeding 1.2m and must be in accordance with the BCA.

3. Mortar and Joining

Mortar shall comply with the BCA. Joint tolerances shall be in accordance with AS 3700.

4. Linets

Linets used to support brickwork opening in walls must be suitable for the purpose to be used by the BCA. The Builder will provide one linet to each wall leaf. The Builder will provide corrosion protection in accordance with the BCA Part 3.4.4 as appropriate for the site environment and location of the linets in the structure.

5. Cleaning

The Builder will clean all exposed brickwork with an approved cleaning system. Care should be taken not to damage brickwork or joints and other fittings.

CLADDING AND LININGS**1. External Cladding**

Sheet materials or other external cladding shall be fixed in accordance with the manufacturer's recommendations and any applicable special details.

Where required in open verandas, porches and eave soffits, materials indicated on the plans shall be installed.

2. Internal Wall and Ceiling Linings

The Builder will provide gypsum plasterboards or other selected materials to walls and ceilings. Plasterboard sheets are to have recessed edges and will be a minimum of 10mm thick. Internal angles in walls from floor to ceiling are to be set. Suitable cornice moulds shall be fixed at the junction of all walls and ceilings or the joint set as required. The lining of wet areas and walls shall be constructed in accordance with the BCA. Wet area lining is to be fixed in accordance with the manufacturer's recommendations. The ceiling access hole shall be of similar material to the adjacent ceiling.

3. Waterproofing

All internal wet areas and balconies over internal habitable rooms are to be waterproofed in accordance with the BCA.

JOINERY**1. General**

All joinery work (metal and timber) shall be manufactured and installed according to accepted building practices.

2. Door Frames

External door frames shall be a minimum of 32mm thick solid rebated 12mm deep to receive doors. Internal jamb linings shall be a minimum of 18mm thick fit with 12mm thick door stops. Metal doorframes shall be installed where indicated on drawings in accordance with the manufacturer's recommendations.

3. Doors and Doorsets

The Builder will provide external timber door and door sets shall be installed in accordance with accepted building practices. Unless listed otherwise in the Schedule of Works, doors and door sets shall be manufactured in accordance with AS 2888 and AS 2689.

4. Window and Sliding Door

Sliding and other timber windows and doors shall be manufactured and installed in accordance with AS 2047. Sliding and other aluminium windows and the doors shall be installed in accordance with the manufacturer's recommendations and AS 2047. All glazing shall comply with the BCA and any commitments outlined in the relevant BASIX Certificate.

5. Stairs, Balustrades and other Barriers

The Builder will provide stairs or ramps to any change in levels, and balustrades or barriers to at least one side of ramps, landings and balconies as per the BCA.

SERVICES**1. Plumbing**

All plumbing shall comply with the requirements of the relevant supply authority and AS 3500. The work is to be carried out by a licensed plumber.

Fittings, as listed in the Schedule of Works, shall be supplied and installed to manufacturer's recommendations. Fittings, hot water system and any rainwater harvesting facilities shall be appropriate to satisfy any commitment outlined in the relevant BASIX Certificate.

2. Electrical

The builder will provide all labour and materials necessary for the proper installation of the electricity service by a licensed electrician in accordance with AS/NZS 3000 and the requirements of the relevant supply authority. Unless otherwise specified, the electrical service shall be 240 volt, single phase supply.

3. Gas

All installation (including LPG) shall be carried out in accordance with the rules and requirements of the relevant supply authority.

4. Smoke Detectors

The Builder will provide and install smoke alarms manufactured in accordance with AS 3786 AS specified or as indicated on the plans and in accordance with the BCA.

5. Thermal Insulation

Where thermal insulation is used in the building fabric or services, such as air conditioning ducting or hot water systems, it shall be installed in accordance with manufacturer's recommendations to achieve the R-Values required by the BCA or as outlined in the relevant BASIX Certificate.

TILING**1. Materials**

Cement mortar and other adhesives shall comply with AS 3958.1 or tile manufacturer's recommendation.

2. Installation

Installation of tiles shall be in accordance with AS 3958.1, manufacturer's recommendations or accepted building practices. Where practicable, spacing between tiles should be even and regular. The Builder will provide expansion joints where necessary. All vertical and horizontal joints between walls and fixtures e.g. bench top, bath, etc. and wall/floor junctions to be filled with flexible mould resistant sealant. All joints in the body of tiled surfaces shall be neatly filled with appropriate grout material as specified by the tile manufacturer or accepted building practice. As tiles are made of natural products a slight variation in colour is acceptable.

**PROJECT: NEW DWELLING**

LOT No: 410 DP No: 1244641 SHEET: 17 OF 17

STREET No: 18

STREET NAME: OCTAGONAL RISE, PORT MACQUARIE

CLIENT: ROB TATE MCGREGOR & WHOLOHAN

WORK SAFETY NOTES

SCALE: 1 : 100

SHEET SIZE: A3

START DATE: 17.02.20

DWG No: RT709

DRAWING REVISION & NOTES

Date: Description:

17.02.20 INITIAL ISSUE

22.06.20 DRAFT CC AND CL ISSUE

30.06.20 SURVEY

13.07.20 NRG | ENERGY

Issue:

A AE

F AE

G AE

H AE

Developer Charges - Estimate

Applicants Name: F Wholohan & N McGregor
 Property Address: 18 Octagonal Rise, Port Macquarie
 Lot & Dp: Lot(s):410,DP(s):1244641
 Development: Dual Occupancy and Strata Subdivision



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

Levy Area	Units	Cost	Estimate
1 Water Supply	0.6	\$10,085.00 Per ET	\$6,051.00
2 Sewerage Scheme Port Macquarie	1	\$3,826.00 Per ET	\$3,826.00
3 Since 1.7.04 - Major Roads - Innes Peninsula - Per ET	0.8	\$9,313.00 Per ET	\$7,450.40
4 Since 31.7.18 - Open Space - Innes Peninsula - Per ET	0.8	\$6,230.00 Per ET	\$4,984.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Innes Peninsula	0.8	\$4,573.00 Per ET	\$3,658.40
6 Com 1.3.07 - Administration Building - All areas	0.8	\$900.00 Per ET	\$720.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 Bushfire Additional	0.8	\$499.00 Per ET	\$399.20
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$378.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$27,467.60

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:

6-Oct-2020

Estimate Prepared By Fiona Tierney

This is an ESTIMATE ONLY - NOT for Payment Purposes

an & N McGregor, 18 Octagonal Rise, Port Macquarie, 6-Oct-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL

BUILDING DESIGNERS | INNOVATIVE | AFFORDABLE | INDIVIDUAL



STATEMENT OF ENVIRONMENTAL EFFECTS

Date July 2020

CWC Ref RT709

Lot 410 DP 1244641 No 18 Octagonal, Port Macquarie


collinswcollins PTY LTD

Collins W Collins Pty Ltd
RT709_Statement of Environmental Effects.docx

CWC Reference – RT709
July 2020

Statement of Environmental Effects

Attached Dual Occupancy Development with Strata Title Subdivision on Lot 410 DP 1244641 No 18 Octagonal Rise, Port Macquarie

1.0	Introduction	3
2.0	Property Details	3
2.1	Site Characteristics	4
2.2	Existing and Proposed Services	5
3.0	Proposal Overview	5
4.0	General Information	6
5.0	Port Macquarie-Hastings Local Environment Plan 2011	7
6.0	State Environmental Planning Policy	8
6.1	Building Sustainability Index: BASIX 2004	8
6.2	No 62 – Sustainable Aquaculture	8
6.3	Coastal Management	8
7.0	Development Control Plan	8
7.1	Port Macquarie-Hastings Development Control Plan 2013	8
7.2	Non-Compliances	11
8.0	Conclusion	12

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020

1.0 Introduction

Collins W Collins Pty Ltd has been engaged to prepare a development application for an attached dual occupancy with Strata Title subdivision. This Statement of Environmental Effects is to accompany the plans and specifications, and forms part of the application.

2.0 Property Details

Lot	410	Section No	N/A	DP No	1244641
Street No	18	Street Name	Octagonal Rise		
Suburb	Port Macquarie			Post Code	2444

The area is characterised by existing residential developments and is within proximity to schools, childcare, medical facilities, shops, recreational facilities and has easy access to the main road accessing Town Centre and the Pacific Highway.

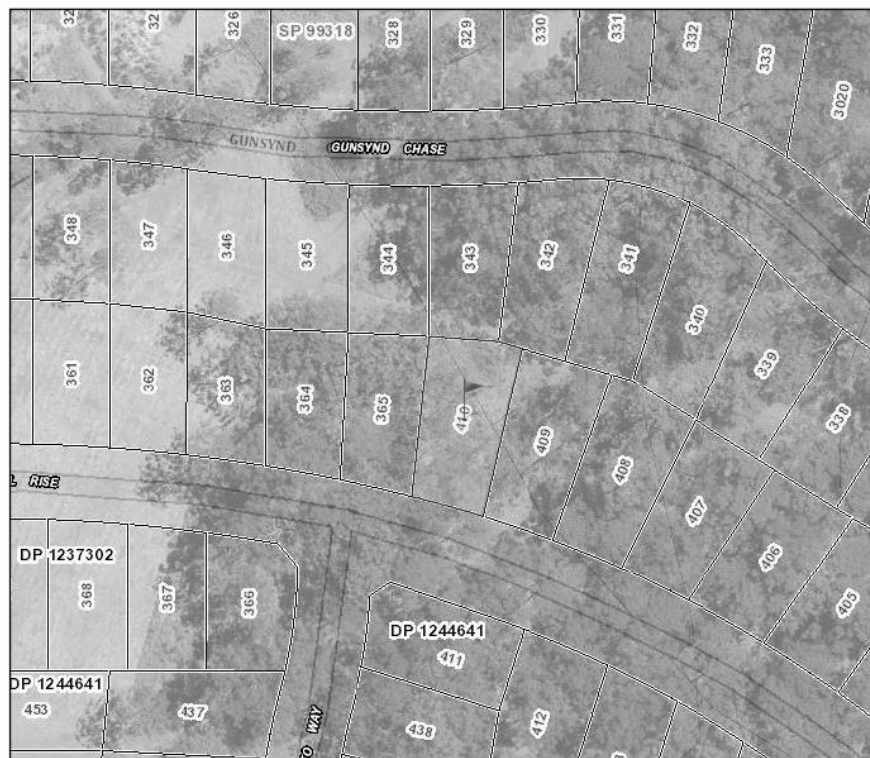


Figure 1: Aerial View, image from Six maps (sourced: July 2020)

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020



Figure 2: Aerial View, image from Google maps (sourced: July 2020)

2.1 Site Characteristics

The subject site has an area of 575.972m² with a southerly orientation to the Octagonal Rise. There is an approximate 1.0m fall across the site from south-east to north-west.

The neighbouring properties to the west and north are developed with single dwellings and the neighbouring property to the east is vacant residential land.

The subject site is mapped as being bushfire prone land with a BAL rating of low, as per the submitted report.

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020

2.2 Existing and Proposed Services

Water

Council's records indicate that there is an existing 20mm water service in the south-western corner of the site. It is proposed to install a 20mm water meter to the existing service and connect to the proposed Unit 2. It is proposed to install an additional 20mm metered water service in the south-eastern corner of the site to connect to the proposed Unit 1.

Sewer

Council's records indicate that there is an existing sewer man on the rear neighbouring property with an existing sewer junction in the north-western corner of the site. It is proposed to utilise the existing connection for the proposed development.

Stormwater

Council's records indicate that there is an existing stormwater junction in the south-western corner of the site. It is proposed to utilise the existing connection for the proposed development.

Telecommunication and Electricity

The telecommunication and electricity connections are available from the street frontage.

3.0 Proposal Overview

The proposal is for the construction of a new dual occupancy development with Strata Titled subdivision.

The proposed dual occupancy comprises of two (2) attached, single storey dwellings, each with an attached single garage.

Access to the development is by way of a shared driveway off Octagonal Rise.

The proposal includes an application for Strata title subdivision to create two (2) Strata titled lots.

The proposal includes the construction of a retaining wall adjacent the northern boundary to 600mm high. The proposal includes the construction of a retaining wall to 400mm high adjacent the eastern boundary towards the south-eastern corner. There are existing retaining walls adjacent the eastern and western boundaries that will remain in situ.

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020

The proposed 1.8m high boundary fences will be constructed under Exempt Development.

The proposal does not include removal of trees. It is noted that there are two (2) trees within the crossover that have been nominated for removal by the Developer and do not form part of this application.

4.0 General Information

Site Suitability	
Will the development:	
• Affect any neighbouring residences by overshadowing or loss of privacy?	No
• Result in the loss or reduction of views?	No
• Impact on any item of heritage or cultural significance?	No
• Result in land use conflict or incompatibility with neighbouring premises?	No
• Be out of character with the surrounding areas?	No
• Be visually prominent with the existing landscape/streetscape?	No
• Require excavation or filling in excess of 1 metre?	No
• Require the erection or display of any advertising signage?	No
Will the proposal:	
• Result in any form of air pollution (smoke, dust, odour)?	No
• Have the potential to cause any form of water pollution?	No
• Emit noise levels that could affect neighbouring properties?	No
• Be considered potentially hazardous or offensive (refer SEPP 33 for definitions)?	No
• Affect native or aquatic habitat?	No
• Have an impact on a threatened species or habitat?	No
• Involve the removal of any trees?	No
Access, Traffic & Utilities	
• Are electricity and telecommunications services available to the site?	Yes
• Is lawful and practical access available to the site?	Yes
• Will the development increase local traffic movements and volumes?	Yes
• Are appropriate manoeuvring, unloading and loading facilities available on site?	N/A

Collins W Collins Pty Ltd

CWC Reference – RT709

RT709_Statement of Environmental Effects.docx

July 2020

<u>Social & Economic Impacts</u>	
• Will the proposal have any social or economic impacts in the area?	No
• Have you conducted any community consultation	No
• Have you considered Council's Social Impact Assessment Policy?	No
<u>Waste Disposal</u>	
Provide details of waste management, including reuse and recycling: Individual bins to be collected via Council's Contractors	Yes
How and where will the wastes be stored: Within the private open spaces	
• Does the proposed use generate any special wastes?	No
• Will the use generate trade wastes (ie greasy or medical wastes)?	N/A

5.0 Port Macquarie-Hastings Local Environment Plan 2011

Land Zoning

The subject site is zoned R1 – General Residential. The objectives of this zoning are as follows:

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

The proposed dual occupancy development with subdivision is a permissible land use and provides a housing type that will meet the needs of a community segment. In this regard, the proposal is consistent with the R1 zone objectives.

Minimum Lot Size

The minimum lot size specified on the Lot Size Map is 450m². The proposal includes an application for Strata Title subdivision to create two (2) lots, with each lot size less than 450m².

It is noted that, as per Clause 4.1.4, the minimum lot size does not apply to land that is to be subdivided by registration of a Strata plan.

Height of Building

The proposed new development has a maximum ridge height of 3.767m above existing ground level which complies with the LEP and is consistent with neighbouring developments.

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020

Floor Space Ratio

The proposal has a floor space ratio of 0.44:1, calculated in accordance with the LEP definition, which is compliant with LEP provisions.

Other

The subject site is not mapped as having Acid Sulphate Soils, affected by Flood or within a Koala Habitat zoning.

6.0 State Environmental Planning Policy**6.1 Building Sustainability Index: BASIX 2004**

A BASIX Certificate, and a NatHERS Certificate to satisfy the Thermal Comfort section, have been submitted demonstrating that the proposed development will comply with the requirements of the SEPP.

6.2 No 62 – Sustainable Aquaculture

Given the nature of the proposed development and the proposed stormwater controls, it is unlikely that the proposal will have any adverse impact on existing aquaculture industries.

6.3 Coastal Management

The subject site is not mapped as being a Littoral Rainforest or Coastal Wetlands and is not within the proximity area for Littoral Rainforests or Coastal Wetlands.

7.0 Development Control Plan**7.1 Port Macquarie-Hastings Development Control Plan 2013**

	DCP Requirements	Proposal	Complies Yes/No
Cut and Fill Regrading	Max cut of 1.0m and fill of 1.0m at a distance of 1.0m outside external walls	Up to 600mm	Yes
Retaining Walls	Adjacent road frontages: 1.0m max Greater than 1.0m – engineer certification to be provided	N/A – no retaining walls adjacent the road frontage	N/A

Collins W Collins Pty Ltd

CWC Reference – RT709

RT709_Statement of Environmental Effects.docx

July 2020

Front Setback	Articulation Zone (<i>applicable to primary frontage</i>): 3.0m	N/A	N/A
	4.5m min to primary frontage	5.572m	Yes
	3.0m min to secondary frontage	N/A	N/A
Garage, Carport or Car Parking Space	1.0m behind dwelling line where dwelling is set back 4.5m or more	Greater than 1.0m behind building line	Yes
	5.5m from front boundary where dwelling has less than 4.5m front setback	7.786m	Yes
	6.0m max door width or 50% max of the building width	4.8m = 34% of building width	Yes
	5.0m max crossover width or 1/3 max of site frontage	4.0m = 26.67% of site frontage	Yes
	Dual Occupancy on corner lot, garage & driveway to be provided on each road frontage	N/A	N/A
Rear Setback	4.0m to any part of building	2.718m	No
	900mm to sheds and swimming pools	N/A	N/A
Side Setback	Ground Floors: 900mm	E: 1.248m W: 950mm	Yes Yes
	First Floors & Above: 3.0m	N/A	N/A
	12m max unarticulated wall length	E: 8.65m W: 12.0m	Yes Yes
Open Space	35m ² in one area	U1: 35m ² U2: 50m ²	Yes Yes
	4m x 4m min dimension	U1: Yes U2: No (3.94m x 6.1m min)	Yes No
	5% maximum grade for min 4m x 4m area	Yes for both	Yes
	Accessible from internal living areas	Yes for both	Yes

Collins W Collins Pty Ltd

CWC Reference – RT709

RT709_Statement of Environmental Effects.docx

July 2020

Solid Front Fences	1.2m max height 1.0m minimum setback from front boundary Landscaped to reduce visual impact	N/A – no solid front fences proposed	N/A
Front Fences higher than 1.2m	1.8m max height (including retaining wall, where applicable) 6m max length or 50% of street frontage on front boundary OR include landscaped recesses that occupy no less than 50% of overall fence length 25% transparency Material 900x900mm driveway splay 3m x 3m splay for corner sites	1.5m Inset from boundary overall length occupies 32.67% of site frontage 50% transparency incorporated Timber posts with horizontal slats (timber or aluminium) Incorporated N/A	Yes Yes Yes Yes Yes N/A
Visual Privacy	Ground & First Floor windows 9m radius are screened or obscured Windows with a floor level 1m above NGL and a sill height of less than 1.5m are screened or obscured Other floor windows 12m radius are screened or obscured	Yes by boundary fencing N/A N/A	Yes N/A N/A
	Direct views within 12m radius from living rooms and principle areas of open space screened or obscured	Yes by boundary fencing and/or orientation	Yes
	Privacy screen to deck where setback is less than 3m from side or rear boundary, is greater than 3m ² and more than 1m above ground level	N/A	N/A

Collins W Collins Pty Ltd

CWC Reference – RT709

RT709_Statement of Environmental Effects.docx

July 2020

Tree Management	Tree/s listed in Table 2.6.1 to be removed. Removal of tree 3m or more in height; or, Trunk diameter of 100mm, measured 1m above ground; or, Mangrove or cycad	N/A – no trees to be removed	N/A
Driveway Grades	Driveway crossing max grade of 5% (1 in 20). Transitional grades min of 2m long.	Able to comply Able to comply	Yes
Car Parking	1 space per dwelling	1 space per dwelling provided by way of single garages 1 space per dwelling provided by way of stacked parking within the driveway	Yes

7.2 Non-Compliances

We provide the following in relation to the non-complying issues identified in the table above:

Issue: Rear setback less than 4.0m

DCP2013 Clause 3.2.2.4 Objective

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

To provide useable yard areas and open space

The proposal provides a varying rear setback with the minimum dimension being 2.718m, which is not consistent with the provisions contained in DCP 2013.

The subject encroaching the rear setback is single storey and utilises a low-pitched roofline to assist in reducing the visual perceptions of building bulk and overbearing. The subject wall contains four (4) bedroom windows and two (2) ensuite windows, none of which will impact on residential privacy.

The proposed private open space is positioned within the front setback and is directly accessible from the internal living areas and is consistent with the provisions of DCP 2013. Additionally, the proposal provides a service

Collins W Collins Pty Ltd

RT709_Statement of Environmental Effects.docx

CWC Reference – RT709

July 2020

courtyard area adjacent the western boundary with side access to the rear service courtyard.

The proposed rear setback will allow adequate natural light and ventilation to penetrate between the proposed and rear neighbouring dwelling and to the private open spaces. It is noted that the rear neighbouring dwelling is positioned approximately 6.1m from the rear boundary.

Issue: Private open space has irregular dimensions that do not incorporate 4m x 4m

DCP2013 Clause 3.2.2.6 Objective

To encourage useable private open space for dwellings to meet the occupant's requirements for privacy, safety, access, outdoor activities and landscaping.

The proposed private open space for Unit 1 is positioned adjacent the eastern boundary and has a minimum dimension of 3.94m, minimally less than the 4m dimension required to comply with DCP 2013.

The proposed private open space has an area with dimensions of 3.94m x 6.1m (minimum) that is directly accessible from the internal living areas and has a gradient less than 5%. This area connects to an open lawn area that extends to the rear setback.

The proposed private open space is of a useable size that will accommodate outdoor living and recreational activities.

8.0 Conclusion

The above assessment has been completed and the proposed dual occupancy with Strata Title subdivision complies with:

- the State Environmental Planning Instruments;
- Port Macquarie-Hastings Local Environmental Plan 2011; and
- Port Macquarie-Hastings Development Control Plan 2013.

The proposal will not adversely impact on the natural or built environment. The proposal will benefit the community, both socially and economically and is suitable for the site.

This Statement of Environmental Effects is submitted to Port Macquarie-Hastings Council for review.

Item: 07

Subject: DA2019 - 681.1 FARM STAY ACCOMMODATION AT LOT 89 DP 754416, NO. 2001 TOMS CREEK ROAD, TOMS CREEK

Report Author: Development Assessment Planner, Chris Gardiner

Applicant:	C Patterson
Owner:	C M Malvern
Estimated Cost:	\$98,000
Parcel no:	31331

Alignment with Delivery Program

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

RECOMMENDATION

That DA2019 - 681.1 for Farm Stay Accommodation at Lot 89, DP 754416, No. 2001 Toms Creek Road, Toms Creek, be determined by granting deferred commencement consent subject to the recommended conditions.

Executive Summary

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

The application relates to structures that have been erected without development consent, and background on the compliance investigation is included in this report.

Following exhibition of the application, five (5) submissions were received, four (4) of which are in support of the development.

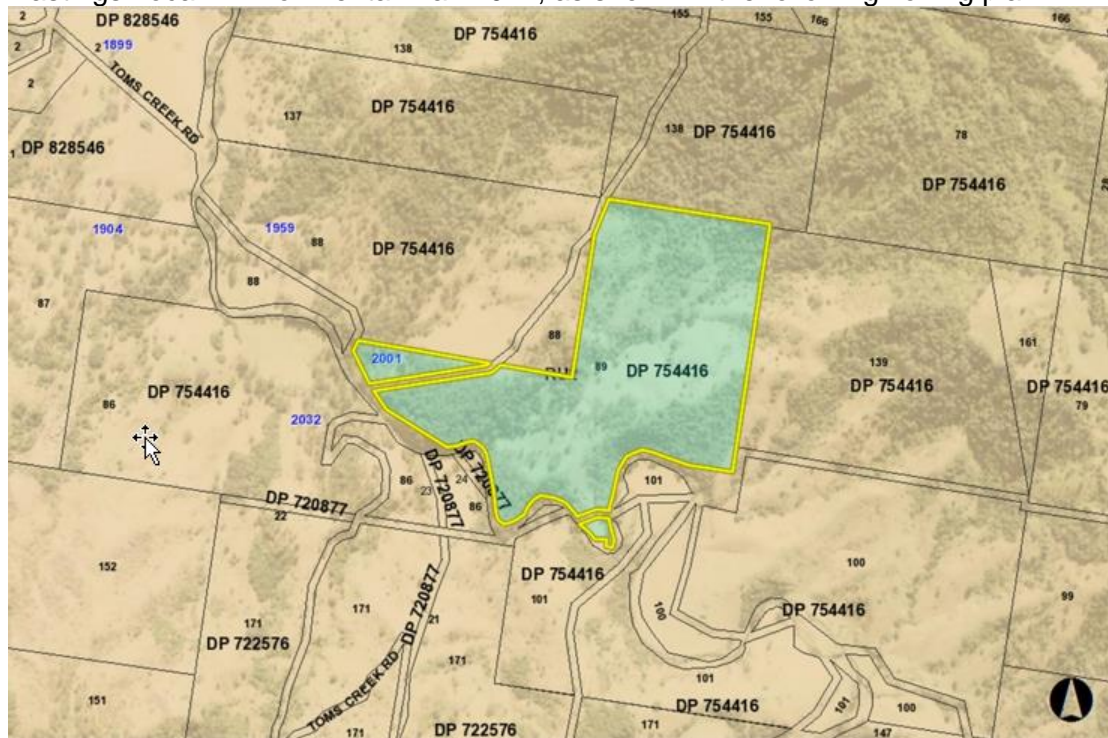
The proposal has been amended through the assessment process including a reduction in the number of accommodation and refuge buildings, changes to internal access roads, and siting of buildings.

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.

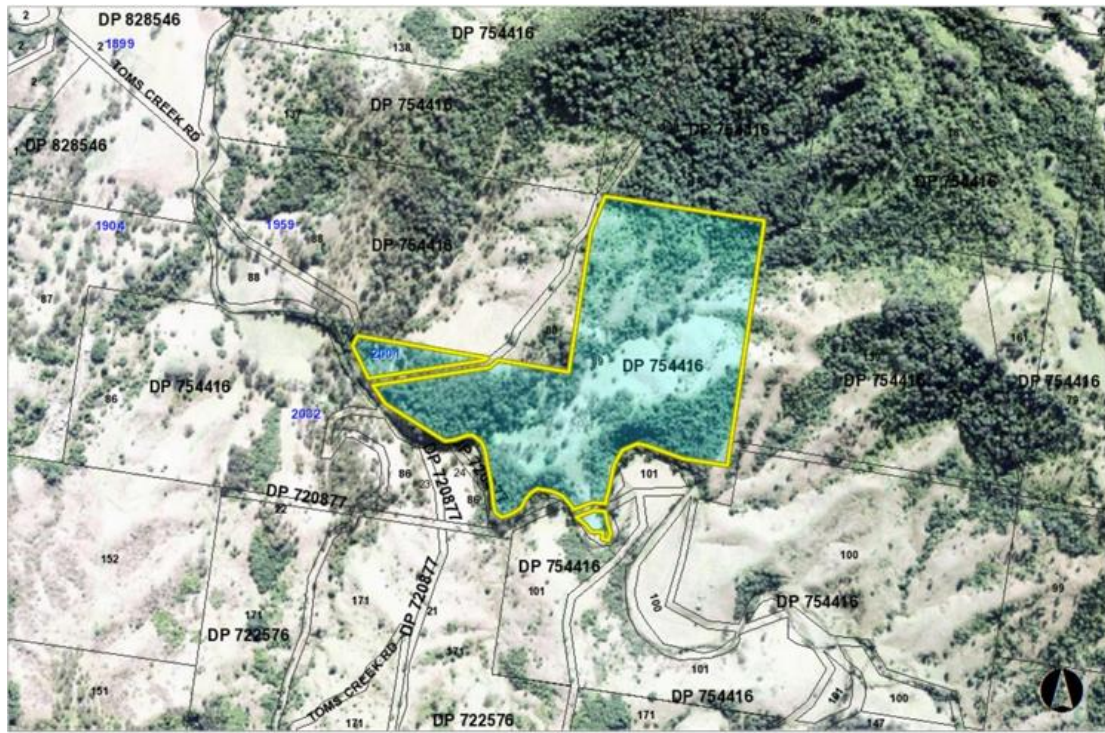
This report recommends that the development application be approved subject to the attached conditions in **Attachment 1**.

Existing Sites Features and Surrounding Development

The site is zoned RU2 Rural Landscape 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:



Buildings Erected Without Consent

The dome structures on the site have been erected without development consent and are understood to have been previously used for tourist accommodation. In response to a complaint, Council's Compliance staff investigated the site and subsequently issued an Order on 3 July 2019 to "Stop using the property as an Eco-Tourist Facility. This includes use of the 'dome' as any form of accommodation i.e. short term or long term accommodation."

The unauthorised use of the premises has ceased since the issue of the Order and further action in relation to the dome structures has been deferred pending the outcome of this development application. If consent is not granted to the development, it is likely that the structures would be ordered to be demolished.

Given that the dome structures have been erected without consent, it will not be possible to issue a Construction Certificate for this aspect of the development and the domes will require a Building Information Certificate. The BCA Compliance Report submitted with the application includes insufficient information to demonstrate that the domes will comply with the BCA/NCC in their current form. On this basis, it is recommended that the requirement to obtain a Building Information Certificate should be a deferred commencement condition.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Use of the two existing dome structures as farm stay accommodation;
- Construction of shelters with rainwater tanks adjacent to each of the domes for the purpose of water supply;
- Construction of a bushfire refuge building; and
- Use of the existing farm shed as an amenities building for farm workers.

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

Application Chronology

- 23 September 2019 - Application lodged.
- 8 October 2019 to 21 October 2019 - Neighbour notification.
- 20 December 2019 - Additional information requested from Applicant.
- 20 February 2020 - Additional information submitted by Applicant.
- 11 March 2020 - Additional information requested by NSW Rural Fire Service.
- 26 March 2020 - Further additional information requested by Council staff.
- 1 April 2020 - Further additional information submitted by Applicant.
- 14 April 2020 - Further additional information submitted by Applicant.
- 2 June 2020 - Bush Fire Safety Authority issued by NSW Rural Fire Service.
- 14 June 2020 - Further additional information requested by Council staff.
- 5 August 2020 - Further additional information and amended plans submitted by Applicant and provided to NSW Rural Fire Service for review.
- 10 September 2020 - Amended Bush Fire Safety Authority issued by NSW Rural Fire Service.

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

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

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

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

Clause 15 - A development application made, but not finally determined, before the commencement of this Policy in relation to land to which this Policy applies must be determined as if this Policy had not commenced. The application was made and not finally determined prior to the commencement of this policy, and the application is therefore required to be assessed under the relevant provisions of State Environmental Policy No 44 - Koala Habitat Protection. See assessment comments below.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

The Applicant has submitted an assessment prepared by J B Enviro, which addresses the requirements of SEPP 44. The vegetation survey identified that some Tallowood and Forest Red Gum exist on the property, but Flooded Gum is the dominant species and the proportion of koala food trees does not exceed 15%. The

land therefore does not meet the definition of potential koala habitat and no further investigation is required.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal does not include any details of signage. Standard condition recommended requiring further consent for any future signage that is not Exempt Development.

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 RU2 Rural Landscape.
- Clause 2.3(1) and the RU2 zone landuse table - The proposed development for farm stay accommodation is a permissible landuse with consent. The land is also currently used for horticulture and extensive agriculture, which are both permitted without consent in the zone.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

The owners are registered primary producers and sufficient information has been submitted to demonstrate that the income from the working farm will exceed the income anticipated to be generated by the farm stay accommodation. Through the assessment process, the number of accommodation buildings has been reduced from four (4) to two (2), to ensure that the working farm remains the primary use of the land.

The objectives of the RU2 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism that does not compromise the primary industry capabilities of the land and is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising loss of potential agricultural productivity and fragmentation of rural land.

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

- The proposal would maintain primary production, while also providing rural tourism opportunities;
- The proposal would not fragment agricultural land;
- The character of the landscape is capable of being appropriately retained with an alternative external finish to the accommodation buildings. The white dome structures are currently dominant in the rural landscape, and the

Applicant has proposed to provide camouflage covers to integrate development with the landscape. This treatment is considered acceptable in principle, subject to the covers being able to meet the requirements of the National Construction Code. A condition has been recommended requiring an appropriate external finish.

- Clause 4.2A - The land does not satisfy any of the provisions of this clause that would allow the erection of a dwelling. A condition has been recommended requiring the 'Amenities Farm Shed' to be used by workers associated with the farm only, and prohibiting the use of the building for overnight accommodation or conversion of the building to a dwelling.
- Clause 5.4 - If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms. The proposal includes two (2) separate buildings, each containing a single bedroom for guests. The proposal is therefore consistent with this clause.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
4	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls.	Less than 1m of cut/fill proposed.	Yes
5	1m max. height retaining walls along road frontages	None proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	None proposed.	N/A
	Combination of retaining wall and front fence height	No retaining wall and front fence combination proposed.	N/A
7	a) For coastal floodplain endangered ecological communities a minimum, fully vegetated buffer of 35m must be provided. b) For Freshwater Wetland on Coastal Floodplain endangered ecological community a fully vegetated buffer of	Site includes Comboyne - Bulga Plateau Cool Scrub - Forest EEC adjacent to refuge building location. The required APZ for the refuge building can be accommodated within existing cleared land.	Yes

	100m is to be provided. c) For all other endangered ecological communities, a fully vegetated buffer of 50m must be provided. e) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone. f) Where different buffers (including riparian buffers) apply to an area, the greater of the buffer widths applies.		
13	Removal of hollow bearing trees	None proposed to be removed.	N/A
11	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	The proposal will involve a small amount of clearing to widen the existing access road for passing bays. No koala food trees are proposed to be removed.	Yes
18	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
23	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access to rural road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Rural road with no street parking.	N/A
24	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	Table 2.5.1 doesn't include a specific parking rate for farm stay accommodation, but includes the following rates under the tourist and visitor accommodation group: <ul style="list-style-type: none"> • Hotel/motel/serviced apartments - 1.1 space per unit + 1 per 2 employees + 1 for any on-site manager. • Bed and breakfast accommodation - 1 space per bedroom + 1 for any manager. 	Yes

		<p>The proposal includes 2 x 1 bedroom accommodation buildings and it is reasonable to assume that a single vehicle would be used by the guests in each of the domes. Given the isolated rural location, it is less likely that guests will have visitors to the accommodation. There is sufficient area near each of the proposed domes for informal visitor parking in the event that this occurs.</p> <p>Each dome site is capable of accommodating at least 1 parking space and this is considered to be adequate for the development.</p> <p>An additional 5 spaces have been proposed at the refuge building.</p>	
25	Parking credits to be calculated for redevelopment or change of use	N/A	N/A
26	On-street parking permitted subject to justification	N/A	N/A
27	<p>On street parking will not be permitted unless it can be demonstrated that:</p> <ul style="list-style-type: none"> • that streetscape improvement works, such as landscaped bays and street trees are provided. • parking does not detract from the streetscape; and 	N/A	N/A
28	Parking layout in accordance with AS/NZS 2890.1 and AS/NZS 2890.2	Capable of complying.	Yes
29	Accessible parking provided in accordance with AS/NZS 2890.1, AS/NZS 2890.2 and AS 1428	Capable of being accommodated.	Yes
32	Section 94 contributions	Refer to main body of report.	

35	Sealed driveway surfaces unless justified	Unsealed gravel pavement considered suitable given the rural location (with unsealed public road access) and the separation distance from dwellings on nearby properties.	Yes
----	---	---	-----

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

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

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

(iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations are applicable to the proposal

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

Context and setting

The site has a general south-westerly street frontage orientation to Toms Creek Road. Adjoining the site are other rural properties generally used for grazing livestock.

Roads

The site has road frontage to Toms Creek Road. Adjacent to the site, Toms Creek Road is a gravel public road under the care and control of Council.

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.

Site frontage and access

Vehicle access to the site is proposed via an existing access driveway to Toms Creek Road. The existing driveway provides access for farming purposes only and the proposed development will intensify the use of the access, including the introduction of tourists, who would be less familiar with local road conditions.

The application has not demonstrated that there is adequate sight distance available at the driveway location. The Applicant has proposed to set back the access gate to provide a standing area clear of the carriageway while the gate is being opened, and to install a convex mirror to improve sight distance to the east along Toms Creek Road for exiting vehicles.

There does not appear to be a more suitable driveway location for the site due to existing vegetation, steep topography, and the location of Toms Creek.

Given the intensification of the use and the potential safety implications of the access, it is recommended that the access be upgraded to comply with Council

AUSPEC and Australian Standards. A deferred commencement condition has been recommended requiring approval of a Section 138 application for the driveway upgrades.

Internal access roads will be required to comply with Planning for Bush Fire Protection. This will involve sealing steeper sections of the access road and construction of passing bays.

A condition has also been recommended requiring amended plans to be provided prior to the issue of a Construction Certificate, which show the loop road around the refuge building being relocated to the northern side of Toms Creek in a position that does not impact any existing vegetation. Furthermore, there are two creek crossings in the locations shown on the current submitted plans, which are not desirable and the environmental impacts have not been appropriately assessed in the application.

Parking and manoeuvring

See comments under Clause 24 of DCP regarding parking.

Water supply

Water supply is proposed to be provided to the farm stay accommodation using rainwater tanks. The water supply system includes a 15,000 litre rainwater tank catching water off a 7m x 4m roof located adjacent to each of the 2 dome structures. The Applicant has submitted a Private Water Supply Quality Assurance Program for the development and appropriate conditions have been recommended to ensure that the quality of drinking water is maintained.

In addition to the potable water supply, the development will require 10,000 litre dedicated fire-fighting supplies located at the refuge building and the 'Amenities Shed'.

On-site wastewater management

The Applicant has submitted an On-site Domestic Wastewater Management Report prepared by Rosewood Environmental Services Pty Ltd. The report has been reviewed by Council's Environmental Health Officer and it is considered that wastewater is capable of being satisfactorily managed. Conditions have been recommended requiring Section 68 approval for the installation, plumbing work and operation of the system.

Stormwater

The site naturally grades towards Toms Creek and is currently un-serviced with stormwater infrastructure. On-site dispersal of stormwater is considered appropriate in the rural context without any adverse impacts on neighbouring property and the environment. Section 68 approval will be required for all new stormwater drainage work, as recommended in the conditions.

Other utilities

The application proposes solar power for the development, and no telecommunications service.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. The site is considered to be partially disturbed land due to previous agricultural activities, and the commencement of construction of two of the accommodation buildings without consent.

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

Other land resources

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

Water cycle

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

Soils

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

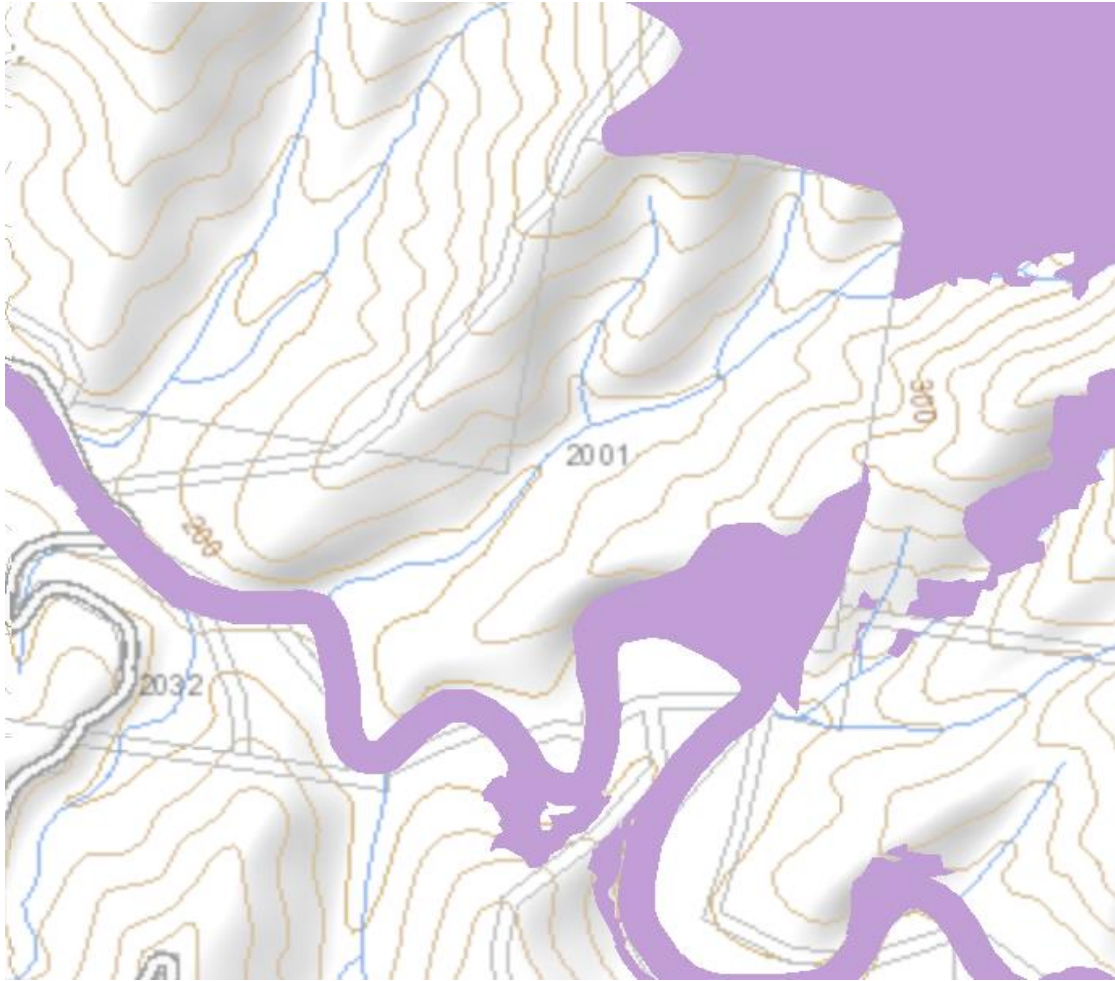
Air and microclimate

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

The proposed development includes clearing of approximately 80m² of native vegetation for passing bays on the existing access road, and approximately 2500m² of grassland for asset protection zone around the refuge building. The Biodiversity Offset Scheme doesn't apply for the following reasons:

- The parts of the site on which clearing and development are proposed to be carried out aren't identified on the Biodiversity Values Map. An extract of the map is included below, which shows that the significant parts of the site are the riparian corridor along Toms Creek and the EEC in the south-east corner of the property. The development has been sited to allow asset protection zones to be maintained in existing cleared areas.
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017. Up to 1 hectare of clearing is permitted before the threshold is exceeded.
- The application of test of significance (5 Part Test) demonstrates that the development will not have a significant impact on biodiversity values.

**Waste**

The Statement of Environmental Effects indicates that guests will be encouraged to take wastes with them when they leave the farm stay, but bins/receptacles will also be provided on site. Organics will be composted on site and used on the vegetable/fruit gardens. The cleaner will remove any recyclables and waste left at the farm stay and take it to an approved waste facility for disposal/recycling. Wastes are not to be buried or burnt on the premises.

Standard precautionary site management conditions recommended for construction and operational waste.

Energy

No adverse impacts anticipated.

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B of the *Rural Fires Act 1997*, the application proposes development for a special fire protection purpose. The applicant has

submitted a bushfire report with the application. The report was forwarded to the NSW Rural Fire Service (RFS) who have since issued a Bushfire Safety Authority, subject to conditions. The RFS requirements include:

- Establishment and maintenance of an asset protection zone around the refuge building;
- Construction of the refuge building in accordance with AS3959;
- Vehicular access in accordance with Planning for Bush Fire Protection;
- Water and utility services;
- Emergency and evacuation planning.

A condition has been recommended incorporating the RFS requirements.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Five (5) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
<p>Support the proposed development for the following reasons:</p> <ul style="list-style-type: none"> Reason 1) The Project displays a unique design and attraction to the region and area of the Hastings valleys. I love the architecture design and landscape concept. Reason 2) The development outcome will positively contribute to sustainability. The idea of people enjoying the local Toms Creek and picnic spot provided by the development is consistent with the overall outcomes of the neighbourhood plans which we are a community. Nature Domes encourages the community to enjoy sleeping under the stars and with nature. I support good development outcomes that lead to healthier and more environmentally sustainable region. Reason 3) The Proposal is innovative. The Landscape concept plan includes native species and an innovative nature and environment and healthy lifestyle. This is a great opportunity to promote our area to the locals and to visitors this allows Port Macquarie to offer innovative accommodation to travellers and advanced design solution. Reason 4) The development will result in Community Extras (including open picnic spot next to Toms Creek for Tourist to stop and rest, public art classes in the rainforest, and much needed support for tourism to increase revenue to a much need drought affected region. Local small businesses in Long Flat and Comboyne and Byabarra will have increase in foot traffic as guest are travelling for all areas of Australia and Overseas. 	<p>Noted.</p>
<p>Support the development for the following reasons:</p> <ul style="list-style-type: none"> There is no or very little accommodation in the area. The community is very small and should 	<p>Noted.</p>

<p>there be something exciting to visit and enjoy nature at the same time and well that's just so very positive on the Council and community in which all belong to.</p> <ul style="list-style-type: none"> • It's very nice to see something new and effective for tourist to enjoy and to share with people from out of town. • It was all such a great concept to appreciate nature and to have accommodation is just a bonus to sleep amongst the stars we miss out on that in the city. 	
<p>Support the proposal for the following reasons:</p> <ul style="list-style-type: none"> • This vision will help coordinate local awareness of farmers and demonstrate efforts to collaborate with nature. • This is a specific idea, will boost a very tough area with new money and will continue to show people the importance of this region and habitat there are dedicated to building and ensuring great service to the people of Port Macquarie and surrounding. • It will bring an important resources and there is strong customer focus and care to all involvement, professional with all that's been seen so far and hopefully for the future. 	<p>Noted.</p>
<p>Support the proposal for the following reasons:</p> <ul style="list-style-type: none"> • It's a brilliant way to see the local landscape and to experience an overnight stay in the hinterland with farmers. • The development provides a compromise between camping and other forms of accommodation. • It is great for the community to show off its local attractions and great recreation spots to visit and sight see. Nature Domes is a peaceful alternative to the busy streets and great that there could be an option to experience ocean and country all in one holiday. 	<p>Noted</p>
<p>What is Council doing about the illegal building which is being used as permanent accommodation?</p>	<p>The building was erected as a farm shed, which did not initially require development consent. However, it appeared from the site inspection that the shed had been fitted out in a manner that would make it capable of being occupied as a dwelling.</p> <p>Clarification was sought as to the intended</p>

	use of the building through the assessment process, and the application now seeks to retain the building as amenities for workers on the farm. A condition has been recommended restricting the use of the building to this purpose, and prohibiting overnight accommodation or conversion to a dwelling.
The dome accommodation is still in operation.	Council's Compliance staff have been monitoring the use of the site since the Order was issued in July 2019 and have not been able to obtain any evidence of further use of the accommodation domes.
Income figures provided in the application are not correct. The farm only has 6 weaner cattle and 2 pigs. The agistment of stock referenced in the original farm business plan never actually occurred.	The farm business plan has been amended through the assessment process to better reflect stocking rates consistent with NSW Department of Primary Industries guidelines. The proposal no longer relies upon income from agistment of stock.
The farm is not a viable rural property as a large proportion is overgrown with weeds and dense vegetation.	The definition of farm stay accommodation in the LEP does not require the consent authority to be satisfied that the farm is a viable business. The relevant test is that the property is a working farm, and that the income from the farm exceeds the income from the accommodation. The Applicant has submitted sufficient information to satisfy this requirement.
If creek crossings are used, who maintains them with bridges or causeways to Council approval?	With the amended proposal and recommended conditions of consent, no new creek crossings will be required for the development.
Concerns about boundary gates being left open or guests trespassing on adjoining property.	This is considered capable of being managed through appropriate information for guest staying on the property, or through agreement between the property owners for alterations to the existing boundary fencing.
With the additional traffic generated by the proposal, will it be necessary for the mountain section of Toms Creek road to be upgraded? The road is currently sign posted as four wheel drive only.	The proposed development will only result in a minor increase in the existing traffic on Toms Creek Road (6 trips per day according to the Guide to Traffic Generating Development). Two-wheel drive access to the site is available from the Oxley Highway end of Toms Creek Road. It is not considered that the development creates a nexus for the upgrade of section of Toms Creek Road south of the site (connecting to Innes View Road).

(e) The Public Interest

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

(f) 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.

(g) 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 in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
-
- A copy of the contributions estimate is included as **Attachment 3**.
-




5. CONCLUSION AND STATEMENT OF REASON

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

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

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

Attachments

1.  DA2019 - 681.1 Recommended Conditions
2.  DA2019 - 681.1 Plans
3.  DA2019 - 681.1 Contributions Estimate

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/681

DATE: 29/09/2020

This is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with all conditions appearing in Part A within 12 months from the Determination Date or the consent will lapse. Upon confirmation in writing from Port Macquarie-Hastings Council that the Part A Conditions have been satisfied, the consent shall commence to operate as a Development Consent in accordance with the conditions in Part B for a period of five (5) years from the Determination Date.

PART A

DEFERRED COMMENCEMENT CONDITIONS

- (1) **Building Information Certificate for Accommodation Domes**
A Building Information Certificate shall be obtained from Council for the accommodation domes erected without development consent.
- (2) **Roads Act Approval for Driveway Crossover**
Approval shall be obtained in accordance with Section 138 of the Roads Act 1993 for upgrading of the existing driveway crossover to comply with AUSPEC ASD 214 and provide for vehicles to stand clear of the carriageway while opening gates.

The conditions that will apply to the consent once these matters have been satisfied are detailed in Part B.

PART B

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plan and Dome Floor Plan	C1002 A102 and A106 Rev 6	As-Built Drawings	13 August 2020
Locality, Dome, and Tank Shelter Plans	C1002 A101, A103, A104, A105, and A107 Rev 6	As-Built Drawings	6 August 2020

Amenities Building Plans	AT0009 GA-01 and GA-02 Rev A	Petro Engineering Pty Ltd	27 March 2020
Refuge Building Plan	-	Unknown	Undated
Statement of Environmental Effects	-	Fragar Planning & Development	16 September 2019

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

- (2) (A002) No building work for the refuge building and rainwater tank shelters 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) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via appropriate receptacles into separate waste streams;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 - Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (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 DA20200210000494-CL55-1 and dated 10 September 2020, are attached and form part of this consent.
- (5) (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.

- (6) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B005) Prior to release of the Construction Certificate, approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install, alter, or operate any onsite sewage management facility related to the development, and to carry out stormwater drainage work.
- (2) (B010) Payment to Council, prior to the issue of a Construction Certificate or occupation of the accommodation (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 either the provisions of the following plans (as amended) or a Planning Agreement:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan 2003
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan 2004
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed on Council's website or 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) (B046) The refuge building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

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

- (4) (B195) Prior to the issue of a Construction Certificate an amended site plan shall be submitted for approval by the Principal Certifying Authority. The plan shall relocate the loop road around the refuge building to the northern side of Toms Creek, within the existing cleared area.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (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) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (4) (D040) Wastes shall not be disposed of by burning.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (E021) Prior to the issue of an Occupation Certificate, the spa pool/s shall be registered on the NSW Swimming Pools Register and comply with the minimum requirements of the Swimming Pools Act 1992.
- (4) (E024) Occupation of the premises shall not occur until registration has been submitted to Council's Environmental Health Unit for the private potable water supply.
- (5) (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.
- (6) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (7) (E034) Prior to occupation or the issuing of the Final 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.

- (8) (E051) Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (9) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises. All wastes are to be collected as separate waste streams.
- (10) (E195) Prior to the issue of an Occupation Certificate the dome structures shall be provided with an external finish that blends with the rural landscape. The finish shall not compromise the building's compliance with the National Construction Code.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by guests.
- (2) (F002) The 'amenities farm shed' shall be used as a lunch room and amenities for farm workers only. The building is not to be used for habitable purposes.
- (3) (F005) The accommodation domes are approved for short term holiday accommodation only.
- (4) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (5) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (6) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be generated as a result of the operation of the development.
- (7) (F198) Water used for human consumption and bathing shall meet the requirements of the "NSW Private Water Supply Guidelines" NSW Health February 2016.
- (8) (F195) The supply of drinking water shall comply with the Australian Drinking Water Guidelines, *NSW Public Health Act, 2010* and Public Health Regulation, 2012 and relevant NSW Ministry of Health requirements in force at the time.
- (9) (F196) The maximum number of persons able to be housed in each dome is three (3) persons.
- (10) (F197) The farm stay accommodation shall be carried out only in conjunction with the use of the land as a working farm. In the event that the farming activities cease, the use of the accommodation shall also cease.



LOCALITY LAYOUT

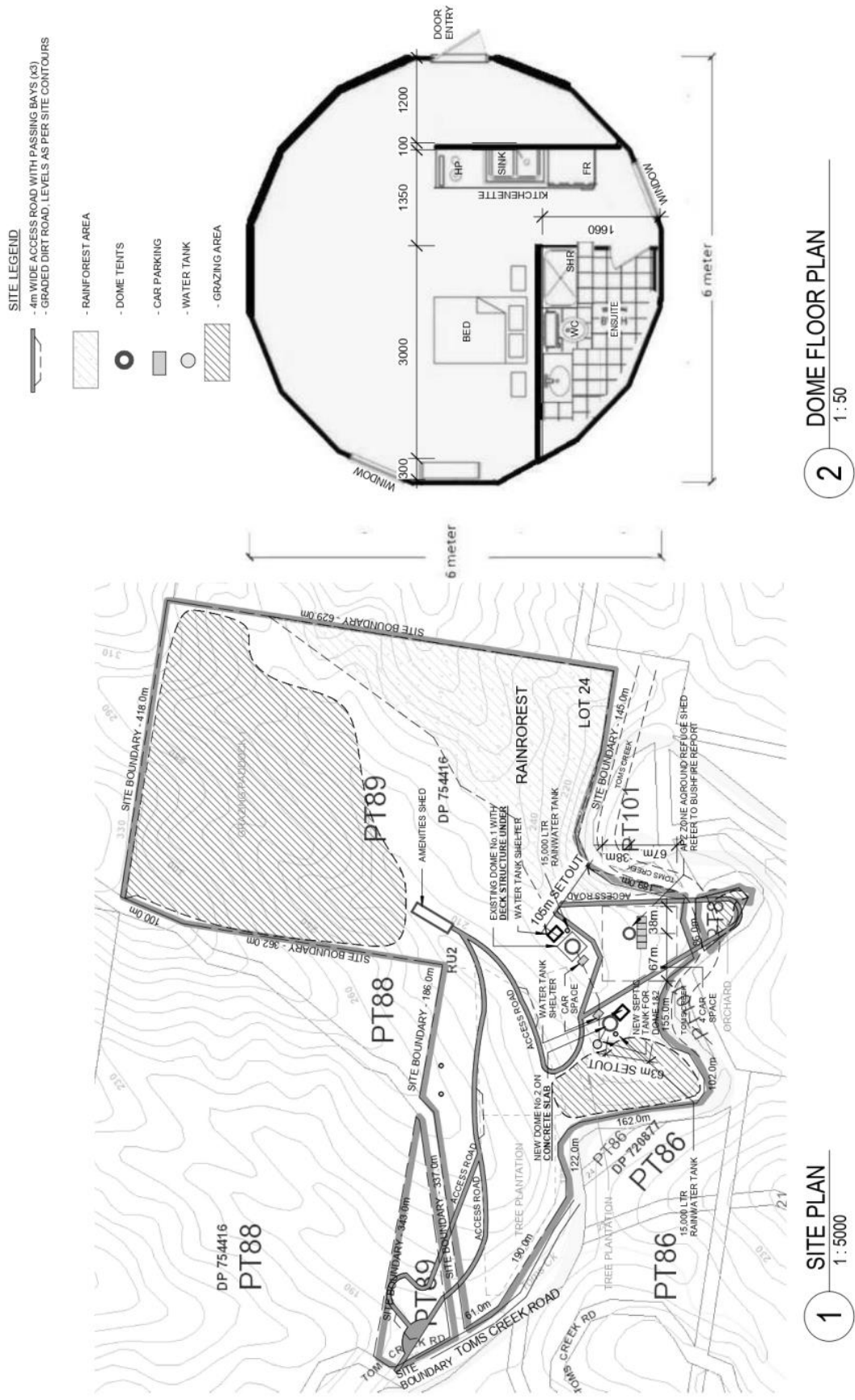


BUILDING APPLICATION

LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446

m: 0450 224323 | e: brad@asbuiltdrawings.com.au | www.asbuiltdrawings.com.au | DP-AD58075 | QBCC 15032081

AS-BUILT
DRAWINGS

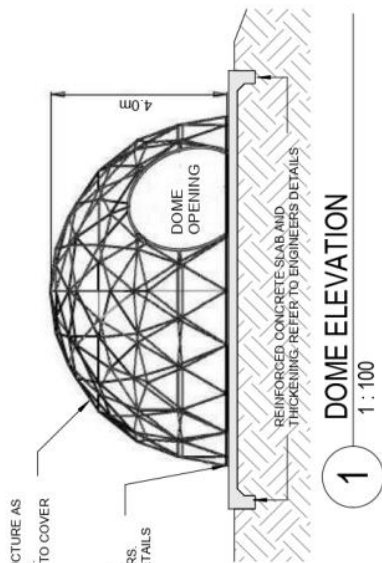


AS-BUILT
DRAWINGS m. 0450 224323 | e. brad@asbuildings.com.au | www.asbuildings.com.au | DP-AD58075 | QBCC 15032081

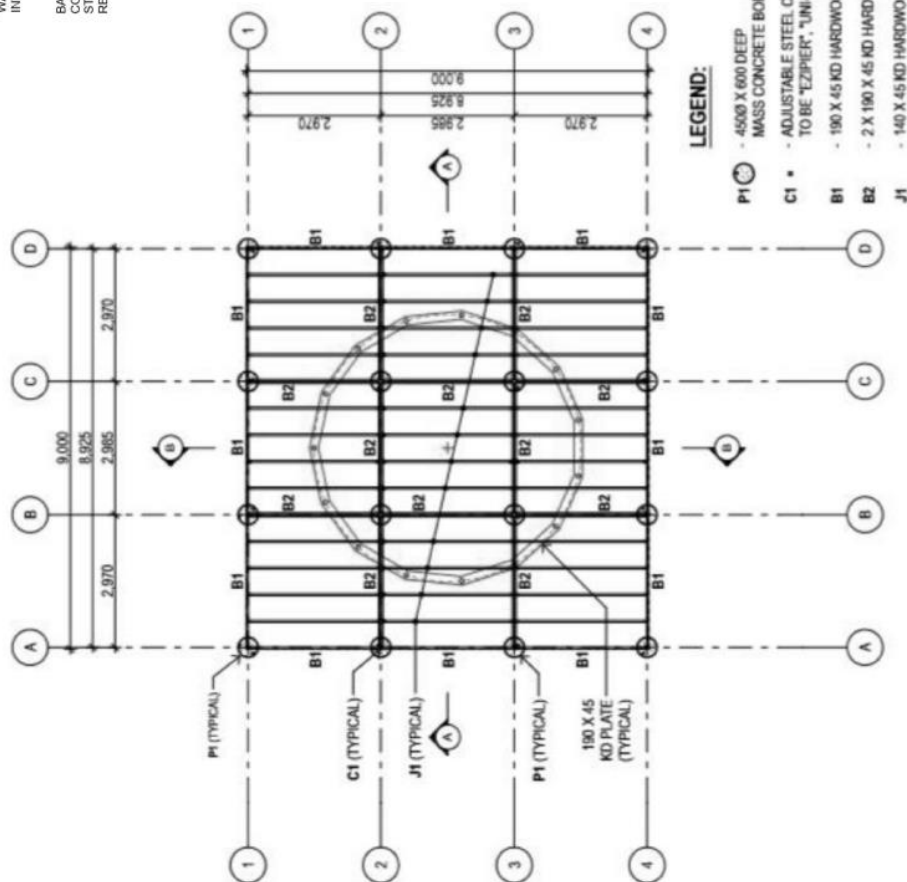
BUILDING APPLICATION
LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446

SITE PLAN & DOME FLOOR PLAN
LOT 24 | DP 754416 | AREA: 408,969m² approx.

C1002 A102 6
13/02/2021 14:46 PM As indicated@ A3



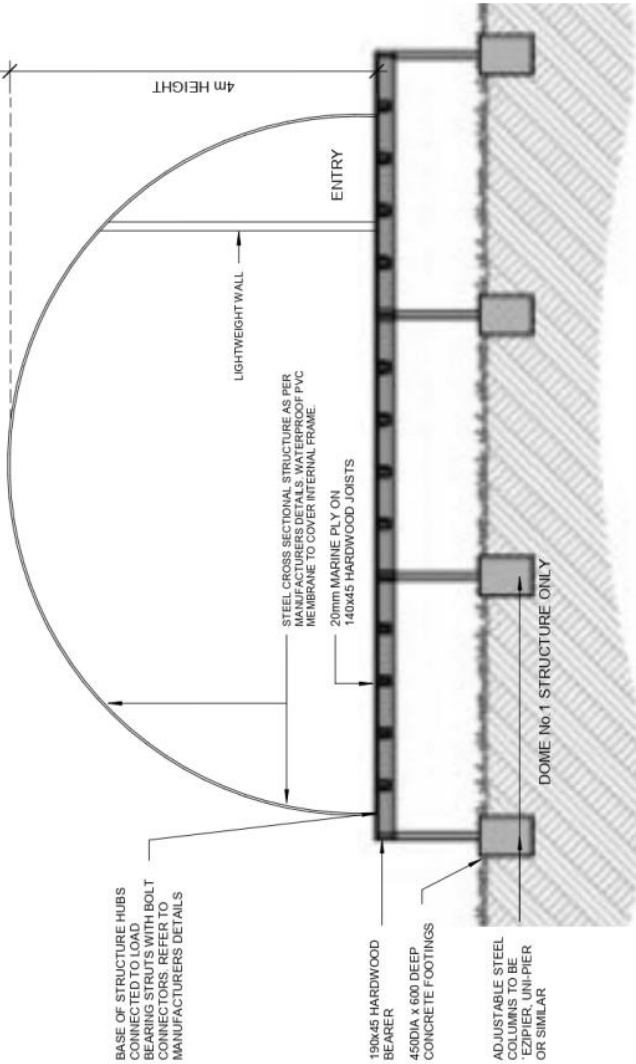
1 DOME ELEVATION
1 : 100
DOME No. 2, 3 & 4 ON CONCRETE SLAB ONLY



2 EXISTING DECK FLOOR STRUCTURE
1 : 100
DOME No. 1 STRUCTURE ONLY



TYPICAL EXISTING DECK & DOME VIEW

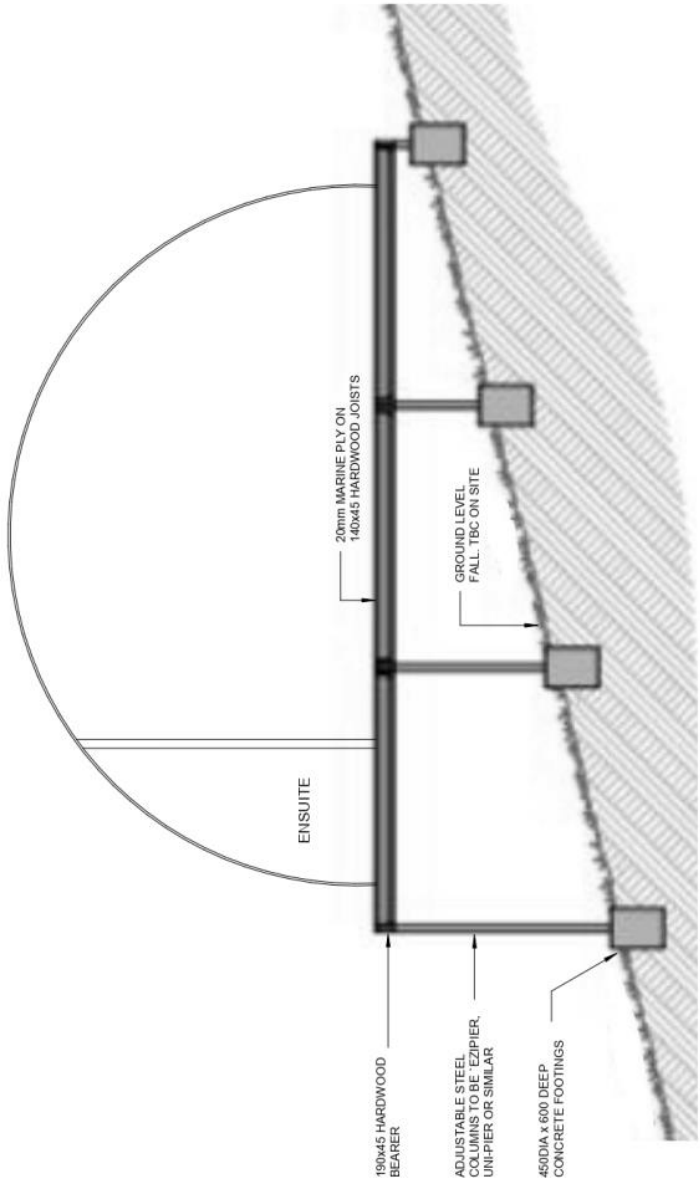


1 SECTION A
1:50 DOME No.1 STRUCTURE ONLY

C1002 A104 6
6/9/2020 3:20:04 PM 1:50 @ A3

DOMES SECTION A

AS-BUILT BUILDING APPLICATION
DRAWINGS LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446
m: 0450 224323 | e: brad@asbuildings.com.au | www.asbuildings.com.au | DF-AD58075 | QBCC: 15032081

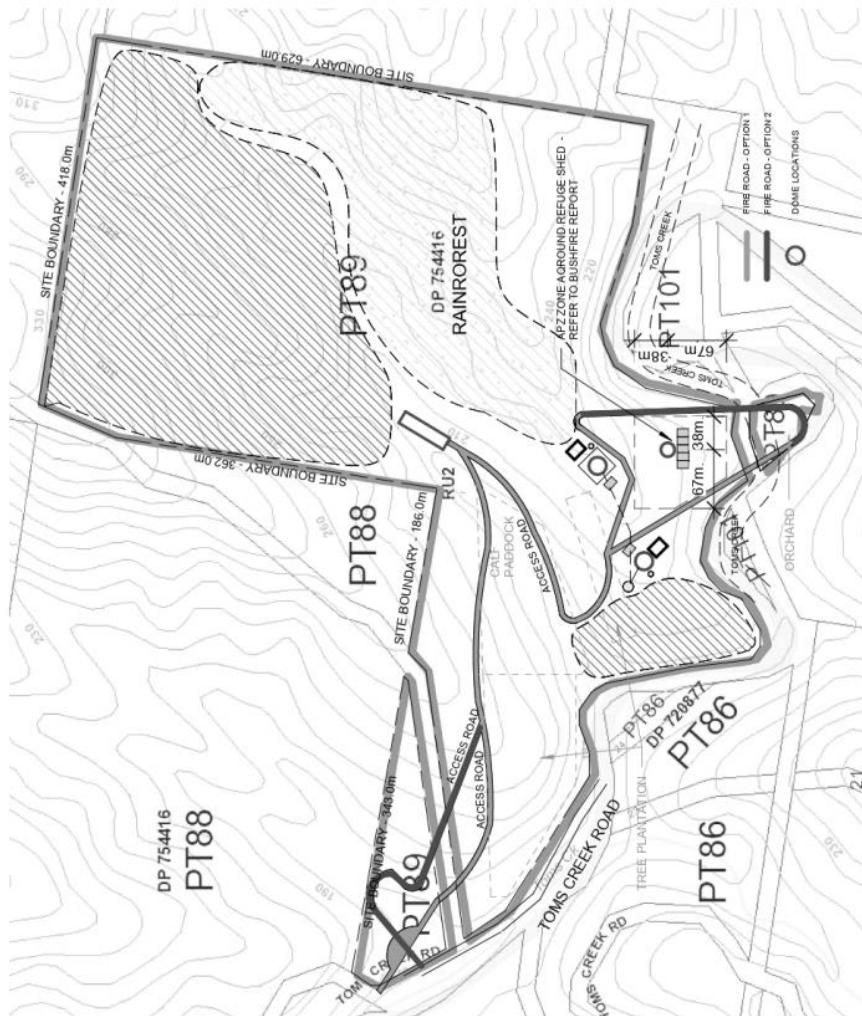


1 SECTION B
1:50 DOME No.1 STRUCTURE ONLY

C1002 A105 6
6/9/2020 3:20:04 PM 1:50 @ A3

DOMES SECTION B

AS-BUILT
DRAWINGS
BUILDING APPLICATION
LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446
m: 0450 224323 | e: brad@asbuiltdrawings.com.au | www.asbuiltdrawings.com.au | DP-AD58075 | QBCC: 15032081



FIRE EVACUATION LAYOUT

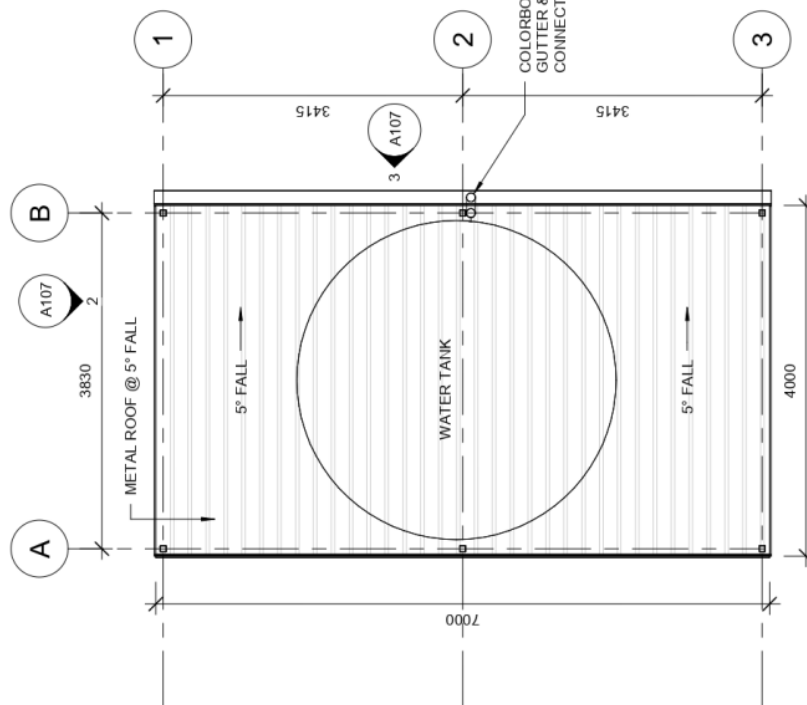
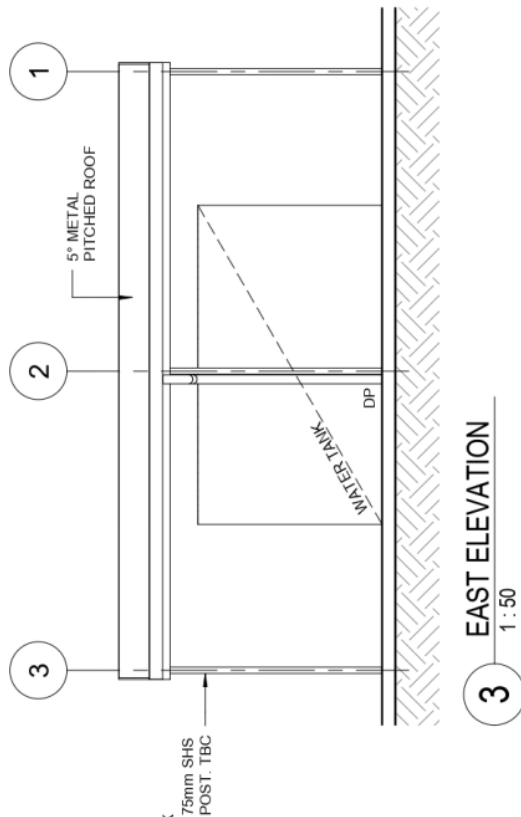
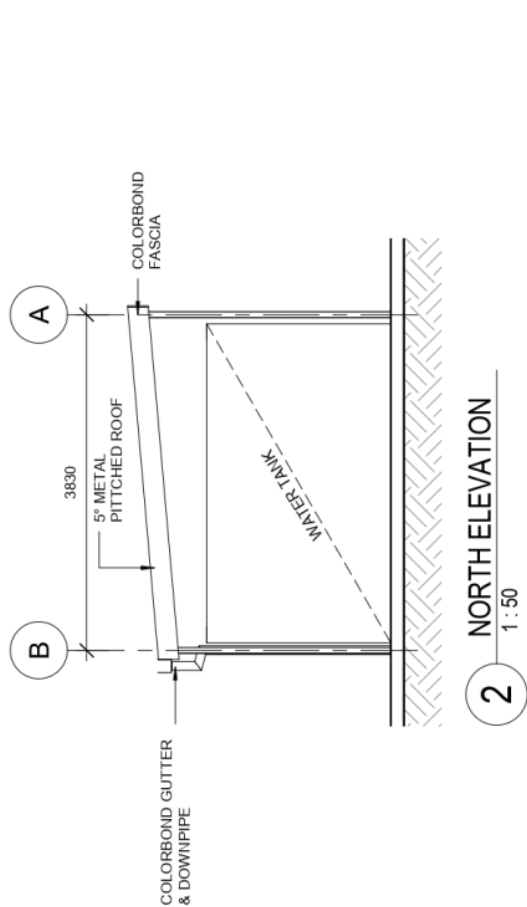
C1002 A106 6
13/09/2020 7:44:24 PM 1 : 5000 @ A3

BUILDING APPLICATION

LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446

m: 0450 224323 | e: brad@asulldrawings.com.au | www.asulldrawings.com.au | DP-AD58075 | QBCC-15032081

AS-BUILT
DRAWINGS



1 WATER TANK ROOF
1:50

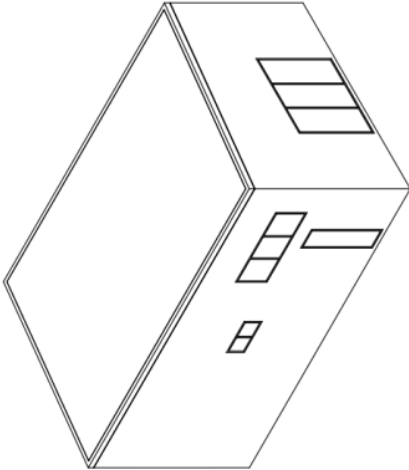
BUILDING APPLICATION

LOT 24 TOMS CREEK ROAD, TOMS CREEK NSW 2446

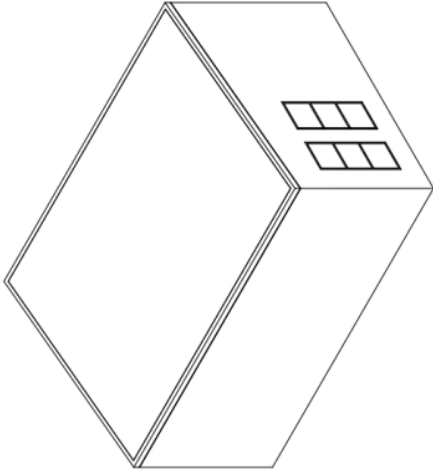
m: 0450 224323 | e: brad@asbuildings.com.au | www.asbuildings.com.au | DP-AD58075 | QBCC 15032081

AS-BUILT
DRAWINGS

C1002 A107 6
6/9/2020 3:20:05 PM 1:50 @ A3



AMENITIES FARM SHED
ISO VIEW: 1:100



AMENITIES FARM SHED
ISO VIEW: 1:100

JOB NO:
A10009

DRAWN:
BT

ENGINEERED:
N/A

REV:
A

PAGE:
1 OF 2

DATE:
27 /03 /2020

SCALE @ A3:
1:100

DWG NO:
GA-01

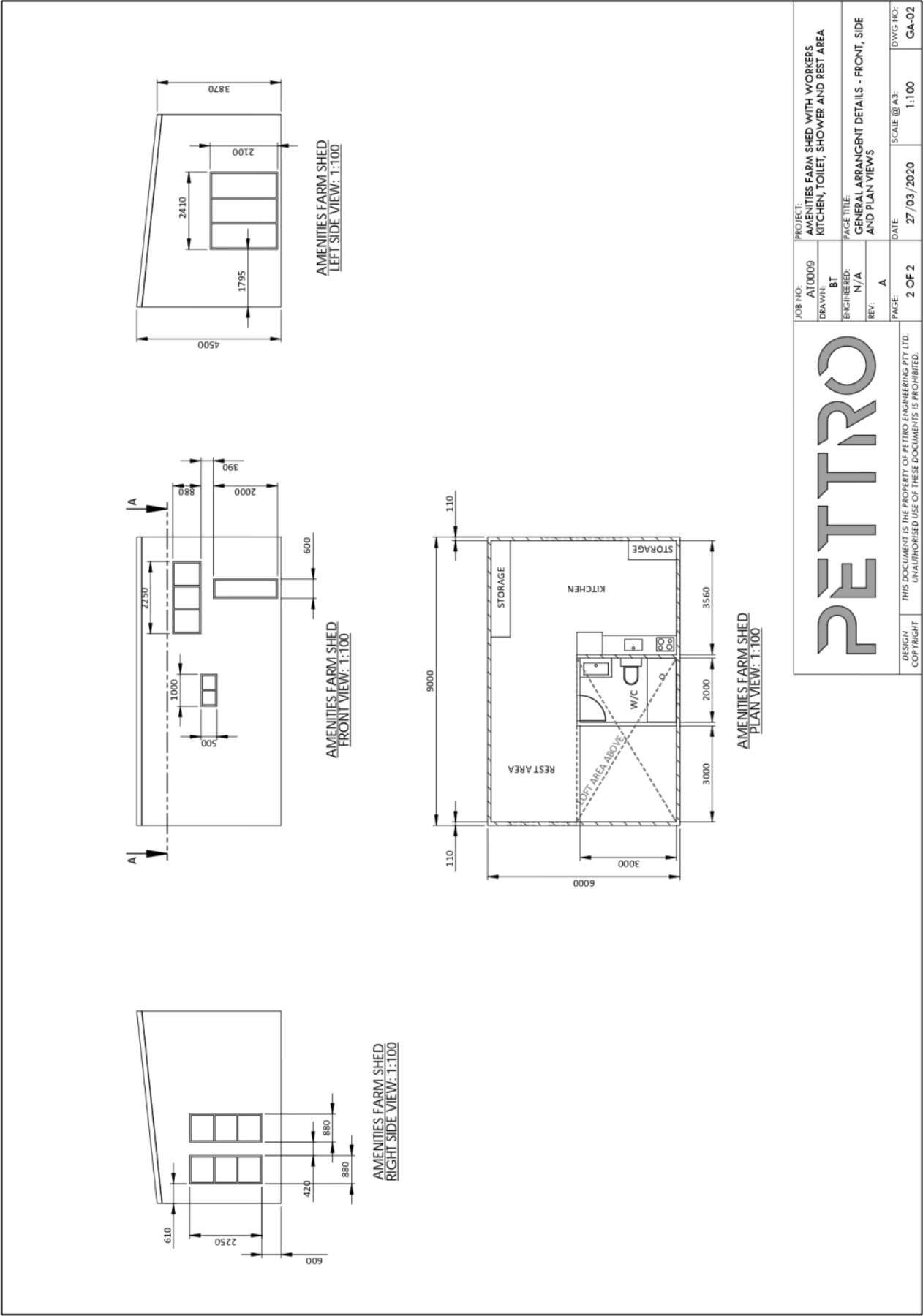
PROJECT:
AMENITIES FARM SHED WITH WORKERS
KITCHEN, TOILET, SHOWER AND REST AREA

PAGE TITLE:
GENERAL ARRANGEMENT DETAILS - ISO VIEWS

DESIGN
COPYRIGHT

PETTRO

THIS DOCUMENT IS THE PROPERTY OF PETTRO ENGINEERING PTY LTD.
UNAUTHORISED USE OF THESE DOCUMENTS IS PROHIBITED.









Developer Charges - Estimate

Applicants Name: C Patterson
 Property Address: 2001 Toms Creek Road, Toms Creek
 Lot & Dp: Lot(s):89, DP(s):754416
 Development: Farm Stay Accommodation



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 N/A			
2 N/A			
3 Since 1.7.04 - Major Roads - Rural - Per ET	1	\$5,709.00 Per ET	\$5,709.00
4 Since 31.7.18 - Open Space - Rural - Per ET	1	\$4,792.00 Per ET	\$4,792.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Rural	1	\$4,403.00 Per ET	\$4,403.00
6 Com 1.3.07 - Administration Building - All areas	1	\$900.00 Per ET	\$900.00
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	1	\$499.00 Per ET	\$499.00
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		\$358.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$16,661.60

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-Oct-2020

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

Patterson, 2001 Toms Creek Road, Toms Creek, 1-Oct-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 08

Subject: DA2020 - 433.1 ALTERATIONS AND ADDITIONS TO DWELLING, PART CHANGE OF USE TO SECONDARY DWELLING AND CONSTRUCTION OF SWIMMING POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 392 DP 236950, NO. 1 VENDUL CRESCENT, PORT MACQUARIE

Report Author: Development Assessment Planner, Chris Gardiner

Applicant: D J & J Weatherley
Owner: D J & J Weatherley
Estimated Cost: \$475,000
Parcel no: 24330

Alignment with Delivery Program

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

RECOMMENDATION

That it be recommended to Council that DA2020 - 433.1 for alterations and additions to dwelling, part change of use to secondary dwelling and construction of swimming pool including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 392, DP 236950, No. 1 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to the existing dwelling, part change of use to a secondary dwelling and construction of a swimming pool at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, no submissions were received.

The application includes a Clause 4.6 objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011. The variation to the standard exceeds 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel.

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

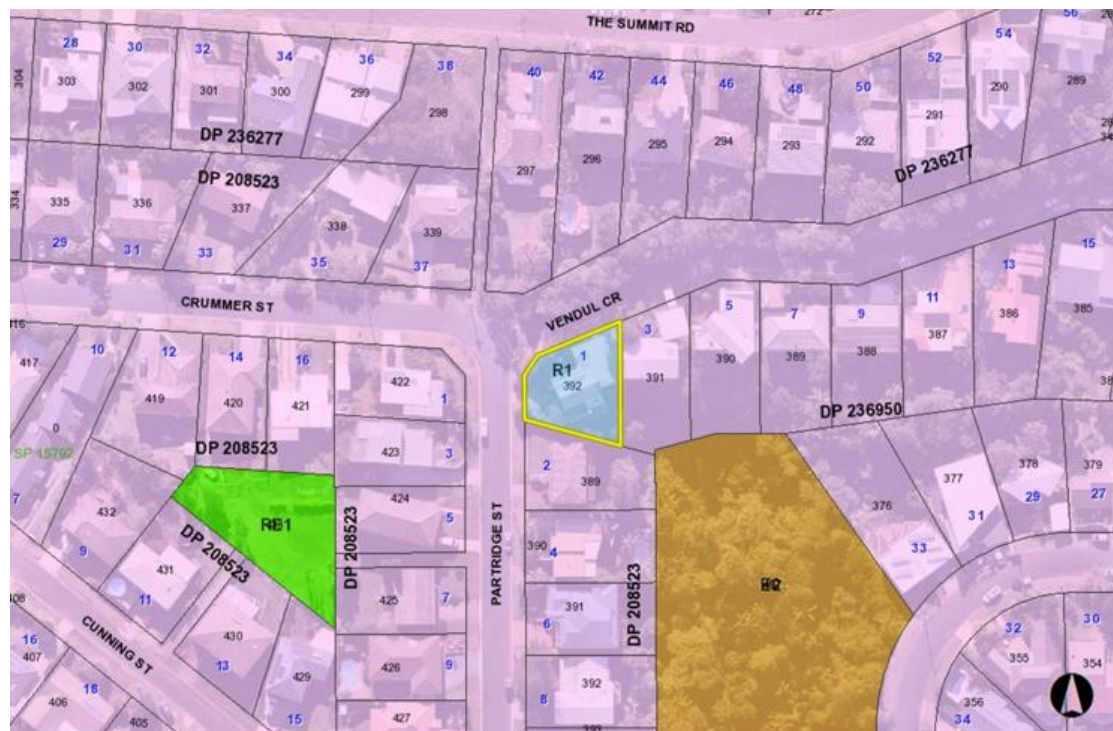
This report recommends that the development application be approved subject to the conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 562.8m².

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:

- Alterations and additions to dwelling;
- Conversion of part of the ground floor area to a secondary dwelling; and
- Construction of a new swimming pool and fencing.

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

Application Chronology

- 1 June 2020 - Application lodged.
- 15 June 2020 to 29 June 2020 - Neighbour notification.

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 not within areas mapped as a wetland or littoral rainforest area. However, it is located within a proximity area for littoral rainforests. The south-eastern tip of the site is mapped as Coastal Use Area.

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

In accordance with Clause 11, the proposed development is not expected to significantly impact the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, or the quality or quantity of water flows to or from the adjacent littoral rainforest. The proposed works are contained within the managed yard of an existing dwelling and conditions have been recommended to ensure adequate stormwater management and erosions and sediment control.

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

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

In accordance with Clause 15 the proposal is not likely to cause increased risk of coastal hazards on that land or other land.

The bulk, scale and size of the proposed development is compatible with the existing built form. The site has an existing dwelling on it and is located within an area zoned for residential purposes.

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

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

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

Clause 22(3) - The proposed secondary dwelling would not have a floor area exceeding 60m² and the combined floor area of the primary and secondary dwelling would not exceed the maximum permitted under the Port Macquarie-Hastings Local Environmental Plan 2011 (see comments below under LEP).

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

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

The requirements of this SEPP are therefore satisfied.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone land use table - The dwelling house and secondary dwelling are permissible land uses with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it provides a variety of housing types to meet the housing needs of the community.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 11.75m, which exceeds the standard height limit of 8.5 m applying to the site by 38%. A Clause 4.6 assessment is provided below, which concludes that the proposed roof extension over the rear deck is minor, and retains open areas. The height is consistent with a number of other dwellings in the neighbourhood and is a reflection of the steep topography of the area.
- Clause 4.4 - The floor space ratio of the proposal is 0.55:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 4.6 - This clause establishes a degree of flexibility for certain development standards in certain circumstances which have demonstrated that a better planning outcome will occur from that flexibility. In this regard, the

proposal seeks a variation to the building height standard. Assistance on the approach to variation to this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:

1. *Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);*
2. *Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and*
3. *Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245*

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comments: The Applicant has submitted a request in writing (**Attachment 3**) to justify the contravention of the building height standard for the following reasons (as summarised):

- Compliance with the development standard is unnecessary in the circumstances of the case as the proposal satisfies the objectives of Clause 4.3 notwithstanding the numerical variation.
- Compliance with the development standard is unreasonable and unnecessary due to other height variations approved by Council in the locality. The Clause 4.6 written request includes a number of examples of approved buildings exceeding the height limit in the Lighthouse Beach area.
- The proposed roof addition over the existing upper floor balcony has been designed to be substantially open/openable to reflect the existing situation.
- The site slopes steeply from north to south.
- The existing building already exceeds the height limit and the proposed deck addition will sit below the roof of the existing dwelling.
- The provision of shade to an outdoor area will help reduce the incidence of skin cancer and improve the welfare of the community.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),*

In *Wehbe* five methods have been developed to test whether compliance with a development standard is unreasonable or unnecessary:

1. The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard and therefore compliance is unnecessary.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to proposals departing from the standard and hence compliance is unreasonable and unnecessary.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land.

The proposal relies upon the first and fourth tests and it is considered that the Applicant's written request had satisfactorily demonstrated that the proposed development will achieve the objectives of the height of building development standard despite the numerical non-compliance. Evidence has also been provided of a history of departures from the height of building standard on similar steeply sloping sites in the Lighthouse Beach area. However, the number of departures is not considered to constitute a total abandonment of the development standard by Council, particularly given that the variations have been appropriately considered in accordance with Clause 4.6. Notwithstanding this, the first test alone is sufficient to establish that compliance with the standard is unnecessary.

The written request also demonstrates that there are sufficient environmental planning grounds for the variation, with the steep topography and height of the existing dwelling being of particular merit. In relation to the comments relating to providing shade to outdoor areas and reducing the incidence of skin cancer in the community, this is an important message more broadly, but it is not considered to add any weight to the case for varying the development standard in this instance. The area is for private use and the shade wouldn't provide a broader public benefit to the community. There are also a number of opportunities to provide shade to outdoor spaces on the site below the height limit.

Overall, it is considered that the Applicant's clause 4.6 variation has adequately addressed the matters required to be demonstrated by clause 4.6(3).

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

The consistency of the proposal with the zone objectives has been discussed above under Clause 2.3. Consideration of the proposal's consistency with the objectives of height of buildings standard (Clause 4.3) is provided as follows:

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

Comments: The height of the proposed building is not out of character with existing development in the area. There are a number of examples of buildings on steeply sloping sites in the area, which are 3 to 4 storeys at the rear. The height of the roof over the upper floor balcony is lower in terms of RL than the ridge of the curved roof of the existing dwelling. The roof has been designed to be largely open to reduce its bulk. The bulk and scale of the proposal is considered to be acceptable and is below the maximum permitted FSR for the area.

The building would continue to present as a two-storey dwelling to the primary street frontage in Vendul Crescent

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

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

1. The development will not result in an increased loss of solar access to adjoining property. The adjoining dwelling to the south of the site has no living area windows on its northern elevation and has its main indoor and outdoor living spaces oriented towards the views to the south and east.
2. The proposal will not result in the disruption of any significant views. The roof addition is located below the level of the top of the existing roof of the dwelling and will not be visible from any angle where key views are obtained across the property.
3. Potential privacy impacts have been satisfactorily addressed in the building design. The height variation would not contribute to any adverse privacy impacts, as it is the deck that creates the potential privacy impact rather than the proposed roof addition.
4. Neighbour notification of the proposal did not identify any concerns regarding loss of amenity to nearby properties.

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

Comments: The site does not contain any known heritage items or sites of significance.

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

Comments: The site is surrounded by land with similar zoning and building height controls and is not in a location where development provides a transition in built form or land use intensity.

The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

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

Comments: In accordance with Planning Circular PS 20-002, the Secretary's concurrence can be assumed for variations to the height of buildings development standard. However, as the extent of the variation exceeds 10% the application is required to be determined by Council, to ensure that there is transparency in the decision-making process.

Having regard to the above requirements it is recommended that the height variation using Clause 4.6 be supported.

- Clause 5.4 - The proposed secondary dwelling has a floor area of 60m² and does not exceed 33% of the total floor area of the principal dwelling.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.

- Clause 7.1 - The site is not mapped as containing any areas of potential acid sulfate soils.
- Clause 7.6 - The site is not mapped as being impacted by Coastline Hazards.
- Clause 7.9 - The site is not mapped as being in an area subject to acoustic controls.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			
DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> – 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. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	No building works are proposed within the 3m front articulation zone.	Yes
	c) The primary road front setback shall be: Classified road = any frontage 6.0m	Primary frontage - no alteration to the existing garage setback to Vendul Crescent.	N/A

	Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	Secondary frontage - no reduction to the secondary frontage setback is proposed.	
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or – be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	There is no change proposed to the location of the garage, garage door or driveway crossover.	N/A
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	There is no change proposed to the location of the garage, garage door or driveway crossover.	N/A
	c) Driveway crossovers are no greater than 5.0m in width.	There is no change proposed to the location of the garage, garage door or driveway crossover.	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	The granny flat is on the ground level of the dwelling. It has a driveway onto Partridge Street. The main dwelling has a driveway and garages onto Vendul Crescent.	Yes
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	Minimum rear boundary does not apply to corner lots.	N/A
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.	N/A	N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the	N/A	N/A

	private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.		
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	All side setbacks are greater than 900mm from side boundary.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	<p>The existing north eastern side setback is 1.485m from the side boundary (neighbouring Lot 391 DP 236950). This remains unchanged.</p> <p>The south western most point of the existing dwelling is 1.5m from the side boundary (neighbouring Lot 389 DP 208523).</p> <p>The proposal is to provide a roller shade cover over the balcony on the first floor (south east elevation) and extended to full width of building at 10deg pitch. The corner of the roof will be extended to the dwelling edge at 1.5m from the neighbouring boundary. Due to the existing built form Lot 389 DP208523 is already overshadowed.</p>	No, but acceptable
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	No walls are unarticulated for 12m or greater.	Yes
Private Open Space			

48.	<p>a) All dwellings should have a minimum area of private open space of 35m², which includes a principal private open space area with:</p> <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. 	<p>Outdoor living space exceeds 35m² and includes the pool area.</p> <p>Granny flat has an existing outdoor paved area to achieve the 4m x 4m area.</p> <p>Proposal will provide better connection from the main dwelling to the outdoor area on the southern side of the dwelling.</p>	Yes
	b) Private open space may include clothes drying areas and garbage storage.	Noted.	
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	Plan set includes fence detail.	Yes
	<p>b) Solid Front fences up to 1.2m high should be:</p> <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 	Proposed fence 1.8m, refer to provision below.	N/A
	<p>b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either:</p> <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 	<p>Vendul Crescent frontage will include a pool fence and compliance for such.</p> <p>Driveway is unfenced.</p> <p>Fence is max 1.8m high and no more than 50% of the length of the property boundary.</p>	Yes

	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	Fencing provides for transparency and aligns with the splayed property boundary. The proposed fencing will not fully comply with the requirement for 25% transparency, but the fence is replacing an existing Colorbond fence that currently contains no openings. The introduction of some transparency to the proposed fence is considered to be an improvement to the current situation.	No, but acceptable
	d) provide a 3m x 3m splay for corner sites, and	Fence aligns with splayed property boundary	Yes
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	Driveway is unfenced.	N/A
Bulk and Scale			
51	a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where: <ul style="list-style-type: none"> Ground and first floor (and above) indoor living room windows are within a 9m radius. Direct views between principal private open space areas where within a 12m radius. Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	Complies with ground and upper floor privacy areas. Lower areas to be screened by fencing and orientation of windows.	Yes
	b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are	Upper balcony area proposed to include screening on the eastern end.	Yes

	<p>direct views of:</p> <ul style="list-style-type: none"> Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 		
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	Noted.	
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. A window, the whole of which has translucent glass and is not able to be opened. 	<p>Privacy screen on the eastern end of the upper floor balcony complies with the screening requirements.</p> <p>1.8m high fencing also proposed for private open space areas of the primary and secondary dwellings.</p>	Yes

DCP 2013: Part B - General Provisions - B2: Environmental Management

DCP Objective	Development Provisions	Proposed	Complies
---------------	------------------------	----------	----------

3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Kerbside collection will remain unchanged.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Terraced landscaped areas are proposed which exceed 1m of excavation outside the building footprint. The works are below street level to Vendul Crescent and will not be prominent in the streetscape. There are no adverse privacy impacts associated with the earthworks, and appropriate conditions have been recommended to ensure the stability of the retaining structures and appropriate stormwater management. The proposal is considered to be consistent with the objectives of the provision.	No, but acceptable.
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Condition recommended requiring engineering certification of any retaining walls greater than 1m high.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and 	The fencing along Vendul Crescent will be on top of a retaining wall and the combination of the retaining wall and fence will have a combined height that is greater than 1.8m. The proposal is considered acceptable as the wall is retaining cut within the site and would not be visible in the streetscape. The fence will still present as having a height of 1.8m when viewed from Vendul Crescent.	No, but acceptable

	– provide a 900mm x 900mm splay for vehicle driveway entrances.		
Bushfire Hazard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	APZ for the dwelling does not extend into any environmental protection zones.	Yes
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	N/A
Road Hierarchy			
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	N/A	N/A
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	N/A
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	Vehicular driveway crossings remain unchanged.	Yes
Parking Provision			
24	a) Off-street Parking is provided	The existing dwelling has	Yes

	in accordance with Table 3.	a double garage accessed from Vendul Crescent. The granny flat has an existing separate off street parking space accessed from Partridge Street.	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	N/A	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	N/A	N/A
Crime Prevention			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

The proposal seeks to vary Development Provision relating to earthworks, fencing, and side building setbacks.

The relevant objectives are:

Objective 4:

To ensure that design of any building or structure integrates with the topography of the land to:

- *Minimise the extent of site disturbance caused by excessive cut and fill to the site. Ensure there is no damage or instability to adjoining properties caused by excavation or filling.*

- *Ensure that there is no adverse alteration to the drainage of adjoining properties.*
- *Ensure the privacy of adjoining dwellings and private open space are protected.*
- *Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.*

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

- The site has significant slope and it is difficult to achieve usable outdoor spaces without large amounts of cut and fill.
- The variation relates to excavation adjacent to the Vendul Crescent frontage and the retaining walls would not be visible from the public domain.
- The excavation would not create any adverse privacy impacts.
- The proposed excavation would not affect stormwater flows around the building.
- Appropriate conditions have been recommended requiring engineering certification of the retaining walls, to ensure that the land is satisfactorily stabilised.

Objective 5:

To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape.

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

- The retaining walls will require engineering certification to ensure that they are functional and safe.
- The proposal includes excavation below street level along the Vendul Crescent frontage. The retaining wall would not be visible from the public domain and the fencing would present as 1.8m high when viewed from the street.

Objective 47:

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

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

- The proposal would not significantly alter the bulk of the existing dwelling, and includes only a minor increase to the existing floor area of the building.
- The roof addition over the upper floor balcony has been designed to be largely open (including pergola and retractable shade sail). This addition will not present as adding to the bulk of the building.
- The proposal will improve privacy between the upper floor balcony and the adjoining dwelling to the east, with provision of a full height privacy screen at the eastern end.

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 of a significance that would justify refusal of the application.

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

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

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

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

Context and setting

The proposal will not have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

The topography in this area is such that dwellings are often stepped to match the land, which results in multi-level housing that exceeds the height limit. The existing dwelling and proposed alterations and additions are consistent with the local context, which includes dwellings constructed over three to four levels in places. The proposal adequately addresses the objectives of the planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There are no significant adverse overshadowing impacts. The existing dwelling already substantially overshadows the adjoining property to the south, and given the nature of the building additions below the highest part of the existing roof line, it is not expected that the proposal would significantly change the existing impacts. The adjoining dwelling has no windows in the northern elevation and is generally oriented towards the views to the south-east.

Access, traffic and transport

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

Water supply connection

The site has an existing water supply connection. New plumbing associated with the development will require a Section 68 application, as recommended in the conditions.

Sewer connection

The site has an existing sewer connection. New plumbing associated with the development will require a Section 68 application, as recommended in the conditions.

Stormwater

The building is currently drained to a kerb adaptor in Vendul Crescent. The proposed building additions are capable of draining to the existing stormwater system serving

the site. Details will be required with the Section 68 application, as recommended in the conditions.

Other utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a Section 4.14 bushfire certificate prepared by a Certified Consultant. The certificate concludes that a Bushfire Attack Level 29 shall be required.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

Safety, security and crime prevention

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

Social impacts in the locality

Given the nature of the proposed development and its location the proposal is 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 have been adequately addressed and appropriate conditions of consent recommended.

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

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

(e) The Public Interest

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

(f) 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.

(g) Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 for the following reasons:

- The proposed secondary dwelling has a floor area not exceeding 60m² and is exempt from development contributions in accordance with Clause 2.5 of Council's Development Contributions Assessment Policy.




5. CONCLUSION AND STATEMENT OF REASON

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

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

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

Attachments

1.  DA 2020 - 433.1 Recommended Conditions
2.  DA2020 - 433.1 Plans
3.  DA2020 - 433.1 Clause 4.6 Written Request

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/433****DATE: 2/10/2020****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
Plan Set	Project No 1588	Robert Snow Architect	29 May 2020
Bushfire Certificate	1588-SK-0.1 27.02.2020	S & K Johnson	26 February 2020
BASIX Certificate	A378602	Concept Designs Australia	29 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.

- (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) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. Earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
 - ii. or 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.

- (3) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (4) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

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

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D015) The swimming pool shall not be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (2) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (3) (D017) In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
 - (a) Bears a notice containing the words "This swimming pool is not to be occupied or used", and
 - (b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
 - (c) Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.
- (4) (D029) Any demolition work shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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](#)

- (5) (D000) Any excess fill is to be disposed of at an approved location or taken to an approved waste management facility.
- (6) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.

- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (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.
- (4) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (5) (E021) The swimming pool is to be fenced in accordance with the Swimming Pools Act 1992.
- (6) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

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) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (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 pmShould 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.

DEVELOPMENT APPLICATION

D R A W I N G T R A N S M I T T A L :

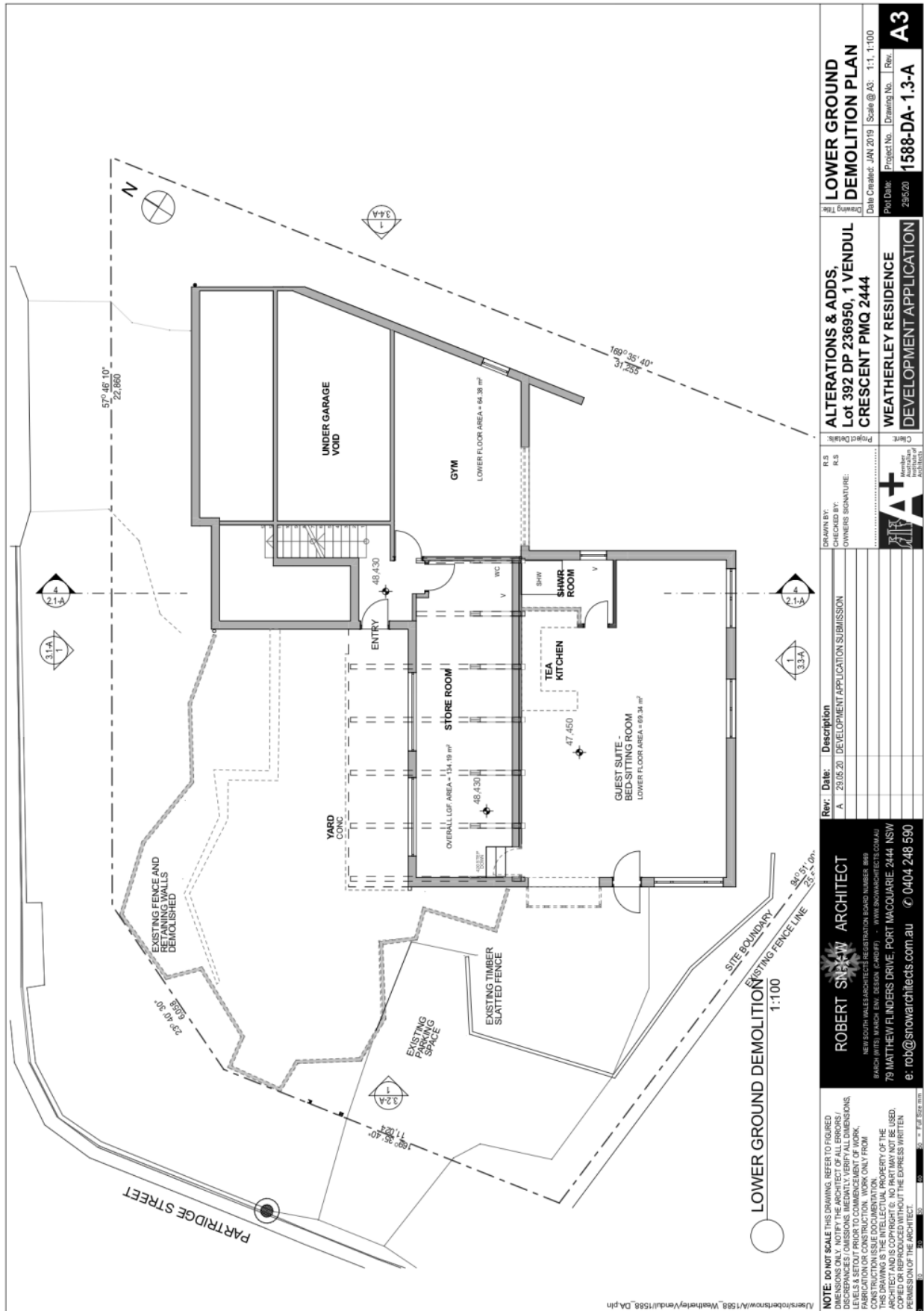
[illegible]

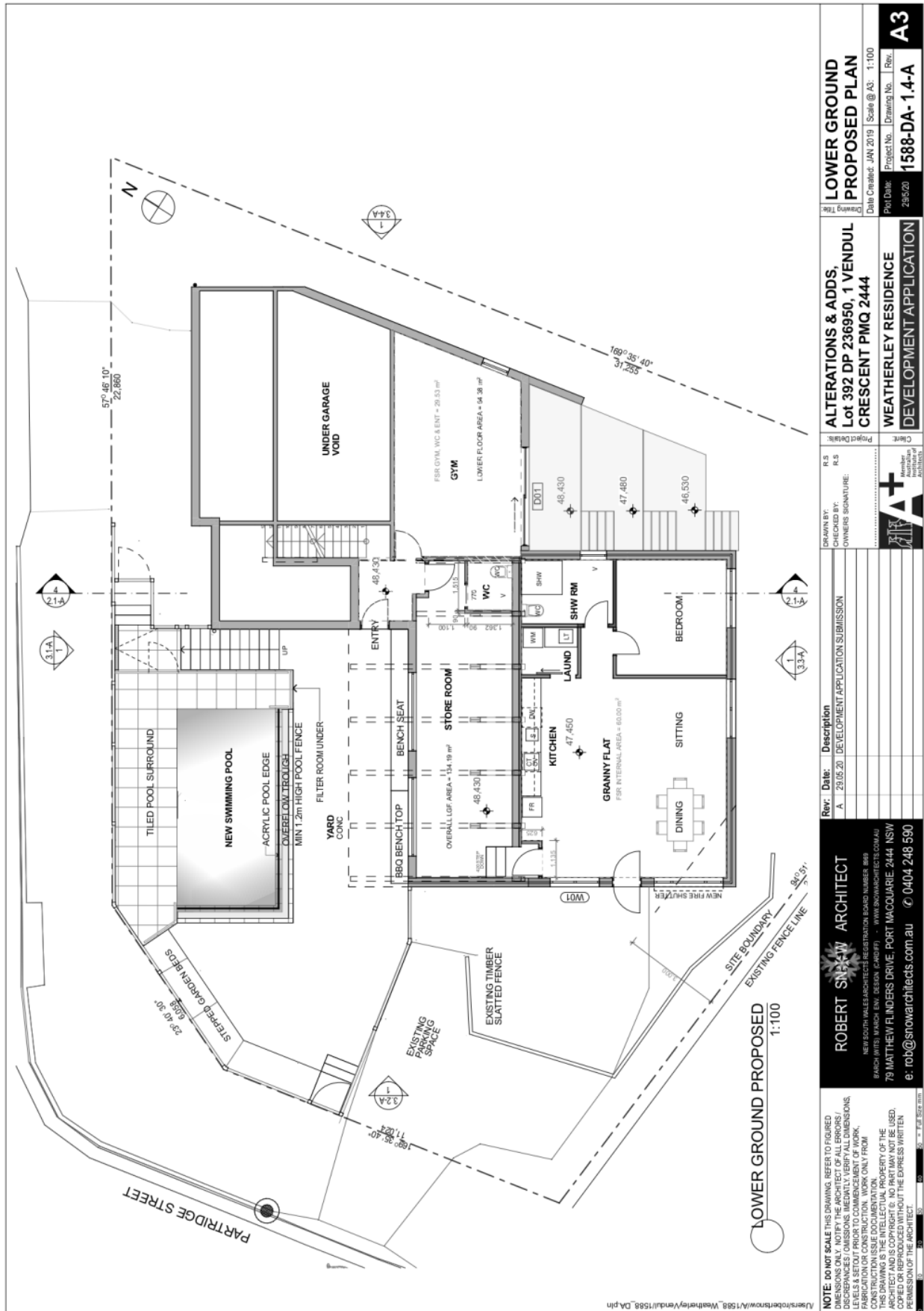
TRANSMITTAL SHEET / RECORD :

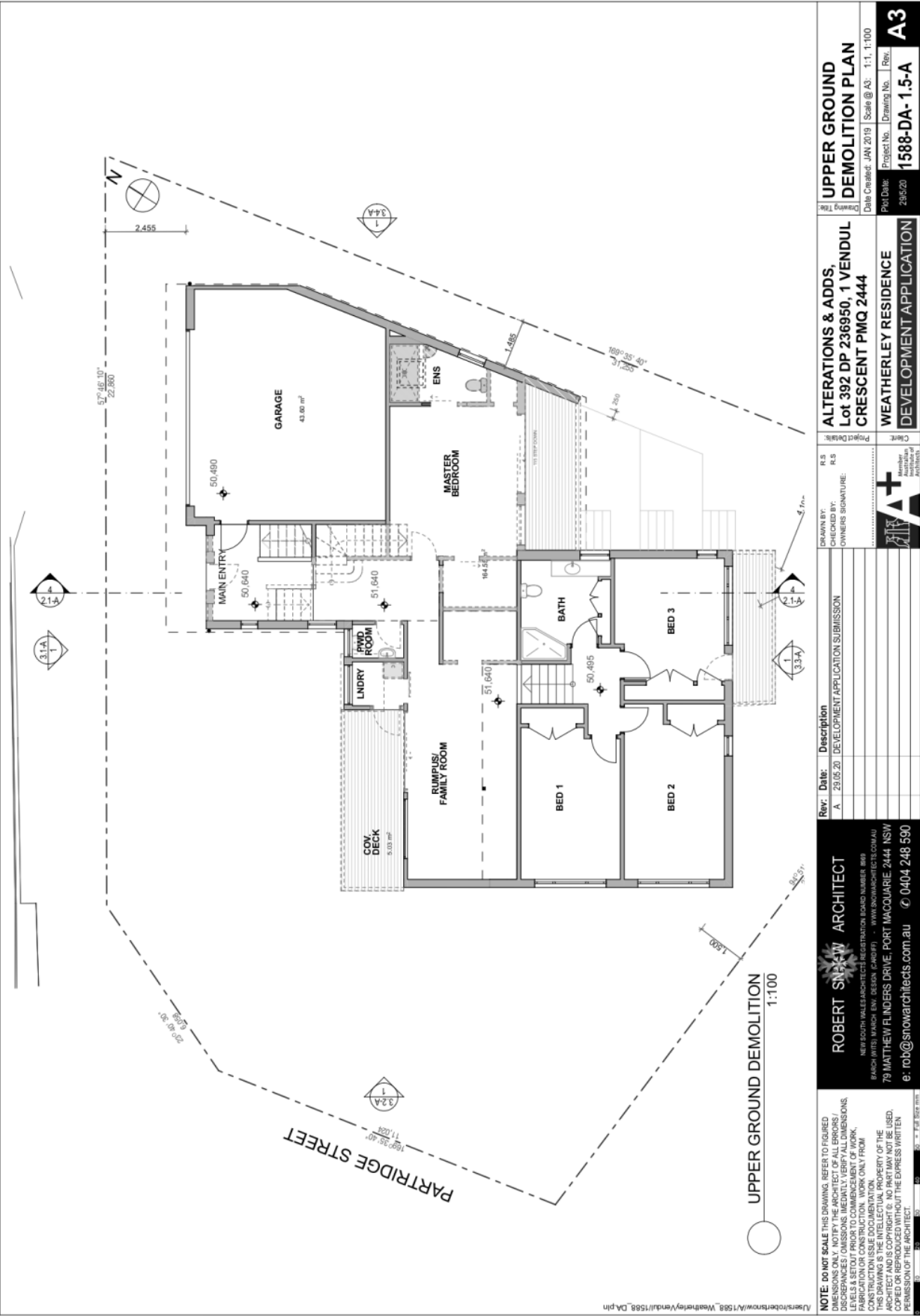
STATUS:	C = CONSTRUCTION; CC = CONSTRUCTION CERTIFICATE; CDC = COMPLYING DEVELOPMENT CERT. DA = DEVELOPMENT APPLICATION; FA = FOR APPROVAL; P = PRELIMINARY; S68 = S68 SUBMISSION; S96 = SECTION 96; T = TENDER		
REVISION:	DATE:	STATUS:	TO:
REV. A	29.05.2020	DA	PMHC, CLIENT & DESIGN TEAM

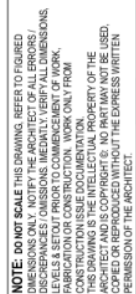


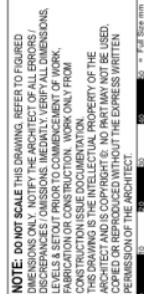


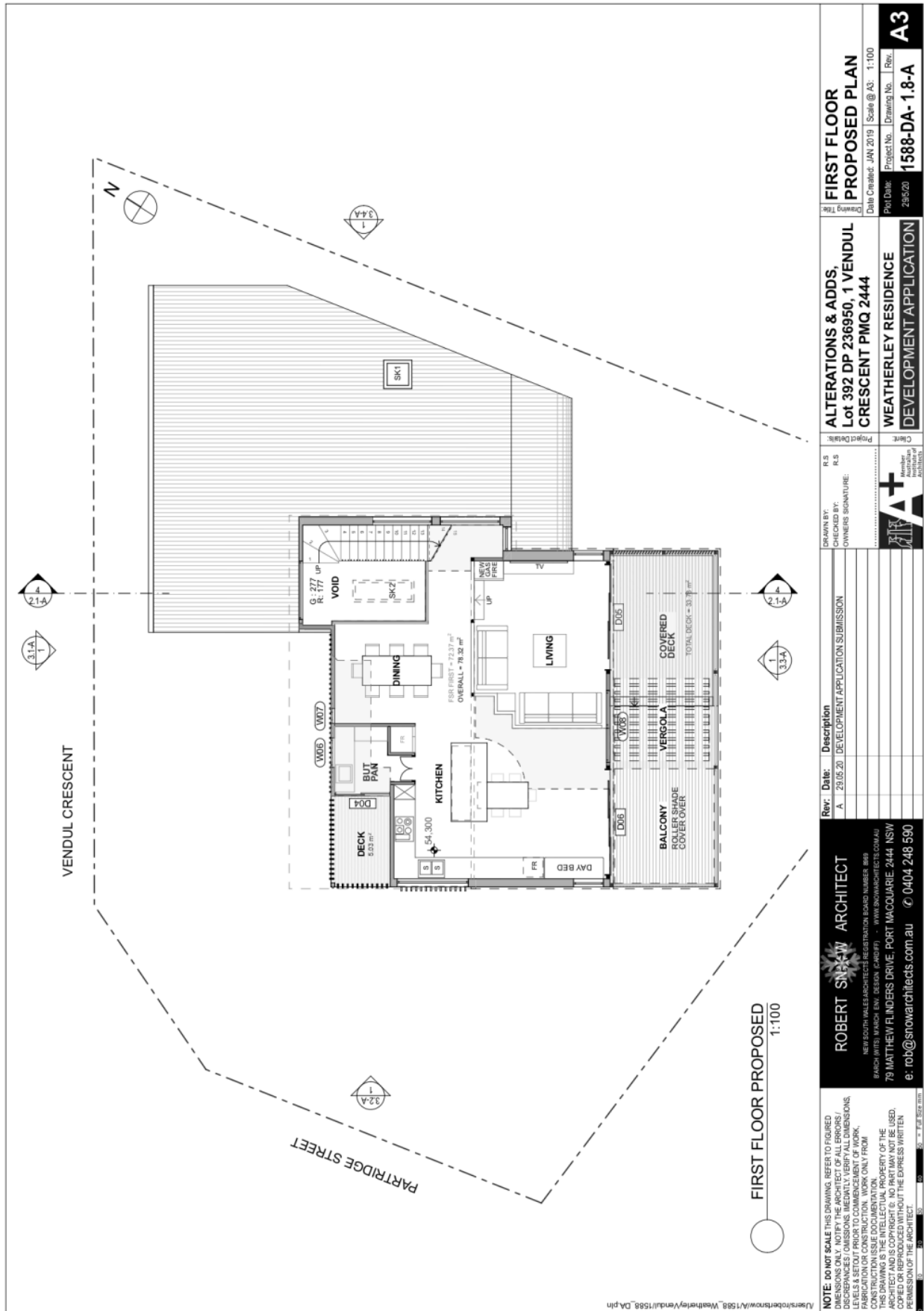




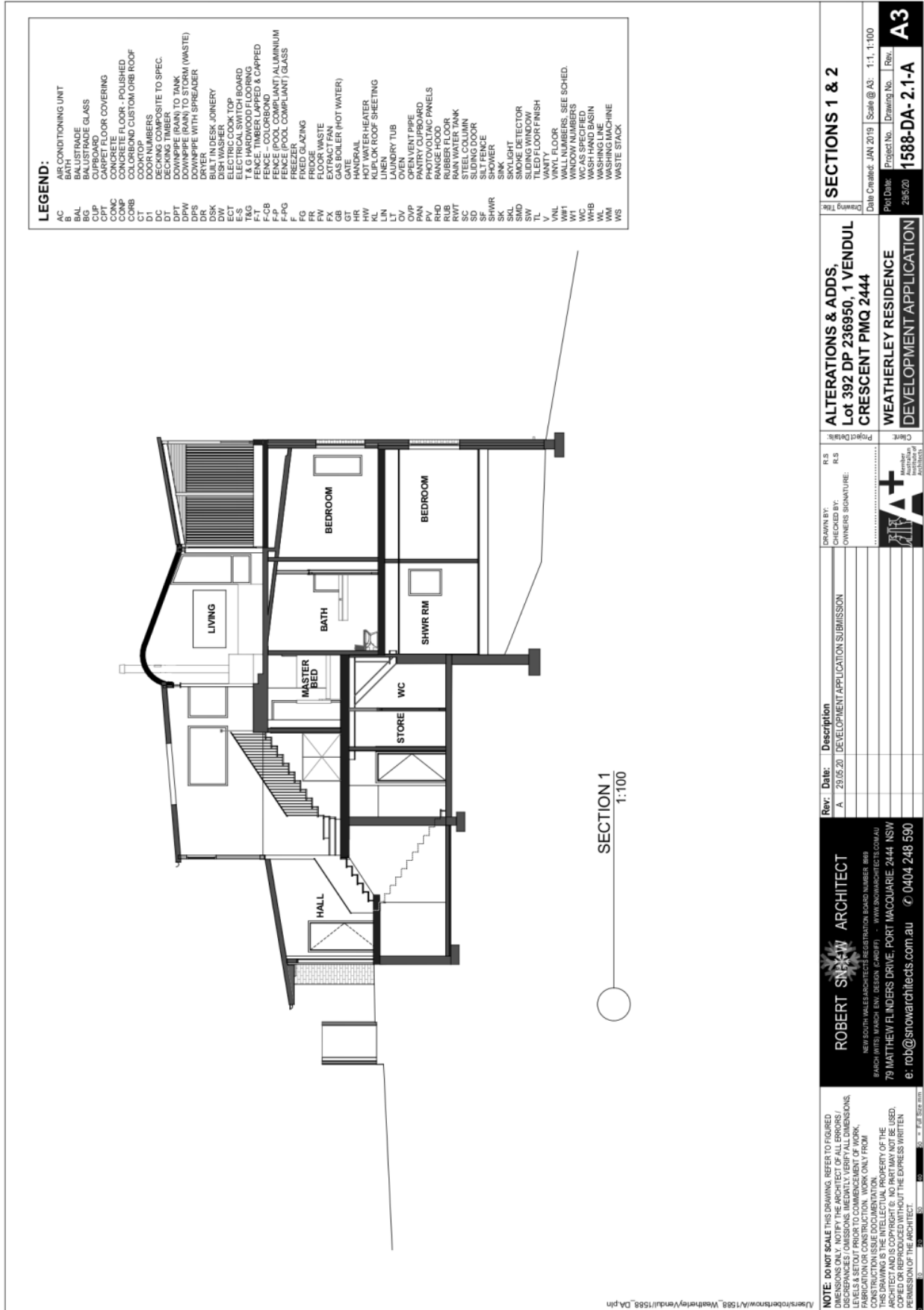


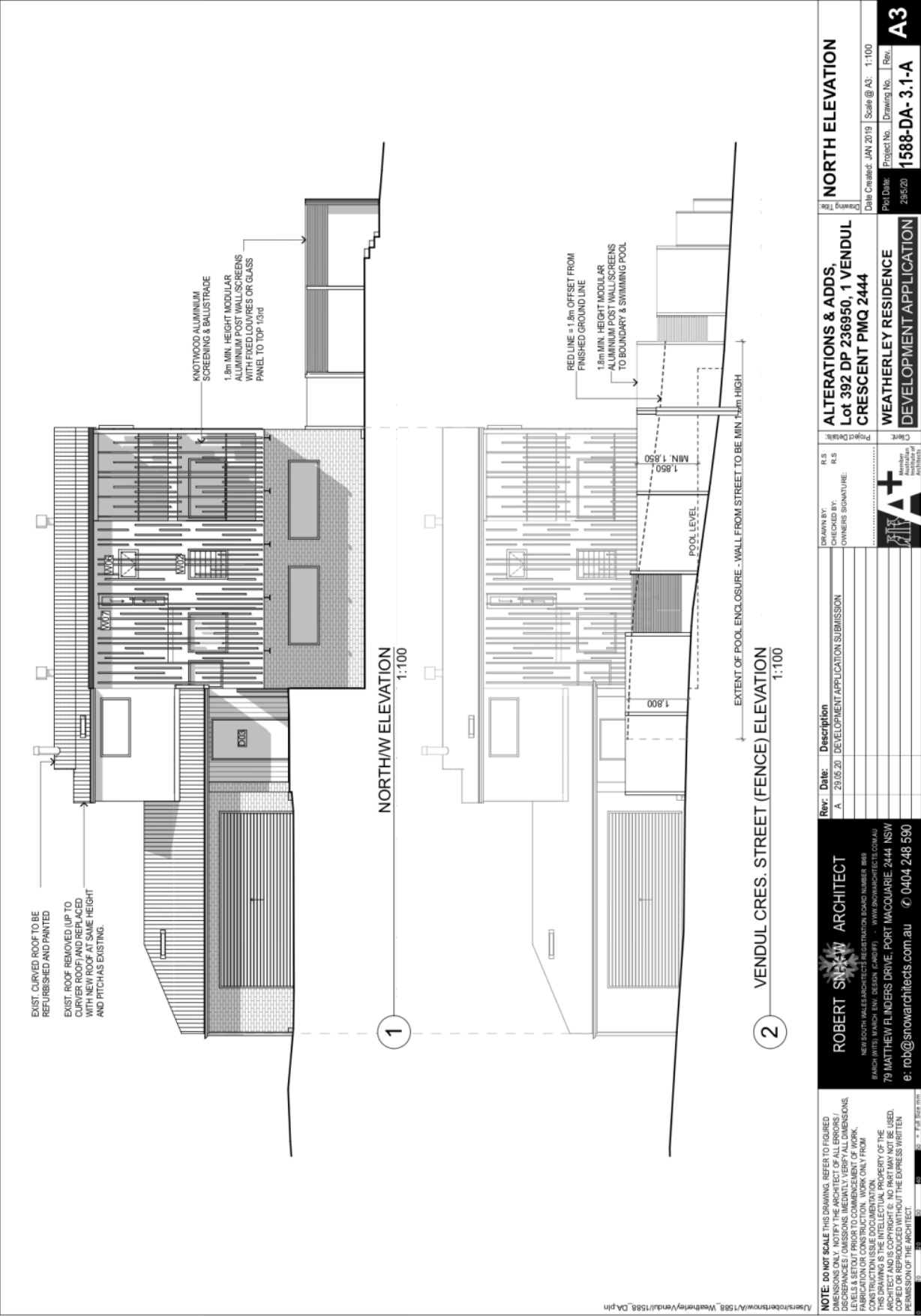




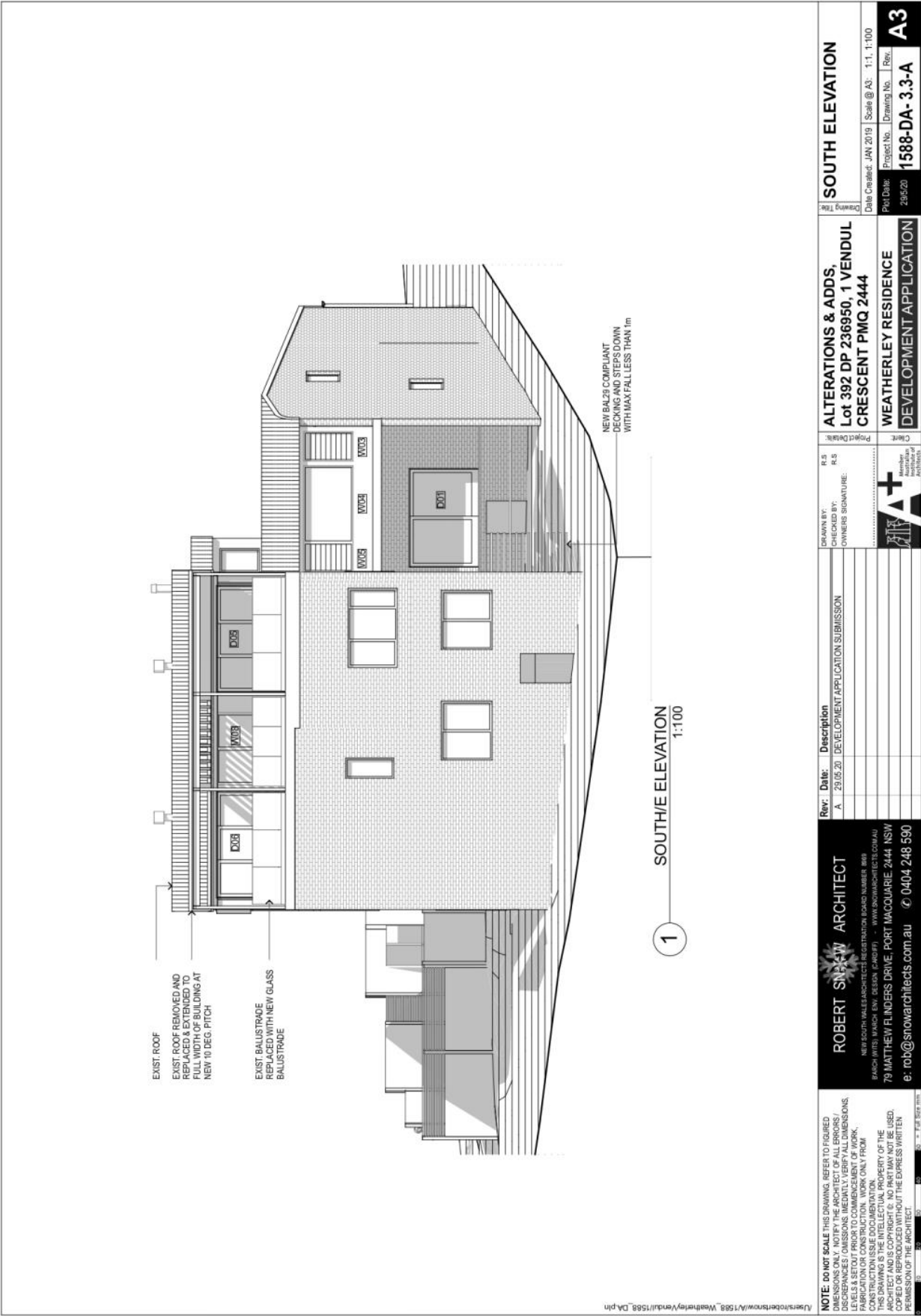


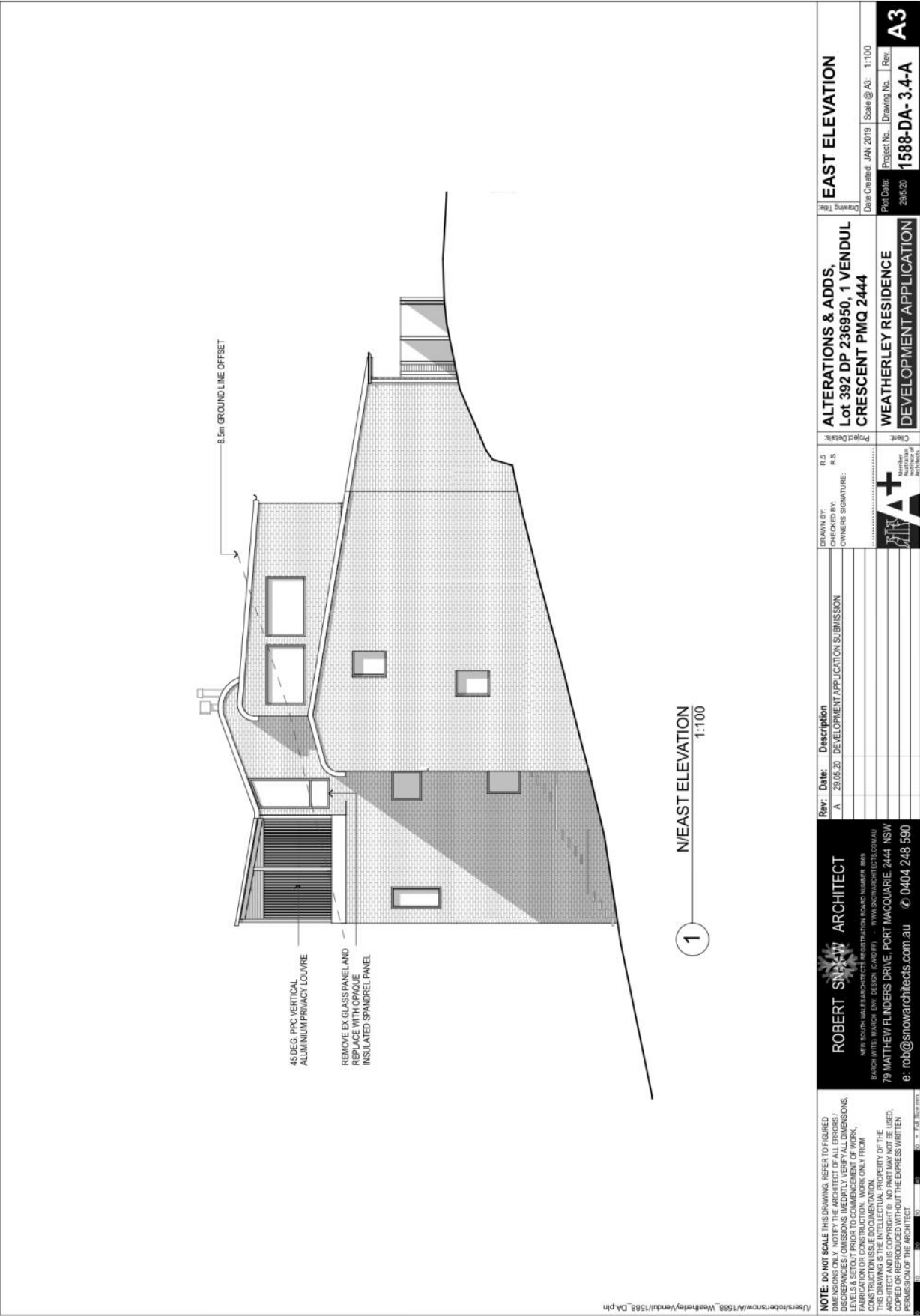
<p>GENERAL NOTES:</p> <p>ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT CURRENT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA UNLESS OTHERWISE SPECIFIED.</p> <p>DEMOLITION OF STRUCTURES TO COMPLY WITH AS2601:1991</p> <p>TIMBER FRAMING TO BE IN ACCORDANCE WITH AS1684:2010, NATIONAL TIMBER FRAMING CODE.</p> <p>SUB-FLOOR VENTILATION TO COMPLY WITH PART 3.4.1 BCA VOL TWO.</p> <p>WHERE ROOF TRUSSES ARE NOMINATED DEMOLITION SPECIFICATION TO BE BY MANUFACTURER.</p> <p>BALUSTRADES TO COMPLY WITH BCA PART 3.9.2</p> <p>INSTALLATION OF SMOKE DETECTORS TO COMPLY WITH AS3786:20014.</p> <p>PLUMBING & DRAINAGE SYSTEMS TO COMPLY WITH AS3500.</p> <p>TERMITE MANAGEMENT SYSTEMS TO COMPLY WITH AS3660.1:2014.</p> <p>CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH AS3600:2009.</p> <p>MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS3700:2011.</p> <p>DAMP-PROOF COURSES & FLASHINGS TO BE IN ACCORDANCE WITH ASIN25:2594:1995.</p> <p>THERMAL INSULATION OF DWELLINGS TO COMPLY WITH AS4869:2002 AND BASIX CERTIFICATE.</p> <p>UNPLASTICISED PVC (UPVC) DOWNPIPE AND FITTINGS FOR RAINWATER TO COMPLY WITH AS1273:1991.</p> <p>INSTALLATION OF SHEET ROOF AND WALL CLADDING TO COMPLY WITH AS1562:1992.</p> <p>ALL PEDESTRIAN SURFACES TO COMPLY WITH ASIN23361:SLIP RESISTANCE.</p> <p>SKYLIGHTS TO BE INSTALLED IN ACCORDANCE WITH AS4585:1996.</p> <p>BUILDING CONSTRUCTION WITHIN BUSHFIRE PRONE AREAS TO COMPLY WITH AS3959:2009.</p> <p>GLASS TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS1288:2006 & AS 2047:2014.</p> <p>WATERPROOFING OF WET AREAS TO COMPLY WITH AS3740:2010.</p> <p>ELECTRICAL INSTALLATIONS TO COMPLY WITH ASIN23:3078:2001.</p> <p>STAIR TREADS TO HAVE A SURFACE OR NOSING STRIP WITH A SLIP RESISTANCE CLASSIFICATION TO COMPLY WITH BCA PART 3.3.1.3</p> <p>ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BASIX CERTIFICATE AND THE BUSHFIRE REPORT - BAL 29</p>	<p style="text-align: right;">ROOF PLAN 1:100</p>	<p>ROBERT SNOW ARCHITECT</p> <p>NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 889</p> <p>8/425 WILKS WAY, EPPON, (NSW) - WWW.SNOWARCHITECTS.COM.AU</p> <p>79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW</p> <p>e: rob@snowarchitects.com.au c: 0404 248 590</p>	<p>NOTE: DO NOT SCALE THIS DRAWING. REFER TO FIGURED DIMENSIONS ONLY. NOTIFY THE ARCHITECT OF ALL ERRORS, DISCREPANCIES, OMISSIONS IMMEDIATELY. VERIFY ALL DIMENSIONS, LEVELS & SETOUT PRIOR TO COMMENCEMENT OF WORK. FABRICATOR OR CONSTRUCTION WORK ONLY FROM THIS DRAWING IS THE INTELLECTUAL PROPERTY OF THE ARCHITECT AND IS COPYRIGHT ©. NO PART MAY NOT BE USED, COPIED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT.</p>	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>23/05/20</td> <td>DEVELOPMENT APPLICATION SUBMISSION</td> </tr> </tbody> </table>	Rev	Date	Description	A	23/05/20	DEVELOPMENT APPLICATION SUBMISSION	<p>DRAWN BY: R.S. CHECKED BY: R.S. OWNERS SIGNATURE: _____</p>	<p>ALTERATIONS & ADDS, Lot 392 DP 236950, 1 VENDUL CRESCENT PMQ 2444</p>	<p>ROOF PLAN</p> <p>Date Created: JAN 2019 Scale @ A3: 1:100, 1:1 Date: 29/05/20 Project No: 1588-DA-19-A Rev: A3</p>
Rev	Date	Description											
A	23/05/20	DEVELOPMENT APPLICATION SUBMISSION											



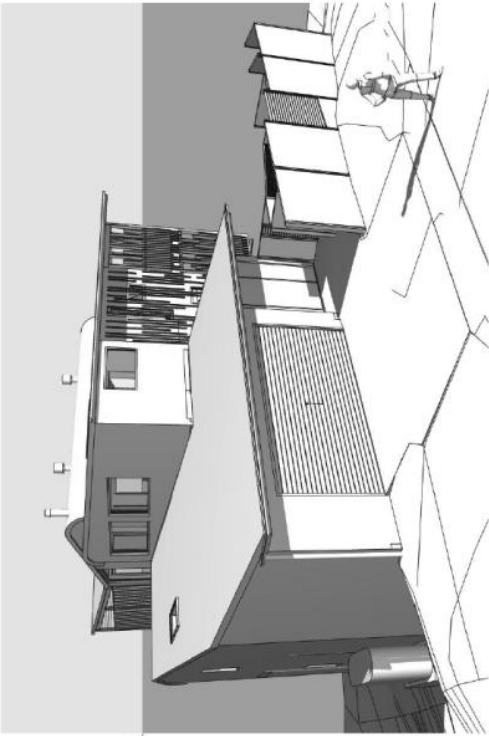










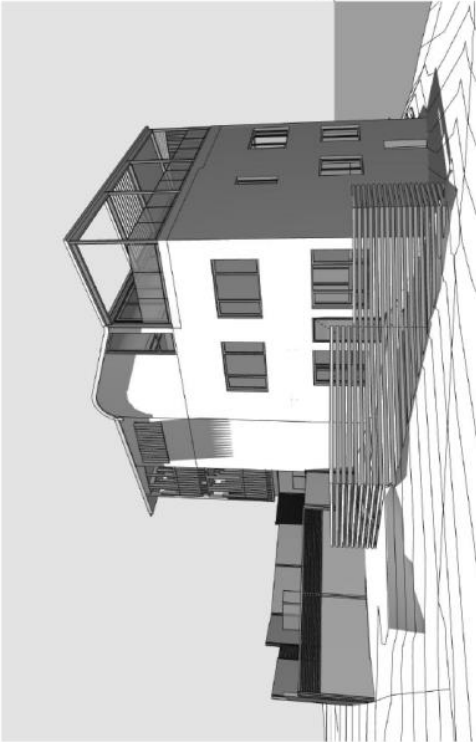
<p>NOTE: DO NOT SCALE THIS DRAWING. REFER TO FIGURED DIMENSIONS ONLY. NOTIFY THE ARCHITECT OF ALL ERRORS, DISCREPANCIES, OMISSIONS. IMMEDIATELY VERIFY ALL DIMENSIONS, LEVELS & SETOUT PRIOR TO COMMENCEMENT OF WORK. FABRICATION OR CONSTRUCTION. WORK ONLY FROM THIS DRAWING IS THE INTELLECTUAL PROPERTY OF THE ARCHITECT AND IS COPYRIGHT ©. NO PART MAY NOT BE USED, COPIED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT.</p>			<p>ROBERT SNOW ARCHITECT NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 8889 8/405-9113, 3/1113, 4/1113, 5/1113, 6/1113, 7/1113, 8/1113, 9/1113, 10/1113, 11/1113, 12/1113 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW e: rob@snowarchitects.com.au c: 0404 248 590</p>			<p>ALTERATIONS & ADDS, Lot 392 DP 236950, 1 VENDUL CRESCENT PMQ 2444</p>			<p>EAST ELEVATION</p>		
Rev:	Date:	Description	Drawn By:	Checked By:	Project Details:	Project Title:	Scale:	Scale @:			
A	23.05.20	DEVELOPMENT APPLICATION SUBMISSION	R.S.	R.S.	Weatherley Residence	Weatherley Residence	1:100	1:100			
			OWNERS SIGNATURE:		Project No.	Drawing No.	Rev.				
					1588-DA-3.4-A	A3					



HORIZON

HORIZON

NOTE: 3 D VIEWS ARE INDICATIVE - PLANS, SECTIONS AND ELEVATIONS TAKE PRECEDENCE.



HORIZON

HORIZON

NOTE: DO NOT SCALE THIS DRAWING. REFER TO FIGURED DIMENSIONS ONLY. NOTIFY THE ARCHITECT OF ALL ERRORS, DISCREPANCIES, OMISSIONS, IMMEDIATELY VERIFY ALL DIMENSIONS, LEVELS & SETOUT PRIOR TO COMMENCEMENT OF WORK. FABRICATION OR CONSTRUCTION WORK ONLY FROM THIS DRAWING IS THE INTELLECTUAL PROPERTY OF THE ARCHITECT AND IS COPYRIGHT ©. NO PART MAY NOT BE USED, COPIED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT.

Users: robertsnow/A/1588_WeatherleyVendul/1588_DA.pln

Rev: Date: Description

A	23/05/20	DEVELOPMENT APPLICATION SUBMISSION
---	----------	------------------------------------

ROBERT SNOW ARCHITECT

NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 8889
8/4025 HILLS WAY, EGGON, NSW 2111 (AUSTRALIA) - WWW.SNOWARCHITECTS.COM.AU
79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW
e: rob@snowarchitects.com.au c: 0404 248 590

DRAWN BY: R.S.
CHECKED BY: R.S.
OWNERS SIGNATURE: _____

Project Details: ALTERATIONS & ADDS, Lot 392 DP 236950, 1 VENDUL CRESCENT PMQ 2444

Weatherley Residence DEVELOPMENT APPLICATION

3D VIEWS

Date Created: JAN 2019 | Scale @ A3: 1:388.82 | 1:255.7

Permit Date: 29/05/20 | Project No: 1588-DA-3.5-A | Drawing No: A3

Item 08
Attachment 2
Page 168

DOOR SCHEDULE									
ID	D01	D02	D03	D04	D05	D06			
Orientation	SOUTH	WEST	NORTH		SOUTH	SOUTH			
Height	2,100	2,100	2,340	2,100	2,390	2,100			
Width	3,012	1,700	1,250	1,700	3,250	3,250			
Frame Type	ALUMINIUM	ALUMINIUM	TIMBER	ALUMINIUM	ALUMINIUM	ALUMINIUM			
Glazing	TOUGHENED CLEAR	TOUGHENED CLEAR	NIL	TOUGHENED CLEAR	TOUGHENED CLEAR	TOUGHENED CLEAR			
Locks	ALL SL. DOORS KEYED ALIKE	ALL SL. DOORS KEYED ALIKE	COMBINATION STRIKER & DEADLOCK	ALL SL. DOORS KEYED ALIKE	ALL SL. DOORS KEYED ALIKE	ALL SL. DOORS KEYED ALIKE			
View from Opening Side									

WINDOW SCHEDULE									
ID	W01	W02	W03	W04	W05	W06	W07	W08	
Orientation	INTERNAL	NORTH	SOUTH	SOUTH	SOUTH	NORTH	NORTH	SOUTH	
Height	600	1,200	1,500	1,500	1,500	600	2,100	2,100	
Width	1,000	900	900	2,339	900	900	450	2,200	
Window sill height	900	840	600	600	600	900	0	290	
Window head height	1,500	2,040	2,100	2,100	2,100	1,500	2,100	2,390	
Glass Type	CLEAR	CL. TOUGHENED	CL. TOUGHENED	CLEAR	CL. TOUGHENED	CLEAR	CLEAR	CLEAR	
Notes									
View from Opening Side									

NOTE:
THESE SCHEDULES COVER THE
NEW DOORS AND WINDOWS
ALL DOORS AND WINDOWS
VIEWED FROM OUTSIDE
ALL DOORS AND WINDOWS TO
COMPLY WITH BASIX REPORT

GLAZING NOTES:
SCREENS TO BE AS CONSULTANT WITH STRUCTURAL ENGINEER DRAWINGS (WIND LOAD RATINGS) AND ALL OTHER RELEVANT CONSULTANTS DRAWINGS.
ALL DIMENSIONS TO BE VERIFIED BEFORE ANY WORK OR FABRICATION COMMENCES.
ANY DISCREPANCY, AMBIGUITY, ERROR OR INCONSISTENCY IN THE DRAWINGS OR DRAWINGS, REPORT SUCH TO THE ARCHITECT BEFORE PROCEEDING.
ALL GLAZING TO COMPLY WITH BCA AND RELEVANT STANDARDS AND IN COMPLIANCE WITH THE BASIX CERTIFICATE.
GLASS TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS1288 2006 & AS 2047 1999 AND GLAZING TYPE AND FRAMES TO COMPLY WITH BASIX REPORT.
ALL GLAZING FOR PARTITIONS OF BEDROOM, BATHROOM, KITCHEN AND LIVING ROOMS OVER 2000mm TO THE OUTSIDE GROUND LEVEL MUST HAVE A DEVICE FITTED TO RESTRICT THE WINDOW OPENING TO NO MORE THAN 100mm (or 1200mm) OR SECURITY SCREENS PER BCA 3.9.2.3.

ANY OPENABLE WINDOWS ABOVE THE OUTSIDE GROUND LEVEL MUST HAVE A DEVICE IN ACCORDANCE WITH BCA 3.9.2.3 TO RESTRICT THE WINDOW OPENING TO NO MORE THAN 100mm (or 1200mm) OR SECURITY SCREENS TO HAVE WEATHER SEALS.
ALL ALUMINIUM DOORS AND WINDOWS TO BE SUPPLIED WITH TIMBER REVEALS TO SUIT WALL FRAME THICKNESS.
INSERT SCREENS TO WINDOWS & DOORS UNLESS NOTED AS NOT REQUIRING IN SCHEDULE.
GLASS TO ALL NEW WINDOW TO HAVE A U-VALUE OF 7.63 AND A SHGC OF 0.75
BUILDING CONSTRUCTION WITHIN BUSHFIRE PRONE AREAS TO COMPLY WITH AS3959 2009.
GLAZING, FLYSCREENS AND LOCKS TO BAL 29 RATED AND TO COMPLY WITH AS3959 2009.

WINDOW AND DOOR SCHEDULE	
Project No.	1588-DA-4.1-A
Scale	1:1.03, 1:0.78, 1:1
Project Title	WEATHERLEY RESIDENCE DEVELOPMENT APPLICATION
Project Details	ALTERATIONS & ADDS, Lot 392 DP 236950, 1 VENDUL CRESCENT PMQ 2444
Drawn By	R.S.
Checked By	R.S.
Owner's Signature	
Rev	Date
A	23.05.20
DEVELOPMENT APPLICATION SUBMISSION	
ROBERT SNOW ARCHITECT NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 889 8 BACHS HILLS, WINDY EWE, BEECH CROFT - WWW.SNOWARCHITECTS.COM.AU 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW e: rob@snowarchitects.com.au c: 0404 248 590	
NOTE: DO NOT SCALE THIS DRAWING. REFER TO FIGURED DIMENSIONS ONLY. NOTIFY THE ARCHITECT OF ALL ERRORS, DISCREPANCIES, OMISSIONS, IMMEDIATELY. VERIFY ALL DIMENSIONS, LEVELS & SETOUT PRIOR TO COMMENCEMENT OF WORK, FABRICATION OR CONSTRUCTION. WORK ONLY FROM THIS DRAWING IS THE INTELLECTUAL PROPERTY OF THE ARCHITECT AND IS COPYRIGHT ©. NO PART MAY NOT BE USED, COPIED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT.	

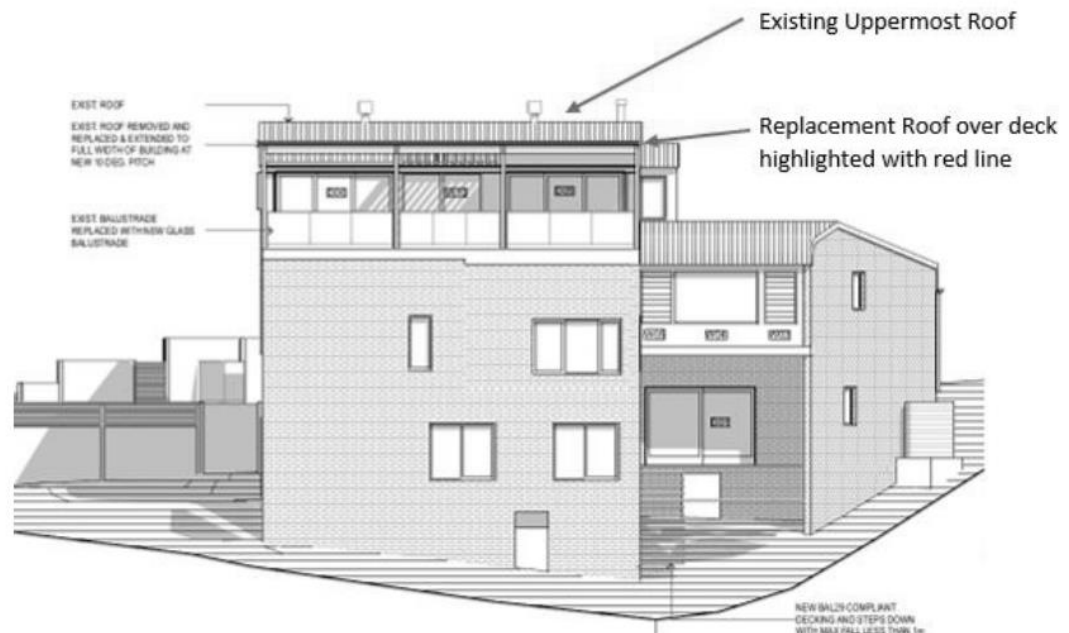
Users: robertsnow/1588_WeatherleyVendul/1588_DA.pn

6. Appendix One – Clause 4.6 Assessment

6.1 Description of the Proposal

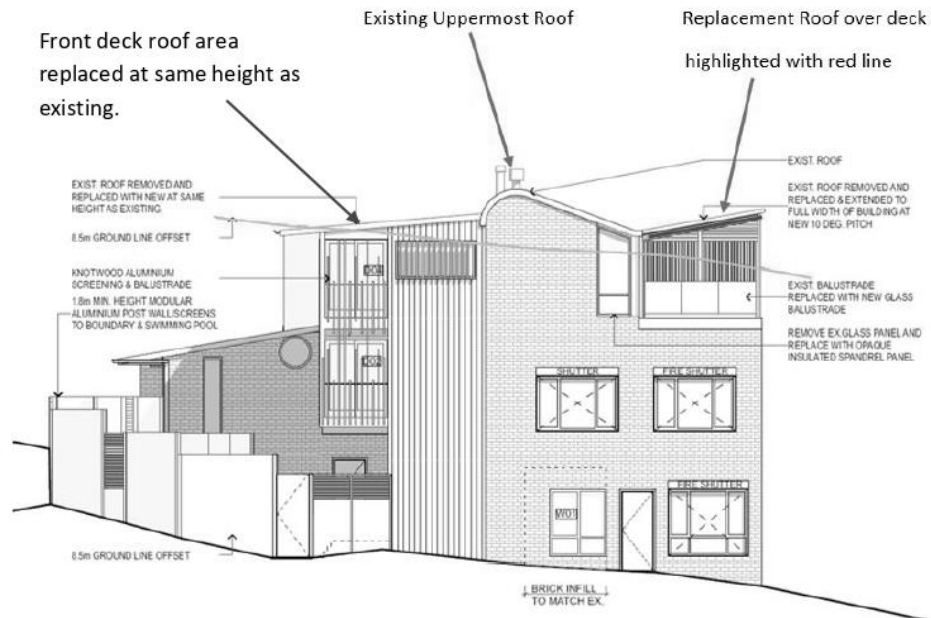
The proposal includes a variation to a development standard, being the height of building. The existing dwelling is already above the 8.5m height. The proposal involves alterations and additions to the existing dwelling. The additions include the removal and replacement of an existing roof over a deck area at the front of the building. As this roof will be at the same height as the existing roof, the impact of this alteration is assessed in this report. However, the primary focus of this assessment will be roof over the existing rear deck, as the proposal includes both the removal of the existing roof, and the replacement with additional roof structure. This rear deck roof will sit lower than the existing uppermost roof area of the dwelling. The following extract from the plan set shows this rear roof in question:

Figure 13: Plan Extract - South-East Elevation



The South-Eastern Elevation demonstrates that the existing uppermost roof is higher than the proposed replacement roof over the existing rear deck. This is also evident in the following plan extract:

Figure 14: Plan Extract - North-West Elevation



The north-western elevation shows the view from Partridge Street. There is an existing roof over part of the rear deck area. The proposal will remove this roof and replace it with a pitched roof which provides various levels of weather covering for the full length of the deck area. This rear deck is located directly off the living rooms and the proposal will improve the weather protection over this area.

The proposed replacement roof is partially roller shade cover, partially a vergola and an area of covered roof. This is shown on the following plan extract. It is noted that the covered roof generally correlates to the existing covered area of the deck, whilst the roller shade and part of the vergola section generally correlates to the existing open area of the deck.

Figure 15: Plan View of the variety of roof coverings proposed for the existing deck



The following shows this variety of roof coverings in an indicative view. This demonstrates that whilst the existing roof will be removed and replaced with a full covered area, the deck roof area will remain a fairly open structure.

Figure 16: Indicative View



6.2 Assessment of the Proposal

The overall development application is for the alterations and additions to an existing dwelling. A large area of the existing dwelling exceeds the 8.5m height of building development standard. The existing areas of the dwelling which exceed this height, and which are not being altered under the provisions of this application, have not been assessed in this matter, other than considering these areas as part of the overall context of the proposal. Thus, the focus is on the roof area of the existing rear deck, as this is the part of the dwelling above the 8.5m level which is being added to.

Thus, the following is an assessment of the proposal in accordance with the existing legislation.

The consent authority is able to consider a variation to a development standard under the provisions of clause 4.6 of the Port Macquarie – Hastings LEP 2011.

Clause 4.6 is as follows:

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*

- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note. When this Plan was made, it did not include Zone RU4.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 6.1, 6.2 or 6.3.

The provisions of sub clause 4.6(6) and subclause 4.6(7) are not of particular relevance to this assessment. In regards to the provisions of subclause 4.6(8), it is noted that clause 5.4 of the LEP includes provisions relating to secondary dwellings. This proposal complies with these provisions and no further consideration of that item is included in this assessment. The subject land is not within an urban release area and thus the provisions of LEP clauses 6.1, 6.2 and 6.3 do not apply to this matter.

Therefore, only the provisions of subclause 4.6(3), subclause 4.6(4) and subclause 4.6(5) remain to be considered and discussed in this assessment. As part of this assessment, the guidance provided by the NSW Land & Environment Court determinations has been considered, with particular reference to the following court matters:

- Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);
- Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009;
- Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245; and
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

The Wehbe five methods have been developed to test whether compliance with a development standard is unreasonable or unnecessary, and are set out as follows:

1. The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard and therefore compliance is unnecessary.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

3. The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to proposals departing from the standard and hence compliance is unreasonable and unnecessary.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land.

The first Wehbe matter is considered and assessed later in this report.

Compliance being unreasonable or unnecessary

The position that compliance with the development standard is unreasonable or unnecessary may be demonstrated in one or more of the following ways:

- The objectives of the development standard **are achieved notwithstanding** non-compliance with the standard
- the underlying objective or purpose is **not relevant** to the development
- The underlying objective or purpose **would be thwarted** if compliance with the standard was required
- The development standard has been **virtually abandoned or destroyed** by the Council's decisions in granting development consents that depart from the standard
- The **Zoning of the land** is unreasonable or inappropriate (though this limb is limited)
- Some other way.

In the case of this proposal, the development standard being varied is the height of buildings. The objectives of this clause are as follows:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.

The replacement of a roof area over the existing deck at the front of the dwelling, and a minor extension of a roof area over the existing rear deck area will be above the 8.5m height of buildings standard. The existing dwelling exceeds the height of building standard. In reviewing whether this exceedance was similar to other dwellings in the locality, a quick

review noted recent approvals in this locality which exceeded the height of building limit. A summary of some relevant approvals is provided as follows:

DA 2018-649.1: 14 Vendul Crescent, PM

Existing building – 12.79m, plus additions to extend existing roof area with a height of 10.965m.

CC2015-157.2: 3 Patridge Street, PM

Amendment to existing CC. Approved roof height of 8.86m. Minor changes to façade still result in exceedance of height of building.

DA 2017-342.1: 14 Coastlands Place, PM. Roof height of 9.3m approved. Noted to be similar to existing dwelling at 16 Coastlands Place, PM with a roof height of 9.34m.

DA 2017-437.1: 32 Bourne St, PM. New dwelling. Roof height of 9.35m approved.

DA 2018-1041.1: 23 Bourne St, PM. Alterations and additions to existing dwelling. 9.35m height approved.

DA 2018-361.1: 29 Vendul Crescent, PM. Additions to create new deck area. Height of building standard exceeded by existing dwelling.

The above examples of recent height exceedances in this area, demonstrates the character of the locality. There are numerous examples of dwellings constructed over several levels in this area, which occurs due to the slope of the land, and the need for the dwellings to have vehicular access at street level. The above examples also show that new dwellings are being constructed which exceed the height of building standard. In this manner, it is considered that this proposal is consistent with objective (a) such that the dwelling is compatible with the height, bulk and scale of the existing and desired future character of the locality.

With regard to objection (b), being *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development*, it is noted that the new roof over the rear deck area is located at the rear of the dwelling. The roof over the rear deck will not alter the shadow impacts on adjoining properties, and it is particularly noted that the area of the roof which will be covered is not significantly increased by this proposal. The rear deck is an existing structure on the dwelling and the roof will not alter any impacts on privacy of adjoining properties. The roof over the front deck is simply being replaced for maintenance purposes and the visual impact will be unaltered. It is noted that the front deck looks directly into a wall of native vegetation on the other side of Vendul Crescent and does not create any privacy or overshadowing impacts.

When examining view impacts, it was difficult to identify a dwelling which would potentially be adversely impacted by the additional roof area over the rear deck. The roof over this deck is located at the rear of the dwelling, and the nearest adjoining dwelling is located significantly downslope of the property. The views from adjoining dwellings were examined, with particular assistance being obtained from real estate listings which showed photos of the views obtained from adjoining properties. Invariably, the views in this locality are directly easterly towards the ocean, as well as some properties achieving views south towards the North Brother mountain area.

The roof over the rear deck is not located in an area on the property where it could possibly obstruct views from uphill neighbours towards the horizon, as the existing curved roof is higher than the new deck roof, and therefore the curved roof remains the limiting factor in this regard – and that is unchanged. In terms of views towards North Brother, it is considered that the adjoining neighbour in Vendul Crescent would still achieve a view to the south without being adversely impacted by the proposed roof area. This is based on the orientation of the existing deck areas of the neighbouring property, and the angle of view towards the southern coastal areas.

The replacement of the roof over the front deck will not impact on view lines.

Therefore, the proposal is considered to be consistent with objective (b) such that the roof over both the front and rear decks will not result in a significant visual impact, nor significantly disrupt existing views, alter privacy impacts or overshadow adjoining properties.

With regard to objective (c), there are no heritage items that could be impacted by the proposed roof areas. Objective (d) refers to the heights as they have been nominated in the LEP to provide a transition in built form. Residential areas have a standard height of 8.5m. This development standard was introduced some time after this dwelling was constructed, and the height of the existing dwelling is consistent with the height of buildings in this locality.

Therefore, it is considered that the proposal has achieved the objectives of clause 4.3 of the LEP despite the height variation. In this manner, it has been demonstrated that compliance with the development standard is unreasonable and unnecessary.

Sufficient environmental planning grounds

In demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard, the grounds must be:

- “environmental planning grounds” by their nature, being grounds that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act 1979* (NSW) (including section 1.3 of the EPA Act); and
- Be “sufficient” in that they are adequate to:
 - **Justify** contravening the development standard, not simply promote the benefits of the development. The focus should be the element of the development that contravenes the development standard, not on the development as a whole.
 - **Demonstrate** that there are sufficient environmental planning grounds to justify contravention so that the Council can be satisfied that the written request has adequately addressed the matter.

The objects of the Act (section 1.3 of the EPA Act) are as follows:

1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

This proposal will not impact on the environment of threatened species, including ecological communities. The proposal will not adversely impact on areas of built or cultural heritage, including Aboriginal cultural heritage. The proposal will not impact on the responsibility of sharing planning responsibilities across all levels of government, nor will the proposal impact on the opportunity for community participation in planning matters.

In regards to the objects of the Act that are of relevance to this matter, it is particularly pertinent to note that the proposed roof over the rear deck provides improved opportunity for the residents to seek shade whilst enjoying the use of an outdoor deck. The high incidence of skin cancer in Australia makes the provision of shaded areas an important component of built form and a factor which will contribute to the improved well being of our community. A reduction in the incidence of skin cancers would be a valuable outcome and an overall improvement in the welfare of the community. The roof over the front deck maintains this shaded outdoor area.

It is noted that even without the roof over the both the front and rear deck areas, there would remain a number of other sections of the existing dwelling which currently exceed the height of building standard. Both roof areas in question will be partially screened by these existing, more elevated areas of the dwelling. The rear deck roof will not adversely impact on the adjoining neighbours in regards to privacy or overshadowing, and does not appear to have any adverse impact on view sharing. The replacement and upgrade of the deck roof areas is part of an overall, architectural upgrade of the dwelling. In this manner, the design is considered to promote good design and amenity of the built environment.

Thus, it is considered that the proposal is a replacement, and a very minor additional roof area, is consistent with the existing character of the locality, is an improved design in regards to function and use of the outdoor living area, will not adversely impact on adjoining properties, improves the overall architectural design of the building, and promotes sunsafe use of outdoor areas. For these reasons, it is considered the proposal is consistent with the environmental planning grounds noted above and the variation is justified.

Is the proposed development in the public interest?

The Consent Authority must be satisfied that the proposed development will be in the public interest **because it is consistent** with the objectives of:

- a. the particular development standard;
- b. the zone in which the development is proposed to be carried out.

This assessment has already considered the objectives of clause 4.3 – Height of Buildings in the main body of this Statement of Environmental Effects. This proposal has been shown to be consistent with these objectives.

The objectives of the R1 – General Residential zone area as follows:

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

The overall proposal has been assessed in regards to these zone objectives. In terms of this clause 4.6 assessment, it is noted that the last two dot points of the zone objectives are not applicable and are not considered any further. In regards to the first dot point, it is noted that any roof over the existing decks in question, can only be achieved by a structure which will exceed the 8.5m height standard. A roof over the deck areas is important for the enjoyment and use of the residents of the dwelling and will contribute to their welfare by providing a level of solar protection when required. This is consistent with the intent of the zone objective to provide for the housing needs of the community.

Thus, it is considered that the proposal is consistent with objectives of both the development standard which is being varied, and the objectives of the relevant landuse zone.

Has the concurrence of the Secretary has been obtained?

The Secretary for Planning, under clause 64 of the *Environmental Planning and Assessment Regulation 2000* (NSW), has given written notice to consent authority that the Secretary's concurrence is to be assumed for exceptions to development standards requested under clause 4.6 (except for those excluded by Planning Circular PS 18-003 issued 21 February 2018). Concurrence can also be assumed by local or regional planning panels determining

requests for departure from a development standard, unless excluded (Planning Circular PS 18-003).

For the purposes of this matter, the Council staff will refer the matter to the Development Assessment Panel for consideration as the variation exceeds 10%.

6.3 Conclusion

The provisions of clause 4.6, and the relevant court determinations, have set out a long list of matters to be considered when a consent authority assesses any proposal to vary a development standard. The above assessment has considered all of the relevant matters and assessed the proposal as required.

It is noted that there are a number of areas of the existing roof and parts of the dwelling which exceed the height of building standard. The proposed roof extension over the rear deck is minor, and retains open areas. The opportunity for residents to utilise shaded areas of the outdoor deck areas will have a positive outcome for the use of these areas and the long term health of the residents. The proposed alterations and additions to the dwelling will result in an improvement to the architectural design of the dwelling and the visual variation to the built form minimises the visual bulk of the dwelling. The dwelling is consistent with a number of existing and new dwellings in this locality, and reflects the steep topography in this area.

The proposal has been shown to be consistent with the zoning and clause 4.3 objectives and the public benefit of the development standard is not lost or eroded by this proposal.

For these reasons, the variation to the development standard, height of buildings, is considered acceptable in these circumstances.

Item: 09**Subject: DA2016.88.9 SUBDIVISION MODIFICATION, LOT 146 DP 1256576
(NOW KNOWN AS LOT 2 DP 1263561), SOUTH ATLANTIC DRIVE,
LAKE CATHIE****Report Author: Development Assessment Planner, Steven Ford**

Applicant:	Gem Life c/- Land Dynamics Australia
Owner:	GTH Resorts No 7 Pty Ltd
Estimated Cost:	\$0
Parcel no:	69224

Alignment with Delivery Program

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

RECOMMENDATION

That the Section 4.55(1A) modification to DA 2016.88.9 being a modification to the subdivision layout of the previously approved stage 6 at Lot 146, DP 1256576, South Atlantic Drive, Lake Cathie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a s4.55(1A) modification of consent to amend the lot layout of Stage 6 of an approved staged subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Being a s4.55 modification, the amended proposal has been assessed against the relevant legislation in place at the time of the original assessment, unless specifically revoked by subsequent legislation.

Following exhibition of the application, two (2) submissions were received.

In addition, the subject site has approval for a Manufactured Housing Estate (MHE) and Ancillary structures under DA2019 - 780.1. The proposed MHE development excluded the Stage 6 area of the subject land due to permissibility within the E4 Environmental Living land zoning. Subsequently, it is noted that the consent for DA2019 - 780.1 requires all previous approvals/stages of DA2016 - 88 to be surrendered. However, at the time of writing this report, DA2019 - 780.1 has not commenced.

Since the modification was lodged, the property description has also changed to Lot 2 DP 1263561 as a result of earlier stages to DA2016 - 88.1 being completed. However, the new lot description does not impact on the footprint of the changes proposed under this modification.

Overall, the site is considered suitable for the modified 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.

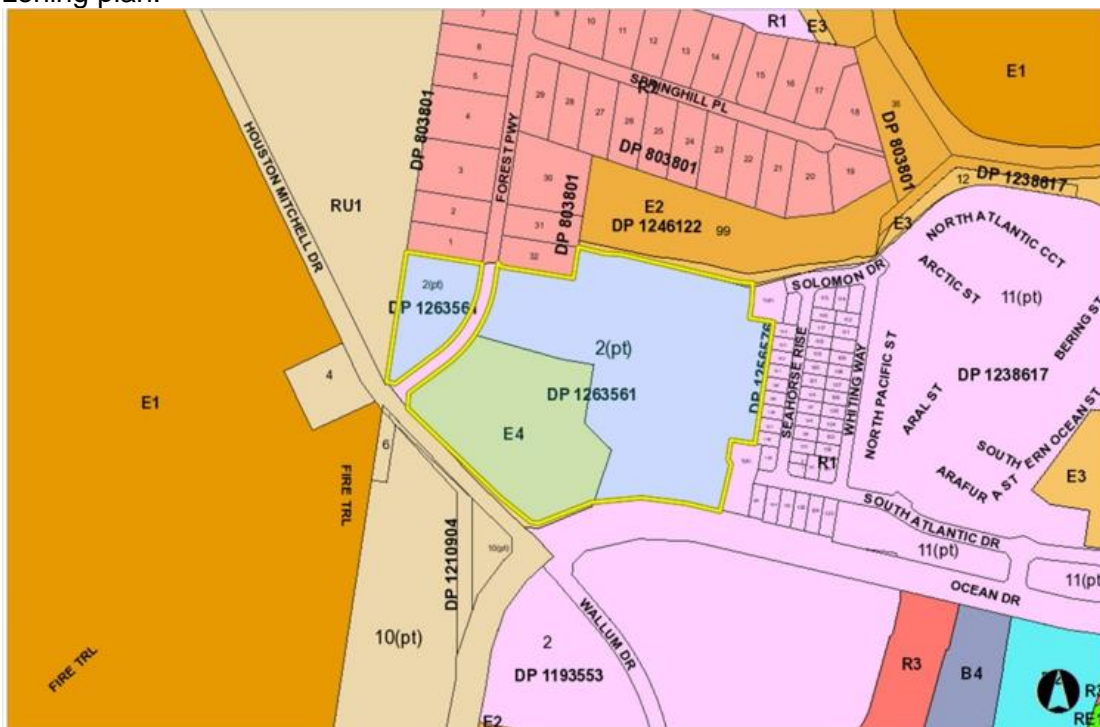
This report recommends that the development application be approved subject to the attached conditions (**Attachment 1**).

1. BACKGROUND

Existing Sites Features and Surrounding Development

The original overall site area to which DA2016 - 88.1 applied was 21.16ha. Since being approved, several stages under DA2016 - 88.1, as modified, have been completed leaving a residual area of 12.81ha to which the modified changes relate. However, more specifically, this modification specifically relates to the E4 Environmental Living land being Stage 6 of DA2016 - 88.5

The site is zoned R1 General Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is located on the corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie. The land subject to the modification is zoned E4 Environmental Living, which is currently vacant and contains managed timbered land.

Adjoining the subject area to the North and North/East is an approved Manufactured Housing Estate and Ancillary buildings. The proposed MHE development excludes the Stage 6 area of the subject land due to permissibility within the E4 Environmental Living land zoning.

Adjoining the parent lot to the north is an existing large lot residential subdivision with associated housing and a section of E(2) Environment Conservation and E(3) Environmental Management zoned land in Council ownership. Further north is the Lake Innes Nature Reserve and land approved under DA2016 - 87 for 68 residential lots.

Adjoining the site to the east are the initial completed stages of DA2016 - 88 with associated housing. Further east is an approved manufactured housing estate that is partially complete with further sites to be created.

Adjoining the site to the west is timbered rural land.

Adjoining the site to the south is the Lake Cathie Primary School and the remaining Area 14 residential area.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The Northern Joint Regional Planning Panel (JRPP) approved the original 151 residential lot subdivision on 17 August 2016.
- The modification retains the same footprint of the Stage 6, being the E4 Environmental Land, within the south-western corner of the approved

residential subdivision, on Lot 146 DP 1256576, Corner Forest Parkway & Ocean Drive, Lake Cathie.

- The subject modification alters the approved lot layout and public road in the E4 zoned portion of the site only.
- No additional lots are being proposed and Stage 6 will retain 17 environmental living lots.
- Lots sizes will now range from 450m² to 2384.4m² within the R1 zoned land and 2019.2m² to 2650.8m² within the E4 zoned land.
- Access to the development will still occur from Forest Parkway to the west.
- The development was referred back to the NSW RFS for an amended Bushfire Safety Authority under section 100B of the Rural Fires Act 1997.
- As the modification is being considered under s4.55(1A), the Council is the consent authority under Clause 123BA of the Environmental Planning and Assessment Regulation 2000, rather than the JRPP.
- Amend conditions A(1), A(3), A(7), B(18) and E(15).

Refer to (**Attachments 2-5**) at the end of this report for the applicant's s4.55 assessment report, plans of the proposed development, JRPP assessment report and associated determination.

Application Chronology for the Site

- 17/8/2016 - DA2016 - 88.1 originally determined by the Northern Joint Regional Planning Panel.
- 27/4/2017 - Modification DA2016 - 88.2 approved by Council to clarify conditions pertaining to kerb design.
- 20/11/2017 - Modification DA2016 - 88.3 approved by Council to amend the road reserve width being dedicated to Council along Ocean Drive and the associated road setback/buffer.
- 24/1/2018 - Modification DA2016 - 88.4 withdrawn.
- 4/10/2018 - Modification DA2016 - 88.5 lodged with Council.
- 2/9/2019 - Modification DA2016 - 88.6 approved by Council to amend the Ocean Drive fence design.
- 24/10/2019 - DA2019 - 780.1 for a Manufactured Housing Estate (MHE) lodged over part of the site the subject of DA2016 - 88. DA2019 - 780.1 has been determined and is subject to the developer/owner having to decide whether they will proceed with the remaining stages of DA2016 - 88 or opt to surrender the consent. DA2019 - 780.1 has been included in the chronology for context only.
- 5/2/2020 - Modification DA2016 - 88.7 approved by Council to amend staging associated with part of the original site/staging not being considered under modification DA2016 - 88.5.
- 1/4/2020 - Modification to DA2016 - 88.9 lodged with Council to essentially amend the access/egress for Stage 6 (E4 zoned lots). See chronology specific to this modification later in the report.
- 20/4/2020 - Modification DA2016 - 88.8 approved by Council to amend a condition pertaining to staging requirements.
- 27/5/2020 - Modification DA2016 - 88.5 approved by Council to modify the number of lots from 151 to 166. In addition, move the central north south habitat corridor.

Application Chronology for DA2016 - 88.9

- 4/04/2020 - Modification DA2016 - 88.9 lodged with Council.
- 08/04/2020 to 23/04/2020 - Notification period. Two submissions received.
- 20/08/2020 - Additional information received including revised plans, and response to submissions.
- 27/08/2020 - Additional information received including revised plans with footpaths and clarifications.

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

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

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.

With modifications, the Courts consistently see S4.55 as “beneficial and facultative” and there are essentially two separate legal tests that apply to a S4.55 application, before the consent authority can ultimately determine the application on merit.

The first is that the modification cannot result in a radical transformation. The term “radical transformation” is very broad leaving significant scope to change a development.

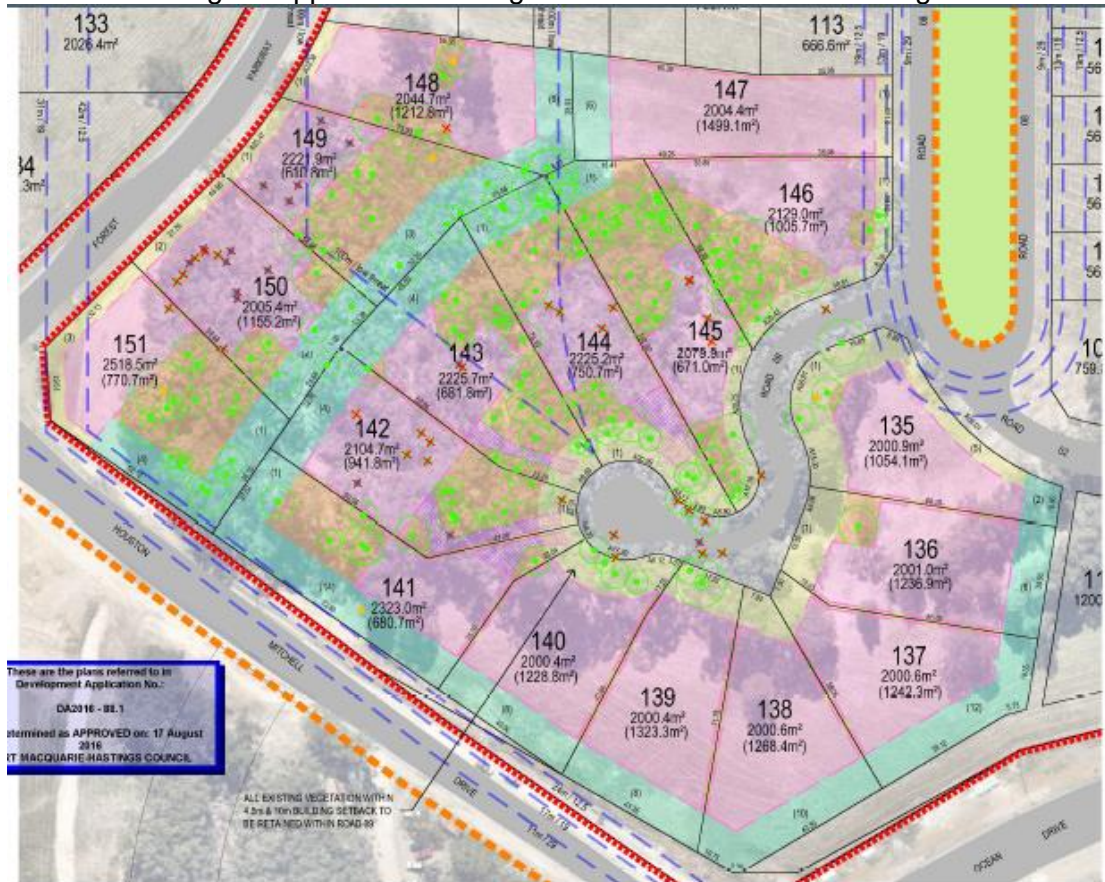
In this case, whilst there are changes proposed, they are not considered radical in terms of the land use and layout. The modification proposes access/egress for the Stage 6 area directly onto Forest Parkway with a slightly different lot layout but no additional lots. These changes allow the E4 land to be serviced from Forest Parkway. The amended access/egress is now necessary as a result of the remaining stages of DA2016 - 88 having an approved manufactured housing estate. These changes are not considered radical in terms of the footprint of Stage 6. In particular, the key elements of the development remain.

The second test deals with council being satisfied that the modification is “substantially the same development” as authorised by the original development consent. Council must compare the modified development/potential modified consent against the original approval (Note: it is the consent that is being modified, not just the plans, so the consent authority must have regard to the conditional changes as well). Once Council is satisfied the modification is substantially the same, the remainder of the assessment is dealt with on merit.

It should be noted that some environmental impacts and merit issues can link back to the “substantially the same test” if significant. In particular, for a modification to have a significant environmental impact, one might question whether it is a result of a significant change to the original approval.

In this case, the modification is considered “substantially the same” and there are no significant environmental or merit issues - refer to comments on s4.55(1A)(b) later in this report.

Below is the original approved lot configuration of DA2016 - 88.1 - Stage 6.



Section 4.55(1A)(a) Satisfied that the proposed modification is of minimal environmental impact?

While the proposed subdivision layout of stage 6 is being amended and a new access/egress proposed, no additional environmental impact is considered to be likely as a result of the changes. In particular, the proposal is considered to be having minimal environmental impact for the following reasons:

- The modified development occupies the same footprint as the subdivision originally granted consent.
- The development will still present as a low density residential subdivision from outside the site.
- The impacts of the modified development, including the extent of vegetation clearing, earthworks and revegetation remain similar to the original approved development.
- The modified development will not create any adverse demand on public infrastructure or services when compared with the original approved development.
- There will be no material change on amenity as a result of the changes.
- The revised north south habitat corridor retains the original intent of the subdivision, whilst creating added benefits of reduced road crossings for fauna.
- There is no numerical change to the original subdivision with regards to

proposed residential lots and maintains compliance with minimum lot size provisions.

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

Section 4.55 has been described as "beneficial and facultative" in *Houlton v Woollahra Municipal Council* (1997) 95 LGERA 201 at [213] and *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 97 LGERA 433 at [440]. Accordingly, the provisions of s4.55 should not be artificially constrained by allowing a narrow construction.

In *Vasic Pty Ltd v Penrith City Council* [1992] NSWLEC 8, Stein J held that "substantially" meant "essentially all material or having the same essence."

In *Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298 at [56] Bignold J held that the task for determining whether a development as proposed to be modified is substantially the same as the consent granted was as follows:

"The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)."

In the context of the current application, the proposal can be considered to be substantially the same as the development to which consent was originally granted for the following reasons:

- The modified proposal remains as a subdivision for the purpose of residential uses and is consistent with the essence of the original development.
- The reasons listed above under s4.55(1A)(a) for demonstrating minimal environmental impact are conducive to the development being substantially the same.

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

Neighbour notification has been undertaken in accordance with the regulations and Council's DCP (as in force at the time).

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

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

Key issues raised in the submissions received and comment are provided in the table below:

Submission Issue/Summary	Planning Comment/Response
Traffic, pedestrian, cycleway and public transport impacts.	There is no increase in lot numbers within Stage 6 (ie E4 zoned land component) of DA2016.88. It is considered that there are no additional traffic generation concerns to the precinct from this modification.

	<p>The new road connection to Forrest Parkway has been suitably designed with respect to site distances. The approved layout had individual lots fronting Forest Parkway and as such had more individual driveway crossovers.</p> <p>The connectivity of the precinct is still available by way of the approved pathway network, which includes along Forest Parkway to connect the future northern collector road and future investigation area to the north.</p> <p>This modification does not alter the ability for public transport to service the proposed lots in the E4 zoned land.</p>
Precinct becoming estates and land uses targeted for over 50s.	This Modification relates to land, which is for residential lots, consistent with that already approved on the site. The lots will not be age restricted. The adjoining developments and MHE's have been assessed based on individual merit and do not relate to this modification.
No notification of the proposal was made to Gwynvill who owns land adjoining the development that will be significantly affected by the modification application as submitted due to the proposed deletion of a Collector/Significant Road contained in the Area 14 and connectivity provided for in the strategic planning for the area.	<p>All adjoining land owners were notified. At the time of notification, Stage 1 of DA2016/88 had been completed which separates the subject land from Gwynvill's land.</p> <p>It is also noted that on Council's records, Gwynvill Trading Pty Ltd was notified with correspondence dated 3 April 2020.</p> <p>This modification has not deleted the southern collector road. The proposed collector road concerns have been resolved under DA2019 - 780.1 Manufactured Housing Estate and Ancillary Buildings, already approved to occur on the subject land to the north and north east.</p>
The proposed modification as submitted has not adequately addressed Sections 4.15 & 4.55 of the Environmental Planning & Assessment Act 1979 and therefore cannot be approved.	The information lodged has addressed the clauses of the Act. Refer to sections earlier in this report.
The deletion of the Collector/Significant Road and the associated inconsistency with the DCP and the original approved development has been neither acknowledged nor addressed in the subject	This modification has not deleted the southern collector road. The Southern Collector road has been reviewed separately under DA2019 - 780.1. DA2019 - 780.1 has been subsequently approved and proposes to delete the southern collector road. The proposed modification has responded to

application to modify DA 2016/88.	adjoining approvals in the area.
Inconsistency with Strategic Planning & Development Controls for the Area 14 Lake Cathie/Bonny Hills Urban Release Area.	<p>With regards to the LEP, there are no changes from the original assessment. The Stage 6 lots are zoned E4 environmental living and the proposed lots vary from 2019.2m² to 26508m² and comply with the 2000m² minimum lot size.</p> <p>With Regards to the DCP, this modification proposes to delete the reliance of the southern collector road as the primary entrance and associated 4 driveway crossovers to Forest Parkway. In lieu, the proposal now has one driveway crossover to Forest Parkway and one intersection off Forest Parkway to service the remaining proposed Stage 6 lots.</p> <p>The deletion of the southern collector road as referred to in the DCP, has been dealt with separately in DA2019 - 780. This modification responds to the adjoining approval and provides access from the most appropriate location consistent with the Objectives of the DCP for Area 14 Lake Cathie/Bonny Hills Urban Release Area.</p>
Inconsistent with the Area 14 Voluntary Planning Agreements	<p>As part of the Lake Cathie Bonny Hills URA Stage 1A rezoning, all landowners entered into a Voluntary Planning Agreement for payment of development contributions, infrastructure works and dedication of land.</p> <p>Based on the advice received, there are no implications to the Sydmar VPA that applies to the subject land.</p>
Inconsistency with Existing Development Approvals within the Lake Cathie Bonny Hills URA.	The proposed subdivision modification does not compromise existing development connections to Collector/significant roads, being either Forest Parkway, Solomon Drive or Houston Mitchell Drive.

Section 4.55(3) Any matters referred to in section 4.15(1) relevant to the modification, and the reasons given by the consent authority for the grant of the consent sought to be modified.

Overall, the modification remains consistent with the original s4.15(1) assessment and a revised summary follows the Section 4.55(4) comment below. It should be noted that the revised s4.15(1) comments focus on compliance with relevant legislation and whether there has been any change or impact to comments provided on the original assessment.

A copy of the original s4.15(1) JRPP assessment is also attached to this report for

context (**Attachment 4**).

Section 4.55(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Noted.

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

As the development was lodged on 1 April 2020 and the SEPP commenced on the 1 March 2020, the legislation is to be considered.

In this case, Clause 8 of the Policy applies as there is an existing Koala Plan of Management (KPOM) in place (ie Area 14 KPOM). The Policy requires the application to be consistent with the approved KPOM.

Having regard to the original approval and provisions of the KPOM, the modification is considered to remain consistent. This was reiterated by comments from an ecologist and peer review by Council's Natural Resources Team. In summary, the modification will still comply with the following:

- Use koala food trees throughout the site and be implemented via a Vegetation Management Plan (VMP).
- Separation of key koala areas from busier residential development/roads.
- Retention of koala food trees where possible.
- Buffering of koala habitat areas.
- Revegetation of buffers/habitat linkages that are devoid of vegetation.
- Conditions being imposed to manage fauna/koalas during clearing process.
- Covenants being placed on the title of properties regarding pool design being koala friendly.
- Standard street lighting being conditioned.
- Compensatory plantings in accordance with the KPOM.
- A VPA being in place for the management of environmental land and vegetation management.
- Core koala habitat areas being retained/untouched.
- Creation of habitat linkages consistent with the KPOM.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45, no objection was raised from the relevant electricity supplier regarding the modification.

No other change from original assessment.

State Environmental Planning Policy (State and Regional Development) 2011

No change from original assessment.

As the modification is being considered under s4.55(1A), the Council is the consent authority under Clause 123BA of the Environmental Planning and Assessment Regulation 2000. Modification is not required to be determined by the JRPP.

Port Macquarie-Hastings Local Environmental Plan 2011

Unless specified below, no change from original assessment.

- Clause 4.1, the E4 lots comply with the 2000m² minimum lot size.
- 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 and telecommunications will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by the original condition of consent.

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

None relevant.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

Unless specified below, no change from original assessment.

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary (excluding cul de sac and battleaxe lots).	All lots within the modification remain compliant with the minimum of 15m width requirement.	Yes
	Minimum depth of 25m.	All lots generally comply with the minimum 25m depth requirement.	Yes
3.6.3.3	Battleaxe lots discouraged in greenfield development.	There are two (2) battleaxe lots proposed. However, the frontage of these lots is just less than the 15m requirement above (ie 14m and 13.6m). As a result, they will still present as standard residential lots to the street and no adverse impact will occur.	No, but acceptable.
DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies

2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	The modified layout does not create any crime safety issues. The design allows separation from potential habitat/concealment areas and allows surveillance of the street.	Yes
DCP 2013 - Rainbow Beach			
DCP Objective	Development Provisions	Proposed	Complies
1.1	Development consistent with layout on Figures 62 to 64.	Modification remains consistent with the layout requirements. No impact foreseen with the changes with key perimeter roads to be retained.	Yes
5.1	Cycleways, shareways etc requirements	Provided in accordance with DCP.	Yes
5.2	Pedestrian link requirements.	Provided in accordance with DCP.	Yes
6-8	Noise, visual amenity, SEPP 26 buffer and urban design.	Remain unchanged and reinforced through existing conditions.	Yes
12.1	North south streets to be in accordance with Figure 71.	No impact foreseen with the changes. Key perimeter roads to be retained.	Yes
12.2	20m wide habitat link as per Figure 71.	An equivalent habitat link has been provided to the north and also approved by DA2019 - 780. The connection is consistent with VMP requirements.	Yes
13.1	Development considers existing rural residential areas, KPOM requirements and linkages.	Development complies with the Area 14 KPOM and will be installing/protecting key habitat links. The proposed building envelopes have been reduced in size from the original proposal to maintain an increased likelihood of vegetation retention within the E4 land.	Yes

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

The land owner has entered into The Sydmart Area 14 Stage 1A Planning Agreement with Port Macquarie-Hastings Council. In summary the agreement requires:

- Monetary development contributions for water supply, roads, sewerage, open space, and administration purposes
- Specific works by the landowner for the purposes of providing water supply and roads.
- Dedication of specified land to the Council by the landowner on which some works will be situated

The proposed development complies with relevant planning agreements subject to conditions.

(iv) Any matters prescribed by the Regulations

None relevant.

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

Roads, traffic, transport, site frontage and access

The road layout and hierarchy remains consistent with the objectives of the Development Control Plan provisions, which connects in with the adjoining properties/roads. Footpaths and street plantings will also be provided throughout the subdivision to improve pedestrian connections and amenity.

Overall, the road layout, traffic impacts, frontages and access associated with the modification were all reviewed by Council's Engineering Section and deemed to create no adverse impact, subject to conditions.

Conditions have been applied, which do not allow vehicle access from Lots 1 and 17 onto Forest Parkway. Additionally, similar conditions have been imposed restricting vehicle access for Lots 10 to 16 onto Houston Mitchell Drive and Lots 8 & 9 onto Ocean Drive.

Water supply connection

Council records indicate that the modification is still able to be connected to water with details to be shown on the engineering plans at the Subdivision Construction Certificate stage.

Sewer connection

Council records indicate that the modification is still able to be connected to sewer with details to be shown on the engineering plans at the Subdivision Construction Certificate stage.

Stormwater

Council's Stormwater Engineer has assessed the modification/proposed stormwater design and deemed it acceptable, subject to conditions and detailed design being submitted at the Subdivision Construction Certificate stage. The system will utilise a

Stage 6 is currently capable of connecting to infrastructure within proposed South Atlantic Drive road reserve. It is noted that any changes to the approved Elanora subdivision by a separate approval will have to resolve any infrastructure issues that arise.

Telecommunication and electricity services are available to the site and/or can be extended at the applicant's expense.

The applicant had a suitably qualified ecologist review the modified design. The ecologist provided the following comment regarding the consistency with the existing VMP:

-

- Road crossings to east, centre being Road 1 and to south.
- Connection to E4 land was onto another road into the larger lots.
- Corridor within private lots 612, 613, 301, 316 & 317.
- Fencing to private lots as barrier.



Proposed MHE - The green area is the Habitat Corridor referred to in KPOM

- Single road crossing only.
- Connection to E4 land is direct with fencing the only barrier between the MHE and E4 lots.
- Fencing is far safer than road crossings and only one fence crossing as opposed to numerous individual lots.
- Corridor remains in private ownership of the MHE, without additional fences as per .05 Mod



The modification has been reviewed and accepted by Council's Natural Resources Section, subject to conditions on maintenance of the linkage and an amended VMP. In addition to the above, it is considered that the provisions of the more recently adopted Biodiversity Conservation Act 2016 (commenced after DA2016 - 88.1 was approved) are not triggered in this case. In particular, no additional vegetation removal is proposed or new impact on existing/proposed habitat. Overall, the modification relates to the same footprint as the original approval and associated work/impact could occur regardless of the modification.

Noise and vibration

The original application was referred to Council's Environmental Health Officer to consider impacts of road noise from Ocean Drive (classified road). In particular, potential existed for noise from road traffic to adversely affect future dwelling occupants.

To negate noise impacts a 1.8m high fence on top of a 400mm mound was approved along the Ocean Drive frontage, consistent with other estates being developed to the east. Vegetation screening was also included to soften the appearance of the fence from Ocean Drive.

Even with the above, some lots were still identified as being affected by road noise. To address this aspect, an 88B instrument was conditioned, requiring future dwellings on the affected lots to have Category 2 construction with additional internal BCA compliant ventilation.

Given the modification impacts on the number of lots and lot numbers, the condition has been amended to capture the relevant lots.

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the original application proposed subdivision of bush fire prone land that could lawfully be used for residential purposes.

The applicant has submitted an amended bushfire report prepared by a Certified Consultant. The report assumes that the amended subdivision can occur under Section 100B requirements.

The Commissioner has assessed the modification and has issued a revised Bushfire Safety Authority, which will form part of the modified conditions of consent. Furthermore, the applicant has demonstrated that the development can comply with the requirements of the Bushfire Safety Authority as well as implementing the requirements of the VMP, without creating any long term maintenance of vegetation burden on Council.

Social impacts in the locality

Given the strategic planning and development controls that have been put in place governing the development of the Area 14 precinct and the compliance of the subdivision with such controls; the modification is unlikely to result in any adverse social impacts.

Economic impact in the locality

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

(c) The suitability of the site for the development

The modification of Stage 6 will fit into the locality and the site attributes are conducive to the proposed development.

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as (**Attachment 6**).

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. [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50_img.jpg\) !\[\]\(d4c9768318b38eff1042b07478e20b4c_img.jpg\) DA2016 - 88.9 Recommended Modification of Consent Conditions](#)
2. [!\[\]\(27d314856359a9d7feca17161bc1f4a4_img.jpg\) !\[\]\(d355663486c698e3972a8b93ac8b2102_img.jpg\) DA2016 - 88.9 SOEE](#)
3. [!\[\]\(1858f6a9022d088c0a7eca873f99643b_img.jpg\) !\[\]\(4a9a9afe1808e44249cde903a007394f_img.jpg\) DA2016 - 88.9 Plans](#)
4. [!\[\]\(b0b1e1d141c1d30eea8a1d92bb8c534b_img.jpg\) !\[\]\(316b423ce8bbd71bb2a36e9bac10d673_img.jpg\) DA2016 - 88.1 JRPP Assessment Report](#)
5. [!\[\]\(6a7af11e49db7e93318f420b9c6f4361_img.jpg\) !\[\]\(0c1acb844404b351d624d6dcaf274396_img.jpg\) DA2016 - 88.1 JRPP Determination](#)
6. [!\[\]\(92f49556c888fa508fd3db783e5eae31_img.jpg\) !\[\]\(6e74cc8726a40b1ca29d1edcf7f2e0cd_img.jpg\) DA2016 - 88.9 Contributions Estimate](#)

Note: Where applicable, conditions to be deleted are shown in red text, amended conditions are shown in green text and new conditions are shown in blue text. Where a condition is being amended or deleted, the original condition has been retained to assist show the changes.

Date TBA

Parcel Number: 69224

Gemlife c/- Land Dynamics Australia
77 Lord Street
PORT MACQUARIE NSW 2444

Dear Sir/Madam

DA 2016/88.9 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 1 April 2020 to modify the subdivision layout of the previously approved stage 6 under DA 2016/88 at LOT: 146 DP: 1256576, South Atlantic Drive LAKE CATHIE.

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), A(3), A(7), B(18) and E(15)
- B. Reimposition of all other previously approved conditions of consent as originally determined 17 August 2016 and as modified 27 April 2017, 20 November 2017, 2 September 2019, 5 February 2020, 20 April 2020, 17 June 2020 and with this approval dated TBA.

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

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2016/88 are as follows:

No.1	Modification No.1	27 April 2017
No.2	Modification No.2	20 November 2017
No.3	Modification 3	Withdrawn
No.4	Modification 4	17 June 2020
No.5	Modification 5	2 September 2019
No.6	Modification 6	5 February 2020
No.7	Modification 7	20 April 2020
No.8	Modification 8	TBA

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects and Appendices (as amended)	Ref 5158 (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (9/6/2017), (7/9/2017) & (7/9/2018)	February 2016
Subdivision Plans	Project 4539P, Drawing No 4539P_Exhibits, Sheet 5 & 6, Revision F as amended Project Ref No. 5158, Issue B (Land Dynamics) and Job Ref No 5158, Drawing 0001 Revision J (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (7/9/2017) & (26/2/2020)	15/2/2016 (Sheet 5) & 22/4/2016 (Sheet 6) & 26/2/2020
Landscape Plan, Fence Detail,	Project 4539P, Drawing No	King & Campbell Pty Ltd as	12/5/2016 (Sheet 10, Revision G).

Gateway Treatment and Significant Corner Treatment	4539P_Exhibits & Landscape Plan, Sheets 10-13 as amended Project Ref No. 5158, Issue B (Land Dynamics)	amended by Land Dynamics (7/9/2017)	24/5/2016 (Sheet 11, Revision C), 23/5/2016 (Sheet 12, Revision C) & 23/5/2016 (Sheet 13, Revision C)
Vegetation Management Plan		King & Campbell Pty Ltd	May 2016
Staging Plan	REF 5158 DWG No. 0002 REV J	Land Dynamics	26/2/2020

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. ⁴

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects and Appendices (as amended)	Ref 5158 (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (9/6/2017), (7/9/2017), (7/9/2018) and (12/3/2020)	February 2016
Subdivision Plans	Project 4539P, Drawing No 4539P_Exhibits, Sheet 5 & 6, Revision F as amended Project Ref No. 5158, Issue B (Land Dynamics) and Job Ref No 5158, Drawing 0001 Revision J (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (7/9/2017) & (26/2/2020)	15/2/2016 (Sheet 5) & 22/4/2016 (Sheet 6) & 26/2/2020
Landscape Plan, Fence Detail, Gateway Treatment and Significant Corner Treatment	Project 4539P, Drawing No 4539P_Exhibits & Landscape Plan, Sheets 10-13 as amended Project Ref No. 5158, Issue B (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (7/9/2017)	12/5/2016 (Sheet 10, Revision G), 24/5/2016 (Sheet 11, Revision C), 23/5/2016 (Sheet 12, Revision C) & 23/5/2016 (Sheet 13, Revision C)
Vegetation Management Plan		King & Campbell Pty Ltd	May 2016

Staging Plan	REF 5158 DWG No. 0002 REV J	Land Dynamics	26/2/2020
Subdivision Plan - Stage 6	REF 5405 DWG 0002 Rev B	Land Dynamics	27/08/2020

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.⁸

- (2) (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.
- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1 - Road 3 (constructed in conjunction with the adjoining landowner, Ocean Club Resort), Road 5, Part Roads 2 & 4; and Proposed Lots 1 to 32.
 - Stage 2 - Road 6, two englobo Lots (1 & 2).
 - Stage 2A - Creation of Lots 45 to 46
 - Stage 2B - Creation of Lots 56, 57, 59 and 60.
 - Stage 2C - Proposed Lots 211 to 237 with associated infrastructure.
 - Stage 3 - Proposed Lots 301 to 318 with associated infrastructure.
 - Stage 4 - Proposed Lots 401 to 419 with associated infrastructure.
 - Stage 5 - Proposed Lots 506 to 524 with associated infrastructure.
 - Stage 6 - Proposed Lots 601 to 617 with associated infrastructure.
 - Stage 7 - Proposed Lots 701 to 706 with associated infrastructure.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.⁴

- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1 - Road 3 (constructed in conjunction with the adjoining landowner, Ocean Club Resort), Road 5, Part Roads 2 & 4; and Proposed Lots 1 to 32.
 - Stage 2 - Road 6, two englobo Lots (1 & 2).
 - Stage 2A - Creation of Lots 45 to 46
 - Stage 2B - Creation of Lots 56, 57, 59 and 60.
 - Stage 2C - Proposed Lots 211 to 237 with associated infrastructure.
 - Stage 3 - Proposed Lots 301 to 318 with associated infrastructure.
 - Stage 4 - Proposed Lots 401 to 419 with associated infrastructure.
 - Stage 5 - Proposed Lots 506 to 524 with associated infrastructure.
 - Stage 6 - Proposed Lots 601 to 617 (1 to 17, REF 5405 DWG 0002 Rev B) with associated infrastructure.
 - Stage 7 - Proposed Lots 701 to 706 with associated infrastructure.

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. ⁸

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via 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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 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 D16/0586 and dated 4 July 2016 as amended 24 April 2017 and 28 April 2020 are attached and form part of this consent. ⁴
- (7) (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 D16/0586 and dated 4 July 2016 as amended 24 April 2017, 28 April 2020 and DA-2016-00591-S4.55-1 dated 22 September 2020 are attached and form part of this consent. ⁸
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. Unless varied by Council staff in writing, footpaths shall be provided to all roads in accordance with ASD103, ASD104 as follows:
- Shareway to Local Road Standards shall require a footpath, 1.2m on one side of the road.

- Collector Standard shall require at a minimum, footpath 1.2m min on both sides of the road.
- Collector Standard shall require at a minimum, footpath 1.2m min on one sides of the road and a shareway 2.5m adjoining the future public reserve.
- A 2.5m shareway shall be provided to Houston Mitchell Drive along the northern side of the existing road
- A 1.2m footpath shall be provided along Forest Parkway on the eastern side of the road which shall connect with all the internal footpaths of the development.

Details of the footpaths shall be provided with the application for approval pursuant to Construction Certificate Application.

- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (12) (A195) The Developer is to comply with the Sydmart Area 14 Stage 1A Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 between Port Macquarie - Hastings Council and Sydmart Pty Limited. The planning agreement, as varied or substituted from time to time, is to be performed in connection with the carrying out of the development the subject of this consent.
- (13) (A196) Unless varied by these conditions of consent, the development is to be carried out in accordance with the approved Vegetation Management Plan and Area 14 Koala Plan of Management.

- (14) (A199) All planting and weed control works, other than the street tree planting detailed in the approved Vegetation Management Plan, are to be carried out by a qualified bush regenerator Cert II CLM equivalent or higher.
- (15) (A200) From the date of development commencement, the developer is to provide a monitoring report every 5 years to Council in accordance with Section 7 of the Area 14 Koala Plan of Management.
- (15) (A197) Eighteen (18) nest boxes are to be erected by a qualified ecologist prior to removal of hollow bearing trees in accordance with the approved Vegetation Management Plan. Location of nest boxes, by way of GPS coordinates, are to be provided to Council within 14 days of erection. Nest boxes to be constructed of ACQ treated pine to a commercial standard.
- (16) (A201) Planting within the Ocean Drive buffer area will be required to meet Essential Energy's policies and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. ²
- (17) (A202) Compliance with this consent is to have regard to the most recently approved modification. In particular, some of the modifications have been approved out of sequence. ⁴
- (18) (A203) No additional vegetation removal is to occur as a result of modification DA2016 - 88.5 to that allowed under DA2016 - 88.1. ⁴

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. New roads within the subdivision.
 2. Sewerage reticulation.
 3. Water supply reticulation.
 4. 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.
 5. Stormwater systems.
 6. Erosion & Sedimentation controls.
 7. Landscaping.
 8. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings located along the collector road.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be

submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

- Such works include, but not be limited to:
- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access

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

- (4) (B007) Road names proposed for the subdivision 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 Council's adopted policy.
- (5) (B017) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (6) (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.
- (7) (B030) Prior to issue of Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
 - a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used)
- (8) (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) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - c) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - d) 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.

- e) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- (9) (B052) The provision of 3m x 3m splay corners 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.
- (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) (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.
- (12) (B086) Prior to issue of a Construction Certificate evidence provided to the satisfaction of the Certifying Authority of an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (13) (B195) Prior to issuing the construction certificate, traffic calming devices and signage is to be approved by Council to ensure road speeds are practically limited to 40km/hr for Road 4 adjacent to koala habitat corridors.
- (14) (B196) Reclaim water is to be provided throughout the subdivision in accordance with Council requirements. Details are to be shown on the engineering plans with the construction certificate. In particular, reclaim water main connections are to be provided on the eastern boundary to the existing 150mm PVC water main and on the southern boundary to the existing 200mm PVC water main. On the north eastern corner, the 100mm reclaimed water main is to extend towards the sewer pump station lot either at a suitable offset to the sewer gravity main or by arrangement with the adjoining land owner. Details are to be shown on the engineering plans.
- (15) (B197) Council records indicate that the development site is able to be connected to sewer with a new junction to be provided at the collection manhole for the sewer pump station on Lot 35 DP 803801. Details are to be shown on the engineering plans.
- (16) (B198) The level of all proposed lots that are zoned to allow a dwelling with consent are to be at or above the 1 in 100 year flood level including the applicable climate change allowance plus 500mm freeboard as per the requirements of DP14.1 of the PMH DCP 2013 - Part 5 and the PMH Flood Policy (2015). For the purpose of this requirement, the 1 in 100 year flood level including climate change plus 500mm freeboard may be assumed to be RL4.0m AHD. Prior to release of the Construction Certificate levels satisfying this requirement shall be clearly illustrated on the plans.
- (17) (B199) The level of all roads are to be at or above the 1 in 100 year flood level including the applicable climate change allowance as per the requirements of DP14.1 of the PMH DCP 2013 - Part 5 and the PMH Flood Policy (2015). For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.5m AHD. Prior to release of the Construction Certificate levels satisfying this requirement shall be clearly illustrated on the plans.
- (18) (B200) Prior to the release of the construction certificate, the Vegetation Management Plan is to be amended to acknowledge the following changes to Management Unit 1, unless varied in writing by Council:
- o 20 tallwoods at 8-10m centres along central spine.

- 38 Swamp mahoganies at 8m centres 5m off the kerb and no narrow leaf peppermints in this area.
- Mulching of individual trees 2m radius.
- Zoysia turf throughout entire area, excluding mulched areas.
- 200mm x 1.2m domed treated pine bollards installed with H4 around perimeter of area at 750mm high and 1.8m centres.
- Star pickets to be replaced with 50mm x 50mm wooden stakes.

In association with modification DA2016 - 88.5, the Vegetation Management Plan is to be amended to acknowledge the changes to the layout approved under the modification. The specific details around the management, fencing requirements and planting details (including replacement plantings) of the north south habitat link and northern stormwater swale will need to be signed off by Council and shown to be consistent with the original linkage, prior to release of the construction certificate or subdivision certificate (whichever occurs first) associated with next Stage of subdivision to occur after the subject modification. ⁴

- (18) (B200) Prior to the release of the construction certificate, the Vegetation Management Plan is to be amended to acknowledge the following changes to Management Unit 1, unless varied in writing by Council:

- 20 tallowwoods at 8-10m centres along central spine.
- 38 Swamp mahoganies at 8m centres 5m off the kerb and no narrow leaf peppermints in this area.
- Mulching of individual trees 2m radius.
- Zoysia turf throughout entire area, excluding mulched areas.
- 200mm x 1.2m domed treated pine bollards installed with H4 around perimeter of area at 750mm high and 1.8m centres.
- Star pickets to be replaced with 50mm x 50mm wooden stakes.

In association with modification DA2016 - 88.5 and DA2016 - 88.9, the Vegetation Management Plan is to be amended to acknowledge the changes to the layout approved under the modification. The specific details around the management, fencing requirements and planting details (including replacement plantings) of the north south habitat link and northern stormwater swale will need to be signed off by Council and shown to be consistent with the original linkage, prior to release of the construction certificate or subdivision certificate (whichever occurs first) associated with next Stage of subdivision to occur after the subject modification. ⁸

- (19) (B201) Any vegetated stormwater drainage assets located within Asset Protect Zones as specified within the Bushfire Protection Assessment Report must be landscaped with low maintenance endemic native species that require no regular maintenance for bushfire protection purposes.

Such landscaping shall be planted at sufficient densities to discourage natural regeneration of tree species.

A detailed landscaping plan for all vegetated stormwater assets must be submitted to and approved by Council's Transport and Stormwater Network section prior to the issue of a Construction Certificate.

- (20) (B202) All Asset Protect Zones (APZs) as specified within the Bushfire Protection Assessment Report must be plotted on the construction certificate civil works and landscape plans.
- (21) (B203) The water main from Abel Tasman Drive to Solomon Drive is in place and is 200mm PVC. The remaining work required will be the completion of this water main in 200mm PVC from Solomon Drive to South Atlantic Drive at Baltic Street,

after exhaustion of the initial ET allowance. Arrangements are to be made with Council to disconnect a section of 150mm water main at proposed Lot 123 so that it can be removed from affected lots.

- (22) (B204) Potable water main connections are to be provided on the eastern boundary to the existing 200mm PVC water main in South Atlantic Drive; on the southern boundary to the existing 300mm PVC water main in Ocean Drive and on the western boundary to the existing 150mm PVC water main in Forest Parkway. On the north eastern corner, the 100mm potable water main is to extend to the sewer pump station lot either at a suitable offset to the sewer gravity main or by arrangement with the adjoining land owner. Details are to be shown on the engineering plans.
- (23) (B205) A concrete threshold in accordance with ASD202 is required either end of the Shareway Roads. Shareways shall be provided to connect Roads 6 and 10 & 6 and 7. Details of the construction of the thresholds are to be provided with the application for approval pursuant to Construction Certificate Application. ⁴
- (24) Delete. ⁴
- (25) (B207) Upright kerb shall be provided to the roads abutting drainage reserve and public reserve areas. Details shall be provided with the application for approval pursuant to Construction Certificate Application.
- (26) (B208) Prior to release of the construction certificate or subdivision certificate (whichever occurs first) associated with the Ocean Drive buffer/fence, the plans are to be amended to show a Colorbond fence. The plans are also to confirm that the height of the fence and any mound is not less in height than the original approved fence/mound combination in DA2016 - 88.1. Having no exposed timber on the residential/housing side of the fence will ensure compliance with deterring Koalas from entering the Ocean Drive road reserve and retaining the same height will ensure consistency with the original noise assessment. ⁵
- (27) (B004) The road network within the subdivision is to be categorised with pavement construction as shown in the following table. Prior to release of the Construction Certificate such details are to be illustrated on the submitted plans. ⁴

Name	Pavement classification - pavement width/reserve
Road 1	Collector Standard 9/19
Road 2	Collector Standard 9/19
Road 4	Collector Standard 9/19
Road 6	Local Standard 5.5/16
Road 7	Local Standard 5.5/13.5-16
Road 8	Collector Standard 9/19
Road 9	Local Standard 5.5/13.5
Road 10	Local Standard 5.5/13.5
Shareways	Local Standard 4/12

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 exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (3) (C015) Tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.

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 the commencement of earthworks;
 - 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) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (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.

- (5) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (6) (D040) Wastes including felled vegetation shall not be disposed of by burning, unless approved in writing by Council.
- (7) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (8) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (9) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.
- (10) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. The removal of hollow bearing trees must be carried out in accordance with the approved Vegetation Management Plan.
- (11) (D050) The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.
- (12) (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.

E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (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.
- (2) (E008) Payment to Council, prior to the issue of the 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 and/or an executed planning agreement applying to the land, and generally 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
 - Hastings S94 Open Space Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005

- Section 94 Local Roads Contributions Plan Areas 13, 14 and 15

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council. ⁴

- (3) (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 (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
- (4) (E015) Prior to the issue of the Subdivision Certificate, details of compliance with the Bushfire Safety Authority is to be provided to Council.
- (5) (E034) Prior to the issuing of the Subdivision Certificate, certification by Council (local roads authority) of all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (6) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (7) (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.
- (8) (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.

- (10) (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 Subdivision Certificate or release of the security bond, whichever is to occur first.
- (11) (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.
- (12) (E068) Prior to the issue of a Subdivision or 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 and/or dwellings/units (including street lighting and fibre optic cabling where required).
- (13) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (14) (E073) Prior to issue of any Subdivision Certificate, proof that the State Infrastructure Levy (if applicable) has been paid is to be submitted to the certifying authority.
- (15) (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 the erection of any building, tree removal or access except as nominated in the approved South Exhibit 04B, Sheet 6 as amended.
 - b. Prohibiting direct vehicular access to and from Ocean Drive.
 - c. Requiring swimming pools be designed to be koala friendly in accordance with the Area 14 Koala Plan of Management.
 - d. Prohibiting the removal of any hollow bearing trees proposed to be retained, unless arrangements have been made with Council.
 - e. Requiring Category 2 dwelling construction and additional internal BCA compliant ventilation on those lots affected by road noise in accordance with

the approved Traffic Noise Impact Assessment prepared by SLR Global Environmental Solutions and dated 4 November 2015. Refer to Appendix B4 on page 21 of the report.

- f. Requiring those lots affected, to maintain the approved fencing, buffer and landscape detail fronting Ocean Drive, the gateway treatment and/or corner treatment works.
- g. Prohibiting the erection of any building or structure within the 3m and 5m buffer areas to Ocean Drive, as shown on the approved plan by Land Dynamics dated 7 September 2017.
- h. Requiring Lots 301, 316, 317, 612 and 613 manage the north south habitat link in accordance with the approved Vegetation Management Plan, including any replacement works.
- i. Allow Council access to inspect the north south habitat link on Lots 301, 316, 317, 612 and 613.
- j. Create a right of access over Lot 317 benefitting Lot 318.
- k. Prohibiting Lots 237, 506, 510, 520 & 524, from having direct vehicular access to the shareway.

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

4

- (15) (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 the erection of any building, tree removal or access except as nominated in the approved South Exhibit 04B, Sheet 6 as amended.
 - b. Prohibiting direct vehicular access to and from Ocean Drive.
 - c. Requiring swimming pools be designed to be koala friendly in accordance with the Area 14 Koala Plan of Management.
 - d. Prohibiting the removal of any hollow bearing trees proposed to be retained, unless arrangements have been made with Council.
 - e. Requiring Category 2 dwelling construction and additional internal BCA compliant ventilation on those lots affected by road noise in accordance with the approved Traffic Noise Impact Assessment prepared by SLR Global Environmental Solutions and dated 4 November 2015. Refer to Appendix B4 on page 21 of the report.
 - f. Requiring those lots affected, to maintain the approved fencing, buffer and landscape detail fronting Ocean Drive, the gateway treatment and/or corner treatment works.
 - g. Prohibiting the erection of any building or structure within the 3m and 5m buffer areas to Ocean Drive, as shown on the approved plan by Land Dynamics dated 7 September 2017.
 - h. Requiring Lots 301, 316, 317 and Stage 6 Lots 3 and 4 to manage the north south habitat link in accordance with the approved Vegetation Management Plan, including any replacement works.
 - i. Allow Council access to inspect the north south habitat link on Lots 301, 316, 317 and (DA2016 - 88.9) Stage 6 Lots 3 and 4.
 - j. Create a right of access over Lot 317 benefitting Lot 318.
 - k. Prohibiting Lots 237, 506, 510, 520 & 524, from having direct vehicular access to the shareway.

- l. Prohibiting Lots 1 and 17 of Stage 6 DA2016 - 88.9 - REF 5405 DWG 0002 Rev B having direct vehicular access to Forest Parkway.
- m. Prohibiting Lots 10, 11, 12, 14, 15, and 16 of Stage 6 DA2016 - 88.9 - REF 5405 DWG 0002 Rev B having direct vehicular access to Houston Mitchell Drive
- n. Prohibiting Lots 8 & 9 of Stage 6 DA2016 - 88.9 - REF 5405 DWG 0002 Rev B having direct vehicular access to Ocean Drive.

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

8

- (16) (E078) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for open space purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (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) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:
 - a) The surface levels of the allotments created and any other area filled or reshaped as part of the development.
 - b) Compaction testing carried out to Level 1 of Appendix B AS 3798.
 - c) Standard penetration tests and calculated N values.
 - d) Bore logs
 - e) Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (19) (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.
- (20) (E195) Prior to release of the subdivision certificate, habitat linkages relevant to that stage of the subdivision are to be signposted in accordance with the Area 14 Koala Plan of Management. The design and location of the signage is to be approved by Council.
- (21) (E196) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of a subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer services from a Professional Engineer or Registered Surveyor as well as a copy of the linen plan and a copy of the stamped water and sewer construction layout plan(s).
- (22) (E197) All residue lots created during the staging must ensure the residential zoned land is maintained as an Inner Protection Area. A notation is to be placed on the title of such residue lots advising future owners of the need to maintain the residential zoned land as an inner protection area, until such time as it is developed.
- (23) (E198) The issuing of each subdivision certificate is not to occur until Council is satisfied with the completion of the environmental works in the approved Vegetation Management Plan and compliance with the Area 14 Koala Plan of

Management. It should be noted that only the environmental works relevant to the stage of subdivision being completed, will need to be finalised before the release of the subdivision certificate for that stage.

- (24) (E199) Prior to release of the subdivision certificate to create proposed Lots 309-314 & 318, a 1.8m high solid fence is to be installed along the common boundary of the subject lots with Lot 32 DP 803801. ⁴
- (25) (E200) Prior to release of the subdivision certificate, the approved Ocean Drive fence treatment, gateway treatment and corner treatment works are to be installed onsite. The stage when such works are to be completed is to be approved by Council.
- (26) (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.
- (27) In conjunction with Stage 2 (creating the englobo lots):
 - a) A "Right of Access" and an easement for services shall be created over the road reserve for the future collector road benefiting the Residual land and burdening the englobo lot.⁷

F – OCCUPATION OF THE SITE

Nil.

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.



LandDynamics
AUSTRALIA

STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55 (1A) MODIFICATION TO DEVELOPMENT CONSENT

Approved Residential Subdivision DA 2016/88

Lot 146 DP 1256576

Corner Forest Parkway & Ocean Drive, Lake Cathie

On behalf of
GemLife

March 2020



S.4.55 (1A) Modification to Approved Residential Subdivision DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Prepared for:

GemLife

Prepared By:

Land Dynamics Australia

77 Lord Street Port Macquarie NSW 2444 – PO Box 2459 Port Macquarie NSW 2444

T: 02 6583 2677 E: reception@ldynamics.com.au

www.ldynamics.com.au

	Name	Date
Prepared By	Donna Clarke	12/3/2020
Checked By	Graham Burns	12/3/2020

Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Land Dynamics Australia used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is to accompany a Section 4.55(1A) (formerly s.96) application to modify Development Application No. 2016/88, in particular with respect to the approved layout of the subdivision, primarily relating to the environmental living lots within the south-western corner of the approved residential subdivision, on Lot 146 DP 1256576, Corner Forest Parkway & Ocean Drive, Lake Cathie.

The site is located on the southern edge of the village of Lake Cathie, on the north coast of NSW and forms part of Area 14 as part of Council's planning. This application relates to Lot 146 DP 1256576, Corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie which is a residential development known as Elanora. Registration of the early stages of the development and road dedication has recently occurred.

The overall site is zoned R1 General Residential and E4 Environmental Living under the Port Macquarie Hastings Local Environmental Plan 2011. The approved residential subdivision is a permissible land use and aligns with the objectives of the zone.

The subject modification alters the approved lot layout and public road in the E4 zoned portion of the site only. In the instance that this Modification to the large lots and the MHE proposed under DA 2019/780 is approved, the approved layout below the MHE component will be surrendered and the new DA will apply to that land. With respect to this revised lot layout proposed in this current Modification, we are of the understanding that this Modification would only be approved if DA 2019/780 is supported.

The proposal considers the residential amenity of the existing residents nearby and future residents with respect to the adjoining residential properties and the environmental constraints of the site, as well as the future release area. There will be a positive community benefit as a result of the proposal, with a boost to the local economy and overall community of Lake Cathie and the wider area.

Pre-lodgement discussions were held with Council and the issues raised are addressed in this report.

An investigation of environmental and design considerations illustrates the proposal is suitable for the site. Special ecological and bushfire assessments were undertaken. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, acid sulfate soils, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on a cleared site and can accommodate the minor changes to the approved development. Further, approval of this development does not preclude nearby development on the adjoining land.

This report represents a Statement of Environmental Effects (SEE) as required by the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg). This SEE describes the site and its context, the nature of the proposal, the relevant planning framework and assesses the proposal against the matters for consideration pursuant to Sections 4.15 and 4.55 of the EP&A Act. This SEE concludes that there is no material planning or statutory impediment to the approval of the proposed use.

This report provides a description of the site and surrounding area; a description of the proposal; an outline of the relevant statutory and strategic planning policy framework and an assessment of the proposal against the relevant provisions of the relevant legislation. This report should be read in conjunction with the Appendices accompanying this application.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

2. SITE & CONTEXT

The Site

The subject land may be described as part Lot 146 DP 1256576, Corner Forest Parkway and Ocean Drive, Lake Cathie. The total site has an area of approximately 12.74ha and has already been approved for residential subdivision. The site has two street frontages being Forest Parkway and Ocean Drive. The proposed changes to the approved development relate to the south-west corner of the site which is primarily zoned E4 to remain for large lot residential as approved.

The overall site is located on the southern edge of the village of Lake Cathie, approx. 3km south-east of the township of Lake Cathie. The site is well appointed to the coastal villages of Lake Cathie and Bonny Hills, as well as the main centre of Port Macquarie. The overall site is shown in the locality map and aerial photograph below, as shown in the figures below, along with Deposited Plan.



Figure 1 – Locality Plan, Overall Site highlighted (source: www.sixmaps.nsw.gov.au)

To the east of the site is the early stages of the residential subdivision and further to the east is Ocean Club Resort which is an approved MHE. The site is in the developing area of Lake Cathie with new subdivisions underway. To the north is existing large lot residential.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie



Figure 2 – Close Up Locality Plan, Overall Site highlighted in red (source: www.sixmaps.nsw.gov.au)



Figure 3 –Aerial Photograph (source: www.nearmap.com)



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

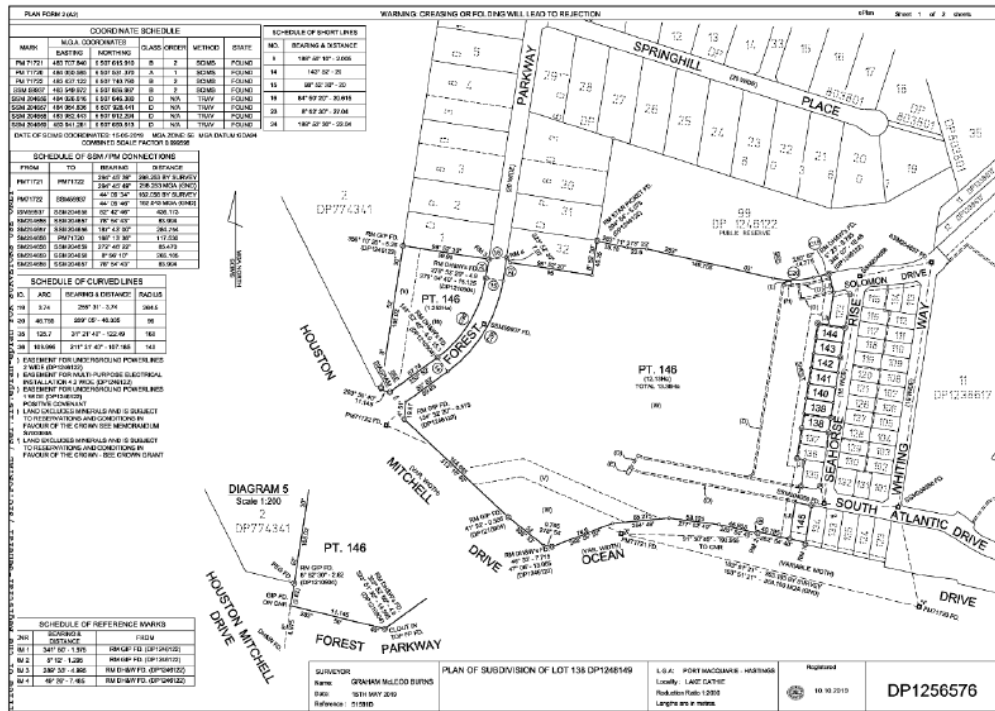


Figure 4 – Deposited Plan Extract

The site has been cleared in the past as part of the approved subdivision works and has maintained large areas of pasture grassland. Areas of vegetation have been retained, in particular in the south-western corner and to the north of the site, which formed part of the original subdivision and has now been dedicated to Council.

Background / Previous Applications

(a) Development Consent DA 2016.88

The proposal is for the modification of an approved subdivision of land at corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie, as approved under DA 2016/88. Development Application No. 2016/88 was granted consent by Council on 17 August 2016 for a Residential Subdivision containing 151 lots plus public reserve.

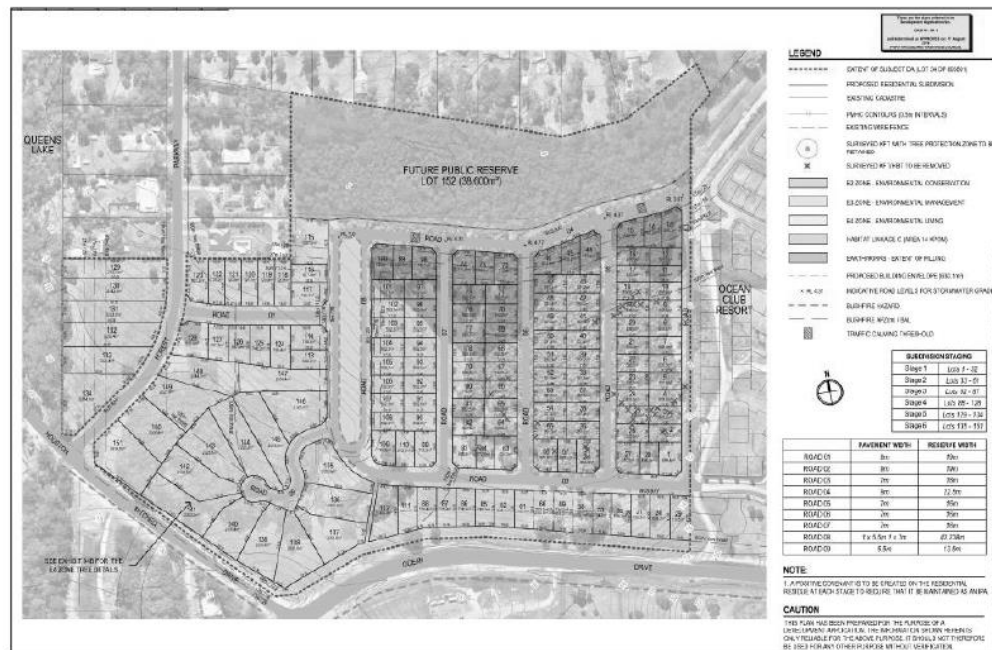


Figure 5 - DA 2016/88 Original Subdivision Layout Approval – Extract

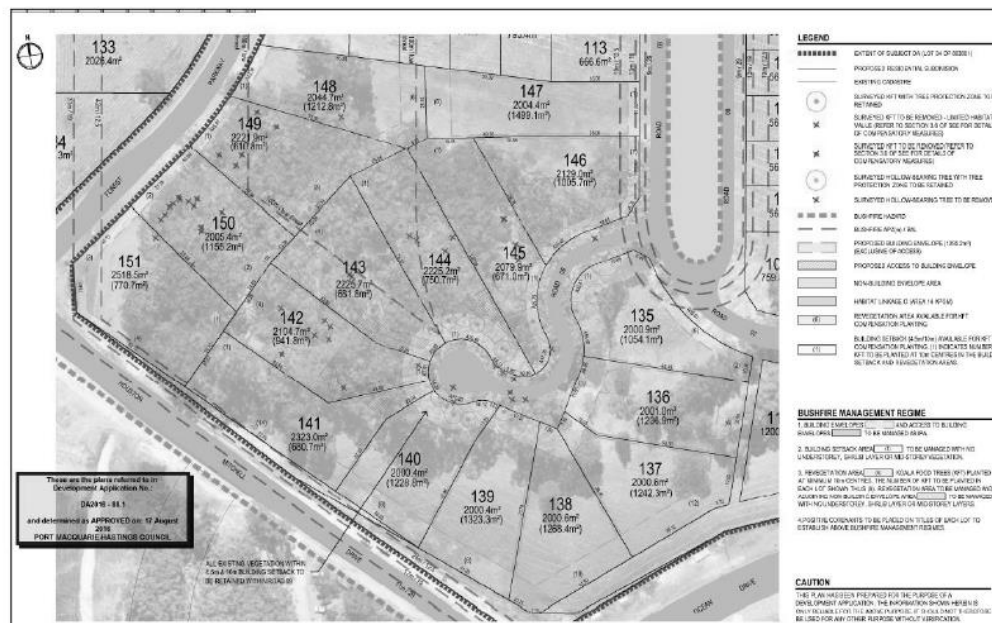


Figure 6 - DA 2016/88 Original Subdivision Layout Approval Close Up E4 land – Extract



S.4.55 (1A) Modification to Development Consent DA 2016/88
 Corner Forest Parkway & Ocean Drive, Lake Cathie

The consent also included a Vegetation Management Plan (VMP). A copy of the VMP plan is shown below, which indicates the Management Units in the VMP.

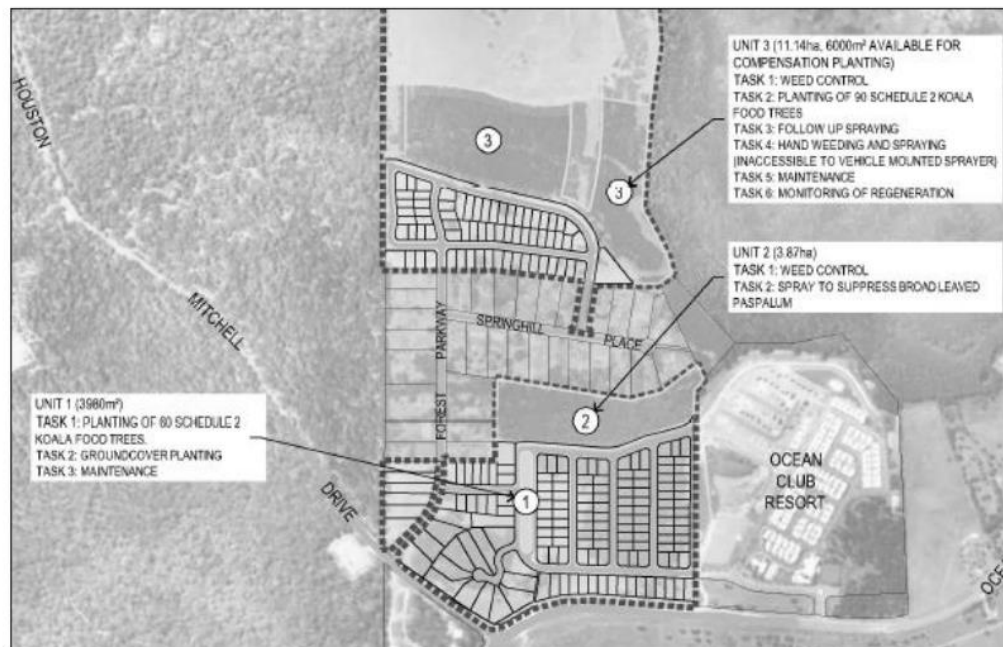


Figure 7 - Approved Vegetation Management Plan – Extract

(b) Modification DA 2016.88.2 (Mod 1)

Council granted consent to amend Development Application No. 2016/88 by way of Modification 1 on 27 April 2017. The change related to bushfire requirements and a new Bushfire Safety Authority was obtained.

(c) Modification DA 2016.88.3 (Mod 2)

Council granted consent to a Section 96(1A) application to further modify Development Application No. 2016/88 for changes to the landscaping setback and fencing along Ocean Drive. Consent was issued on 20 November 2017. The lot boundary setback along Ocean Drive was reduced to 5m in width and the fencing along Ocean Drive remains as Colourbond, with timber panels along the Ocean Drive side.

(d) Modification DA 2016.88.5 (Mod 4)

Council is currently considering a modification to the approved layout.

(e) Modification DA 2016.88.6 (Mod 5)

Council granted consent to a Section 4.55(1A) application to further modify Development Application No. 2016/88 to modify Condition B(26) to allow for a Colourbond fence only, without the need for timber posts on the Ocean Drive side.

(f) Modification DA 2016.88.7 (Mod 6)

Council approved a modification to Condition A(3) to allow for a change to staging for two englobo lots and associated substages.

(g) Development Application for Manufactured Housing Estate DA 2019/780

Council is currently considering a Development Application for a Manufactured Housing Estate on the remainder of the lot, as shown below. This modification is a result of the MHE proposal. The large lots subject of this modification are shown to the south-west of the proposed MHE.



Figure 8 – Proposed MHE Extract

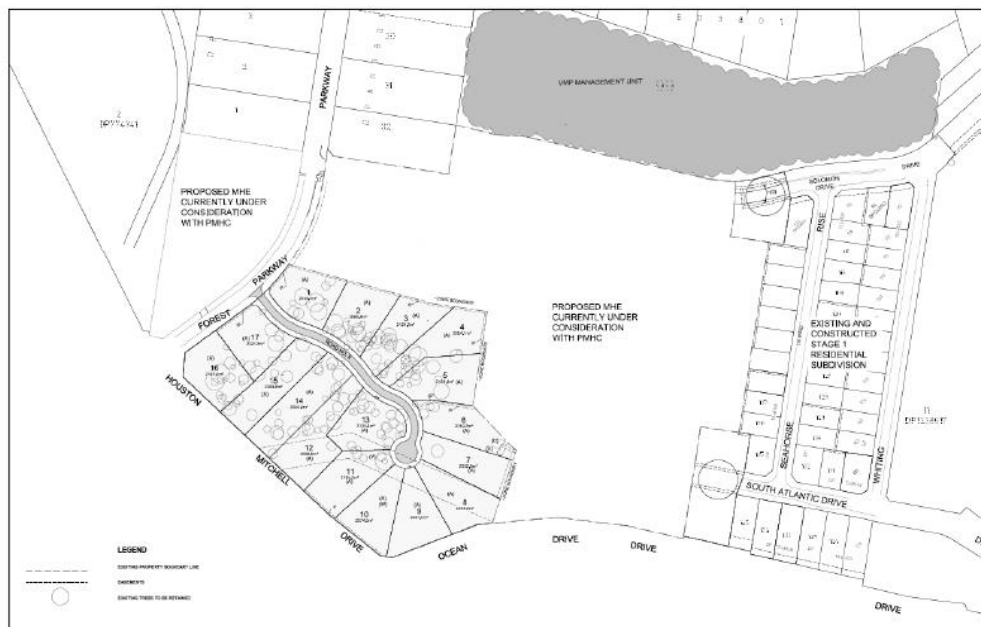


Figure 9 – Context Plan Extract



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

In the instance that this Modification to the large lots and the MHE proposed under DA 2019/780 is approved, the approved layout below the MHE component will be surrendered and the new DA will apply to that land. With respect to this revised lot layout proposed in this current Modification, we are of the understanding that this Modification would only be approved if DA 2019/780 is supported.

(h) Voluntary Planning Agreement

The site is subject to Area 14 Stage 1 Planning Agreement.

The following plan is included to provide an indication of the revised layout, the location of the proposed MHE (DA 2019/780) and the proposed englobo lots approved as part of the staging modification under DA 2016.88.7 (Mod 6).

Surrounding Development

Lake Cathie is a suburb of the town of Port Macquarie, on the Mid North Coast of NSW. It is part of the Port Macquarie Hastings local government area. Port Macquarie is a large town which provide for a range of services and facilities to the residents of both Lake Cathie and the surrounding locality including commercial and retail services. Lake Cathie has a public school, early learning centre, Australia Post, Woolworths supermarket, medical centre, service station, bottle shop, tavern, variety shops and cafés with access to Port Macquarie is Ocean Drive.

The site is located within the Area 14 Release Area, with a number of residential subdivisions approved and in various stages of construction to the north, south and east. The site adjoins the earlier stages of the subdivision to the east and beyond is Ocean Club Resort. To the south of the site is a primary school and an area which is approved for residential and also zoned for retail and commercial uses. To the north are large lot residential dwellings along Forest Parkway and a public reserve for the majority of the northern boundary. To the west is rural land and Houston Mitchell Drive which connects the area to the Pacific Highway.

Compatibility of the Proposal

The proposed lifestyle resort is compatible with the surrounding residential uses, which are a mix of residential allotments, large lot residential and Ocean Club Resort. The area of Lake Cathie is undergoing a significant transformation with the new estates such as Catarina introducing a new form of housing into the area, with higher densities and a main street.

The approved use of the site for large, environmental living lots remains compatible with the characteristics of the site and with the adjoining future residential uses.

3. THE PROPOSAL

The proposal is for a Section 4.55(1A) (formerly s.96) application to modify Development Application No. 2016/88. The proposal specifically involves:

- Change to lot and road layout in the south-western portion of the approved residential subdivision (E4 zoned land), comprising Stage 6.
- Change to Layout Plans and Services Plan and Vegetation Management Plan (VMP) Table.
- Modify Conditions A(1), A(7) & E(15).

The proposed modified layout plan for the south-west corner E4 lots is shown below. The vehicular access point is altered for the approved road, to be directly from Forest Parkway instead of through the approved subdivision



and onto Forest Parkway. Four individual lots currently are approved with their own access onto Forest Parkway. The modified layout reduces this to three lots and adds a public road.

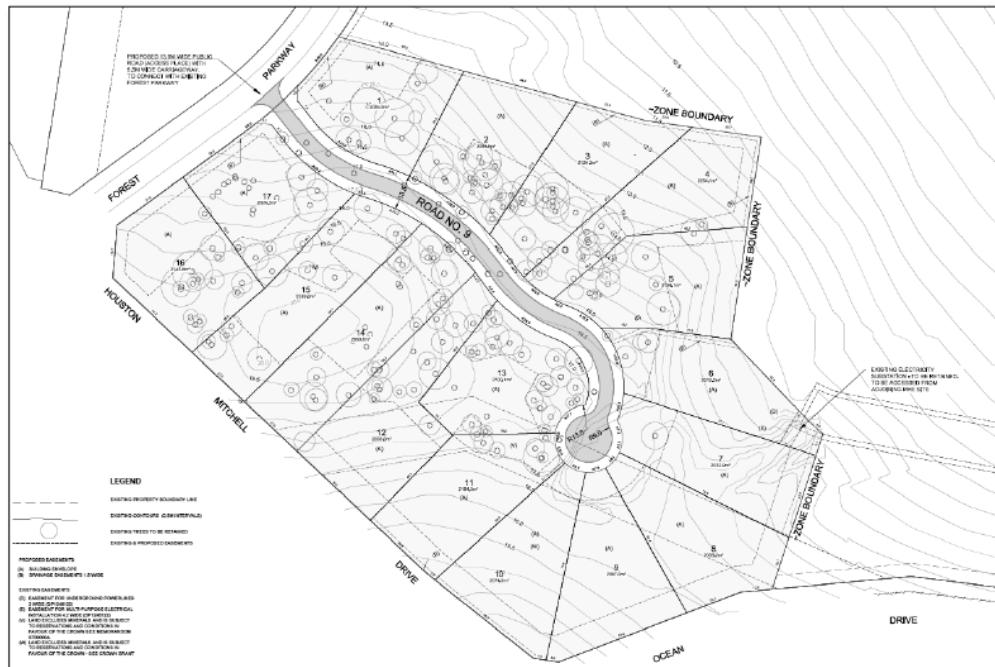


Figure 10: Proposed Site Layout Plan – E4



Figure 11 – Proposed Close Up Site Layout Plan – E4 land



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

The amended Services Plans is shown below.

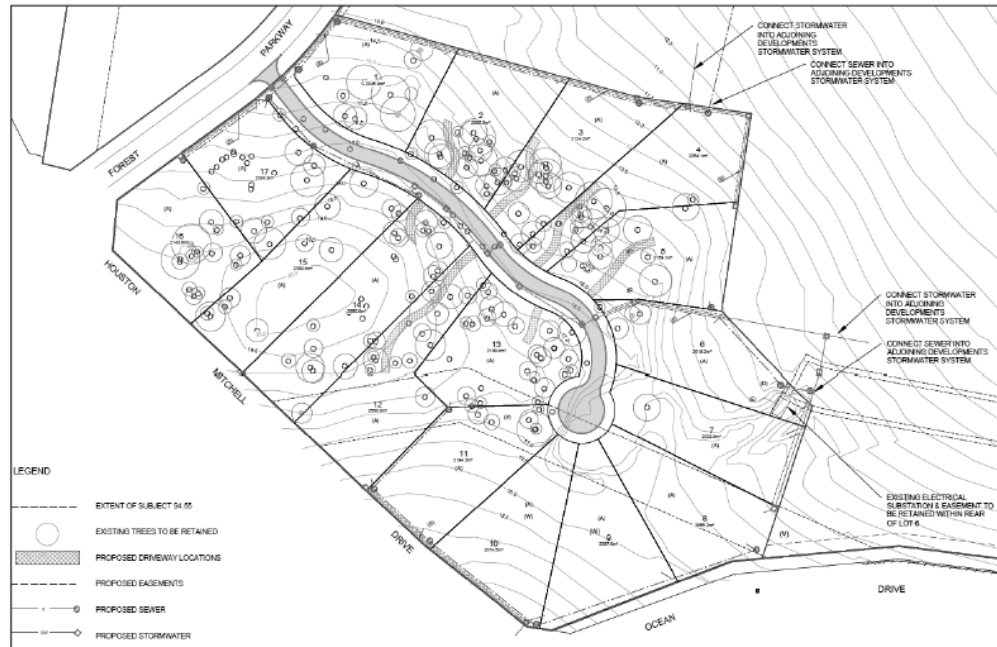


Figure 12 – Services Plan

The following conditions are to be modified, deleted or amended:

Condition A(1)

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects and Appendices (as amended)	Ref 5158 (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (9/6/2017 & 7/9/2017)	February 2016
Subdivision Plans	Project 4539P, Drawing No 4539P Exhibits, Sheet 5 & 6, Revision F as amended Project Ref No. 5158, Issue B (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (7/9/2017)	15/2/2016 (Sheet 5) & 22/4/2016 (Sheet 6)



Landscape Plan, Fence Detail, Gateway Treatment and Significant Corner Treatment	Project 4539P, Drawing No 4539P_Exhibits & Landscape Plan, Sheets 10-13 as amended Project Ref No. 5158, Issue B (Land Dynamics)	King & Campbell Pty Ltd as amended by Land Dynamics (7/9/2017)	12/5/2016 (Sheet 10, Revision G), 24/5/2016 (Sheet 11, Revision C), 23/5/2016 (Sheet 12, Revision C) & 23/5/2016 (Sheet 13, Revision C)
Vegetation Management Plan		King & Campbell Pty Ltd	May 2016
Staging Plan	REF 5158 DWG No. 0002 REV H	Land Dynamics	20/12/2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.⁶

It is recommended that this condition reference this new Statement of Environmental Effects and the amended plans as part of this modification application.

Condition A(7)

- (7) (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 D16/0586 and dated 4 July 2016 as amended 24 April 2017, are attached and form part of this consent.¹

It is recommended that this condition reference the updated date of the General terms of Approval from RFS, once issued with respect to this modification application.

Condition E(15)

- (15) (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.
- Prohibiting the erection of any building, tree removal or access except as nominated in the approved South Exhibit 04B, Sheet 6.
 - Prohibiting direct vehicular access to and from Ocean Drive.
 - Requiring swimming pools be designed to be koala friendly in accordance with the Area 14 Koala Plan of Management.
 - Prohibiting the removal of any hollow bearing trees proposed to be retained, unless arrangements have been made with Council.
 - Requiring Category 2 dwelling construction and additional internal BCA compliant ventilation on those lots affected by road noise in accordance with the approved Traffic Noise Impact Assessment prepared by SLR Global Environmental Solutions and dated 4 November 2015. Refer to Appendix B4 on page 21 of the report. The lots impacted are 29-33, 58-62, 85-88, 111-112, 134-146 & 150-151.
 - Requiring those lots affected, to maintain the approved fencing, buffer and landscape detail fronting Ocean Drive, the gateway treatment and/or corner treatment works.
 - Prohibiting the erection of any building or structure within the 3m and 5m buffer areas to Ocean Drive, as shown on the approved plan by Land Dynamics dated 7 September 2017.
- Details are to be submitted to Council prior to issue of the Subdivision Certificate.²

It is recommended that this condition point a) reference the new plan as part of this modification application.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Condition A3 of the consent specifies the order of staging, but also allows for Council to vary. These lots were identified as Stage 6. As such, the staging is not proposed to be altered, and Stage 6 may occur out of order without a modification.

Pre-lodgement Discussions

A pre-lodgement meeting was held on 2 July 2019 to change the subject area to a senior's living development and the northern remainder of the lot to a manufactured housing estate. The seniors living is not being progressed and a separate Development Application lodged for the MHE. This portion of the site has remainder as approved residential lots, with the amendments resulting from the need for vehicular access to be provided off Forest parkway.

4. PLANNING FRAMEWORK

Planning and Approvals Framework- Section 4.15 (1)(a)

The EP&A Act and EP&A Regulation establishes the framework for the assessment and approval of development in NSW. The proposal represents 'local development' under the EP&A Act which requires development consent. The EP&A Regulation sets out the processes and procedures for the assessment and approval of local development and specifies that a DA must be lodged with the consent authority in line with certain specific requirements.

This SEE accompanies a DA prepared to address the requirements of the EP&A Act and Regulation. Port Macquarie Hastings Council is the consent authority. Pursuant to the provisions of the EP&A Act and EP&A Regulation, the proposed development must be assessed against relevant State and Local planning instruments, as described below, as well as the overarching Federal legislation relating to ecology. The proposed development has been assessed against the planning controls and principles within the following applicable planning instruments:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Planning for Bush Fire Protection 2006;
- Biodiversity Conservation Act 2016;
- Mid North Coast Regional Strategy 2006
- Urban Growth Management Strategy 2017;
- State Environmental Planning Policy No. 44 Koala Habitat Protection;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Coastal Management) 2018;
- Port Macquarie Hastings Local Environmental Plan 2011; and
- Port Macquarie Hastings Development Control Plan 2013.

In Section 4 of this report, an assessment of the proposal against each of these instruments is undertaken and demonstrates the proposal is generally consistent with the aims, objectives and controls of each applicable planning instrument, in accordance with Section 4.15 (1)(a) of the EP&A Act. Section 5 of this report addresses Section 4.15 (1)(b), (c), (d) and (e) of the EP&A Act.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

This application is made under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and these provisions are addressed in Section 5 of this report.

Environmental Planning and Assessment Act 1979

This application is made under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. S.4.55(1A) states:

“(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”*

Each point of Section 4.55(1A) has been considered below.

(a) it is satisfied that the proposed modification is of minimal environmental impact,

The likely environmental impacts associated with the modified proposal have been considered below, demonstrating that there is minimal environmental impact.

Koala Habitat

The intent of the Koala Plan of Management to provide a north-south connection to join the E4 land which has tree retention, is achieved in the revised layout.

The Ecological assessment confirms that *“the new layout will have a reduced ecological impact than the approved development as fewer trees will require removal”*. This is a far superior ecological outcome than that already approved.

The KPOM remains in place on the site and the modified proposal still achieves the intent of the KPOM.

Noise

The approved mounding, plantings and fencing provide an acceptable acoustic outcome from Ocean Drive and are now in place and will not be altered by this modification.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Visual Impact

The visual impact of the approved residential subdivision is not altered by the minor changes to staging and lot and road layout in the E4 land. The Colourbond fencing, landscaping and mounding along Ocean Drive has been in place for some time, and the visual impact can be fully observed and a suitable visual outcome is achieved.

As the proposed amendments will not alter the existing environment of the subject land, it is considered that the proposal involves minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),

The revision of the approved subdivision layout is argued to be substantially the same development due to the overall development remaining for residential subdivision purposes, 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 additional lots remain above the minimum lot size and therefore do not alter the nature of the subdivision.

With respect to qualitative, the amenity impacts, ability of the road network to withstand the traffic dispersal directly to Forest Parkway rather than indirectly as currently approved, and design of servicing remains adequate. The development is substantially the same as that which was originally approved by Council. The development consent will still relate to the subdivision of land for residential purposes substantially within the same land as the original development consent.

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 as subdivision for residential purposes.

Most importantly, seventeen lots were approved in the E4 zoned area and 17 remain, as well as a centralised road for access to the lots.

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 lot layout, acoustic and aesthetic impacts, tree retention / ecology impacts and bushfire remain satisfactory. A comparison of the approved and modified plans would not easily identify the amendment to fencing and would appear as essentially the same development.

The approved use relates to a Residential Subdivision and the proposed modification remains so. 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. This exercise involves comparison of one set of plans and conditions against the proposed modified plans and/or conditions. It is submitted that the proposal remains consistent with the existing plans, which are approval for a Residential Subdivision, with lot numbers remaining unaltered and the public reserve removed in response to the condition of consent.

There is a twofold approach to a Section 4.55 modification. The development first has to be proven to be substantially the same. Then if it is, the merits of the proposal are to be considered. The comparison involves consideration of quantitative and qualitative elements of the development.

The following is to be subjectively considered:



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

- The numerical differences in all key aspects of the development (*quantitative*);
- Non-numerical factors (e.g. in visual impact, traffic impacts or changed land uses) (*qualitative*);
- Changes relating to a material and essential feature of the approved development – does it radically transform the development?

From our investigations, a Section 4.55 application is the correct way to deal with this amendment and the merits of the proposal need to be considered by Council.

The revision of the approved subdivision layout, resulting in no additional lots, is argued to be substantially the same development due to the overall development being for residential subdivision purposes, 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 revised lots still remain above the minimum lot size and therefore do not alter the nature of the subdivision.

With respect to qualitative, the amenity impacts, no change to the impact on the road network as no new lots have been created. Furthermore, the design of services is adequate to accommodate the approved subdivision.

The development is substantially the same as that which was originally approved by Council. The development consent will still relate to the subdivision of land for residential purposes substantially, however within a slightly varied formation within the parameters of the site and the consent.

There are numerous examples of case law where “substantially the same” has been tested and satisfied, which have similar attributes to this Modification. With many of the cases resulting in changes such as storeys or lots added or removed or changes to built form, but the Court was satisfied that the fundamental characteristics and essence of the development would remain essentially the same and the development presented as materially and essentially the same development.

The examples indicate that the addition or deletion of storeys, increase in unit numbers (significantly in some instances) or addition or removal of lots, for example does not necessarily require a new DA and there was no reason to argue that a S.4.55 application was the wrong type of application to lodge, as the development is materially and essentially the same development.

The case law emphasizes that each case must be considered on its own facts, and therefore the Land & Environment Court has not provided a definitive formula, which is universally applicable to test if development is substantially the same. However, it is possible to determine from the case law the following questions that you ought to ask when determining whether proposals are properly dealt with Under section 4.55 of the EPA Act.

1. *The amendment as proposed does not radically transform the original proposal?*
2. *Is the proposed development essentially or materially the same development as the development for which consent was originally granted?*
3. *Is the way in which the development is to be carried out essentially or materially the same?*
4. *Does the proposed modification affect an aspect of the development that was important, material or essential to the development when it was originally approved?*

The material and physical elements of the approved development remains the same, i.e. residential subdivision, public road network and access remaining from Forest Parkway, albeit a road added rather than only driveways. This modification application does not radically transform the approved development and the fundamental characteristics and essence of the development would remain the same and the development presented as materially and essentially the same development. No change to lot numbers is proposed. A cursory comparison of



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

the approved and modified plans would still reveal a residential subdivision with public road connection from Forest Parkway and significant tree retention and replanting.

In considering the material change from the removal of two lots from the original subdivision footprint, below is an extract from the Planning Institute of Australia regarding addition of a lot into the approved development:

"In Scrap Realty Pty Ltd v Botany Bay City Council [2008] the current Chief Judge of the Land and Environment Court allowed an old development consent (from 1976) to be modified so as to allow the expansion of the approved development (a scrap metal recycling business) onto an adjoining allotment that the applicant had recently purchased from the Council. It was a separate legal parcel, and was never part of the original development consent, nor was it anticipated at the time of granting the original consent that the development would be carried out on that adjacent allotment. Nevertheless the Court allowed the modification, relying on the broad power of s.96, which is a power simply to "modify the consent". To modify means to alter without radical transformation. In this case, the Court reasoned, the modification application would simply "alter the description of the land to which the consent applies so as to permit the carrying out of development on that land as well.

Nevertheless the consent authority still needs to be satisfied that the development as modified will remain "substantially the same as" the original approved development, which the Court noted will always involve "questions of fact and degree" based on the particular facts of the case."

In this case, the additional allotment was held to be "not a material addition". This same principle can also be applied to the removal of lots, as is proposed in this modification.

The use of S.4.55 enables the original conditions of consent to remain as unaltered as possible, as outlined in the table later in this report. This assists in retaining Council's original intent by retaining the overall conditions.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

DCP 2013 does not specifically state that notification or advertisement is required for a modification application. It is considered that notification is not required due to the minor nature of the modification.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Council will consider any submissions received to the modification application as part of their assessment.

Planning for Bush Fire Protection 2006

The site is currently identified as bushfire prone land as per the Rural Fire Service's online mapping and is considered this is a manageable constraint. A Bushfire Hazard Assessment was undertaken which provides a number of requirements including construction standards and asset protection zones. A copy of the bushfire report accompanies this application and below is an extract of the summary requirements:

"The following recommendations are provided in response to the proposed changes to the layout of the already approved residential subdivision of the subject site;

(i) All vegetation within the area of the proposed residential lots is to be created and managed to the standards which are applicable to Asset Protection Zones.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

(ii) Asset Protection Zones are to be provided in accordance with Section 3.1.1 of this report. In this regard;

- minimum 11m and 10m wide APZ's are to be provided on the adjoining land to the north and east of the subject site respectively. These APZ's are to be established and maintained to the standards which are applicable to Inner Protection Areas (IPA's) until such times as the land to the north and east has been subdivided for residential development or developed as a MHE. The creation and maintenance of the required APZ's is to be via a 'restriction as to user' pursuant to Section 88B of the Conveyancing Act, 1919 which requires the establishment and maintenance of minimum 11m and 10m APZ's on adjoining land adjacent to the residential lots along the northern and eastern boundaries of the subject site respectively.
- in order to ensure that fuel loads remain reduced, particular where trees are proposed to be retained in a clustered arrangement on some proposed residential lots, a Vegetation Management Plan is to be prepared for the proposed residential lots. The Vegetation Management Plan is to be prepared and implemented so as to provide for the creation and ongoing maintenance of the nominated APZ areas to the standards which are applicable to APZ's. Additionally, the VMP is to provide for the ongoing management of understorey within the remnant forest vegetation within the approved large residential lots to a parkland standard.

(iii) In areas nominated as being required as Asset Protection Zones, refer to **Appendix 5**, are to be created and managed at all times to the standards required of APZ's.

(iv) Water and other services are to be provided to the proposed lots in accordance with the requirements detailed in Section 3.1.4 of this report.

(v) Adopt Landscaping principals in accordance with Section 3.1.5 of this report.

(vi) The determination of the Bushfire Attack level (BAL) and corresponding construction standards for each of the proposed lots should be the subject of an individual bushfire hazard assessment conducted in conjunction with the development of a dwelling on each of the proposed lots.

(vii) The design and construction of all public roads within the revised subdivision layout are to comply with the acceptable solutions provided for in Section 4.1.3 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006.

(viii) A minimum 12 metres outer radius turning circle is to be proposed at the proposed public road cul de sac, (eastern end of proposed public road)."

The Bushfire Assessment concludes:

"It is considered that the proposed changes to the layout of the approved residential subdivision of land within the southwestern portion of Lot 138 DP 1248149, Forest Parkway, Lake Cathie, is at risk of bushfire attack; however, it is in our opinion that with the implementation of the bushfire threat reduction measures and consideration of the recommendations in this report, the bushfire risk is manageable for the proposed changes to the layout of the already approved residential subdivision.

*With the implementation of the recommendations it is considered that it will be possible for the proposed subdivision layout to meet the applicable acceptable solutions as provided for in NSW Rural Fire Service, **Planning for Bushfire Protection**, 2006."*

Accordingly, the proposal is acceptable in terms of bushfire impacts.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie



Figure 13 - Bushfire Prone Map Extract (source: www.planningportal.nsw.gov.au)

A bushfire hazard assessment was undertaken with the subdivision DA 2016/88 and deemed suitable for residential subdivision purposes.

Biodiversity Conservation Act 2016

The site was assessed by Biodiversity Australia in accordance with the requirements of the NSW Biodiversity Conservation Act 2016, Biodiversity Conservation Regulation 2017 and the Commonwealth Environment Protection and Biodiversity Conservation (EPBCA) Act 1999 - Matters of National Environmental Significance (MNES). Assessment of the relevant provisions under the provisions of SEPP 44 – Koala Habitat Protection was also provided.

The ecological characteristics of the site were considered in detail previously as part of the 2001 rezoning and the subsequent Development Application for residential subdivision. A Koala Plan of Management is in place, as well as a Vegetation Management Plan.

A review of the final Planning Proposal adopted by Council for the wider rezoning of Area 14 indicated that an E4 Environmental Living zone was provided to promote the retention of the visually significant vegetation.

The Ecology Report notes that 8 less koala food trees will be removed under the revised plans. The overall number of trees being retained under the modified layout is greater than approved. An updated VMP table has been prepared and accompanies this application.

A copy of the assessment report accompanies this application and summarizes:

"In summary:

- *The proposed modification is to revise the large-lot residential estate layout to allow access from Forest Parkway and changes to the Lot layout. The new layout will have a reduced ecological impact than the approved development as fewer trees will require removal.*
- *A recent field survey at the site did not detect any threatened flora or fauna species.*
- *The site vegetation does not qualify as an Endangered Ecological community and is not mapped as an EEC on the PHMC EEC mapping layer.*
- *The subdivision area will not impact a mapped area of Biodiversity Values.*



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

- An assessment has been carried out under the matters listed under Clause 30(2)(c) of the Biodiversity Conservation (savings and transitional) Regulation 2017 to assist Council with decision making."

The Ecological Report to concludes as follows:

"This report has described the impact of the revised subdivision plans at Lot 138, Ocean Drive, Lake Cathie. The site is located in a previously disturbed area and is vegetated with mature trees and slashed grassland. The revised subdivision plans have modified the location of the access road and Lot layout and will require less Koala food trees to be removed as compared to the approved subdivision."

Assessment of the eight biodiversity matters listed in Clause 30 (2)(C) Biodiversity Conservation (savings and transitional) Regulation 2017 has demonstrated that the modification is unlikely to increase the level of impact on biodiversity values as it will have a reduced impact on biodiversity overall."

As such, the modified layout is considered satisfactory from an ecological perspective.

Local Planning Strategies

Urban Growth Management Strategy 2017

Port Macquarie Urban Growth Management Strategy 2017-2036 (UGMS) was adopted by Council in August 2018 and was developed to inform the future rezoning of land. The Urban Growth Management Strategy is considered to be the framework for local planning and the strategic basis for the local planning scheme. It provides the interface between State and regional policies, strategies, and strategic development initiatives, and local planning.

The aim of the UGMS is to achieve well planned growth in the right places, to create a more diverse and prosperous economy and maintain a healthy environment and great places to live. The Strategy is to identify the growth area boundary and opportunities for residential land, a neighbourhood centre, parklands and roads.

The site is identified in the UGMS as Large Lot Housing, as it has a consent in place for residential purposes.

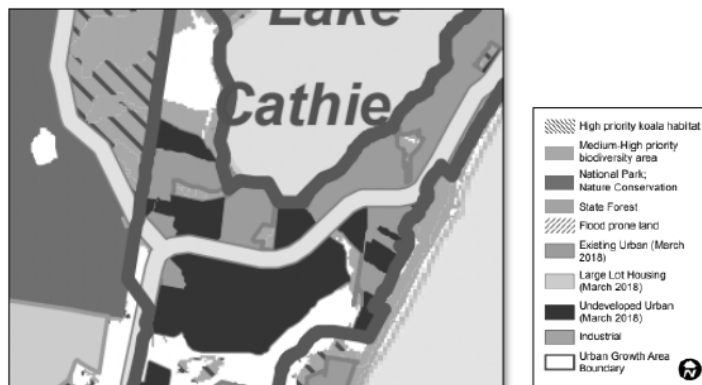


Figure 14 - UGMS Map Page 8 (source: www.pmhc.nsw.gov.au)

State Environmental Planning Policies (SEPP's)

The following SEPP's are of relevance to the proposal:



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

State Environmental Planning Policy No 44 — Koala Habitat Protection

As the area of the subject land is greater than 1ha and is located within the Port Macquarie Hastings Local Government Area, SEPP 44 –Koala Habitat Protection is applicable. The site is located within the KPOM for the Area 14 Master Planning Area, as shown below, and classified as 'Secondary A'. The proposed development is in accordance with the adopted KPOM.



Figure 15 – Extract Potential & Core Koala Habitat (source: www.pmhc.nsw.gov.au)

The Ecology Report indicates that the site does not contain key koala habitat as no hollow-bearing trees were found within the site and one KFT was identified on the site which is proposed to be retained and that no replacement planting is required.

With respect to SEPP 44 and the Koala Plan of Management, the obligations are mostly outlined in the VMP however a number of others include:

- a. Clearing of native vegetation must not proceed until area has been inspected and approval given in writing by a suitably qualified or accredited koala specialist.
- b. Maximise retention of preferred KFTs within areas of Potential Koala Habitat (the adjoining E4 zoned land is identified as such, which is not part of this development)
- c. Loss of preferred KFT's to be compensated.
- d. Street trees must incorporate min 30% of koala food trees.
- e. Habitat linkages must be min 30m wide exclusive of APZ requirements (note: the approved DA layout has a reduced width).
- f. Traffic calming devices and slower road speeds to be included in design.
- g. Below is an extract from the KPOM outlining the intent of the koala corridor linkage



iii) Habitat Linkage C

This minor linkage runs from Houston Mitchell Drive to the Lake Innes Nature Reserve. Integration with existing vegetation patches will be required, presumably via creation of larger lot sizes. Linkage then continues in a north-south direction, again presumably in the form of a suitably aligned streetscape, similar to that proposed above, to link up with the drainage line running east west to the Lake Innes Nature Reserve. This latter area also needs to be buffered by an APZ which could contain a perimeter road, scattered vegetation, pedestrian access and/or cycle-way, along with low maintenance, shallow, water management devices.

The intent of the KPOM and the development of a connection from the E4 land to the south to the public reserve to the north, through the subject land, is still achieved in the proposed design of the modified layout.

State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining rail corridors and busy roads. The development is not located immediately adjacent to a classified road or within 40 metres of a Railway corridor.

The development is not classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of SEPP (Infrastructure) as it would not result in more than 300 dwellings or 75 dwellings fronting a classified road.

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 which came into effect in April 2018, with issues being identified with the Port Macquarie – Hastings Council local government area with respect to the mapping. These errors appear to have primarily been rectified on the subject site. The SEPP mapping is detailed below and only affects the upper north-western portion of the site. The development has been minimised in this area.



Figure 16 – State Environmental Planning Policy (Coastal Management) 2018 – Extract (source: www.legislation.nsw.gov.au)

The mapping does not impact upon the E4 portion of land which is being revised in layout.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Local Planning Policies

Port Macquarie Hastings Local Environmental Plan 2011

(a) Zoning, Permissibility & Objectives

As indicated by the following map extract from the Port Macquarie Hastings LEP 2011 the subject site is currently zoned R1 General Residential and E4 Environmental Living.

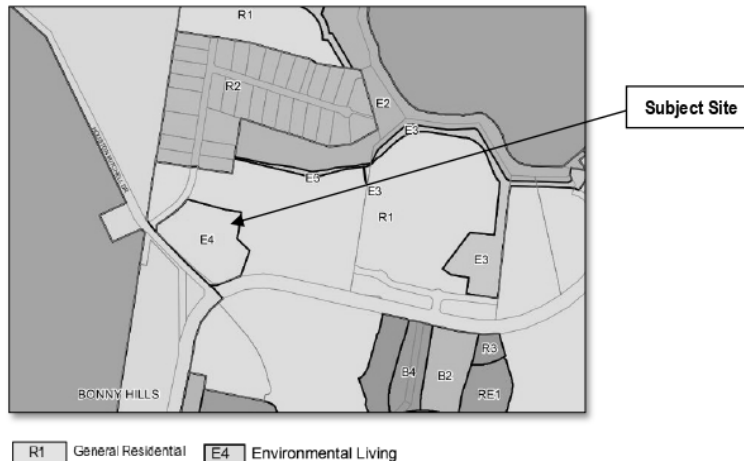


Figure 17 - Zoning Map Extract Port Macquarie Hastings LEP 2011 (source: www.legislation.nsw.gov.au)

Zoning

There is no change to the approved land use for residential subdivision from approved under DA 2016/88. The large lots are contained within the E4 zoned portion of the site, consistent with the zoning and approved layout.

Objectives

The objectives of the zones remain satisfied by the marginal change to lot and road layout. The approved subdivision remains satisfactory and provides a variety of housing forms in Lake Cathie, which increases housing choice in a desirable location on the edge of a village in an area identified for future housing yet easily accessible to the facilities nearby in Lake Cathie and further afar to Port Macquarie. The pedestrian linkages are maintained throughout the development.

The provision of a landscaped buffer along the southern boundary integrates the development into the existing residential to the south.

Orderly and economic use of the land is proposed, in accordance with the general aims of the LEP. The proposed development will not alter the contribution of residential dwellings to the residential housing stock of Lake Cathie, as well as the greater region. This is consistent with the regional strategies and the identified population increase. Providing additional housing on a relatively unconstrained site on the edge of an established urban area is ideal. The surrounding area contains a variety of allotment sizes. The proposed layout will still allow for variety in future built form and dwelling sizes within the existing estate. The proposed development is in keeping with the objectives of the zone and the overall LEP.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Controls

The minimum lot sizes remain satisfied in the modified form, being minimum 2000m² for the E4 land.

Other controls relating to State Infrastructure levy, flooding and the like remain satisfied under DA 2016/88 and not altered by this modification.

The site is subject to acoustic controls with respect to traffic noise from Ocean Drive, which was considered in detail during the approval of the residential subdivision over the site. The Acoustic Report submitted with the original application remains in place. The approved fencing, mounding and landscaping is now in place and establishing. This application retains these features to ensure the acoustic measure remains applicable to the new layout.

Further, a condition of consent is in place which requires Category 2 dwelling construction and additional internal BCA compliant ventilation on those lots affected by road noise in accordance with the approved Traffic Noise Impact Assessment prepared by SLR Global Environmental Solutions and dated 4 November 2015. This remains unaltered by the proposed modification.

Council can be satisfied that essential services are capable of being provided to the site as an extension of the earlier stages of the residential subdivision. An updated services plan accompanies this application.

Development Control Plans

Port Macquarie Hastings DCP 2011

Part 5.2 of DCP 2013 specifically applies to the Lake Cathie – Bonny Hills Area and the approved residential subdivision under DA 2016/88 has been considered to satisfy these controls and the modified proposal remains consistent.

The revised lot layout remains consistent with Section 3.6 of the DCP relating to Subdivision, with variations in the original and revised layouts, primarily due to the cul-de-sac. The lot sizes meet the minimum LEP provision, are consistent with the original lot sizes approved and allow for retention of trees. The revised plan meets the objectives of 3.6.3.2 Lot Layout by providing a range of lot sizes to suit a variety of dwelling and household types and to ensure the lot layout plan reflects the site's opportunities and constraints.

The road width remains in keeping with that approved and the overall road reserve allows for services.

Updated stormwater information has been submitted, which is consistent with the original and modified stormwater modelling undertaken.

5. PLANNING ASSESSMENT

This section will consider the likely impacts of the development; site suitability and public interest in accordance with Section 4.15 (1)(b), (c), (d) and (e).

Assessment of Natural Environmental Impact – Section 4.15 (1)(b)

Topography and Scenic Impacts

Overall, the proposed modified residential subdivision development is compatible with existing and future surrounding land uses. The site is zoned to allow the proposed development and is located close to the township of Lake Cathie. The proposed revised design has had regard to the environmental qualities of the site.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

The proposed modified layout will retain a high level of amenity of the subject and surrounding sites including in respect of solar access, views, privacy and noise levels. Appropriate mitigation will be undertaken during construction and operation to preserve the amenity of surrounding land uses.

The site does not exhibit any characteristics which would preclude the modified development from proceeding.

Micro-Climate Impacts

The modified proposal will not impact on micro-climates.

Water & Air Quality Impact

Stormwater Assessment has been prepared for the entire development as part of the original application to provide information on stormwater quality and quantity control and addresses the pre and post development scenarios for the development. The proposed development does not alter the approved bio retention ponds and swales. The modified layout allows for the provision of water and sewer to the site.

Soils

The modified layout does not impact upon soils.

Assessment of Built Environment Impacts – 4.15 (1)(b)

Impact on the Area's Character

The character of the approved residential subdivision is not altered by this modification. With regards to the scale and character of the proposed development, the form and scale of the future dwellings remains unaltered by the modification and will be consistent with the existing nearby residential dwellings to the immediate north, as well as the future release area to the south. On a regional scale, the development is consistent with the existing pattern of development and is a logical extension of the existing and urban area.

Appropriate mitigation will be undertaken during construction and operation to preserve the amenity of surrounding land uses. The site does not exhibit any characteristics which would preclude the development from proceeding.

Aural & Visual Privacy Impact

The aural and visual privacy of the approved residential subdivision is not altered by this modification.

The proposed layout ensures the orderly use of the land through the provision of regularly-shaped sites with street frontages capable of accommodating a dwelling house and sufficient private open space. The size, shape and orientation of individual allotments will enable future built form to address the street creating visual interest and providing opportunities for passive surveillance.

In terms of visual impact assessment, when the estate is viewed from the public domain, it is unlikely to be highly visible due to retention of existing vegetation and a landscaped buffer is provided. The design is desirable from both a public viewpoint and from the resident's perspective, providing screening, separation, landscaping and privacy.

The addition of an access point from Forest Parkway does not radically transform the visual impact of the residential subdivision and principles of Crime Prevention Through Environmental Design is incorporated into the revised design of the subdivision. The pedestrian linkages remain in the modified layout. The proposed modified lot layout will contribute positively to the street by providing a clear street address and direct access from the street.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Environmentally Sustainable Development

The modified proposal incorporates passive solar design principles into the revised layout.

Waste Management

The waste management of the residential subdivision remains unaltered and is by Council's contractors.

Heritage

The subject site is neither a heritage item or located within a conservation area. Council's LEP maps do not indicate European heritage on the site or in the vicinity. Given the site has already been approved for residential development via DA2016/88, previous consideration has been given to this issue and the presence of aboriginal heritage is unlikely.

Assessment of the Site Suitability – Section 4.15 (1)(c)

Proximity to Services & Infrastructure

All services are available to the site and will be extended to the proposed development from the earlier stages of the approved subdivision already constructed.

Traffic, Parking & Access

The modified layout does not increase the traffic demand of the development. Adequate site distance has been provided to the intersection of Forest Parkway and Ocean Drive to the new intersection.

The approved subdivision provided for the E4 lots to have access to Forrest Parkway via an internal road network through the subdivision for 13 of the lots and the remaining four lots directly to Forest Parkway.

The new road location replaces the four individual lots with their own access onto Forest Parkway with one road, located further away from the intersection with Houston Mitchell Drive. This is a far superior outcome in terms of limiting individual driveways to Forest Parkway. Refer to accompanying letter from our Traffic Consultant regarding the intersection location.

In terms of traffic generation, the modification does not increase lot numbers and as such does not increase the traffic movements on Forest Parkway.

Hazards

Hazards have previously been considered in the assessment of DA 2016/88. The portion of the development which is being altered with respect to layout is not flood affected. A Bushfire Assessment has been undertaken of the modified layout and accompanies this application.

Overall Suitability

The site is considered to be suitable for a residential subdivision in the modified form given the consent in place, no unmanageable constraints on the site and as it is located in an existing residential area. The proposal is suitable for the subject land and provides housing stock. The proposal is a permissible land use and has been designed to complement the character locality. There are no hazardous land uses or activities nearby and the site is well appointed with respect to public transport.

Safety, Security & Crime Prevention

The principles specified under the "Crime Prevention and the Assessment of Development Applications" published by Department of Urban Affairs and Planning Guidelines are required to be considered under Section 4.15 of the



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

Environmental Planning and Assessment Act 1979 as amended. The modified layout remains satisfactory with respect to the principles of surveillance, access control, territorial re-enforcement and space management. The proposal establishes good opportunity for casual surveillance from the development, to both frontages and within the site. There is a clear delineation between public and private areas is proposed for safety.

Social and Economic Impact

The development will have a positive social and economic impacts, with increased job opportunities during construction and provision of affordable housing for the area with the associated positive impact for businesses from the new residents. The location of the edge of the existing residential allows the existing services and facilities to be available to the future residents.

Submissions made in accordance with the Act or Regulations - Section 4.15 (1)(d)

Port Macquarie Hastings Council as the Consent authority will consider any submissions received in response to the public exhibition of the proposed development after lodgement of the Development Application. Following the notification period, any issues of public interest will be known and can be considered and addressed.

The Public Interest - Section 4.15 (1)(e)

It is considered there are no matters of public interest pertaining to the proposal which will facilitate the orderly and efficient use of land within the area which has been zoned for residential accommodation. The proposal is therefore considered to be in the general interest of the public and will not conflict with the character or amenity of the surrounding region. There are no known Federal and/or State Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular development proposal. It is considered the proposal is in the public interest and of benefit to both the Port Macquarie Hastings and the wider region.

6. CONCLUSION

This application has been considered against the relevant provisions of the Sections 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979 including relevant State Environmental Planning Policies, Port Macquarie Hastings Local Environmental Plan 2011 and Port Macquarie Hastings Development Control Plan 2013 and the proposed development is consistent with legislation and Council's controls.

The site is currently zoned R1 General Residential and E4 Environmental Living under the Port Macquarie Hastings LEP 2011, which permits the proposed development with consent. Consent has already been granted for residential subdivision of the site and the early stages commenced. The modified layout remains permissible on the site.

The subject site is located on the edge of an established residential area and within a release area. The proposed development layout is in keeping with the existing residential character of the area and the site constraints have been resolved within the design. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. On balance, a good planning outcome has been achieved.

No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on the cleared or disturbed portion of site, in an area zoned for residential purposes. All services and infrastructure are readily capable of being extended to the site.



S.4.55 (1A) Modification to Development Consent DA 2016/88
Corner Forest Parkway & Ocean Drive, Lake Cathie

The proposal is consistent with the original development consent and provides an efficient use for residential purposes. The proposed amendment to the layout in the E4 zoned area and to staging of the overall development still achieves the intent of the original subdivision, whilst protecting and further enhancing environmental qualities.

The development is substantially the same as that which was originally approved. Council can be satisfied that the modification does not radically transform the approved development.

Thus, there is planning merit in these proposed amendments, and for all of the above reasons, in our opinion, the proposal is an appropriate development for the subject site and we seek Council's support for this application.

7. APPENDICIES

- A. Modified Overall Site Plan**
- B. Modified Plan of Subdivision**
- C. Modified Close Up Layout – E4**
- D. Modified Services Plan 5405**
- E. Modified VMP Table**
- F. Ecology Report**
- G. Bushfire Report**
- H. Traffic Intersection Advice Letter**



**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	2016NTH006
DA Number	DA2016 - 88.1
Local Government Area	Port Macquarie-Hastings
Proposed Development	Residential Subdivision (151 lots plus public reserve)
Street Address	Lot 34 DP 803801 (now known as Lot 8 DP 1210904) & Lot 1 DP 1185458, Corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie
Applicant/Owner	RTS Super Pty Ltd, Stacks Super Pty Ltd & TJS Super Pty Ltd c/- King & Campbell Pty Ltd (Applicant) RTS Super Pty Ltd, Stacks Super Pty Ltd & TJS Super Pty Ltd with Gwynvill Trading Pty Ltd (Owners)
Number of Submissions	One (1)
Regional Development Criteria (Schedule 4A of the Act)	<p>Clause 9(b) - Coastal subdivision</p> <p>Development within the coastal zone for the purposes of subdivision of the following kind:</p> <p>(b) subdivision of land for residential purposes into more than 100 lots, if the land:</p> <p>(i) is not in the metropolitan coastal zone, or</p> <p>(ii) is wholly or partly in a sensitive coastal location,</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 - Koala Habitat Protection • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy No. 62 – Sustainable Aquaculture • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Macquarie-Hastings Local Environmental Plan 2011 • Development Control Plan 2013 • The Area 14 Stage 1A Sydmar Planning Agreement and Area 13, 14 & 15 Local Roads Contributions Plan • NSW Coastal Policy 1997
List all documents submitted with this report for the panel's	<ol style="list-style-type: none"> 1. Developer contributions estimate 2. Recommended consent conditions 3. Bushfire Safety Authority 4. Plans

consideration	5. Vegetation Management Plan
Recommendation	That DA 2016/0088.1 for Residential Subdivision (151 Lots plus a Public Reserve) at Lot 34 DP 803801 (now known as Lot 8 DP 1210904) & Lot 1 DP 1185458, Corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie, be determined by granting consent subject to the recommended conditions.
Report by	Clinton Tink - Development Assessment Planner
Report date	17 August 2016

Executive summary

This report considers a development application for a staged residential subdivision that will create 151 lots and a public reserve. Proposed staging is as follows:

- Stage 1 Road 3 (constructed in conjunction with the adjoining landowner, Ocean Club Resort), Road 5, Part Roads 2 & 4; and Proposed Lots 1 to 32.
- Stage 2 Road 6, Part Roads 2 & 4 and Proposed Lots 33 to 61.
- Stage 3 Road 7, Part Roads 2 & 4; and Proposed Lots 62 to 87.
- Stage 4 Road 1, Road 8, Part Roads 2 & 4 and Proposed Lots 88 to 128.
- Stage 5 Proposed Lots 129 to 134.
- Stage 6 Road 9 and Proposed Lots 135 to 151.

The proposal is integrated development requiring a bushfire safety authority from NSW Rural Fire Service.

This report 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.

It should be noted that during the assessment the property description of Lot 34 DP 803801 changed to Lot 8 DP 1210904 to deal with road acquisitions/widening. The road acquisitions/widening do not impact on the development footprint, which had factored in the change.

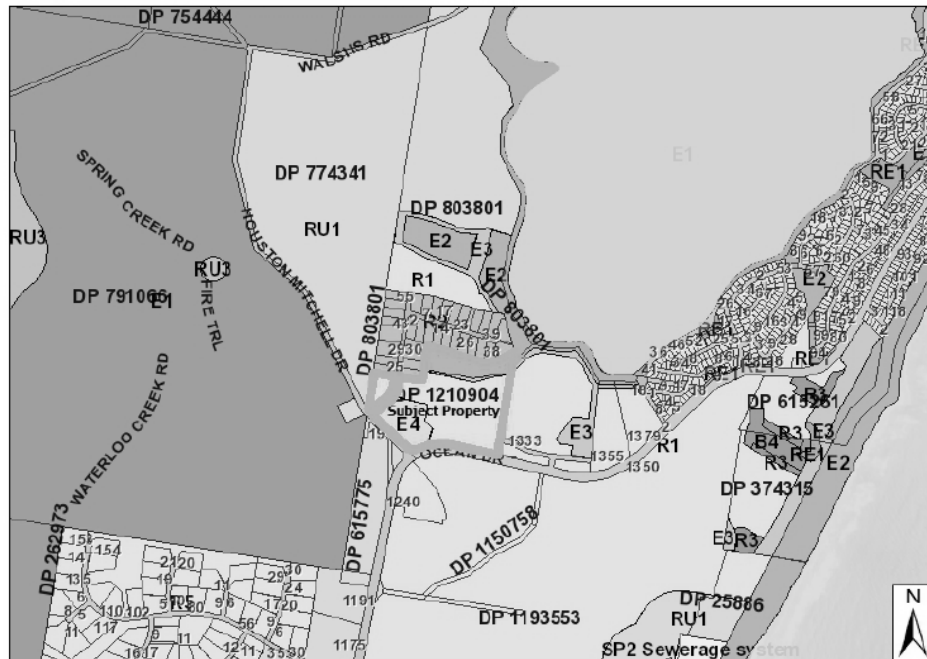
In addition, Lot 1 DP 1185458 is only included in the property description as proposed Road 3 is to be built on the common boundary with Lot 34. Owners consent has been provided and such works (the road) have been factored into the development of each property. In particular, Lot 1 DP 1185458 also relies on the road being built as part of an approval under DA2007/620.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 21.16 hectares.

The site is zoned R1 General Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is located on the corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie. The property is vacant and contains sections of cleared and timbered land. The site gently slopes downwards to the north.

Adjoining the site to the north is an existing large lot residential subdivision with associated housing. Further north is the Lake Innes Nature Reserve and land recently approved under DA2016 - 87 for 68 residential lots. It should be noted that the land involved in DA2016 - 87 & 88 is owned by the same group and that the two applications share the same Vegetation Management Plan (VMP).

Adjoining the site to the east is an approved manufactured housing estate that is partially complete with further sites to be created.

Adjoining the site to the west is timbered rural land.

Adjoining the site to the south is the Lake Cathie Primary School and the remaining Area 14 residential area. There is currently a separate DA2016 - 465 in with Council for approximately 700 lots to be located in the Area 14 land to the south of DA2016 - 88. The application is still being processed but is likely to be presented to the Joint Regional Planning Panel at a later date.

The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photographs. The second aerial photograph below is the more recent, taken in July 2016:



The proposal relates to a staged 151 lot residential subdivision. Lot sizes will range from 535.5m² to 1537.5m² within the R1 zoned land and 2000.4m² to 2518m² within the E4 zoned land. A 3.86ha public reserve is also to be created and will contain the E2 and E3 zoned land.

Access to the development will occur from Forest Parkway and future public road connections to the east that are being created concurrently with the adjoining manufactured housing estate.

A voluntary planning agreement and vegetation management plan will direct compensatory plantings throughout the subdivision and also on a residue property to the north (Lot 33 DP 803801).

The development is also 'integrated development' as it involves subdivision of bushfire prone land that could lawfully be used for residential purposes and requires a Bushfire Safety Authority under section 100B of the Rural Fires Act 1997.

Application Chronology

- 24 September 2015 - Application presented to Council's Pre-lodgement meeting.
- 17 February 2016 - Application lodged with Council.
- 22 February 2016 - Application registered with Joint Regional Planning Panel (JRPP).
- 24 February to 8 March 2016 - Notification period.
- 25 February 2016 - Applicant advised of potential flood conditions. Copy of subdivision plan provided to a neighbour.
- 29 February 2016 - Information on the proposal provided to a neighbour. Furthermore, additional information requested from the applicant regarding a title search to help address Clause 45 of SEPP (Infrastructure) 2007.
- 1 March 2016 - Title searches provided by the applicant, which were forwarded onto the Electricity provider.
- 2 March 2016 - Electricity provider raised no objection to the subdivision.
- 16 & 17 March 2016 - Council's assessing officer provided comment to Department of Planning and Environment regarding SEPP 71 Masterplan waiver.
- 18 March 2016 - Council Bushfire Management Officer raised concerns with the bushfire report and possible conflicts with future replanting and management. Advice was forwarded to the applicant on 23 March 2016. However, matter was subject to NSW RFS input that was not yet known (ie Bushfire Safety Authority had not been received).
- 22 March 2016 - Follow up sent to NSW RFS confirming they had received all the reports.
- 23 March 2016 - SEPP 71 Masterplan waiver received.
- 24 March 2016 - JRPP acknowledged application.
- 31 March 2016 - Meeting was held with Council staff and the applicant regarding potential bushfire issues.
- 5 April 2016 - Applicant sought advice/discussion on proposed street trees.
- 6 April 2016 - Meeting was held between Council Engineers and the applicant regarding the proposed vegetated road median. Council staff also provided JRPP with update on status of the DA.
- 11 April 2016 - NSW RFS requested additional information, which was forwarded to the applicant on 13 April 2016.
- 27/4/2016 - Council staff provided JRPP with an update on the status of the DA.
- 4 to 10 May 2016 - Discussion between Council staff and the applicant on street trees to be used.
- 11 May 2016 - Council staff provided JRPP with an update on the status of the DA.

- 3 June 2016 - Applicant responded to NSW RFS issues and provided revised vegetation management plan addressing changes to street trees.
- 6 June 2016 - Additional information forwarded to NSW RFS. Council's Engineering section requested clarification on detailed design of swales etc.
- 8 June 2016 - Applicant provided amended Engineering detail.
- 14 June 2016 - Council staff provided JRPP with an update on the status of the DA.
- 4 July 2016 - NSW RFS Bushfire Safety Authority received. Copy provided to applicant on 6 July 2016.
- 6 July 2016 to present - Council staff have provided applicant and JRPP updates on status of DA being reported to August meeting.

3. STATUTORY ASSESSMENT

The provisions (where applicable) of:

(a)(i) Any environmental planning instrument

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The site is subject to an existing Koala Plan of Management (Area 14 KPOM). The application has been considered against the provisions of the KPOM and deemed to be consistent, which has been further reiterated by Council's Natural Resources Section. In summary, the development will:

- Use koala food trees throughout the site and be implemented via a Vegetation Management Plan (VMP).
- Separation of key koala areas from busier residential development/roads.
- Retention of koala food trees where possible.
- Buffering of koala habitat areas.
- Revegetation of buffers/habitat linkages that are devoid of vegetation.
- Conditions being imposed to manage fauna/koalas during clearing process.
- Covenants being placed on the title of properties regarding pool design being koala friendly.
- Standard street lighting being conditioned.
- Compensatory plantings in accordance with the KPOM.
- A VPA being in place for the management of environmental land and vegetation management.
- Core koala habitat areas being retained/untouched.
- Creation of habitat linkages consistent with the KPOM.

It should be noted that koala food trees were originally proposed along the Ocean Drive frontage, but these were later removed on the basis that Council did not want to be enticing koalas towards a busy road such as Ocean Drive.

Based on the above, the proposed development is consistent with the requirements of the SEPP.

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone noting clause 4 of the SEPP.

The site is further identified as being within a sensitive coastal location. In accordance with clause 18, subdivision of land within a residential zone containing sensitive coastal land requires one of the following:

- The Minister adopt a Masterplan for the subject land and the proposed subdivision be consistent with the Masterplan.
- The Minister assess the development and waive the need for a Masterplan.

In this case, the Minister has waived the need for a Masterplan.

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard for clauses 2, 8 and 12 to 16 of the SEPP and clause 5.5 of the Port Macquarie Hastings Local Environmental Plan 2011, the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;
- j) development relying on flexible zone provisions.

The site is partially cleared and located within an area zoned for residential purposes. The development protects and enhances key coastal areas via the design and replacement plantings.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45, no objection was raised from the relevant electricity supplier regarding the proposed development.

Clause 101, the development has frontage to a classified road (Ocean Drive). However, the proposed development will not impact on the functioning of the road for the following reasons:

- Access to the site has been provided by an alternative (i.e. no new access direct onto Ocean Drive is proposed).
- Erosion and sediment control measures will be in place during construction to ensure no adverse dust impacts on road users.
- The road layout was considered throughout the rezoning and DCP process and deemed acceptable from a functionality aspect.
- A noise impact assessment was completed and reviewed by Council Environmental Health Officer. The findings of the report were accepted by Council's Environmental Health Officer subject to conditions. It should be noted that some lots closer to Ocean Drive will need Category 2 construction, which can be reinforced in the 88B instrument.
- A vegetated buffer area separates the subdivision from the road to eliminate impacts from emissions.
- Council Engineers have assessed the traffic volumes and impacts and deemed the site suitable.

Clause 102, Ocean Drive does not carry an annual average daily traffic volume of 40,000 vehicles and therefore further consideration is not required in this case. It should be noted that impacts from road noise are still considered later in this report as a site specific constraint outside the SEPP.

Clause 104, the subdivision does not propose 200 or more lots or 50 or more lots where connection to a classified road is within 90m of the access to the subdivision.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 regional development is triggered by the development. In particular, Schedule 4A, Clause 9(b) of the *Environmental Planning and Assessment Act 1979* states as follows:

9 Coastal subdivision

Development within the coastal zone for the purposes of subdivision of the following kind:

- (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
- (b) subdivision of land for residential purposes into more than 100 lots, if the land:*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location,*
- (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land:*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location.*

The proposed development meets Clause 9(b) as more than 100 lots are proposed outside the metropolitan coastal zone and the site is partially located within a sensitive coastal location.

Clause 21, the Northern Joint Regional Planning Panel is to exercise the consent authority function.

State Environmental Planning Policy (Rural Lands) 2008

The following assessment table provides an assessment against specific requirements of this SEPP:

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	The proposed development is occurring within an area that has been strategically zoned for urban purposes. Furthermore, rural zoned land to the south west is separated by roads, vegetation and screening. In terms of the rural zoned land to the west, the applicant proposes larger lot sizes to enable greater chance of separation and buffering. The larger lots also continue along a similar setback to the existing estate (ie no new conflict to that existing at present). Based on the above, the proposed development will not impact on the orderly or economic use of adjoining rural land.	Yes
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	Planning principles noted and not considered to be compromised by the proposal.	Yes
2(c) to implement measures designed to reduce land use conflicts,	Refer to comments on 2(a) above.	Yes
2(d) to identify State significant agricultural land for the purpose of ensuring	State significant agricultural land will not be impacted. Proposal is to develop urban	Yes

the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	zoned land with measures in place to protect adjoining agricultural land.	
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	Not relevant.	N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	Use of rural zoned land will not be restricted.	Yes
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Importance noted and will not be impacted.	Yes
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Noted and remain unaffected.	Yes
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	Land has already been zoned accordingly. Design acceptable.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	Key natural areas/habitat have been identified and protected.	Yes
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural	Development allows suitable housing/settlement without compromising rural zoned areas.	Yes

communities,		
7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	Services etc will not impact on agriculture.	Yes
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The proposed development is not inconsistent with any strategy.	Yes
Rural Subdivision Principles	No rural subdivision proposed.	N/A
Matters to be considered in determining development applications for rural subdivisions or rural dwellings		
<p>10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</p> <p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>10(3) The following matters are to be taken into account:</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the</p>	Refer to comments on 2(a) above, which support the proposed development design.	Yes

development, (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b), (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone, (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).		
--	--	--

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, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living. It should be noted that no works are proposed within the E2 and E3 zones except for some vegetation planting associated with the VMP. For this reason, the report will not focus on the controls relative to these zones as vegetation planting is permissible.

In accordance with clause 2.3(1) and the R1 and E4 zone landuse table, the proposed development for a residential subdivision is a permissible landuse with consent.

The objectives of the R1 and E4 zones are as follows:

R1 zone

- 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.

E4 zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

In accordance with 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 provides land for future housing to meet the needs of the community.
- The development will be low impact within the E4 zone through site controls.
- The development will not create an adverse impact on the ecological values of the E4 zone.
- Clause 4.1, the proposed R1 zoned residential lots comply with the 450m² minimum lot size standard and the E4 lots comply with the 2000m² minimum lot size.
As has been done in previous subdivisions, the undersized E2 and E3 zoned lots to be dedicated to Council for public purposes/drainage (eg proposed Lot 152) are done using Clause 2.75(f) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Clause 5.5, development within the coastal zone (relevant objectives of this clause are addressed by SEPP 71 section - see above).
- Clause 5.9 listed trees in Development Control Plan 2013 are proposed to be removed. The tree removal process, value and replacement plantings have been assessed in the application and deemed acceptable. A VMP is to be put in place to manage the tree removal/replacement process.
- Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance. The applicant also produced a heritage report looking into Aboriginal archaeology. The report found no evidence but did suggest a precautionary condition to cover the possibility of something being found during work (i.e. work to cease if items found). Condition will be incorporated into the recommended consent.
- Clause 6.1, arrangements for designated State public infrastructure on urban release areas has been resolved previously as per the letter from the Department of Planning to Council dated 6 December 2012.
- Clause 6.2, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and on-site sewage management/sewer infrastructure to service the development within an urban release area.
- Clause 6.3, a compliant DCP is in place for the Area 14 urban release area and has been considered - see DCP assessment below in this report.
- Clause 7.1, the property is mapped as potentially containing class 5 acid sulfate soils. The actual area to be developed is predominately not mapped and no major excavations proposed that are likely to create an acid sulphate soil issue onsite. Further consideration of this clause is not required in this case.
- Clause 7.2, no major earthworks proposed.
- Clause 7.3, the site contains land within a mapped "flood planning area". The application was referred to Council's Flood Officer who raised no objection, subject to imposition of conditions. In this regard, the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's Flood Prone Lands Policy and the NSW Government's Floodplain Development Manual (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;

- The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Clause 7.4, flood risk management land applies to the site. However, this clause only applies to the following development with particular evacuation or emergency response issues – caravan parks, aged care facilities, correctional facilities, emergency services facilities, group homes, hospitals & tourist & visitor accommodation. The proposal does not constitute such development and no further consideration of this clause is required.
- 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 and telecommunications will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(a)(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013:

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> ● microclimate; ● lot dimensions; ● north point; ● existing contours and levels to AHD; ● flood affected areas; ● overland flow patterns, drainage and services; ● any contaminated soils or filled areas, or areas of unstable land; ● easements and/or connections for drainage and utility services; 	A suitable site plan addressing key requirements was submitted.	Yes

	<ul style="list-style-type: none"> • identification of any existing trees and other significant vegetation; • any existing buildings and other structures, including their setback distances; • heritage and archaeological features; • fences; • existing and proposed road network, including connectivity and access for all adjoining land parcels; • pedestrian and vehicle access; • views to and from the site; • overshadowing by neighbouring structures; and • any other notable features or characteristics of the site. 		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	All lots comply with the minimum of 15m width requirement.	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	Standard lot sizes proposed.	Yes
	Minimum depth of 25m.	All lots comply with the minimum 25m depth requirement.	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	Grades acceptable for future development.	Yes
	Subdivision of dual	Not applicable.	N/A

	<p>occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m² if:</p> <ul style="list-style-type: none"> Each lot to be created is part of a community or strata title scheme, or Is part of an integrated Torrens title housing development. 		
3.6.3.3	<p>Battleaxe lots discouraged in greenfield development.</p>	<p>Battleaxe lots have been reserved for the E4 subdivision area. There are only 3 proposed and they are more in response to maximizing the development potential of the land while also aiding in the retention of vegetation, not creating adverse servicing costs or impacts on amenity. The battleaxe lots do not have long handles, which results in the building areas adjoining the standard lots - no privacy issues. In addition, the larger lots sizes also still create a wide frontage (minimum 5m), which will limit impact on streetscape, garbage collection and crossover domination.</p>	<p>No, but acceptable</p>
	<p>Council may consider permitting Torrens Title battleaxe allotments for —infill development where it is demonstrated that;</p> <ul style="list-style-type: none"> a Torrens Title lot, that is <i>not</i> a battleaxe lot, <i>cannot</i> be achieved; and the number of crossovers do not reduce the amenity of the street or on street parking; and the impact of noise, 	<p>Refer to above.</p>	<p>Refer to above.</p>

	<p>dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and</p> <ul style="list-style-type: none"> addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and extends utilities to the end of the axe handle; and there is sufficient space for garbage collection on the frontage. 		
3.6.3.4	<p>Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.</p>	Proposed lots are capable of allowing dwellings with minimal cut and fill.	Yes
	<p>Lot sizes increased for sloping sites in accordance with Table 3.6.1.</p>	Lot sizes are acceptable and comply with LEP 2011.	Yes
	<p>Additional information provided for slope categories in accordance with Table 3.6.2.</p>	Not required. Slope is acceptable.	Yes
3.6.3.5	<p>Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated</p>	Proposed lot design is acceptable for maximising solar orientation.	Yes

	in Figure 3.6-2.		
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Lot size and shape ensures suitable passive solar design opportunities.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	To be conditioned where necessary.	Yes
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	Development allows suitable density, especially considering lots can be further developed.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	Capable of complying.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	Capable of complying.	Yes
3.6.3.24	Separate sewer junction provided for each lot.	Capable of complying.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	To be conditioned.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	To be conditioned.	Yes
	All service infrastructure should be installed in a common trench.	Where applicable, to be conditioned.	Yes
	Conduits for the main technology network system should be provided in all streets.	Where applicable, to be conditioned.	Yes
	Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to	Where applicable, to be conditioned.	Yes

	<i>the Premises Underground Deployment</i> .		
	Access pits are to be installed at appropriate intervals along all streets.	Where applicable, to be conditioned.	Yes
3.6.3.51	Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.	Street trees are covered by the VMP at rates accepted by Council's Parks Section.	Yes
	Street trees should not affect solar access.	Street trees will not create any adverse impact on solar access.	Yes
3.6.3.52	Street trees from Council's list.	Street trees are covered by the VMP at types/rates accepted by Council's Parks Section.	Yes
DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	The layout does not create any crime safety issues. The design allows separation from habitat/concealment areas and allows surveillance of the street.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No adverse cut or fill proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	None proposed.	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	Tree removal (including hollow bearing) covered by Ecological Assessment and Vegetation Management Plan.	Yes
2.6.3.1	Tree removal (3m or	Tree removal covered by	Yes

	higher with 100m diameter trunk and 3m outside dwelling footprint	Vegetation Management Plan.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	No new access proposed off an arterial or distributor road.	Yes
2.5.3.11	Section 94 contributions	Contributions apply.	Yes
DCP 2013 - Rainbow Beach			
DCP Objective	Development Provisions	Proposed	Complies
1.1	Development consistent with layout on Figures 62 to 64.	Development is consistent with the layout requirements	Yes
1.2	First DA in precinct needs staging plan.	Not the first DA in the precinct. Nonetheless, a suitable staging plan has been provided for the site.	Yes
2.1	Development yields.	Development yields on track. Various lots within the subdivision have re-development potential.	Yes
3.1	Staged developments need an Infrastructure Servicing Plan.	Capable of compliance, especially through conditions and s68/138 process.	Yes
4.1	Signalised and roundabout intersections are provided in accordance with layout figures.	Not relevant to the site.	N/A
4.2	Design requirements for Ocean Drive.	Development complies with design requirements for Ocean Drive.	Yes
5.1	Cycleways, shareways etc requirements	Provided in accordance with DCP.	Yes
5.2	Pedestrian link requirements.	Provided in accordance with DCP.	Yes
6-8	Noise, visual amenity, SEPP 26 buffer and urban design.	The applicant has submitted a noise report, fencing detail, landscaping and gateway treatments in accordance with the DCP. To be reinforced through conditions.	Yes
11	Environmental Living Area	The proposal addresses	Yes

	(E4 zone)	KPOM requirements for the E4 zone and includes building envelopes of sufficient size to accommodate future dwellings. The design has been focused on retaining vegetation, while at the same time allowing suitable areas for dwellings.	
12.1	North south streets to be in accordance with Figure 71.	Streets comply.	Yes
12.2	20m wide habitat link as per Figure 71.	20m habitat link provided as per Figure 71 via Road 8 vegetated median strip.	Yes
12.3	30m wide road reserve habitat link as per Figure 71.	Not relevant to the site.	N/A
13.1	Development considers existing rural residential areas, KPOM requirements and linkages.	Development complies with the Area 14 KPOM and will be installing/protecting key habitat links. The development considers the existing rural residential area by providing lots that will have rear boundaries to the existing rural residential area. In most cases, future development will need to provide a 4m rear setback, which will help maintain a suitable level of separation.	Yes
13.2	Subdivision adjoining R2 and E4 zones is designed to avoid adverse amenity impacts by using landscaping and differing density.	Refer to comments above. In addition, a VMP is in place to ensure significant landscaping/vegetation throughout the subdivision.	Yes
14.1	Development in flood planning area requirements.	Compliance with flooding addressed above in LEP 2011.	Yes
15	Houston Mitchell Drive Treatment	Development provides foot paving, fencing and vegetation along Houston Mitchell Drive in accordance with DCP.	Yes

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

The Area 14 Stage 1A Sydmart Planning Agreement and Area 13, 14 & 15 Local Roads Contributions Plan apply to the site.

The proposed development complies with relevant planning agreements subject to conditions.

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

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy.

(a)(v) Any Coastal Zone Management Plan

- No Coastal Zone Management Plan applies to the subject site.

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

The site has street access from Forest Parkway, which connects to Houston Mitchell Drive and Ocean Drive. The site also has access via the public road system servicing the manufactured housing estate to the east.

Adjoining the site to the north is an existing large lot residential subdivision with associated housing. Further north is the Lake Innes Nature Reserve and land recently approved under DA2016 - 87 for 68 residential lots.

Adjoining the site to the east is an approved manufactured housing estate that is partially complete with further sites to be created.

Adjoining the site to the west is timbered rural land.

Adjoining the site to the south is the Lake Cathie Primary School and the remaining Area 14 residential area. It should be noted that there is currently a separate DA2016 - 465 in with Council for approximately 700 lots to be located in the Area 14 land to the south of DA2016 - 88. The application is still being processed but is likely to be presented to the Joint Regional Planning Panel at a later date.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and is considered to satisfactorily address the public domain.

The proposal is considered to be consistent with other residential development in the larger locality and adequately addresses planning controls for the area.

Roads, Traffic, Transport, Site Frontage & Access

The road layout and hierarchy has been designed in accordance with the Area 14 Development Control Plan provisions, which connects in with the adjoining properties/roads. Footpaths and street plantings will also be provided throughout the subdivision to improve pedestrian connections and amenity.

Overall, the road layout, traffic impacts, frontages and access associated with the development were all reviewed by Council's Engineering Section and deemed to create no adverse impact, subject to conditions.

Water Supply Connection

Council records indicate that the development site is able to be connected to water with details to be shown on the engineering plans at the Construction Certificate stage.

Sewer Connection

Council records indicate that the development site is able to be connected to sewer with a junction that has been provided in a manhole near the collection manhole for the sewer pump station on Lot 35 DP 803801. Details are to be shown on the engineering plans at the Construction Certificate stage.

Stormwater

Council's Stormwater Engineer has assessed the application/proposed stormwater design and deemed it acceptable, subject to conditions and detailed design being submitted at the Construction Certificate stage. The system will utilise a combination of street drainage, detention and swales to direct the water to the public reserve in a controlled state.

Other Utilities

Telecommunication and electricity services are available to the site and/or can be extended at the applicants expense.

Heritage

Refer to comments on heritage above in the LEP 2011 section of this report.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

The applicant has submitted a ecological assessment prepared by a suitably qualified person. The assessment was also reviewed and accepted by Council's Natural Resources Section.

While the subdivision will require the removal/clearing of vegetation, the impacts were deemed to create no adverse impact on biodiversity or threatened species of flora and fauna.

Key to this outcome is the extensive replacement plantings that will be incorporated into the design by an approved VMP. The replacement plantings will be better located to improve habitat corridors and linkages throughout the area, while also protecting the more relevant key habitat areas.

As an example, both DA2016 - 87 & 88 require the removal of 70 koala food trees. The Area 14 KPOM and DCP require replacement plantings at 20:1. This would result in the need for 1,400 koala food trees. Over the two development applications, the applicant proposes just over 470 replacement trees throughout the subdivisions and within proposed public reserves. This still leads to a shortfall of over 900 trees.

In relation to the shortfall in compensatory plantings and based on Council requirements of 8m spacing's, 900+ KFTs would require a cleared land area of approximately 5.9ha. The only cleared land suitable for planting is located immediately adjoining the western edge of the Lake Cathie Nature Reserve, within Lot 33 to the north of the subject development site. This area is generally flood prone and would be expected to form part of the buffer to the Nature Reserve as part of the future rezoning of residential investigation areas within Lot 33. This land has been inspected by Council staff and it was noted that although regularly slashed, natural regeneration of native vegetation is currently occurring.

It is proposed in the accompanying VMP that rather than planting over 900 individual KFTs, Management Unit 4 is to be fenced from grazing and managed as a natural regeneration area. Management Unit 4 adjoins the western edge of the Lake Cathie Nature Reserve and has a total land area of 9ha, 4.5ha of which is currently cleared (slashed).

The VMP provides for annual reporting to Council with respect to the implementation of its compensatory measures. The use of natural regeneration within Management Unit 4 to secure an overall offset area of 9ha adjoining the Nature Reserve is on balance, considered to be a suitable response to the compensatory planting requirements. Overall the outcome is supported by Council's staff.

Section 5A of the Act is considered to be satisfied.

Waste

No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

No adverse impacts anticipated.

Noise and vibration

The application was referred to Council's Environmental Health Officer to consider impacts of road noise from Ocean Drive (classified road). In particular, potential exists for noise from road traffic to adversely affect future dwelling occupants.

To negate noise impacts a 1.8m high fence on top of a 400mm mound is proposed along the Ocean Drive frontage, consistent with other estates being developed to the east. Vegetation screening will also be included to soften the appearance of the fence from Ocean Drive.

Even with the above, some lots were still identified as being affected by road noise. The recommendations made in the noise report did not include a reference to Category 2 construction or the additional BCA compliant internal ventilation that is needed for dwellings built on the noise affected lots. Appendix B4 Night LAeq (9 hour) dBA 4.5m Above Ground Level" on page 21 of the Report shows the noise affected lots in yellow. Homes in the yellow section require Category 2 construction and additional ventilation.

Based on the above, the affected lots in Appendix B4 will need to include an 88B Instrument requiring Category 2 construction and additional internal BCA compliant ventilation.

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.

The applicant has submitted a bushfire report prepared by a Certified Consultant. The report assumes that the proposed subdivision can occur under Section 100B requirements.

The Commissioner has assessed the development and has issued a Bushfire Safety Authority, which will form part of the conditions of consent. Furthermore, the applicant has demonstrated that the development can comply with the requirements of the Bushfire Safety Authority as well as implementing the requirements of the VMP, without creating any long term maintenance of vegetation burden on Council.

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 strategic planning and development controls that have been put in place governing the development of the Area 14 precinct and the compliance of the subdivision with such controls; the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as maintained employment and 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. The design links in with existing and proposed developments for the Area 14 precinct. No adverse impacts likely.

Construction

Short term construction impacts associated with developing the subdivision will be managed by conditions applying to hours of operation, erosion control, dust control etc. No other long term impacts identified to neighboring properties with the construction of the proposal.

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

One (1) written submission was received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The proposal to have 6 lots backing onto one of the existing lots in Forest Parkway is too invasive and will	The above concern is noted. However, except for proposed lot 123 (corner lot), all the other lots

<p>impact on privacy. Suggested that the 6 lots be replaced with one larger lot.</p> <p>The 6 lots will also create a maintenance issue having to deal with so many properties owners over fence issues, pruning etc.</p> <p>The above scenario will also impact on property values.</p>	<p>share a rear boundary with the adjoining existing larger lot. Furthermore, planning controls require larger rear setbacks. The larger rear setback requirement coupled with standard side/rear fencing will ensure privacy is retained between the new and existing lots.</p> <p>A condition is also recommended to require the boundary fence be put in place prior to the creation of the lots. This will ensure only two neighbours need to negotiate the fence design outcome.</p> <p>Property values is not a matter for consideration under S79C.</p>
--	--

(e) The public interest

The proposed development will be in the wider public interest with provision of appropriate additional housing.

The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

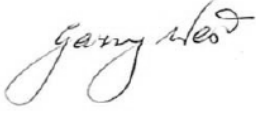


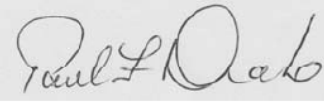

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Refer to draft contribution schedule attached to this report and recommended conditions.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have 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.

NORTHERN JOINT REGIONAL PLANNING PANEL		
Meeting held at Port Macquarie-Hastings Council on Wednesday 17 August 2016 at 10:00 am		
Panel Members: Garry West (chair), Stephen Gow, John Griffin, Paul Drake and Matt Rogers		
Apologies: None - Declarations of Interest: None		
Determination and Statement of Reasons		
2016NTH006 Port Macquarie-Hastings Council [at corner of Ocean Drive, Houston Mitchell Drive and Forest Parkway, Lake Cathie] as described in Schedule 1.		
Date of determination: 17 August 2016		
Decision: The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the <i>Environmental Planning and Assessment Act 1979</i> .		
Panel consideration: The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.		
Reasons for the panel decision: SEPP 44 – Koala Habit Protection: The site is subject to a Koala Plan of Management and is deemed to be consistent with the plan. SEPP 55 – Remediation of Land: The site is not identified as being potentially contaminated. SEPP 62 – Sustainable Aquaculture: Given the stormwater controls adopted the proposal is unlikely to have any adverse impact on existing aquaculture industries within the Lake Innes Nature Reserve. SEPP 7 – Coastal Protection; The Minister waived the need for a Masterplan. The panel adopted the assessment of those matters in the Council Assessment Report. The principal reason for the panel decision was that the proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest. Other reasons for the panel decision were; the site attributes are conducive to the proposed development; the site has been subject to the strategic planning and development controls governing the development of the area; the development design satisfactorily responds to the site attributes; the Vegetation Management Plan provides for the implementation of appropriate compensatory measures; and the short term construction impacts will be managed by appropriate conditions.		
Conditions: The development application was approved subject to the conditions in the Council Assessment Report as amended at the meeting. Draft condition E9 was deleted as it's requirement is not currently council policy; Condition E24 was amended to require a solid fence be extended to include proposed Lot 115. Approved conditions are in Schedule 2.		
Panel members:		
		
Garry West (chair)	Stephen Gow	John Griffin
		
Paul Drake	Matt Rogers	

Developer Charges - Estimate

Applicants Name: Gem Life
 Property Address: South Atlantic Drive, Lake Cathie
 Lot & Dp: Lot(s):146,DP(s):1256576
 Development: Staged Residential Subdivision - Stage 6 only - 17 Lots & Residue



Note: This Notice includes contributions amounts referred to in the Sydmar Area 14 Stage 1A Planning Agreement dated 23 December 2011.
 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 94 of the Environmental Planning and Assessment Act and Council's S94 Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	20.4	##### Per ET	\$205,734.00
2 Sewerage Scheme Lake Cathie/Bonny Hills	17	\$3,826.00 Per ET	\$65,042.00
3 Since 1.7.04 - Major Roads - Lake Cathie/Bonny Hills - Per ET	17	\$5,709.00 Per ET	\$97,053.00
4 Open Space Contribution provided for in the Sydmar Area 14 Stage 1A Planning Agreement	17	\$7,584.00 Per ET	\$128,928.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Lake Cathie / Bonny Hills	17	\$5,207.00 Per ET	\$88,519.00
6 Com 1.3.07 - Administration Building - All areas	17	\$900.00 Per ET	\$15,300.00
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	17	\$499.00 Per ET	\$8,483.00
8 Since 13.6.14 - Local Roads Contributions Plan - Area 14 - Per ET	17	\$7,405.00 Per ET	\$125,885.00
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	\$10,211.70
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$745,155.70

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: 2-Oct-2020

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

\\Gem Life, South Atlantic Drive, Lake Cathie, 2-Oct-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL