



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

date of meeting: Wednesday 11 November 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**

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#### **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	22/07/20	12/08/20	26/08/20	09/09/20	30/09/20	14/10/20	28/10/20
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 11 November 2020

## Items of Business

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07	General Business	

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

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"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."

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 28 October 2020 be confirmed.

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## **PRESENT**

### ***Members:***

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

### ***Other Attendees:***

Mayor Peta Pinson  
Building Surveyor (Anna Stricker)  
Acting Development Engineer Coordinator (Grant Burge)

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The meeting opened at 2:00pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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## **02 APOLOGIES**

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Nil.

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## **03 CONFIRMATION OF MINUTES**

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### **CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 14 October 2020 be confirmed.

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## **04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2020 - 475.1 ALTERATIONS AND ADDITIONS TO DWELLING AND SHED  
AND CONSTRUCTION OF SWIMMING POOL AND RETAINING WORKS AT LOT  
419 DP208523, NO. 12 CRUMMER STREET, PORT MACQUARIE**

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Michelle Love (applicant)  
Derek Collins (applicant)

**CONSENSUS:**

That DA2020 - 475.1 for alterations and additions to dwelling, shed and construction of swimming pool and retaining works at Lot 419 DP 208523, 12 Crummer Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Update condition A1 to reference the amended plan sheet 11 tabled at the meeting and attached to these minutes.

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**06 GENERAL BUSINESS**

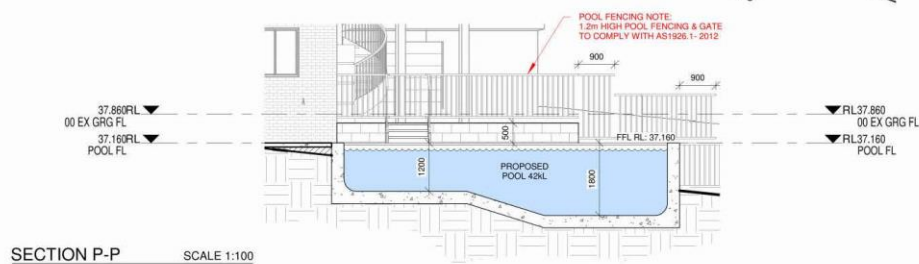
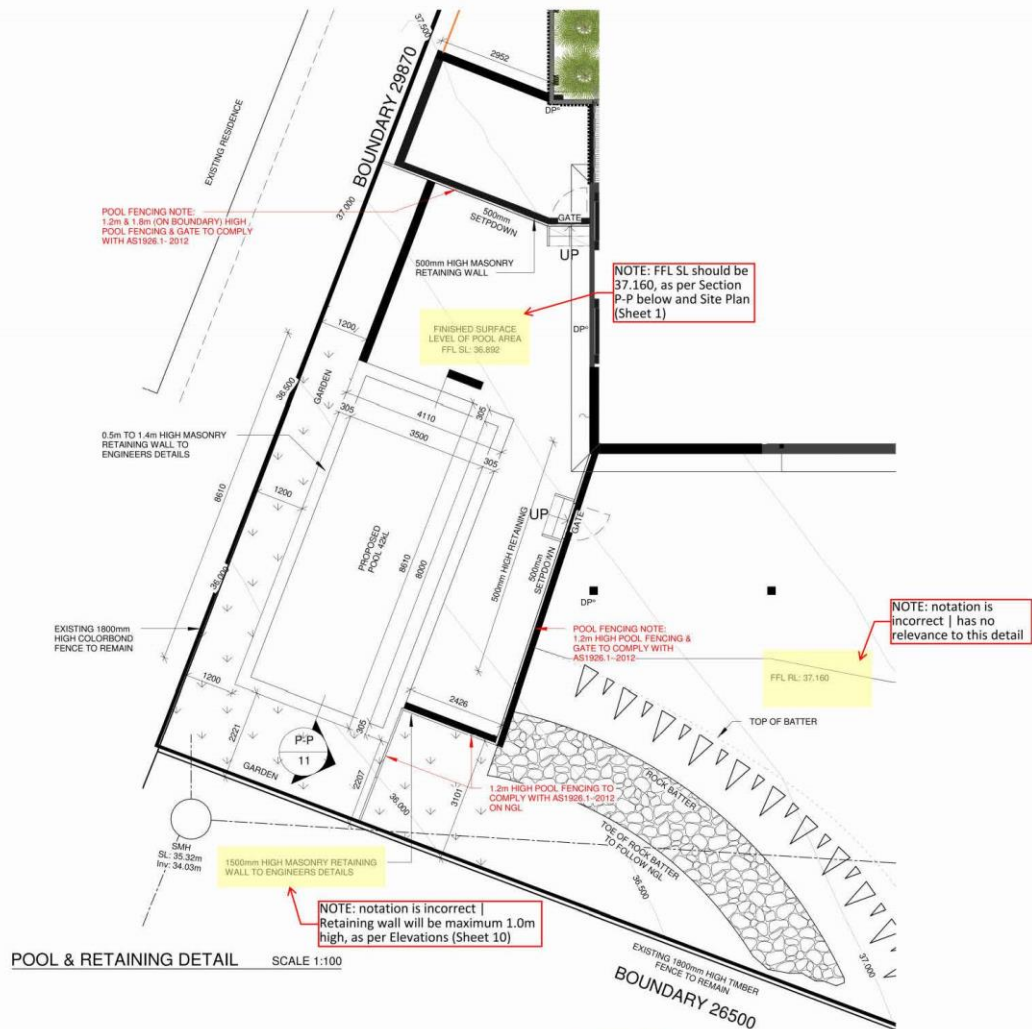
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Nil.

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The meeting closed at 2:15pm.

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PROJECT:ALTS & ADDS	
LOT No: 419 DP No: 208523	SHEET: 11 OF 14
STREET No: 12	
STREET NAME: CRUMMER STREET, PORT MACQUARIE	
CLIENT: SOFYLAND	

## POOL DETAILS

POOL DETAILS	
SCALE:	1 : 100
SHEET SIZE:	A3
START DATE:	21.10.19
DWG No:	D4325

## DRAWING REVISION + NOTES

DRAWING REVISION + NOTES			
Date:	Revision Description:	Issue:	Drawn:
25.10.19	INITIAL ISSUE	A	DC
19.05.20	CC PLANS	J	TMR
26.08.20	POOL SECTION & BASIX UPDATE	Q	MS
15.09.20	POOL LEVEL LOWERED	R	MS

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

### Pecuniary Interest

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

### Non-Pecuniary

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

#### Managing non-pecuniary conflicts of interest

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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Item: 05

Subject: DA2020 - 668.1 ALTERATIONS AND ADDITIONS TO DWELLING AT LOT 19 DP 221558, NO. 317 PLOMER ROAD, NORTH SHORE.

Report Author: Development Assessment Planner, Robert Slater

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Applicant:	S R & J E Whitehair
Owner:	S R & J E Whitehair
Estimated Cost:	\$150,000
Parcel no:	20565

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### Alignment with Delivery Program

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

### RECOMMENDATION

That DA 2020 - 668.1 for alterations and additions to dwelling at Lot 19 DP 221558, No. 317 Plomer Road, North Shore be determined by granting consent subject to the recommended conditions.

### Executive Summary

This report considers a development application for alterations and additions 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 conditions included in **Attachment 1**.

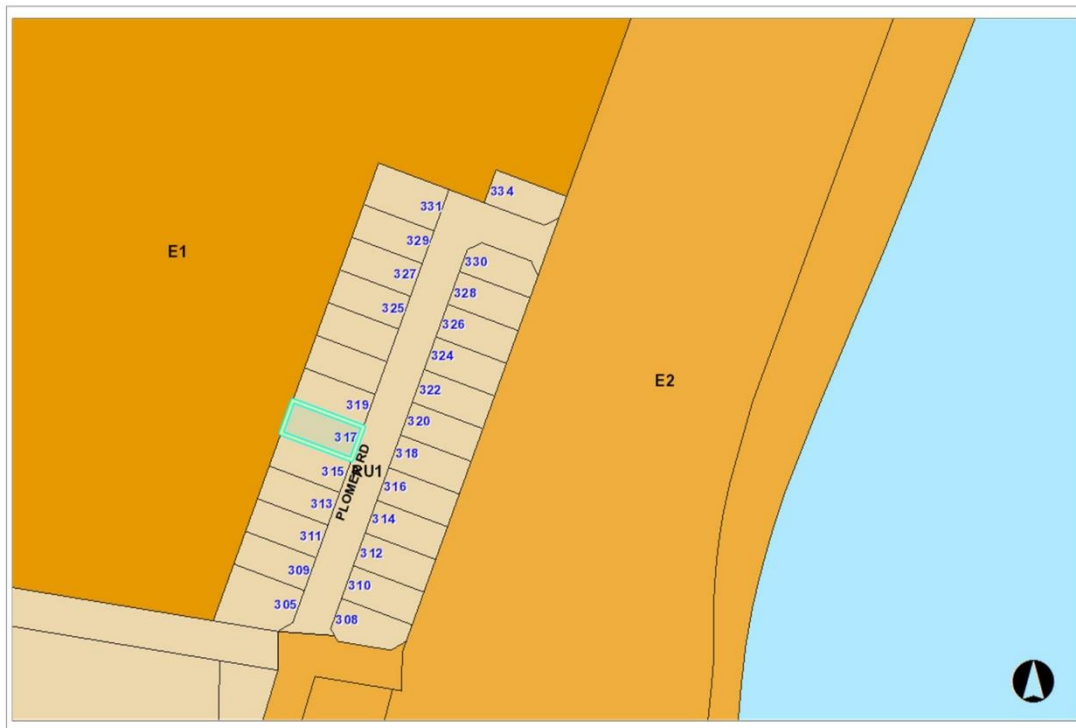
## 1. BACKGROUND

### Existing Sites Features and Surrounding Development

The site has an area of 735m<sup>2</sup>.

The site is zoned RU1 Primary Production in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:





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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- 14.6m<sup>2</sup> upper floor addition (bedroom & ensuite)
- 29.4m<sup>2</sup> upper floor covered alfresco area; and
- 13.4m<sup>2</sup> garage additions.

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

### **Application Chronology**

- 19/08/2020 - Application lodged
- 25/08/2020 - Development Notified
- 01/09/2020 - Request for an extension of time for lodgement of submission granted.
- 07/09/2020 - Submission received
- 07/09/2020 - Submission acknowledgement letter
- 09/09/2020 - Additional information requested from applicant
- 18/10/2020 - Submission received by Blueprint Planning
- 21/10/2020 - Amended plans and shadow diagrams received

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

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

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

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

The site is located within a coastal use and coastal environment area. The site also located within a proximity area to mapped coastal wetlands.



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

Having regard to clause 11, the proposed additions to an existing dwelling will be unlikely to have a significant impact on:

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

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;
- 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 has an existing single dwelling and swimming pool and is located within an area zoned for purposes of a dwelling.

#### **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 (Primary Production and Rural Development) 2019**

Division 4 - Having considered the provisions of Division 4 (clause 29-31), the proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

**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 RU1 Primary Production.
- Clause 2.3(1) and the RU1 zone landuse table - The proposed alterations and additions to an existing dwelling is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- 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. Given the size of the site (735m<sup>2</sup>) it has little to no agricultural potential. The proposal contributes to the range of housing options in the locality.
- Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 - The subject land is shown as being Class 3 land on the acid sulphate soils map. Development consent is required for the carrying out of any works on the subject land being works more than 1 metre below the natural ground surface or works by which the water table is likely to be lowered more than 1 metre below the natural ground surface. The proposed works are considered to be minor works in accordance with Council's "Acid Sulphate Soil Management Plan for Minor Works". No adverse impacts are expected to occur to the acid sulphate soils found on site.
- Clause 7.3 - The site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) 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 required floor level for habitable space under the Flood Policy (FPL3) is 4.03m AHD. The first floor level is 5.7AHD. The 1 in 20 year flood level for non-habitable structures is 2.3m AHD. The proposed extension to the existing garage matched the existing slab level of 2.2m AHD. Given the minor nature of the addition, the 100m variation is not considered to undermine the intent of the Flood Policy.
  - The proposal is considered to be 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 effect 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 and 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 7.13 - satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

**(iii) Any DCP in force**

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

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.2	Articulation zone	No elements within the articulation zone.	N/A
	c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	The minimum front building line setback is specified as 13.8m and therefore is compliant with the minimum 10m front setback requirements.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	The minimum garage door setback is specified as 14.99m and is therefore compliant with the minimum front setback requirements. Garage door is recessed behind front stairs and landing.	Yes
	6m max. width of garage door/s and 50% max. width of building	The maximum width of garage panel lift door is specified as 5.0m which equivalent 31% of the building width and is therefore compliant with the maximum width requirements.	Yes
	Driveway crossover 1/3 max. of site frontage and	Driveway crossing/s width are compliant with the maximum	N/A



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

	Requirements	Proposed	Complies
		<p>orientation. The windows associated with the living area are situated on the northern and eastern elevations of the property.</p> <p>The northern facing windows feature a clerestory window, which extends to the underside of the roof. The glazing comprises a combination of fixed glazing panels and louvre windows setback approximately 900mm from the northern boundary. It is noted that the eastern facing living room windows are to be refurbished or replaced under DA 2019-544.</p> <p>The proposed dwelling additions at 317 Plomer Rd result in a 19% (2.03m) increase to the length of the southern wall.</p> <p>The existing first floor side setbacks to the common boundary of 317 &amp; 315 Plomer Rd are specified as 900mm.</p> <p>The north facing living room windows of 315 Plomer Rd are situated opposite the southern wall of 317 Plomer Rd.</p> <p>The initial shadow diagrams indicate that the north facing living room windows at 315 Plomer Rd are currently subject to partial overshadowing from the adjoining two storey dwelling situated at 317 Plomer Rd.</p> <p>Based on the submitted information, the owners of</p>	

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

	Requirements	Proposed	Complies
		<p>315 Plomer Rd were not convinced that the applicant had demonstrated that their north facing living rooms windows would receive a minimum of 3hrs sunlight between 9am -3pm 21 June and in fact would be overshadowed for more than 3hrs on 21 June.</p> <p>During the assessment of the application the owners of 315 Plomer Rd engaged Blueprint Planning to review and if appropriate to prepare a submission of objection to the proposed dwelling additions at 317 Plomer Rd.</p> <p>Both the owner's submission and the submission from Blueprint Planning are addressed in detail further in the report.</p> <p>In response to the objections to the proposed development raised by the owners of 315 Plomer Rd and Blueprint Planning Consultants the applicant committed to a redesign aimed at achieving a more sensitive design outcome to minimise as far as was practicable the degree of overshadowing to the north facing living room windows at 315 Plomer Rd.</p> <p>The amended plans incorporate the following redesign measures:</p> <ul style="list-style-type: none"> <li>i) reduction in the height of the existing parapet wall on the southern elevation by 350mm;</li> <li>ii) complete removal of the eave on the southern elevation;</li> </ul>	



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

	Requirements	Proposed	Complies
		<p>iii) change in the roof pitch on the southern elevation from 21 degrees to 24 degrees;</p> <p>iv) extend the front barge through to provide a balanced gable end while removing the eave from behind the full length of the southern wall.</p> <p>Additionally, the amended plans were accompanied by revised shadow diagrams.</p> <p>The assessment of the overshadowing impacts on 315 Plomer Rd was problematic due to inconsistencies between the methodologies employed to determine the overshadowing impacts on 315 Plomer Rd.</p> <p>To make sure of the accuracy of information to be used to assess the overshadowing impacts, the applicant in company with the builder revisited the site on the 20/10/2020 and undertook actual on-site measurements.</p> <p>These on-site measurements in combination with the proposed redesign measures at 317 Plomer Rd and dimensions taken from the design plans for the current renovations being undertaken at 315 Plomer Rd were collated and used to remodel the shadow diagrams in conjunction with the winter solstice generated based on the location on the 21 June 2020</p> <p>*Refer also to additional comments below this table.</p> <p>The building wall articulation</p>	
	<ul style="list-style-type: none"> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>		Yes



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

	Requirements	Proposed	Complies
		is satisfactory to address the objective intent of the development provision.	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area, which has 5% max. grade	The proposed development provides an open space area >35m <sup>2</sup> in one area that incorporates a useable 4m x 4m space with a compliant grade.	Yes
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>• Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>• Privacy screens provided to balconies/verandahs etc. which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	<p>The proposed development is not expected to have an adverse impact on the visual or acoustic privacy of the primary living area and POS areas of 315 Plomer Rd.</p> <p>The following design features have been incorporated into the building design to mitigate the potential for impact:</p> <p>Minimising windows on the building elevations that are adjacent to side/rear boundaries where the potential exists for overlooking into adjoining living spaces and/or POS areas.</p> <p>Limiting living areas that face adjoining living areas and private open space areas of adjoining properties through the siting of the dwelling and internal layout design.</p> <p>The provision of a privacy screen to the southern elevation of the upper floor alfresco.</p> <p>No additional privacy screens are recommended.</p>	Yes

**DCP 2013: General Provisions**

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through	No concealment or entrapment areas proposed. Adequate casual	Yes

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	Environmental Design guideline	surveillance available.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	

The proposal seeks to vary PMHC Development Provision relating to Council's requirement that all first floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary.

*NOTE: 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 PMHC may consent to a minimum side boundary setback of 900mm.*

The relevant objectives are:

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

In addition to the relevant DCP objectives and development provisions the planning principle as set out below has been considered:

#### **Land and Environment Court (LEC) - New Planning Principle- Solar Access**

The LEC has issued the following (revised) planning principle when assessing the impact of a development on solar access:

"Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, and whether the sunlight should be measured at floor, table or a standing person's eye level, assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:

- The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.
- The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
- Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
- For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also

to the size of the glazed area itself. Strict mathematical formula are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.

Based on the above the following comments are provided:

- 1) The existing two storey dwellings situated at 315 and 317 Plomer Road are regarded as low density development. It is acknowledged that it is more difficult to achieve the DCP solar access requirements, in particular maintaining solar access to side windows due to the relatively small size of the properties; 900mm minimum side boundary setbacks and the properties east-west orientation in the locality.

- 2) The dwelling situated at 315 Plomer Rd is not considered to be highly vulnerable to being overshadowed, however, the north facing windows may already receive quite widely varying levels of sunlight to its north facing windows due to the existing minimum 900mm side boundary setback.

The eastern facing living area windows receive sunlight between the hours of 9am to 12pm, albeit varying over the 3hrs.

- 3) To minimise the degree of overshadowing the applicant has submitted amended plans aimed at achieving a more sensitive design outcome by incorporating such measures as increased wall to boundary setback (1080mm); reduction in roof parapet height; removal of the eave for the full length of the southern elevation and a change in roof pitch from 21 degrees to 24 degrees (refer to assessment comments on revised shadow diagrams).

- 4) The above mentioned design modifications aims to protect as far as is practicable the required amount of sunlight entering into the northern and eastern facing windows at 315 Plomer Rd, while maximising the amenity and development potential of 317 Plomer Rd.

- 5) The proposed dwelling additions at 317 Plomer Rd are consistent with the previously approved building envelope and will allow adequate solar access into the north and east facing habitable room windows.

- 6) The proposed alterations at 317 Plomer Rd are not expected to have an adverse impact on the visual and acoustic privacy of the primary living area and POS areas of the adjoining properties.

Design features have been incorporated into the building design to mitigate the potential for direct views between living areas and POS areas of adjacent dwellings. Windows have been minimised on the building elevations that are adjacent to side/rear boundaries where the potential exists for overlooking into adjoining living spaces and/or POS areas.

- 7) Height and floor space ratio (FSR) controls are not applicable to the site. However, the overall building height to the ridge line above the existing ground is specified as 8.250m. The proposed redesign to the roof line on the southern elevation is considered to satisfy the intent of the objective and the relevant development provisions as they related to bulk and scale.



Therefore, it is concluded that the amended proposal in combination with the amended shadow diagrams demonstrates that the living /dining rooms and principal private open space areas of 315 Plomer Rd are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June 2020.

**(iiia) Any planning agreement or draft 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 works proposed on the site are 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 and the social and economic impacts in the locality**



**Context and Setting**

The development site is located at LOT: 19 DP:221558, 317 Plomer Road North Shore. Existing on the site is a two storey dwelling and swimming pool. The land is 735m<sup>2</sup> in area and access to the site is via Plomer Road.

The proposed alterations and additions to the existing two storey dwelling comprises an upper floor bedroom & ensuite addition (14.6m<sup>2</sup>); an lower floor garage addition (13.4m<sup>2</sup>) and a upper floor rear covered alfresco area (29.4m<sup>2</sup>).

The site is zoned RU1 Primary Production and the proposed development is permissible in the zone with consent.

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.

**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 is not serviced by Council water supply. Details required with S.68 application. Standard consent condition recommended.

**Sewer Connection**

The site is not serviced by Council sewer. Details required with S.68 application. Standard consent condition recommended.

**Stormwater**

The additions will be required to connect stormwater disposal to the existing water tank with the tank overflow directed to a rubble pit.

**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 semi village context and will not sterilise any significant mineral or agricultural resource.

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

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

**Waste**

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

**Energy**

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

**Noise and vibration**

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

**Bushfire**

The site is identified as being bushfire prone.

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

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

Management of bushfire risk is acceptable subject to BAL 12.5 construction levels being implemented and APZ being maintained. An appropriate standard condition of consent 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. The altered dwelling will retain natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social impacts in the locality**

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

**Economic impact in the locality**

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

**Site design and internal design**



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

### Construction

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

### Cumulative impacts

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
The proposed alterations and additions will result in a three bedroom home, having three bathrooms.	The proposal is permissible in the zone with consent. The number of bathrooms proposed at 317 Plomer Rd is not a matter for consideration under the DCP.
The north facing windows of the primary living areas of 315 Plomer Rd will be severely impacted by overshadowing and loss of winter sunlight. The shadow diagrams demonstrate that the primary living area is adversely overshadowed for more than 3 hrs between 9am - 3pm on 21 June.	<p>In response amended plans &amp; shadow diagrams were submitted.</p> <p>The amended plans propose a more sensitive design outcome by cutting down the existing parapet wall by 350mm to the base of the existing box gutter to provide a new pitching point for the new rafters to be pitched to the existing ridge line and replacing the southern eave with a continuous flow metal fascia and gutter.</p> <p>The resultant new roof pitch adjacent to 315 Plomer Rd will change from a 21° pitch to a 24° pitch. Additionally, it is proposed that the front barge will be extended through to provide a balanced gable end.</p> <p>To accurately assess overshadowing impacts on 315 Plomer Rd, the development site was re-visited on the 20/10/2020 and actual on-site measurements were taken of both buildings.</p>



Submission Issue/Summary	Planning Comment/Response
	<p>The shadow diagrams were remodelled using the winter solstice based on the location on 21 June 2020 in combination with building modifications specified above; the on-site measurements taken on the 20/10/2020 and the dimensions taken off the architectural plans for the current renovations being undertaken at 315 Plomer Rd.</p> <p>The revised shadow diagrams give three (3) perspectives as listed below:</p> <ol style="list-style-type: none"> <li>1. The line of existing shadows;</li> <li>2. The line of the proposed shadows based on the initial renovation submission; and</li> <li>3. The line of the proposed shadows based on the proposed revised roofing design submission.</li> </ol> <p>The 9am shadow lines show that the north facing windows at 315 Plomer Rd receive sunlight to approx. 35 - 45% of their surface area, while the eastern facing living room windows are not overshadowed.</p> <p>The 12pm shadow lines indicate that the north facing clearstory window receives sunlight to the upper section of its glazing, which equates to approx. 40% of its surface area. Further it is noted that the eastern facing living room windows are now in shadow, while the windows / glass sliding doors of the non-habitable ground floor room are overshadowed approx. 65% of their glazing area.</p> <p>The 3pm shadow lines indicate the clerestory window receives sunlight to the upper 1/3 of its glazing area while the eastern facing living room windows are overshadowed completely.</p> <p>Therefore, the revised shadow diagrams support the premise that the primary living areas of 315 Plomer Rd will not be overshadowed for a period greater than 3hrs between 9am - 3pm, 21 June 2020 due to the proposed dwelling additions and alterations at 317 Plomer Rd being within the 3.0m side boundary setback requirement.</p> <p>Based on the above assessment the application to reduce the upper floor side boundary setback is supported subject to standard conditions of consent.</p>
The north easterly ventilation in summer will be reduced due to the proposed two (2) metre eastern extension to 317	With regard to the perceived impacts in relation to a reduction in natural ventilation, any impact is expected to be minimal due to the east – west orientation of both existing dwellings, additionally

Submission Issue/Summary	Planning Comment/Response
Plomer Rd.	<p>the existing side setback distance of 1.9m between both existing dwellings is considered to provide an adequate breezeway in conjunction with the front boundary setbacks which are greater than 10m.</p> <p>The prevailing north easterly and southerly breezes in summer are not impeded by the proposed development. It is therefore considered that adequate ventilation to the private open space (POS) areas and the living areas are achieved and that the objectives of Development Provisions are deemed to be satisfied.</p>
The proposal will greatly increase the visual bulk of the already prominent, high, flat, brick southern wall from the primary living area windows.	<p>The roof redesign includes the reduction in the height of the existing parapet wall by 350mm and the complete removal of the eave on the southern elevation.</p> <p>The resultant roof pitch will change from 21 degrees to 24 degrees. The front barge will extend through to provide a balanced gable end which removing the eave from behind the full length of the southern wall. The wall of the proposed upper and lower floor additions is articulated albeit by 180mm.</p> <p>It is also noted that the height and floor space ratio (FSR) controls are not applicable to the site. However, the overall building height to the ridge line above the existing ground is specified as 8.250m. The bulk and scale of the proposed development is compatible with the surrounding built environment. Therefore, the bulk and scale of the proposed development is compliant with the intent of the objective and relevant development provisions.</p>
The proposed development will result in a reduction of views from the primary living area windows of 315 Plomer Rd	<p>It should be noted that views across side boundaries are more difficult to protect and the expectation to retain side views is often unrealistic. Given that the existing and proposed front setbacks are greater than 10m in the particular context the view loss is considered to be acceptable when assessed against well-established view sharing planning principles.</p>
Objection is raised to Council's previously approved building line of 16 metres being reduced to 14 metres as shown in the plans.	<p>PMHC LEP 2011 clause 1.9A <i>Suspension of covenants, agreements and instruments</i>: states that:</p> <p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p>

Submission Issue/Summary	Planning Comment/Response
	The proposed development is permissible in the zone with consent irrespective of any instruments.
The proposal shows that the new roof is higher than currently exists and the shadow diagrams confirm that there is additional overshadowing to 315 Plomer Rd. The home would benefit both functionally and aesthetically from a new roof.	<p>The amended plans propose a more sensitive design outcome by cutting down the existing parapet wall by 350mm to the base of the existing box gutter to provide a new pitching point for the new rafters to be pitched to the existing ridge line and replacing the southern eave with a continuous flow metal fascia and gutter.</p> <p>The resultant new roof pitch adjacent to 315 Plomer Rd will change from a 21° pitch to a 24° pitch. Additionally, it is proposed that the front barge will be extended through to provide a balanced gable end. It is noted that the height controls are not applicable to the development site. However the overall ridge height above existing ground level is specified at 8.5m.</p>
The shadow diagrams submitted by the applicant are wrong and seriously underestimate the impact on 315 Plomer Road.	<p>In response, the applicant has submitted amended shadow diagrams that accurately assess the overshadowing impacts on 315 Plomer Rd. The remodelled shadow diagrams were the result of the development site was re-visited on the 20/10/2020 where actual on-site measurements were taken of both buildings.</p> <p>The shadow diagrams were remodelled using the winter solstice based on the location in Port Macquarie on the 21 June 2020; and additionally the modifications specified in the amended plans and including the on-site measurements taken on the 20/10/2020 and the dimensions taken off the architectural plans for the current renovations being undertaken at 315 Plomer Rd.</p> <p>The revised shadow diagrams give three (3) perspectives as listed below:</p> <ol style="list-style-type: none"> <li>1. The existing shadows cast from 317 &amp; 315 Plomer Rd.</li> <li>2. The shadows cast from the initial renovation submission; and</li> <li>3. The shadows cast from the proposed renovations as per the revised roofing design.</li> </ol> <p>The 9am shadow lines show that the north facing windows at 315 Plomer Rd receive sunlight to approx. 35 - 45% of their surface area, while the eastern facing living room windows are not overshadowed.</p> <p>The 12pm shadow lines indicate that the north</p>

Submission Issue/Summary	Planning Comment/Response
	<p>facing clearstory window receives sunlight to the upper section of its glazing, which equates to approx.40% of its surface area. Further, it is noted that the eastern facing living room windows are now in shadow, while the windows / glass sliding doors of the non-habitable ground floor room are overshadowed approximately 65% of the glazed area.</p> <p>The 3pm shadow lines indicate the clerestory window receives sunlight to the upper 1/3 of its glazing area while the eastern facing living room windows are overshadowed completely.</p> <p>The revised shadow diagrams do not support the assertion that the primary living areas of 315 Plomer Rd will be severely impacted by overshadowing for greater than 3 hrs on the 21 June due to the upper storey additions at 317 Plomer Rd being within the 3.0m side boundary setback requirement.</p> <p>Therefore, based on the above assessment the applicant has demonstrated that the adjoining property at 315 Plomer Rd will receive a minimum of 3hrs of sunlight between 9am - 3pm 21 June to its living room windows. Therefore, the application to vary the development provision by reducing the side boundary setback to the first floor wall in this instance is supported.</p>
The proposed additions will significantly overshadow the living room and dining room of 315 Plomer Road.	Refer to comments above and the revised shadow diagrams listed as <b>Attachment 3</b> in the report.
The proposed additions do not comply with the requirement of Clause 3.2.2.5 b) of DCP 2013 which requires first floors to be setback 3m from the side boundary unless it can be demonstrated that the adjoining property primary living areas will not be adversely overshadowed for more than 3 hours between 9am and 3pm on 21 June.	Refer to comments above and the revised shadow diagrams listed as <b>Attachment 3</b> in the report.
The development application has not demonstrated that the adjoining property primary living areas will not be adversely overshadowed for more than 3 hours.	Refer to comments above and the revised shadow diagrams listed as <b>Attachment 3</b> in the report.
In fact, the proposed development	Refer to comments above and the revised shadow diagrams listed as <b>Attachment 3</b> in the report.

Submission Issue/Summary	Planning Comment/Response
significantly adversely overshadows 315 Plomer Road.	
A development design that complied with the minimum side setback of 3m required by the DCP would significantly reduce the impact of overshadowing on the living room of 315 Plomer Road.	Refer to comments above and the revised shadow diagrams listed as <b>Attachment 3</b> in the report.

**(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.

9.

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 unacceptable 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 development does not involve the creation of an additional residential component.







**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 - 668.1 Recommended Conditions
- 2.   DA2020 - 668.1 Plans
- 3.   DA2020 - 668.1 Shadow Diagrams



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/668****DATE:****PRESCRIBED CONDITIONS**

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

**A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Architectural Plans & Specifications	1183WHI Rev:7 Pages 1-15	Draftworx Designs	21/10/2020
Shadow Diagrams	1183WHI Rev: 5 & 6	Draftworx Designs	21/10/2020
Basix Certificate	A387001	Craig Maltman	18/08/2020
BAL Certificate	LOT: 19 DP: 221558, 317 Plomer Road NORTH SHORE	S & K Johnson Constructions P/L	18/08/2020
SoEE	LOT: 19 DP: 221558, 317 Plomer Road NORTH SHORE	Craig Maltman	24/08/2020

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.

- (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) (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.
- (4) This consent does not authorise the enclosure of any ground floor habitable space contrary to BA1989 - 388.1.

**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.
- (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.
- (3) 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 WORK**

- (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 (e.g. 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.

SCOTT AND JULIE WHITEHAIR

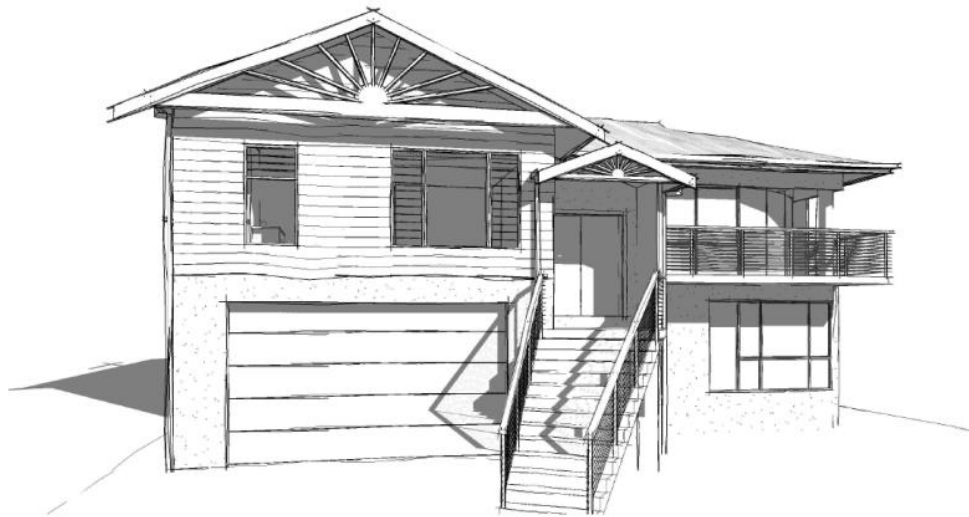
LOT: 19

DP: 221558

# 317

PLOMER ROAD, PORT MACQUARIE, NSW


2444

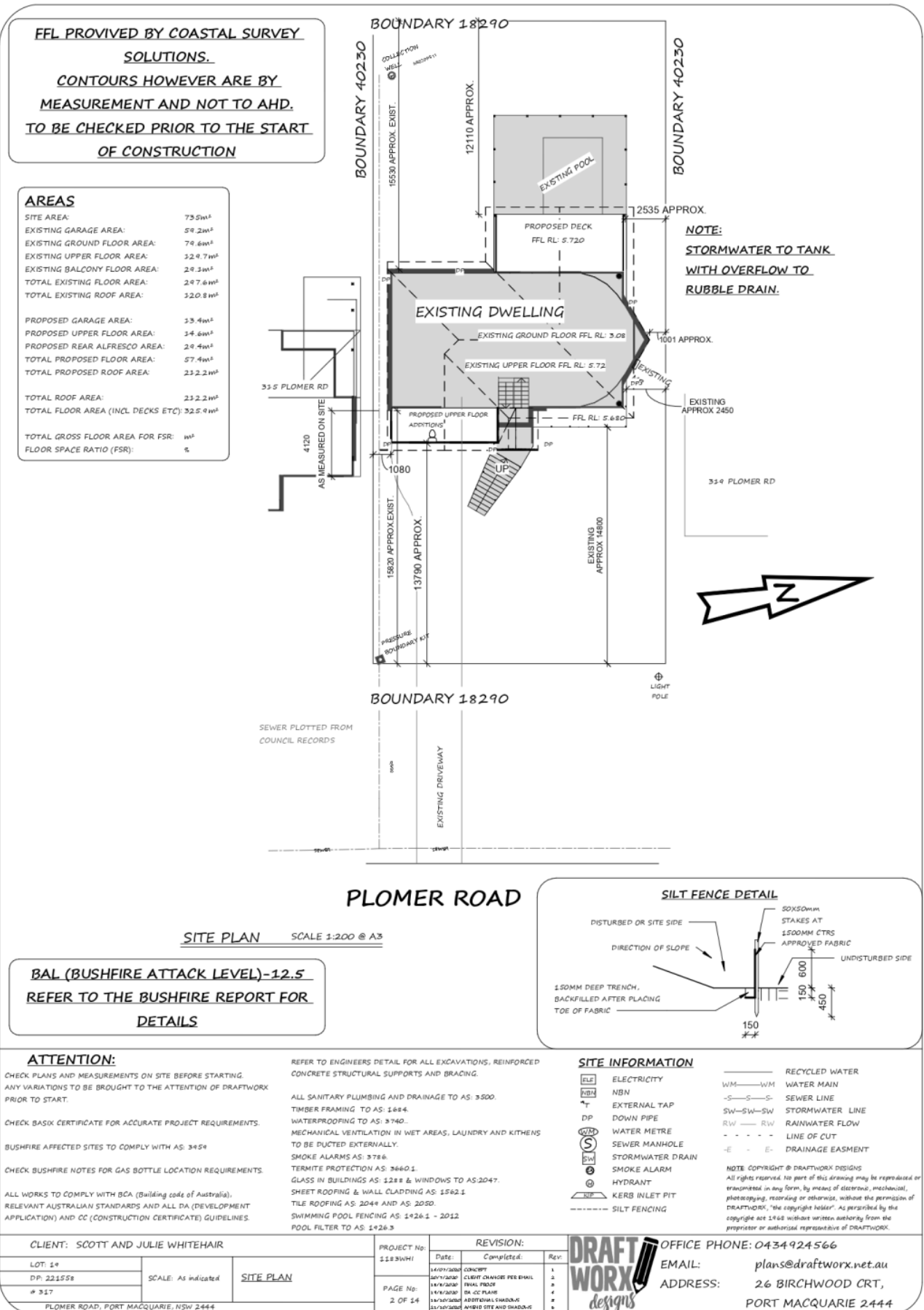


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LOT: 19	SCALE: NOT TO SCALE	COVER PAGE	\$123WHI	Date:	Completed:	Rev:		EMAIL: plans@draftworx.net.au	ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE, 2444.
DP: 221558				14/07/2020	CONCEPT	1			
# 317				10/11/2020	CLIENT CHANGES PER BRIEF	2			
PLOMER ROAD, PORT MACQUARIE, NSW 2444				14/11/2020	FINAL DESIGN	3			
			PAGE No:	14/11/2020	DA-02 PLANS	4			
			1 OF 14	14/11/2020	ADDITIONAL SHADOWS	5			
				11/11/2020	AMEND SITE AND SHADOWS	6			
				11/11/2020	REDESIGN	7			

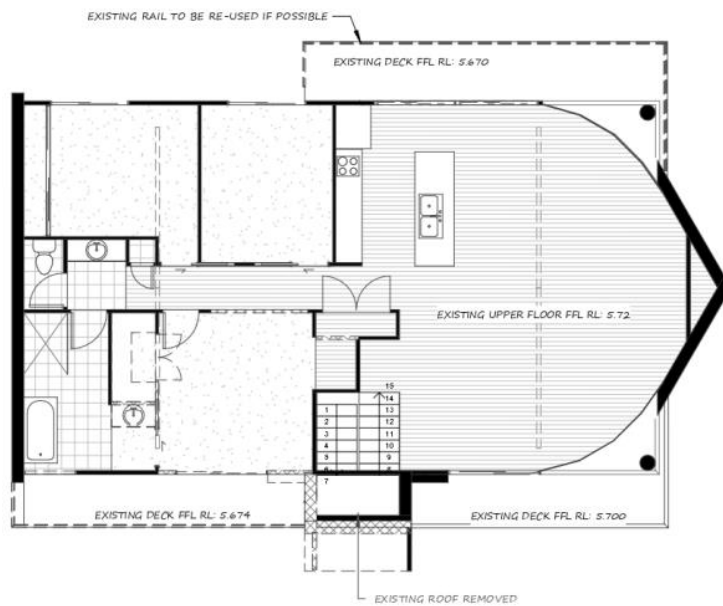







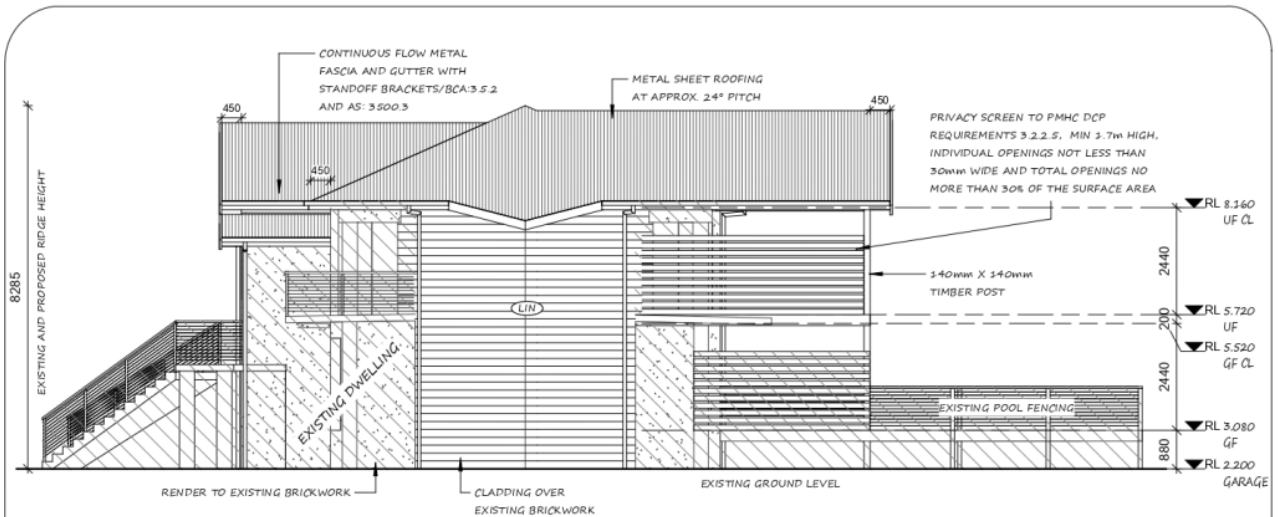


## PORT MACQUARIE 2444

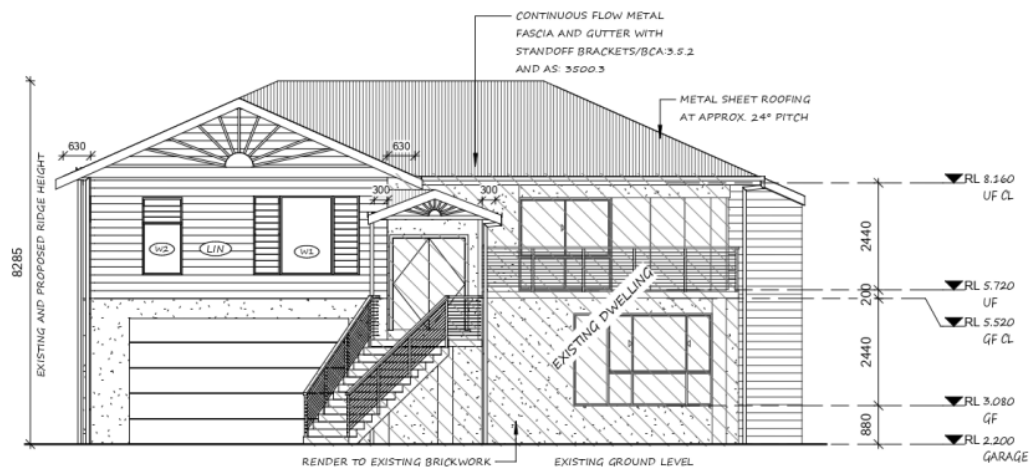


ITEMS IN RED TO BE REMOVED

CLIENT: SCOTT AND JULIE WHITEHAIR			PROJECT No: 11833WHI	REVISION:				OFFICE PHONE: 0434924566	
LOT: 14	SCALE: 1 : 100	DEMO PLAN	PAGE No: 5 OF 14	Date:	Completed:	Rev:		EMAIL: plans@draftworx.net.au	ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE 2444
DP: 221558				14/01/2018	CONCEPT	1			
# 317				20/11/2018	CLIENT CHANGES PER DP14	2			
				14/01/2018	FINAL PRICE	3			
PLOMER ROAD, PORT MACQUARIE, NSW 2444				14/01/2018	DA CC PLANS	4			
				14/01/2018	ADDITIONAL STUDIOS	5			
				14/01/2018	ARRIVE SITE AND SHADOW	6			
				14/01/2018	ROOF CHANGE	7			



NORTHERN ELEVATION SCALE 1:100 @ A3



EASTERN ELEVATION SCALE 1:100 @ A3

**ATTENTION:**

CHECK PLANS AND MEASUREMENTS ON SITE BEFORE STARTING.  
ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF DRAFTWORX PRIOR TO START.

CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3454

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.

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

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

ALL SANITARY PLUMBING AND DRAINAGE TO AS: 3500.

TIMBER FRAMING TO AS: 1684.

WATERPROOFING TO AS: 3740.

MECHANICAL VENTILATION IN WET AREAS, LAUNDRY AND KITCHENS

TO BE DUCTED EXTERNALLY.

SMOKE ALARMS AS: 3786.

TERMITE PROTECTION AS: 3660.1.

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

SHEET ROOFING & WALL CLADDING AS: 1562.1

TILE ROOFING AS: 2044 AND AS: 2050.

SWIMMING POOL FENCING AS: 1926.1 - 2012

POOL FILTER TO AS: 1926.3

**MATERIALS LEGEND:**

- (FB) FACE BRICKWORK
- (BW) FACE BLOCKWORK
- (REN) RENDERED BRICKWORK
- (FP) RENDERED FOAM PANEL
- (WFL) WEATHERTEX PRIMELOK
- (WG 150) WEATHERTEX WEATHERGROOVE 150
- (WG 300) WEATHERTEX WEATHERGROOVE 300
- (CB) COLORBOND SHEETING
- (LIN) LINEA WALL CLADDING
- (AXO) AXON WALL CLADDING
- (STR) STRIA WALL CLADDING

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LOT: 14

DP: 221558

# 317

PLOMER ROAD, PORT MACQUARIE, NSW 2444

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6 OF 14

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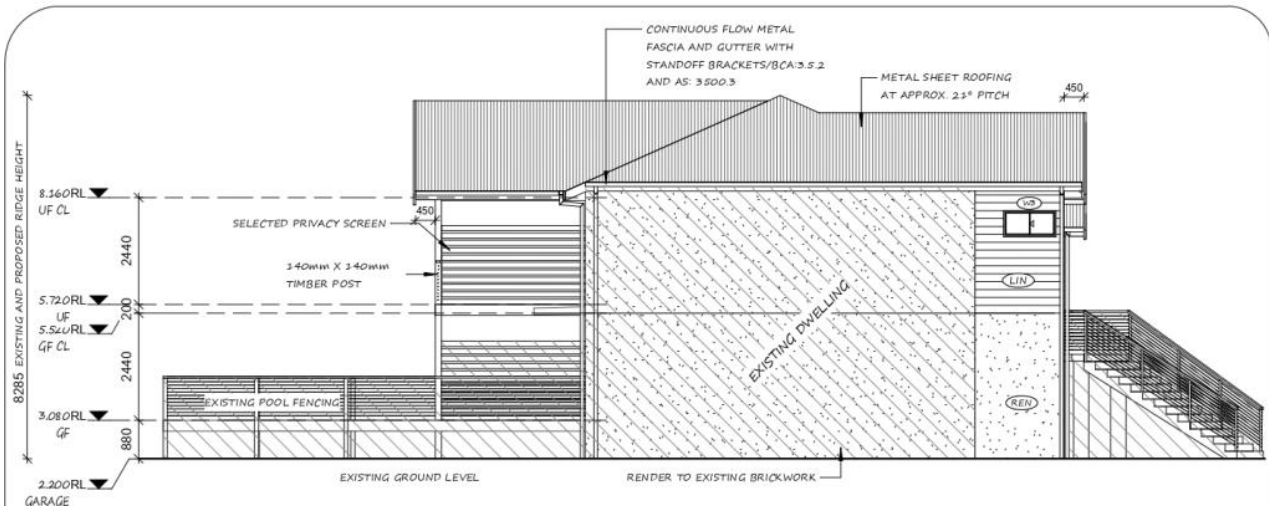
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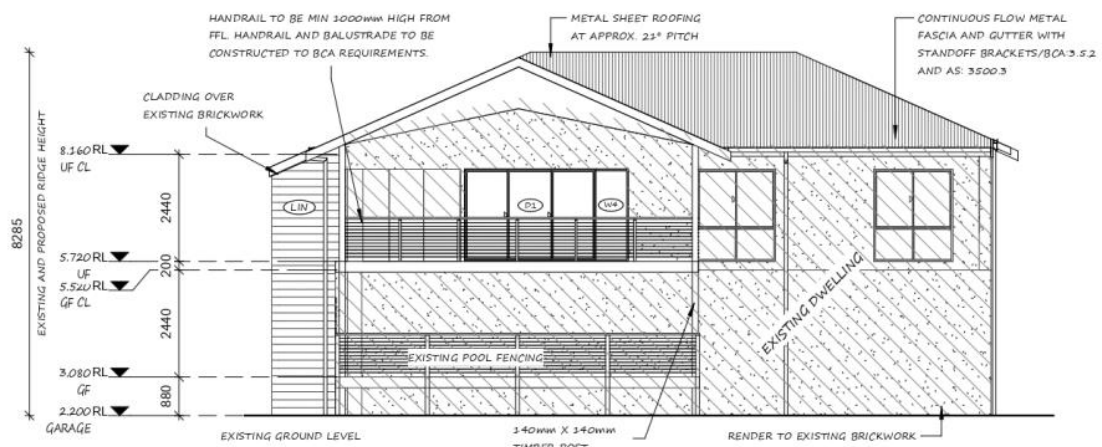
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PORT MACQUARIE 2444



**SOUTHERN ELEVATION** SCALE 1:100 @ A3



**WESTERN ELEVATION** SCALE 1:100 @ A3

### ATTENTION:

CHECK PLANS AND MEASUREMENTS ON SITE BEFORE STARTING  
ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF DRAFTWORX PRIOR TO START.

CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3954

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS

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

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SWIMMING POOL FENCING AS: 1926.1 - 2012.

POOL FILTER TO AS: 1926.3.

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- (REN) RENDERED BRICKWORK
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FLORER ROAD, PORT MACQUARIE, NSW 2444

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PROJECT No:

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DATE: 11/11/2020

PAGE No:

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REVISION:

1. 11/11/2020

2. 11/11/2020

3. 11/11/2020

4. 11/11/2020

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7. 11/11/2020

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SECTION A - A SCALE 1:100 @ A3

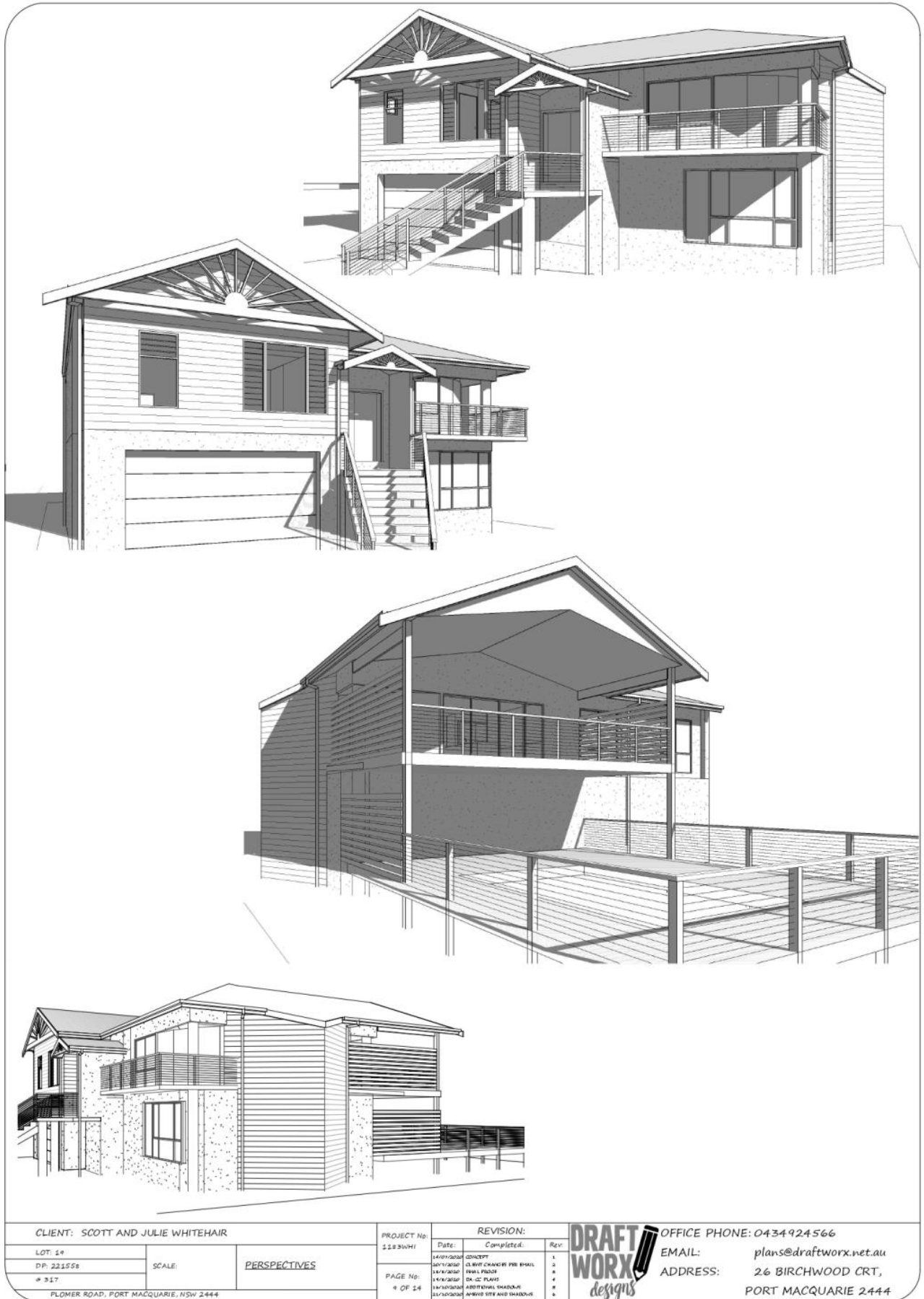
SECTION B - B SCALE 1:100 @ A3

WINDOW AND DOOR SCHEDULE							
(REFER TO BASIS FOR FLOOR DETAILS)							
ROOM	No.	ORIENTATION	FLOOR	H	W	STYLE	FRAME TYPE, GLAZING
BED 1	W3	EAST	UF	1800	2400	LOUVRE-FIXED-LOUVRE	ALUMINIUM LOW-E
ENSUITE	W2	EAST	UF	1800	900	FIXED-LOUVRE	ALUMINIUM LOW-E
ENSUITE	W3	SOUTH	UF	600	1200	SLIDING	ALUMINIUM STANDARD
KITCHEN	W4	WEST	UF	2100	700	FIXED	ALUMINIUM STANDARD
KITCHEN	D3	WEST	UF	2100	3000	STACKING DOOR	ALUMINIUM STANDARD

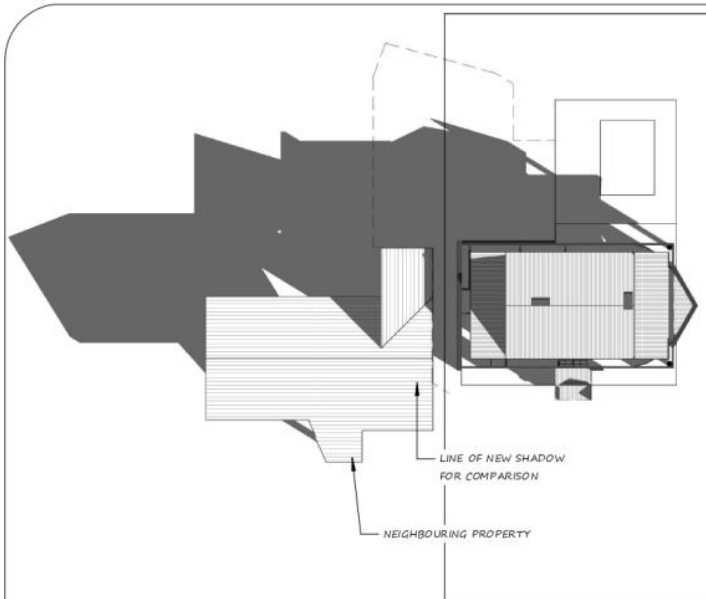
WINDOWS AND GLAZING MUST COMPLY WITH THE FOLLOWING:  
 AS:4055 - 2012: STANDARD WIND LOADS FOR HOUSING  
 AS:1288-2006: GUIDES FOR GLASS IN BUILDING  
 AS:2047-2014: AUSTRALIAN WINDOW CODE  
 AS:1170-Part 2: WIND ACTIONS  
 AS:2048: AUSTRALIAN INSTALLATION STANDARDS  
 AS:1959-2009: CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS  
 BEDROOM WINDOWS TO COMPLY WITH VOL 2 OF THE BCA PART 3 & 2.5 (WHEN A BEDROOM FLOOR LEVEL IS 2m OR MORE ABOVE THE BELOW SURFACE).

<h2 style="text-align: center;">SUMMARY OF BASIX CERTIFICATE COMMITMENTS</h2> <p style="text-align: center;">(REFER TO THE BASIX CERTIFICATE ASS 7001 FOR THOROUGH DETAILS)</p>	
<h3>FIXTURES AND SYSTEMS -</h3>	
<b>LIGHTING -</b>	The applicable maximum is a minimum of 40% of new or altered light fixture on fixed wall, fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.
<b>FIXTURES -</b>	SHOWERHEADS: new or altered to have a flow rate no greater than 4.0 gpm per minute at a 150-psi water rating. TOILETS: new or altered to have a flow rate no greater than 4.0 lps per minute (lps) or a maximum 0.5 lps water rating. TAPS: new or altered to have a flow rate no greater than 0.5 gpm per minute at 150-psi water rating.
<h3>CONSTRUCTION -</h3>	
<b>INSULATION REQUIREMENTS -</b>	Suspended floor above garage (Basix) 102  External Wall: Foam (continuous), Fibre, metal-batt - Additional insulation R-13 (or R-20, not including concrete)
<h3>GLAZING REQUIREMENTS -</h3>	
<b>WINDOWS AND GLAZED DOORS -</b>	Windows, glass doors and sliding doors described in the table on the BASIX Certificate to be installed in accordance with the specific area listed.
<b>HOT WATER SYSTEM -</b>	Re-use existing

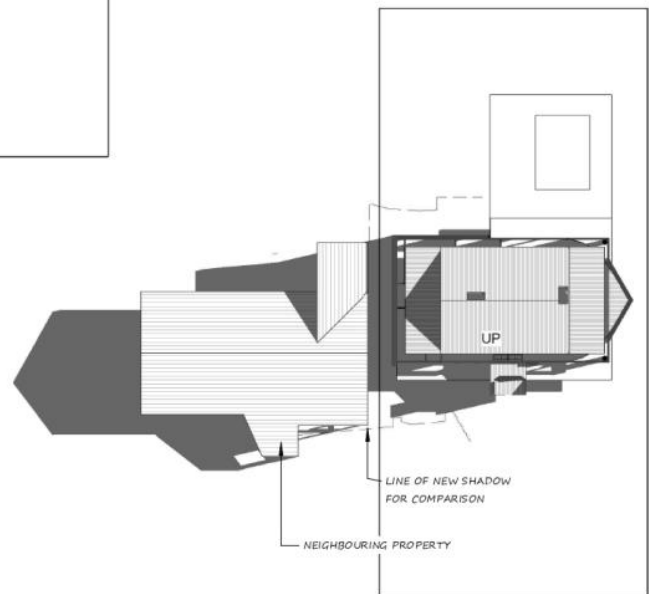
CLIENT: SCOTT AND JULIE WHITEHAIR		PROJECT No: 1183WH1	REVISION: 1/10/2024 CONCEPT 11/10/2024 CLIENT COMPLETE 12/10/2024 FINAL PLAN 14/10/2024 DA CC PLANE 16/10/2024 ADDITIONAL SITE INFO 18/10/2024 AMEND SITE AND SHADOWS 19/10/2024 BODY CHANGE	Rev: 1 2 3 4 5 6 7		OFFICE PHONE: 0434924566
LOT: 59	SCALE: 1 : 100	SECTION AND WINDOW SCHEDULE	PAGE No: 8 OF 14	EMAIL: plans@draftworx.net.au		
DP: 221558			ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE 2444			
# 317						



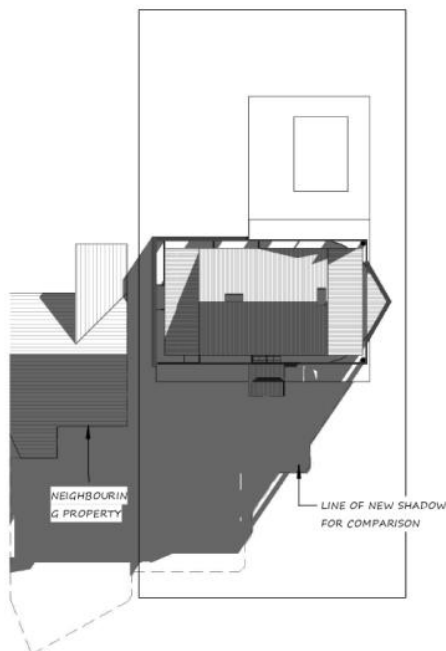




**SHADOW DIAGRAM** SCALE 1:300 @ A3  
WINTER SOLSTICE 9AM



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



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

CLIENT: SCOTT AND JULIE WHITEHAIR

LOT: 14

DP: 221558

# 317

SCALE: 1:300

SHADOW DIAGRAMS

FLOMER ROAD, PORT MACQUARIE, NSW 2444

PROJECT No:

1183WHI

REVISION:

Date:

Completed:

Rev:

11/11/2020

CONCEPT

1

11/11/2020

CLIENT CHANGES PER ENCL.

2

11/11/2020

FINAL PROPOSAL

3

11/11/2020

BA-CC PLANS

4

11/11/2020

ADDITIONAL SHADOWS

5

11/11/2020

WINTER SOLSTICE

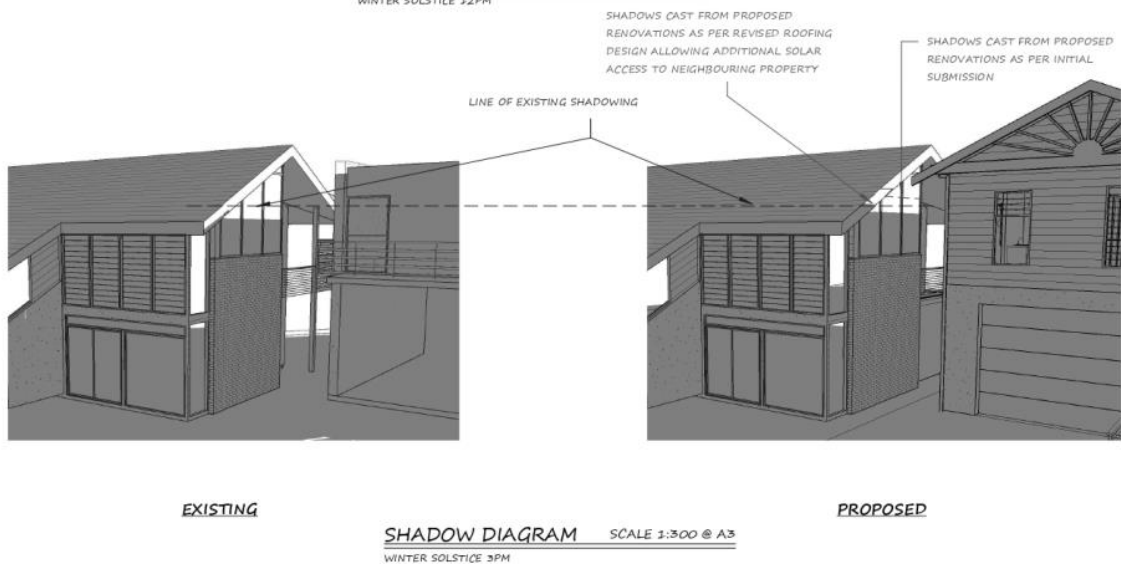
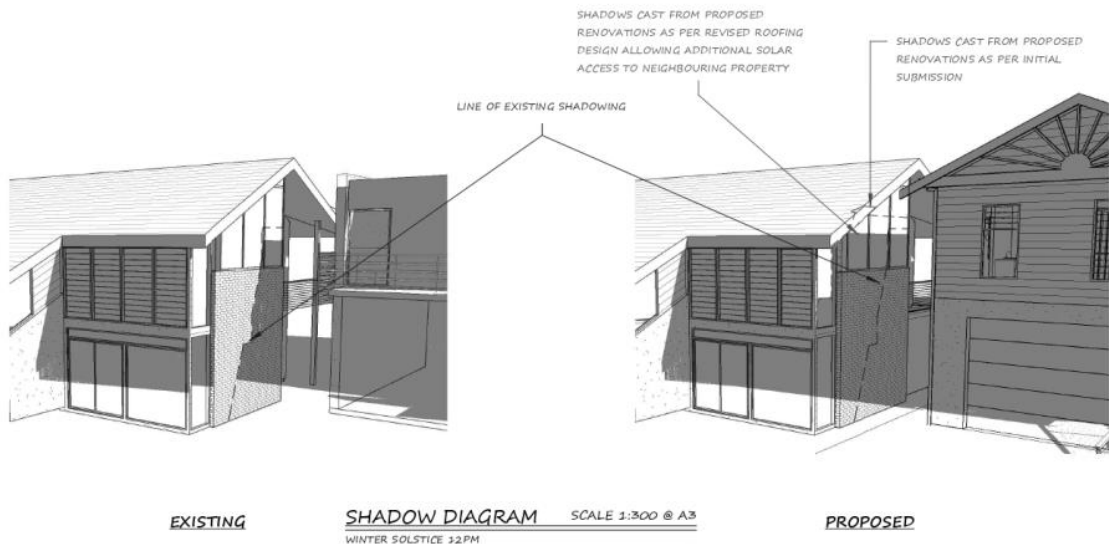
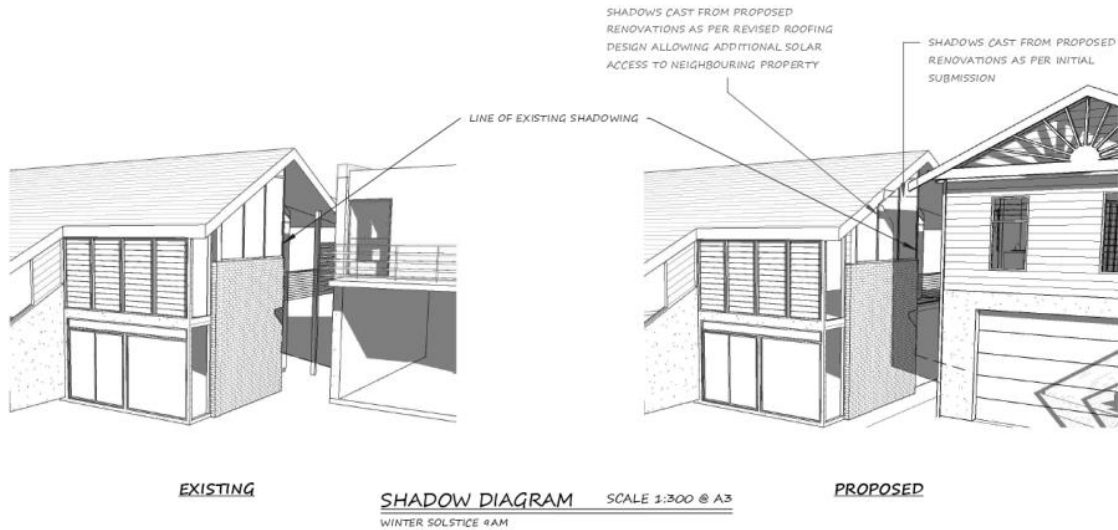
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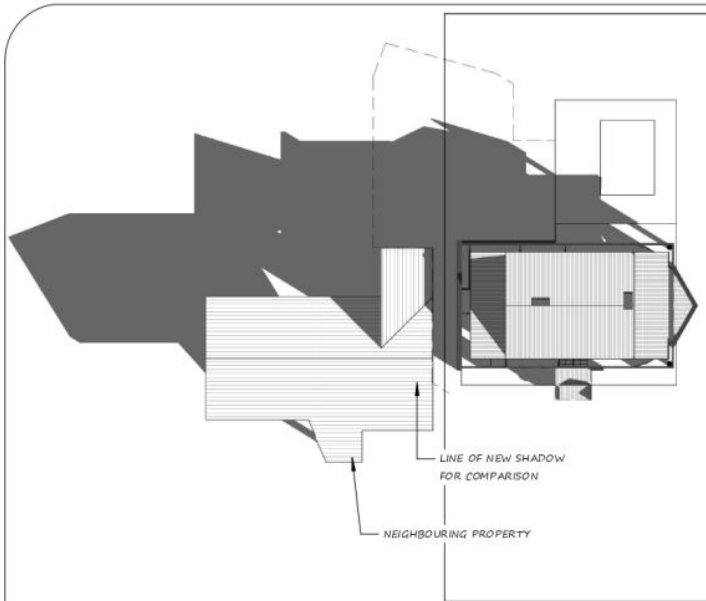
EMAIL: plans@draftworx.net.au

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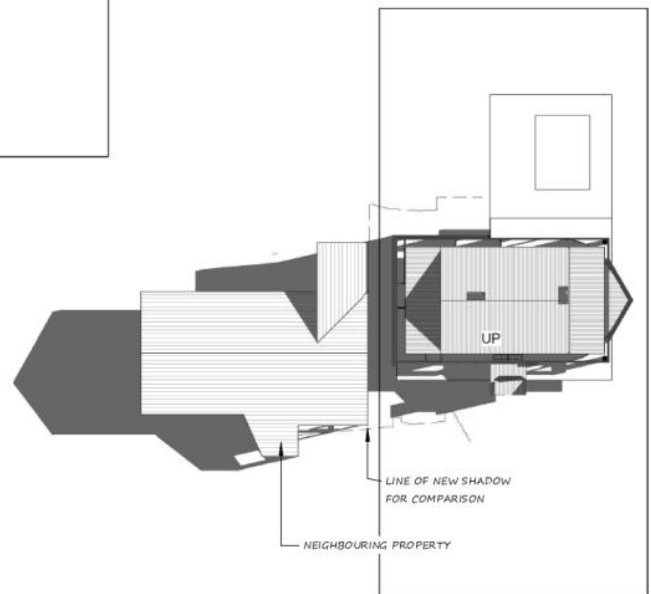


CLIENT: SCOTT AND JULIE WHITEHAIR			PROJECT No: 11833WHI	REVISION:				OFFICE PHONE: 0434 924 566		
LOT: 14	SCALE:	<u>PERSPECTIVE SHADOWS</u>		Date:	Completed:	Rev:		EMAIL:	plans@draftworx.net.au	
DP: 221558									ADDRESS:	26 BIRCHWOOD CRT, PORT MACQUARIE 2444
# 317										
PLOMER ROAD, PORT MACQUARIE, NSW 2444			PAGE No: 14 of 14							

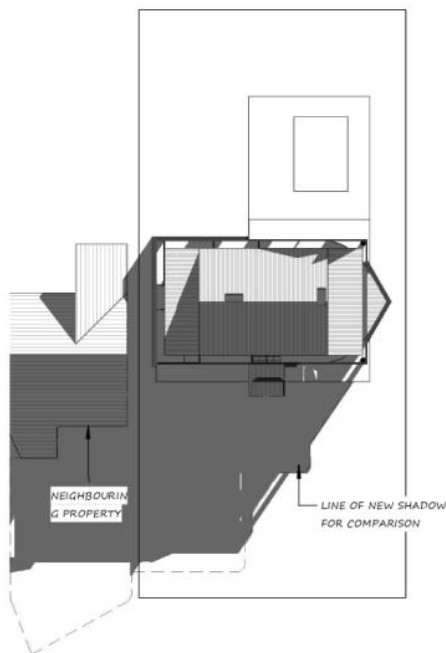




**SHADOW DIAGRAM** SCALE 1:300 @ A3  
WINTER SOLSTICE 9AM



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

CLIENT: SCOTT AND JULIE WHITEHAIR

LOT: 14

DP: 221558

# 317

SCALE: 1:300

SHADOW DIAGRAMS

FLOMER ROAD, PORT MACQUARIE, NSW 2444

PROJECT No:

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REVISION:

Date:

Completed:

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11/11/2020

CONCEPT

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CLIENT CHANGES PER ENCL.

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FINAL PROPOSAL

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ADDITIONAL SHADOWS

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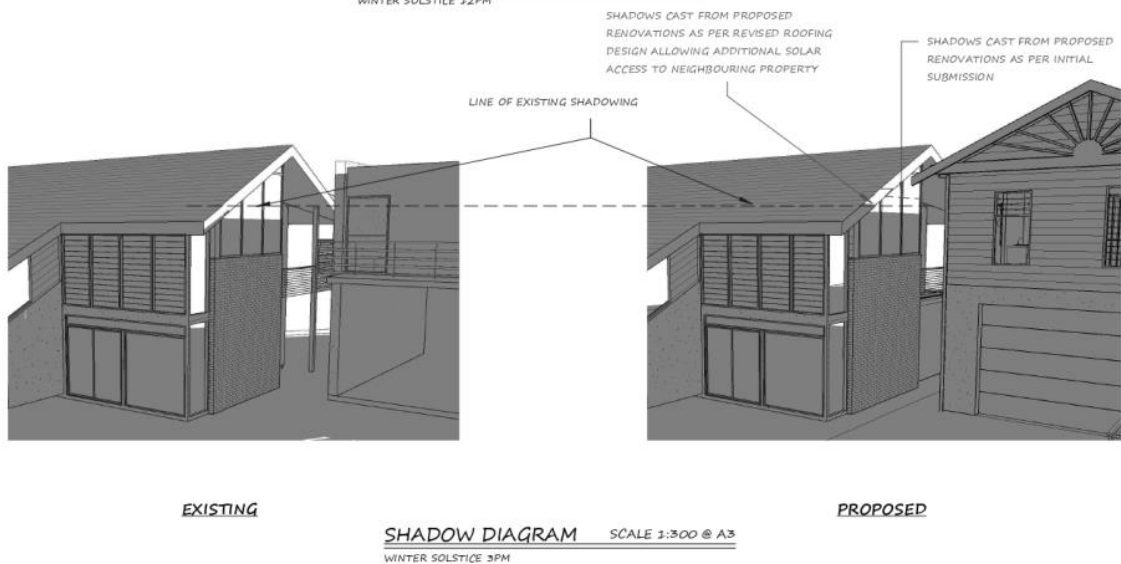
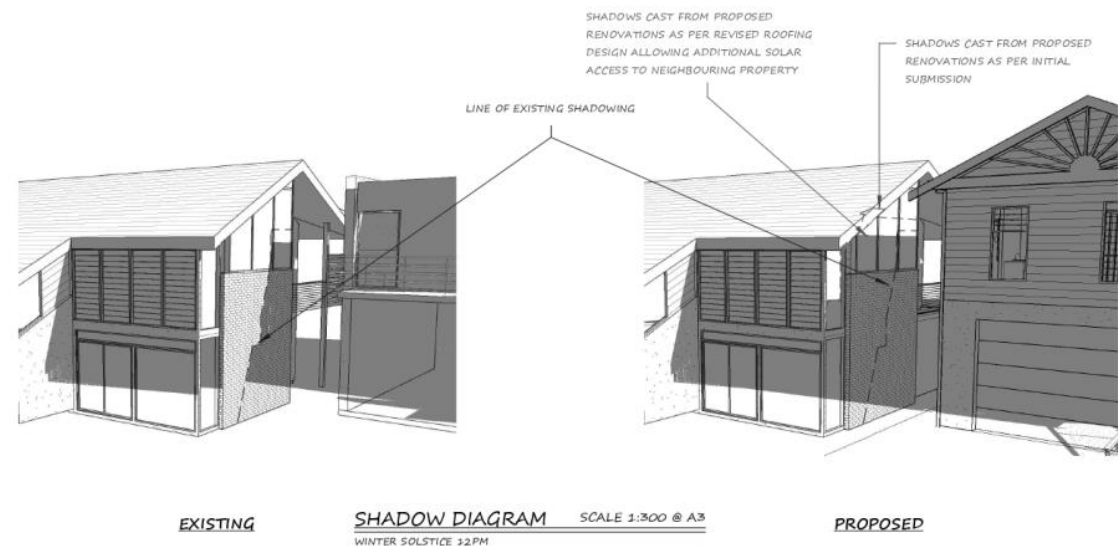
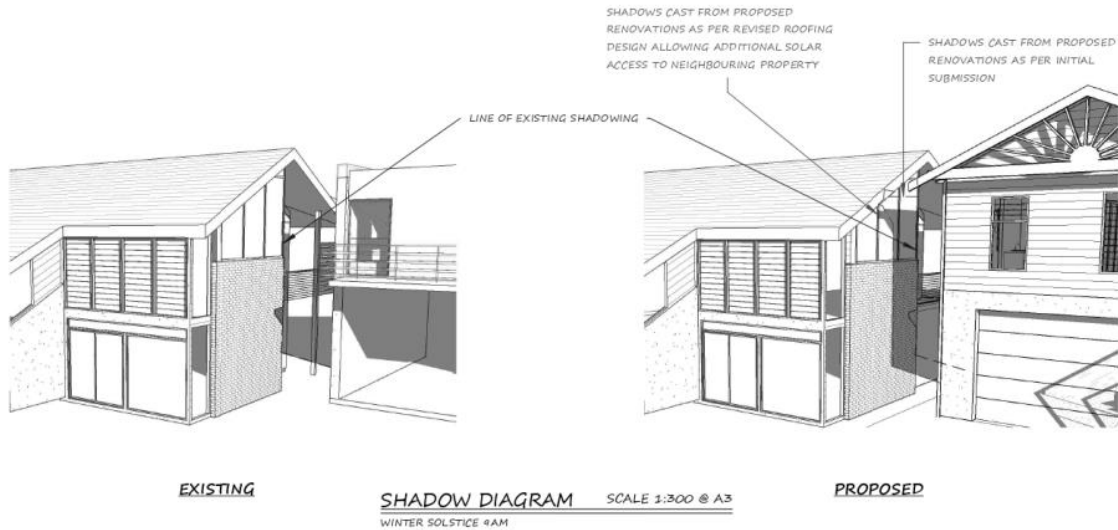


OFFICE PHONE: 0434924566

EMAIL: plans@draftworx.net.au

ADDRESS: 26 BIRCHWOOD CRT,

PORT MACQUARIE 2444



CLIENT: SCOTT AND JULIE WHITEHAIR

LOT: 14

DP: 221558

# 317

SCALE:

PERSPECTIVE SHADOWS

PLOMER ROAD, PORT MACQUARIE, NSW 2444

PROJECT No:

11833WHI

REVISION:

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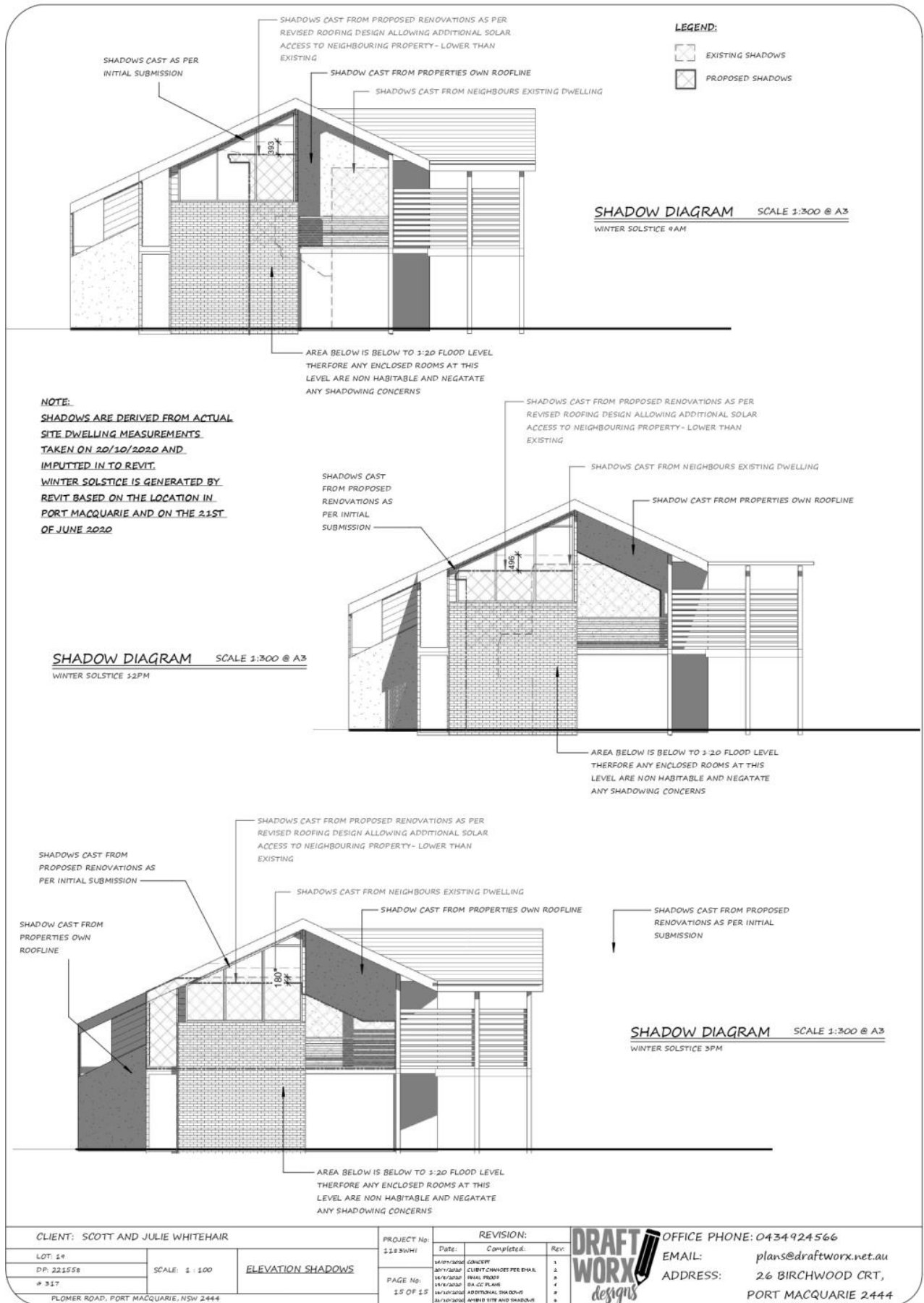
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Item: 06

Subject: DA2020 - 597.1 DEMOLITION OF EXISTING COMMUNITY FACILITY AND CONSTRUCTION OF NEW COMMUNITY FACILITY (SEA SCOUTS BUILDING) AT LOT 2 DP 535212, 9 MCINHERNEY CLOSE, PORT MACQUARIE

Report Author: Development Assessment Planner, Clint Tink

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Applicant:	King & Campbell Pty Ltd
Owner:	Port Macquarie-Hastings Council
Estimated Cost:	\$76,000
Parcel no:	22006

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#### 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 - 597.1 for demolition of existing community facility and construction of new community facility (Sea Scouts building) at Lot 2 DP 535212, No. 9 McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for demolition of an existing community facility and the subsequent construction of a new community facility for the Sea Scouts at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, three (3) submissions from the one household were received. A further email was sent to Council's Group Manager Recreation Property and Buildings. The email was not submitted in relation to the DA but rather a general request for the Group Manager (as the asset owner) to ensure access to the site be maintained during construction for other users. The email has not been treated as a submission but rather an issue for the relevant Group Manager to comment on/manage.

The proposed development is located on Council owned land. As a result, Council's Development Applications - Conflict of Interest Policy applies and states the following:

*Where objections are received to development applications on Council land or where Council is the applicant, the Director Development & Environment is to make a recommendation to the General Manager as to whether external consultants should*

*be used to report on the development application. The General Manager is to determine whether external consultants should be employed. Factors relevant to determining the use of external consultants include:*

- The number and nature of the objections, including allegations of a conflict of interest.*
- Whether the application concerns a community use or work or a "for profit" development.*
- The potential environmental impact, including whether an Environment Impact Statement is required.*

In accordance with the Policy, the General Manager determined that Council staff could continue to assess the application noting the number of submissions, no allegations of a conflict of interest, the development being for a not for profit community use and the types of issues to be assessed. Furthermore, reporting to Council's Development Assessment Panel would also provide a degree of independence to the decision process and further reduce any conflict of interest.

The Policy also requires that all development applications on Council land, where objections have been received, be considered by the Development Assessment Panel and referred to Council for determination.

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

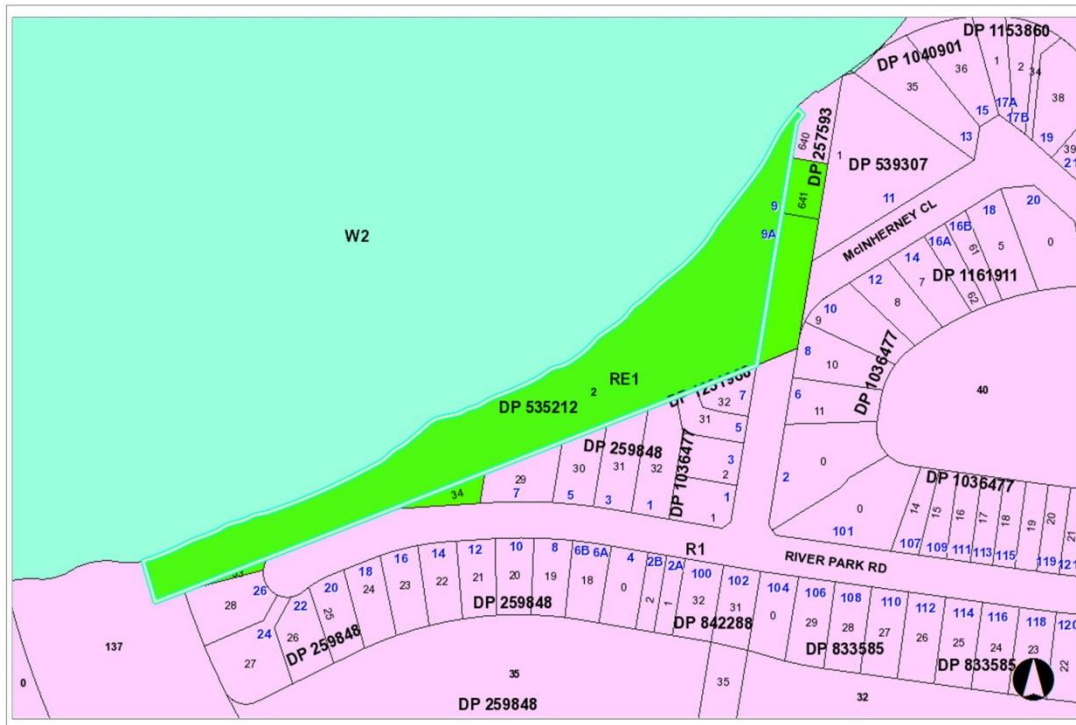
This report recommends that the development application be approved subject to the attached conditions (**Attachment 1**).

## **1. BACKGROUND**

### **Existing Sites Features and Surrounding Development**

The site has an area of 1.44ha.

The site is zoned RE1 Public Recreation 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 images:







View of site/existing Scouts building from McInherney Close - Google Maps Street View



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- The existing 73m<sup>2</sup> Sea Scouts boat storage building is to be demolished and replaced with a new 114m<sup>2</sup> building. The increased floor area is not necessarily being used to increase numbers but rather negate the need for boats having to be transported to the site. This will help reduce the number of trailers and free up some street parking.
- The building will be single storey and comprise painted masonry walls and colourbond roof sheeting.
- One (1) broad leaf paperbark is proposed to be removed and will be replaced onsite.
- The application was referred to the Natural Resources Access Regulator (NRAR) as integrated development under the Water Management Act 2000. At the time of this report, NRAR had not provided any General Terms of Approval. However, the legislative timeframe for NRAR to respond has passed and the application is able to be determined. Council staff did send follow up requests to NRAR but no response was received.
- The adjoining public toilet block to the south and nine (9) associated trees were recently granted consent for removal and to be replaced with a new boat storage building (for Sailability) and amenities building under DA2017 - 667.

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

**Application Chronology**

- 5/5/2020 - Proposal presented to Council's Pre-lodgement meeting.
- 29/7/2020 - Development Application lodged with Council.
- 5/8/2020 - Council staff requested additional information on the Principal Certifying Authority (PCA) and fees.
- 7/8/2020 - PCA details provided.
- 13/8/2020 to 11/9/2020 - Notification period.
- 20/8/2020 - Additional fees paid.
- 24/8/2020 - NRAR requested payment of integrated fees, which was referred to the applicant.
- 27/8/2020 - Fees for NRAR paid and NRAR notified.
- 16/9/2020 - Submissions received.
- 28/9/2020 - Council's Development Applications - Conflict of Interest Policy considered and the process signed off by the General Manager.
- 7/10/2020 - Applicant requested update on status of the DA, which was provided by Council staff.
- 19/10/2020 - Applicant requested update on status of the DA, which was provided by Council staff.
- 19/10/2020 - Follow up email sent to NRAR.
- 29/10/2020 - Follow up email sent to NRAR.

**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 9 - The property is over 1ha in size and does not have a Koala Plan of Management in place. Therefore, Clause 9 must be considered.

Before consent is granted, Council must take into account the requirements of the Koala Habitat Protection Guideline.

Having considered the Guideline and the applicant's Statement of Environmental Effects, the development is determined as being a Tier 1 - low or no direct impact development for the following reasons:

- There are no indirect impacts that will occur as a result of the development.
- The development is below the Biodiversity Offsets Scheme.
- The development will not impact or change any koala movements in the area.
- No mitigation measures are required.
- An ecologist inspected the site and found no evidence of Koala activity on site.

Based on the above, Clause 9 has been addressed and no adverse impacts will occur to koala habitat as a result of the development.

**State Environmental Planning Policy (Primary Production and Rural Development) 2019**

Division 4 - Having considered the provisions of Division 4 (clause 29-31), the proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area. In particular, there is sufficient stormwater facilities in place to manage runoff and the development is also well setback from the Hastings River.

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

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

**State Environmental Planning Policy No. 64 - Advertising and Signage**

The development application does not include any signage. Therefore, any proposed signage will either need a separate development application or be required to fit within exempt signage criteria.

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

The site is located within a coastal use and coastal environment area.



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

Having regard to clauses 13 and 14 of the SEPP, the proposed development will not 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 particular, the proposal is only replacing an existing building with a similar sized building, in the same location and retaining the same use.

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

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

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

- Clause 2.2 - The subject site is zoned RE1 Public Recreation.
- Clause 2.3 - The proposed development for a community facility is a permissible landuse with consent in the RE1 landuse table.

The objectives of the RE1 zone are noted as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- Having considered Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
  - The proposal is a permissible landuse.
  - The public reserve has an existing maritime/boating recreational theme with Sailability and the Sailing Club being located either side of the Scouts boat storage building. The proposal for continued boat storage onsite by Scouts will remain consistent with such a theme.
  - The development will replace an existing community facility with a similar sized building and location. This will result in no new land use or compatibility issues.
  - The development will not impact on the ability of the public to use the area.
- Clause 2.7 - The demolition of the existing building requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 4m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 - The site is mapped as potentially containing class 3 acid sulfate soils. It is noted that no substantial excavation extending below the natural surface level is proposed. Therefore, no adverse impacts are expected to occur to the acid sulphate soils found on site.
- Clause 7.3 - The site is land within a mapped "flood planning area". The application was referred to Council's Flooding Officer who raised no objection to the proposal, subject to conditions requiring flood compatible construction and levels. Overall, the development is considered to meet the objectives of Clause 7.3, Council's Flood Policy and the NSW Government's *Flood Prone Lands Policy* and the NSW Government's *Floodplain Development Manual* (2005) for the following reasons:
  - 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 effect 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 and 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 - The floodplain risk management layer applies to the subject site. However, a proposed community facility use is not listed in the clause as requiring further flooding consideration.
- 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**

The relevant general provisions of the plan are considered in the following table:

<b>DCP 2013: Part B - General Provisions - B2: Environmental Management</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Standard demolition and construction practices will be utilised. Where possible, materials will be recycled.	Yes

Environmental Management Areas and Buffers			
7	a) - f) Provisions around buffer requirements for endangered ecological communities	The development is to be located on an existing and heavily modified public reserve. No EEC's identified or buffers required in this case.	N/A
8	a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.	One (1) broad leaf paperbark is to be removed. An ecologist has assessed the impacts of removing the tree and deemed it acceptable, subject to replacement planting at 2 to 1. Council's Natural Resources Team agree with this outcome and there is suitable area available for the replacement plantings in the existing reserve.	Yes
	b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.	Refer to above comment. The removal of the tree does not impact on any significant habitat or corridors.	Yes
	c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.	Not relevant.	N/A
	d) VMPs are required to address Council's VMP "Heads of Consideration"	Not relevant. Conditions can be used to manage tree removal and replacement trees process.	Yes
Tree Management - Land to which State Environmental Planning Policy SEPP (Vegetation in Non-Rural Areas) 2017 Applies			
10	a) Prescribed vegetation for the purposes of the SEPP (Vegetation in Non-Rural Areas) 2017 is any tree identified in Table 1 or is a mangrove or cycad and is: <ul style="list-style-type: none"> <li>– 3 metres or higher in height, or</li> <li>– has a trunk diameter of</li> </ul>	One (1) broad leaf paperbark is to be removed. An ecologist has assessed the impacts of removing the tree and deemed it	Yes

	<p>100mm measured at 1.0metre above ground level; or</p> <ul style="list-style-type: none"> <li>– a hollow bearing tree</li> </ul>	acceptable, subject to replacement planting at 2 to 1. Council's Natural Resources Team agree with this outcome and there is suitable area available for the replacement plantings in the existing reserve.	
	<p>b) The above criteria does not apply to a tree where the nearside trunk is 3 metres from the nearest external wall of an existing, permanent dwelling or manufactured home and is located within the same property. Such trees may be removed without a permit or development consent. This Provision does not apply to areas mapped as Core Koala Habitat under the LEP. A permit will be required in these instances.</p>	The broad leaf paperbark is within 3m of the existing community facility and therefore can be removed.	Yes
<b>Tree Management – Private Land</b>			
11	<p>a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.</p>	Not relevant.	N/A
	<p>b) An application for the removal of a tree listed in Table 1 must be accompanied by an Arborist's report stating that the tree:</p> <ul style="list-style-type: none"> <li>– is dangerous; or</li> <li>– is dying and remedial pruning would not improve the deteriorated condition of the tree; or</li> <li>– has a history of branch fall (documented or photographic evidence to be provided); or</li> <li>– is structurally unsound or; diseased.</li> <li>– Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff.</li> <li>– The requirement for an arborist report for tree removal associated with a development application will be determined</li> </ul>	Not relevant. Tree removal is being considered as part of a development application. An ecologist has assessed the impacts of removing the tree and deemed it acceptable, subject to replacement planting at 2 to 1. Council's Natural Resources Team agree with this outcome and there is suitable area available for the replacement plantings in the existing reserve.	N/A

	on merit by Council's Development Assessment.		
	c) Where a tree listed in Table 1 is approved for removal it must be compensated with 2 x koala habitat trees. Significant large-scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets AS2303:2015 Tree Stock for Landscape Use. The compensation tree is to be planted in a suitable location as determined by the Director of Development and Environment or their delegate.	An ecologist has assessed the impacts of removing the tree and deemed it acceptable, subject to replacement planting at 2 to 1. Council's Natural Resources Team agree with this outcome and there is suitable area available for the replacement plantings in the existing reserve.	Yes
<b>Tree Management – Public Land</b>			
12	a) Trees on public land shall not be pruned or removed unless: <ul style="list-style-type: none"> <li>– Written consent is provided by Council; and</li> <li>– They are dead, dying, diseased or dangerous, or</li> <li>– They are causing damage to infrastructure on public land, or</li> <li>– They are impacting on pedestrian or traffic conditions; or</li> <li>– They are interfering with services on private property; or</li> <li>– They impact on the outlook from historic sites or significant public viewing areas, or</li> <li>– The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or</li> </ul>	An ecologist has assessed the impacts of removing the tree and deemed it acceptable, subject to replacement planting at 2 to 1. Council's Natural Resources Team agree with this outcome and there is suitable area available for the replacement plantings in the existing reserve.	Yes
	b) The trees require removal to fulfil the requirements of section 100C of the Rural Fires Act 1997, as determined by the General Manager or his delegates.	Not relevant.	N/A
	c) Where a tree removal on public land is approved, the removal is to be supervised by the Director of Infrastructure Services or their delegate and undertaken in accordance with Council's tree management specifications.	Conditions will be imposed to manage tree removal.	Yes
	d) A tree removed on public land is to be replaced by an approved	Council's Natural Resources Team	Yes



	species in a suitable location as determined by the Director of Infrastructure Services or his delegate.	agree with the proposed tree removal and have determined there is sufficient area available in the reserve for replacement plantings.	
	e) Council will not consider the pruning or removal of trees where the intent is to enhance the views of or from private property.	Not relevant.	N/A
	f) Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not permitted. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council.	None proposed.	N/A
	g) Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report.	Council's Natural Resources Team agree with the proposed tree removal and have determined there is sufficient area available in the reserve for replacement plantings. Conditions of consent will be used to manage the process.	Yes
	h) Council has no statutory obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land.	Not relevant.	N/A
	i) Any pruning, removal or treatment of any tree on public land must be undertaken in accordance with Council's tree management specifications.	Standard conditions of consent will be used to manage the process.	Yes
	j) Council, or contractors working on behalf of Council are exempt from requiring an approval to remove or kill non-native or non-indigenous native trees from	Not relevant.	N/A



	public bushland reserves.		
<b>Tree Management - Hollow Bearing Trees</b>			
13	Provisions for hollow bearing trees.	The proposed tree to be removed is not hollow bearing.	Yes
14	A strategy for tree removal (timing and methodology) that minimises impacts on native wildlife shall accompany any development that proposes the removal of HBTs.	Conditions of consent will be used to manage the process of removing the tree onsite. Hollow bearing tree provisions not relevant in this case.	Yes
<b>Flooding</b>			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Development complies - refer to comments on flooding in the LEP 2011 section of this report.	Yes
<b>DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Road Hierarchy</b>			
23	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"> <li>to avoid driveways near intersections and road bends, and</li> <li>to minimise streetscapes dominated by driveways and garage doors, and</li> <li>to maximise on-street parking</li> </ul>	No new driveway crossings proposed.	N/A
<b>Parking Provision</b>			
24	a) Off-street Parking is provided in accordance with Table 3.  Community facilities require 1 space per 30m <sup>2</sup> .  The proposed development is 114m <sup>2</sup> .  $114/30 = 3.8$ spaces, which rounds to 4 spaces required.  It should be noted that the development is replacing the	The applicant has advised that no additional spaces are proposed. This is on the basis that the additional storage provided will eliminate the need for Scouts to tow boats to the site/take up parking with boat trailers. Less trailers will mean more parking in the area.	No, but acceptable

	<p>same type of community facility onsite, which is 73m<sup>2</sup>.</p> <p><math>73/30 = 2.4</math> spaces, which rounds to 3 spaces.</p> <p>Therefore, it is assumed that the development has 3 spaces credit and only 1 additional space is required.</p>	<p>In this case, the variation is considered acceptable for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The shortfall is only one (1) space.</li> <li>2. The extra storage will reduce the need for some trailers and thereby free up some parking in the area (Note: there is currently no restriction on the number of people or boats that can use the facility so the development could expand without the storage).</li> </ol>	
	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.	Not relevant.	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	Not relevant.	N/A
25	a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.	Credit applied - refer to comments on 24(a) above.	Yes
26	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>- there is adequate on street space to accommodate peak and acute parking demands of</li> </ul>	On street car parking not utilised in calculations	Yes

	<p>the area;</p> <ul style="list-style-type: none"> <li>– parking can be provided without compromising road safety or garbage collection accessibility;</li> <li>– parking can be provided without jeopardising road function; and</li> <li>– that streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape.</li> </ul>		
	b) On street parking is provided in accordance with AS2890.5.	Not relevant.	N/A
27	<p>a) On street parking will not be permitted unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>– parking does not detract from the streetscape; and</li> <li>– that streetscape improvement works, such as landscaped bays and street trees are provided.</li> </ul>	Not relevant.	N/A
<b>Parking Layout</b>			
28-37	Parking design provisions.	This report recommends that no additional parking is required.	N/A
<b>Traffic Generating Development</b>			
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	Development is not traffic generating.	N/A

<b>DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Social Impact Assessment</b>			
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	<p>Council's Social Impact Assessment Policy lists various examples of community facilities that would typically require either a social impact assessment or comment. The list of examples includes more active uses such as skate parks, clubs, neighbourhood centres, medical centres and youth centres. A minor expansion of an existing boat storage facility is not considered to be captured by the Policy. Nonetheless, the applicant provided the following comments from a social impact perspective:</p> <ul style="list-style-type: none"> <li>- The proposed building is considered to provide a positive social benefit to the local community by improving the facilities available for this important not-for profit organisation;</li> <li>- The proposed development will not impact any adjoining or surrounding properties by manner of overshadowing or view sharing.</li> </ul> <p>Council staff are agreeable to these comments and do not</p>	Yes

		foresee any adverse social impacts occurring from the proposal.	
<b>Crime Prevention</b>			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> <li>– Casual surveillance and sightlines;</li> <li>– Land use mix and activity generators;</li> <li>– Definition of use and ownership;</li> <li>– Basic exterior building design;</li> <li>– Lighting;</li> <li>– Way-finding; and</li> <li>– Predictable routes and entrapment locations;</li> <li>– as described in the Crime Prevention Through Environmental Design (CPTED) principles.</li> </ul>	<p>The applicant has submitted a CPTED assessment carried out by the NSW Police. The assessment concluded that the development was of low risk and suggested the following measures:</p> <ul style="list-style-type: none"> <li>- Roller doors to have hasp and latch lock for extra security.</li> <li>- If power is to be supplied to shed a cctv system be installed to cover front grassed area and to cover the carpark area.</li> <li>- Graffiti proof paint to be utilised to paint masonry to aid in prevention of same.</li> <li>- Interior sensor alarm to be installed.</li> </ul> <p>The recommendations will form conditions of consent.</p> <p>Overall, the development proposes a basic yet functional building. By implementing the above measures and noting the site has good passive surveillance from surrounding areas; no adverse crime or safety issues are likely to occur.</p>	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

In relation to the site and development, no planning agreement has been offered or entered into.

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

**Demolition of buildings AS 2601 - Clause 92**

Demolition of the existing building 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 site has a general street frontage to McInherney Close.

Adjoining the site to the north, east and west is a mixture of other community facilities (ie Sailability and the Sailing Club), boat hire centre and open public space backing onto the Hastings River.

Adjoining the site to the south is predominately residential housing and a holiday park.

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

The use of the building will remain the same and consistent with other development in the locality and adequately addresses planning controls for the area.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts with adequate building separation in place.

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 between the hours of 9am and 3pm.

**View Sharing**

As part of the proposal, a view sharing analysis was provided by the applicant in the Statement of Environmental Effects.

The overall notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all the view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Having considered the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the applicant's analysis and following an inspection of the area, Council staff concur with the applicant's findings. Comments are provided below on the steps outlined in the subject Case.

Step 1

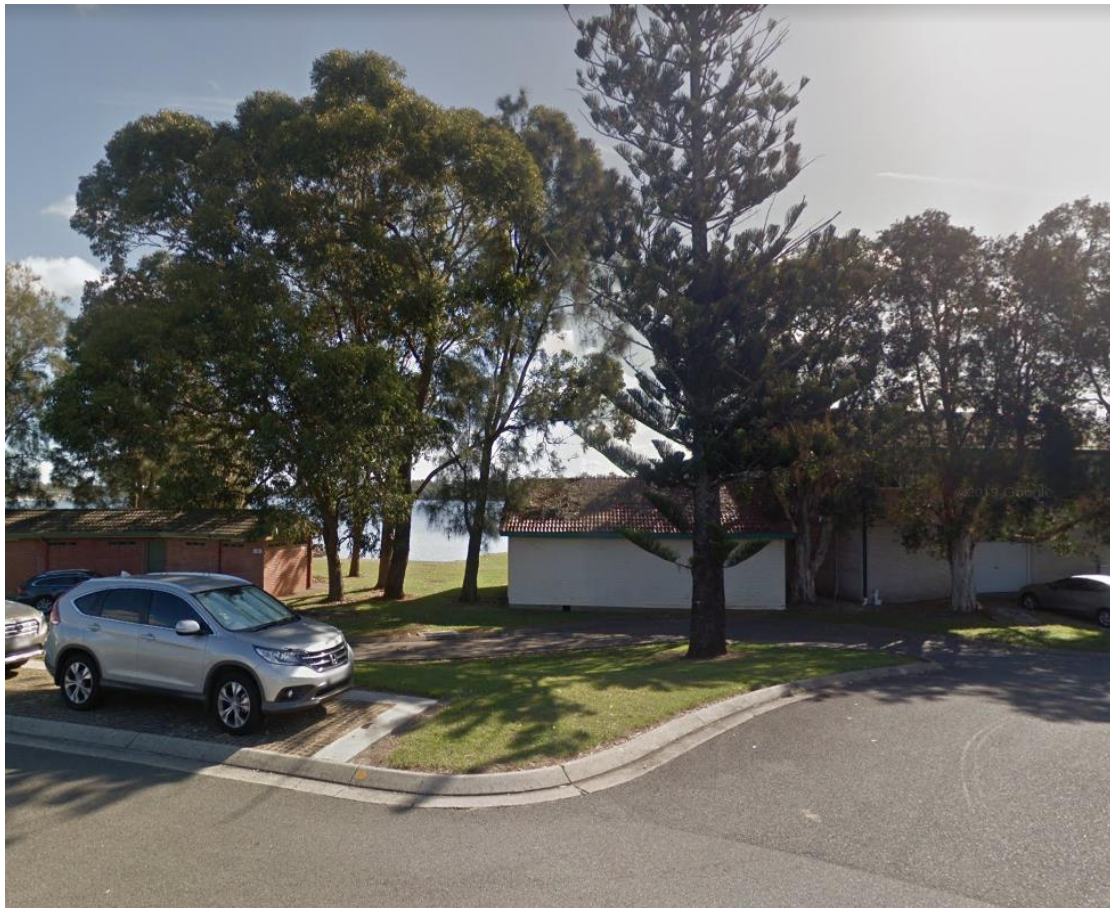


*Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

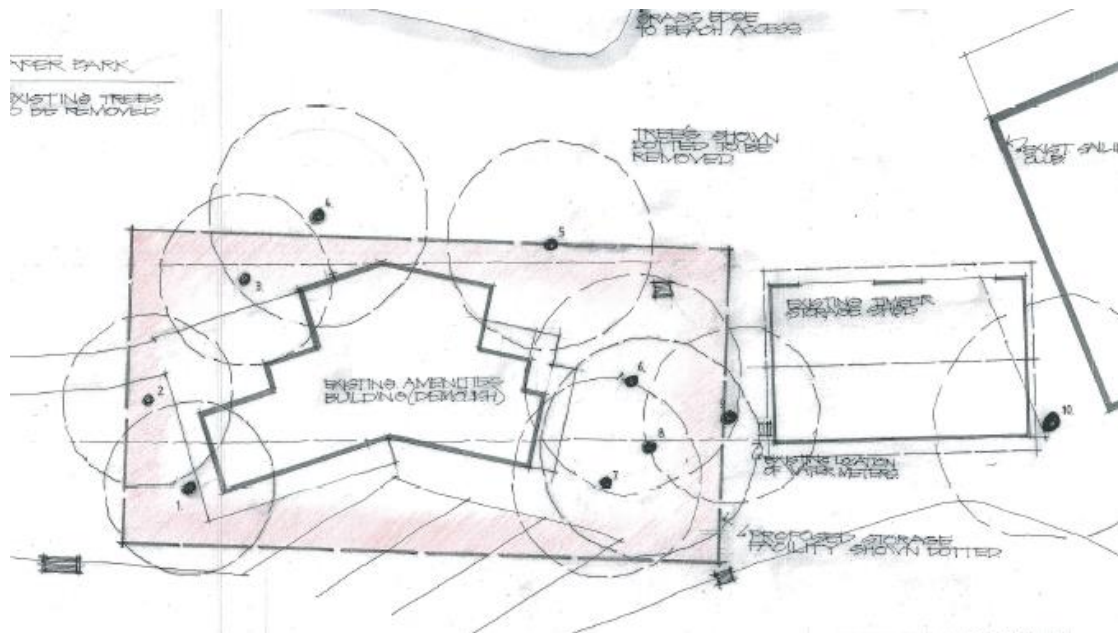
Comments: The dwellings between 8-12 McInherney Close are considered to have the most potential for views to be impacted by the proposal. These dwellings currently enjoy filtered views through the trees and buildings on the public reserve, through to the Hastings River. It is noted that the view will be changed/removed via the approved Sailability building under DA2017 - 667.

The filtered view provides limited opportunities to see the actual Hastings River and is not considered to be of high value.

#### **Example of view - Google Maps Street View**



**The pink outline below represents the approved Sailability Building footprint (DA2017 - 667)**

Step 2

*Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comments: The views would be obtained across the front boundary of the properties from a range of living/deck areas.

Step 3

*Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comments: The extent of the impact upon views is considered minor for the following reasons:

- The existing views to the Hastings River are limited due to the existing stand of trees and buildings within the public reserve. Whilst the approved Sailability building (DA2017 - 667) will remove these trees, the actual approved Sailability building is larger and will encroach closer to the existing Scouts building (ie the existing limited view will be further reduced by DA2017 - 667).
- The proposed building complies with the height limit for the area and the land sloping down from McInherney Close ensures distant outward views are not compromised.
- Western views up the river will be retained.

Step 4

*Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comments: The proposal is considered to be compliant with planning controls and is of a reasonable size and scale. In addition, the views where the replacement building is proposed are already limited and it is considered that no adverse view loss will occur to adjoining properties. In this regard, the proposed development is consistent with the planning principles of the court and considered reasonable.

**Roads, Traffic and Transport**

The site has road frontage to McInherney Close, which is a sealed public road under the care and control of Council.

The continued traffic associated with the development is unlikely to have any new adverse impacts to the existing road network within the immediate locality. The additional storage will remove the need to transport boats to the site on trailers and thereby free up movement and parking in the area.

**Water Supply Connection**

Council records indicate that the site has access to Council's reticulated water supply.

The development is considered to have no adverse impact with standard conditions of consent to be applied around work to the system and connection.

**Sewer Connection**

Council records indicate that the site has access to Council's reticulated sewer network.

The development is considered to have no adverse impact with standard conditions of consent to be applied around work to the system and connection.

**Stormwater**

The development proposes to make minor changes to the alignment of the existing piped stormwater system onsite. In particular, the piped system will be relocated around the building footprint. Council's Engineering Section have reviewed the changes and support such an approach, with conditions of consent being used to manage the detailed design and process.

**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.

Standard condition will be imposed for work to cease if something is unexpectedly discovered during work.



**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 proposed development includes clearing of approximately one (1) native tree. Nonetheless, the Biodiversity Offset Scheme doesn't apply in this case for the following reasons:

- The land isn't identified on the Biodiversity Values Map;
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017;
- The application of test of significance (5 Part Test) demonstrates that the development will not have a significant impact on biodiversity values.

**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.

**Noise and vibration**

The operation of the development and associated noise sources are not changing. Therefore, no new adverse operational noise generation will occur.

Condition will be imposed restricting construction to standard hours.

**Bushfire**

The site is not identified as being bushfire prone.

**Safety, security and crime prevention**

The applicant has submitted a CPTED assessment carried out by the NSW Police. The assessment concluded that the development was of low risk and suggested the following measures:

- Roller doors to have hasp and latch lock for extra security.
- If power is to be supplied to shed a cctv system be installed to cover front grassed area and to cover the carpark area.

- Graffiti proof paint to be utilised to paint masonry to aid in prevention of same.
- Interior sensor alarm to be installed.

The recommendations will form conditions of consent.

Overall, the development proposes a basic yet functional building. By implementing the above measures and noting the site has good passive surveillance from surrounding areas; no adverse crime or safety issues are likely to occur.

**Social impacts in the locality**

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

Positive social impacts will occur from the continued use of a community facility.

**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 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**

Subject to standard conditions around construction activities, no adverse impacts identified to neighbouring properties with 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.

**Integrated Development**

As the development involves work within 40m of a watercourse (Hastings River), the application was deemed to be integrated development, requiring approval from Natural Resources Access Regulator (NRAR) under the Water Management Act 2000.

The proposal was forwarded to NRAR but no comments were received within the statutory timeframe and Council is therefore able to determine the application. Overall, it is considered that no adverse impact will occur to the Hastings River due to the separation of the development (from the River) and through the imposition of conditions managing the construction process.

**(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**

Three (3) written submissions were received from the one household following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

It is noted that a number of issues raised in the submissions appear to be directed at the use of McInherney Park as a whole. In particular, some of the issues raised are related to activities/events by other users (ie Ironman Club, Sailability etc).

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

Submission Issue/Summary	Planning Comment/Response
Lack of parking in McInherney Park and adjacent street.	<p>It should be noted there is currently no restriction on the number of people or boats that can use the Scouts facility/McInherney Park. Therefore, the development could expand without the storage.</p> <p>However, the proposed additional boat storage will eliminate the need for Scouts to tow some boats to the site/take up parking spaces with boat trailers. This will result in less trailers and more parking in the area. Therefore, the extra storage is seen as a positive and will improve the parking situation in the area.</p>
Loss of views to the river due to increased building footprint size and height.	<p>Refer to comments on View Sharing above in this report. Development considered acceptable on view sharing principles.</p>
Excessive glare from roof structure. Paint colour for the building should be provided.	<p>The building has a relatively flat roof and is located over 30m away from the nearest dwelling. The plans also indicate coloured masonry walls and colourbond roofing. No reflective colours or materials are shown. As a result, no adverse glare will occur.</p> <p>In terms of paint colour, it is noted that buildings can be painted without Council consent. As a result, Council typically does not get involved in paint schemes. However to address CPTED principles and noting Council owns the land in this case, Council will condition the sign off on the paint scheme and that it be graffiti proof.</p>
Loss of natural landscape from removal of 10 mature trees.	<p>The proposed development involves the removal of one (1) tree. The other suggested trees were approved to be removed under a separate development application.</p> <p>The removal of the subject tree and associated impacts is considered above in this report and deemed acceptable.</p> <p>As a side note, the subject tree is also located adjacent/touching the existing Scouts building. It is likely the tree would need to be removed at some</p>

Submission Issue/Summary	Planning Comment/Response
	point to avoid damaging the building.
Loss of habitat.	<p>The removal of the subject tree and associated impacts was considered above in this report and deemed acceptable. In particular, an ecologist and Council's Natural Resources Team determined that the removal of the tree would have limited impact on any ecology or habitat.</p> <p>As a side note, the subject tree is also located adjacent/touching the existing Scouts building. It is likely the tree would need to be removed at some point to avoid damaging the building.</p>
No re-landscaping plan attached to the development application or the 14m wide wall.	<p>The development only involves removing one (1) tree, which can be conditioned to be replaced onsite at 2:1.</p> <p>Being Council owned land, rather than private ownership, Council would prefer to make the final call on where the replacement trees are placed onsite and any future landscaping of the overall reserve.</p> <p>The location of the building is also in an area that slopes down away from the road. Along with the compliant height, the slope assists reduce the bulk of the building and the need for any substantial landscaping.</p>
Loss of privacy and noise.	The development does not change the use of the site nor does the proposed building have any openings towards adjoining dwellings. As a result, no new impact on privacy or noise will occur.
No allowance for additional parking.	Refer to comments on parking above in the Port Macquarie-Hastings Development Control Plan 2013 section of this report.
Increased noise and blocked driveways due to lack of parking caused by increased usage. Cars often block driveways and park on grassed footpath area.	<p>There is currently no restriction on the number of people or boats that can use the Scouts facility/McInherney Park. Therefore, the Scouts could expand without the storage.</p> <p>However, the proposed additional boat storage will eliminate the need for Scouts to tow some boats to the site/take up parking spaces with boat trailers. This will result in less trailers and more parking in the area.</p> <p>Therefore, the extra storage is seen as a positive and will improve the parking situation in the area.</p>

**(e) The Public Interest**

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



The development has also been assessed in accordance with the Development Applications - Conflict of Interest Policy.

**(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 with flooding addressed earlier in this report.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

-

Development contributions have been checked by Council's Development Contribution Team and will not be required for the following reasons:

- The cost of works does not exceed \$100,000 and therefore s7.12 contributions do not apply.
- The development is exempt from payment of water & sewer headworks for the purposes of Clause 2.9(2) of Council's Development Contributions Assessment Policy. In particular, the water and sewer contributions do not exceed the \$2000 (CPI'd) exemption amount.
- There is no residential component that would trigger s7.11 contributions.





**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 - 597.1 Recommended Conditions
2.   DA2020 - 597.1 Plans

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

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2020/597**

**DATE: 2/11/2020**

### **PRESCRIBED CONDITIONS**

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

### **A – GENERAL MATTERS**

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

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects and Appendices	Job 6452	King & Campbell Pty Ltd	July 2020
Plans	Project No J469, Drawing No SK02 & SK21	ArchiECO	30 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 building 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) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (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.
- (7) (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.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond

amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (10) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

#### **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 any water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of the Construction Certificate detailed design plans for any of the following works. 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. Any road works along the frontage of the development.
  2. Any sewerage reticulation.
  3. Any water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Stormwater systems.
  5. Erosion & Sedimentation controls.
  6. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out any works within the public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works may include, but not be limited to:
- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
- (4) (B025) Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the commercial components of the development, as well as addressing fire service and backflow protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations.

- (5) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Certification that the construction of footings and piers has been carried out in accordance with the approved drawings and specifications shall be provided by a practising chartered professional civil and/or structural engineer to the Principal Certifying Authority with the application for the Section 307 - Certificate of Compliance/Occupation Certificate.
- (6) (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.
- (7) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of the Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped system.
  - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6452P\_Servicing Plan prepared by King & Campbell Pty Ltd and dated 26/6/2020.
  - c) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (8) (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.
- (9) (B195) Prior to release of the Construction Certificate, submission to and approval by Councils Parks and Gardens Manager of a plan that provides for a minimum of two (2) replacement trees in suitable locations at the site. The species and size of the replacement trees shall be determined by Council's Parks and Gardens staff.
- The applicant shall also implement a tree maintenance program for a minimum period of twelve (12) months to ensure that all trees becomes well established. Details of the program must be included with the replacement tree plan.
- A copy of the approval by Council shall be provided to the Principal Certifying Authority.
- (10) (B196) A building colours and materials schedule shall be submitted to and approved by Port Macquarie-Hastings Council prior to the issue of the building Construction Certificate.
- (11) (B197) Prior to release of the Construction Certificate, the plans are to show which of the recommendations from the Crime Prevention Through Environmental Design Assessment by NSW Police, dated 30 June 2020 are to be implemented onsite. As a minimum, the plans must include the hasp and latch lock on the roller doors and propose use of graffiti proof paint.
- (12) (B198) All parts of the boat storage shed below the applicable Flood Planning Level (1 in 100 flood level including climate change plus 500mm freeboard) shall be constructed from flood compatible materials compliant with the ABCB



Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document Reducing Vulnerability of Buildings to Flood Damage (2007). A plan detailing compliance with this condition are to be provided to the Principal Certifying Authority, prior to release of the Construction Certificate.

- (13) (B199) The floor level of the boat shed area is to be at or above 2.056m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (14) (B200) Prior to release of the Construction Certificate, a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, this level is 4.12m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood including climate change may be assumed to be 0.90m/s.

#### **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) (C008) No access through the reserve shall be allowed without first obtaining written approval from Council's Parks and Gardens Manager. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Council. Such approval would need to be undertaken in accordance with Council Policy.
- (3) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### **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 traffic management works
  - b. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;

- c. prior to the pouring of concrete for sewerage works and/or works on public property;
- d. during construction of water infrastructure;

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) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council
- (4) (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*.

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) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (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.

- (4) (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.
- (5) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (6) (E045) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL 3.62m AHD.
- (7) (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.
- (8) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (9) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (10) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (11) (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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (12) (E195) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.

**F – OCCUPATION OF THE SITE**

- (1) (F025) The proposed development does not authorise any change to existing hours of operation for the boat storage facility.
- (2) (F195) The development is only permitted to be used for the storage of small boats and directly associated equipment. Shelving & storage racks are to be at or above 3.62m AHD being the 1:100 year flood level. No storage of unrelated items or use of the development for other purposes is permitted.
- (3) (F196) Any lighting associated with the building or use is not to be directed towards adjoining residential uses.

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