

# Ordinary Council

## LATE REPORTS

### Business Paper

**date of meeting:** Wednesday 21 October 2020

**location:** Via Skype

**time:** 5.30pm

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

**Community Themes**

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

# Ordinary Council Meeting

Wednesday, 21 October 2020

## LATE REPORTS

### Items of Business

<b>Item</b>	<b>Subject</b>	<b>Page</b>
	<b>Your Natural and Built Environment.....</b>	<b><u>4</u></b>
13.08	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 Applicant: D J & J Weatherley Owner: D J & J Weatherley.....	<b><u>5</u></b>

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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Item: 13.08

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

APPLICANT: D J & J WEATHERLEY

OWNER: D J & J WEATHERLEY

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

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 an existing dwelling, part change of use to secondary dwelling and construction of a swimming pool and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel (DAP).

A copy of the assessment report as presented to the DAP is provided as **Attachment 2**. This report recommends that the development application and clause 4.6 objection be approved subject to the conditions included in **Attachment 1**.

## Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in Section 4.15 of the Environmental Planning and Assessment Act 1979 has been carried out and is included in **Attachment 2** to this report.

The Development Assessment Panel considered the proposal at its meeting on 14 October 2020, with the consensus being:

*“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.”*

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

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

## Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

## Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, no submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation in relation to development contributions.

## Planning and Policy Implications

The assessment report in **Attachment 2** includes consideration of relevant planning legislation applicable to the proposed development.

The application includes variation to the Height of Buildings development standard in the Port Macquarie-Hastings Local Environmental Plan 2011. In this instance, the





Height of Buildings development standard is proposed to be varied by more than 10%.

The application also includes minor variations to provisions in the Port Macquarie-Hastings Council Development Control Plan 2013 relating to side boundary setbacks, fencing, and earthworks.

**Financial and Economic Implications**

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

**Attachments**

1.  DA2020 - 433.1 Recommended Conditions
2.  DA2020 - 433.1 DAP Report 14 October 2020