

ORDINARY COUNCIL

LATE REPORTS

Wednesday 18 November 2020

Ordinary Council Meeting

Wednesday, 18 November 2020

Items of Business

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13.06	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	
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4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

**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.

Plan / Supporting Document	Reference	Prepared by	Date
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:
- 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) (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:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

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

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

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



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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**).

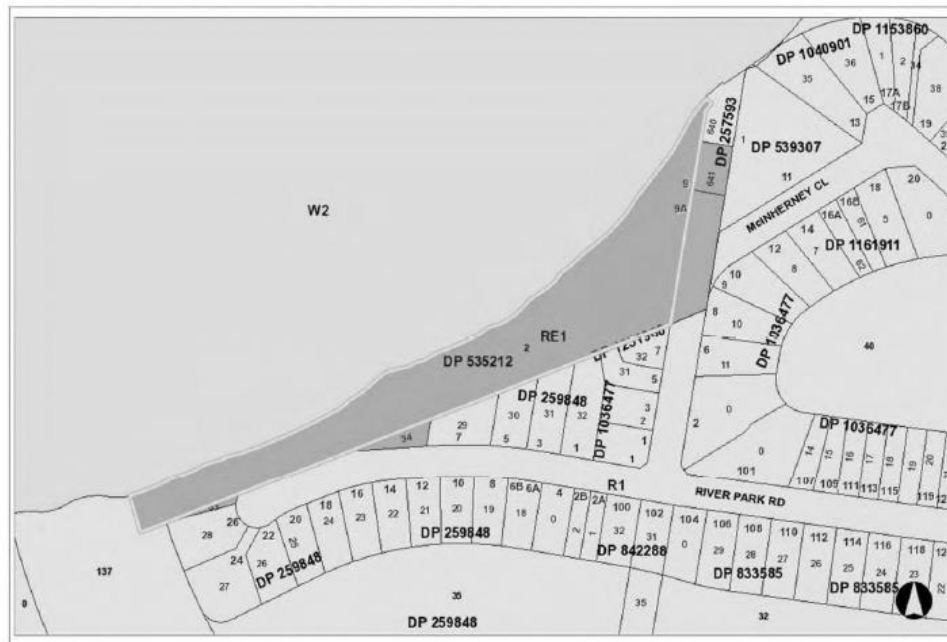
1. BACKGROUND**Existing Sites Features and Surrounding Development**

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:



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



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



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Key aspects of the proposal include the following:

- The existing 73m² Sea Scouts boat storage building is to be demolished and replaced with a new 114m² 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**

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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.



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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.



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- 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:

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



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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"> – 3 metres or higher in height, or – has a trunk diameter of 	One (1) broad leaf paperbark is to be removed. An ecologist has assessed the impacts of removing the tree and deemed it	Yes

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	<p>100mm measured at 1.0metre above ground level; or</p> <ul style="list-style-type: none"> – a hollow bearing tree 	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
Tree Management – Private Land			
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"> – is dangerous; or – is dying and remedial pruning would not improve the deteriorated condition of the tree; or – has a history of branch fall (documented or photographic evidence to be provided); or – is structurally unsound or; diseased. – Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff. – The requirement for an arborist report for tree removal associated with a development application will be determined 	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

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	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
Tree Management – Public Land			
12	a) Trees on public land shall not be pruned or removed unless: <ul style="list-style-type: none"> – Written consent is provided by Council; and – They are dead, dying, diseased or dangerous, or – They are causing damage to infrastructure on public land, or – They are impacting on pedestrian or traffic conditions; or – They are interfering with services on private property; or – They impact on the outlook from historic sites or significant public viewing areas, or – 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 	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

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	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

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	public bushland reserves.		
Tree Management - Hollow Bearing Trees			
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
Flooding			
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
DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
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"> to avoid driveways near intersections and road bends, and to minimise streetscapes dominated by driveways and garage doors, and to maximise on-street parking	No new driveway crossings proposed.	N/A
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3. Community facilities require 1 space per 30m ² . The proposed development is 114m ² . $114/30 = 3.8$ 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

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	<p>same type of community facility onsite, which is 73m².</p> <p>$73/30 = 2.4$ 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"> 1. The shortfall is only one (1) space. 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). 	
	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"> - there is adequate on street space to accommodate peak and acute parking demands of 	On street car parking not utilised in calculations	Yes

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	<p>the area;</p> <ul style="list-style-type: none"> - parking can be provided without compromising road safety or garbage collection accessibility; - parking can be provided without jeopardising road function; and - that streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape. 		
	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"> - parking does not detract from the streetscape; and - that streetscape improvement works, such as landscaped bays and street trees are provided. 	Not relevant.	N/A
Parking Layout			
28-37	Parking design provisions.	This report recommends that no additional parking is required.	N/A
Traffic Generating Development			
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

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DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
Social Impact Assessment			
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"> - 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; - The proposed development will not impact any adjoining or surrounding properties by manner of overshadowing or view sharing. <p>Council staff are agreeable to these comments and do not</p>	Yes

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		foresee any adverse social impacts occurring from the proposal.	
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	<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"> - 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. <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



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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

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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.

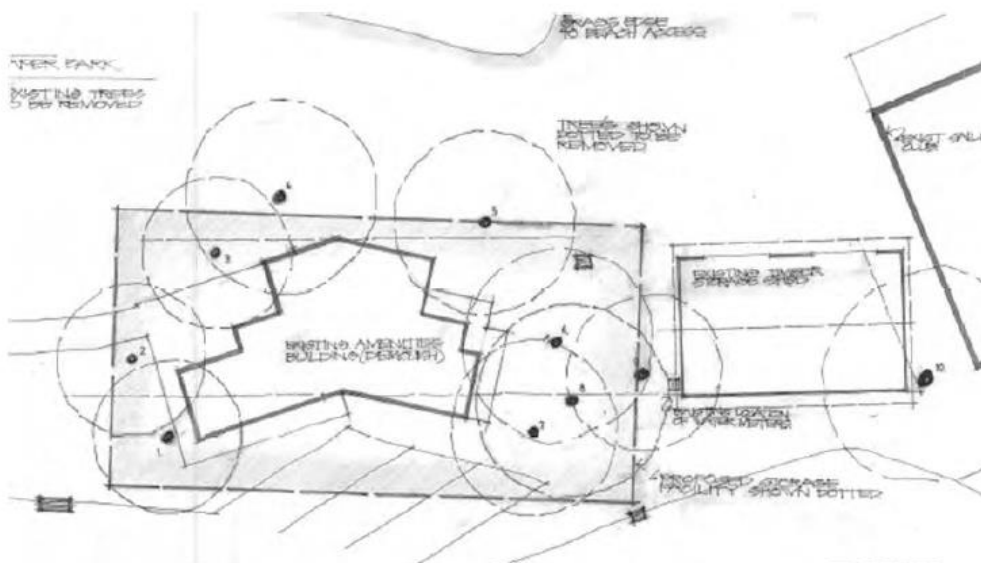
Comments: The dwellings between 8-12 McInherney Close are considered to have the most potential for views to be impacted by the proposal. These dwellings currently enjoy filtered views through the trees and buildings on the public reserve, through to the Hastings River. It is noted that the view will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

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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

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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.



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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.



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- 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

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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.	Refer to comments on View Sharing above in this report. Development considered acceptable on view sharing principles.
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>

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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.



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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.



AGENDA

**DEVELOPMENT ASSESSMENT PANEL
11/11/2020**

Attachments

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



ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
11/11/2020**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.

Plan / Supporting Document	Reference	Prepared by	Date
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:
- 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) (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:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

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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.
- (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

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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.

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- (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

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Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained within 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;

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- 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

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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.

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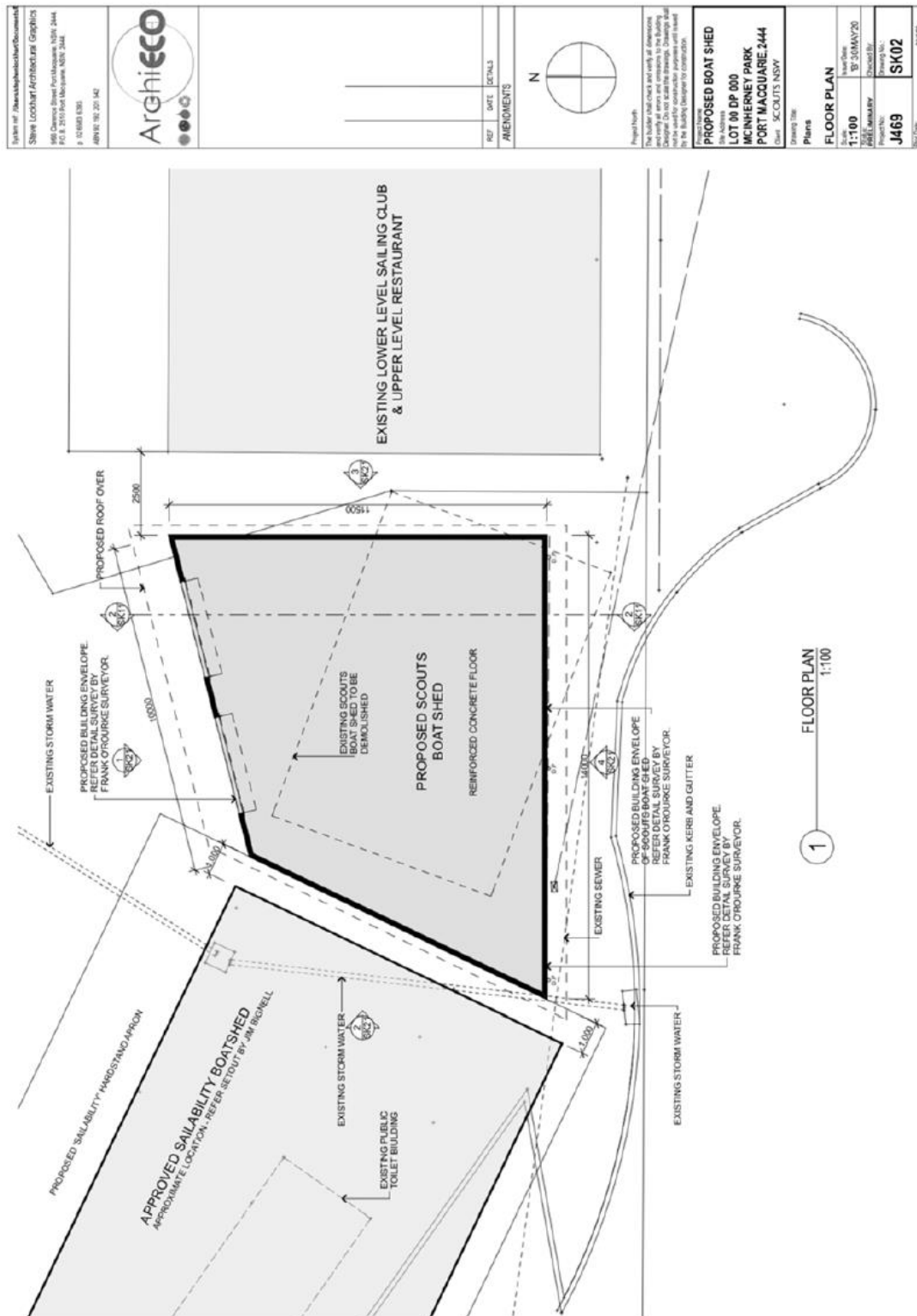
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- (12) (E195) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.

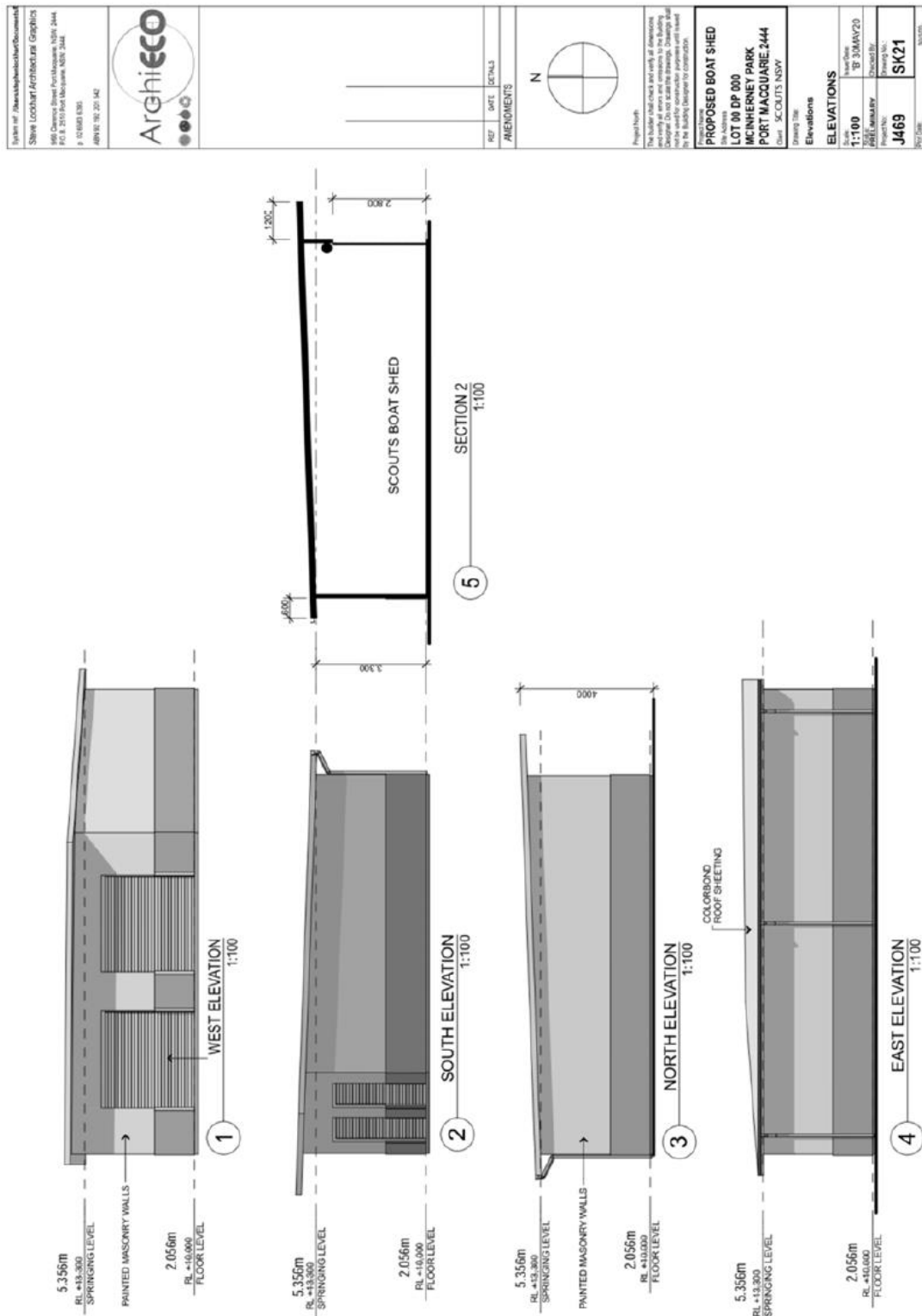
F – OCCUPATION OF THE SITE

- (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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