



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Thursday 21 January 2021

location: Via Skype

time: 2:00pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent and expert determinations of development applications that fall outside of staff delegations.

2.0 KEY FUNCTIONS

- To review development application reports and conditions;
- To determine development applications outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP);
- To maintain transparency in the determination of development applications.

Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

3.0 MEMBERSHIP

3.1 Voting Members

- Two independent external members. One of the independent external members to

- be the Chairperson.
- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

3.4 Member Tenure

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

3.5 Appointment of members

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.

5.0 MEETING PRACTICES

5.1 Meeting Format

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

5.2 Decision Making

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

5.3 Quorum

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

- The Director Development & Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

5.6 Recording of decisions

- Minutes will record decisions and how each member votes for each item before the Panel.

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Members of the Panel must comply with the applicable provisions of Council’s Code of Conduct. It is the personal responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted. Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

8.0 LOBBYING

- All members and applicants are to adhere to Council’s Lobbying policy. Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

Development Assessment Panel

ATTENDANCE REGISTER

Member	30/09/20	14/10/20	28/10/20	11/11/20	25/11/20	02/12/20	16/12/20
Paul Drake	✓	✓	✓	✓	✓	✓	✓
Robert Hussey			✓		✓		
David Crofts (alternate member)	✓	✓		✓		✓	✓
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner	✓	✓	✓	✓	✓	✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2021

21/01/2021	Function Room	2:00pm
11/02/2021	Committee Room	2:00pm
25/02/2021	Committee Room	2:00pm
11/03/2021	Committee Room	2:00pm
25/03/2021	Function Room	2:00pm
08/04/2021	Function Room	2:00pm
22/04/2021	Function Room	2:00pm
13/05/2021	Function Room	2:00pm
27/05/2021	Committee Room	2:00pm
10/06/2021	Function Room	2:00pm
24/06/2021	Function Room	2:00pm
15/07/2021	Function Room	2:00pm
29/07/2021	Function Room	2:00pm
12/08/2021	Function Room	2:00pm
26/08/2021	Committee Room	2:00pm
09/09/2021	Function Room	2:00pm
30/09/2021	Function Room	2:00pm
14/10/2021	Function Room	2:00pm
28/10/2021	Function Room	2:00pm
11/11/2021	Committee Room	2:00pm
25/11/2021	Committee Room	2:00pm
09/12/2021	Function Room	2:00pm

Development Assessment Panel Meeting

Thursday 21 January 2021

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 16 December 2020 be confirmed.

PRESENT

Members:

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

Other Attendees:

Mayor Peta Pinson
Councillor Sharon Griffiths
Development Assessment Planner (Heather Fardy)
Development Assessment Planner (Steven Ford)
Development Assessment Planner (Ben Roberts)
Development Assessment Planning Coordinator (Pat Galbraith-Robertson)
Acting Development Engineering Coordinator (Grant Burge)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 2 December 2020 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2018 - 127.1 - 6 LOT TORRENS TITLE SUBDIVISION AT LOT 6 DP861376, HIGH STREET, WAUCHOPE

Speakers:
Donna Clarke (applicant)

CONSENSUS:

That DA2018 - 127.1 for a 6 lot torrens title subdivision at Lot 6, DP 861376, High Street, Wauchope, be determined by granting a deferred commencement consent subject to the following and the recommended conditions provided in Attachment 1:

1. Owner's consent being obtained and provided to Council within 6 months of the date of this consent for offset planting on the Wauchope Showground, Lot 22 DP 1147833, 93A High Street, Wauchope.
2. Additional condition in Section E to read: 'Prior to release of the subdivision certificate a restriction is to be placed on the title of the allotments identifying the nominated building envelopes. Port Macquarie-Hastings Council is to be nominated as the sole party to modify or release the restriction.'

06 DA2020 - 842.1 DWELLING AT LOT 341 DP 1251842, NO 40 KOEL CRESCENT PORT MACQUARIE

Speakers:
James Collins (applicant)

CONSENSUS:

That DA2020 - 842.1 for a Dwelling at Lot 341, DP 1251842, No. 40 Koel Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

07 DA2016 - 87.2 MODIFICATION TO APPROVED SUBDIVISION LAYOUT, AT LOT 33 DP 803801, FOREST PARKWAY LAKE CATHIE

Speakers:

Donna Clarke (applicant)
Graham Burns (applicant)
John Kennewell (applicant)

CONSENSUS:

That DA 2016 - 87.2 for a modification to subdivision at Lot 33, DP 803801, Forest Parkway, Lake Cathie, be determined by granting consent subject to the recommended modified conditions and as amended below:

- Amend condition B(19) to read: 'The pavement for Road 3 shall be 9m wide from Forest Parkway to proposed Road 2 and 7m wide from proposed Road 2 to Springhill Place. Details shall be shown on the engineering plans submitted as part of the application for a Construction Certificate.'

08 DA2020 - 816.1 STAGED TEMPORARY EXPANSION OF AN EDUCATIONAL ESTABLISHMENT AT LOT 2 DP 610860, LOT 2 DP 354804, LOT 1 DP 1254823, 8 TABLE STREET AND 54 GORE STREET, PORT MACQUARIE

Speakers:

Scott Marchant (applicant)

CONSENSUS:

That DA 2020 - 816.1 for staged temporary expansion of an educational establishment at Lot 2, DP 610860, Lot 2 DP 354804 and Lot 1 DP 1254823, No. 8 Table Street and No. 54 Gore Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition A(8)

09 GENERAL BUSINESS

Nil.

The meeting closed at 3:45pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 05

Subject: DA2020 - 701.1 PART CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO MULTI DWELLING HOUSING INCLUDING TOURIST AND VISITOR ACCOMMODATION, 11 MISSION TERRACE LAKEWOOD, LOT 2 DP 771931

Report Author: Development Assessment Planner, Steven Ford

Applicant:	Blueprint Planning Consultants
Owner:	CrossView Australia Ltd
Estimated Cost:	\$0
Parcel no:	16822

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 701 for a part Change of Use from Educational Establishment to Multi Dwelling Housing including Tourist and Visitor Accommodation at Lot 2, DP 771931, No. 11 Mission Terrace, Lakewood, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Part Change of Use from Educational Establishment to Multi Dwelling Housing including Tourist and Visitor Accommodation at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission was received.

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

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

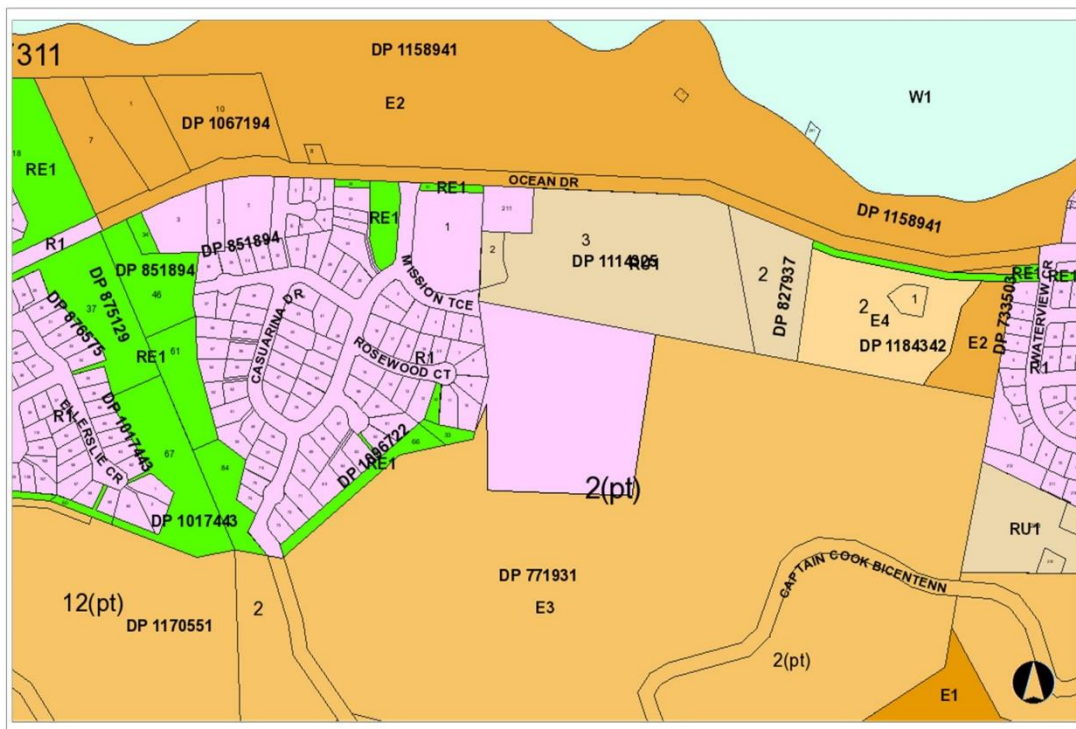
1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 56 Hectares.

Prior to lodgement of this development application, the subject property was rezoned from RU1 Primary Production to R1 General Residential and E3 Environmental Management, amending the minimum lot size, building height and floor space ratio provisions applying to part of Lot 2 DP 771931, Mission Terrace, Lakewood. (PP2016 - 11.1)

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The existing educational establishment with onsite accommodation was originally approved by DA1999/752 and remains an active consent. This is to be partly

retained, namely the educational buildings, in conjunction with the residential accommodation.

- Propose change of use of all dwellings to multi dwelling housing. To allow flexibility to rent out any or all dwellings to persons not associated with the educational establishment.
- Allow tourist and visitor accommodation of dwellings numbered 11, 12, 14, 15, 16 and 18 and 3 studios.
- All educational establishment buildings to remain as previously approved by DA1999/752.
- No Building works are proposed other than bushfire mitigation upgrades.

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

Application Chronology

- 27 August 2020 - Application Received
- 9 September to 22 September 2020 - Notification of Proposal
- 21 September 2020 - Submission received
- 24 September 2020 - Additional information received
- 28 October 2020 - Additional information request from Rural Fire Service
- 6 November 2020 - Additional information received
- 4 December 2020 - Additional Information Request from Rural Fire Service
- 17 December 2020 - General Terms of Approval received from Rural Fire Service

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

Clause 7 - The property is over 1ha in size and consideration of the site as potential koala habitat is required under Clause 8.

Clause 8 - As per Circular B35, Clause 1.5, it is the intent of the Policy that investigations for potential and core koala habitat be limited to those areas in which it is proposed to disturb habitat. In this case, the application has demonstrated that no habitat will be removed or disturbed in relation to the change of use of the existing development to multi dwelling housing. Therefore, the site is not considered to be potential habitat and further consideration of the SEPP is not required.

Clause 9 - The Applicant has submitted an assessment by JB Enviro, which satisfactorily demonstrates the site is not core koala habitat. As the site is not considered to be core habitat, further consideration of the SEPP is not required.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area.

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

Clause 14 - The proposed development is not considered likely to result in any of the following:

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

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

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential and E3 Environmental Management.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for a Change of use from Educational Establishment to Multi Dwelling Housing including part Tourist and visitor accommodation is a permissible landuse with consent. (note the footprint of the existing development is within the R1 zoned land only).

The objectives of the R1 zone are as follows:

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

The objectives of the E3 zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a variety of housing types and densities.

- To provide for a limited range of development that does not have an adverse effect on those values.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - the proposal is a permissible landuse;
 - no identifiable adverse impact to the adjoining environmental management land in terms of special ecology, cultural or aesthetic values.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.
-
- (ii) **Any draft instruments that apply to the site or are on exhibition**

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

The relevant general provisions of the plan 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.	The existing storage and collection of waste satisfies this clause and is to remain as private collection. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	The proposal involves no additional earthworks beyond what has been approved under consent to DA 1999/752.	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management	
Bushfire Hazard Management	

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	The existing APZ is wholly contained within the R1 zoned area. As stated in the Bushfire Assessment Report, by Midcoast Building and Environmental, amended August 2020, the proposed multi dwelling housing development is capable of complying.	Yes
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	<p>A parking study has been submitted to support the existing development onsite parking adequately addresses the DCP 2013 requirements.</p> <p>All the dwellings (total of 30 separate occupancies) include a single carport and most provide for a stacked parking space in the driveway from the internal access road to the garage.</p> <p>Total of 30 residential car spaces + opportunities for stacked car parking within driveways for visitors.</p> <p>In addition, there is visitor parking provided near the office building for 24 angled parking spaces, and a further 12 angled parking spaces near the meeting/classroom building. Resulting in adequate parking for the existing administration and educational buildings to</p>	Yes

		<p>partly continue operation/use.</p> <p>Providing the above comments, location, the private road/driveways widths being 6.2m wide, existing developments, there is no identifiable impact to on street car parking along Mission Terrace.</p> <p>In general the development meets the objectives of this clause.</p>	
Parking Layout			
28	<p>c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:</p> <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	No Changes proposed - see Parking and Manoeuvring later in this report	N/A
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	No Changes proposed - see Parking and Manoeuvring later in this report	N/A
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	No changes proposed	N/A
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	No Changes proposed	N/A

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
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>No concealment or entrapment areas proposed. Adequate casual surveillance available.</p> <p>Note, buildings are existing onsite.</p>	Yes

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			
DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. 	N/A - the development is at the end of Mission Terrace and considered to be inward facing to internal roads/driveways.	N/A

	b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.		
	c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	N/A - No proposed changes	N/A
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	N/A - no proposed changes.	N/A
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	N/A - no proposed changes to existing carports.	N/A
	c) Driveway crossovers are no greater than 5.0m in width.	N/A - no proposed changes	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	N/A - not considered a corner lot	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	All buildings are setback not less than 10m from the nearest property boundary. There are no impacts on adjoining properties from overshadowing.	Yes

47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	All dwellings are single storey, although the floor may be elevated due to the fall of the site. No dwelling encroaches 900mm from any boundary.	
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. 	Each dwelling is provided with a fenced yard which provides private open space. The private open spaces varies from 70m ² to 150m ² , however, due to the natural slope of the site exceeds the 5% maximum specified by the DCP, it is considered that this is compensated by the large size of the yards providing more than the minimum private open space and the provision of decks on each of the dwellings, opening from the living room. The objectives of this clause have been satisfied.	Yes
	b) Private open space may include clothes drying areas and garbage storage.	Appropriate area provided for each dwelling.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	N/A - no front fence proposed	N/A
Bulk and Scale			
51	a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where: <ul style="list-style-type: none"> – Ground and first floor (and above) indoor living 	No adverse privacy impacts are identified to neighbouring properties. It is also noted due to the natural fall of the site, and the orientation of the internal floor areas towards the north, and with garages on the southern side, good visual privacy is achieved	Yes

	<p>room windows are within a 9m radius.</p> <ul style="list-style-type: none"> – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	between each of the dwellings.	
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or – Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	As discussed above, adequate separation is provided between adjoining dwellings to provide privacy.	Yes
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> – Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	No additional screening or increase sill height will be required.	Yes
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> – 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space 	There are no privacy concerns between adjoining properties externally or internally. No additional screening or increase sill height will be required.	Yes

	<ul style="list-style-type: none"> - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. - A window, the whole of which has translucent glass and is not able to be opened. 		
Ancillary Development			
56	<p>a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:</p> <ul style="list-style-type: none"> - The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). - The building should be single storey construction with a maximum roof pitch of 24 degrees. - The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 	N/A - No changes to existing and proposed Educational building as approved under DA1999/752	N/A

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

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

(iv) Any matters prescribed by the Regulations**Fire Safety and other considerations - Clause 93**

The change of building use sought by a development application is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use. It is considered that buildings are capable of complying to that required by the BCA appropriate to all of the proposed uses, both the existing dwellings and Tourist and Visitor Accommodation buildings, on completion.

Appropriate consent conditions are recommended.

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

- The site has a general north west street frontage orientation to Mission Terrace.
- Adjoining the site to the north is bushland zoned RU1 and further north is Ocean Drive.
- Adjoining the site to the east is E3 environmental Management land and further East is residential subdivisions (West Haven).
- Adjoining the site to the south is E3 Environmental Management land and National Park land.
- Adjoining the site to the west is a residential subdivision.
- The proposal will not have any significant adverse impacts to existing adjoining properties or the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- The proposal does not have a significant adverse impact on existing view sharing.
- The proposal does not have significant adverse lighting impacts.
- There are no significant adverse privacy impacts. Adequate building separation and tenancy is proposed/existing.
- 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.

Roads

The site is at the end of Mission Terrace is characterised as a cul-de-sac. Mission Terrace is a sealed public road under the care control of Council and connects to a private sealed road/driveway to each dwelling.

Traffic and Transport

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

Site Frontage and Access

Vehicle access to the site is proposed through an individual existing crossover with direct frontage to Mission Terrace, being a Council-owned public road. Access complies with Council AUSPEC and Australian Standards at the time of construction.

Parking and Manoeuvring

A total of 30 parking spaces have been provided on-site within carports, with up to 24 additional parking provided existing educational buildings and additional parking available within the internal roads/driveways. Parking and driveway widths on site comply with relevant Australian Standards (AS 2890).

The Application has provided supporting documentation regarding parking and manoeuvring from Midcoast Consulting Engineers. The application has satisfactorily demonstrated that the proposed development can provide adequate parking and access for compliance with DCP 2013 and AS2890. Existing private road carriageway widths are minimum 6.2m which complies with public road standard for Shareway or Access Place (Auspec D1, Table D1.5), suitable for servicing up to 30 dwellings.

Water Supply Connection

Council records indicate that the development site has an existing 100mm metered service to the 100mm diameter PVC water main on the same side of Mission Terrace.

Each proposed dwelling will need to be separately metered, meters may be either located at the road frontage or internally with a master meter at the boundary.

A hydraulic strategy and detailed plans are required from a hydraulic consultant for the whole of the development on the site. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

Detailed plans have previously been submitted and approved with a S.68 application.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer manhole outside the property frontage of the development lot. The site may discharge all sewage to this point.

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

Appropriate consent conditions are recommended.

Stormwater

The site naturally grades towards North-East corner of the lot and is currently serviced via an existing onsite detention. Detailed plans have previously been submitted and approved with a S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection, no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is considered to be disturbed land.

Other Land Resources

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

Water Cycle

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

Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

Air and Microclimate

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

Flora and Fauna

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

Waste

Satisfactory private waste collection arrangements are to be retained. No adverse impacts anticipated. A consent condition is recommended in this regard.

Energy

No adverse impacts anticipated. No change to buildings.

Noise and Vibration

The noise and amenity operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution.

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by Midcoast Building and Environmental, August 2020.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level ranges from 12.5, 19 and 29 shall be required.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. An appropriate condition is recommended to require upgrade of the buildings prior to Occupation Certificate.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes development that is integrated development. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the

NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

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

Economic Impacts in the Locality

The proposal is not considered to have any significant adverse economic impacts on the locality.

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
The submission notes that it does not entirely object. However, reserves the right to object because of some of the issues raised and consideration of adopting the proposed enhancements as mitigation measures.	<p>The submission was forwarded to the Applicant for consideration.</p> <p>Issues raised have been noted.</p>
Bushfire attack mitigation	<p>The submitted bushfire report sets out all the required works to comply with Planning for Bushfire Protection 2019. There is no requirement to undertake any works outside the property boundaries.</p> <p>In accordance with Section 100B - <i>Rural Fires Act 1997</i>, the report was forwarded to the NSW Rural Fire Service who have since issued concurrence as the Bushfire Safety Authority, which will be incorporated into the consent.</p>
Pedestrian access to Ocean Drive and Queens Lake. Consideration is requested to enter into an amicable agreement for pedestrian access for compensation or maintenance costs.	<p>The proposed application does not indicate a pedestrian route to Ocean Drive over the adjoining private land.</p> <p>The use of the existing fire trail through 304 Ocean Drive is not proposed to change. There is no planning justification requiring such an arrangement. If the owner of the adjoining land wishes to negotiate such an arrangement, this could be addressed as a civil matter, and not be imposed on the development consent.</p> <p>The Development has access to Ocean Drive and Queens Lake via Mission Terrace. Therefore, there no further comment is required at this time.</p>
Stormwater discharge	<p>There are always alternative solutions to stormwater solutions, however the development does not propose any new works and so any existing stormwater flow has been approved by council in previous consents.</p> <p>The existing stormwater infrastructure appears consistent with the most recent Section 68 approval for the site, reference 680.2018.00005067.001 and the original Engineering Works approved by DA1999/752 for the</p>

Submission Issue/Summary	Planning Comment/Response
	<p>Educational Establishment.</p> <p>This application relates to the change of use of the approved residential accommodation to allow long term accommodation. This will have no impact to the existing storm water flow.</p>

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not be required under S64/S7.11 for the following reasons:
 - The development does not propose the creation of any additional dwellings
 - The existing dwellings and proposed dwellings have been approved by DA1999/752, as modified, and levied appropriate S64/S7.11 developer charges that applied at the time of approval and payable prior to the release of the Construction Certificate for each dwelling.
 - The 3x Existing Studios were approved by DA2005/301 and note that contributions were satisfied with a site credit.
 - Contributions have been levied as dwellings, as required at the time, and not as tourist and visitor accommodation.
 - No subdivision is proposed (note, future development involving subdivision might generate additional S64/7.11 charges to be levied).

- The dwelling yet to be constructed but approved under DA1999/752 will be levied S64/7.11 charges prior to the Construction Certificate as per the consent conditions.



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 and appropriate, 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 (**Attachment 1**).

Attachments

1.  DA2020 - 701.1 Recommended DA Conditions
2.  2020 - 701.1 Plans and Supporting Reports

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/701****DATE: 12/01/2021****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plan - Proposed Uses	-	Blueprint Planning Consultants	-
Statement of Environmental Effects	Project No. 2020 - 4	Blueprint Planning Consultants	August 2020
Bush Fire Assessment	-	Midcoast Building and Environmental	August 2020

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

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A011) The design and construction and maintenance of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20200909003286-Original-1 and dated 16 December 2020, are attached and form part of this consent.
- (9) This consent includes the existing residential dwellings and the approved dwellings not yet constructed under DA 1999/52 for the purposes of residential accommodation or tourist and visitor accommodation use identified in the approved plan.

B – PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (1) (B001) Prior to release of the Occupation Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply 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:
- Easements
 - Water main
 - Proposed water meter location
- (12) A schedule of existing and proposed Planning for Bushfire Protection measures is to be submitted to the Principal Certifying Authority with the application for the Occupation Certificate.
- This is to also include previously required works in accordance with the Bush Fire Assessment Report titled 'Rezoning Planning Proposal, Lot 2 DP 771931, Mission Terrace, West Haven', prepared by Midcoast Building and Environmental (amended May 2019).
- (13) (B046) The buildings identified as Holiday Let dwellings shall be upgrade and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (14) The proposed development shall drain all sewage to the existing sewer junction unless otherwise agreed by PMHC's Water & Sewer Planning Manager. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (15) Each proposed dwelling will need to be separately metered for water, meters may be either located at the road frontage or internally with a master meter at the boundary. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (16) (E001) The premises shall not be occupied or used in whole or in part as Multi Dwelling Housing including Tourist and Visitor Accommodation until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (17) (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.
- (18) (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. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (19) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of waste general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams when practical.
- (20) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment and condition A(7) is to be provided to the Principal Certifying Authority.

F – OCCUPATION OF THE SITE

- (1) Only dwellings numbered 11, 12, 14, 15, 16, 18, 19 and 3 studios, as shown on the approved plans under this consent may be used as short term or tourist accommodation.

DRAFT





**Use of
Existing and Approved
Ancillary Dwellings to
Educational Establishment as
Multi Dwelling Housing and
Holiday Lets**

Statement of Environmental Effects

CrossView Australia

**Lot 2 DP 771931
Mission Terrace, Lakewood**

August 2020

LAND USE PLANNING

PROJECT CO-ORDINATION

LOCAL GOVERNMENT
SPECIALIST

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Blueprint Planning Consultants

Lot 2 DP 771931, Mission Terrace, Lakewood

Report Title	SoEE – Mission Terrace Lakewood
Project	Use of Existing Dwellings as Multi Dwelling Housing and Holiday Lets
Client	CrossView
Project No	2020 - 4
Draft/Final	Final

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Statement of Disclaimer

The report has been prepared for the purpose of submitting a development application to Council and relies upon data and information provided by sources acknowledged in the report.

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1 Description of Proposal

1.1 Location

The site is located within the Camden Haven area, between Laurieton and Lakewood, on the lower slopes of North Brother Mountain.

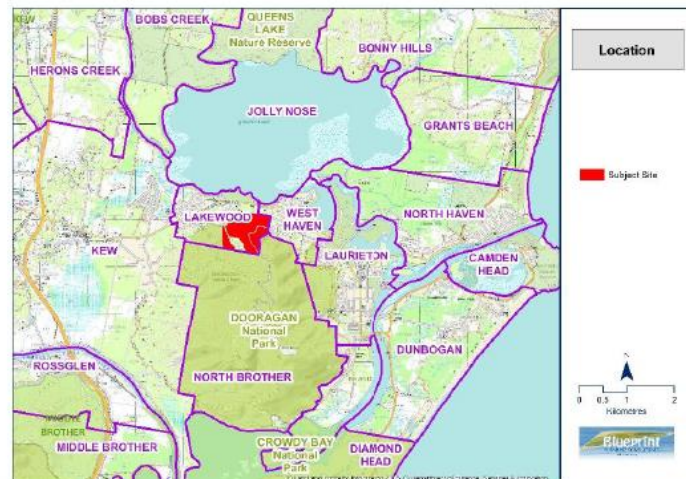


Figure 1 Location

1.2 Property Description

The site is described as Lot 2 DP 771931, Mission Terrace, Lakewood. It has a total area of 56.3ha with public road access from Mission Terrace. Captain Cook Bicentennial Drive passes through the south eastern portion of the site and an unformed public road (the extension of Cheesetree Place) passes through the south western portion of the site.



Figure 2 Property Description

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1.3 Existing Development and Infrastructure

The site contains an approved educational establishment within a cleared area in the North West corner of the site.

The educational establishment currently consists of a building containing the main office and a dwelling, a meeting/dining/teaching building, twenty detached dwellings, three attached studio units, and a large storage shed.

An internal road system provides access to each of the buildings from the cul-de-sac head of Mission Terrace. The development is connected to town water and town sewer systems. Water supply to houses above the 30m contour is boosted through a pump housed within the large shed located to the east of the office building. Stormwater runoff is captured and directed to an on-site detention dam for water quality treatment before discharge to the natural drainage depression to the east of the developed area.



Figure 3 Existing Development and Infrastructure

1.4 Existing Consent

Consent was originally granted to an educational establishment (mission training facility) around 1990. The original consent (inferred on the later approvals), included an office and meeting room building, accommodation, dining room and class room building, four dwellings and an equipment shed.

Consent was granted on 25 October 1999 (DA 1999/752) for expansion of the facility. This was subsequently modified under section 96 of the Act and provides for the addition of 4 by four bedroom dwellings, 17 by three bedroom dwellings, 2 by two bedroom villas and an equipment shed. Two of the four bedroom dwellings and 15 of the three bedroom dwellings have been constructed, as well as the equipment shed.

Consent exists for 24 detached dwellings, 2 attached villas and 3 attached bedsitter studio units.

The current development comprises:

- Office/meeting room building,
- Dining room and classrooms building,
- Student accommodation building containing three bedsitter studio units and shared laundry,

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- 20 dwellings consisting of 1 by two bedroom, 16 by three bedroom and 3 by four bedroom dwellings, and
- Equipment shed.

Not yet constructed, but benefiting from an active consent are:

- 2 by four bedroom dwellings,
- 2 by three bedroom dwellings and
- 2 by two bedroom villas (attached), and
- Games room.



Figure 4 Existing Consent

1.5 Proposed Development

The development proposal is:

1. Use of all dwellings as multi dwelling housing, which may also be used as accommodation associated with the educational establishment.
2. Holiday lets for dwellings numbered 11, 12, 14, 15, 16, 18 and 19 shown in Figure 6.
3. Continuation of the educational establishment use of the existing office and dining room/classrooms/meeting building and other approved ancillary structures.

Due to the nature of the educational establishment, with student enrolments varying from term to term and differing ratio of on-site students to on-line students, the intent is to have the flexibility to rent out any or all the dwellings to persons not associated with the educational establishment.

The proposal includes the existing constructed dwellings and the approved dwellings not yet constructed under DA 1999/52.

Consent to DA 1999/752 includes relevant requirements for submission of a Construction Certificate for each dwelling yet to be constructed, and appropriate requirements for

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compliance with the NCC/BCA. Construction standards are to meet current requirements for bushfire prone land.

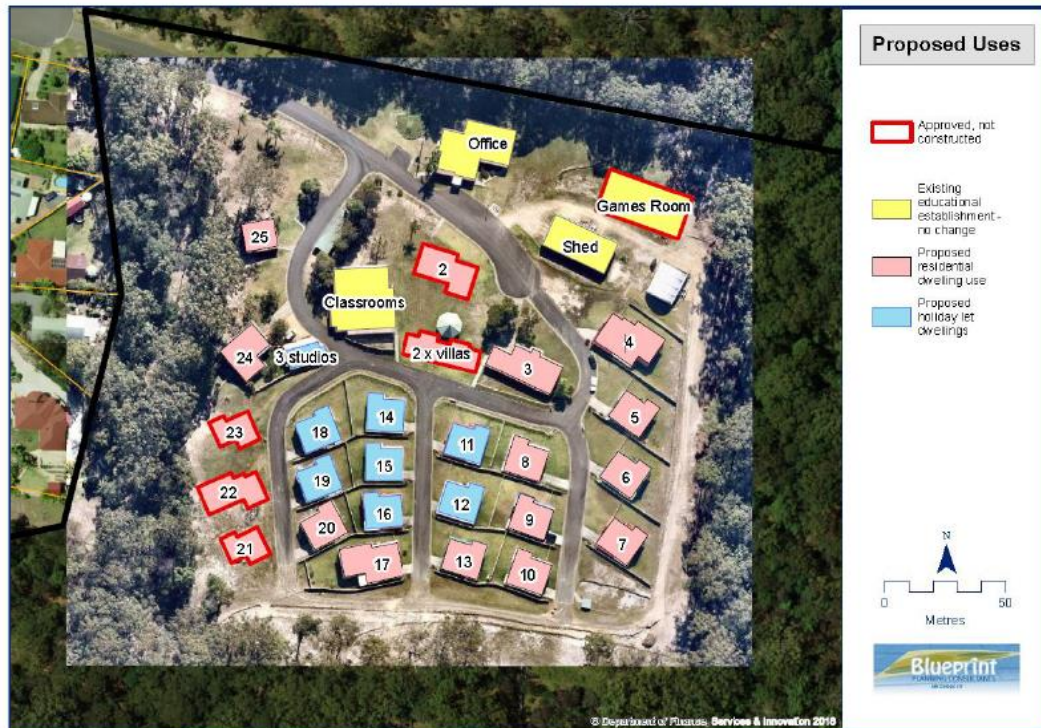


Figure 5 Proposed uses

1.6 Critical Habitat and Effects on Threatened Species

The land is not critical habitat or part of critical habitat.

1.7 Statement in Respect to Integrated Development

The proposed development is integrated development as the holiday lets require a bushfire safety authority under section 100B of the Rural Fires Act 1997.

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1.8 Other Requirements of Environmental Planning and Assessment Regulation

Documents accompanying the application are:

1. DA Application Form,
2. Owner's Consent,
3. This Statement of Environmental Effects,
4. Bushfire Assessment Report by Midcoast Building and Environmental (August 2020),
5. SEPP 44 Assessment by JBEnviro (September 2019),
6. Engineering Assessment by Midcoast Consulting Engineers (March 2016), and supplementary letter (10 September 2019),
7. Water Supply Reconfiguration (Hydraulic Strategy) by Midcoast Consulting Engineers (26 November 2018),
8. Section 68 approval for Water Supply Configuration dated 13 February 2019,
9. Approved Fire Service Layout by Willing and Partners dated 9 August 1999,
10. Proposed uses plan by Blueprint Planning Consultants,
11. Approved Plans – compilation of approved buildings obtained from Council.

2 Assessment Issues

2.1 Rural Fires Act 1997

A Bush Fire Assessment Report by Midcoast Building and Environmental (August 2020) provides a series of recommendations to comply with Planning for Bushfire Protection 2006 and 2018. It is expected that these recommendations are able to be implemented by condition of consent.

2.2 State Environmental Planning Policy (Koala Habitat Protection) 2019

SEPP (Koala Habitat Protection) 2019 applies to the land.

The land has an area of more than 1ha.

Consequently, the SEPP requires an assessment to determine if the land contains feed tree species listed in Schedule 2 for the relevant koala management area.

An assessment was undertaken by JBEEnviro on 6 September 2019 under SEPP 44, as it was prior to commencement of the new SEPP. However, the assessment is still valid as it concludes that there are no trees within the development area that are listed as feed tree species for the area.

2.3 State Environmental Planning Policy (Coastal Management) 2018

The site is within the "coastal environment area".

Clause 13(1) requires Council to consider the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) 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,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

The proposed development:

- Does not involve any clearing, earthworks or change to surface or groundwater flows and consequently has no impact on the biophysical, hydrological or ecological environment,
- Will have no impact on coastal environmental values or natural coastal processes,

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- Will not impact on water quality, noting that the existing development provides for water quality treatment of runoff and there will be no change,
- There is no impact on marine vegetation, native vegetation,, fauna or habitats, undeveloped headlands or rock platforms,
- There is no change or impact on public open space or public access,
- There are no works proposed that would potentially impact on Aboriginal cultural heritage,
- There is no relationship to the surf zone.

Clause 13(2) requires Council to be satisfied of the following:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

It is considered that Council should be satisfied that the development will avoid an adverse impact referred to in subclause (1).

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

The land that contains the dwellings is zoned R1 General Residential.

Multi dwelling housing, tourist and visitor accommodation and educational establishments are permissible with consent.

2.5 Port Macquarie-Hastings DCP 2013

a) Chapter 2.3 Environmental Management

The proposal involves no additional clearing or earthworks beyond what has been approved under consent to DA 1999/752. All required infrastructure is in place.

On this basis, there will be no environmental impacts as a result of the development.

b) Chapter 2.4 Hazards Management

The site is mapped as bushfire prone land. Existing APZs are provided and no further clearing than has already been approved is required.

A perimeter trail has been provided between the existing dwellings and the primary bushfire hazard areas. It is considered impractical to provide a perimeter road to the existing development.

c) Chapter 2.5 Transport, Traffic Management, Access and Car Parking

The development does not significantly impact on traffic levels and does not involve any road works or internal access construction.

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Midcoast Consulting Engineers have completed a Parking and Access Assessment (10 September 2019) for the site and concluded that the existing development complies with:

- DCP 2013, AS 2890.1 in respect to car parking,
- AS 2890.2 in respect to access for garbage and delivery trucks and
- AS 2890.6 in respect to disabled parking.

Parking is required to be provided in accordance with the rates set out in Table 2.5.1 of the DCP. No rate is specified for educational establishments. It is noted that the educational establishment is existing and has consent, and on this basis, there is no change to the existing generation of parking for the educational establishment.

Multi dwelling housing is required to provide parking at the rate of:

- 1 space per 1 or 2 bedroom unit,
- 1.5 spaces per 3 or 4 bedroom unit, plus
- 1 space per 4 units for visitors.

It is considered this rate is also applicable for use of the dwellings as holiday let accommodation.

All the dwellings include a single garage and most provide for a stacked parking space in the driveway from the internal access road to the garage. The internal road system is designed with a minimum 6.2m sealed pavement between roll over kerbs, which provides for kerbside parking throughout the development.

In addition, there is visitor parking provided near the office building for about 24 angled parking spaces, and a further 12 angled parking spaces near the meeting rooms building.

It is considered that there is a generous provision of car parking on the site. If necessary, there is adequate space for the provision of disabled parking spaces.

Existing internal roads and parking areas are sealed with a constructed drainage system directing stormwater flows to an existing detention basin in the north east corner of the development area. No change is proposed to this arrangement.

d) Chapter 3.2 Low Density Residential Development

Ancillary Development

There is an existing large shed on the site which is used to store a range of equipment and documents associated with the educational establishment and storage of maintenance vehicles for the site. The total site area is about 56ha, and is heavily vegetated other than the developed area containing the existing dwellings and educational establishment, which has an area of about 5ha.

Managing the site, particularly bushfire management, requires a collection of vehicles and machinery which are stored and maintained within the large shed. While the shed exceeds the maximum dimensions specified in the DCP, it is an existing shed and is considered an appropriate structure when the entire land holding is considered.

Front Setbacks

The site has a short frontage to the cul-de-sac head of Mission Terrace and does not impact on the streetscape. All buildings are setback more than 80m from the street boundary.

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Side and Rear Setbacks

All buildings are setback not less than 10m from the nearest property boundary. There are no impacts on adjoining properties from overshadowing.

Internal setbacks between dwellings are generous.

Building Bulk and Privacy

All dwellings are single storey, although the floor may be elevated due to the fall of the site. The development is considered appropriate for the site in terms of building bulk, and does not impact on the privacy of adjoining properties.

Private Open Space

Each dwelling has a fenced private open space area, ranging from about 70m² to more than 150m². While the natural slope of the site exceeds the 5% maximum specified by the DCP, it is considered that this is compensated by the large size of the yards and the provision of decks on each of the dwellings, opening from the living room.

Internal Privacy

Due to the natural fall of the site, and the orientation of the internal floor areas towards the north, and with garages on the southern side, good visual privacy is achieved between each of the dwellings.

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3 Pre-Lodgement Meeting Advice

A pre-lodgement meeting was held on 20 August 2019, reference number 210.2019.61.

The advice listed the following matters:

Planning

- 1) Submission of DA prior to finalisation of the Planning Proposal to rezone the land.

It is considered that the planning proposal is reasonably certain and imminent. The client is seeking to obtain development consent as soon as possible after the rezoning is finalised.

- 2) SEPP 44 Koala Habitat Protection.

See section 2.2.

- 3) SEPP (Coastal Management) 2018

See section 2.3.

- 4) DCP 2013 General Provisions

See Section 2.5.

- 5) Car Parking

See section 2.5 c).

- 6) Bushfire Assessment

See section 2.1.

- 7) Vegetation Removal

No additional vegetation removal is proposed.

- 8) Staging

The intention is to progressively occupy the existing dwellings following the completion of any upgrade works recommended by the bushfire report. Construction of the approved dwellings will be timed depending on demand for rental accommodation and cash flow from the site. Any subdivision proposal would be the subject of a future development application.

- 9) Proposed Uses and Relation to DA 1999/752

The use of the Office and Meeting Room Building is associated with the Educational Establishment, with lectures and tutorials undertaken in the Meeting Room buildings. The Office provides for various administration functions associated with the delivery of courses and includes an additional lecture room and chapel. The three attached bedsitters has been used for single students, and may continue to be used for this purpose, but may be rented separately if available.

The shed is used for storage of equipment and documents associated with the education establishment and to garage vehicles and machinery used for management and maintenance for the 56ha site.

The polyhouse is used for the storage of youth ministry equipment associated with the educational establishment.

The existing consent allows the construction of the following additional dwellings:

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- 2 four bedroom dwellings
- 2 three bedroom dwellings, and
- 2 two bedroom villas (attached).

There appears to be no regulation preventing the construction of these dwellings.

10) Waste Management and Collection

The development is currently serviced by private (Council) garbage trucks (small rigid vehicle (SRV) 6.4m long) which operate on the loop road. Dwellings within the dead-end roads wheel bins to the loop road for service. The current service is for red bin only.

It is expected that this garbage service will continue for the multi dwelling housing development (and could be expanded to yellow and green bin service). The dimensions of the loop road are suitable for Medium Rigid Vehicles (MRV) 8.8m long and Heavy Rigid Vehicles (HRV) 12.5m long.

11) Section 68 Works

Noted.

12) Development Contributions

Noted.

Water

1) Existing 100mm Service

Noted.

2) Dwellings to be separately metered

Noted. All dwellings are currently separately metered.

3) Hydraulic Strategy

See Engineering Report and Water Supply Reconfiguration by Midcoast Consulting Engineers, and Section 68 approval.

A copy of the approved fire service is attached to the application.

Sewer

1) Discharge to existing junction

Noted.

Engineering

1) Bonding of Works

No works proposed.

2) Torrens Title Requirements

Noted. Not proposed as part of this application.

3) Internal Access Aisles

Refer to section 2.5 and letter from Midcoast Consulting Engineers dated 10 September 2019

Friday, 6 September 2019

Mr Tony Blue
Blueprint Planning Consultants
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Delivery via: tony@blueprintplanning.net.au



ABN: 86139603268

6 John Street
Port Macquarie 2444
Phone: 6593 6178
Mobile: 0431 833 968
Email: jbenvironsw@gmail.com

Dear Tony,

**Re: SEPP 44 Assessment for existing development envelope within
Lot 2 DP771931, Mission Terrace, Lakewood.**

As per request, we provide a SEPP 44 Koala Habitat Assessment for a Development Application (DA) for development of the subject land to Port Macquarie Hastings Council (PMHC).

1 BACKGROUND INFORMATION:

Lots 2 is a large (~65ha) lot on the northern side of North Brother, with development currently limited to the northwest corner. The remainder of the lot is fully forested.

We understand a DA has been lodged for the existing development envelope, triggering off SEPP 44. Under section 1.5 in Circular B35 (DUAP 1995), the assessment is limited to that area of the larger property subject to the proposed development. The area assessed for this assessment is shown below:

JBEnviro

Figure 1: Study site



2 POTENTIAL KOALA HABITAT ASSESSMENT:

2.1 Background

Potential Koala Habitat is defined as areas where the tree species listed under Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Primary preferred food species (PPFS) occurring in the Local Government Area (LGA) are: Tallowwood (*E. microcorys*), Scribbly Gum (*E. signata*), Swamp Mahogany (*E. robusta*) and Forest Red Gum (*E. tereticornis*).

JBEnviro

An area of land to which the policy applies to must be at least 1ha (and may include adjoining land in the same ownership). According to a Land and Environment Court ruling (*St Ives Bus Services v. Ku-Ring-Gai Council* 1995 NSW LEC 189), it may also refer to a minimum of 1ha of habitat within a larger property containing sufficient Schedule 2 species to qualify as Potential Koala Habitat.

SEPP 44 does not differentiate between natural, disturbed or planted vegetation which contains PPFS: it only refers to an area of land which contains such species. Hence it is arguable that a clump of trees <1ha in extent within a larger cleared property which contains 15% PPFS qualifies as Potential Koala Habitat. It may also apply to a situation where the tree cover is only scattered trees or a single tree on the whole site.

2.2 Method and Results

The site was assessed on the 6/9/2019. The site vegetation consists of planted native trees and exotic palms, with one remnant Pink Bloodwood, as shown in the attached photos.

All trees within the nominated area were counted, with results as follows:

Table 1: Tree count

Tree species	Totals (all site)
Schedule 2 species	
Swamp Mahogany (<i>E. robusta</i>)	1
Other species	
Weeping Bottlebrush	5
Black Oak	4
<i>Syzygium</i> spp.	1
Pink Bloodwood	1
Brushbox	4
Broad-leaved paperbark	6
TOTAL	22
% Schedule 2 species (total)	4.55%
% Schedule 2 species (indigenous only)	95.45%

3 CONCLUSION

The analysis has confirmed that the site does not qualify as Potential Koala Habitat. Part 2 of SEPP 44 (assessment for Core Koala Habitat) does not apply.

Yours faithfully,

Jason Berrigan.

Director, JBEnviro

B. Nat. Res. (Hons), Grad. Cert. (Fish.).
MECANSW, MRZNSW, MABS, MAHS, MAPCN

JBEnviro

Photo 1: Line of mixed immature native tree plantings



Photo 2: Remnant Pink Bloodwood



Midcoast
Building and
Environmental

**Special Fire
Protection Purpose**

**BUSH FIRE
ASSESSMENT
REPORT**

Holiday Lets

**Lot 2 DP 771931
Mission Terrace
West Haven**

**Crossview
Australia Limited**

August 2020

41 Belgrave Street, Kempsey NSW 2440 – PO Box 353 Kempsey NSW 2440 – phone 0265631292 – mecham@bigpond.com – ABN 32098436812

*Rezoning Bush Fire Assessment Report
Lot 2 Mission Terrace West Haven*

July 2016 Amended August 2020

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APPENDIX 1 – RFS Fact Sheet for Upgrading of Existing Buildings

1.0 INTRODUCTION

A Bush Fire Assessment has been carried out for the proposed holiday letting of existing dwellings at Lot 2 DP 771931 Mission Terrace, West Haven.

The development was originally approved as an Educational Facility with student accommodation and a further approval was issued to expand this development in 1999.

The owners have recently proposed to convert the use of the educational facility to residential. As part of that complex the owners wish to utilize some of the existing dwellings for holiday lets.

Discussions have been held with the owners and in order to reduce the risk to the owners and the implications with upgrading the existing dwellings, the dwellings that have been nominated for holiday lets and would be subject to a Bushfire Attack Level (BAL) of 12.5 or less.

There will be a caretaker present on the site who will be responsible for initiating the emergency response.

The report is to demonstrate that the bushfire risk is manageable.

The development would be an integrated development and has a requirement for a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

NOTE

The report has been prepared with all reasonable skill, care and diligence.

The information contained in this report has been gathered from field survey, experience and has been completed in consideration of the following legislation:

1. Rural Fires Act 1997.
2. Environmental Planning and Assessment Act 1979 No 203.
3. Building Code of Australia.
4. Council Local Environment Plans and Development Control Plans where applicable.
5. NSW Rural Fire Services, Planning for Bushfire Protection, 2019 (PBP, 2019).
6. AS 3959-2018 Construction of Buildings in Bushfire Prone Areas.

The report recognizes the fact that no property and lives can be guaranteed to survive a bushfire attack.

The report examines ways the risk of bushfire attack can be reduced where the site falls within the scope of the legislation.

The report is confidential and the writer accepts no responsibility of whatsoever nature, to third parties who use this report or part thereof is made known.

Any such party relies on this report at their own risk.

1.1 Objectives

The objectives of this report are to:

- Ensure that the proposal meets the aims and objectives of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019 and has measures sufficient to minimize the impact of bushfires; and
- Reduce the risk to property and the community from bushfire; and
- Comply where applicable with AS3959 – 2018.

1.2 Legislative Framework

In NSW, the bushfire protection provisions of the BCA are applied to Class 1, 2, 3, Class 4 parts of buildings, some Class 10 and Class 9 buildings that are Special Fire Protection Purposes (SFPPs).

The BCA references AS3959 – 2018 as the deemed-to-satisfy (DTS) solution for construction requirements in bushfire prone areas for NSW.

All development on bushfire prone land in NSW should comply with the requirements of Addendum Appendix 3 and other bushfire protection measures identified within NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019.

Section 6.3.1 of PBP, 2019 states:

“Where a building is to be used as a holiday let in an area with reticulated water, it does not back onto public reserves, and the setback and construction requirements of BAL 29 can be applied, they should be treated as a residential infill arrangement. Alternatively, a performance-based solution will be required demonstrating adequate levels of bush fire safety before such a proposal can be supported by NSW RFS”.

1.3 Location

The site is located at Lot 2 DP 771931 Mission Terrace, West Haven.

Locality – West Haven

Local Government Area – Port Macquarie Hastings Council

Closest Rural Fire Service – Bonny Hills

Closest Fire Control Centre – Port Macquarie

Figure 1 – Topographic Map



Figure 2 – Aerial View**1.4 Development Proposal and Site History**

The original development was approved as a Mission Training Facility and a further Development Application was approved on the 25th October 1999.

The compliance issues with respect to the original approval was dealt with at the time of the rezoning.

A Bush Fire Assessment Report was prepared by Midcoast Building and Environmental dated May 2019 identified:

- The eastern elevation of dwellings 4, 5, 6 and 7 to BAL 29; and
- Upgrade all other buildings within 100m of any hazard to the minimum requirements of the NSW Rural Fire Service Guidelines for Upgrading of Existing Buildings.

Dwellings 4, 5, 6 and 7 were upgraded to comply with the requirements of the RFS prior to finalisation of the rezoning. Other upgrades were to occur prior to the use of the ancillary dwellings as dwelling not ancillary to the educational establishment.

This proposal is to use some of the existing dwellings as holiday lets.

Figure 3

It is noted that dwellings that have had development approval will still require a Construction Certificate, therefore these dwellings will need to comply with Planning for Bushfire Protection, 2019 and AS 3959 (2018).

2.0 BUSH FIRE ASSESSMENT

2.1 Assessment Methodology

Several factors need to be considered in determining the bushfire hazard.

These factors are slope, vegetation type, and distance from hazard, access/egress and fire weather.

Each of these factors has been reviewed in determining the bushfire protection measures.

The assessment of slope and vegetation being carried out in accordance with Appendix 2 and Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2019 and Section 2 of AS 3959 - 2018.

2.2 Slope Assessment

Slope is a major factor to consider when assessing the bushfire risk.

The slopes were measured using a Suunto PM-5/360 PC Clinometer.

The slopes in the hazards range from a 0° downslope to a 10° upslope.

The hazard vegetation on adjacent land was also identified and the slopes within the vegetation measured.

The following table shows the results:

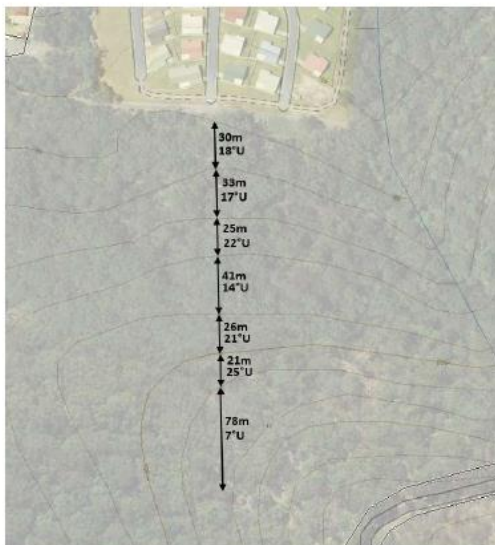
Table 1 – Hazard Vegetation Slopes

Hazard Aspect	Slope	Upslope/Downslope or Flat
North	6°	Downslope
South	10°	Upslope
East	0-5°	Downslope
West	0-5°	Downslope

A detailed assessment of the southern slope was undertaken as part of the assessment.

A conservative 10° upslope was adopted. **Figure 4** shows the results:

Figure 4



2.3 Vegetation Assessment

The vegetation on and surrounding the subject site was assessed over a distance of 140m.

2.3.1 Vegetation on and Adjoining/Adjacent to the Subject Lot

There is forest vegetation to the north, south and east of the existing development.

To the east is a strip of vegetation that has a managed ground cover and shrub layer.

Table 2 – Hazard Vegetation

Hazard Aspect	Vegetation
North	Forest
South	Forest
East	Forest
West	Forest – partially managed

To the east is a strip of remnant forest vegetation that has a managed ground cover and shrub layer.

2.4 Hazard

The vegetation to the west with respect to ground cover and shrub layer is being managed however the canopy cover is greater than the maximum canopy permitted in an Asset Protection Zone.

For the purposes of the report, this hazard has been considered similar to a rainforest hazard.

The hazard to the east has been considered in detail in the planning proposal.

Figure 5: Hazards**Table 3 – Summary of Hazard Characteristics**

Hazard Aspect	Hazard	Slope	Upslope/Downslope or Flat
North	Forest	6°	Downslope
South	Forest	10°	Upslope
East	Forest	0-5°	Downslope
West	Rainforest	0-5°	Downslope

2.5 Fire Danger Index

The fire weather for the site is assumed on the worst-case scenario. In accordance with NSW Rural Fire Services the fire weather for the site is based upon the 1:50 year fire weather scenario and has a Fire Danger Index (FDI) of 80.

3.0 BUSHFIRE THREAT REDUCTION MEASURES

3.1 NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019

The approved dwellings that have not been constructed will be required to obtain a construction certificate and therefore be required to meet the requirements of PBP 2019 and AS 3959 (2018).

Figure 6 – APZ's part of the Previous Development Approval



The following has been identified:

3.1.1 Defendable Space/Asset Protection Zone (APZ)

Ensure that the aims and objectives of NSW Rural Fire Services, PBP, 2019, a defendable space, between the asset and the hazard should be provided.

The defendable space provides for, minimal separation for safe firefighting, reduced radiant heat, reduced influence of convection driven winds, reduced ember viability and dispersal of smoke.

The proposed development is not considered to be subject to the Special Fire Protection Purpose requirements which are applicable to schools, (the proposed development is not a school).

It is recommended that the defendable space be based upon the minimum requirements for Asset Protection Zones as set out in NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019. It is noted that in accordance with 6.3.1 of PBP, 2019 the setback and construction requirements of BAL 29 can be applied.

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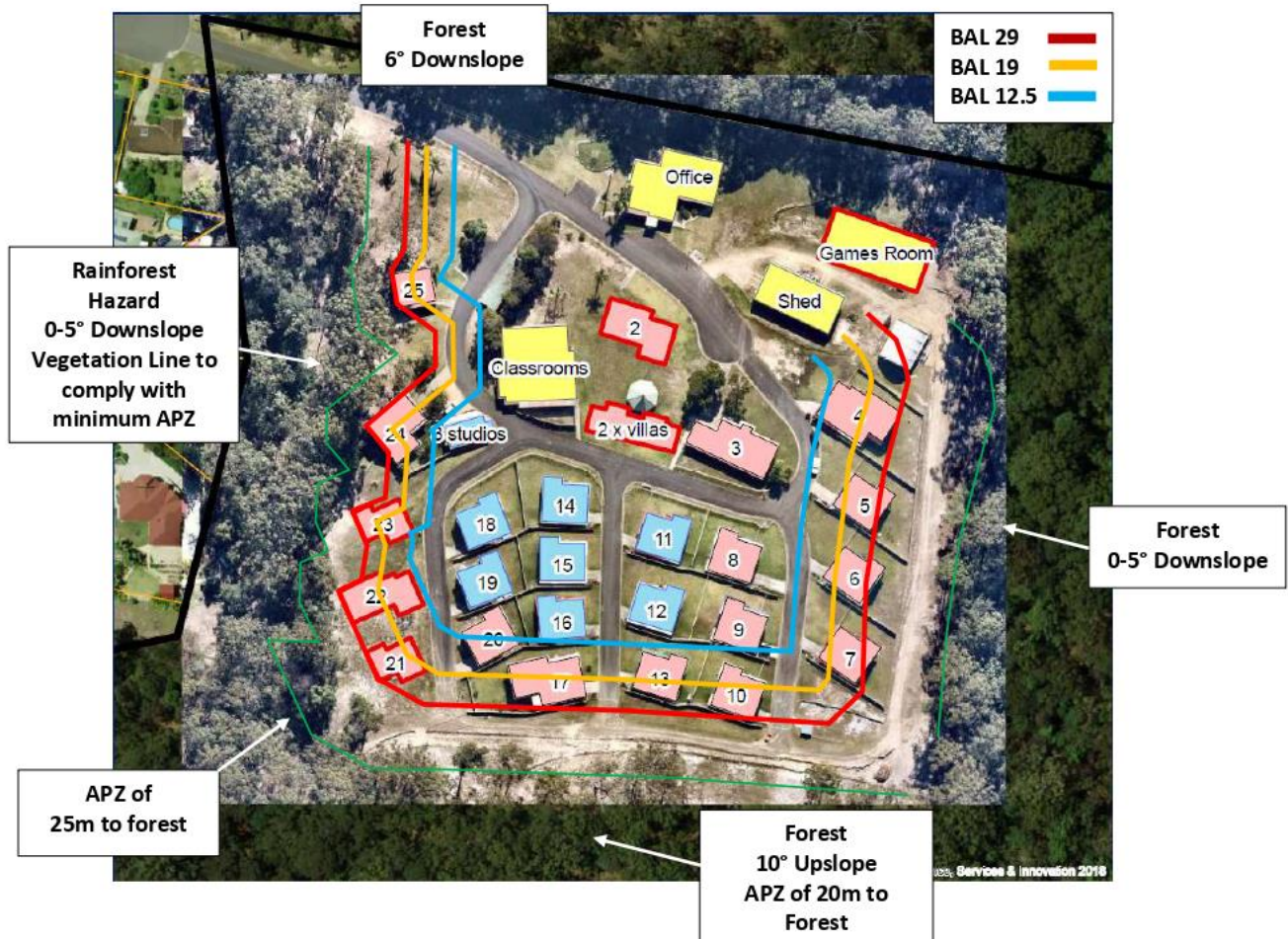
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Table 4 - APZ Requirements (PBP 2019) for the Existing DA approved dwellings not constructed

Hazard Aspect	Vegetation Type	Slope	IPA	OPA	Total APZ Required (IPA + OPA)	APZ required to achieve BAL 12.5 construction
North	Forest	6° Downslope	16m	15m	31m	57m
South	Forest	10° Upslope	10m	10m	20m	40m
East	Forest	0-5° Downslope	15m	10m	25m	47m
West	Rainforest	0-5° Downslope	12m	-	12m	25m

Figure 7 shows the Bush Fire Attack Level Contour line:

Figure 7



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With respect to the above it should be noted that the following factors of safety have been considered for the southern hazard.

- a) The 20m from the upslope has been taken from limited canopy approximately 20m wide that is linking to the main hazard. The ground cover and shrub layer is managed to a minimum of 30m to the south.
- b) The 10° upslope has not been considered.

With respect to the western hazard a minimum 12m APZ has been provided from the base of the adjoining trees to House 24.

As can be seen all dwellings that are to be used as holiday lets are in areas where construction to BAL 12.5 is permitted.

Photo 1 - Showing the hazard to the south



Photo 2 - Another example of southern hazard



Photo 3 - Hazard around Dwelling 24

In respect to Inner and Outer Protection Areas the following should be noted:

3.1.2 Inner (IPAs) and Outer (OPAs) Protection Requirements

Inner: The IPA is the area closest to the building and creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the building, consisting of a mown lawn and well-maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

Trees

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2 to 5m; and
- Preference should be given to smooth barked and evergreen trees.

Shrubs

- The creation of large discontinuities or gaps in the vegetation, to slow down or break the progress of fire towards buildings, should be provided;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass

- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height; and
- Leaves and vegetation debris should be removed.

Outer: An OPA is located between the IPA and the unmanaged vegetation. It is an area where there is maintenance of the understorey and some separation in the canopy. The reduction of fuel in this area aims to decrease the intensity of an approaching fire and restricts the potential for fire spread from crowns; reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

When establishing and maintaining an OPA the following requirements apply:

Trees

- Tree canopy cover should be less than 30%; and
- Canopies should be separated by 2 to 5m.

Shrubs

- Shrubs should not form a continuous canopy; and
- Shrubs should form no more than 20% of ground cover.

Grass

- Grass should be kept mown to a height of less than 100mm; and
- Leaf and other debris should be removed.

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bushfires. Maintenance of the IPA and the OPA as described above should be undertaken regularly, particularly in advance of the bushfire season.

3.1.3 Performance Requirements

The acceptable Performance Solution with respect to APZ's for SFPP's are detailed in the following table:

Table 5

Table 6.8a			
Performance Criteria		Acceptable Solutions	Comment
A S S E T	The intent may be achieved where:		
	Radiant heat levels of great then 10kW/m ² (calculated at 1200K) will not be experienced on any part of the building.	<ul style="list-style-type: none"> • The building is provided with an APZ in accordance with Table AS1.12.1 in Appendix 1. 	See C6.3.1 of PBP, 2019.

P R O T E C T I O N Z O N E S	APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	<ul style="list-style-type: none"> APZ's are located on lands with a slope less than 18°. 	Will comply
	<p>APZ's are managed and maintained to prevent the spread of fire to the building.</p> <p>The APZ is provided in perpetuity.</p>	<ul style="list-style-type: none"> The APZ is managed in accordance with the requirements of Appendix 4 of the NSW Planning for Bushfire Protection 2019 of this document, and is wholly within the boundaries of the development site. APZ are wholly within the boundaries of the development site; and Other structures located within the APZ need to be located further than 6 meters from the refuge building. 	<p>To comply</p> <p>Will comply</p> <p>Will comply</p>
L A N D S C A P I N G	Landscaping is designed and managed to minimise flame contact and radiant heat to buildings and the potential for wind driven embers to cause ignitions.	<ul style="list-style-type: none"> Landscaping is in accordance with Appendix 4; Fencing is constructed in accordance with Section 7.6. 	To comply
C S T R U C T I O N	The proposed building can withstand bushfire attack in the form of wind, embers, radiant heat and flame contact.	<ul style="list-style-type: none"> A construction level of BAL 12.5 under AS3959 or NASH Standard and Section 7.5 of PBP is applied. 	See further in report.

3.1.4 Operational Access and Egress

Access to and egress from will be via public and then private roads within the complex.

The roads are all existing and no new roads are proposed. The existing fire trail extends into the property to the west and the owners advise was part of the original approval. The fire trail should be maintained to meet the requirements for Category 1 fire fighting vehicle in accordance with *NSW RFS Fire Trail Standards*.

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Figure 8



Photo 4



Photo 5



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Photo 6



3.1.5 Emergency Evacuation Planning

Special Fire Protection Purpose developments should have suitable emergency and evacuation arrangements for occupants.

Before occupation of the proposal an Emergency Management and Evacuation Plan will be required to be produced.

Table 6

Table 6.8d			
	Performance Criteria	Acceptable Solutions	Comment
E M E R G E N C Y	The intent maybe achieved where:		
	A bushfire emergency management and evacuation plan are prepared.	Bushfire Emergency Management and Evacuation Plan is prepared consistent with the:	
		<ul style="list-style-type: none">The NSW RFS document: A Guide to developing a Bushfire Emergency Management and Evacuation plan;	To comply
		<ul style="list-style-type: none">NSW RFS schools program guide;	N/A
		<ul style="list-style-type: none">Australia Standard AS 3745: 2010 Planning for Emergencies in Facilities; and	N/A
		<ul style="list-style-type: none">Australia Standard AS4083: 2010 Planning for Emergencies - Health Care Facilities (where applicable).	N/A
	The Bushfire Emergency Management and Evacuation Plan		

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M A N A G E M E N T		should include planning for the early relocation of occupants. Note: A copy of the Bushfire Emergency Management and Evacuation Plan should be provided to the local emergency management committee for its information prior to occupation of the development.	
	Appropriate and adequate management arrangements are established for consultation and implementation of the Bushfire Emergency Management and Evacuation Plan	An Emergency Planning Committee is established to consult with residents (and their families in the case of Aged Care Accommodation and Schools) and staff in developing and implementing an Emergency Procedures Manual; Detailed plan of all Emergency Assembly areas including onsite and offsite arrangements as stated in AS 3745:2010 is clearly displayed and an annually Emergency Evacuation is conducted.	N/A To comply

3.1.6 Services - Water, Gas and Electricity

As set out in *Planning for Bushfire Protection*, 2019, developments in bushfire prone areas must maintain a water supply for firefighting purposes.

Electricity supply is available and connected.

It is assumed reticulated water supply will be available and is connected to the site.

Table 7

Table 5.3c			
	Performance Criteria	Acceptable Solutions	Comment
WATER SUPPLIES	The intent may be achieved where:		
	Inadequate water supplies are provided for firefighting purposes.	<ul style="list-style-type: none"> Reticulated water supply is to be provided to the development where available. A static water and hydrant supply are provided for non-reticulated developments or where reticulated water supply cannot be guaranteed. 	Reticulated water provided. Above ground hydrants (double pillar) also provided as part of the development.

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		<ul style="list-style-type: none"> Static water supplies shall comply with Table 5.3d of the NSW Planning for Bushfire Protection 2019. 	
	<p>Water supplies are located at regular intervals.</p> <p>The water supply is accessible and reliable for firefighting operations.</p>	<ul style="list-style-type: none"> Fire hydrant, spacing, design and sizing complies with the relevant clauses of the Australian Standard AS 2419.1 – 2005. Hydrants are not located within any road carriageway. Reticulated water supply to urban rezoning's use a ring main system for areas with a perimeter road. 	<p>As part of previous approval.</p> <p>Above ground hydrants.</p> <p>As part of previous approval.</p>
	Flows and pressures are appropriate.	<ul style="list-style-type: none"> Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005. 	As part of previous approval.
	The integrity of the water supply is maintained.	<ul style="list-style-type: none"> All above ground water service pipes are metal, including and up to any taps. Above ground water storage tanks shall be of concrete or metal. 	<p>To comply</p> <p>N/A</p>
ELECTRICITY SERVICES	<p>Location of electricity services limits the possibility of ignition of surrounding bushland or the fabric of buildings.</p> <p>Regular inspection of lines is undertaken to ensure they are not fouled by branches.</p>	<ul style="list-style-type: none"> Where practical, electrical transmission lines are underground. Where overhead electrical transmission lines are proposed: <ol style="list-style-type: none"> Lines are installed with short pole spacing (30 metres) unless crossing gullies, gorges or riparian areas; and No part of a tree is closer to a power line than the distance set out in ISSC3 "Guideline for Managing Vegetation near Power Lines. 	Electrical lines are existing.
	Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	<ul style="list-style-type: none"> Reticulated or bottle gas is installed and maintained in accordance with AS 1596:2014 – The storage and handling of LP Gas, the requirements of relevant authorities and metal piping is to be used. All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation. Connections to and from gas cylinders are metal. Polymer-sheathed flexible gas supply lines are not used. Above ground gas service pipes are metal, including and up to any outlets. 	<p>To comply</p> <p>To comply</p> <p>To comply</p> <p>To comply</p> <p>To comply</p>
GAS SERVICES			

It is considered that the relevant acceptable solutions as provided for by 4.1.3 of NSW Rural Fire Services, PBP, 2019 are capable of being complied with and as such the intent for the provision of services can be achieved.

3.1.7 Landscaping

Landscaping is a major cause of fire spreading to buildings, and therefore any landscaping will need consideration when planning, to produce gardens that do not contribute to the spread of a bushfire.

When planning any future landscaping, consideration should be given to the following:

- The choice of vegetation – consideration should be given to the flammability of the plant and the relation of their location to their flammability and on-going maintenance to remove flammable fuels.
- Trees as windbreaks/firebreaks – Trees in the landscaping can be used as windbreaks and also firebreaks by trapping embers and flying debris.
- Vegetation management – Maintain a garden that does not contribute to the spread of bushfire.
- Maintenance of property – Maintenance of the property is an important factor in the prevention of losses from bushfire.

Appendix 4 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019, contains standards that are applicable to the provision and maintenance of Asset Protection Zones.

For a complete guide to APZs and landscaping download the NSW RFS document Standards for Asset Protection Zones at the RFS www.rfs.nsw.gov.au.

3.1.8 Emergency Evacuation Planning

Special Fire Protection Purpose developments should have suitable emergency and evacuation arrangements for occupants and before occupation an Emergency Management and Evacuation Plan will be required to be produced.

3.2 Construction of Buildings

3.2.1 General

As part of the strategy to reduce risk and reduce the implications with respect to upgrading the existing buildings to a higher Bush Fire Attack level, the dwellings shown to be in the Bushfire Attack Level of 12.5, have been nominated as holiday lets.

The BAL contour lines as shown in **Figure 7** has determined the Bush Fire Attack Levels and will require the existing dwellings nominated to be built to BAL 12.5 to be upgraded.

With respect to the upgrading there are different styles however the construction is very similar.

The report has considered indicative upgrades that are required to be considered for each existing dwelling and need to be protected against ember penetration with all gaps sealed and metal screening to all windows.

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It is also recommended that metal gutter guards are provided to the existing dwellings.

Photo 7

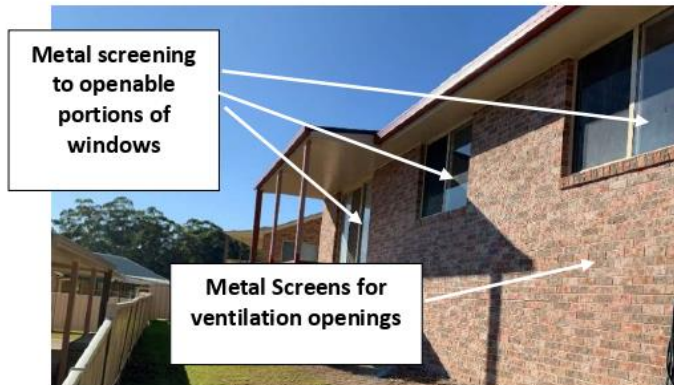


Photo 8

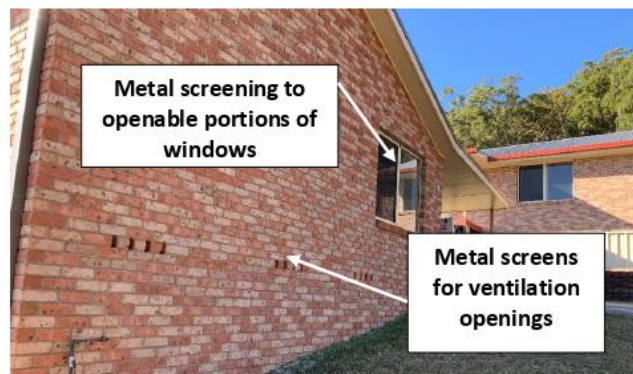
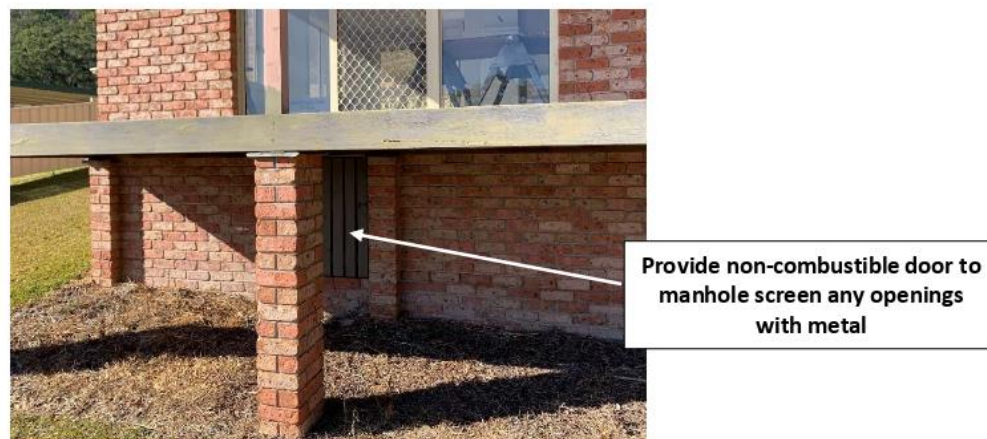


Photo 9



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Photo 10



Photo 11



Photo 12



With respect to the studio accommodation it is an existing dwelling and has not been constructed to Bushfire Attack Level.

Photo 13 indicates the upgrading requirements with respect to the studios.

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Photos 14 shows the proximity of the studios to the existing dwelling Number 24.

Photo 13



Photo 14



With respect to the surrounding existing dwellings, they are recommended to be upgraded, to meet the requirements of the RFS "Upgrading of Existing Buildings" (see **Appendix 1**).

The upgrading of all the existing dwellings was considered as part of the Rezoning Application.

4.0 FIRE MANAGEMENT PLAN

It is noted that the previous development application for the educational facility required a fire management plan as detailed:

“A fire management plan for ongoing management of the above fire protection zones, fire trails and water mains systems are to be submitted to Council for endorsement prior to the commencement of works. The plan is also to include a maintenance program for the dwellings to reduce leaf litter in gutters etc for preparation of dwellings before and during the fire season”.

It is further recommended that a plan be developed and should also incorporate emergency management and evacuation planning.

5.0 REQUIREMENTS

The following requirements are considered to be integral to this bushfire risk assessment:

1. An Asset Protection Zones as detailed in Section 3.1.1 of this report should be provided
2. Adopt landscaping principals in accordance with Section 3.1.7 of the NSW Rural Fire Services, PBP, 2019.
3. A Fire Management Plan is to be developed for the site and this plan should also incorporate emergency management and evacuation planning as detailed in **Table 6**.
4. The buildings are to be upgraded in accordance with the report.
5. The fire trail should be maintained to meet the requirements for Category 1 fire fighting vehicle in accordance with *NSW RFS Fire Trail Standards*.

6.0 CONCLUSION

It is suggested that with the implementation of this report, and its recommendations, that the bushfire risk for the proposed holiday letting is manageable and will be consistent with the acceptable bushfire protection measure solutions, provided for in Sections 4.1.3 and 4.3.5 of NSW Rural Fire Services, PBP, 2019. As nominated in previous reporting the existing where specific upgrades have not been nominated are upgraded in accordance with the RFS “Upgrading of Existing Buildings”.

This report is however contingent upon the following assumptions and limitations:

Assumptions

1. For a satisfactory level of bushfire safety to be achieved, regular inspection and testing of proposed measures, building elements and methods of construction, specifically nominated in this report, is essential and is assumed in the conclusion of this assessment.
2. There are no re-vegetation plans in respect to hazard vegetation and therefore the assumed fuel loading will not alter.
3. The proposal is constructed and maintained in accordance with the risk reduction strategy in this report and the Council Development Approval.
4. The vegetation characteristics of the subject site and surrounding land remains unchanged from that observed at the time of inspection.

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Limitations

1. The data, methodologies, calculations and conclusions documented within this report specifically relate to the proposed holiday lets and must not be used for any other purpose.
2. A reassessment will be required to verify consistency with this assessment if there are any alterations and/or additions, or changes to the risk reduction strategy contained in this report.

Regards



Tim Mecham
Midcoast Building and Environmental

Disclaimer

This report is not intended for or to be used where aluminium composite panels are proposed. The report is not to be construed as an assessment of the building material or compliance with the recommended bushfire attack level/s.

7.0 REFERENCES

NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006
NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019
AS 3959-2018 *Construction of Buildings in Bushfire Prone Areas*
Keith David 2004, Ocean *Shores to Desert Dunes, The Native Vegetation of New South Wales and the ACT*, Department of Environment and Conservation
NSW State Government (1997) Rural Fires Act 1997
NSW Rural Fire Service – *Guideline for Bushfire Prone Land Mapping 2002*

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Appendix 1 – RFS Development Assessment and Planning – Upgrading of Existing Buildings


NSW RURAL FIRE SERVICE


DEVELOPMENT ASSESSMENT & PLANNING
Upgrading of Existing Buildings

WORKING TOWARDS A SAFER COMMUNITY



INTRODUCTION

Bush fire is a major challenge for the community. It has been a natural part of our landscape for thousands of years and remains an ever-present threat.

Due to historic settlement patterns and the need to provide housing for people, development has occurred in areas that are bush fire prone placing lives and property at risk.

The NSW Rural Fire Service (NSW RFS) has a statutory obligation to protect life, property and the environment through fire suppression and fire prevention. Improved land use planning and construction of buildings in bush fire prone areas are intrinsic to the fire management strategies of the NSW RFS.

Through a working relationship with local Councils and the NSW Department of Planning, the NSW RFS has been able to refine and implement bush fire protection for new developments through the NSW

planning system. Since the introduction of these planning and building regulations in August 2002, all new development on bush fire prone land in NSW must comply with the requirements of *Planning for Bush Fire Protection 2006* and Australian Standard 3959-2009 – *Construction of buildings in bushfire-prone areas* (AS3959).

This means that people who are building or renovating have a clear direction on how to design and build their homes to be better protected from the impacts of bush fires. The types of protection measures include asset protection zones (vegetation management), access, landscaping, water supply, building design and construction. These measures assist building survival during a bush fire. They also contribute to the safety of fire-fighters and members of the community occupying buildings during the passage of a bush fire front.

Unfortunately, the majority of buildings in bush fire prone areas pre-date these regulations, meaning that most existing houses are at an increased risk of damage or loss from a bush fire.

BUSH FIRE INFORMATION LINE
1800 NSW RFS
 1800 679 737
www.rfs.nsw.gov.au

NSW RFS DEVELOPMENT ASSESSMENT 0914

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With this in mind, the NSW RFS has developed a practical guide for those living in bush fire prone areas who may wish to take the opportunity to upgrade their existing building to increase its resilience from bush fire attack.

The guide provides a range of options that homeowners may wish to consider in determining the level of protection appropriate for their circumstances and risk. These include minimal protection measures such as basic ember proofing, establishment of Asset Protection Zones (APZs) to higher level protection measures such as re-building or upgrading construction elements of the building.

While this guide identifies protection methods, it is vital that such building enhancements are considered in conjunction with any upgrade works undertaken, consideration of other bush fire protection measures such as maintenance of Asset Protection Zones, services and landscaping.

The guide is not intended to be a comprehensive bush fire assessment of the risk to your property or an indication of compliance with *Planning for Bush Fire Protection 2006* and *AS3959-2009*. In this regard, home owners are advised to seek professional advice with regards to further upgrades or reconstruction to improve their resistance to bush fire attack.

For further assistance, details regarding suitably qualified consultants can be found on the NSW RFS website www.rfs.nsw.gov.au

IS UPGRADING MANDATORY?

Upgrading of existing elements of the building to *Planning for Bush Fire Protection* is not mandatory. However, in the interests of achieving a better bush fire outcome, the NSW RFS strongly recommends improvement of existing elements including upgrade of buildings.

Anyone whose land is bush fire prone should have regard to this document for practical guidance in protecting your property against bush fire attack. For all new developments on bush fire prone land, following the Development Application process or the Exempt and Complying Development process, the advice in this document should be applied as a minimum standard to the existing situation. This is in addition to any other bush fire protection measures that may be required by the development consent or complying development certificate.

These upgrading measures will contribute to making your home safer against the impact of the different elements of attack in the event of a bush fire; however, they form only part of the solution. Undertaking routine property maintenance and preparing a Bush Fire Survival Plan are other important parts to your bush fire protection and survival.

UPGRADE PROVISIONS

85% of houses are lost from ember attack. The following provisions are designed to give existing buildings improved protection from ember attack during a bush fire event. Ember attack can occur over distances greater than 100 metres from the bush fire front. Any gaps, cracks or areas where embers and fuel can lodge (leaves, twigs, debris) significantly reduces a building's resistance to bush fire attack.

To mitigate against ember attack you should consider the minimal upgrades as detailed in the table below. Additional protection measures may also be considered and this will be dependent on the individual circumstances of the building commensurate with the level of threat from bush fire attack. The potential level of threat to the property from bush fire attack should also be taken in to account when deciding what level of protection should be used. Factors to be taken in to consideration include the isolation of the development and how easily you can react in the event of a bush fire.

Owners are cautioned that existing buildings may contain materials made from asbestos or have painted surfaces that contain lead. These materials should be handled in accordance with appropriate guidelines.



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BUILDING ELEMENT	MINIMAL PROTECTION MEASURES	ADDITIONAL PROTECTION MEASURES
GENERAL	Seal all gaps (>3mm) around the house (excluding subfloor) with: • appropriate joining strips; • flexible silicon based sealant; or • mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium.	<ul style="list-style-type: none"> • Install a bush fire sprayer system. (Please contact a bush fire consultant or relevant industry expert to discuss options) Seal all gaps (>3mm) around the house (excluding subfloor) with: <ul style="list-style-type: none"> • appropriate joining strips • flexible silicon based sealant; or mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium.
WALLS	Install sarking with a flammability index of not more than 5 behind weatherboards or other external cladding when they are being replaced for maintenance or other reasons.	<ul style="list-style-type: none"> • Replace wall materials with non-combustible materials • Install sarking with a flammability index of not more than 5 behind weatherboards or other external cladding.
SUBFLOOR	Removal of combustible materials and keeping areas clear and accessible.	<ul style="list-style-type: none"> • Enclose subfloor with non-combustible material.
DOORS	Install weather strips, draught excluders or draught seals at the base of side-hung doors.	<ul style="list-style-type: none"> • Replace external doors with non-combustible or solid timber doors with minimum thickness of 35mm. • Replace or over-clad parts of door frames less than 400mm above the ground, decks and similar elements or fittings with non-combustible material. • Install weather strips, draught excluders or draught seals at the base of side-hung doors.
VENTS & WEEPHOLES	Seal vents and weepholes in external walls with mesh (with an aperture size of 2 mm) of corrosion resistant steel, bronze or aluminium.	<ul style="list-style-type: none"> • Seal vents and weepholes in external walls with mesh (with an aperture size of 2 mm) of corrosion resistant steel, bronze or aluminium.
ROOFS	Seal around roofing and roof penetrations with a non-combustible material. Install sarking with a flammability index of not more than 5 beneath existing roofing when it is being replaced for maintenance or other reasons. If installed, gutter and valley leaf guards shall be non-combustible.	<ul style="list-style-type: none"> • Replace fascia and roof materials with non-combustible materials. • Seal around roofing and roof penetrations with a non-combustible material. • Install sarking with a flammability index of not more than 5 beneath existing roofing. • If installed, gutter and valley leaf guards shall be non-combustible.
WINDOWS	Install mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium to all external doors and openable windows	<ul style="list-style-type: none"> • Installing appropriately tested shutters to doors and windows • Install mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium to all external doors and windows • Replacing glass with toughened or laminated safety glass • Replace overhead glazing with 'grade a' safety glass
EXTERNAL STRUCTURES		<ul style="list-style-type: none"> • External structures to be located >10 metres from the main dwelling.
DECKING		<ul style="list-style-type: none"> • Replace decking with non-combustible material

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OTHER REQUIREMENTS

ASSET PROTECTION ZONES

Development on bush fire prone land requires suitable separation from the bush fire hazard. This separation is referred to as an asset protection zone (APZ) and should be located wholly within the development property.

The APZ separates the building from the hazard. It is designed to minimize the presence of fuels, which could burn in a fire. Therefore, the impact of direct flame contact, radiant heat and ember attack on the development is reduced.

In order to ensure appropriate levels of safety, the NSW RFS recommends that an APZ is always provided. Where a building has been newly developed or alterations and additions have been undertaken, recommended levels of construction are reliant upon the ongoing maintenance of the APZ. In this regard, the suitability of the design and construction of the building will be significantly compromised should the APZ not be maintained or implemented as intended.

APZ should be managed in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document *Standards for asset protection zones*.

SERVICES

During major bush fire events, the preparedness of the dwelling and its occupants may be seriously jeopardised with the loss of basic services, particularly water and electricity.

Adequate water supply is critical for any firefighting operation, particularly where property protection is envisaged. A reticulated water supply should be provided which is easily accessible and located at regular intervals. Where no reticulated water supply is available, a water supply of 5,000L reserve (i.e. water tank or dam) dedicated to firefighting purposes should be installed and maintained.

Electricity services should be located so that the possibility of ignition of the surrounding bushland or fabric of the buildings is limited. Regular inspection of the electricity lines should be undertaken to ensure they are not impacted by branches.

The location of gas services should vent facing away and not lead to the ignition of surrounding bushland or the fabric of the buildings.

LANDSCAPING

Vegetation can burn during a bush fire. With this in mind, careful attention must be paid to species selection, their location relative to their flammability, avoidance of continuity of vegetation (horizontally and vertically), and ongoing maintenance to readily remove flammable fuels (leaf litter, twigs and debris).

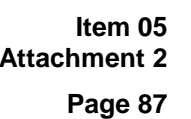
Homeowners are advised to contact their local Council before undertaking any work that involves modifying or removing existing trees.

The following additional information relating to landscaping is available at www.rfs.nsw.gov.au:

1. Standards for Asset Protection Zones
2. Appendix 5 of *Planning for Bush Fire Protection 2006*.



For more information please visit www.rfs.nsw.gov.au
or contact Development Assessment & Planning on **8741 5175**
or email development.assessment@rfs.nsw.gov.au.





Item: 06

Subject: DA2020 - 917.1 ANCILLARY BUILDING CARPORT AT LOT 44 DP 1078055, NO 12 ST VINCENTS WAY, BONNY HILLS

Report Author: Building Surveyor, Ross Frazier

Applicant:	C A Xerri
Owner:	C A & L G Xerri
Estimated Cost:	\$5,000
Parcel no:	46750

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 917.1 for ancillary building - carport at Lot 44 DP 1078055, No. 12 St Vincents Way, Bonny Hills be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, one submission was received.

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

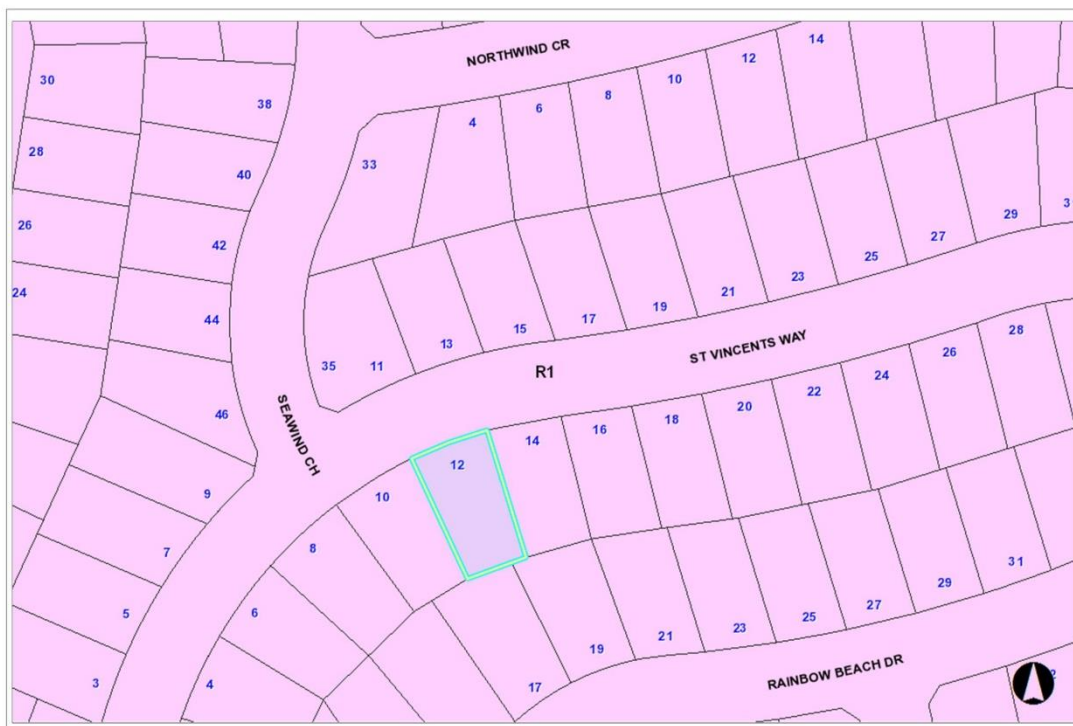
This report recommends that the development application be approved subject to the attached conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 674.1m².

The site is zoned R 1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Proposed open carport detached from existing dwelling and located to the side of the existing dwelling.
- Carport posts to be located approx. 625mm from side boundary in lieu of 900mm as per DCP.
- Height to ridge - 3550mm indicated
- Height to eaves - 2650mm indicated.

Refer to **Attachment 2** for plans of the proposed development.

Application Chronology

- 23/10/2020 Application lodged
- 25/11/2020 Notification of application completed. One (1) submission received
- 27/11/2020 Site inspection undertaken. Discussed side setback requirements with owner/applicant. Applicant indicated that he may be able to comply with DCP requirements
- 30/11/2020. Emailed objector to advise that posts setback would comply with DCP
- 30/11/2020. Received e-mail confirmation submission would be withdrawn if DCP requirements are met.
- 30/11/2020. Emailed applicant to confirm submission withdrawn provided DCP requirements are met. Requested amended site plan to indicate post location in accordance with DCP
- 7/12/2020. Received email from applicant they now wish to contest the submission.
- 10/12/2020. Advised objector that the application will be forwarded to DAP as the applicant has declined to relocate carport.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

Clauses 7 and 8 - The site is not subject to a Koala Plan of Management and is less than 1 hectare in size. No tree removal is proposed.

State Environmental Planning Policy No. 55 - Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

The site is not located within a coastal use area/ coastal environment area.

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

A BASIX certificate is not required for the development.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - Development in proximity to electricity infrastructure - appears clear of infrastructure.

Clause 102 refers to noise and vibration impacts from a classified road on non-road development. The clause does not apply.

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the NSW Roads and Maritime Services (RMS) is not required.

Based on the above, the proposed development addresses relevant clauses in the SEPP and will not to create any significant adverse conflict in terms of traffic or noise.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The ancillary structure to a dwelling is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.
- Clause 2.7 - No demolition proposed.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 3.5m which complies with the standard height limit applying to the site.
- Clause 4.4 - The floor space ratio of the site is unaltered as the proposal is for an open carport.
- Clause 4.6 - Exceptions to development standards. Nil proposed.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1 - The site is not mapped as potentially containing acid sulfate soils.

- Clause 7.3 - The site is not land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard).
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part 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 condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Proposed open carport. Generally Level Site.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	No retaining walls proposed.	N/A
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; 		N/A

	<ul style="list-style-type: none"> the fence component has openings which make it not less than 25% transparent; and provide a 3m x 3m splay for corner sites, and provide a 900mm x 900mm splay for vehicle driveway entrances. 		
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DCP 2013: Part B - General Provision - B3: Hazards Management**Bushfire Hazard Management**

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	Not bushfire prone land	N/A
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Flooding

19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Not flood prone land	N/A
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	No alteration to existing residential off-street carparking for dwelling.	N/A
Parking Layout			
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> it is stacked parking in the driveway; or 	No alteration to existing residential off-street carparking	N/A

	<ul style="list-style-type: none"> – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 		
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	No alteration to existing residential off-street carparking	
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	No alteration to existing residential off-street carparking	N/A
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	Roof drainage connect to existing.	Yes - acceptable

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

	Design (CPTED) principles.		
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DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	No articulation proposed	N/A
	<p>c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m</p>	5.5m front setback to carport.	Yes
45	<p>a) A garage, carport or car parking space should:</p> <ul style="list-style-type: none"> - be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or 	<p>Support posts of carport located 1m behind the building line.</p> <p>The dwelling has an existing front fence and gates which will assist in screening the carport area.</p>	Yes

	—be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.		
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	Separate structure to main dwelling	N/A
	c) Driveway crossovers are no greater than 5.0m in width.	No new crossover proposed.	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.		N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	No change to existing setback on main dwelling. Carport does not protrude past existing dwelling rear setback	Yes
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.		N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.		N/A
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	Support posts for carport proposed to be located approx. 625mm from the side boundary. The plans indicate the gutter location to be 500mm from side	No*DCP variation request.

		boundary. The gutter width is calculated to be 125mm in width from measurements indicated on plans.	
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.		N/A
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.		N/A
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> - a minimum dimension of 4m x 4m, and - a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and - direct accessibility from a ground floor living area and orientated to maximise use. 	Private open space maintained	Yes
	b) Private open space may include clothes drying areas and garbage storage.		N/A
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the	Existing front fence and gates to remain	N/A

	development application plans.		
	b) Solid Front fences up to 1.2m high should be: <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 		
	b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 		N/A
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);		N/A
	d) provide a 3m x 3m splay for corner sites, and		N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.		N/A
50	a) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.		N/A
	b) Solid fences enclosing these facilities should not be permitted over 1.8m.		
Bulk and Scale			
51	a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings		N/A

	<p>approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> - Ground and first floor (and above) indoor living room windows are within a 9m radius. - Direct views between principal private open space areas where within a 12m radius. - Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 		
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> - Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or - Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 		N/A
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> - Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 		N/A
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p>		N/A

	<ul style="list-style-type: none"> - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. - A window, the whole of which has translucent glass and is not able to be opened. 		
Roof Terraces			
52	<p>a) Direct views between roof terraces and indoor living room windows or principal areas of private open space of adjacent dwellings should be screened where:</p> <ul style="list-style-type: none"> - Ground and first floor (and above) indoor living room windows are within a 9m radius of the trafficable area of the roof terrace; <p>Direct views between roof terraces principal areas of private open space within a 12m radius of the trafficable area of the roof terrace.</p>		N/A
	<p>b) Screening should only be considered where:</p> <ul style="list-style-type: none"> - the height of the screen does not exceed the maximum building height; and - the screening contributes to the building form, and - the screening is integrated into the design of the roof; and - is constructed and designed with materials complementary to the building. 		N/A

	c) Lighting installations on roof terraces should be: <ul style="list-style-type: none"> – contained within the roof terrace area and located at a low level, and – appropriately shaded and fixed in a non-adjustable manner so that light is projected downwards onto the floor surface of the terrace. – designed in compliance with Australian Standards AS4282 - <i>Control of obtrusive effects of outdoor lighting</i>. 		N/A
Ancillary Development			
56	a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones: <ul style="list-style-type: none"> – The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). – The building should be single storey construction with a maximum roof pitch of 24 degrees. – The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. – Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 	Proposed detached carport Height of carport indicated to be 3.55m Single storey Roof pitch < 24°. Single carport < 60m ² . Support posts located behind building line	 Yes Yes Yes Yes

The applicant seeks approval to vary Development Provision 46 relating to side setback. Application is sought to locate the support posts of the carport approx. 625mm from the side boundary.

Objectives:

- To ensure no adverse overshadowing or privacy impacts to neighbouring properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

It is considered that the provisions of the DCP should be upheld in this instance to maintain the objectives. In this regard, a consent condition is recommended to require the carport to be setback a minimum 0.9m with the plans for construction certificate to address compliance with the DCP.

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

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

No demolition proposed.

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

Context and Setting

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

Access, Traffic and Transport

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

Water Supply Connection

Service available – No proposed alteration to existing service.

Sewer Connection

The proposed works are clear (>600mm) of the existing sewer junction and main traversing the site.

Service available - No proposed alteration to existing service

Stormwater

Service available - Stormwater disposed to existing system.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other Land Resources

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

Water Cycle

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

Soils

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

Air and Microclimate

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

Flora and Fauna

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

Waste

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

Energy

The proposal is not required to address BASIX commitments.

Noise and Vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

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

Economic Impacts in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

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

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

One written submission was received following public exhibition of the application. A copy of the written submission has been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Adverse effect on natural light to an existing bedroom window	Proposed carport will be located on the Northern side of the existing dwelling. Any construction close to the side boundary will impact on the natural light to existing windows. Minimum setbacks are to be maintained.
Visual appearance	An existing courtyard style fence located on the front boundary and will assist to screen the carport from the street. The front setback is compliant with the DCP controls.

Submission Issue/Summary	Planning Comment/Response
Overcrowding	Maintaining the DCP requirements for the side setback will assist in reducing the aspect of overcrowding

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate Change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11.

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 (**Attachment 1**).

Attachments

AGENDA

DEVELOPMENT ASSESSMENT PANEL 21/01/2021

1.  2020 - 917.1 Recommended DA Conditions
2.  2020 - 917.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/917.1****DATE: 21 January 2021*****PRESCRIBED CONDITIONS***

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	N/A	Applicant	Undated

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

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

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

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

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

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) The proposed carport support posts shall be located a minimum of 900mm from the side boundary. An amended site plan shall be provided and indicated on the plans submitted for the construction certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.

D – DURING CONSTRUCTION

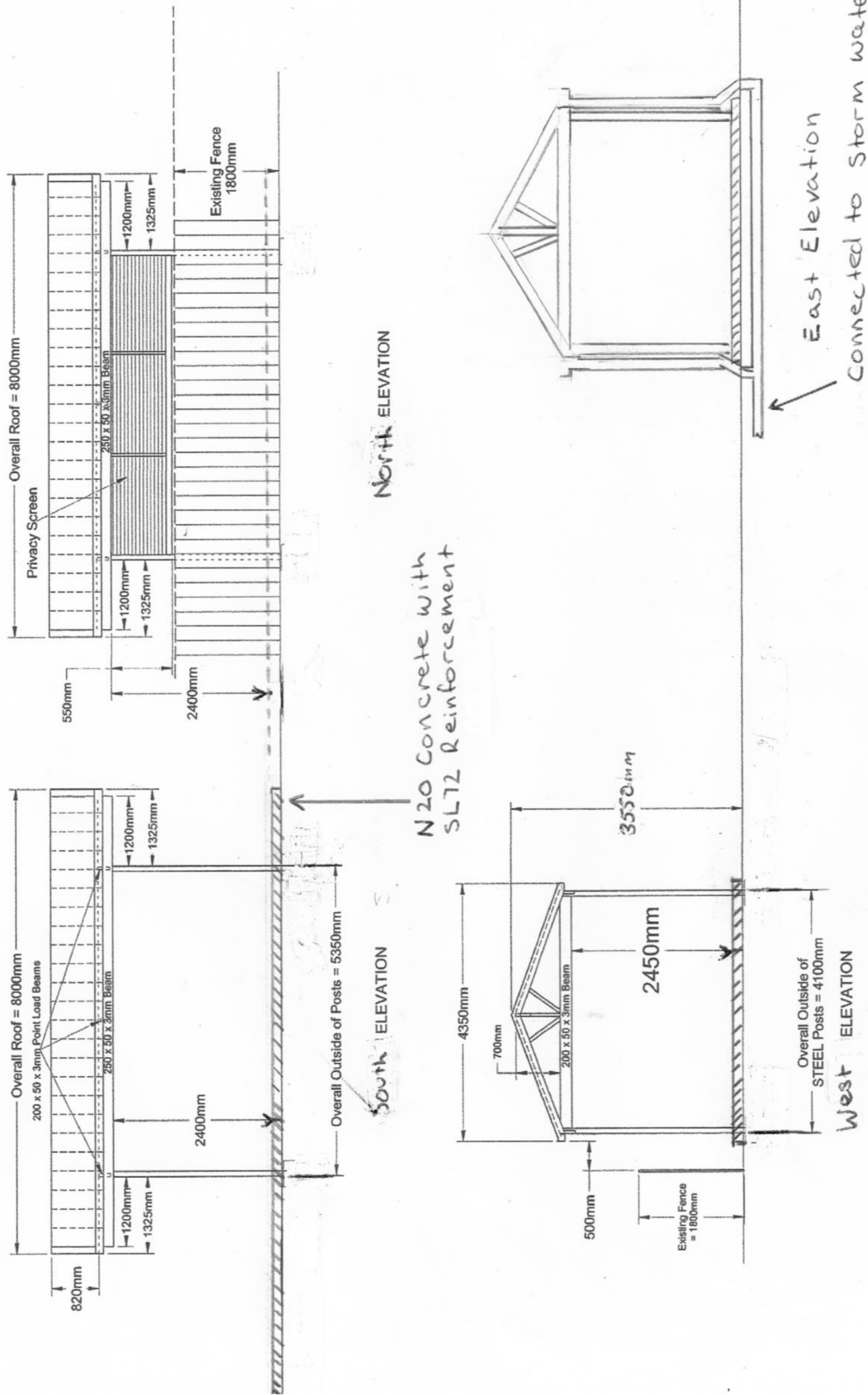
- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

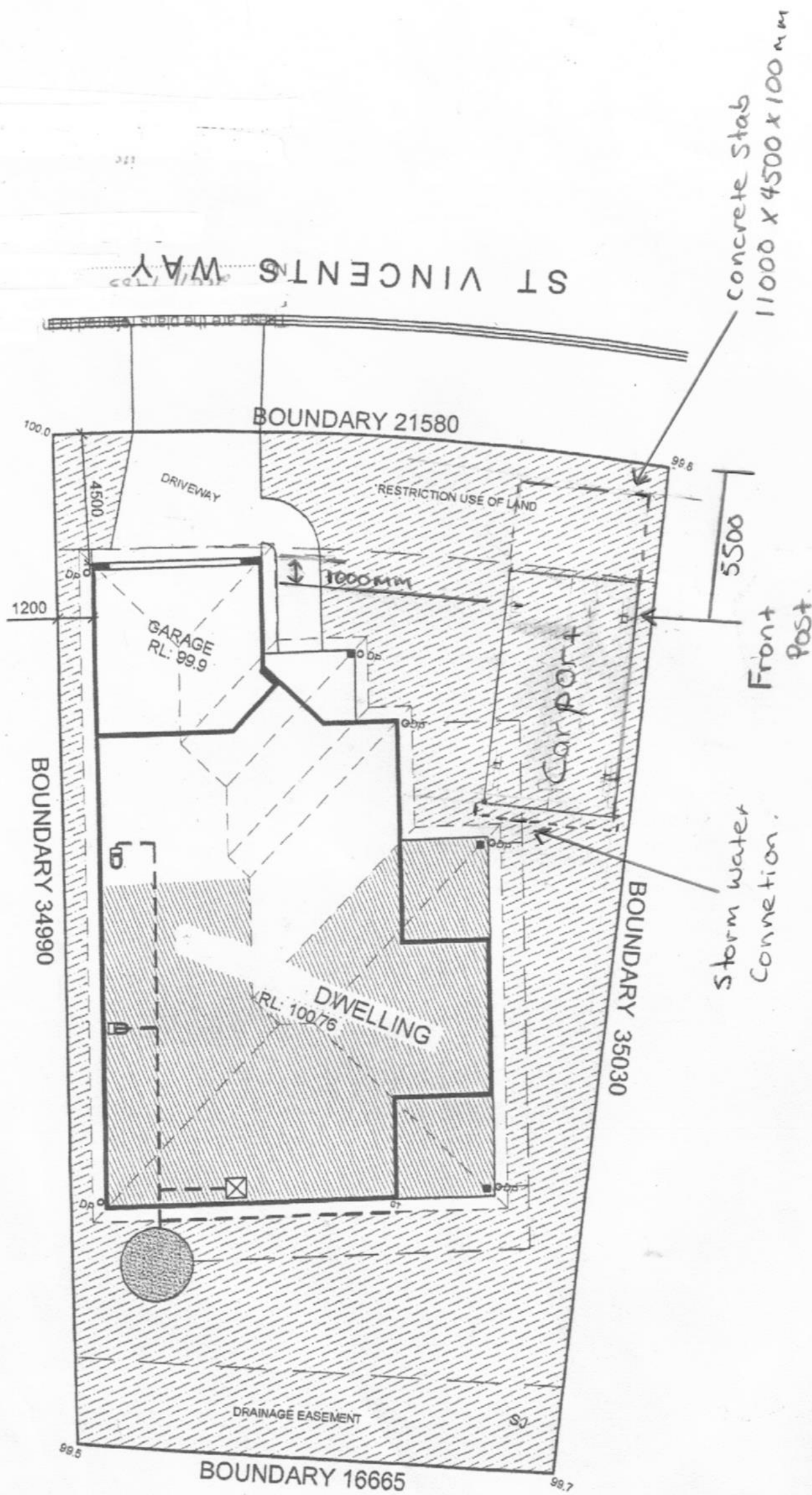
E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

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

F – OCCUPATION OF THE SITE

- (1) (F002) The carport is not to be fully enclosed without prior approval..





Item: 07

Subject: DA2020 - 962.1 DWELLING-HOUSE AT LOT 510 DP 1261705, NO. 130
CRESTWOOD DRIVE, PORT MACQUARIE

Report Author: Development Assessment Planner, Fiona Tierney

Applicant:	Adenbrook Homes
Owner:	D Tabone
Estimated Cost:	\$450,000
Parcel no:	68465

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 962 for a dwelling-house at Lot 510, DP 1261705, No. 130 Crestwood Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

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

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

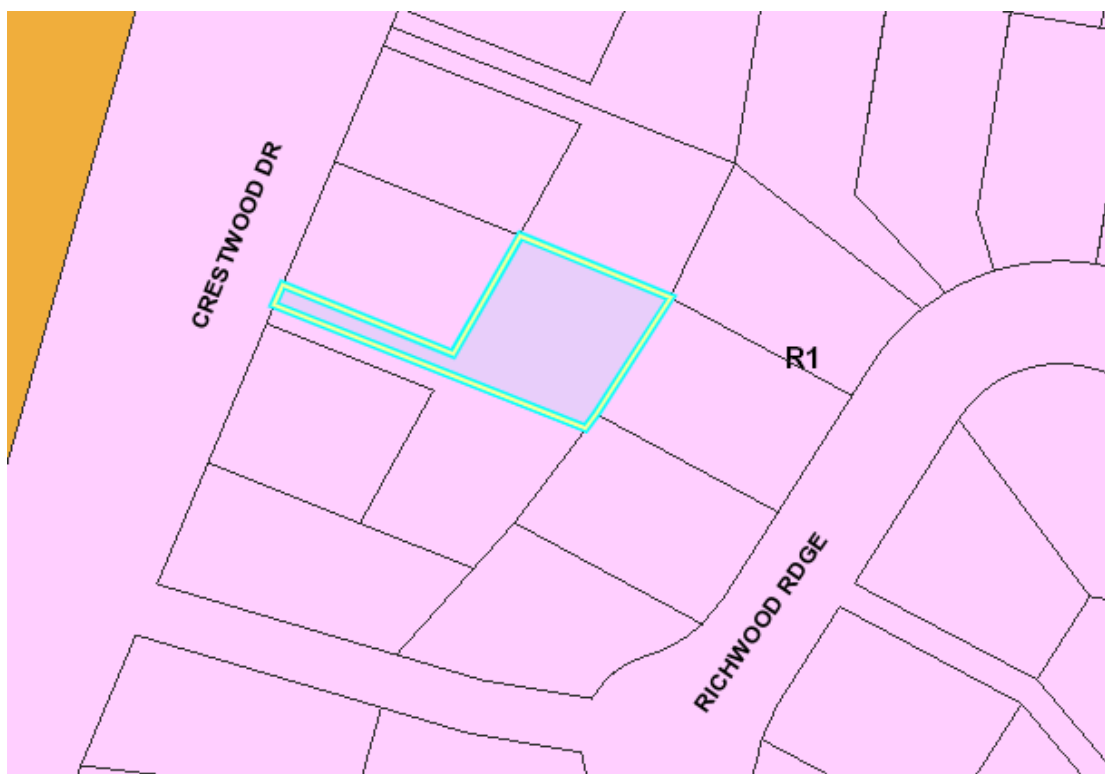
This report recommends that the development application be approved subject to the attached conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 602.3m².

The site is zoned R1 general Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a new two storey dwelling

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

Application Chronology

- 5 November 2020 - Application lodged.
- 12 to 25 November 2020 - Public exhibition via neighbour notification.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument (EPI)

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

Clause 8 - The site is not under a Koala Plan of Management and the land has an area less than 1 hectare including adjoining land in the same ownership. The SEPP does not prevent the granting of consent on the land being less than 1 hectare in area. The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

No infrastructure noted in proximity.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The dwelling is a permissible landuse with consent.
- Clause 2.3(2) - The objectives of the R1 zone are as follows:
 - *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- 1. The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.
- Clause 4.3 - The proposed maximum overall height of the building above ground level is 7.428m and complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.25:1 and complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone.	No building elements proposed within the articulation zone.	N/A
	c) The primary road front setback shall be: Primary frontage = 4.5m	Site is located on a battleaxe allotment.	N/A
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	Battleaxe allotment	N/A
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	Width of garage door is compliant with the maximum width requirements	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	No change to existing driveway battle-axe access.	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	No dual occupancy proposed or a corner lot.	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	The rear setback varies from 3m to 6.578m.	No*
	b) A minimum rear boundary setback of 900mm applies to sheds	No ancillary development proposed in rear yard.	N/A

	and swimming pools subject to achieving minimum required private open space area.		
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.	Proposal provides increased setbacks to all other elevations and provides good solar access. Meets the average requirements and intent of this clause.	Yes
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	North side setback min. 2.5m setback. South side setback min. 3.0m setback. West side setback >3m setback.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	First floor north side setback is varying with 2.673m minimum to wall. The remaining setbacks are 3m or more. No adverse overshadowing impacts to neighbouring properties identified.	Yes
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	First floor is set back over 3m.	Yes
Private Open Space			

48.	<p>a) All dwellings should have a minimum area of private open space of 35m², which includes a principal private open space area with:</p> <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. 	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
	b) Private open space may include clothes drying areas and garbage storage.	Noted. Clothes drying area nominated.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	No front fence proposed.	N/A
	<p>b) Solid Front fences up to 1.2m high should be:</p> <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 		N/A
	<p>b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either:</p> <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or 		N/A

	<ul style="list-style-type: none"> – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage. 		
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);		N/A
	d) provide a 3m x 3m splay for corner sites, and	Not a corner site.	N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	No site line issues identified for driveway entrance.	Yes
Bulk and Scale			
51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> – Ground and first floor (and above) indoor living room windows are within a 9m radius. – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	<p>Window placements have been carefully considered and where appropriate highlight windows nominated. i.e. north facing windows on the first floor are bedroom windows and one is a highlight window.</p> <p>No direct views between living rooms and principal private open space areas of adjoining properties within 9m and 12m radius.</p>	Yes
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining 	No upper level deck proposed	Yes

	lots within 9m radius; or – Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius.		
	c) Privacy protection is not required for: – Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height.	Noted refer to above comments.	Yes
	d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application): – 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space – Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. – A window, the whole of which has translucent glass and is not able to be opened.	Screening and other privacy treatment measures are proposed where necessary.	Yes

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

DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events -	Satisfactory arrangements can be put	Yes

	Waste Minimisation and Management Policy.	in place for storage and collection of waste. Standard condition recommended for construction waste management.	
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Cut and fill >1m is proposed outside the perimeter of the external building walls. Approx. 1.3m cut to east for a limited length and battered up to fence line.	No*
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Noted. Suitable condition recommended for retaining wall beside dwelling on south side.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	No retaining wall and front fence combination is proposed. Refer to front fencing comments surrounding masonry wall.	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management**Bushfire Hazard Management**

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note	APZ within property.	Yes
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	perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.		
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Not flood prone land.	N/A

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	Capacity for more than 1 parking space behind the building line has been provided for.	Yes
Parking Layout			
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> - it is stacked parking in the driveway; or - it can be demonstrated that improvements to the open space provided will result; and - the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Proposed behind the building line.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	Parking design and layout appropriate.	Yes
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part	Yes

		of plumbing construction.	
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
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. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

The proposal seeks to vary Development Provision 46 relating to a minimum rear setback requirement of 4m. The rear setback proposed varies from 3m to 6.578m.

The relevant objectives are:

- To ensure no adverse overshadowing or privacy impacts to neighbouring properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space

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

- The variation is minor and largely compliant. The minor variation is due to the angle in the allotment boundary.
- No adverse overshadowing or privacy impacts will result.
- Adequate natural light and ventilation between dwellings and to private open space areas will be achieved.

- Useable yard and open space areas are provided.

The proposal seeks to vary Development Provision 4 which provides that development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building). The proposal incorporates cut over 1m outside the external walls of the building primarily in the front portion of the site. A battered cut is proposed up to 1.3m in height in the rear portion of the site.

The relevant objectives are:

- Minimise the extent of site disturbance caused by excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.
- Ensure that there is no adverse alteration to the drainage of adjoining properties.
- Ensure the privacy of adjoining dwellings and private open space are protected.
- Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.

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

- The extent of cut and retaining proposed s due to the drop in grade along the depth of the site.
- Stormwater is capable of being managed.
- Privacy of adjoining dwellings is not compromised as a result of the cut.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact of any significance that would justify refusal of the application.

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

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

iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations apply.

(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 proposed development satisfactorily addresses the public domain.

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

Privacy

The design has had regard to positioning of the primary living and outdoor areas at ground level and cut into the site. Where appropriate privacy protection measures are proposed in the form of either privacy screening or highlight windows. Bedroom windows are located on upper levels. There are no significant adverse privacy impacts identified that would warrant refusal of the application.

Access, Traffic and Transport

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

Water Supply Connection

Water supply service is existing to the lot. Details of connection and associated plumbing will be provided with section 68 application under the Local Government Act. Appropriate condition recommended.

Sewer Connection

Sewer service is existing to the lot. Details of connection and associated plumbing will be provided with section 68 application under the Local Government Act. Appropriate condition recommended.

Stormwater

There is a stormwater pit and piped network in Watonga Street. The proposal is capable of connection to this network. Details of stormwater drainage and connection will be required with S.68 application. Appropriate standard condition recommended.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other Land Resources

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

Water Cycle

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

Soils

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

Air and Microclimate

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

Flora and Fauna

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

Waste

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

Energy

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

Noise and Vibration

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

Bushfire

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

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

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

The proposal will fit into the locality. Site constraints of slope and bushfire have been adequately addressed and appropriate conditions of consent recommended.

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

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

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

Submission Issue/Summary	Planning Comment/Response
Privacy - Bedroom windows of proposed dwelling will sit 900mm below top of the boundary fence	Master bedroom window is a highlight window with a sill height of 1.8m the remaining 2 bedroom windows are set at 1.2m and located 3 to 6m from the rear boundary. Bedroom windows under the DCP are not subject to the same privacy limitations and setbacks as primary living areas. Given the sill heights casual overlooking is generally not an issue in normal use of a bedroom.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 as the development is located on an approved lot and development is for a single dwelling.



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 (**Attachment 1**).

Attachments

- 1  2020 - 962.1 Recommended DA Conditions
- 2  2020 - 962.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/962****DATE: 21 January 2021****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
SOEE		Adenbrook Homes	5/11/2020
Architectural Plans and Specifications	Sheets 1-12 Job No PM317	Adenbrook Homes	2/11/2020
BASIX	1151602S	Adenbrook Homes	5/11/2020
BAL		Adenbrook Homes	undated

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

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A004) An application for a Subdivision Works Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via 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.
- (6) (A031) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
 - Other
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- i. Footway and gutter crossing
 - ii. Functional vehicular access
- (3) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (4) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); and
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;

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

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

Nil

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

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

- (2) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy. The kitchen facilities in the guest room are only for ancillary tea/coffee making or the like.

DRAFT

LEGEND	
	METER BOX
	GULLY GRATE
	CUT/FILL LINE
	ROCK RETAINING WALL
	TIMBER RETAINING WALL
	TREES TO BE REMOVED
	DRIVEWAY GRATE
	PROPOSED FUTURE POOL PROV.
	BROOM FINISHED CONCRETE
	EXPOSED AGGREGATE CONCRETE
	TILES
	COLOURED CONCRETE WITH BROOM FINISH
	DENOTES AREA BY OWNER
	POWER
	TELSTRA CONDUIT
	NBN
	WATER
	SEWER MANHOLE
	HYDRANT
	STOP VALVE

DRAWING CHECKS		CSO	ADMIN	SUPER
NHP	PCV			

CRESTWOOD DRIVE

CONSULTING SURVEYORS URBAN PLANNERS PROJECT MANAGERS

Newnham Karl Weir
and Partners Pty Ltd

5 Muddock Street Coffs Harbour
Phone: 02 6652 6630
Fax: 02 6652 3064
ABN 21 100 904 783
ACN 100 904 783

SERVICES	SITE SURVEY PLAN
Contour Interval: 0.25	LOT 510 ON D.P. NOT REG'D
Sewerage: Yes	Street: Crestwood Drive
Stormwater: Front	Suburb: Port Macquarie
Water: Yes	Local Auth: Port/Hastings
Electricity: Underground	Parish: Macquarie
Telephone: Underground	County: Macquarie
Road: Bitumen	Area: 802.3m ²
Kerb: Semi	
Footpath: Nil	

PROPOSED ENTRY FFL: 13.660
ENTRY PLATFORM AT RL: 13.350

PROPOSED GARAGE FFL: 13.490
GARAGE PLATFORM AT RL: 13.180

PROPOSED LIVING FFL: 14.510
LIVING PLATFORM AT RL: 14.200

PLEASE NOTE: UNEQUAL CUT AND
FILL. EXPORT OF MATERIAL
REQUIRED AT CLIENTS EXPENSE.

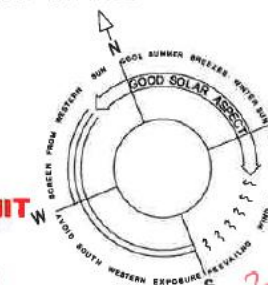
BUSHFIRE - BAL 12.5

CLASS "M" SOIL WAFFLE SLAB
POWER SUPPLY: SINGLE PHASE

PERMIT

Date:

611
SINGLE STOREY
BRICK COTTAGE



BUILDING PLATFORMS ARE 1500 WIDE UNLESS NOTED OR INDICATED OTHERWISE BUILDING PLATFORM SHOWN IS APPROXIMATE ONLY. FINAL LEVELS TO BE DETERMINED ON SITE. CUT BATTER IS 1:2.5, FILL BATTER IS 1:4. YARD GULLIES SHOULD NOT BE POSITIONED CLOSER THAN 1.0m TO GAS HOT WATER SYSTEM OR GAS BOTTLE LOCATIONS. REFER AS 5801-2002

THIS PLAN IS PREPARED FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS ON THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE TITLE BOUNDARIES SHOWN HEREON WERE NOT MARKED BY THE AUTHOR AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSION ONLY AND NOT BY FIELD MEASUREMENT. SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE LOCATED, SERVICES MAY HAVE BEEN PLOTTED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

DATE	REVISION	INITIAL
16/10/20	TENDER ISSUE	R.A.
02/11/20	PERMIT ISSUE	B.S.I.

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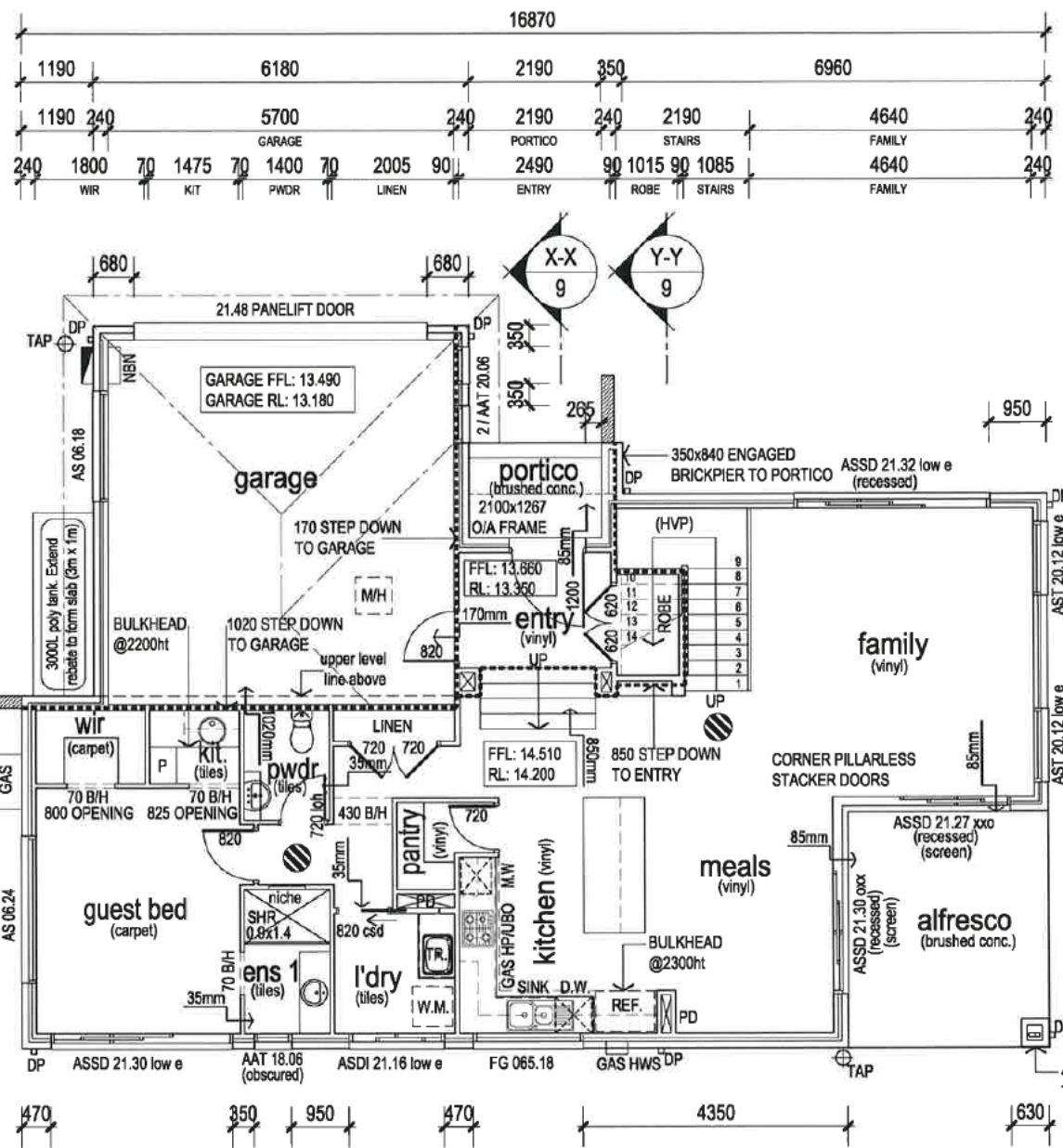
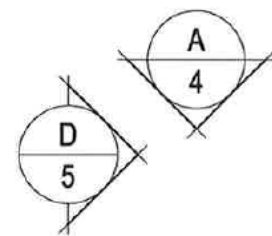
208 LOGAN RD, WOOLLOONGABBA QLD 4102
PH. (07) 3028 9500

LICENCE NO: 215299C
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DANIELLE TABONE	HOUSE:
LOT 510 CRESTWOOD DRIVE	hadley
PORT MACQUARIE, NSW 2444	PLAN OPTION: std
SIGNATURES:	HOUSE: benson
BUILDER	CLIENT

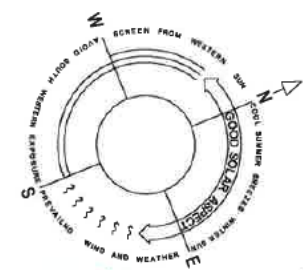
TITLE: site plan	SCALE 1:200
JOB NO: PM317	1/12



- 720 l.o.h. DENOTES DOOR HAS LIFT OFF HINGES TO COMPLY WITH B.C.A REQ.
- ARTICULATION JOINT AS SPECIFIED IN THE ENGINEERING DESIGN
- HARDWIRED SMOKE ALARM WITH BATTERY BACKUP AS PER B.C.A REQ.
- DOWNPIPE CONNECTED TO LPOD VIA 90mmØ UPVC PIPE AS PER LOCAL AUTHORITIES REQUIREMENTS
- MAN HOLE TO CEILING ACCESS
- VENT PIPE LOCATIONS DETERMINED ON SITE. LOCATE IN CORNER OF ROBES

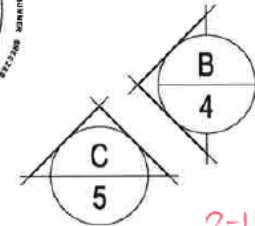
CONSTRUCTION NOTES:

- ALL BULKHEADS & NICHES @ 2270h EXCEPT KITCHEN @ 2300h.
- FLY SCREENS TO OPENING SASHES OF ALL WINDOWS AND SLIDING DOORS
- 450w SHELF @ 1800h AND HANGING RAIL ONLY TO ALL ROBES
- REFER TO BASIX NOTES FOR THERMAL REQUIREMENTS.
- ALL BATHROOM EXHAUST FANS TO BE EXTERNALLY DUCTED.
- BUILDERS STANDARD TERMITE PROTECTION SS MESH FLANGES TO SLAB PENETRATIONS AND SMART FILM PERIMETER SYSTEM
- ANTICON BLANKET TO METAL ROOF.
- BEDROOM WINDOW OPENINGS RESTRICTED AS PER BCA 3.9.2.5 WHERE THE FLOOR LEVEL IS GREATER THAN 2 METERS ABOVE FINISHED GROUND LEVEL.
- STAIR CONSTRUCTION TO BCA 3.9.1 INCLUDING SLIP RESISTANCE
- BALUSTRADES CONSTRUCTED TO BCA 3.9.2



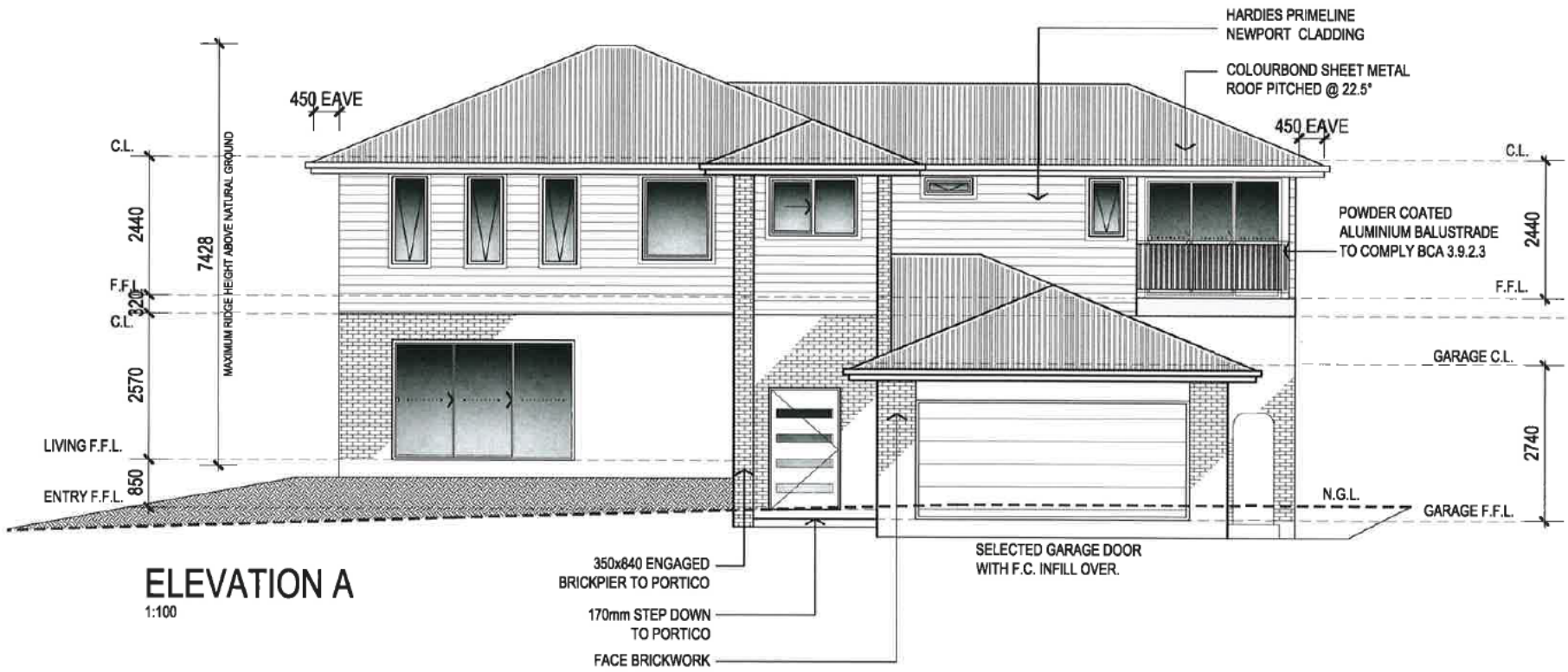
PERMIT

Date:



2-11-2020

A LOWER LIVING 114.5m		DATE		REVISION		INITIAL		adenbrookhomes		MS D TABONE		HOUSE:		TITLE:	
B UPPER LIVING 130.2m		16/10/20		TENDER ISSUE		R.A.		208 LOGAN RD, WOOLLOONGABBA QLD 4102		LOT 510, 130 CRESTWOOD DRIVE		hadley		lower floor plan	
C GARAGE 37.7m		02/11/20		PERMIT ISSUE		B.S.I.		LICENCE NO: 215259C		PORT MACQUARIE, NSW 2444		PLAN OPTION: std		SCALE 1:100	
D ALFRESCO 12.8m								WWW.ADENBROOKHOMES.COM.AU		SIGNATURES:		HOUSE: benson		JOB NO: PM317	
E PORTICO 3.4m								*This work is exclusively owned by AD (Aust) IP Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying), without the written permission of AD (Aust) IP Pty Ltd.		MASTER ISSUE A - 19/12/13		2/12			
GRAND TOTAL 298.6m										BUILDER		CLIENT			
SQUARES 32.1sq															



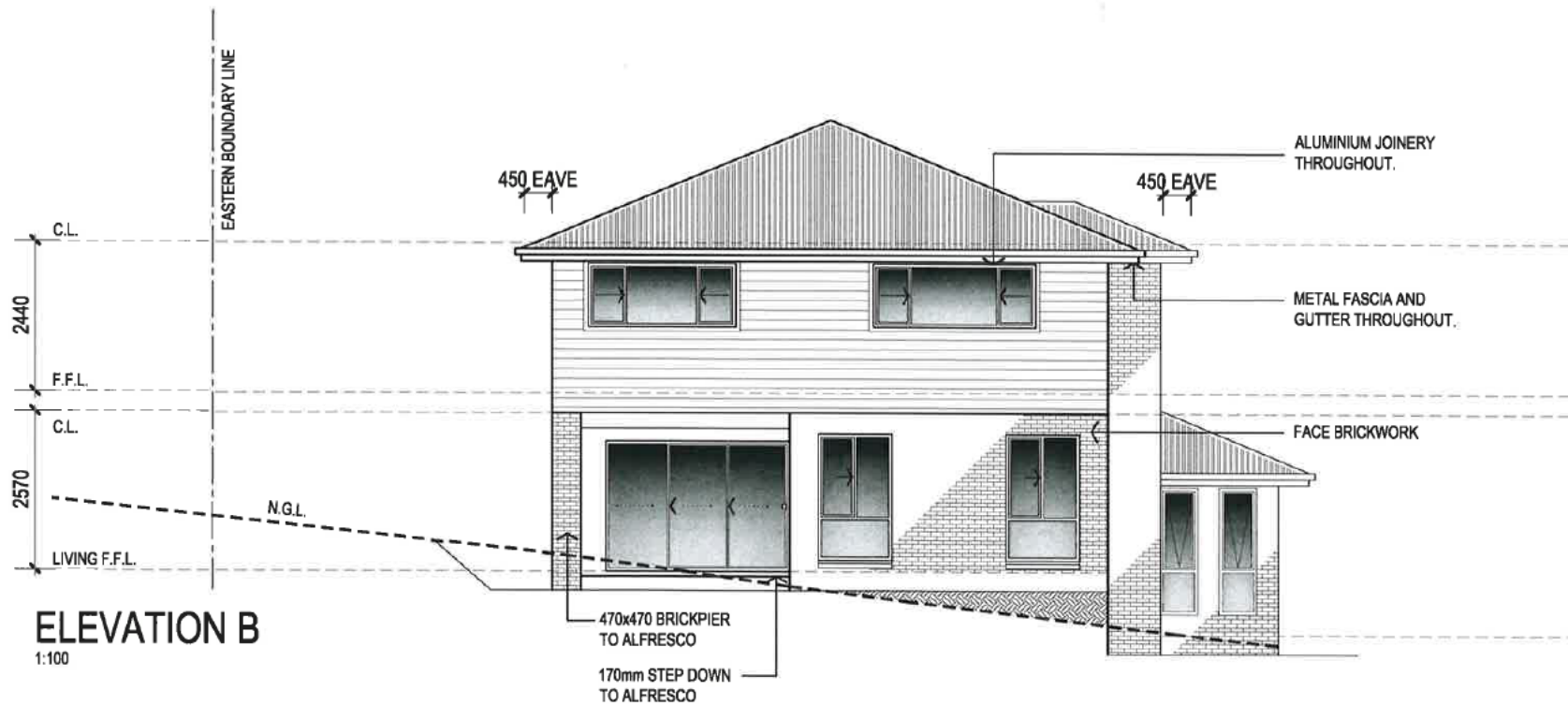
ELEVATION A
1:100

BALCONY TO BE WATERPROOFED
IN ACCORDANCE WITH AS 4654.1 &
AS 4654.2

BALCONY BALUSTRADES TO
BCA 3.9.2.
(SEE ELEVATIONS FOR SPECS.)

ATTACHMENT OF BALCONY TO AN
EXTERNAL WALL TO BE CONSTRUCTED
IN ACCORDANCE WITH NCC BCA 2019
VOL.2 PART 3.10.6

WHERE THE FLOOR TO A BEDROOM
WINDOW IS GREATER THAN 2000mm
ABOVE THE FINISHED EXTERNAL
SURFACE, BEDROOM WINDOWS ARE
PROTECTED IN ACCORDANCE WITH
BCA 3.9.2.6



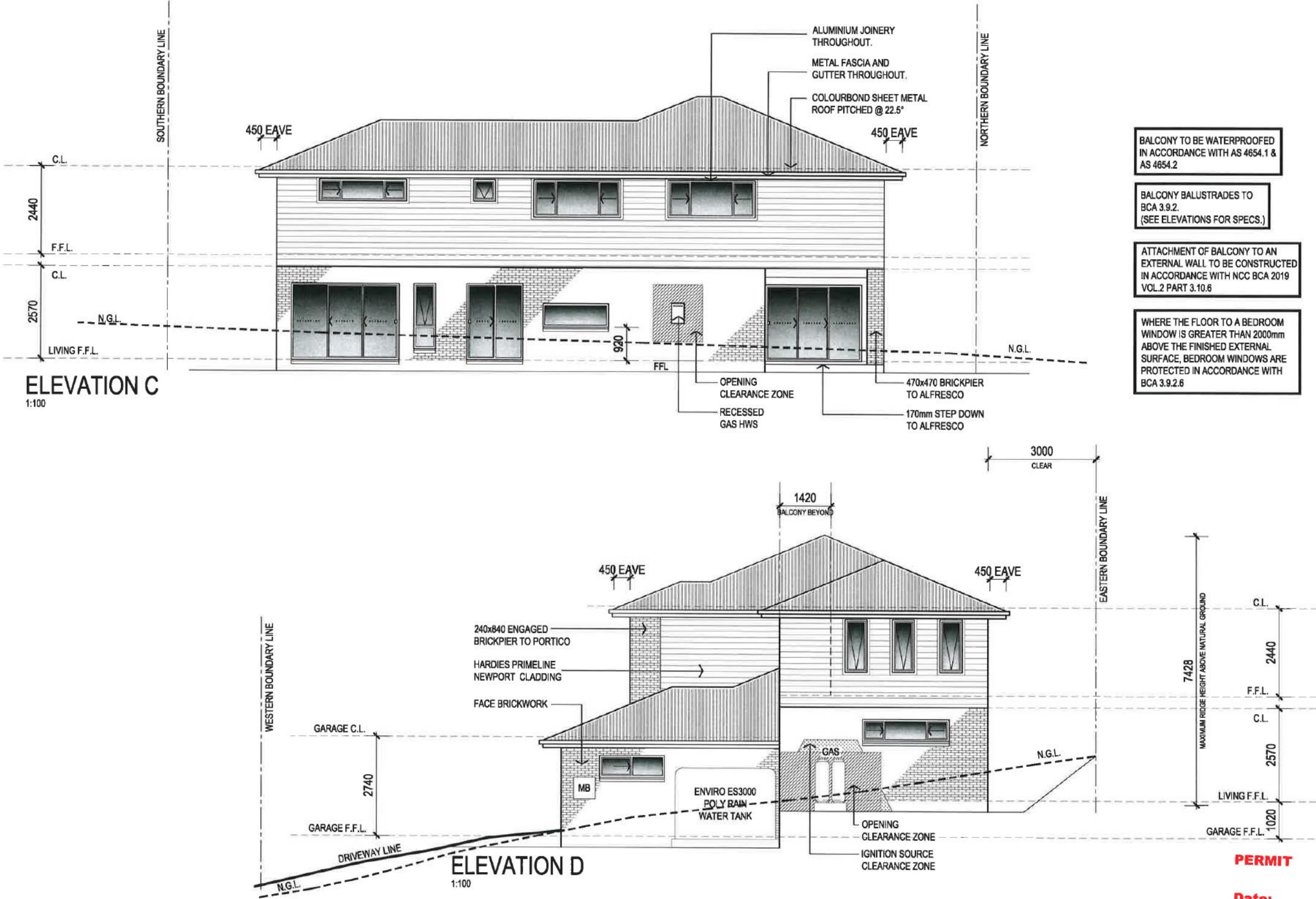
ELEVATION B
1:100

PERMIT

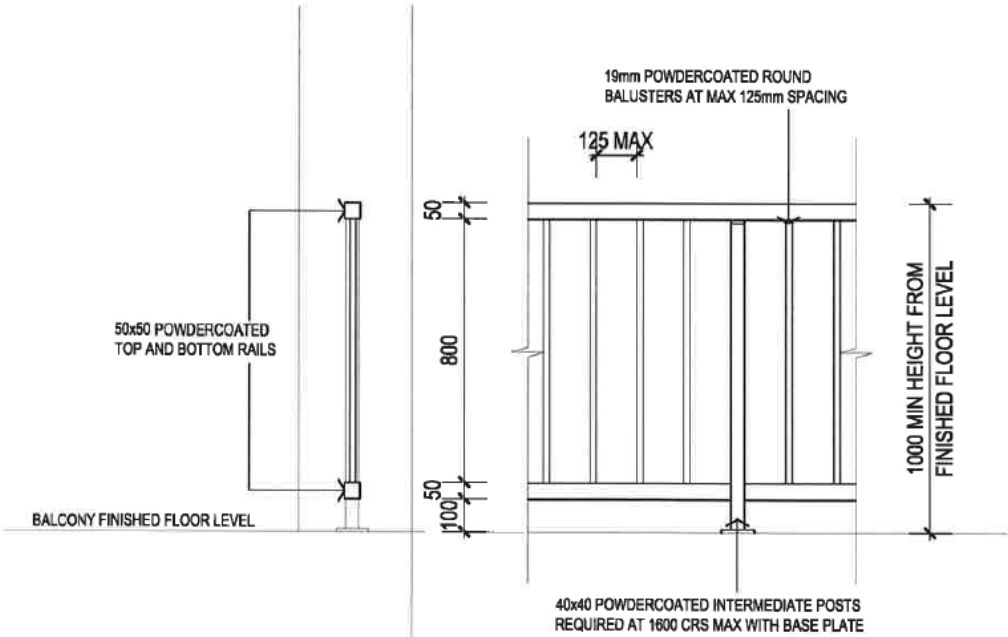
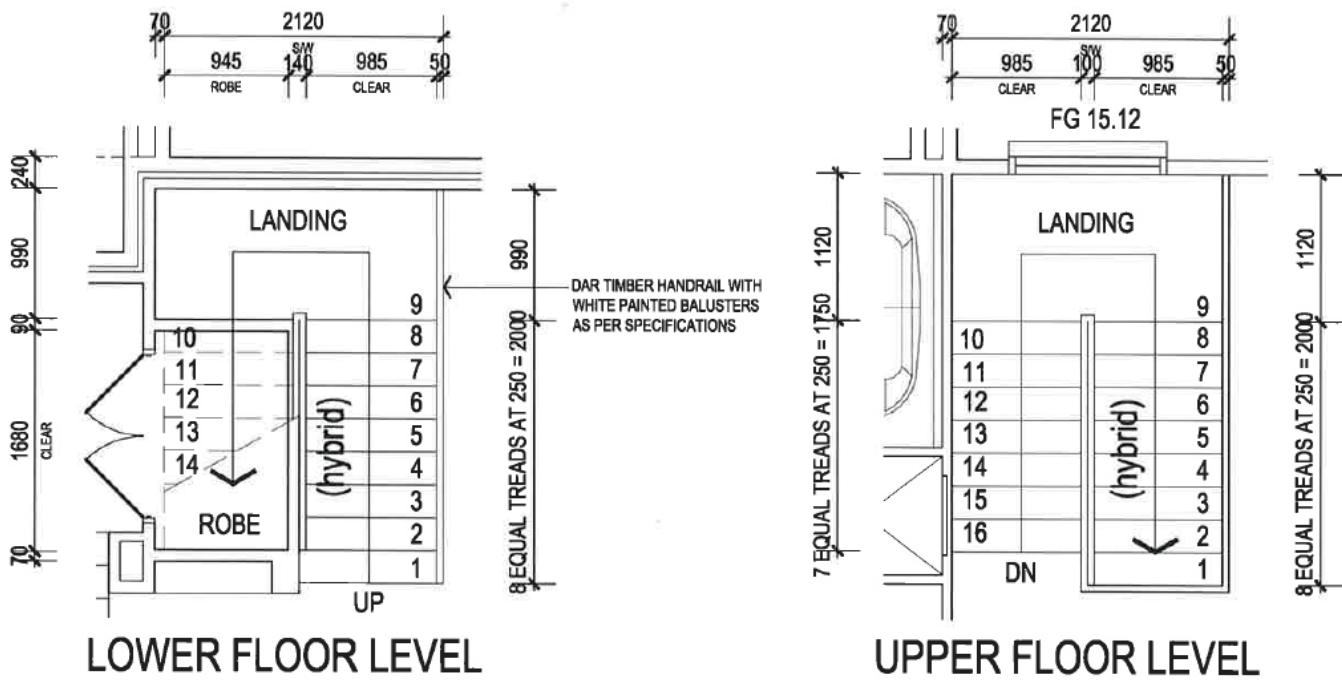
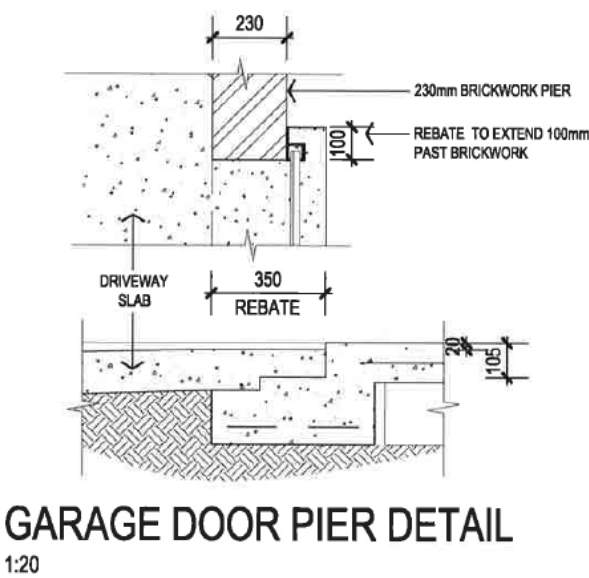
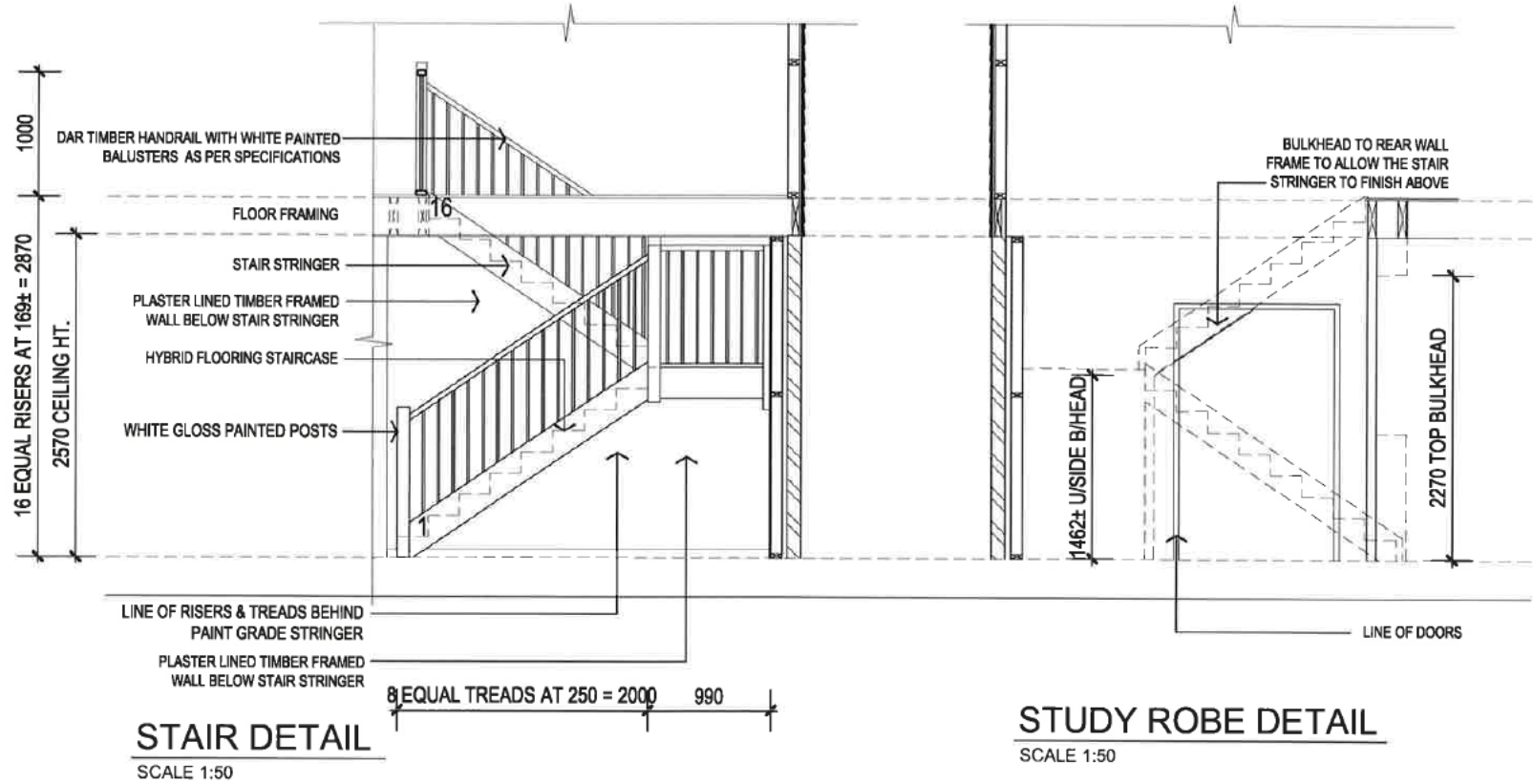
2-11-2020

Date:

<ul style="list-style-type: none">PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL WHERE THE SILL HEIGHT IS UNDER 1700mm FROM F.F.L. TO HAVE RESTRICTED OPENING OF 125mm OR APPROVED BARRIER SCREENSPROVIDE NOGGINGS TO BALCONY TO FIX BALUSTRADE POSTS FOR ANY BALUSTRADE SPAN OVER 3m.PROVIDE R1.5 INSULATION BATTS TO EXTERNAL WALLS WITH FIBRE CEMENT CLADDING.FOUNDATIONS SHOWN ARE APPROXIMATE ONLY AND MAY CHANGE DUE TO SITE CONDITIONSPROVIDE 40MM TIMBER BATTENS TO WALLS WITH FC OR TIMBER CLADDINGF.F.L. IS DEFINED AS THE FINISHED SLAB LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LINING FOR 2 STOREY AND DOES NOT INCLUDE FLOOR FINISH.C.L. IS DEFINED AS THE UNDERSIDE OF THE TRUSSES OR FLOOR JOISTS AND DOES NOT INCLUDE CEILING LINING	DATE	REVISION	INITIAL	adenbrookhomes 208 LOGAN RD, WOOLLOONGABBA QLD 4102 PH. (07) 3028 9500 LICENCE NO: 215259C WWW.ADENBROOKHOMES.COM.AU <small>*This work is exclusively owned by AB (Aust) IP Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written permission of AB (Aust) IP Pty Ltd.*</small>	MS D TABONE LOT 510, 130 CRESTWOOD DRIVE PORT MACQUARIE, NSW 2444 SIGNATURES: _____ BUILDER _____ CLIENT	HOUSE: hadley PLAN OPTION: std HOUSE: benson	TITLE: elevations 1 SCALE 1:100 JOB NO: PM317 MASTER ISSUE A - 19/12/13 4/12
	18/10/20	TENDER ISSUE	R.A.				
	02/11/20	PERMIT ISSUE	B.S.I.				



<ul style="list-style-type: none">PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL WHERE THE SILL HEIGHT IS UNDER 1700mm FROM F.F.L. TO HAVE RESTRICTED OPENING OF 125mm OR APPROVED BARRIER SCREENSPROVIDE NOGGINGS TO BALCONY TO FIX BALUSTRADE POSTS FOR ANY BALUSTRADE SPAN OVER 3m.PROVIDE R1.5 INSULATION BATTIS TO EXTERNAL WALLS WITH FIBRE CEMENT CLADDING.GROUND LINES SHOWN ARE APPROXIMATE ONLY AND MAY CHANGE DUE TO SITE CONDITIONSPROVIDE 40MM TIMBER BATTENS TO WALLS WITH FC OR TIMBER CLADDINGF.F.L. IS DEFINED AS THE FINISHED SLAB LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LINING FOR 2 STOREY AND DOES NOT INCLUDE FLOOR FINISH.C.L. IS DEFINED AS THE UNDERSIDE OF THE TRUSSES OR FLOOR JOISTS AND DOES NOT INCLUDE CEILING LINING	DATE	REVISION	INITIAL	adenbrookhomes 208 LOGAN RD, WOOLLOONGABBA QLD 4102 PH. (07) 3028 9500 LICENCE NO: 215259C WWW.ADENBROOKHOMES.COM.AU <small>*This work is exclusively owned by AB (Ausli) IP Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written permission of AB (Ausli) IP Pty Ltd*</small>	MS D TABONE LOT 510, 130 CRESTWOOD DRIVE PORT MACQUARIE, NSW 2444 SIGNATURES: BUILDER CLIENT	HOUSE: hadley PLAN OPTION: std HOUSE: benson	TITLE: elevations 2 SCALE 1:100 JOB NO: PM317 MASTER ISSUE A - 19/12/13
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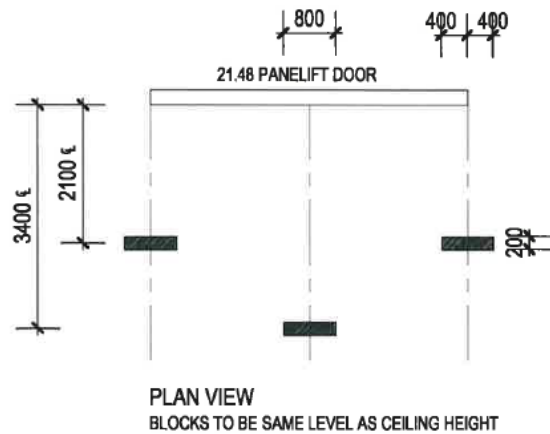
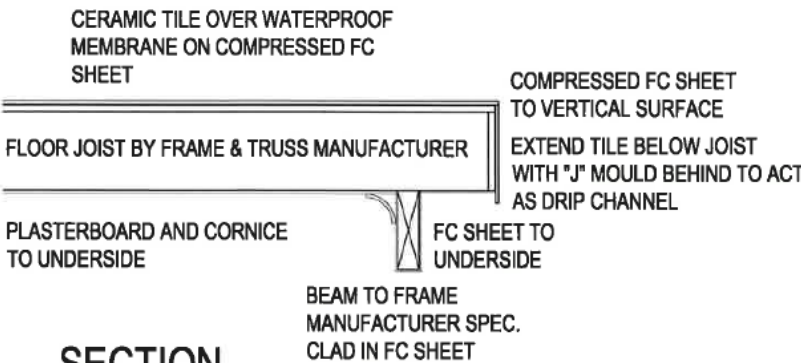
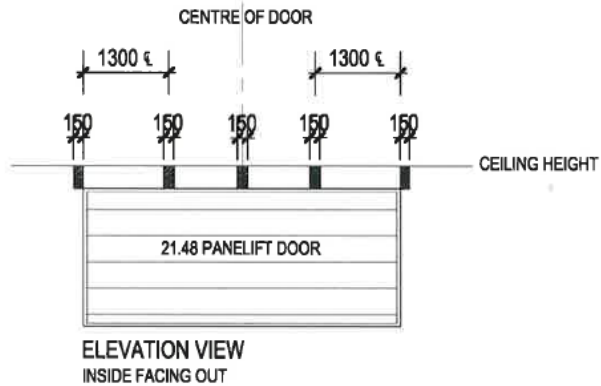
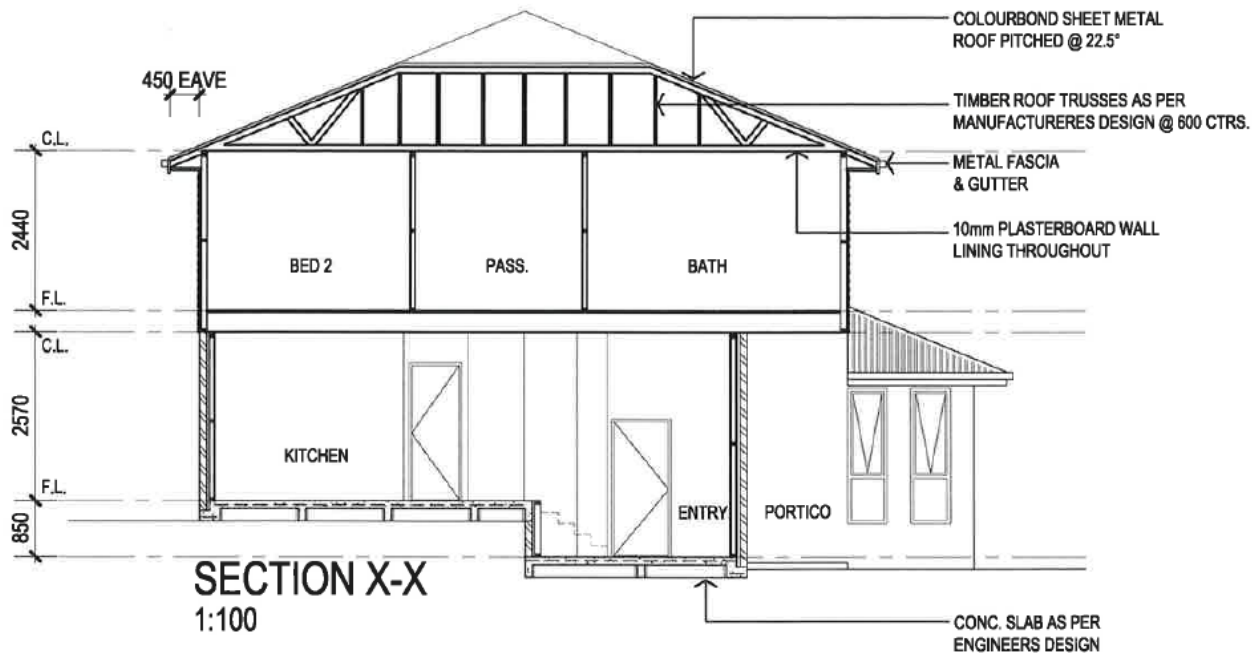
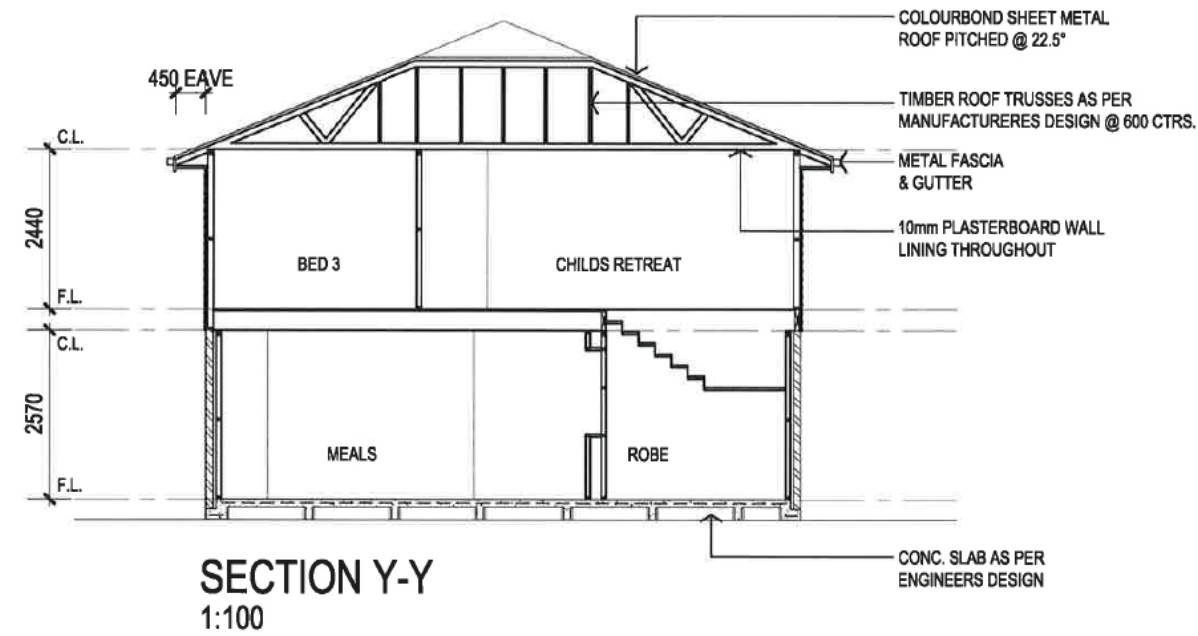
STAIR DETAILED PLAN
1:50

STANDARD SQUARE BALUSTRADE
SCALE 1:20

PERMIT

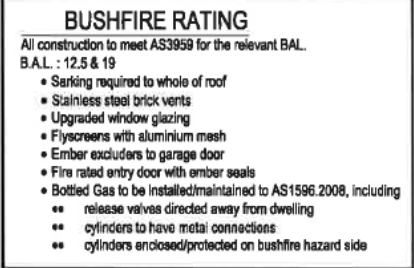
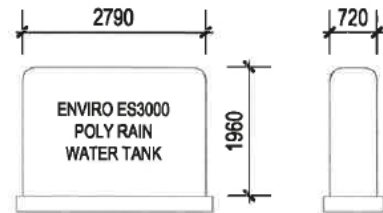
Date: 2-11-2020

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	18/10/20	TENDER ISSUE	R.A.				
	02/11/20	PERMIT ISSUE	B.S.I.				



GARAGE DOOR BLOCK DETAIL
1:100

3000L POLY WATER TANK DETAIL
1:100



BASIX REQUIREMENTS

WATER REQUIREMENTS

Landscape:

- Total Area of Garden and Lawn 423m²

Fixtures:

- Showerhead Rating must be a min. 3 Star Efficiency Rating to all showers
- Toilet Rating must be a min. 4 Star Efficiency Rating to all toilets
- Kitchen Taps Rating must be a min. 4 Star Efficiency Rating
- Bathroom Basin Taps Rating must be a min. 4 Star Efficiency Rating

Alternative Water:

- Rainwater Tank size 3000 Litres (Rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities)
- Rainwater Tank to collect a minimum roof area runoff of 193.3m²
- Rainwater tank to supply:
 - All toilets
 - at least one Outdoor Tap
 - Cold water tap that supplies each clothes washer

THERMAL REQUIREMENTS

- Refer to BASIX report for window glazing requirements
- Insulation of R 1.66 to be installed to external walls to achieve minimum total R value R 2.4 to external timber framed walls (not between house & garage).
- Insulation of R 0.6 to bearers & joists floor system.
- Insulation batts to roof space with a total minimum R value of R 2.5

ENERGY REQUIREMENTS

Hot Water:

- Hot Water System: Gas Instantaneous
- Hot Water System performance rating: 4.5 stars

Heating and Cooling:

- The Living areas & Bedrooms will incorporate ceiling fans and air conditioning for heating or cooling

Ventilation:

- Bathroom exhaust system: Individual fan, externally ducted. Operational Control manual Off/On switch
- Kitchen exhaust system individual fan, not ducted. Operational Control manual Off/On switch
- Laundry exhaust system: Natural Ventilation only. Operational Control N/A

Artificial Lighting:

- Following rooms must have Fluorescent or LED as there "primary type of artificial Lighting":
 - 5 x Bedrooms/Study and 3 living/dining areas

Natural Lighting:

- There must be a window and/or skylight installed in the kitchen for natural lighting
- The 3 bathroom(s)/toilet(s) must have a window and/or skylight for natural lighting.

Other:

- The applicant must install a gas cooktop & electrical oven in the kitchen
- The refrigerator space in the development must be constructed so that it is "well ventilated", as defined in the BASIX definitions.
- Fixed Outdoor Clothesline must be installed

PERMIT

Date: 2-11-2020

	DATE	REVISION	INITIAL	adenbrookhomes 206 LOGAN RD, WOOLLOONGABBA QLD 4102 PH. (07) 3028 9500 <small>*This work is exclusively owned by AB (Aust) IP Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written permission of AB (Aust) IP Pty Ltd*</small>	MS D TABONE LOT 510, 130 CRESTWOOD DRIVE PORT MACQUARIE, NSW 2444 SIGNATURES: _____ BUILDER _____ CLIENT	HOUSE: hadley PLAN OPTION: std HOUSE: benson	TITLE: details 2 SCALE 1:100 JOB NO: PM317 MASTER ISSUE A - 19/12/13 9/12
	16/10/20	TENDER ISSUE	R.A.				
	02/11/20	PERMIT ISSUE	B.S.I.				

Item: 08

Subject: DA2020 - 430.1 ADDITIONAL DWELLING TO CREATE DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION, LOT 6 DP258215, 5 KIAH PLACE BONNY HILLS, 11028

Report Author: Development Assessment Planner, Steven Ford

Applicant:	Karen Burke Registered Architect
Owner:	S B Hollis & K N Burke
Estimated Cost:	\$330,000
Parcel no:	11028

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 430.1 for Additional Dwelling to create Dual Occupancy with Torrens Title Subdivision at Lot 6, DP 258215, No. 5 Kiah Place, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, three (3) submissions were received.

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

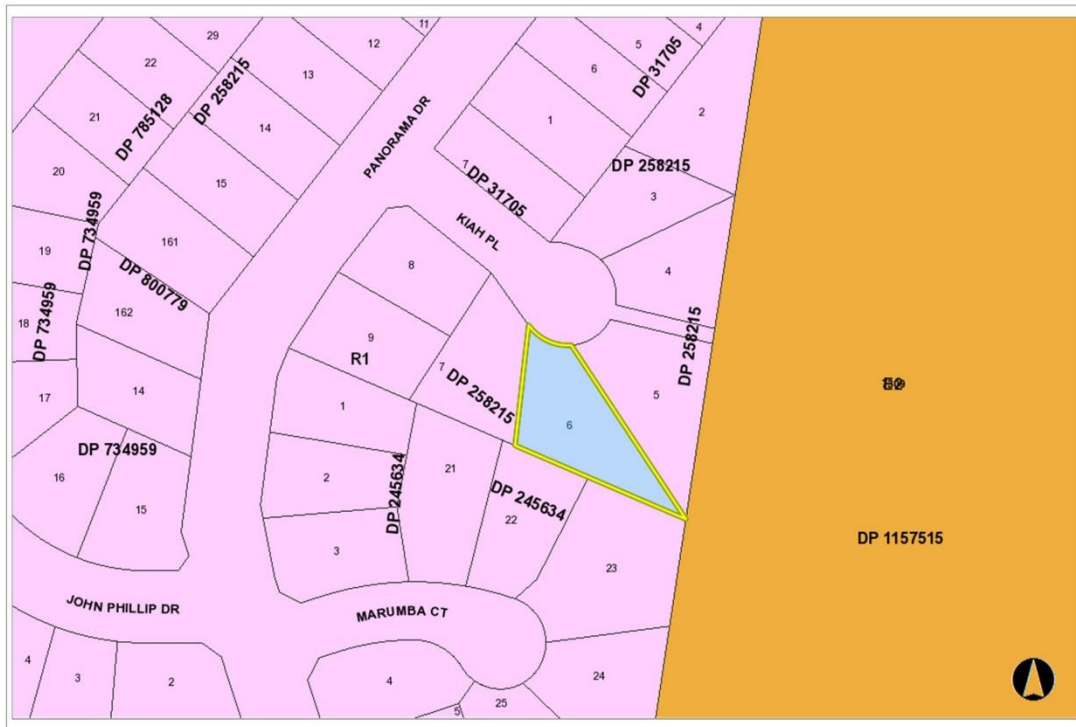
This report recommends that the development application be approved subject to the conditions proposed in **Attachment 1**.

1. BACKGROUND

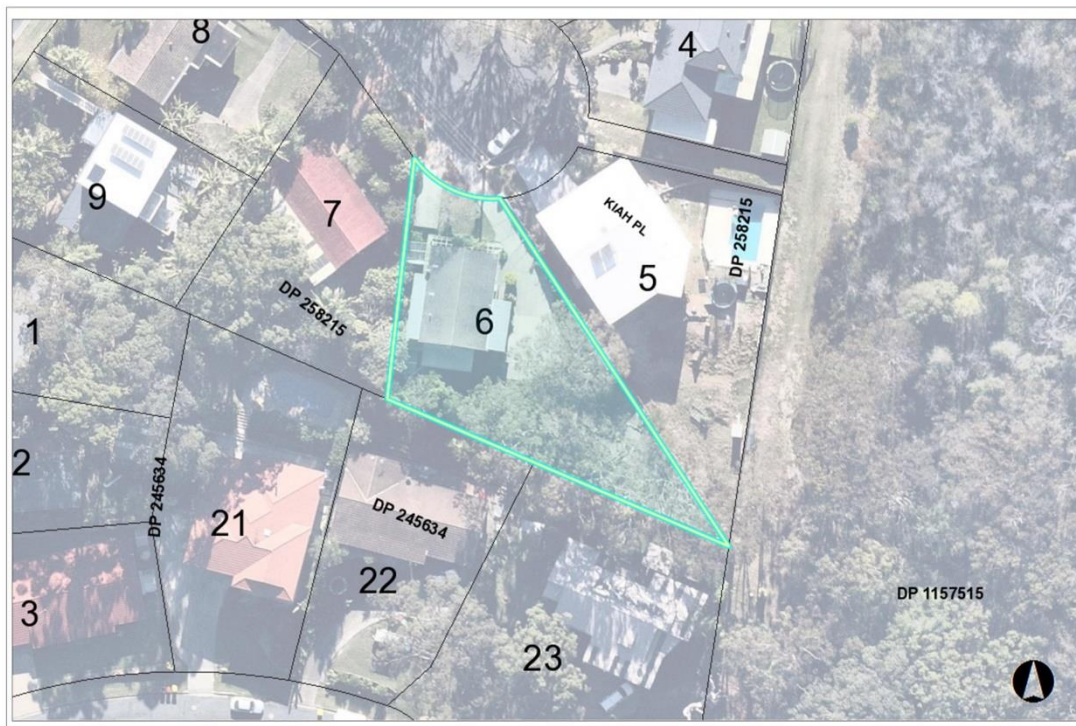
Existing Sites Features and Surrounding Development

The site has an area of 924m² and there is an existing single dwelling located on the land.

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Additional dwelling to create dual occupancy
- Subdivision into 2 torrens title lots.
- Staging of the proposal.
- Removal of six (6) mature native trees

Refer to **Attachment 2** for the plans and supporting reports of the proposed development.

Application Chronology

- 09 June 2020 - Application lodged.
- 16 June 2020 to 29 June 2020 - Neighbour notification.
- 20 July 2020 - Amended plans received.
- 28 July 2020 - Additional amended plans received.
- 06 August 2020 - Hollow bearing tree assessment received
- 20 August 2020 - Additional information requested
- 11 December 2020 - Ecological Impact Assessment received
- 11 January 2020 - Amended plans received

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument (EPI)

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

Clause 8 - The site is less than 1 hectare including adjoining land in the same ownership. The SEPP does not prevent the granting of consent on the land being less than 1 hectare in area.

The Applicant has also submitted an Ecological Impact Assessment to support the application for development of the site and the proposal has been assessed by Council's Arborist and Ecologist. The Five Part test undertaken and an assessment of tree health also provided has been confirmed to be satisfactory and that the recommendations for tree removal were justified. Recommended mitigation measures have been appropriately applied to the recommended conditions.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area.

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

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

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

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

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

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

A BASIX certificate (number 1104815S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for an additional Dwelling to create Dual Occupancy with Torrens Title Subdivision is a permissible land uses with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the fact that the proposal would contribute to the range of housing types and densities to meet the housing needs of the community.
- Clause 4.1A - The minimum lot sizes do not apply to the proposal as it is characterised as a dual occupancy with subdivision development (integrated housing). The proposal is 1 into 2 lot Torrens title subdivision, the existing dwelling is located on proposed lot 1 with a total area of 441.3m² and proposed lot 2 has a total area of 483.1m² with a proposed single dwelling.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 5.69 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.36:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

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

Port Macquarie-Hastings Development Control Plan 2013:

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.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not	No cut or fill greater than 1m is proposed outside of the building footprint.	Yes

	apply to buildings where such cut and fill is fully retained within or by the external walls of the building).		
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	N/A	N/A
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	N/A - no front fences proposed	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management**Bushfire Hazard Management**

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	Capable of complying - see bush fire comments later in this report	Yes
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			

24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>1 parking space per each dwelling for dwelling-houses/dual occupancies/semi-detached dwellings.</p>	<p>Both proposed lots are capable of accommodating off street car parking areas.</p> <p>The existing dwelling has a hardstand area in front of the building line which is to be removed. The existing dwelling is proposed to provide a primary hardstand space minimum 6m from the front boundary and between the western boundary and the building.</p> <p>The proposed new dwelling will have a double carport behind the front building line of the existing dwelling but forward of the proposed dwelling.</p> <p>Total of 3 parking spaces has been provided.</p> <p>Objectives of this clause have been satisfied.</p>	Yes
Parking Layout			
28	<p>c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:</p> <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	<p>Residential parking only.</p> <p>The development proposes to have a new primary parking space 6m from the front boundary but partially in front of the building line by 3m. Plan number DA-2B demonstrates the proposed location in relationship to the existing dwelling. Due to a large existing front setback, and natural slope the car</p>	No - for the front dwelling 5A* - see comments beside.

		<p>park position was difficult to be located any further from the street.</p> <p>The proposed location has provided separation from the street, allowed for screening with front landscaping and the property being at the end of a cul-de-sac. The objective of this clause have been satisfied and considered to minimise conflict to the street amenity.</p>	
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	The development is capable of complying.	Yes

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
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. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> – an entry feature or portico; – a balcony, deck, patio, pergola, terrace or verandah; – a window box treatment; – a bay window or similar feature; – an awning or other feature over a window; – a sun shading feature. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	<p>No building elements are proposed within the articulation zone.</p> <p>The proposed car park has been amended during the assessment and is not within the articulation zone.</p>	N/A
	<p>c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m</p>	<p>Front setbacks. Dwelling (Existing) 5A - 8.2m Proposed Dwelling 5B - 15.5m</p>	Yes
45	<p>a) A garage, carport or car parking space should:</p> <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	<p>Proposed Dwelling 5B, proposes a car port 6m behind the front building line of the existing house but forward of the proposed dwelling. The carport is setback 15.5m from the street frontage and the shape of the proposed lot can be characterised similarly to a battleaxe.</p>	Yes and No* Acceptable, see justification below.

		The existing dwelling, due to the irregular shape and narrowness of the site has a car space partially forward of the existing building line, see a variation to the development provisions of this clause, see justification below.	
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	Proposed carport is 4.9m wide, and 38% of the total width of the dwelling (13.1m).	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	Lot 5B - existing driveway crossover, 3m wide Lot 5A - proposed width 3m wide	Yes
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	N/A - not considered a corner lot.	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	Dwelling 5A - Rear building line is unchanged, 5.28m. Dwelling 5B - minimum rear setback is 4m	Yes
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.	None proposed	N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary,	No variation proposed	N/A

	behind building line) and the rear setback may be reduced to 900mm.		
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	North East side setback, minimum 970mm. Western boundary side setback unchanged. Proposed internal boundary, minimum setback of 1m.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	Proposed first floor side setback of 970mm. The Applicant has provided satisfactory shadow diagrams to demonstrating no overshadowing impacts caused by the variation, and privacy screening to provide privacy concerns raised from proposed Bed 1 eastern facing windows to the adjoining private open space.	Yes
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	The proposed dwelling is considered well-articulated. No building walls are longer than 7m in length for a single span.	Yes
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> - a minimum dimension of 4m x 4m, and - a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and - direct accessibility from a ground floor living area and orientated to maximise use. 	The proposal is well accounted for in regards to private open space and site constraints. Due to natural slope, the grade of 5% is not achievable at ground level. Both dwellings have a balcony accessible and usable from primary living areas approximately 20m ² and rear yards of over 150m ² . Providing the site constraints, the objectives of this clause has been satisfied.	No, but minor variation considered acceptable.

	b) Private open space may include clothes drying areas and garbage storage.	The development is capable of having adequate drying and storage facilities.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	No front fence proposed	N/A
	b) Solid Front fences up to 1.2m high should be: <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 	N/A	N/A
	b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 	N/A	N/A
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	N/A	N/A
	d) provide a 3m x 3m splay for corner sites, and	N/A	N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	N/A	N/A
Bulk and Scale			

51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> – Ground and first floor (and above) indoor living room windows are within a 9m radius. – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	<p>Adequate separation has been provided between the proposed dwelling and the adjoining dwellings.</p> <p>Elevated homes constructed on sloping blocks generally overlook adjacent properties. As a mitigation measure the eastern facing windows have been amended to include direction privacy screening. This softens privacy concerns that have been raised in the submissions and provides adequate screening to adjoining private open space.</p> <p>There is considered to be more than adequate separation of between 9m and 12m to adjoining principle private open space. However, as a mitigation measure, screening plants have been proposed to be planted along the rear boundary.</p>	Yes
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or – Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	<p>There is considered to be more than adequate separation of between 9m and 12m to adjoining principle private open space. However, as an additional mitigation measure, screening plants have been proposed to be planted along the rear boundary.</p> <p>The objectives of this clause are considered to be satisfied.</p>	
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> – Any Indoor living room windows with a sill height of greater than 	<p>Eastern facing windows with sill heights lower than 1.5m have been provided with privacy screening to protect</p>	Yes

	1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height.	privacy were necessary. This design elements will soften any adverse impacts.	
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. - A window, the whole of which has translucent glass and is not able to be opened. 	Directional privacy screening has been provided to eastern facing windows. The southern facing windows and balcony are considered to have adequate separation and no additional fixed screening is necessary to the balcony.	Yes
Ancillary Development			
56	<p>a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:</p> <ul style="list-style-type: none"> - The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). - The building should be single storey construction with a maximum roof pitch of 24 degrees. 	Water tank for proposed new dwelling appropriately located.	Yes

	<ul style="list-style-type: none"> - The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 		
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DCP 2013: PART C - Development Specific Provisions - C5: Subdivision

DCP Objective	Development Provisions	Proposed	Complies
Site Analysis			
139	<p>a) A site analysis is required for all development and should illustrate:</p> <ul style="list-style-type: none"> - microclimate including the movement of the sun and prevailing winds; - lot dimensions; - north point; - existing contours and levels to AHD; - flood affected areas; - overland flow patterns, drainage and services; - any contaminated soils or filled areas, or areas of unstable land; - easements and/or connections for drainage and utility services; - identification of any existing trees and other significant vegetation; - any existing buildings and other structures, including their setback distances; - heritage and archaeological features; - fences, boundaries and easements; - existing and proposed road network, including connectivity and access for all adjoining land parcels; 	Satisfactory site analysis plan details submitted.	Yes

	<ul style="list-style-type: none"> – pedestrian and vehicle access; – views to and from the site; – overshadowing by neighbouring structures; and – any other notable features or characteristics of the site. 		
Urban Structure and Lot Layout			
140	<p>a) Any residential allotments created by Torrens title subdivision should satisfy the following standards:</p> <ul style="list-style-type: none"> – A minimum width of 15 metres when measured at a distance of 5.5 metres from the front property boundary; – A minimum width of 7 metres measured when side boundaries are extended to the kerb line; A minimum depth of 25 metres; – For lots where the average slope of the development site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access. 	<p>Lot 1 - 9.15m at front boundary and side boundary of 31.5m</p> <p>Lot 2 - 3.83m at front boundary and side boundary of 55m but could be characterised as a battleaxe lot. Due to the irregular shape of the subject site, the applicant has demonstrated that a dwelling can fit within the site and address the objectives of this clause.</p>	<p>Yes</p> <p>No, but minor variation considered acceptable as integrated development.</p>
141	<p>a) Battleaxe allotments are discouraged in greenfield development.</p> <p>b) Council may consider permitting Torrens Title battleaxe allotments for “infill” development where it is demonstrated that:</p> <ul style="list-style-type: none"> – A Torrens Title lot, that is not a battleaxe lot, cannot be achieved; and – the number of crossovers do not reduce the amenity of the street or on street parking; and – – 	<p>Infill development, not considered a greenfield development.</p> <p>Proposed layout is considered satisfactory and consistent with the objectives of this clause. The access handles for both Lots 2 are capable of being provided with sealed driveway to the proposed carport.</p> <p>Adequate privacy will be achieved</p>	<p>N/A</p> <p>Yes</p>

	<ul style="list-style-type: none"> – the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and – – – addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and – extends utilities to the end of the axe handle; and – There is sufficient space for garbage collection on the frontage. 	<p>with the installation of a 1.8m height fence along the full length of the proposed boundaries.</p> <p>The site is capable of being serviced by public utilities and sufficient space for garbage collection at the frontage.</p>	
142	a) The subdivision of land with slopes exceeding 25% is generally discouraged.	Land slope is less than 25%	Yes
143	a) Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots.	Orientation of lots is acceptable providing the existing dwellings northern aspect will be relatively unchanged. And proposed Lot 2 will have a south eastern aspect	Yes
	b) Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60 - 80 metres by 120 - 150 metres.	Noted. The proposed dwelling on lot 2 achieves an acceptable BASIX rating.	Acceptable
	c) Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Noted. The proposed dwelling on lot 2 achieves an acceptable BASIX rating.	Acceptable
144	a) The site analysis, including the lot orientation, layout, and natural topography should inform and aid the design of the street pattern.	N/A	N/A
	b) The street plan should provide: <ul style="list-style-type: none"> – Street network, including those existing (adjacent or opposite); 	N/A	N/A

	<ul style="list-style-type: none"> – Cycleways and pathway network – Indicative gradients and cross-sections of roads, cycle ways and pathways, particularly those with steep slopes that may present access and mobility constraints. Provide notional road batters for steep areas – General intersection traffic dampening, related landscape features and constriction points; – Notional drainage pattern and works where affected by road works – Car parking – Consideration of existing and proposed street trees – Existing and proposed fire trails – Street and Service Plans should need to show how the proposal should integrate with the existing system. 		
145	a) Subdivision applications close to urban centres should achieve a high-medium population yield (>35 dwellings per hectare).	N/A - minimal infill subdivision	N/A
	b) Subdivisions along arterial roads and serviced by public transport should achieve a high-medium population yield (>35 dwellings per hectare).	N/A	N/A
Infrastructure - Integrated Water Cycle Management			
150	a) An application for subdivision should include a WSUD prepared by a certified practicing engineer and in accordance with Council's adopted design specification documents.	2 Lot subdivision only capable of complying - Concept stormwater management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes
Infrastructure - Stormwater Management			
151	– a) An application for subdivision should be accompanied by a Stormwater Management Strategy prepared	2 Lot subdivision only capable of complying - Concept	Yes

	by a certified practicing engineer and in accordance with Council's adopted AUS-SPEC design specification documents.	stormwater management plan submitted is satisfactory. Appropriate consent conditions recommended.	
	– b) The Designer should adopt the 'major/minor' approach to urban drainage systems as outlined in the current version of Australian Rainfall and Runoff utilising local parameters and factors where necessary and as defined in AUS-SPEC.	2 Lot subdivision only capable of complying - Concept stormwater management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes
	– c) The 'Minor' system generally refers to a pipeline network with sufficient capacity to contain nuisance and low flows from nominated storm events. These pipelines prevent stormwater damage to properties and also limit the frequency and quantity of surface water to a level that is acceptable to the community.	2 Lot subdivision only capable of complying - Concept stormwater management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes
	– d) A 'Major' drainage system caters for the runoff from rarer storms of higher intensity than for which the minor drainage system has been designed. refers to overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The 'Major' drainage system generally refers to a system of safe is designed to handle flows resulting from rare storm events up to and including a 100-year ARI. These flows should follow a designated overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The major drainage system is designed to handle flows resulting from rare storm events up to and including a 1% AEP event.	2 Lot subdivision only capable of complying - Concept stormwater management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes

	– e) The design AEP storm events are defined in AUS-SPEC D5	Proposal capable of compliance with AUS-SPEC. Appropriate conditions recommended.	Yes
	– f) Freeboard to buildings, structures, property boundaries above major stormwater flows shall be provided in accordance with the council's current flood policy.	Proposal capable of compliance with AUS-SPEC. Appropriate conditions recommended.	Yes
152	a) All Council owned stormwater infrastructure is designed in accordance with the Council's AUS-SPEC Design Specification Documents.	Proposal capable of compliance with AUS-SPEC. Appropriate conditions recommended.	Yes
Infrastructure - Water Supply			
153	– a) A reticulated water supply should be required for all subdivisions except rural zoned areas greater than 40 hectares or where deemed financial unviable by the Water and Sewer Planning Manager or equivalent.	Reticulated water supply proposed. Appropriate standard conditions are recommended.	Yes
	– b) For all applicable subdivisions, provision is to be made to provide a separate metered water connection to Council's main for each lot. All work will need to comply with the requirements of Council's adopted AUS-SPEC Design and Construction Guidelines and Policies. Details to be provided on a hydraulic plan submitted to Council.	Provision can be made to provide a separate metered water connection to Council's main for each lot. All work will need to comply with the requirements of Council's adopted AUS-SPEC Design and Construction Guidelines and Policies. Appropriate standard conditions are recommended.	Yes
	– c) A water supply strategy should be required where there are more than 20 lots and may be required for sub-divisions of less than 20 lots as directed by the Water and Sewer Planning Manager or equivalent. The water supply strategy is to detail any	N/A	N/A

	subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.		
	– d) All water supply systems should be designed to meet Council's design specification documents for infrastructure external to the property.	All water supply systems can be designed to meet Council's design specification documents for infrastructure external to the property. Appropriate standard conditions are recommended.	Yes
	– f) Proponents are required to extend and meet full cost of water reticulation.	Subdivision works at proponent's cost.	Yes
Infrastructure - Sewerage			
155	– a) A sewer system is required for all subdivisions with proposed lots smaller than 5000m ² , where Onsite Sewage Management requirements cannot be demonstrated to Council or where deemed financially viable by the Water and Sewer Planning Manager or equivalent.	Concept sewer management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes
	– b) For all applicable subdivisions, provision is to be made to provide a separate sewer junction and connection to Council's main for each lot. All work will need to comply with the requirements of Council's adopted AUS-SPEC Design and Construction Guidelines and Policies. Details to be provided on an Engineering plan submitted to Council.	Concept sewer management plan submitted is satisfactory. Appropriate consent conditions recommended.	Yes
	– c) A sewerage strategy should be provided for an application for subdivision of 20	N/A	N/A

	or more lots and may be required for subdivisions of less than 20 lots as directed by the Water and Sewer Planning Manager or equivalent. The sewer strategy is to detail any subdivision staging and include the proposed method of servicing necessary to support each stage. The strategy is to incorporate the latest changes in sewer design requirements as well as being modelled on software compatible with that used by Council.		
	– d) All sewer systems to be designed to meet the NSW Code of Practice Plumbing & Drainage and Australian Standard AS3500 and related standards for infrastructure within property boundaries.	Sewer systems can be designed to meet the NSW Code of Practice Plumbing & Drainage and Australian Standard AS3500 and related standards for infrastructure within property boundaries.	Yes
	– e) All sewer systems to be designed to meet Council's AUS-SPEC specification documents for infrastructure external to the property.	All required sewer systems can be designed to meet Council's AUS-SPEC specification documents for infrastructure external to the property.	Yes
	– f) Sewerage systems should be planned to provide for anticipated future requirements over a period of at least twenty (20) years.	All required sewer systems can be designed to meet Council's AUS-SPEC specification documents for infrastructure external to the property.	Yes
	– g) Proponents should be required to extend and meet full cost of sewerage systems.	Subdivision works at proponent's cost.	Yes
Soil Management			
156	– a) An erosion and sediment control plan should be provided for a development	Minimal subdivision construction works proposed -	Yes

	application to subdivide land in accordance with Council's adopted AUS-SPEC design specification documents	Appropriate conditions recommended to address erosion and sediment control requirements in accordance with AUS-SPEC.	
	– b) An erosion and sediment control plan should be provided for a development application to subdivide land in accordance with Council's adopted AUS-SPEC design specification documents.	Appropriate conditions recommended to address erosion and sediment control requirements in accordance with AUS-SPEC.	Yes
Service Infrastructure and Information Technology			
161	– a) All service infrastructure should be underground unless otherwise approved by Council.	All service infrastructure will be underground.	Yes
	– b) All service infrastructure should be installed in a common trench.	All service infrastructure can be installed in a common trench.	Yes
	– c) Conduits for the main technology network system should be provided in all streets.	Conduits for the main technology network system can be provided in street.	Yes
	– d) Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.	Conduits can be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.	Yes
	– e) Access pits are to be installed at appropriate intervals along all streets.	Access pits for information technology if required can be installed at appropriate intervals along all streets.	Yes

The proposal seeks to vary Development Provision relating to clause 45 - car parking spaces forward of the building line.

The relevant objectives are:

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

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

- The development does not intend or propose alterations and additions to the existing dwelling.
- If the dwelling only had the minimum front setback of 4.5m, the car space would be more than the minimum behind the front building line and is setback greater than the minimum 5.5m required.
- Access to the existing dwelling's garage is impacted by the proposed subdivision.
- The site constraints of slope and narrowness of the site must be considered, as the car park space has been placed in the most practical position before impacting the existing dwelling or neighbouring property.
- The hardstand space is accessed from the head of a Cul-de-sac that has existing on street car parking and manoeuvring issues, by providing additional off street car parking this will soften existing impacts to the street amenity.
- The hard stand space will be partially screened from traffic entering Kiah Place from Panorama Drive by fencing and vegetation.
- Other dwellings within Kiah Place have hard stand parking within the front setback.
- A hardstand space in this location of is not anticipated to adversely impact the existing amenity, eases on street car parking demand, allows for manoeuvring at the head of the cul-de-sac.
- The site plan provides a total of 3 off street car spaces, which is consistent with the off-street car parking in accordance with the DCP.

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

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

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

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

(iv) Any matters prescribed by the Regulations

N/A

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

Context and setting

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

Roads

The site has road frontage Kiah Place, which is a sealed road under the care and control of Council. Kiah Place is a Cul-de-sac, with a 16m wide road reserve, and an 8m carriageway width.

Traffic and Transport

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

Site Frontage and Access

Vehicle access to the proposed new dwelling/lot site is proposed via the existing driveway, which is proposed to be within an easement for access for access to the road frontage.

Primary access for the existing dwelling is proposed to be via the existing gravel crossover, which will be augmented to enable parking for 2 vehicles with direct street frontage. It has been conditioned that a section 138 consent for these works must be obtained prior to the issue of a construction certificate.

Parking and Manoeuvring

A total of 3 parking spaces have been provided on-site within Carports with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site is currently serviced by a 100mm potable water main. Each Torrens Title lot requires a separate metered water connection to Council's water main. Water meters shall be located on the respective future lots. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.

A new metered water service will be required for each allotment as part of the Torrens Title Subdivision.

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

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

An appropriate consent condition is recommended.

Sewer Connection

Each Torrens Title lot requires a separate line to Council's sewer main. A sewer main extension shall be required from the existing manhole located to the rear of the lot, in the neighbouring property. The sewer main extension shall require owners consent from the adjoining property. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.

A separate sewer connection to Council's main is required for each Torrens Title lot.

A manhole will also be required at the high end of the line as it will be more than 40m long.

As the development will exceed 2ET discharge, sewer connection is to be made from a manhole.

The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

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

An appropriate consent condition is recommended.

Stormwater

The site naturally grades towards the rear and is currently serviced via an existing interallotment drainage system, being the legal point of discharge for the subject site.

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

An appropriate consent condition is recommended.

Other Utilities

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

An appropriate consent condition is recommended.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is in a residential context and considered to be disturbed land.

Other Land Resources

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

Water Cycle

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

Soils

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

Air and Microclimate

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

Flora and Fauna

Construction of the proposed dwelling will require the removal of six (6) mature native trees and otherwise planted landscaping. Two of these trees are located within the proposed building footprint and the remaining four are located either within 10m of the proposed structure or require removal due to poor health and safety close to both existing and proposed structures.

The Applicant has submitted an ecological assessment prepared by TreeHouse Ecology. The ecological survey has been undertaken in accordance with relevant legislation including the *Environmental Planning and Assessment Act 1979*, the *Biodiversity Conservation Act 2016* and the commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

With considerations to the Biodiversity Offsets Scheme (BOS):

- The study area is not located on lands mapped as Biodiversity Values Land.
- The proposed clearing of less than 0.06 ha of native vegetation is less than the area clearing threshold of 0.25 ha.
- The test of significance (5 Part Test) concludes a not-significant impact on state listed biodiversity.

As assessment of the latest amended plans and key matters within the TreeHouse Ecology report has identified the following:

- The site contains 5 Scribbly Gums plus 1 Red Bloodwood.
- A landscaping plan should be submitted to compensate for the biomass of removed foraging foliage and seasonal floristics available to local fauna. This will not compensate for the removal of potential habitat provided specifically by the large mature trees, however it will otherwise aim to provide a more positive ecological outcome for fauna species considered.

Having regard to the above, an assessment of the proposal, including review by a Council Ecologist, has concluded that the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Appropriate conditions are recommended to require the mitigation measures to be implemented.

Waste

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

Energy

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

Noise and Vibration

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

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by Australian Bushfire Consulting Services.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 29 and Bal 19 shall be required.

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

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

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

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

Economic Impacts in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
Privacy concerns	<p>The proposed dwelling complies with rear and side setback provisions as outlined in the DCP 2013. As a mitigation measure the Applicant has provided detailed landscaping plans to include screening plans along the rear boundary for sightlines over the southern rear boundary.</p> <p>For the eastern facing windows, fixed privacy screens are proposed to protect the privacy of the adjoining private open space. These screens are directional screens designed to provide privacy to the northern property but still enjoy and eastern aspect over adjoining bushland.</p>
Solar Access	<p>The Applicant has provided shadow diagrams. The diagrams demonstrate that the proposed development does not adversely impact the primary living areas of adjoining properties. Shadow diagrams have been attached to this report.</p> <p>It was also noted that the existing vegetation causes significant overshadowing from the mature trees, which will be improved once removed.</p>
Torrens title subdivision of this site unsuitable and out of character with surrounding area.	The land and adjoining area is zoned R1 General Residential. The proposal is a permissible landuse in the R1

Submission Issue/Summary	Planning Comment/Response
	<p>general residential zone. The Applicant has satisfied the requirements of the Port Macquarie Hastings Local Environmental Plan 2011, with regards to permissibility, Floor Space Ratio, Height of Building and minimum lot size.</p> <p>With regards to character of the streetscape, the existing dwelling is retained and driveway crossings are existing.</p> <p>Section 4.15(3A) of the Environmental Planning and Assessment Act 1979 provides that:</p> <p><i>If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—</i></p> <p><i>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development</i></p> <p>Based on the merits of the proposed development, the site is considered suitable for the proposed development and the proposal adequately complies with relevant planning controls.</p>
Bush Fire Impacts	<p>The Applicant has submitted a bushfire report prepared by Australian Bushfire Consulting Services. The report concludes that a Bushfire Attack Level 29 (eastern elevation only) and BAL 19 shall be required.</p> <p>In accordance with Section 100B - <i>Rural Fires Act 1997</i> the Application and bushfire report was referred to the NSW Rural Fire Service for comment. Who have since issued concurrence as the Bushfire Safety Authority, which will be incorporated into the consent.</p> <p>Subsequently, the removal of the subject trees will improve the bushfire</p>

Submission Issue/Summary	Planning Comment/Response
	risk of to the adjoining properties.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate Change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as **Attachment 3**.

5. CONCLUSION AND STATEMENT OF REASON







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

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

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

approved, subject to the recommended conditions of consent provided in **Attachment 1** of this report.

Attachments

1.   DA2020 - 430.1 Recommended DA Conditions
2.   DA2020 - 430.1 Plans
3.   DA2020 - 430.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/430.1****DATE: 13/01/2021****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	-	Karen Burke	20/07/2020 and 11/01/2021
Statement of Environmental Effects	-	Karen Burke	09/06/2020
BASIX Certificate	1104815S	Karen Burke	25/05/2020
Bushfire Assessment	19-187	Australian Bushfire Consulting Services	31/05/2020
Ecology Report	20 KBA 01	TreeHouse Ecology	07/12/2020

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

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

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

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

- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.

- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1 - 2 lot Torrens title subdivision and construction of driveway and car park to existing dwelling on Lot 1;
 - Stage 2 - Construction of single dwelling on Lot 2.
- Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.
- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council:
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20200618002148-Original-1 and dated 15 July 2020, are attached and form part of this consent.
- (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.

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

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

Such works include, but not be limited to:

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

- Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Sewerage reticulation.
2. 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.
3. Stormwater systems.

- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

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

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

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

- (5) (B011) Prior to the issue of the Construction Certificate or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section

64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

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

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

- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Works Certificate.

- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:

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

- a) All allotments must be provided with a direct point of connection to the public piped drainage system.
 - b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - c) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (12) (B046) The proposed building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 29 (Eastern Elevation) and BAL 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (13) (B195) Council records indicate that the development site is currently serviced by a 100mm potable water main. Each Torrens Title lot requires a separate metered water connection to Council's water main. Water meters shall be located on the respective future lots. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (14) (B196) Each Torrens Title lot requires a separate line to Council's sewer main. A sewer main extension shall be required from the existing manhole located to the rear of the lot, in the neighbouring property. The sewer main extension shall require owners consent from the adjoining property. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - b. prior to the pouring of concrete for sewerage works and/or works on public property;
 - c. during construction of sewer 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.
- (4) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
 - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Subdivision Works Certificate with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.

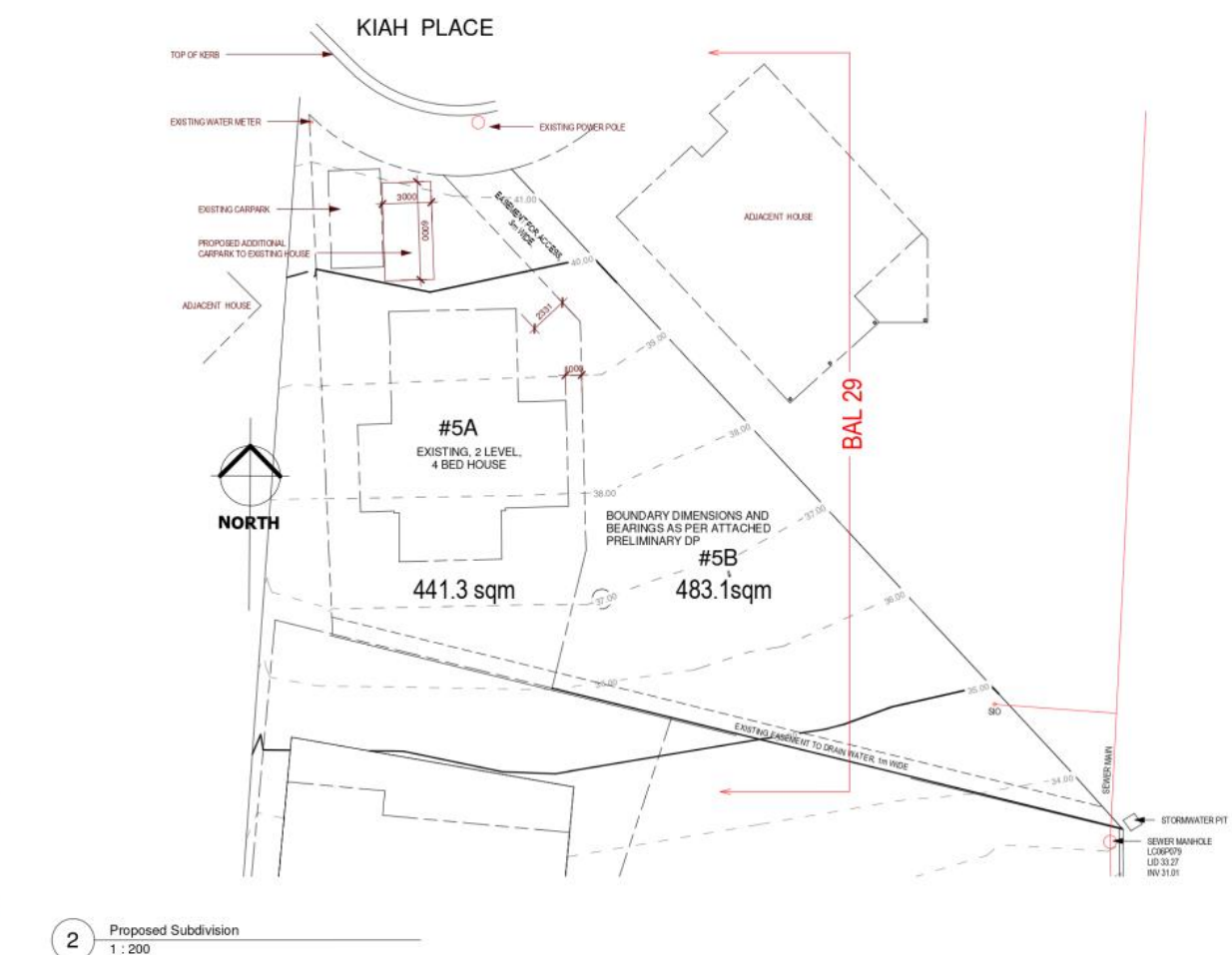
- (9) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (11) (E195) The subdivision certificate shall not be issued until such time that the dwelling associated with this development are substantially commenced (as determined by Council) or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
- (12) (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.
- (13) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (14) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (16) Prior to the release of the Occupation Certificate, evidence to be provided to the Certifying Authority, demonstrating implementation of the mitigation measures as outlined in the Ecological Impact Assessment, by TreeHouse Ecology. Note, that the insertion of nest boxes and deadwood into the nearby bushland is not required due to an undue increase in fuel load and public safety concerns.

F – OCCUPATION OF THE SITE

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

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

DRAFT





BUSHFIRE REQUIREMENTS

BAL 29

That the proposed new works are to be constructed in accordance with section 3 and 7 BAL 29 of AS3959 - 2018 Construction of buildings in bushfire prone areas.

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BASIX REQUIREMENTS CERTIFICATE # 11048155

WATER

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- ALL TOILETS HAVE A FLUSHING SYSTEM WITH MINIMUM 4 STAR WATER RATING.
- ALL BASIN AND KITCHEN TAPS HAVE A MINIMUM 4 STAR WATER RATING.
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SITE PLAN, BUSHFIRE, BASIX # 5B

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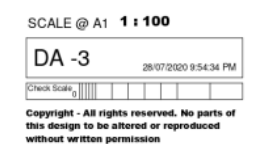
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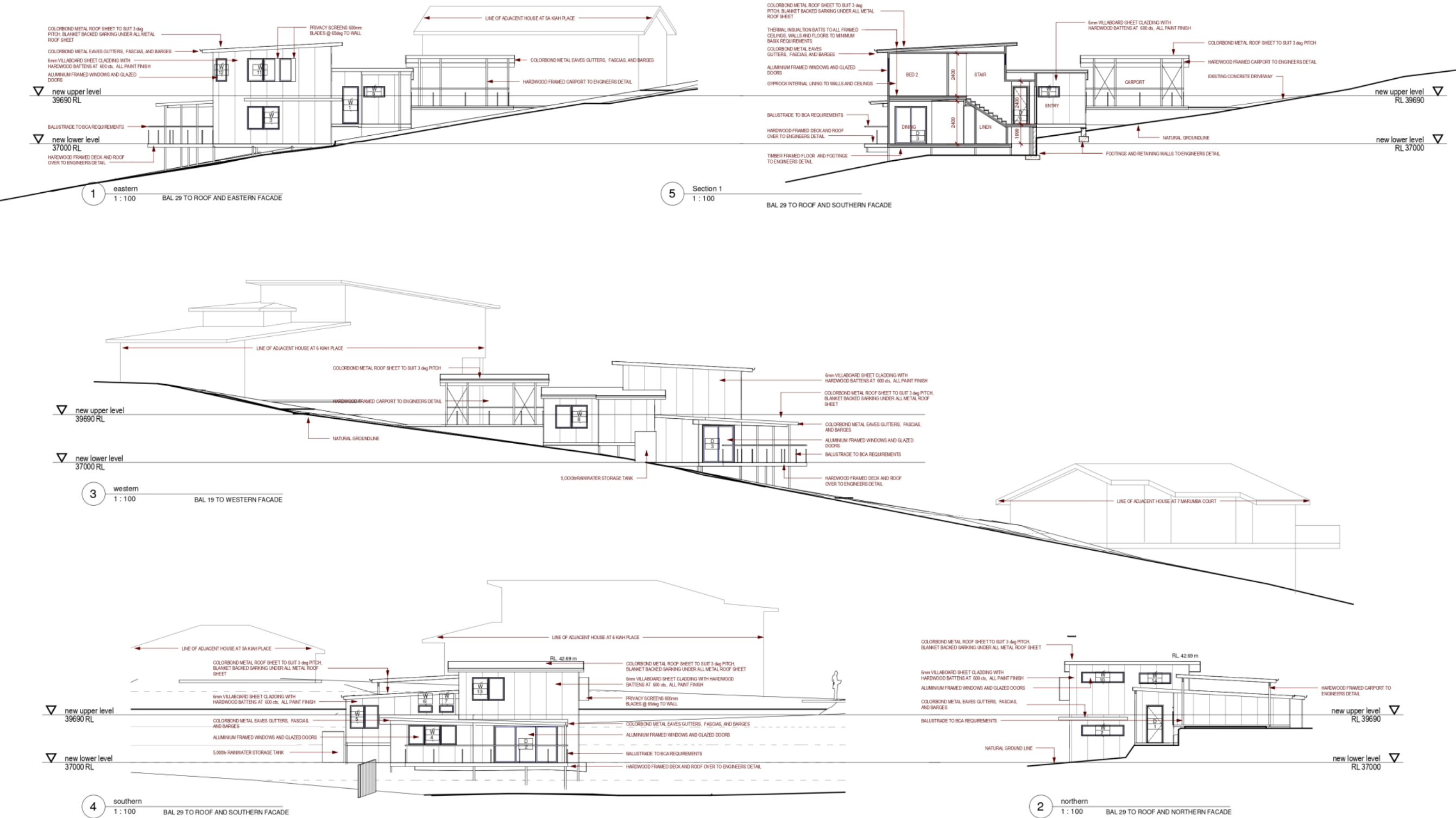
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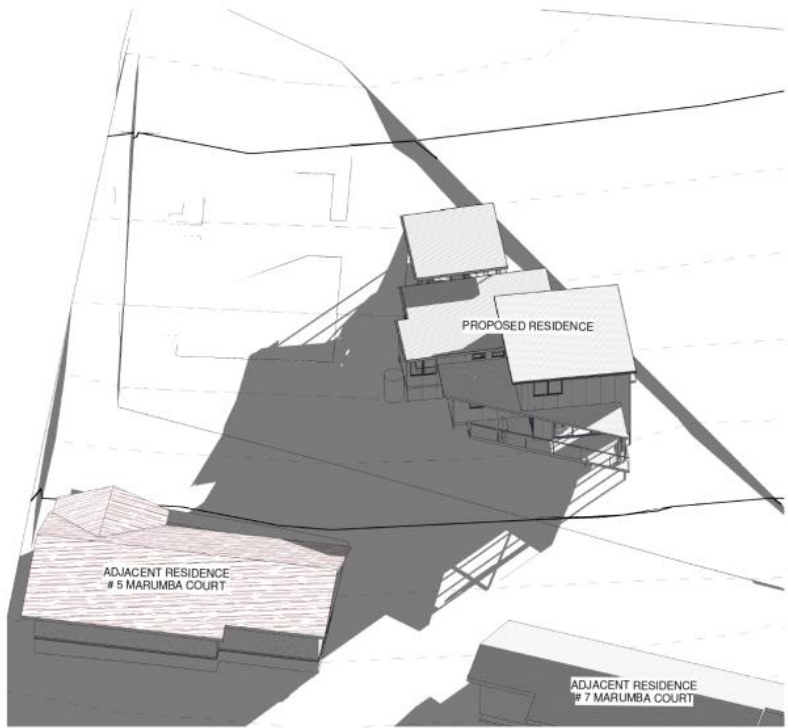
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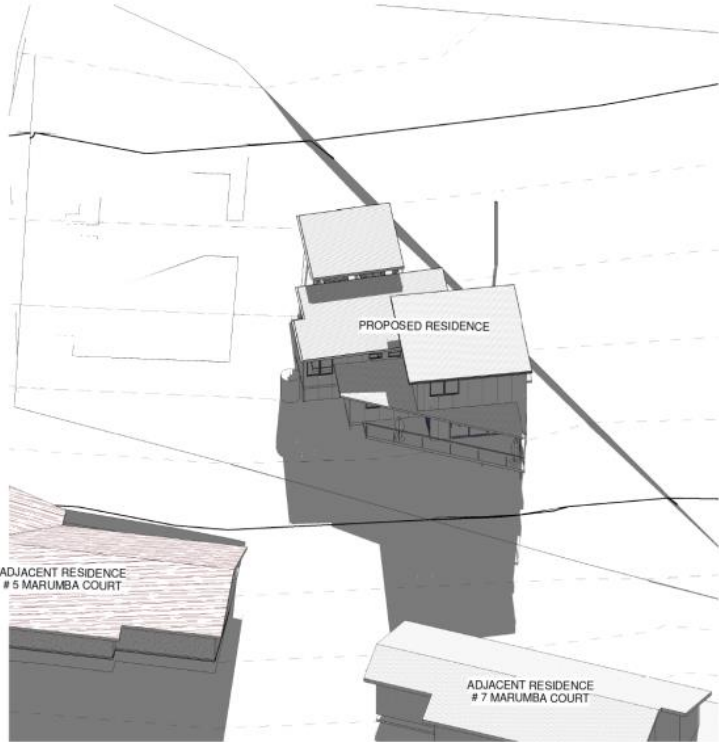
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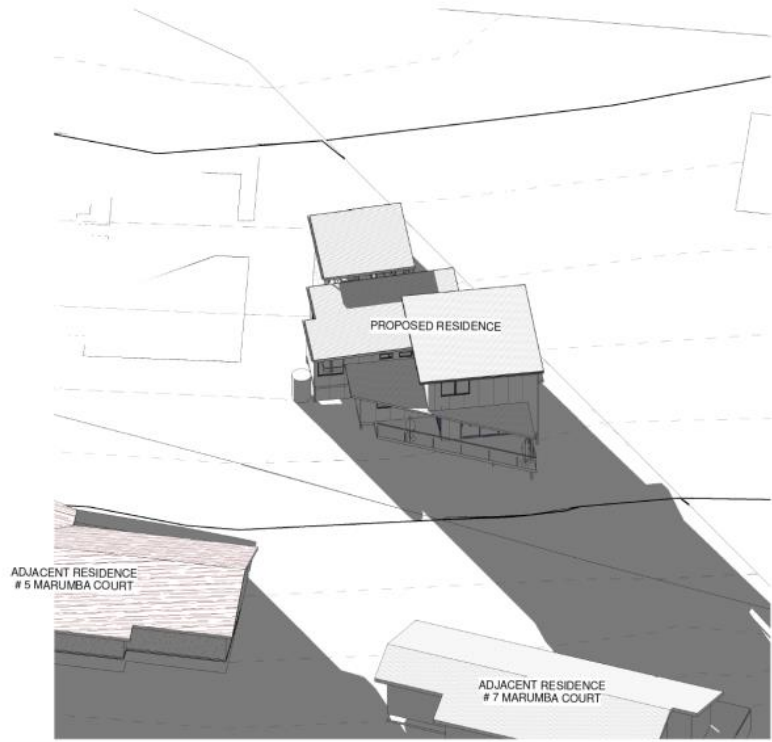
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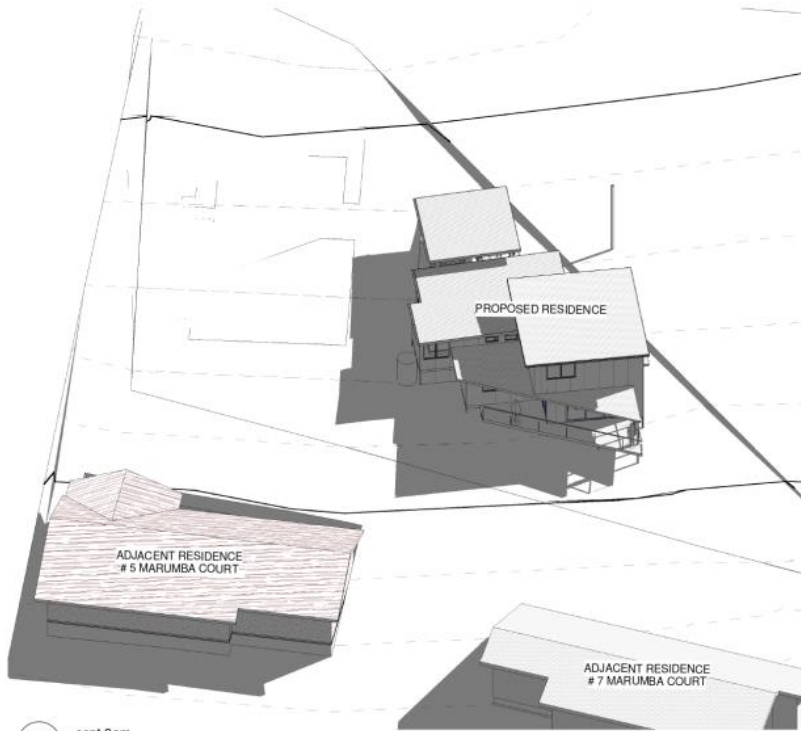
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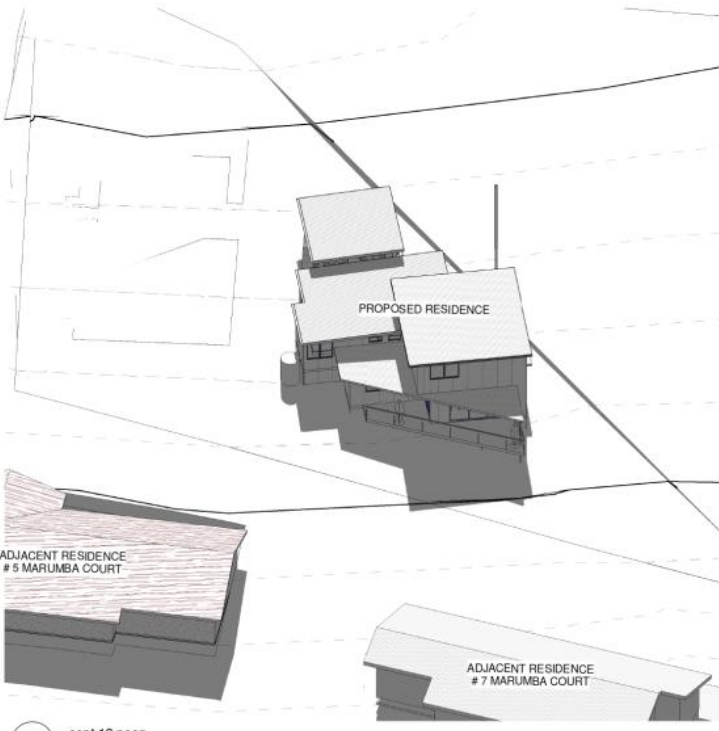
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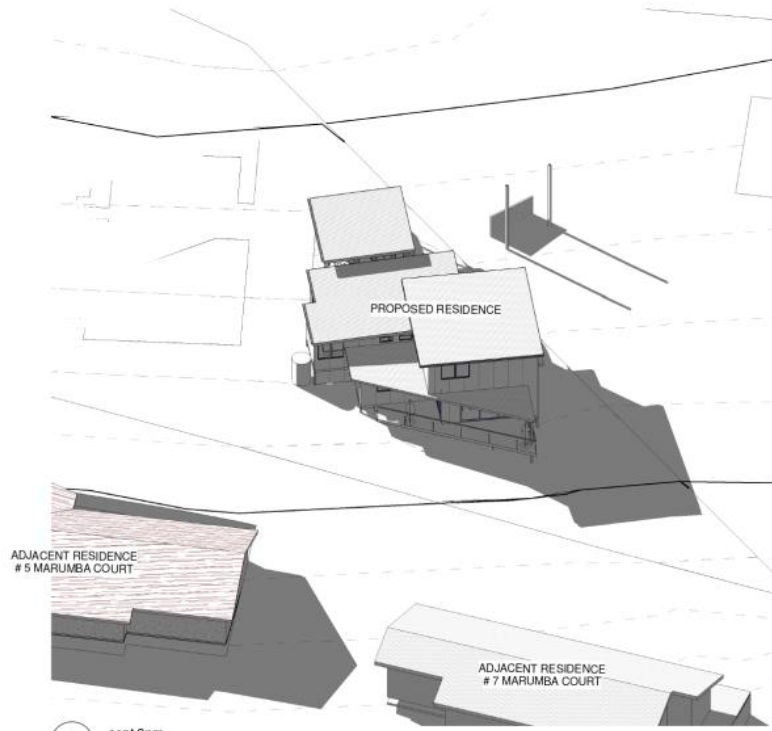
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5 sept 12 noon



6 sept 3pm



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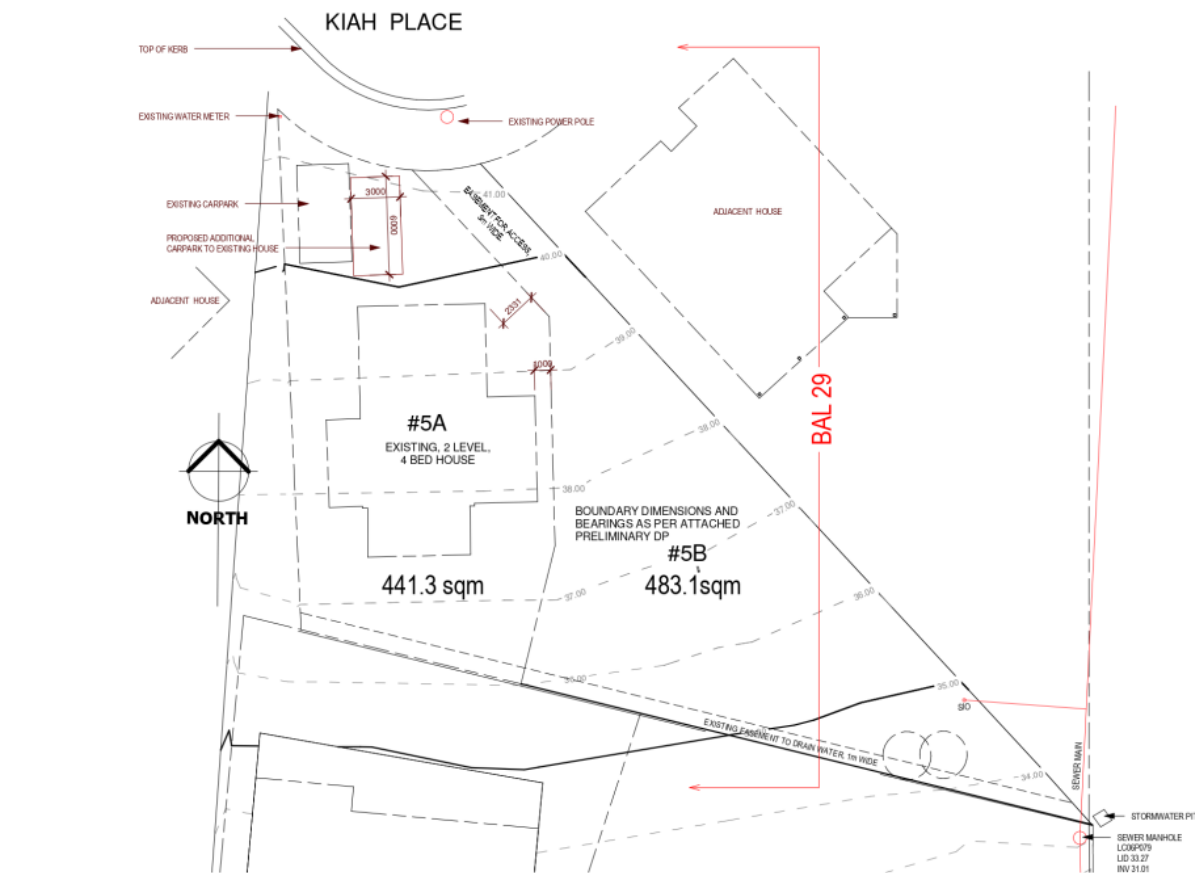
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2 Proposed Subdivision
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Existing Dwelling

That the existing dwelling being retained within proposed Lot ABC is to be upgraded for ember protection. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

That the location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.

- * Where practicable, electrical transmission lines are underground;
- * Where overhead, electrical transmission lines are proposed as follows:
lines are installed with short pole spacing of 30m, unless crossing gullies, gorges or riparian areas; and
no part of a tree is closer to a power line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Power Lines.

That the location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.

- reticulated gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- polymer-sheathed flexible gas supply lines are not used, above-ground gas service pipes are metal, including and up to any outlets.

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LANDSCAPE PLAN

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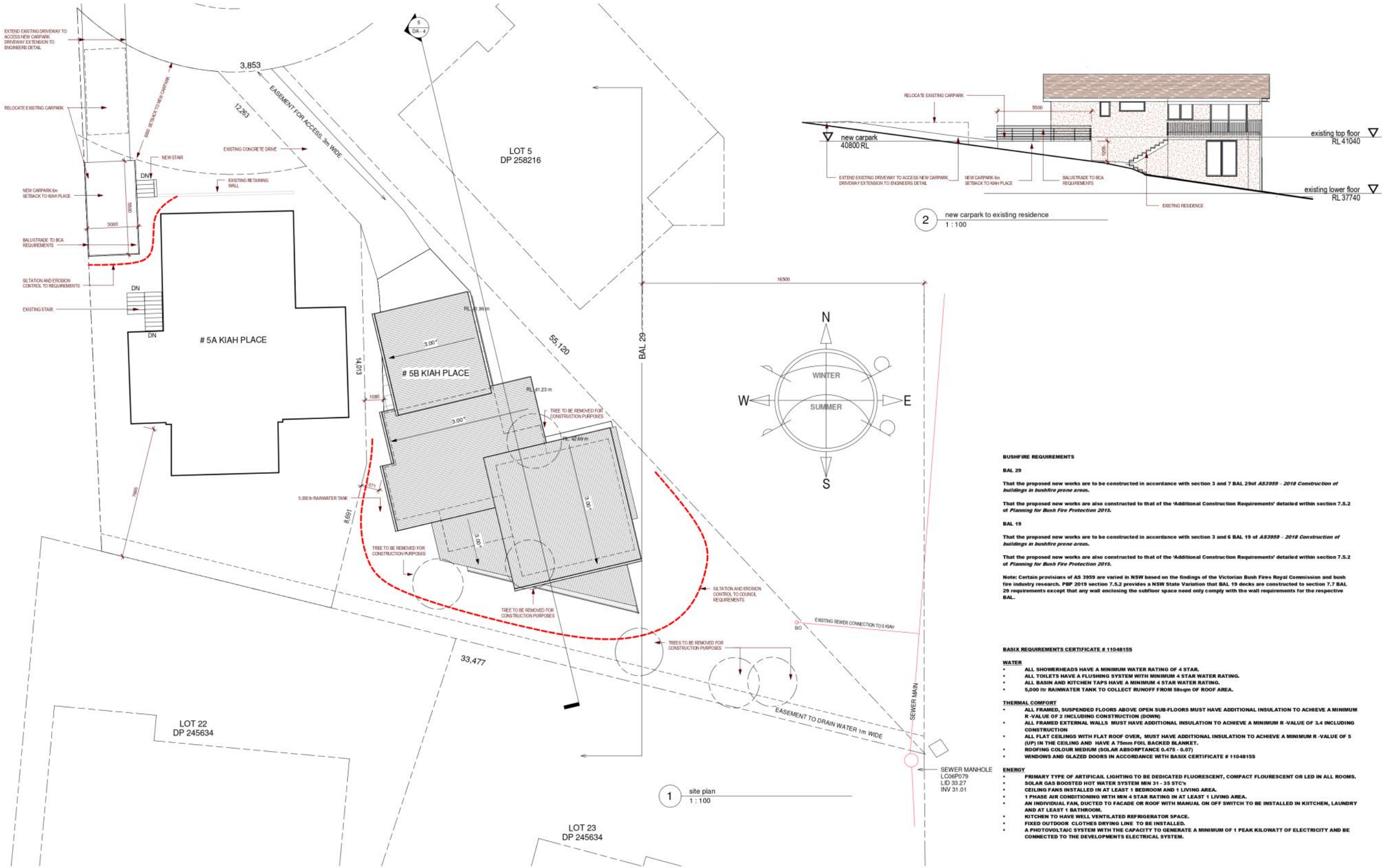
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Ecological Impact Assessment

**Lot 6 DP 258215
5 Kiah Place, Bonny Hills 2445**

**December 2020
(REF: 20 KBA 01)**

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Ecological Impact Assessment

**Lot 6 DP 258215
5 Kiah Place, Bonny Hills**

Authors:	Corey Mead B. App. Sc. Alex Fraser B. App. Sc. (Honours)
Flora survey:	Alex Fraser B. App. Sc. (Honours) Accred. Assessor No. BAAS18156
Fauna survey:	Corey Mead B. App. Sc. Accred. Assessor No. BAAS19050
Mapping:	Dave Legget B. Sc (Forestry)
Date:	07/12/20
Ref No.:	20 KBA 01

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List of abbreviations

APZ	asset protection zone
BAM	Biodiversity Assessment Method
BAR	Biodiversity Assessment Report
<i>BC Act</i>	<i>Biodiversity Conservation Act (2016)</i>
<i>BC Reg</i>	<i>Biodiversity Conservation Regulation (2017)</i>
BCAR	Biodiversity Certification Assessment Report
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Scheme
BPA	bushfire protection assessment
BSSAR	Biodiversity Stewardship Site Assessment Report
CEEC	Critically endangered ecological community
<i>CM Act</i>	<i>Coastal Management Act 2016</i>
DAWE	Department of Agriculture, Water and the Environment
DCP	development control plan
DEC	NSW Department of Environment and Conservation (superseded by DECC from April 2007)
DECC	NSW Department of Environment and Climate Change (superseded by DECCW from October 2009)
DECCW	NSW Department of Environment, Climate Change and Water (superseded by OEH from April 2011)
DEWHA	Commonwealth Department of Environment, Water, Heritage & the Arts (superseded by SEWPAC)
DOEE	Commonwealth Department of Environment & Energy (superseded by DAWE February 2020)
DPIE	NSW Department of Planning, Industry and Environment
EEC	endangered ecological community
EPA	Environment Protection Authority
<i>EP&A Act</i>	<i>Environmental Planning and Assessment Act (1979)</i>
<i>EPBC Act</i>	<i>Environment Protection and Biodiversity Conservation Act (1999)</i>
<i>FM Act</i>	<i>Fisheries Management Act</i>
IBRA	Interim Biogeographic Regionalisation for Australia
LEP	local environmental plan
LGA	local government area
<i>LLS Act</i>	<i>Local Land Services Act (2013)</i>
NES	national environmental significance
<i>NPW Act</i>	<i>National Parks and Wildlife Act (1974)</i>
NRAR	Natural Resources Access Regulator (NSW)
NSW DPI	NSW Department of Industry and Investment
OEH	Office of Environment and Heritage (superseded by DPIE from August 2019)
PCT	plant community type
PFC	projected foliage cover
RFS	NSW Rural Fire Service
ROTAP	rare or threatened Australian plants
SAII	Serious And Irreversible Impacts
SEPP	State Environmental Planning Policy
SEWPAC	Commonwealth Dept. of Sustainability, Environment, Water, Population & Communities (superseded by DOEE)
SIS	species impact statement
SULE	safe useful life expectancy
TEC	threatened ecological community
TPZ	tree preservation zone
<i>TSC Act</i>	<i>Threatened Species Conservation Act (1995) – Superseded by the Biodiversity Conservation Act (2016)</i>
VMP	vegetation management plan

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Appendix 3 – Test of Significance
Appendix 4 – Summary Tree Health Assessment
Appendix 5 – Koala – Experience / Qualifications
Appendix 6 – EPBC Significance Assessment Criteria
Appendix 7 – Site Photos

1. Background

TreeHouse Ecology has been engaged to undertake an ecological impact assessment within Lot 6 DP 258215, at 5 Kiah Place Bonny Hills, within the Port Macquarie-Hastings LGA. The extent of this lot is shown on Figure 1 and will hereafter be referred to as the subject lot.

The proposal is for a 2 lot subdivision of the existing lot and residential development of the newly formed eastern portion. The proposal will require the subsequent removal of six (6) mature native trees and existing managed landscaping.

The subject lot is almost a triangular shaped allotment having street frontage to Kiah Place to the north and abuts developed R1 residential allotments to the northeast, south and west. An E2 Zoned Reserve known as Community Hall Reserve is located to the east of the property and a narrowest point of the lot meets the boundary of this adjacent Reserve.

Whilst the apparent development footprint and all associated direct impacts on habitat features are contained within the eastern portions of the subject lot, the required busfire APZ actually extends throughout, therefore the terms 'subject lot' and 'development footprint' may be used interchangeably for this ecological impact assessment report. The proposed development layout on a site plan is shown on Figure 2.

This report has been prepared pursuant to the legislative requirements under the EP&A Act, BC Act and the EPBC Act.



Figure 1 – Subject lot (Lot 6 DP 2582215)

1.1 Proposed development

The proposal is for a 2 lot subdivision of the existing Lot 6 DP 258215 and residential development of the newly formed eastern portion. The existing dwelling will be retained within the residual allotment and a new parking space will be provided within this property adjacent to Kiah Place. With respect to ecological habitat the proposal will require the removal of six (6) mature native trees and otherwise planted landscaping. Two of these trees are located within the proposed building footprint and the remaining four are located either within 10m of the proposed structure or require removal due to poor health and safety close to both existing and proposed structures. As this was noted to be the case during survey, a summary tree health assessment providing a safe use life expectancy (SULE rating) was undertaken (see Appendix 4). This is not intended as a replacement to a complete Tree Assessment Report but rather to provide supplementary information in the absence of.

The proposed development layout is shown in Figure 2 below.

As stated by the Bushfire Assessment Report (ABCS 2020) at the commencement of subdivision and in perpetuity all grounds within the subject site are to be maintained as an Asset Protection Zone / Inner Protection Area. Relevant conditions outlined by the RFS in their issue of a Bush Fire Safety Authority further require that tree canopy cover should be less than 15% at maturity, trees at maturity should not touch or overhang the building, tree canopies should be separated by 2 to 5m and large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings.

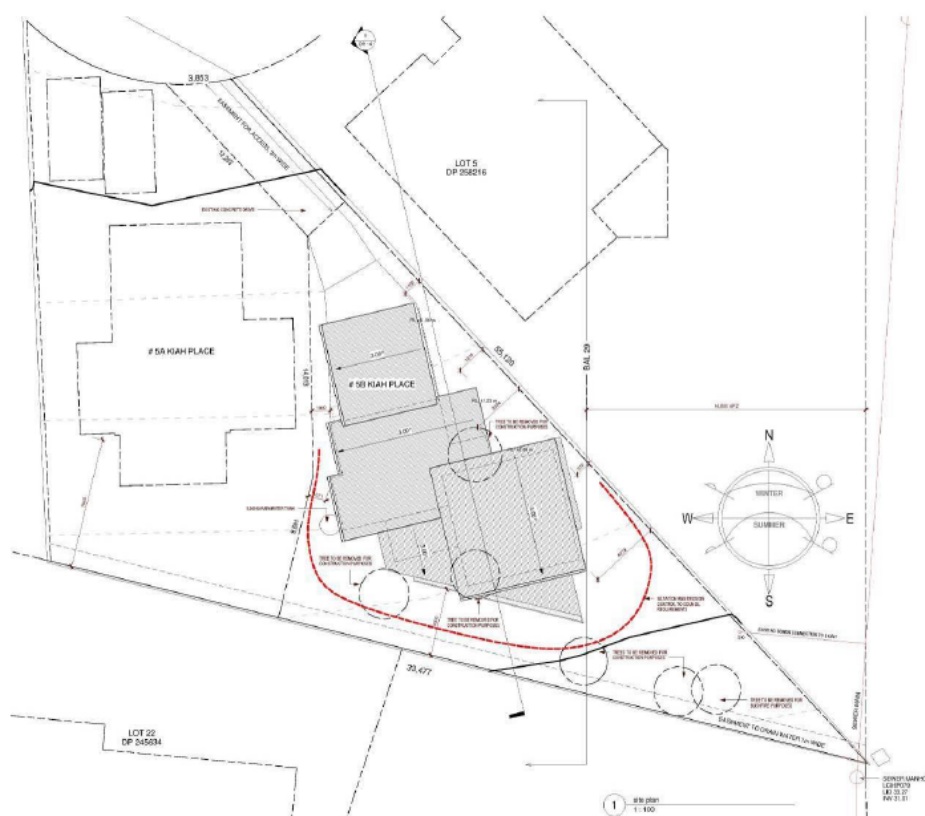


Figure 2 – Proposed development

(Source: Karen Burke Registered Architect 9/6/2020)

1.2 Site description

Table 1 provides a summary of the planning, cadastral, topographical, and disturbance details of the development footprint.

Table 1 – Site features

Location	Lot 6 DP 258215 - 5 Kiah Place, Bonny Hills, NSW, 2445 (refer to Figure 1)
Area	Subject lot / development footprint 924.4 m ²
Grid reference	484470E 6504740N MGA-56
Local government area	Port Macquarie - Hastings
Zoning	R1 – General Residential
Existing land use	Single lot residential house on the property.
Elevation	Approximately 33-42m AHD
Topography	Situated on a slight south-south-eastely aspect with a gradient of <5 degrees
Geology and soils	Geology: Not able to be sourced on eSPADE. Soils: Not able to be sourced on eSPADE.
Catchment, drainage and stream order	There are no creek lines or drainages within or close to the subject lot. The site slopes to the south with the nearest topographical marked drainage being Greenhill Gully located approximately 400m to the south. This drains east to the nearby ocean with the lower reaches as constructed urban landscape.
Connectivity features	The avenue of trees within the subject lot have limited arboreal connectivity (with separations) towards the Community Hall Reserve located to the immediate east. It is evident from scratches on the trees that arboreal mammals need to climb the trees and make passage along the fenceline to access the subject lot from the reserve. There is no terrestrial connectivity to this reserve due to the colorbond fence that runs the boundary to the reserve from properties to both the north and south (refer to Photo1 – Appendix 3). There is no connectivity to the remaining aspects and the vegetation within the subject lot therefore does not provide any corridor or passage for fauna to other habitat or reserves elsewhere in the locality. Thus effectively it is at the outer and fragmented extent of existing arboreal connectivity. Local connectivity is depicted on Figure 3.



Figure 3 – Subject lot location and local connectivity (Aerial Image: SIX Maps)

2. Flora

2.1 Survey

A visual inspection was undertaken on the 6th November 2020 to identify and evaluate the current vegetation community occurring on the subject site, identify any threatened flora and fauna species and assess the current nature and extent of fauna habitats. Targeted fauna surveys were not undertaken as part of this assessment.

Features of the vegetation including floristics, structure, extent, type and projective foliage cover, presence of weed species and other significant features were noted and recorded). All flora recorded were predominantly identified to family, genus and species level with confirmation according to *Field Guide to the Native Plants of Sydney* (Robinson, 2003), *Weeds of the south-east: an identification guide for Australia* (Richardson, 2006), *Tree & Shrubs in Rainforest of New South Wales and Southern QLD* (Williams et al 1984), *Native Plants of the Sydney District* (Fairly and Moore 2000) and the Botanic Gardens Trust (2009) *PlantNET* flora database.

All naturally occurring species were identified to species level where possible, and are listed in Appendix 1.

2.2 Vegetation mapping

Port Macquarie Hastings LGA Vegetation and EEC Maps (2014) VIS IDs 4205 and 4206 was accessed from the NSW Government SEED Portal. The mapping layer was depicted using ARC GIS Software (refer to Figure 4).

The mapping layer used the Port Macquarie Hastings Shire Council Vegetation Mapping project undertaken by Biolink Ecological Consultants from Nov 2012 to March 2013. The Port Macquarie Hastings Local Government Area encompasses an area of approximately 368,610ha between Taree and Kempsey on the mid-north coast of NSW. Field survey commenced in May 2010 and was completed in November 2012, the latter period also allowing for ground-truthing and further refinement of mapped communities. Collectively, a total of 457 field sites were sampled, comprising 219 sites conforming to requirements of Modules 1 & 2 of the NVTs and 238 Rapid Assessment sites; converted data from a further 138 field sites associated with earlier studies was also utilized. A total of 611 plant species from 131 Families were recorded from the field sites.

The mapping project captured approximately 115,922ha of vegetation in 12,967 discrete polygons. Vegetation mapping was undertaken in two stages and involved polygon capture down to a minimum patch size of 0.25ha (0.1ha for littoral rainforest) using task-specific software and a combination of satellite, aerial and digital imagery. Excluding National Park and State Forest estate approximately 115,922ha of remnant vegetation was captured for purposes of the mapping project. Once captured, polygons were internally partitioned by hand. Field survey involved a combination of formal 0.04ha Floristic plots sampled in accord with Modules 1 and 2 of the NSW Government's Native Vegetation Type Standard. Less detailed but similarly quantitative "rapid" assessments were also undertaken in other areas, supported by foot-, vehicle- and air-based traverses for ground truthing purposes. Available data from other studies was also employed to assist the mapping process.

The vegetation dataset also includes field attribute classifications for the PMHC Koala Habitat Management Plan. Data were reviewed by Darkheart Eco-Consultancy in 2014. These data supersede VIS_ID 3925.

2.3 Native vegetation community

The site is mapped by the Port Macquarie Hastings Shire Council Vegetation Mapping as containing Community ID No. 40 - **Scribbly Gum- Bloodwood Heathy Woodland** (refer to Figure 4). It is a Dry Sclerophyll Forest (shrubby sub formation) and belongs to the Hunter Macleay Dry Sclerophyll Forests class. Council vegetation report profile for this community is provided on the following pages. It is a commonly occurring vegetation type in the Port Macquarie Hastings Council LGA. It typically grows on alluvial soils and 74ha of this community occurs in the LGA.

The Plant Community Type (PCT) is consistent with PCT 1136 '*Scribbly Gum - Red Bloodwood heathy open forest of the coastal lowlands of the NSW North Coast Bioregion*' as per NSW Bionet Vegetation Classification. The PCT report profile is also provided on the following pages.

It is not listed as a Threatened Ecological Community under the NSW *Biodiversity Conservation Act 2016* or the Commonwealth *Environment Protection Biodiversity Conservation Act 1999*.

Within the subject site, the dominant canopy species are *Eucalyptus signata* and a single *Corymbia gummifera*. The location and health of these trees are provided in the Summary Tree Health Assessment (Appendix 5).

No native shrubs and grasses are present. There is a very small amount of native regrowth was observed in the form of the following common species:

- *Kennedia rubicunda*
- *Hardenbergia violacea*
- *Breynia oblongifolia*
- *Dianella caerulea*
- *Acacia floribunda*
- *Pteridium esculentum*

Most structural elements typical of this community are absent (refer to the typical vegetation community profile provided on the following pages). There are some planted native species used as part of landscaping including *Leptospermum* spp., *Cordyline* spp. and *Macadamia tetraphylla*. The groundcover is dominated by highly invasive weeds including Fishbone Fern (*Nephrolepis cordifolia*), Panic Veldt Grass (*Erharta erecta*), *Otseospermum* spp. *Coreopsis* spp. and Black Eyed Susan (*Thunbergia elata*).

A list of all plant species recorded on site are provided in Table 4.

The vegetation community is highly degraded and is essentially a landscaped backyard dominated by introduced ornamental garden species and hard landscaping surfaces. It contains poor native resilience and is unlikely to regenerate to a fully structured vegetation community based upon the present native soil seed bank.

No threatened flora species listed under the NSW *Biodiversity Conservation Act 2016* or the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* were recorded on-site. Potential habitat for threatened plant species previously recorded within 10km of the site (Bionet database) does not exist on site.

**Port Macquarie Hastings Shire Council Vegetation Mapping Report for Community ID
No. 40 - Scribbly Gum- Bloodwood Heathy Woodland (Biolink 2014)**

PMVC 40 Scribbly Gum- Bloodwood Heathy Woodland

Formation: Dry <u>Sclerophyll</u> Forests	COMMUNITY
Sub-formation: Shrubby	
Class: Hunter Macleay Dry Sclerophyll Forests	
EEC analog: <u>na</u>	
Floristic type: <u>Eucalyptus racemosa</u>	
Structure: <u>Eucalyptus racemosa</u> - <u>Banksia spinulosa</u> - <u>Themada australis</u> .	

HOW DOES IT LOOK?

Typical structure and variations: A tall to very tall woodland to open forest dominated by Scribbly Gum Eucalyptus racemosa growing in association with Red Bloodwood Corymbia gummifera and less commonly other Eucalypt species over a dwarf to low woodland dominated by Forest Oak Allocasuarina littoralis and including Hairpin Banksia Banksia spinulosa over a tall sedgeland or grassland dominated by either Spiny-headed Mat-rush Lomandra longifolia or Kangaroo Grass Themada australis. Fire history, drainage and aspect will influence species composition and structure.

WHAT USUALLY GROWS THERE?

Tallest stratum: A tall to very tall woodland to open forest dominated by Scribbly Gum Eucalyptus racemosa growing in association with Red Bloodwood Corymbia gummifera, Pink Bloodwood Corymbia intermedia, Jalwood Eucalyptus microcarpa and Turpentine Syncarpia glomulifera. Other associates include Rough-barked Apple Angophora floribunda and Red Mahogany Eucalyptus resinifera, Blackbutt Eucalyptus pilularis and White Stringybark Eucalyptus globoides. Other species include Coffee Bush Breynia oblongifolia, Cheese Tree Glochidion ferdinandi, Mock Olive Notelaea longifolia, Sweet Pittosporum Pittosporum undulatum, Elderberry Panax Polyscias sambucifolia.

Mid stratum: A dwarf to low woodland dominated by Forest Oak Allocasuarina torulosa growing with Sydney Golden Wattle Acacia longifolia, Fern-leaved Banksia Banksia oblongifolia, Hairpin Banksia Banksia spinulosa. Other species include Large-leaf Hop-bush Dodonaea triquetra, Bushy Needlebush Hakea sericea, Lemon-scented Tea-tree Leptospermum polygalifolium, Geebung Persoonia lanceolata, Smooth Geebung Persoonia levis.

Lowest stratum: A tall sedgeland or grassland dominated by either Spiny-headed Mat-rush Lomandra longifolia or Kangaroo Grass Themada australis growing in association with Bracken Fern Pteridium esculentum, Variable Sword Sedge Lepidosperma laterale. Small shrubs include Myrtle Wattle Acacia myrtifolia, Sydney Boronia B. ledifolia, Boronia pinnata, Daviesia D. squarrosa, NSW Coral Heath Epacris pulchella, Gompholobium G. pinnatum, Hibbertia H. aspera, Trailing Guinea Flower Hibbertia empetrifolia ssp. empetrifolia, Bearded Heath Leucopogon ericoides, Crinkle Bush Lomatia silaifolia, Rice Flower Pimelea linifolia, Handsome Flat-pea Platylobium formosum, Pultenaea P. villosa. Graminoids (grass and grass-like plants) include Blue Flax Lily Dianella caerulea, Entolasia stricta, Tall Saw Sedge Gahnia clarkei, Blady Grass Imperata cylindrica, Weeping Grass Microleana stipoides, Xanthorrhoea X. pulva. Forbs and perennial geophytes (bulbs and orchids) include Dampiera D. purpurea, Gonocarpus G. micranthus ssp. Micranthus, Leafy Purple Flag Patersonia glabrata, Pomax P. umbellata. Vines, climbers and scramblers include Common Apple Berry Billardiera scandens, Devils Twine Cassytha sp., Wombat Berry Eustrephus Scrambling Lily Geitonopolesium cymosum, Glycine clandestina, Glycine microphylla, Climbing Guinea Flower Hibbertia scandens, Wonga wonga Vine Pandorea pandorana, Common Silkpod Parsonsia straminea, Broad-leaved Bramble Rubus moluccanus var. trilobus, Native Sarsaparilla Smilax glycyphylla. Ferns include Fishbone Water Fern Blechnum nudum, Screw Fern Lindsaea linearis.

ARE YOU SURE?

Ecological Community confirmation (using plant species):

This Ecological Community differs from PMVC 34 by having the following species:

WHERE CAN I SEE IT?**Localities to view typical examples**

Off Kiah Place, Bonny Hills
Behind Panorama Drive, Bonny Hills

WHY IS IT IMPORTANT?

Koala habitat category: Other

*BioNet Vegetation Classification - Community Profile Report**Plant Community Type ID (PCT ID):*

1136

PCT Name: Scribbly Gum - Red Bloodwood heathy open forest of the coastal lowlands of the NSW North Coast Bioregion*Classification Confidence Level:* 5-Very Low*Vegetation Description:* Other Diagnostics Features: Tall to very tall dry open forest.; LandscapePosition: On coastal lowlands on sandy soils derived from metasediments from the Maria River north to the Richmond River.*Variation and Natural Disturbance:**Vegetation Formation:* Dry Sclerophyll Forests (Shrubby sub-formation);*Vegetation Class:* North Coast Dry Sclerophyll Forests;*IBRA Bioregion(s):* NSW North Coast; South Eastern Queensland;*IBRA Sub-region(s):* Yuraygir; Coffs Coast and Escarpment; Macleay Hastings; Clarence Sandstones; Clarence Lowlands;*LGA:* Not Assessed*Lithology:* Not Assessed*Landform Pattern:* Not Assessed*Landform Element:* Not Assessed*Emergent species:* None*Upper Stratum Species:* Eucalyptus signata; Corymbia gummifera; Corymbia intermedia; Eucalyptus planchoniana; Syncarpia glomulifera; Eucalyptus umbra; Angophora woodsiana; Eucalyptus baileyana;*Mid Stratum Species:* Allocasuarina littoralis; Banksia oblongifolia; Banksia spinulosa; Gompholobium pinnatum; Persoonia stradbrokeensis; Pimelea linifolia; Pultenaea myrtoidea;*Ground Stratum Species:* Dianella caerulea; Entolasia stricta; Glycine clandestina; Lepidosperma laterale; Pteridium esculentum; Themeda australis; Imperata cylindrica var. major;*Diagnostic Species:* Not Assessed*Fire Regime:**TEC Assessed:* No associated TEC*TEC List:* Not Assessed*Associated TEC Comments:**PCT Percent Cleared:* 25.00*PCT Definition Status:* Approved**2.4 Threatened flora species**

With respect to the *BC Act* a search of the *Bionet* (DPIE, 2020) indicated a list of state listed species that have been recorded within a 10 km radius of the subject lot. With respect to the *EPBC Act* a review of the Protected Matters Search Tool indicated the potential for a list of nationally threatened flora species to occur within a 10km radius of the subject lot. These species are listed in Table 6 (Appendix 2) and are considered for potential habitat within the subject lot.

Based on the habitat assessment within Table 6 (Appendix 2) it is considered that the subject lot does not provide any potential habitat for any state or national threatened flora species due to previous clearing and landscaping works, past and ongoing land management practices and/or large distance to known specimens.

The state test of significance assessment (Appendix 3) and a review of EPBC impact criteria (Appendix 5) has therefore concluded that the proposed subdivision and associated development will not have a significant impact on threatened flora species. Therefore, (a) a Species Impact Statement is not required in respect to flora for the proposal and (b) biodiversity offsetting is not required.

2.5 Endangered flora populations

No endangered flora populations occur within the Port Macquarie - Hastings LGA. No endangered flora populations are known to occur within 10km of the subject lot.

2.6 Threatened ecological communities

The identified PCT 1136 (No. 40 PMHS) is not commensurate with any TECs listed under the *BC Act* or the *EPBC Act*.

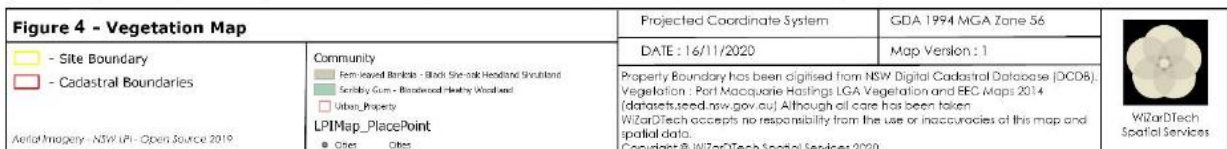


Figure 4 – Port Macquarie Hastings Shire Council Vegetation Mapping

3. Fauna

3.1 Survey / Habitat assessment

Fauna survey including afternoon/morning diurnal survey, nocturnal survey and threatened species habitat assessment was undertaken within the subject lot and nearby vegetated surrounds of Community Hall Reserve to the east 19th & 20th November 2020.

Diurnal fauna survey included:

- One (1) Koala SAT point (*Phillips & Callaghan* 2008). See below for details,
- Afternoon to dusk diurnal bird census within the subject lot (for 30 minutes),
- Morning diurnal bird census within the adjacent reserve,
- Opportunistic bird call and activity survey between census points,
- Opportunistic reptile habitat searches (no threatened reptiles with potential to occur),
- Mammal activity searches (scats, scratches, diggings, burrows, etc.)
- Habitat tree survey within the subject lot.

Weather conditions at the time of diurnal survey were:

- 19/11/20 - 1/8 cloud, light-mod NE wind, no rain, 24°C (1hr 15 min - 14:50 - 17:00).
- 20/11/20 - 0/8 cloud, no wind, no rain, 25°C (45 min – 09:00 – 09:45).

Nocturnal fauna survey included:

- Completion of the Koala SAT and Spotlighting,
- Frog call identification (no threatened frogs with potential to occur)
- Owl call-playback (Powerful Owl, Masked Owl & Barking Owl),
- Glider call-playback (Yellow-bellied Glider & Squirrel Glider), and
- Koala call-playback.

Weather conditions at the time of nocturnal survey were:

- 19/11/20 - 0/8 cloud, no wind, no rain, ¼ moon, 22-20°C (3hr 25 min - 19:50 – 23:15).

Specific survey effort locations and results are shown on Figure 7. All fauna species recorded during survey within the development footprint and nearby surrounds are listed in Table 7 (Appendix 2).

A review of the *Bionet* (DPIE 2020) was undertaken prior to the site visit to determine threatened species previously recorded within 10km of the development footprint.

Koala survey

Given the potential for Koala to occur the complete Spot Assessment Technique described by *Phillips & Callaghan* (2008) was undertaken as a measure of Koala 'activity'. In this case the proportion of trees showing signs of Koala use from scats is calculated and the location and density of droppings found are documented. The six trees within the subject lot were all selected in the initial SAT and the remaining twenty-four trees to complete the SAT were the closest trees to the subject lot within the adjacent Community Hall Reserve.

Fauna survey limitations

Although records of Brush-tailed Phascogale, Squirrel Glider, Eastern Pygmy Possum, Spotted-tailed Quoll and Common Planigale are known historically from the adjacent reserve or the nearby Bonny Hills locality, no target trapping or surveillance camera effort was undertaken. The habitat assessment had concluded that the depleted terrestrial layer within the managed yard combined with the solid fence barrier provided very little potential habitat value for these species.

No ultrasonic microbat recording surveys were undertaken to determine microbat foraging use of the subject lot, as there were no hollows recorded present within the trees or otherwise notable potential for roosting habitat.

3.2 Habitat features

The following habitat features were observed present:

- Five (5) July-September flowering Scribbly Gum (*Eucalyptus signata*), and
- One (1) December-June prolific flowering Red Bloodwood (*Corymbia gummifera*)

The above trees providing habitat for local birds and mammals were found to show evidence of two nocturnal perches for a local gaggle of Kookaburras. Several scratches were also observed on the smooth-barked trunks indicating use by Common Brushtail Possum and possibly Koala. The high use of these trees is evident by regular climbing lines on old bark plates and a few scratches on new bark from this year. Numerous old bark scratches and pock marks, whilst consistent with Koala, are expected to be from Common Brushtail Possum for the following reasons:

- Two Common Brushtail Possum scats were collected within the yard as part of the SAT survey,
- The complete SAT undertaken across thirty immediate trees did not record any Koala activity by evidence of scats. Thus the level of Koala use of the immediate area as indicated by *Phillips & Callaghan* (2008) would at most be regarded as 'Low Use'.
- Of all smooth-barked trees both within the subject lot (5) and within the remaining SAT area in the adjacent reserve (19), the two trees showing the highest proportion of scratches on old bark plates indicating consistent climbing lines were the two trees on either side of the fence. One closest to the rear of the property, the other just over the fence within the reserve. This is more typical of possum activity coming and going from the residential yards. Residential fringes to bushland reserves provides the best refuge (often within the residences themselves) and feeding (native bushland fringes combined with great abundance of fruit and young leaves within landscaped yard trees).
- The scratches on the young smooth bark of the tree closest to the house showed good clean scratches from a single recent climb which was more consistent with possum than Koala.

Despite this conclusion, it is well recognised that a local Koala population exists that would periodically utilise the Community Hall Reserve as part of dispersal and movement, home ranges and perhaps core use habitat. With this, it is also recognised that Koala may utilise the trees on occasion over the fence within the subject lot for foraging. It is understood that a Koala scat was recorded within the subject lot by council during a previous site inspection.

Dense piles of old bark plates at the base of trees provides shelter for common skink species. These may also be used for shelter and foraging by small common snakes and frog species. All other vegetation within the subject lot is predominantly planted and managed and provides very little habitat value for local fauna, particularly given the colorbond fencing dividing the run of houses from the reserve.

3.3 Threatened fauna species

BC Act – A search of the *Atlas of NSW Wildlife* (DPIE, 2020) provided a list of threatened fauna species previously recorded within a 10km radius of the development footprint. These species are listed in Table 7 (Appendix 2) and are considered for potential habitat within the study area.

EPBC Act – A review of the schedules of the *EPBC Act* identified a list of threatened fauna species or species habitat likely to occur within a 10km radius of the development footprint. These species have also been listed in Table 7.

In accordance with Table 7 (Appendix 2) the following state and nationally listed threatened fauna species are considered to have suitable habitat with varying potential to occur within the study area. The state listed species will be considered in the test of significance (Appendix 3):

Table 2 – Threatened fauna species with suitable habitat present

Common name	BC Act	EPBC Act	Potential to occur
Koala	V	V	recorded
Grey-headed Flying-fox	V	V	recorded
White-throated Needle-tail	-	V	✓
Square-tailed Kite	V	-	✓
Little Lorikeet	V	-	✓
Powerful Owl	V	-	✓
Brush-tailed Phascogale	V	-	✓
Squirrel Glider	V	-	✓
Eastern Coastal Free-tailed Bat	V	-	✓
Greater Broad-nosed Bat	V	-	✓
Little Bent-winged Bat	V	-	✓
Large Bent-winged Bat	V	-	✓
Eastern Cave Bat	V	-	✓
White-bellied Sea Eagle	V	-	low
Little Eagle	V	-	low
Swift Parrot	E	E	low
Masked Owl	V	-	low
Regent Honeyeater	E4A	CE	low
Varied Sittella	V	-	low
Dusky Woodswallow	V	-	low
Common Planigale	V	-	low
Common Blossom-bat	V	-	low
Eastern Osprey	V	-	unlikely
Spotted-tailed Quoll	V	E	unlikely
Eastern Pygmy Possum	V	-	unlikely
Yellow-bellied Glider	V	-	unlikely
Eastern Chestnut Mouse	V	-	unlikely

Koala

Despite spotlighting throughout the reserve during survey, Koala was not observed. The recording of Koala was from a distant call to the east in response to nocturnal call-playback. This call was difficult to hear due to the active breaking surf in that same direction, therefore was identified to a 'probable' level of certainty. As Koala is known in the locality and expected to periodically utilise the reserve (evidenced from Bionet records), the intent of the survey was not to further confirm this presence by seeking out this male, but rather to concentrate effort within the reserve itself closest to the subject lot.

The call appeared to come from the other side of Ocean Drive within a reserve that extended to the beach further east. It was noted that a small stand of Swamp Mahogany (*Eucalyptus robusta*) is present in the eastern extent of the Community Hall Reserve to the north of the tennis courts. These are likely also present amongst the Broad-leaved Paperbark community on the other side of Ocean Drive and Koala would be expected to at least on occasion or during dispersal utilise the habitat area supporting this primary feed tree species.

Whilst the SEPP 44 (which has been recently reinstated whilst a new Koala SEPP policy is developed in 2021) includes the recorded *Eucalyptus signata* as one of the ten Schedule 2 Feed Tree Species, this tree is otherwise not listed by more detailed local Koala habitat analysis as an important feed tree. Koala expert Dr Stephen Phillips who formulated the current standards of Koala survey, has contributed to Koala Plans of Management (KPoM) through the state and is on the Expert Advisory Panel for Port Macquarie – Hastings Koala Recovery Strategy, and having prepared the Koala Habitat and Population Assessment, does not consider Scribbly Gum trees as being of importance to Koala, in relation to other locally occurring trees. Dr Phillips outlines the Recovery Plan for Koala (DECC 2008) as the most detailed breakdown of Koala feed trees within different management areas of the state in the absence of KPoMs.

The recovery plan outlines six (6) primary, thirteen (13) secondary and five (5) supplementary food tree species within the North Coast Koala Management Area, none of these being Scribbly Gums. Furthermore, the Port Macquarie-Hastings Draft Coastal Koala Plan of Management (PMH-CKPoM) outlines one Scribbly Gum as a feed tree, this was not the recorded *Eucalyptus signata* but rather *Eucalyptus racemosa*.

The subject lot is less than 1 ha and therefore does not need to be assessed under SEPP 44 for Koala. The subject lot is also not captured within Koala Habitat Area identified by the Port Macquarie-Hastings LEP 2011 (see Figure 5).

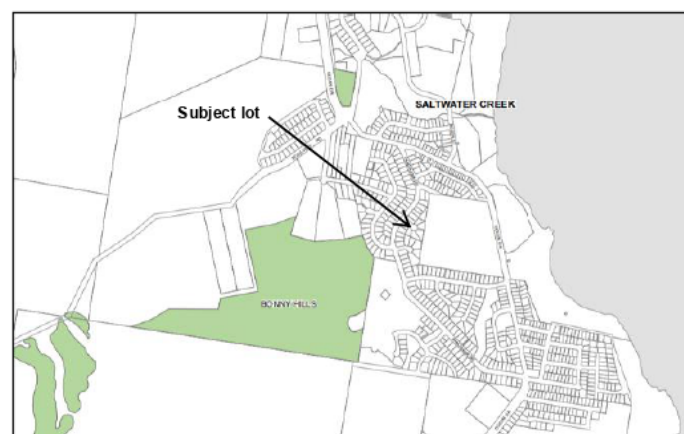


Figure 5 – PMH-LEP 2011 Koala Habitat Map

The LEP proposes to amend the Koala Habitat Maps by replacing the current Koala Habitat Area map layer with Core Koala Habitat and Koala Habitat Link Area map layers, as shown in the CKPoM. The Draft PMH-CKPoM is also a consultation draft document only and has not been adopted by Council as policy. With respect to this document, the subject lot is located on the edges of mapped Core Koala Habitat (refer to Figure 6) yet the resolution of mapping is poor and difficult to rule in or out. Therefore more high resolution mapping of the cadaster layer under an approved CKPoM could only provide clarity to proceed further. It is likely that the mapping follows the Scribbly Gum – Bloodwood Heathy Woodland Community as habitat which does extend into the subject lot (refer to Figure 4).



Figure 6 – PMH-DCKPoM Koala Habitat Mapping – Camden Haven (North)

In the scenario of the Draft PMH-CKPoM becoming final then development controls are placed on land within or adjacent to mapped Core Koala Habitat. Under the current Draft PMH-CKPoM clearing must not be approved where the impact of clearing cannot be satisfactorily compensated. If a proposal is unable to meet these requirements, Council may consider alternative outcomes that can demonstrate achievement of the objectives. As the trees present within the subject lot are not listed Koala feed trees then the single tree compensation unit would not apply. If the trees are mapped as Core Koala Habitat the removal would be compensated by the area compensation calculation.

The assessment test of significance (under Section 7.3 of the *BC Act*) for Koala (see Appendix 3) will ultimately consider the impact of removal of five mature Scribbly Gum trees and one Red Bloodwood tree in respect and consideration to these remaining habitat resources locally available for access and use by the local Koala population. This consideration is also with regard to the absence of scats during the time of target SAT survey.

Grey-head Flying-fox

Grey-headed Flying-fox was observed in flight and observed and heard foraging within the adjacent Community Hall Reserve during nocturnal survey (refer to Figure 7 for approximate location). The six trees within the development footprint provide seasonal foraging habitat for this species. Such habitat is otherwise well represented within the adjacent reserve and locality. The subject lot and immediate adjacent remaining natural habitats do not provide any diurnal roosting camp habitat and subsequent breeding habitat for this species.

Assessment of impact on threatened fauna

The remaining threatened fauna considered with most potential to occur within Table 2 are also not likely to utilise the subject lot for any breeding habitat or otherwise of importance. This is given that no hollows, raptor nests or quality terrestrial denning habitat were observed present.

The state test of significance assessment (Appendix 3) and a review of EPBC impact criteria (Appendix 5) has considered the recorded threatened fauna as well as the varying threatened fauna with potential to occur within the subject lot. These assessments have concluded that the proposed development will not have a significant impact on threatened fauna species. Therefore, (a) a Species Impact Statement is not required in respect to state listed fauna for the proposal, (b) biodiversity offsetting is not required and (c) a referral to the national DAWE is not required.

3.4 Protected migratory species (National)

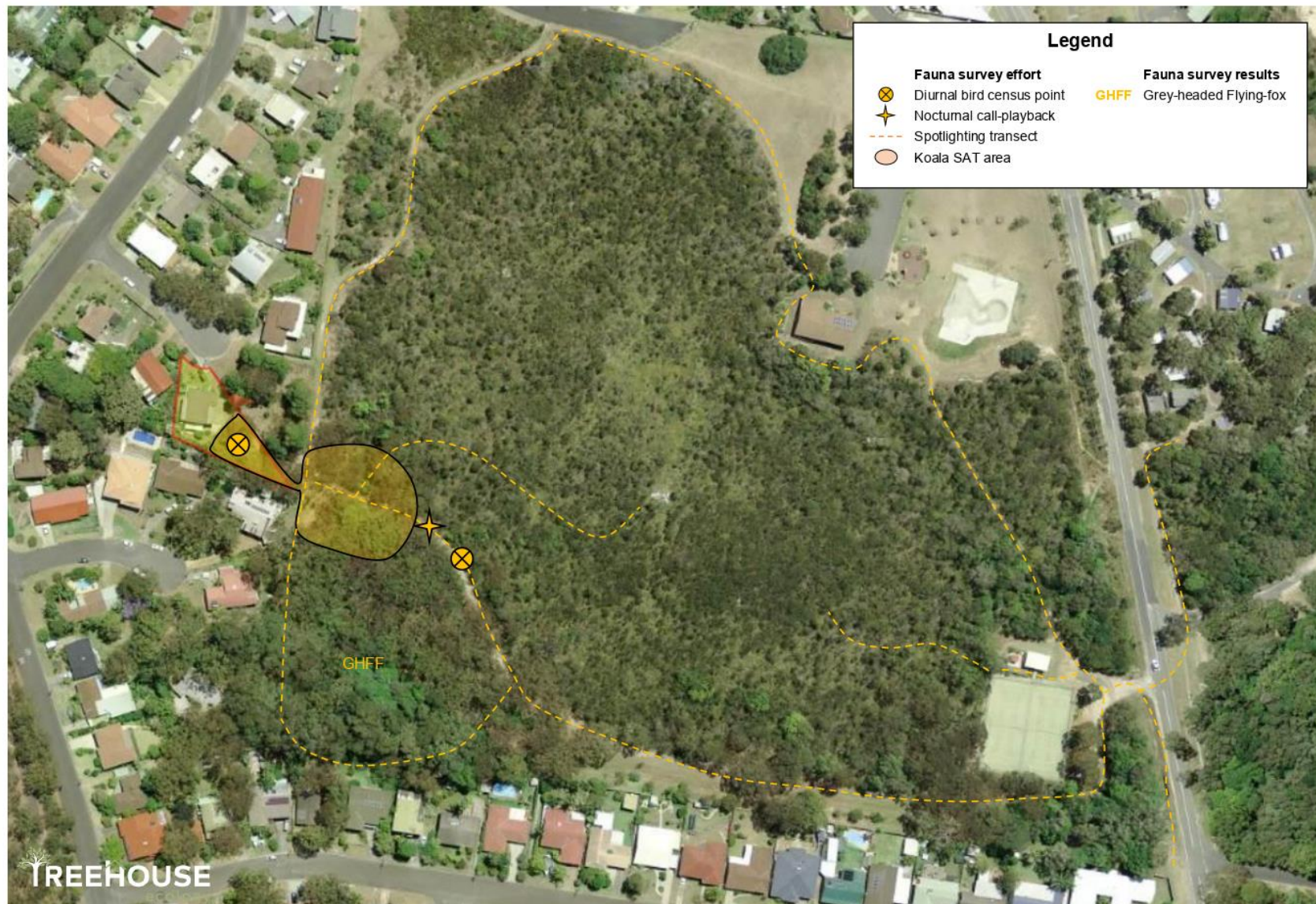
The EPBC Act Protected Matters Report provides additionally listed terrestrial, wetland and marine migratory species of national significance likely to occur, or with habitat for these species likely to occur, within a 10km radius of the development footprint. The habitat potential of migratory species is considered in Table 8 (Appendix 2). The habitat potential of threatened migratory species are instead considered with other threatened species in Table 7 (Appendix 2).

No nationally protected migratory bird species were recorded present within the study area during survey. Two protected migratory bird species protected under the EPBC are considered with potential to utilise overhead airspace for foraging. These species do not likely contain any breeding habitat or habitat otherwise of importance within the study area.

Following a review of the impact criteria for protected migratory bird species under the *EPBC Act* (Appendix 5), it is concluded that the proposal will not likely significantly impact on any nationally listed protected migratory species with considered potential to occur.

3.5 Endangered fauna populations

There are no endangered fauna populations identified within The Port Macquarie-Hastings LGA or within 10km of the subject lot.



4. Biodiversity Impact Assessment

4.1 Biodiversity Offsets Scheme (BOS)

The *BC Act* repeals the *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001* and the animal and plant provisions of the *National Parks and Wildlife Act 1974*. Together with the [Biodiversity Conservation Regulation 2017](#), the *BC Act* establishes a new regulatory framework for assessing and offsetting biodiversity impacts on proposed developments and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

Where development consent is granted, the authority may impose as a condition of consent an obligation to retire a number and type of biodiversity credits determined under the new Biodiversity Assessment Method (BAM).

The Biodiversity Offsets Scheme applies to:

- local development (assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*) that triggers the Biodiversity Offsets Scheme Threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*
- state significant development and state significant infrastructure projects, unless the Secretary of the Department of Planning, Industry and Environment and the environment agency head determine that the project is not likely to have a significant impact
- biodiversity certification proposals
- clearing of native vegetation in urban areas and areas zoned for environmental conservation that exceeds the Biodiversity Offsets Scheme threshold and does not require development consent
- clearing of native vegetation that requires approval by the Native Vegetation Panel under the *Local Land Services Act 2013*
- activities assessed and determined under Part 5 of the *Environmental Planning and Assessment Act 1979* (generally, proposals by government entities) if proponents choose to 'opt in' to the Scheme.

Proponents will need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme Threshold and the test of significance (where relevant) when submitting their application to the consent authority.

4.2 Threshold assessment

The BOS includes two (2) elements to the threshold test – an area trigger and a Biodiversity Values Land Map trigger. If clearing exceeds either trigger, the BOS applies to the proposed clearing.

4.2.1 Biodiversity Values Land Map

Biodiversity Values Land has not been mapped within the subject lot therefore an offset is not required under this trigger. Figure 8 below shows the site (red) in relation to those areas (coloured mauve) as having biodiversity values.



Figure 8 – Biodiversity values land (mauve shading) in the local area

(Source: DPIE – Biodiversity Values Map – March 2019)

4.2.2 Area clearing threshold

The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

Table 3 – BOS Entry Threshold Report

Date of Calculation	05/12/2020 6:48 PM	BDAR Required*
Total Digitised Area	0.04 ha	
Minimum Lot Size Method	LEP	
Minimum Lot Size	0.04 ha	
Area Clearing Threshold	0.25 ha	
Area clearing trigger Area of native vegetation cleared	Unknown #	Unknown #
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	N/A	

The BOS entry threshold report provided in Table 3 has determined a 0.25 ha (or 2500 m²) area clearing threshold for which the BOS applies based on the minimum lot size of 0.04ha. Clearing of 'native vegetation' that exceeds 0.25 ha would require a biodiversity offset to be obtained. Note that 'native vegetation' includes planted native species. The development proposal will not impact more than 0.25 ha of native vegetation, therefore offsetting will not be required under this trigger.

4.3 Potential ecological impacts

The direct, indirect and cumulative ecological impacts have been considered in respect to recorded biodiversity, threatening processes and extent of impact as a result of the proposed works:

4.3.1 Direct impacts

The direct impacts of the proposal within the development footprint are considered as:

- Removal of six (6) remnant trees and planted landscape natives that incorporate a total area of approximately 610m² commensurate with PCT1136. These trees are:
 - Five (5) July-September flowering Scribbly Gum (*Eucalyptus signata*), and
 - One (1) December-June flowering Red Bloodwood (*Corymbia gummifera*)
- Subsequent removal of seasonal foraging myrtaceous trees for nectarivore species including threatened species with varying potential to occur (Little Lorikeet, Swift Parrot, Regent Honeyeater, Yellow-bellied Glider, Squirrel Glider, Grey-headed Flying-fox and Common Blossom-bat),
- Subsequent removal of potential Koala foraging and shelter habitat.

4.3.2 Indirect impacts

The potential indirect impacts of the proposal are considered as:

- Reduced cross-area movements and inter-reserve refuge by small bird species such as passerines,
- Increased spill-over from noise, activity and lighting effects into the adjacent quality natural habitat areas to the east.

4.3.3 Cumulative impacts

The potential cumulative impacts (combined results of past, current and future activities) of the proposal are considered as:

- Cumulative loss of local native vegetation with periodic potential use by Koala,
- Cumulative loss of foraging habitat for native fauna,
- Increased varied human presence and activity within the remaining natural habitat areas of the adjacent bushland remnant,
- Increase potential for pets that may impact on native fauna.

4.4 Mitigation measures

The following mitigation measures are recommended to ameliorate the above potential ecological impacts and address identified threatening processes:

- (a) A landscaping plan should be submitted to compensate for the biomass of removed foraging foliage and seasonal floristics available to local fauna. This will not compensate for the removal of potential habitat provided specifically by the large mature trees, however it will otherwise aim to provide a more positive ecological outcome for fauna species considered.

As suggested by council, the landscape plan is to consider use of Scentless rosewood (*Synoum glandulosum*), Forest oak (*Allocasuarina torulosa*), *Persoonia stradbokensis*, Hairpin banksia (*Banksia spinulosa*), Kangaroo grass (*Themeda triandra*), Notched bush pea (*Pultenaea retusa*), Narrow leaved palm lily (*Cordyline stricta*), Tautoon (*Leptospermum polygalifolium*), Notelaea ovata, Crinkle bush (*Lomatia silaifolia*), Trailing guinea flower (*Hibbertia dentata*), Blue flax lilly (*Dianella caerulea*), Tuckeroo (*Cupaniopsis anacardioides*) and Cheese tree (*Glochidion ferdinandi*).

- (b) Whilst no hollows were recorded present within the impacted footprint, the placement of six (6) artificial hollows (nest boxes) within the adjacent reserve will provide a compensatory outcome of the reduced foraging potential for some hollow-dependent fauna species, with the alternate replacement of roosting / denning opportunities.

Hollow-dependent threatened fauna with varying potential to occur in the reserve include Little Lorikeet, Spotted-tailed Quoll, Brush-tailed Phascogale, Common Planigale, Eastern Pygmy Possum, Yellow-bellied Glider, Squirrel Glider, Eastern Coastal Free-tailed Bat and Greater Broad-nosed Bat.

Boxes should be constructed all of weatherproof timber (marine ply), fasteners and external paint and appropriately affixed to a recipient tree under the guidance of a fauna ecologist. The nest boxes should be well secured in the recipient tree in a manner that will not compromise the current or future health of that tree.

- (c) The proposal will require the removal of deadwood within existing trees and as such is of a class of development recognised as a threatening process. Given the historical recording of Brush-tailed Phascogale within the adjacent reserve it is recommended that deadwood habitat recovered from the development footprint is relocated into the adjacent reserve under permission from Council and under the direction of a fauna ecologist. This is also given that such fragmented reserves on the edges of urban landscapes are often depleted of naturally occurring deadwood due to illegal collection of firewood.

5. Conclusions

Ecological survey has been undertaken in accordance with relevant legislation including the *Environmental Planning and Assessment Act 1979*, the *Biodiversity Conservation Act 2016* and the commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

In respect of matters required to be considered under the *EPA Act* and relating to the species / provisions of the *BC Act*, two (2) threatened fauna species Koala (*Phascolarctos cinereus*) and Grey-headed Flying-fox (*Pteropus poliocephalus*), no threatened flora species, no endangered populations and no TECs were recorded within the subject lot. Koala was recorded from a distant call response to playback only to a 'probable' level of certainty.

With considerations to the Biodiversity Offsets Scheme (BOS):

- The study area is not located on lands mapped as Biodiversity Values Land.
- The proposed clearing of less than 0.06 ha of native vegetation is less than the area clearing threshold of 0.25 ha.
- The test of significance (Appendix 3) concludes a not-significant impact on state listed biodiversity.

Therefore, (a) a Species Impact Statement is not required for the proposal and (b) biodiversity offsetting is not required.

In respect of matters required to be considered under the *EPBC Act*, two (2) threatened fauna species Koala (*Phascolarctos cinereus*) and Grey-headed Flying-fox (*Pteropus poliocephalus*), no protected migratory bird species, no threatened flora species, and no TECs were recorded within the subject lot.

The proposal was not considered to have a significant impact on matters of national environmental significance. As such a referral to Department of Environment and Energy should not be required.

In respect of matters relative to the *FM Act*, no suitable habitat for threatened marine or aquatic species was observed within the subject lot therefore no further considerations to this legislation also apply.

Appendix 1 Flora & Fauna Species Lists

Table 4 – Flora species recorded (Appendix 1)

Scientific name	Common name	Native or Introduced
<i>Eucalyptus signata</i>	Scribbly Gum	Native
<i>Corymbia gummifera</i>	Red Bloodwood	Native
<i>Kennedia rubicunda</i>	Dusky Coral Pea	Native
<i>Hardenbergia violacea</i>	Native Sarsparilla	Native
<i>Breynia oblongifolia</i>	Coffee Bush	Native
<i>Dianella caerulea</i>	Flax Lily	Native
<i>Acacia floribunda</i>	Goasamer Wattle	Native
<i>Pteridium esculentum</i>	Bracken Fern	Native
<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Planted native
<i>Callistemon</i> spp.	Bottlebrush	Planted native
<i>Macadamia tetraphylla</i>	Macadamia	Planted native
<i>Cordyline</i> spp.	Cordyline	Planted native
<i>Cupanopsis teucroides</i>	Tuckeroo	Planted native
<i>Nephrolepis cordifolia</i>	Fishbone Fern	Environmental Weed
<i>Erharta erecta</i>	Panic Veldt Grass	Environmental Weed
<i>Osteospermum</i> spp.	African Daisy	Exotic
<i>Coreopsis</i> spp.	Tick Seed/ Calliopsis	Exotic
<i>Thunbergia elata</i>	Black Eyed Susan	Exotic
<i>Strelitzia</i> spp.	Bird of Paradise	Exotic
<i>Ochna serrulata</i>	Mickey Mouse Plant	Environmental Weed
<i>Dypsis lutescens</i>	Golden Cane Palm	Exotic
<i>Chlorophytum tomentosum</i>	Spider Plant	Exotic
<i>Ophiopogon japonicus</i>	Mondo Grass	Exotic
<i>Citrus x latifolia</i>	Tahitian Lime	Exotic
	Introduced Orchid	Exotic
<i>Grevillea</i> spp (cultivar)	Grevillea robyn gordon	Exotic
<i>Beaucarnea recurvata</i>	Pony Tail Plant	Exotic

It should be noted that not all garden, cultivar or landscape species have been identified as part of this assessment.

Table 5 – Fauna species recorded (Appendix 1)

Common name	Scientific name	Method observed	
BIRDS		Nov 2020	
Australian King Parrot	<i>Alisterus scapularis</i>	OW	
Australian Magpie	<i>Cracticus tibicen</i>	OW	
Australian Raven	<i>Corvus coronoides</i>	OW	
Blue-faced Honeyeater	<i>Entomyzon cyanotis</i>	OW	
Common Koel	<i>Eudynamys scolopacea</i>	W	
Dollarbird	<i>Eurystomus orientalis</i>	OW	
Eastern Rosella	<i>Platycercus eximius</i>	OW	
Galah	<i>Eolophus roseicapillus</i>	OW	
Grey Butcherbird	<i>Cracticus torquatus</i>	W	
Laughing Kookaburra	<i>Dacelo novaeguineae</i>	OW	
Magpie-lark	<i>Grallina cyanoleuca</i>	W	
Masked Lapwing	<i>Vanellus miles</i>	W	
Noisy Miner	<i>Manorina melanocephala</i>	OW	
Pied Currawong	<i>Strepera graculina</i>	W	
Rainbow Lorikeet	<i>Trichoglossus haematodus</i>	OW	
Scaly-breasted Lorikeet	<i>Trichoglossus chlorolepidotus</i>	W	
Spotted Turtle-Dove *	<i>Streptopelia chinensis</i>	W	
MAMMALS			
Common Brushtail Possum	<i>Pseudocheirus peregrinus</i>	P	
Common Ringtail Possum	<i>Pseudocheirus peregrinus</i>	O	
Domesticated Dog *	<i>Canis lupus familiaris</i>	OW	
Grey-headed Flying-fox ^{TS}	<i>Pteropus poliocephalus</i>	OW	
Koala ^{TS}	<i>Phascolarctos cinereus</i>	FW ^{PR}	
REPTILES			
Delicate Skink	<i>Lampropholis delicata</i>	O	
AMPHIBIANS			
Green Tree Frog	<i>Litoria caerulea</i>	W	
MOLLUSC			
Brown Garden Snail *	<i>Comu aspersum</i>	O	
<p>Note: * indicates introduced species ^{TS} indicates threatened species ^{MS} indicates Migratory species</p> <p>All species listed are identified to a high level of certainty unless otherwise noted as:</p> <p>^{PR} indicates species identified to a 'probable' level of certainty – more likely than not ^{PO} indicates species identified to a 'possible' level of certainty – low-moderate level of confidence</p>			
E - Nest/roost	H - Hair/feathers/skin	P - Scat	W - Heard call
F - Tracks/scratchings	K - Dead	Q - Camera	X - In scat
FB - Burrow	O - Observed	T - Trapped/netted	Y - Bone/teeth/shell
G - Crushed cones	OW - Obs & heard call	U - Anabat/ultrasound	Z - In raptor/owl pellet

Appendix 2 - Threatened Flora & Fauna Habitat Assessment

The DPIE NSW Threatened Biodiversity Profile Search at: <https://www.environment.nsw.gov.au/threatenedspeciesapp/>, and
The DAWE National Species Profile and Threats Database at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>
provide a summary of distribution, habitat and ecology for the following threatened species for consideration of suitable habitat.

Table 6 – Threatened flora species habitat assessment (Appendix 2)

Scientific name	BC Act		EPBC Act		Recorded on site	If not recorded on site				Considered in test of significance (Appendix 3)
	State Status	Bionet (10km)	National Status	PMST (10km)		Suitable habitat present	Nearby and / or many record(s)	Record(s) from recent years	Potential to occur	
<i>Acacia courtii</i>	V	✓	V	✓	x	x	-	-	x	x
<i>Acronychia littoralis</i>	E1	-	E	✓	x	x	-	-	x	x
<i>Allocasuarina defungens</i>	E1	✓	E	✓	x	x	-	-	x	x
<i>Allocasuarina thalassoscopia</i>	-	-	E	✓	x	x	-	-	x	n/a
<i>Arthraxon hispidus</i>	V	-	V	✓	x	x	-	-	x	x
<i>Asperula asthenes</i>	V	-	V	✓	x	x	-	-	x	x
<i>Cryptostylis hunteriana</i>	V	-	V	✓	x	possible	x	x	Not likely	x
<i>Cynanchum elegans</i>	E1	✓	E	✓	x	x	-	-	x	x
<i>Dendrobium melaleucaphilum</i>	E1	✓	-	-	x	x	-	-	x	x
<i>Diuris byronensis</i>	E1	✓	-	-	x	x	-	-	x	x
<i>Eucalyptus nicholii</i>	V	✓	V	-	x	x	-	-	x	x
<i>Euphrasia arguta</i>	CE	-	CE	✓	x	x	-	-	x	x
<i>Grevillea caleyi</i>	E4A	✓	CE	-	x	x	-	-	x	x
<i>Macadamia integrifolia</i>	-	-	E	✓	x	x	-	-	x	n/a
<i>Marsdenia longiloba</i>	E1	✓	V	✓	x	x	-	-	x	x
<i>Melaleuca biconvexa</i>	V	-	V	✓	x	x	-	-	x	x
<i>Melaleuca groveana</i>	V	✓	-	-	x	x	-	-	x	x
<i>Persicaria elatior</i>	V	-	V	✓	x	x	-	-	x	x
<i>Phaius australis</i>	E1	✓	E	✓	x	x	-	-	x	x
<i>Rhizanthella slateri</i>	V	-	E	✓	x	possible	x	x	Not likely	x
<i>Rhodamnia rubescens</i>	E4A	✓	-	-	x	x	-	-	x	x
<i>Rhodomyrtus psidioides</i>	E4A	✓	-	-	x	x	-	-	x	x
<i>Syzygium paniculatum</i>	V	-	V	✓	x	x	-	-	x	x
<i>Thesium australe</i>	V	✓	V	✓	x	x	-	-	x	x

Table 7 – Threatened fauna species habitat assessment (Appendix 2)

Common name	Scientific name	BC Act		EPBC Act		Recorded on site	If not recorded on site				Considered in test of significance (Appendix 3)
		State Status	Bionet (10km)	National Status	PMST (10km)		Suitable habitat present	Nearby and / or many record(s)	Record(s) from recent years	Potential to occur	
Wallum Froglet	<i>Crinia tinnula</i>	V	✓	-	-	x	x	-	-	x	x
Stuttering Frog	<i>Mixophyes balbus</i>	E	-	V	✓	x	x	-	-	x	x
Giant Barred Frog	<i>Mixophyes iteratus</i>	E	-	E	✓	x	x	-	-	x	x
Green and Golden Bell Frog	<i>Litoria aurea</i>	E	✓	V	✓	x	x	-	-	x	x
Green-thighed Frog	<i>Litoria brevipalmata</i>	V	✓	-	-	x	x	-	-	x	x
Three-toed Snake-toothed Skink	<i>Coeranoscincus reticulatus</i>	V	-	V	✓	x	x	-	-	x	x
Stephens' Banded Snake	<i>Hoplocephalus stephensii</i>	V	✓	-	-	x	marginal	x	x	Not likely	x
Blue-billed Duck	<i>Oxyura australis</i>	V	✓	-	-	x	x	-	-	x	x
Wompoo Fruit-dove	<i>Ptilinopus magnificus</i>	V	✓	-	-	x	x	-	-	x	x
White-throated Needletail	<i>Hirundapus caudacutus</i>	-	✓	V	✓	x	✓	✓	✓	✓	✓
Black-necked Stork	<i>Ephippiorhynchus asiaticus</i>	E	✓	-	-	x	x	-	-	x	x
Australasian Bittern	<i>Botaurus poiciloptilus</i>	E	✓	E	✓	x	x	-	-	x	x
Black Bittern	<i>Ixobrychus flavicollis</i>	V	✓	-	-	x	x	-	-	x	x
Red Goshawk	<i>Erythrorhynchus radiatus</i>	E	-	V	✓	x	Sub-optimal	x	x	Not likely	x
White-bellied Sea Eagle	<i>Haliaeetus leucogaster</i>	V	✓	-	-	x	marginal	✓	✓	low	✓
Little Eagle	<i>Hieraaetus morphnoides</i>	V	✓	-	-	x	marginal	✓	✓	low	✓
Square-tailed Kite	<i>Lophoictinia isura</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Eastern Osprey	<i>Pandion cristatus</i>	V	✓	-	-	x	x	-	-	x	x
Grey Falcon	<i>Falco hypoleucos</i>	V	-	V	✓	x	x	-	-	x	x
Brolga	<i>Grus rubicunda</i>	V	✓	-	-	x	x	-	-	x	x
Australian Painted Snipe	<i>Rostratula australis</i>	E	-	E	✓	x	x	-	-	x	x
Glossy Black-Cockatoo	<i>Calyptorhynchus lathami</i>	V	✓	-	-	x	x	-	-	x	x
Little Lorikeet	<i>Glossopsitta pusilla</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Swift Parrot	<i>Lathamus discolor</i>	E	✓	E	✓	x	marginal	✓	✓	low	✓
Barking Owl	<i>Ninox connivens</i>	V	✓	-	-	x	marginal	x	x	Not likely	x

Common name	Scientific name	BC Act		EPBC Act		Recorded on site	If not recorded on site				Considered in test of significance (Appendix 3)
		State Status	Bionet (10km)	National Status	PMST (10km)		Suitable habitat present	Nearby and / or many record(s)	Record(s) from recent years	Potential to occur	
Powerful Owl	<i>Ninox strenua</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Eastern Grass Owl	<i>Tyto longimembris</i>	V	✓	-	-	x	x	-	-	x	x
Masked Owl	<i>Tyto novaehollandiae</i>	V	✓	-	-	x	marginal	x	✓	low	✓
Sooty Owl	<i>Tyto tenebricosa</i>	V	✓	-	-	x	x	-	-	x	x
Regent Honeyeater	<i>Xanthomyza Phrygia</i>	E4A	✓	CE	✓	x	marginal	x	✓	low	✓
Painted Honeyeater	<i>Grantiella picta</i>	V	-	V	✓	x	marginal	x	x	Not likely	x
Varied Sittella	<i>Daphoenositta chrysoptera</i>	V	✓	-	-	x	Sub-optimal	x	✓	low	✓
Dusky Woodswallow	<i>Artamus cyanopterus cyanopterus</i>	V	✓	-	-	x	Sub-optimal	✓	✓	low	✓
Scarlet Robin	<i>Petroica boodang</i>	V	✓	-	-	x	marginal	x	x	Not likely	x
Flame Robin	<i>Petroica phoenicea</i>	V	✓	-	-	x	marginal	x	x	Not likely	x
Spotted-tailed Quoll	<i>Dasyurus maculatus</i>	V	✓	E	✓	x	marginal	✓	x	unlikely	✓
Brush-tailed Phascogale	<i>Phascogale tapoatafa</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Common Planigale	<i>Planigale maculate</i>	V	✓	-	-	x	Sub-optimal	✓	✓	low	✓
Koala	<i>Phascolarctos cinereus</i>	V	✓	V	✓	✓	-	-	-	-	✓
Eastern Pygmy Possum	<i>Cercatus nanus</i>	V	✓	-	-	x	marginal	✓	x	unlikely	✓
Yellow-bellied Glider	<i>Petaurus australis</i>	V	✓	-	-	x	marginal	x	✓	unlikely	✓
Squirrel Glider	<i>Petaurus norfolcensis</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Greater Glider	<i>Petaurides volans</i>	-	-	V	✓	x	marginal	x	✓	Not likely	x
Rufous Bettong	<i>Aepyprymnus rufescens</i>	V	✓	-	-	x	x	-	-	x	x
Long-nosed Potoroo	<i>Potorous tridactylus</i>	V	-	V	✓	x	marginal	x	x	Not likely	x
Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>	E	-	V	✓	x	x	-	-	x	x
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	V	✓	V	✓	✓	-	-	-	-	✓
Common Blossom-bat	<i>Syconycteris australis</i>	V	✓	-	-	x	marginal	x	✓	low	✓
Yellow-bellied Sheath-tail-bat	<i>Saccolaimus flaviventris</i>	V	✓	-	-	x	✓	x	✓	Not likely	x
Eastern Coastal Free-tailed Bat	<i>Micronomus norfolkensis</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Large-eared Pied Bat	<i>Chalinolobus dwyeri</i>	V	-	V	✓	x	marginal	x	x	Not likely	x

Common name	Scientific name	BC Act		EPBC Act		Recorded on site	If not recorded on site				Considered in test of significance (Appendix 3)
		State Status	Bionet (10km)	National Status	PMST (10km)		Suitable habitat present	Nearby and / or many record(s)	Record(s) from recent years	Potential to occur	
Golden-tipped Bat	<i>Kerivoula papuensis</i>	V	✓	-	-	x	x	-	-	x	x
Southern Myotis	<i>Myotis macropus</i>	V	✓	-	-	x	x	-	-	x	x
Greater Broad-nosed Bat	<i>Scoteanax rueppellii</i>	V	✓	-	-	x	✓	✓	x	✓	✓
Little Bent-winged Bat	<i>Miniopterus australis</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Large Bent-winged Bat	<i>Miniopterus orianae oceanensis</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Eastern Cave Bat	<i>Vespadelus troughtoni</i>	V	✓	-	-	x	✓	✓	✓	✓	✓
Eastern Chestnut Mouse	<i>Pseudomys gracilicaudatus</i>	V	✓	-	-	x	marginal	✓	✓	unlikely	✓
New Holland Mouse	<i>Pseudomys novaehollandiae</i>	-	-	V	✓	x	marginal	x	x	Not likely	x
Australian fritillary	<i>Argynnis hyperbius inconstans</i>	E	-	CE	✓	x	x	-	-	x	x
		V	Vulnerable								
		E / E1	Endangered								
		E4A / CE	Critically endangered								

Potential to occur

Unlikely	Represents a low margin to occur, but not enough to 100% rule it out. A test of significance is required.
Not likely	Means no real chance of occurring, despite there being potential habitat. A test of significance is not applied to these species.

A detailed assessment in accordance with Section 1.7 of the *EPA Act* will be completed for species with considered potential to occur (refer to Appendix 3)

Table 8 provides an assessment of potential habitat within the study area for nationally *protected* migratory fauna species recorded within 10km on the *EPBC Act* Protected Matters Tool. Nationally *threatened* migratory species are instead considered above in Table 7.

Table 8 – Protected migratory bird habitat assessment (Appendix 2)

Common name Scientific name	Preferred habitat Migratory breeding	Suitable habitat present	Recorded on site	Comments
Oriental Cuckoo (<i>Cuculus optatus</i>)	Mainly inhabits forests, occurring in coniferous, deciduous and mixed forest. It feeds mainly on insects and their larvae, foraging for them in trees and bushes as well as on the ground.	x	-	-
White-throated Needletail (<i>Hirundapus caudacutus</i>)	Airspace over forests, woodlands, farmlands, plains, lakes, coasts, towns; companies often forage along favoured hilltops and timbered ranges. <i>Breeds Siberia, Himalayas, east to Japan. Summer migrant to eastern Australia.</i>	✓	x	No likely impact
Fork-tailed Swift (<i>Apus pacificus</i>)	Aerial: over open country, from semi-arid deserts to coasts, islands; sometimes over forests, cities. Breeds Siberia, Himalayas, east to Japan south east Asia. Summer migrant to east Australia. Mass movements associated with late summer low pressure systems into east Australia. Otherwise uncommon.	✓	x	No likely impact
Black-faced Monarch (<i>Monarcha melanopsis</i>)	Rainforests, eucalypt woodlands; coastal scrubs; damp gullies in rainforest, eucalypt forest; more open woodland when migrating. <i>Summer breeding migrant to coastal south east Australia, otherwise uncommon.</i>	x	-	-
Spectacled Monarch (<i>Monarcha trivirgatus</i>)	Understorey of mountain / lowland rainforest, thickly wooded gullies, waterside vegetation, mostly well below canopy. <i>Summer breeding migrant to south-east Qld and north-east NSW down to Port Stephens from Sept / Oct to May. Uncommon in southern part of range.</i>	x	-	-
Satin Flycatcher (<i>Myiagra cyaneleuca</i>)	Heavily vegetated gullies in forests, taller woodlands, usually above shrub-layer; during migration, coastal forests, woodlands, mangroves, trees in open country, gardens. <i>Breeds mostly south-east Australia and Tasmania over warmer months, winters in north east Qld.</i>	x	-	-
Rufous Fantail (<i>Rhipidura rufifrons</i>)	Undergrowth of rainforests / wetter eucalypt forests / gullies; monsoon forests, paperbarks, sub-inland and coastal scrubs; mangroves, watercourses; parks, gardens. On migration, farms, streets buildings. <i>Breeding migrant to south-east Australia over warmer months. Altitudinal migrant in north-east NSW in mountain forests during warmer months.</i>	x	-	-
Swinhoe's Snipe (<i>Gallinago megala</i>)	During the non-breeding season Swinhoe's Snipe occurs at the edges of wetlands, eg. wet paddy fields, swamps and freshwater streams. Also known in grasslands, drier cultivated areas and market gardens. Habitat specific to Australia includes the dense clumps of grass and rushes around the edges of fresh and brackish wetlands. This includes swamps, billabongs, river pools, small streams and sewage ponds. <i>Breeds in central Siberia and Mongolia and moving south for the boreal winter.</i>	x	-	-
Pin-tailed Snipe (<i>Gallinago stenura</i>)	During non-breeding period the Pin-tailed Snipe occurs most often in or at the edges of shallow freshwater swamps, ponds and lakes with emergent, sparse to dense cover of grass/sedge or other vegetation. The species is also found in drier, more open wetlands such as claypans in more arid parts of species' range. It is also commonly seen at sewage ponds; not normally in saline or inter-tidal wetlands. <i>Breeds in Russia. Australian distribution is not well understood. There are confirmed records from NSW, with a single banded bird reported near West Wyalong.</i>	x	-	-
Latham's Snipe (<i>Gallinago hardwickii</i>)	Soft wet ground or shallow water with tussocks and other green or dead growth; wet parts of paddocks; seepage below dams; irrigated areas; scrub or open woodland from sea-level to alpine bogs over 2,000m; samphire on saltmarshes; mangrove fringes. <i>Breeds Japan. Regular summer migrant to Australia. Some overwinter.</i>	x	-	-
Bar-tailed Godwit (<i>Limosa lapponica</i>)	The Bar-tailed Godwit is found mainly in coastal habitats such as large intertidal sandflats, banks, mudflats, estuaries, inlets, harbours, coastal lagoons and bays. It is found often around beds of seagrass and, sometimes, in nearby saltmarsh.	x	-	-
Common Greenshank (<i>Tringa nebularia</i>)	Found in a wide variety of inland wetlands and sheltered coastal habitats (with large mudflats and saltmarsh, mangroves or seagrass) of varying salinity. Habitats include embayments, harbours, river estuaries, deltas and lagoons. It uses both permanent and ephemeral terrestrial wetlands, including swamps, lakes, dams, rivers, creeks, billabongs, waterholes and inundated floodplains, claypans and saltflats. In NSW the Hunter River estuary has been identified as a site of international importance. <i>Breeds in Eurasia, the northern British Isles, Scandinavia, east Estonia and north-east Belarus, through Russia and east.</i>	x	-	-

Appendix 3 Test of Significance

Flora and fauna survey and habitat assessments of the study area have resulted in the identification of suitable habitat for the following threatened biodiversity that was recorded present or considered otherwise with varying potential to occur. The potential for any direct or indirect impacts on species has been considered and noted.

Table 9 – Threatened fauna impact summary (Appendix 3)

Common name	BC Act	Potential to occur	Potential habitat impact
Koala	V	recorded	Direct – on available 'low use' foraging and potential core habitat
Grey-headed Flying-fox	V	recorded	Direct – on seasonally available foraging habitat
Square-tailed Kite	V	✓	Direct – on low potential foraging habitat
Little Lorikeet	V	✓	Direct – on seasonally available foraging habitat
Powerful Owl	V	✓	Direct – on potential urban foraging habitat
Brush-tailed Phascogale	V	✓	Direct – on low potential fringing urban habitat
Squirrel Glider	V	✓	Direct – on seasonally available foraging habitat
Eastern Coastal Free-tailed Bat	V	✓	Direct – on foraging airspace habitat
Greater Broad-nosed Bat	V	✓	Direct – on foraging airspace habitat
Little Bent-winged Bat	V	✓	None anticipated
Large Bent-winged Bat	V	✓	None anticipated
Eastern Cave Bat	V	✓	Direct – on foraging airspace habitat
White-bellied Sea Eagle	V	low	Direct – on low potential foraging habitat
Little Eagle	V	low	Direct – on low potential foraging habitat
Swift Parrot	E	low	Direct – on low potential winter foraging habitat
Masked Owl	V	low	Direct – on low potential foraging habitat
Regent Honeyeater	E4A	low	Direct – on low potential winter foraging habitat
Varied Sittella	V	low	Direct – on low potential foraging habitat
Dusky Woodswallow	V	low	Direct – on low potential foraging habitat
Common Planigale	V	low	Direct – on low potential fringing urban habitat
Common Blossom-bat	V	low	Direct – on low potential seasonally available foraging habitat
Eastern Osprey	V	unlikely	Indirect – on unlikely foraging habitat
Spotted-tailed Quoll	V	unlikely	Direct – on unlikely potential fringing urban habitat
Eastern Pygmy Possum	V	unlikely	Direct – on unlikely potential fringing urban habitat
Yellow-bellied Glider	V	unlikely	Direct – on unlikely potential fringing urban habitat
Eastern Chestnut Mouse	V	unlikely	Direct – on unlikely potential fringing urban habitat

Endangered populations

- *Seringia denticulata* in the Hawkesbury local government area.

Threatened ecological communities

- None

BC ACT 2016 - SECTION 7.3 - TEST OF SIGNIFICANCE

As outlined in Section 7.2 of the *BC Act* development or an activity is *likely to significantly affect threatened species* if:

- (a) It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3, or
- (b) The development exceeds the threshold if the BOS applies to the impacts of the development on biodiversity values, or
- (c) It is carried out in a declared area of outstanding biodiversity value.

With respect to (a) above, and outlined in Section 7.3 of the *BC Act*, the following *test of significance* is a set of five main considerations, with sub-considerations for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats.

- a) In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

The direct and indirect impacts of the proposal are considered within Section 5.2.

With consideration to the relative direct and indirect impacts on all threatened species with varying potential to occur, it is considered that the proposal is unlikely to disrupt the life cycle for any of these listed species such that a viable local population would be placed at risk of extinction. Species recorded present during survey, previously recorded nearby or with high potential to occur and requiring further discussion given potential impacts are further discussed in detail below.

Summary of threatened species recorded

Koala (*Phascolarctos cinereus*)

Background - Koalas occupy both forest and woodland communities that contain a canopy cover of between 10 and 70%, provided that the suitable eucalypt feed tree species are present (Reed et al. 1990). The home range of koalas varies according to the quality of habitat and number of available food trees, more so than food tree density. Studies in Port Stephens have recorded home range sizes between 0.2-500ha, with an average of 80-90ha, considering also that males tend to occupy larger areas.

Koala populations on the NSW North Coast are scattered, of medium density and predominantly occupy secondary (class A) habitat (DECC 2008). Some localised areas of primary habitat remain which support high-density populations. Habitat fragmentation is generally moderate to high and re-colonisation of some areas of primary habitat has been prevented by the creation of barriers to movement, including clearing, roads and urban development. Threats, in particular increasing urbanisation and associated factors such as roads and dogs, are extreme.

Impact on habitat - The proposed subdivision and development will seek to remove six mature trees including five (5) Scribbly Gum (*Eucalyptus signata*) and one (1) Red Bloodwood (*Corymbia gummifera*). These trees are part of the Scribbly Gum – Bloodwood

Heathy Woodland vegetation community that continues in the southern portions of the adjacent Community Hall Reserve to the immediate east. This community is not a threatened community and is otherwise well represented in the locality. The remaining northern portions of the reserve containing Fern-leaved Banksia – Black Sheoak Headland Shrubland is of little likely significance to Koala containing no notable feed tree resources.

Recording - Koala was recorded from response to call-playback to a 'probable' level of certainty during survey of the subject lot and adjacent study area extending into Community Hall Reserve to the east. This call was very distant and difficult to confirm due to the competing sound of the waves breaking in the same direction. The study area was limited to the Community Hall Reserve and the Koala call appeared to come from the other side of Ocean Drive within a reserve that extended to the beach further east. No Koalas were recorded by observation within the subject lot or the Community Hall Reserve at the time of diurnal and nocturnal survey on the 19th November 2020.

It was noted that a small stand of Swamp Mahogany (*Eucalyptus robusta*) is present in the eastern extent of the Community Hall Reserve to the north of the tennis courts. These are also likely present amongst the Broad-leaved Paperbark community on the other side of Ocean Drive. Although difficult to access due to fragmentation of the local road network, Koala would be expected to at least periodically utilise the available habitat area supporting this primary feed tree species. Koala is known in the locality and expected to periodically utilise the reserve (as evidenced from Bionet records).

General survey findings - The Spot Assessment Technique (Phillips & Callaghan 2008) was applied to the six trees subject to removal within the fenced confines of the subject lot, as well as to the remaining twenty-four trees located closest to these within the adjacent reserve. No koala scats were recorded within the SAT. Whilst the SAT may be applied as a tool to determine presence / absence it is fundamentally a tool to determine activity levels within Koala habitat areas. No recorded scats falls within the 'low use' range, therefore the level of use by Koala interpreted by the SAT application is likely to be 'transitory'. The technique recognises also that 'low' activity levels recorded in what might otherwise be med-high carrying capacity habitat may be a result of contemporary population dynamics, landscape configuration and/or historical disturbances including urban development.

Several scratches were observed on the smooth-barked trunks indicating use by Common Brushtail Possum and possibly previous use by Koala. The high use of these trees is evident by regular climbing lines on old bark plates and a few scratches on new bark from this year. Numerous old bark scratches and pock marks, whilst consistent with Koala, are expected to be mostly from Common Brushtail Possum for reasons explained in Section 3.2. Also, two Common Brushtail Possum scats were collected within the yard as part of the SAT survey.

Of note, is a barking dog within the recently developed property to the immediate north, which barked for the entire survey period within the lower portions of the subject lot. The subject lot, whilst suitably fenced, does not contain any dogs; if present these may further detract Koala from site use.

Policy for consideration - The subject lot is not required to be considered under State Environmental Planning Policy 44 – Koala Habitat Protection. *Eucalyptus signata* is listed as one of ten feed tree species under this policy such that the subject lot would be considered 'potential Koala habitat'. Survey results would however not conclude the site to contribute to 'core Koala habitat'.

The subject lot is also not required to be considered under the Draft Port Macquarie-Hastings Draft Coastal Koala Plan of Management (PMH-CKPoM). The PMH-CKPoM outlines one Scribbly Gum as a feed tree, this was not the recorded *Eucalyptus signata* but rather

Eucalyptus racemosa. The site is potentially mapped as Core Koala Habitat under the PMH-CKPoM, in this case the tree removal would need to be compensated by an area compensation calculation.

The Recovery Plan for Koala (DECC 2008) outlines six (6) primary, thirteen (13) secondary and five (5) supplementary food tree species within the North Coast Koala Management Area, none of these are Scribbly Gums.

Population considerations - A local known Koala population exists within Bonny Hills that would periodically utilise the Community Hall Reserve as part of dispersal and movement, extended home ranges and perhaps core use habitat. With this, it is also recognised that Koala could utilise the trees on occasion over the fence within the subject lot for foraging. It is understood that a Koala scat was recorded within the subject lot by council during a previous site inspection.

Assessment – This assessment is in consideration to the removal of six trees within the subject lot. These trees are located within a colourbond fenced yard area (see Photo below) such that climbing trees on either side of the fence, as well as the fence itself would be required to gain access for use. There is therefore potential for such use on occasion. However the removal of the six trees for the proposal is not likely to significantly impact on the local population, particularly such that it may place this population at risk of extinction. This is also evident from the absence of scats recorded during survey and the at most 'low use' habitat.



Photo 1: The six trees proposed for removal on the other side of colorbond fencing as seen from the adjacent reserve. Note: the house in the centre of view is the recently constructed neighboring property to the north that has since removed all trees that are shown on Figure 1. The trees within the subject lot in the left of view are the last remaining trees in this run of residential houses adjacent to the reserve.

Grey-headed Flying-fox (*Pteropus poliocephalus*)

Grey-Headed Flying-foxes are canopy feeding frugivores and nectarivores, inhabiting a wide range of habitats including rainforest, mangroves, paperbark forests, wet and dry sclerophyll forests and cultivated areas. This species roosts in camps, which may contain tens of thousands of individuals.

Camps are commonly formed in gullies, typically not far from water and usually in vegetation with a dense canopy (Tidemann 1998). Camps can be found in riparian rainforest patches, Melaleuca stands, mangroves, riparian woodland or modified vegetation in urban areas. Loyalty to a site is high and some camps in NSW have been used for over a century (NSW NPWS 2001). Some camps are used at the same time every year by hundreds of thousands of flying-foxes while others are used sporadically by a few hundred individuals (Strahan 1995). Generally foraging is within 20km of camps but individuals are known to commute up to 50km to a productive food source.

Grey-headed Flying-fox was observed in flight and observed and heard foraging within the adjacent Community Hall Reserve during nocturnal survey (refer to Figure 7 for approximate foraging location). The six trees within the development footprint provide seasonal foraging habitat for this species. Such habitat is otherwise well represented within the adjacent reserve and locality. The subject lot and immediate adjacent remaining natural habitats do not provide any diurnal roosting camp habitat and subsequent breeding habitat for this species. Foraging habitat is otherwise well represented in the surrounding locality such that removal of habitat will not significantly impact on a local population.

b) In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

i. Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Not applicable. The proposed development will not impact on any state listed endangered ecological community.

ii. Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Not applicable. The proposed development will not impact on any state listed endangered ecological community.

c) In relation to the habitat of threatened species or ecological community:

It is considered that the habitat attributes of the development footprint provide known or variable potential habitat for White-throated Needletail, White-bellied Sea Eagle, Little Eagle, Square-tailed Kite, Eastern Osprey, Little Lorikeet, Swift Parrot, Powerful Owl, Masked Owl, Regent Honeyeater, Varied Sittella, Dusky Woodswallow, Spotted-tailed Quoll, Brush-tailed Phascogale, Common Planigale, Koala, Eastern Pygmy Possum, Yellow-bellied Glider, Squirrel Glider, Grey-headed Flying-fox, Common Blossom-bat, Eastern Coastal Free-tailed Bat, Greater Broad-nosed Bat, Little Bent-winged Bat, Large Bent-winged Bat, Eastern Cave Bat and Eastern Chestnut Mouse.

Many of these species are considered based on local records but are considered unlikely to occur based on a managed habitat quality, fencing separation and fragmentation to extensive habitat areas.

- i. The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

The proposed development will involve the removal of six (6) native remnant trees that incorporate a total dripline area from combined canopies of approximately 610m² providing habitat for the aforementioned species. The remaining understorey is a managed and landscaped backyard.

- ii. Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*

The trees proposed for removal are at the outer extent of native vegetation on the perimeter of a local Council reserve known as Community Hall Reserve. There is also canopy separations between these trees and the reserve trees therefore canopy connectivity is limited. The trees to be removed therefore do not contribute to passage / connectivity towards other conservation habitat areas elsewhere and removal will therefore not otherwise further fragment or isolate habitat for threatened species with potential to occur.

- iii. The importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality*

In respect to threatened fauna species recorded or with potential to occur the proposed area of impact is not likely of high quality, of any breeding importance or central to the home range requirements of any species such that behaviour or ecology of these species will be significantly altered in any way.

There are no EECs impacted as part of the proposal and the impact areas do not provide any potential habitat for threatened flora species.

- d) Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

The subject lot is not within any declared area of outstanding biodiversity value.

- e) Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

A key threatening process is defined as a process that threatens, or could threaten, the survival or evolutionary development of species, populations or ecological communities.

The current list of key threatening processes, and whether the proposed activity is recognised as a threatening process, is shown below.

Table 10 – Key threatening processes (Appendix 3)

Listed key threatening process	Development potential		
	Likely	Possible	Unlikely
Aggressive exclusion of birds by Noisy Miners (<i>Manorina melanocephala</i>)			✓
Alteration of habitat following subsidence due to longwall mining			✓
Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands			✓
Anthropogenic Climate Change		✓	
Bushrock removal			✓
Clearing of native vegetation	✓		
Competition and habitat degradation by feral goats			✓
Competition and grazing by the feral European Rabbit (<i>Oryctolagus cuniculus</i>)			✓
Competition from feral honeybees			✓
Death or injury to marine species following capture in shark control programs on ocean beaches			✓
Entanglement in, or ingestion of anthropogenic debris in marine and estuarine environments			✓
Forest Eucalypt dieback associated with over-abundant psyllids and bell miners			✓
High frequency fire resulting in the disruption of life-cycle processes in plants and animals and loss of vegetation structure and composition			✓
Herbivory and environmental degradation caused by feral deer			✓
Importation of red imported fire ants into NSW			✓
Infection by <i>Psittacine circoviral</i> (beak and feather) disease affecting endangered psittacine species and populations			✓
Infection of frogs by amphibian chytrid causing the disease chytridiomycosis			✓
Introduction and establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae			✓
Infection of native plants by <i>Phytophthora cinnamomi</i>			✓
Introduction of the large earth bumblebee (<i>Bombus terrestris</i>)			✓
Invasion and establishment of exotic vines and scramblers			✓
Invasion and establishment of Scotch Broom (<i>Cytisus scoparius</i>)			✓
Invasion and establishment of the Cane Toad (<i>Bufo marinus</i>)			✓
Invasion, establishment and spread of <i>Lantana camara</i>			✓
Invasion of native plant communities by bitou bush & boneseed <i>Chrysanthemoides monilifera</i>			✓
Invasion of native plant communities by exotic perennial grasses		✓	
Invasion of native plant communities by African Olive (<i>Olea europaea</i> subsp. <i>cuspidata</i>)			✓
Invasion of the Yellow Crazy Ant (<i>Anoplolepis gracilipes</i>)			✓
Loss of Hollow-bearing trees			✓
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants			✓
Loss and/or degradation of sites used for hill-topping by butterflies			✓
Predation and hybridisation by feral dogs (<i>Canis lupus familiaris</i>)			✓
Predation by the European Red Fox (<i>Vulpes vulpes</i>)			✓
Predation by the Feral Cat (<i>Felis catus</i>)		✓	
Predation by <i>Gambusia holbrooki</i> Girard, 1859 (plague minnow or mosquito fish)			✓
Predation by the Ship Rat (<i>Rattus rattus</i>) on Lord Howe Island			✓
Predation, habitat degradation, competition & disease transmission from Feral pigs (<i>Sus scrofa</i>)			✓
Removal of dead wood and dead trees	✓		

The above key threatening processes have been considered in reference to the proposal. It was considered that the proposal may contribute to a small degree to a number these processes as described below. It was not considered that the proposal will have a large or significant impact on any of the following key threatening processes. Some mitigation measures have been listed under each process to minimise or reduce such impacts upon those processes.

Summary of “likely” or “possible” Key Threatening Processes

This section identifies what mitigation measures can be implemented to address threatening processes.

Human-caused Climate Change

The proposal will require the removal of a small amount of vegetation which will result in a negative or positive contribution to climate change. Vegetation is considered to act as a sink for a range of greenhouse gases but in particular Carbon Dioxide. The maintenance of native vegetation cover is a key strategy to combat the contributing impacts of the proposed action on Climate Change. Increased risk of bushfire, flooding and storms are to be considered as part of the proposed action. Whilst almost insignificant in size, the proposal is part of the accumulative effect and thus should be considered as contributing to this threatening process. Native plant species planted within the remaining landscaping areas of the site may act as an offset to the otherwise loss of large trees and have therefore been recommended in Section 4.4.

Clearing of native vegetation

The proposal will remove six remnant native trees and therefore is a class of development recognised as a threatening process with respect to clearing of native vegetation. It is generally recommended that all sites should aim to achieve a maintain or improve outcome on the quality and quantity of native vegetation cover through protection and restoration measures. Offsetting the loss of native trees is to be considered through native landscaping works. The removal of native vegetation on the development footprint is not likely to significantly affect the biodiversity of the local area due to the extent of these tree species and better quality natural vegetation within the local area and the small area of vegetation to be removed.

Invasion of native plant communities by exotic perennial grasses

The proposal is of a class of development recognised as a threatening process due to possible incursions of grasses such as *Pennisetum clandestinum* (Kikuyu) into the adjacent reserve. This reserve is already subject to such edge effects. It is therefore recommended that native ground covers be utilised as part of the future landscaping works and weed control is applied to reduce spread and establishment of exotic perennial grasses into remnant native vegetation.

*Predation by feral cat (*Felis catus*)*

The proposed development may alter impacts on adjoining lands by increasing the numbers of domestic cat ownership and as such the action proposed may increase the impact of this threatening process.

Removal of dead wood and dead trees

The proposal will require the removal of deadwood within existing trees and as such is of a class of development recognised as a threatening process. Threatened fauna species with potential habitat within the development footprint and likely dependent on dead wood or dead trees include Varied Sittella, Dusky Woodswallow, Spotted-tailed Quoll, Brush-tailed Phascogale and Common Planigale. These species have not been recorded and are unlikely to occur within the subject lot itself, however the Brush-tailed Phascogale has been recorded in the adjacent reserve.

Given the low quality habitat associated with deadwood and dead trees present within the development areas, the removal of dead wood and dead trees is not considered likely to impact on threatened species or the biodiversity of the local area.

It is however recommended that deadwood habitat recovered from the development footprint is relocated into the adjacent reserve under permission from Council. This is also given that such fragmented reserves on the edges of urban landscapes are often depleted of naturally occurring deadwood due to illegal collection of firewood.

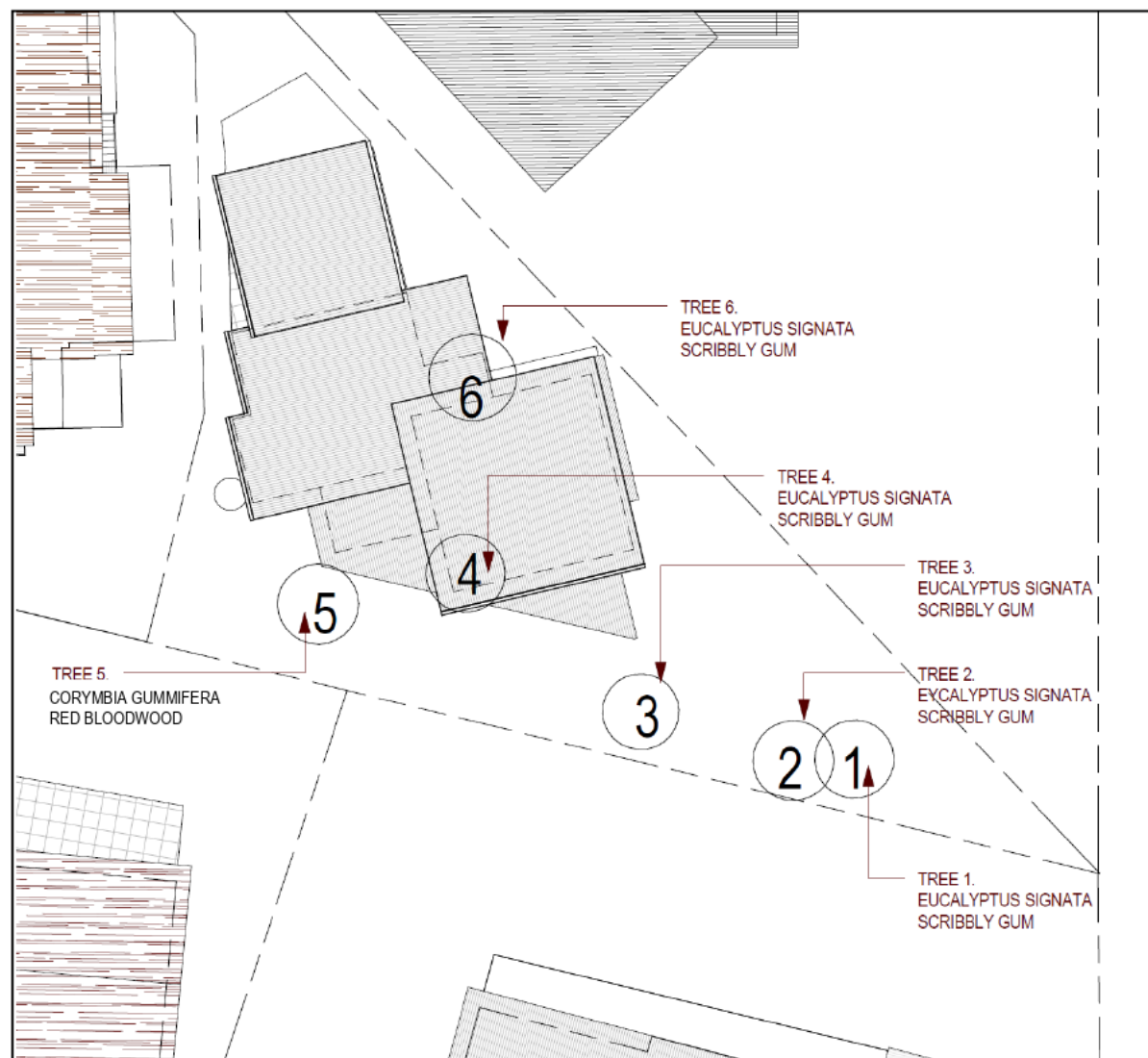
Appendix 4 Summary Tree Health Assessment

RAPID TREE HEALTH ASSESSMENT

This summary tree assessment of the six trees proposed for removal is not in replacement of a Tree Assessment Report but rather to demonstrate the following:

- The healthiest tree (No. 6) is located closest to the existing houses which is also within 10m of the newly constructed house to the north.
- The three trees located both outside and furthest from the development footprint (Nos. 1, 2 & 3) all carry the poorest SULE ratings and could generally be recommended for removal in the absence of a development proposal to protect the neighbouring residence over the fence to the south. Of these, Nos 1 & 3 have a declining health and low life expectancy and carry existing foliage dieback and deadwood. This deadwood may cause damage to existing neighboring structures. Tree No 2 is in between these and has a twisted canopy due to the suppression from trees 1 & 2.
- The remaining Tree No 5, whilst having a relatively good life expectancy, has a slight downslope lean and tilted canopy towards the south. With this unbalanced canopy, in the event of failure would damage the neighbouring house.

Tree Ref No.	Species	Common Name	DBH (cm)	Health (%)	SULE	Comments
1	Eucalyptus signata	Scribbly Gum	42	50	4d	Cambium damage from fungal or insect attack up trunk mainly to secondary branches. Foliage dieback. Numerous old bark scratches.
2	Eucalyptus signata	Scribbly Gum	43	65	3c	Suppressed above by neighboring trees and subsequent twisted canopy folding to north & south. Small deadwood
3	Eucalyptus signata	Scribbly Gum	62	20	4b	Tree is dying. Much deadwood present. Tree hangs out over neighbouring house to the south.
4	Eucalyptus signata	Scribbly Gum	59	65	3c	Suppressed narrow canopy from (located between) trees No. 5 & 6. Subsequent reduced foliage. Noted dieback and deadwood branches.
5	Corymbia gummifera	Red Bloodwood	46	85	2b	Leans south over neighbouring lot and house. Kino present on trunk indicating non-glider injury. Tilted unbalanced canopy.
6	Eucalyptus signata	Scribbly Gum	61	95	1a	Good shape / height / condition. Fresh possum scratches observed on new bark.



1: Long SULE: Trees that appeared to be retainable at the time of assessment for more than 40 years with an acceptable level of risk.

- (a) Structurally sound trees located in positions that can accommodate future growth.
- (b) Trees that could be made suitable for retention in the long term by remedial tree care.
- (c) Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long term retention.

2: Medium SULE: Trees that appeared to be retainable at the time of assessment for 15–40 years with an acceptable level of risk.

- (a) Trees that may only live between 15 and 40 more years.
- (b) Trees that could live for more than 40 years but may be removed for safety or nuisance reasons.
- (c) Trees that could live for more than 40 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
- (d) Trees that could be made suitable for retention in the medium term by remedial tree care.

3: Short SULE: Trees that appeared to be retainable at the time of assessment for 5–15 years with an acceptable level of risk.

- (a) Trees that may only live between 5 and 15 more years.
- (b) Trees that could live for more than 15 years but may be removed for safety or nuisance reasons.
- (c) Trees that could live for more than 15 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
- (d) Trees that require substantial remedial tree care and are only suitable for retention in the short term.

4: Remove: Trees that should be removed within the next 5 years.

- (a) Dead, dying, suppressed or declining trees because of disease or inhospitable conditions.
- (b) Dangerous trees because of instability or recent loss of adjacent trees.
- (c) Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.
- (d) Damaged trees that are clearly not safe to retain.
- (e) Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
- (f) Trees that are damaging or may cause damage to existing structures within 5 years.
- (g) Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).
- (h) Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.



Appendix 5

Koala – experience / qualifications



COREY MEAD

KOALA EXPERIENCE

Address: 3 Rysdyk Pde, Wamberal NSW 2260
 ACN: 644 302 796
 Mob: 0401 557 882
 Email: corey@treehouseecology.com.au
 Website: www.treehouseecology.com.au

Over 15 years' experience in undertaking fauna surveys and preparing habitat and impact assessment reports for threatened biodiversity and 25 years' working generally with wildlife.



RELEVANT SKILLS / EXPERIENCE

- Remote and independent terrestrial vertebrate surveys incorporating target Koala methods for 14 years.
- Koala Spot Assessment Technique (random / grid based / rapid) under initial guidance from Dr Steve Phillips (*Biolink*).
- Kaleidoscope Pro song-meter clustering & classifier analysis, preparation of Koala call recogniser files.
- General survey techniques - spotlighting, call-playback, scat / scratch searches & surveillance cameras.

RECORDED KOALA SURVEYS

- 2007/8 – Hallidays Point - Residential subdivision. Koala activity surveys, habitat mapping and KPoM criteria.
- 2008/9 – Red Head - Rural subdivision - Koala activity and habitat use for rezoning & subdivision assessment.
- 2010 – Glenning Valley - Rezoning. Koala surveys with Dr Stephen Phillips applying SATs under 1st grid layout.
- 2010 – Sallys Flat / Hill End. Target Koala surveys and habitat constraints assessment for 1500 ha subdivision.
- 2010 – Smiths Lake - Residential subdivision. Koala activity surveys, habitat mapping and assessment.
- 2013 – Appin - Target Koala surveys for both rezoning assessment and offset site presence/activity levels.
- 2014 – Airds - Rezoning. Presence/activity surveys and assessment.
- 2014 – Smiths Lake - Residential development. Koala activity surveys and assessment.
- 2017 – Minto - Rezoning. Presence/activity surveys and assessment.
- 2018 – Appin - Target Koala surveys and refinement of grids to determine activity areas and use trees.
- 2018 – Gilead - Constraints assessment. Koala presence/activity surveys and habitat use constraints mapping.
- 2019 – Port Stephens - Middle Rock camping area Koala presence survey.
- 2020 – Airds - KAR for shopping centre expansion development. Land & Environment Court.
- 2020 – Port Macquarie Base Hospital - Target Koala survey and analysis of habitat use for advice.



COREY MEAD

KOALA EXPERIENCE

EDUCATION / QUALIFICATIONS

- Southern Cross University – B App. Sc 1994.
- BAM Accredited Assessor (BAAS.19050).
- Accredited Biobanking Assessor (No.231).
- NPWS Scientific Licence No. SL100848.
- ACEC Animal Research Authority.
- Tree climbing techniques.

RELEVANT EMPLOYMENT HISTORY

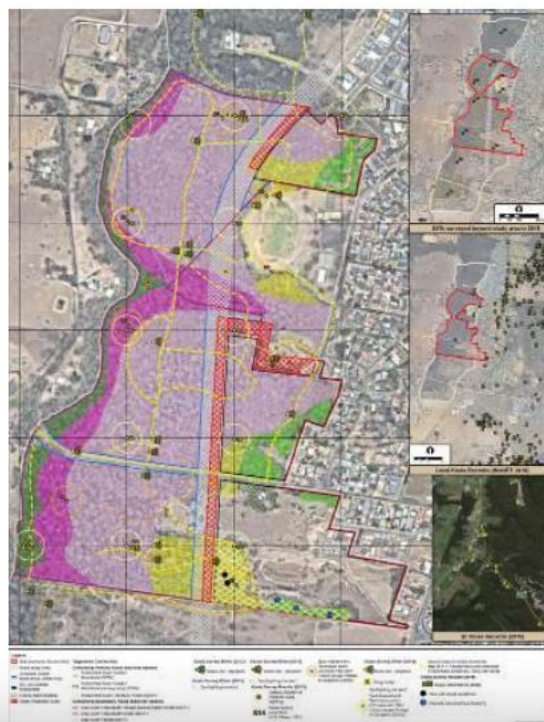
- Nov 2020 – Present – Principal Ecologist – TreeHouse Ecology – KARs / surveys and assessment
- Oct 2007 – Nov 2020 – Senior Fauna Ecologist – Travers Bushfire & Ecology – KARs / surveys and assessment
- Feb 2003 – Jan 2006 – Head Keeper – Australian Reptile Park – Keep Koalas and coordinate collection of leaves

PHONE REFEREES

- | | | |
|-------------------|--|----------------|
| • John Travers | - Director <i>Travers Bushfire & Ecology</i> | - 0418 630 048 |
| • Elizabeth Ashby | - Director <i>Keystone Ecology</i> | - 0418 680 566 |
| • Rochelle Lawson | - Senior Ecologist Central Coast Council | - 0429 124 316 |

CASE STUDY - APPIN

The Georges River Koala population occurs in areas of low soil fertility. Subsequent to this the region has a low carrying capacity to support Koala activity. They can be extra difficult to locate with females occupying a home range of approx 50ha and males up to 100 ha. Target grid based Koala surveys were undertaken to review the extents of use and activity levels within a 58 ha rezoning site at Appin containing just over 50 ha of forest and woodland vegetation. SAT points recorded varying activity ratings assisting in determining habitat use areas. It was also suspected that the primary feed tree species Forest Red Gum in other locations within the state and located within much of the proposed development footprint, were of lesser local value compared to Grey Gums and Blue-leaved Stringybark. Therefore SATs also recorded additional data on scratches on these trees (which may last longer than scats). This more long-term data was able to support regional findings by Koala experts *Biolink* and demonstrate how the proposed 34.9 ha of conserved areas were of greater value to Koalas and how activity had increased in the site between 2015 and 2018.



Appendix 6 EPBC significance assessment criteria

EPBC Act Significance Assessment Criteria

Under the *EPBC Act* an action will require approval from the Australian Government Environment Minister if the action has, will have, or is likely to have, a significant impact on a matter of national environmental significance. The following significant impact criteria were sourced from the *EPBC Act* Policy Statement 1.1 (May 2006):

CRITICALLY ENDANGERED AND ENDANGERED SPECIES

Significant impact criteria

An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will:

- Lead to a long-term decrease in the size of a population;
- Reduce the area of occupancy of the species;
- Fragment an existing population into two or more populations;
- Adversely affect habitat critical to the survival of a species;
- Disrupt the breeding cycle of a population;
- Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;
- Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat;
- Introduce disease that may cause the species to decline; or
- Interfere with the recovery of the species.

>> What is a population of a species?

A 'population of a species' is defined under the *EPBC Act* as an occurrence of the species in a particular area. In relation to critically endangered, endangered or vulnerable threatened species, occurrences include but are not limited to:

- a geographically distinct regional population, or collection of local populations; or
- a population, or collection of local populations, that occurs within a particular bioregion.

>> What is habitat critical to the survival of a species or ecological community?

'Habitat critical to the survival of a species or ecological community' refers to areas that are necessary:

- For activities such as foraging, breeding, roosting, or dispersal;
 - For the long-term maintenance of the species or ecological community (including the maintenance of species essential to the survival of the species or ecological community, such as pollinators);
 - To maintain genetic diversity and long term evolutionary development; or
 - For the reintroduction of populations or recovery of the species or ecological community.
- Such habitat may be, but is not limited to: habitat identified in a recovery plan for the species or ecological community as habitat critical for that species or ecological community; and/or habitat listed on the Register of Critical Habitat maintained by the Minister under the *EPBC Act*.

VULNERABLE SPECIES**Significant impact criteria**

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

- lead to a long-term decrease in the size of an important population of a species;
- reduce the area of occupancy of an important population;
- fragment an existing important population into two or more populations;
- adversely affect habitat critical to the survival of a species;
- disrupt the breeding cycle of an important population;
- modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;
- result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat;
- introduce disease that may cause the species to decline; or
- interfere substantially with the recovery of the species.

>> What is an important population of a species?

An 'important population' is a population that is necessary for a species' long-term survival and recovery. This may include populations identified as such in recovery plans, and/or that are:

- Key source populations either for breeding or dispersal;
- Populations that are necessary for maintaining genetic diversity; and/or
- Populations that are near the limit of the species range.

CRITICALLY ENDANGERED AND ENDANGERED ECOLOGICAL COMMUNITIES**Significant impact criteria**

An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:

- Reduce the extent of an ecological community;
- Fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines;
- Adversely affect habitat critical to the survival of an ecological community;
- Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns;
- Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting;
- Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:
 - assisting invasive species, that are harmful to the listed ecological community, to become established; or
 - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community; or
- Interfere with the recovery of an ecological community.

MIGRATORY SPECIES

Significant impact criteria

An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:

- Substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species;
- Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or
- Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

>> What is important habitat for a migratory species?

An area of 'important habitat' for a migratory species is:

- a) Habitat utilised by a migratory species occasionally or periodically within a region that supports an ecologically significant proportion of the population of the species; and/or
- b) Habitat that is of critical importance to the species at particular life-cycle stages; and/or
- c) Habitat utilised by a migratory species which is at the limit of the species range; and/or
- d) Habitat within an area where the species is declining.

>> What is an ecologically significant proportion?

Listed migratory species cover a broad range of species with different life cycles and population sizes. Therefore, what is an 'ecologically significant proportion' of the population varies with the species (each circumstance will need to be evaluated). Some factors that should be considered include the species' population status, genetic distinctiveness and species specific behavioural patterns (for example, site fidelity and dispersal rates).

>> What is the population of a migratory species?

'Population', in relation to migratory species, means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries including Australia.

Appendix 7 Site Photos

Site Photos







Steven Ford
Development Assessment Planner
Port Macquarie – Hastings Council
29th July 2020

Dear Steven,

Below is the response to concerns raised by the occupants of 7 Kiah Place, to the proposed development at 5 Kiah Place, Bonny Hills, DA 2020/430. As requested in your email dated 28 July 2020.

The proposed residence was designed to have minimal impact on the adjoining properties. The split-level design enables the building to sit low on the block following the natural ground level. Living areas have been located on the lower floor and on the southern side of the property to gain as much separation as possible from adjoining neighbours. Windows have been positioned, and sill heights determined with consideration for privacy as well as solar access. As demonstrated below, the floor area, height and footprint are well below the maximums permissible by the DCP and zoning requirements.

- Density and crowding.
- Site suitability

Regarding density, overcrowding and site suitability, the proposed development complies with all Zoning and Development Control Plan requirements as follows.

*Port Macquarie-Hastings Development Control Plan 2013
Chapter 3.2 Low Density Residential Development.*

3.2.2.2 Minimum street setback required is 6m

Proposed residence has a setback to Kiah Place of 24.5m

3.2.2.3 Minimum street setback required for carparking is 7m

Street setback to proposed carport is 17.5m

3.2.2.4 Minimum rear setback has been provided

3.2.2.5 Minimum side setbacks have been provided

3.2.2.6 Minimum private open space required 35sqm.

Proposed private open space 157sqm

KAREN BURKE ARCHITECT: ABN 98 704 584 327. BSC. (ARCH). B. ARCH. NSW ARB 5156. A.A.I.A.
7/66 CLARENCE STREET, P.O. BOX 877, PORT MACQUARIE, NSW, 2444.
PO BOX 4015. WAGSTAFFE. NSW. 2257. Ph. 0414 907782. karen@karenburkearchitect.com.au

Zoning requirements for R1 (Residential 1)

Maximum building height requirement of 8.5m.

Proposed building height 6.4m

Maximum floor area = 65% site area

Floor area proposed = 28% site area

Minimum lot size 450sqm

Lot size proposed 482.7

- **Side boundary location**

The common boundary to 5 and 7 Kiah Place has been surveyed and pegged by Scott Ritter Surveyor of Beuker and Ritter Consulting. The existing fence and letterbox are not on the boundary, so will be removed. A new letterbox and fence will be constructed in accordance with the correct boundary location.

- **Privacy concerns of proposed east facing windows overlooking adjoining living areas and private open space.**

In built up residential areas, elevated homes constructed on sloping blocks generally overlook adjacent properties. As does 7 Kiah Place, which currently overlooks the private open space (northern deck) and the vast majority of the back yard of 5 Kiah Place, and will also overlook the private open space of the proposed development.

Taking this into account, the proposed low, split-level design significantly reduces the potential loss of privacy to all neighbours, thus low use rooms, such as bedrooms, bathrooms etc are on the upper level, and living areas are located on the lower levels.

Images 1 and 2, attached, demonstrate the view of #7's private open space and pool area, from the proposed eastern windows of Bed 1.

Image 3 depicts the view of the proposed residence from the pool area of #7.

Image 4 shows the view to #7 from the eastern window of the proposed Dining room, on the lower level.

It is evident that there is a view of #7 from the southern section of Bed 1, due to its elevation. Even though this is a low use room, vertical blade screens have been added to the window, as drawn in image 2, to prevent any loss of privacy to the private open space of #7 from Bed 1.

As can be seen in image 4, there is no loss of privacy from the lower Dining room due to its reduced elevation and the height of the boundary fence.

- Validity of the Bush fire assessment compared to what they recently had to go through with their own property and minimum APZ to achieve BAL 29.

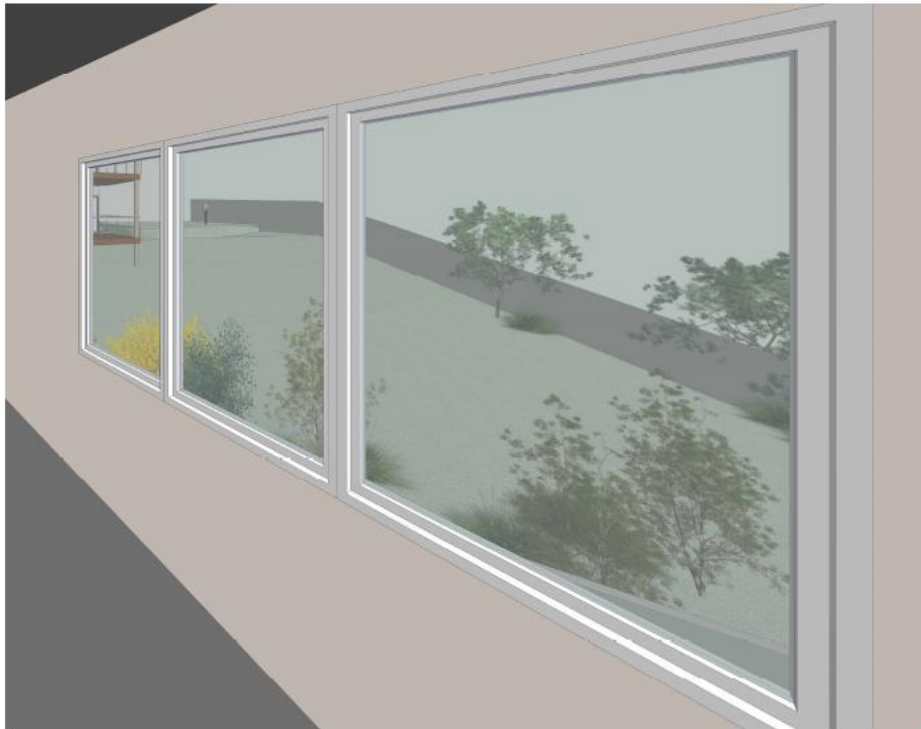
The bushfire assessment was carried out by Wayne Tucker of Australian Bushfire Consulting Services, which has been examined and approved by the NSW Rural Fire Service.

Wayne Tucker Managing Director – Australian Bushfire Consulting Services
Graduate Diploma - Design in Bushfire Prone Areas.
Certificate IV Fire Technology
Ass Dip Applied Science
FPA Australia BPAD Level 3 Accredited Practitioner
BPAD Accreditation No. BPAD9399

Trusting this has addressed the concerns of the occupants of 7 Kiah Place, raised in your email dated 28th July 2020. Please contact me if you require any further information or input.

Regards,

Karen Burke



1- VIEW FROM SOUTHERN END OF BED 1 TOWARD POOL OF 7 KIAH PLACE

2- VIEW AS ABOVE WITH PRIVACY SCREENS FITTED





3- VIEW OF PROPOSED RESIDENCE FROM POOL OF 7 KIAH PLACE

4- VIEW FROM DINING ROOM TOWARD POOL OF 7 KIAH PLACE



Developer Charges - Estimate

Applicants Name: Karen Burke Architect
 Property Address: 5 Kiah Place Bonny Hills
 Lot & Dp: Lot(s):6,DP(s):258215
 Development: DA 2020/430 - Torrens Title Subdivision and Constructions of Dwelling



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

Levy Area	Units	Cost	Estimate
1 Water Supply	0.8	\$10,270.00 Per ET	\$8,216.00
2 Sewerage Scheme Lake Cathie/Bonny Hills	1	\$3,896.00 Per ET	\$3,896.00
3 Since 1.7.04 - Major Roads - Lake Cathie/Bonny Hills - Per ET	1	\$5,921.00 Per ET	\$5,921.00
4 Since 31.7.18 - Open Space - Lake Cathie/Bonny Hills - Per ET	1	\$6,791.00 Per ET	\$6,791.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Lake Cathie / Bonny Hills	1	\$5,302.00 Per ET	\$5,302.00
6 Com 1.3.07 - Administration Building - All areas	1	\$917.00 Per ET	\$917.00
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	1	\$509.00 Per ET	\$509.00
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03		2.2% S94 Contribution	\$427.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$31,979.60

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

11-Jan-2021

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

Karen Burke Architect, 5 Kiah Place Bonny Hills, 11-Jan-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 09

Subject: DA2020 - 713.1 DWELLING AND SWIMMING POOL AT LOT 33 DP 31187, NO. 58 WATONGA STREET, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant:	Craig Teasdell Architect
Owner:	Reiter Nominees Pty Ltd
Estimated Cost:	\$1,750,000
Parcel no:	24859

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2020 - 713.1 for a dwelling and swimming pool at Lot 33, DP 31187, No. 58 Watonga Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following initial exhibition of the application, four (4) submissions were received.

The application was considered by the Development Assessment Panel on 25 November 2020 and was deferred with the following resolution:

'That DA 2020 - 713.1 for a dwelling and swimming pool at Lot 33, DP 31187, No. 58 Watonga Street, Port Macquarie, be deferred to enable the applicant an opportunity to amend plans so as to lower the building height and lessen the impact on views of the Lighthouse from adjoining properties.'

In response to the resolution, the applicant submitted revised plans on 7 December 2020. The revised plans result in a height reduction of 400mm in the north-eastern corner of the proposed dwelling.

The revised plans were provided to previous submitters on 8 December 2020 and further comments requested up until 6 January 2012. Three (3) additional responses were received in response to the amended plans.

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

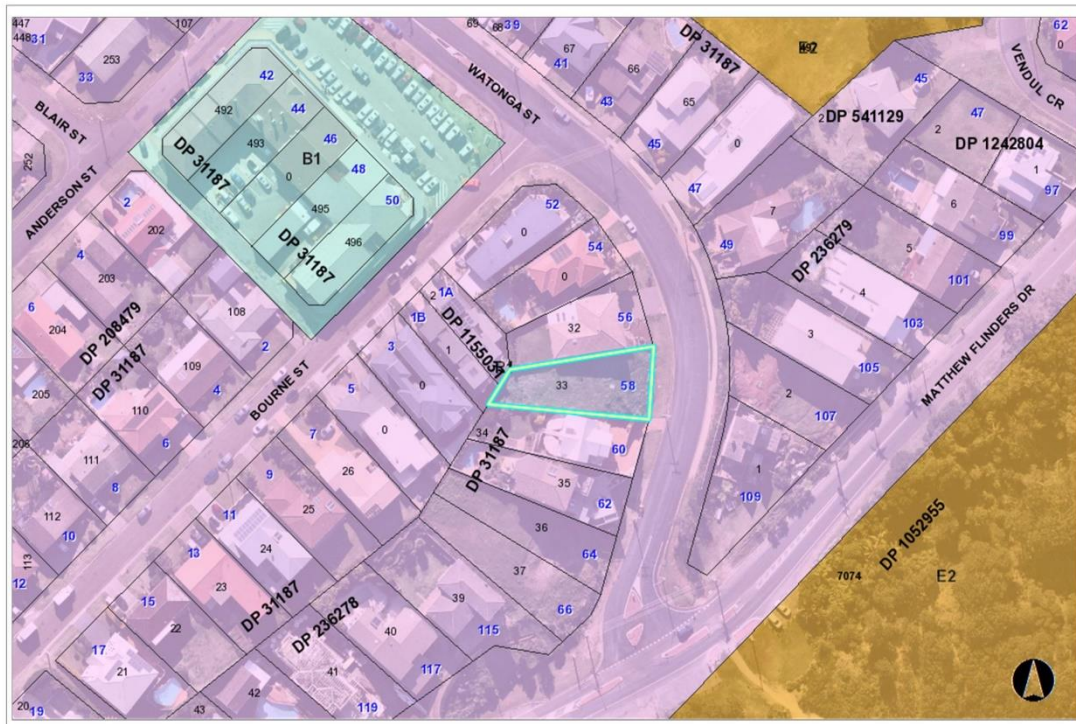
This report recommends that the development application be approved subject to the conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site is vacant and has an area of 569.1m². The site falls toward Watonga Street in two distinct sections. The first 7 metres within the boundary is quite significant at approximately 30 degrees. Beyond this point, the slope is approximately 10 degrees extending to the rear boundary.

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a new dwelling house and swimming pool

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

Application Chronology

- 1 September 2020 - Application lodged.
- 9 to 22 September 2020 - Public exhibition via neighbour notification.
- 23 September 2020 - Additional information request.
- 1 October 2020 - Additional information response.
- 7 October 2020 - Views inspected from at 1A Bourne Street.
- 9 October 2020 - Views inspected from 1B Bourne Street.
- 12 October 2020 - Views inspected from 2/3 Bourne Street.
- 16 October 2020 - Views inspected with applicant at 2/3 Bourne Street.
- 16 October 2020 - Views inspected from 56 Watonga Street.
- 16 October 2020 - Additional information request to applicant.
- 26 October 2020 - Additional information response and revised plans (change to roof window structure).
- 25 November 2020 - Deferred at Development Assessment Panel meeting.
- 7 December 2020 - Revised plans lodged.
- 8 December 2020 to 6 January 2021 - Comments sought from submitters on revised plans.

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

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

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

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

Clause 10 - The site is not under a Koala Plan of Management and the land has an area less than 1 hectare including adjoining land in the same ownership. The SEPP does not prevent the granting of consent on the land being less than 1 hectare in area. The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

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

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

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

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

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

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

Site inspection revealed exposed overhead power lines running along the western edge of Watonga Street. The ground floor terrace is setback some 5.8m from the front boundary and be well over 5m from the overhead lines. No referral to Essential Energy triggered.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling and ancillary swimming pool are a permissible landuse with consent.
 - Clause 2.3(2) - The objectives of the R1 zone are as follows:
 - *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
2. The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.

- Clause 4.3 - The proposed maximum overall height of the building above ground level is 8.45m and complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.72:1 and complies with the maximum 1:1 floor space ratio applying to the site.
- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			
DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone.	No building elements proposed within the articulation zone.	N/A
	c) The primary road front setback shall be: Primary frontage = 4.5m	Front building line setback to Watonga Street varies but closest point is 5.8m.	Yes
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	<p>The garage is less than 1m behind the building.</p> <p>The garage setback varies but is setback greater than 5.5m. Garage door is recessed.</p>	<p>No*</p> <p>Yes</p>
	b) The total width of the garage/carport openings	Width of garage door is compliant with the	Yes

	should not be more than 6m and not more than 50 per cent of the width of the building.	maximum width requirements	
	c) Driveway crossovers are no greater than 5.0m in width.	Driveway crossing width is compliant with the maximum width requirements	Yes
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	No dual occupancy proposed or a corner lot.	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	The rear setback varies from 3m to 5.48m.	No*
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.	No ancillary development proposed in rear yard.	N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.	N/A	N/A
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	Ground floor north side setback is varying with 1.215m minimum. Ground floor south side 3m setback.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a	First floor north side setback is varying with 1.2m minimum. First floor south side is	Yes. Refer to overshadowing assessment and analysis

	minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	varying with 2.49m minimum. The section of wall setback 2.49m is for a length of 4.5m. The remainder of the southern side setback is 3m or more.	section of this report.
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	Section of south facing wall to sitting, dining and living rooms is approximately 13m in length. Is setback 3.05m.	Yes
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. 	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
	b) Private open space may include clothes drying areas and garbage storage.	Noted.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	Front masonry wall detailed on plans.	Yes

	b) Solid Front fences up to 1.2m high should be: <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 	2m high masonry wall proposed.	N/A
	b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage. 	2m high masonry wall proposed setback 3.1m from front boundary.	No*
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	No openings proposed.	No*
	d) provide a 3m x 3m splay for corner sites, and	Not a corner site.	N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	No site line issues identified for driveway entrance.	Yes
Bulk and Scale			
51	a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where: <ul style="list-style-type: none"> – Ground and first floor (and above) indoor 	Windows placements have been carefully considered and where appropriate highlight windows nominated. i.e. north facing windows on the first floor are highlight windows. Elevated north facing ground floor windows at the front of the block serve a bedroom and ensuite only.	Yes

	<p>living room windows are within a 9m radius.</p> <ul style="list-style-type: none"> – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	<p>South facing windows on the first floor serving the living, dining, sitting rooms are setback 3.05m. No screening of these windows is proposed. However due to the elevation and eastern view aspect no direct views are identified to the primary living and open spaces located on the first floor and front aspect front of 60 Watonga Street.</p> <p>No windows are proposed in the first floor west facing wall of the study.</p> <p>No windows are proposed on the ground floor western elevation of the gym.</p> <p>Elevated south facing windows on the ground floor are to bedrooms and ensuites only.</p> <p>The ground floor terrace and sitting room are setback 3.05m and 5.9m respectively. The lap pool and its fencing is setback 1m from the southern side boundary. The restricted width along the southern and eastern edges of the pool limit any ability for pedestrian use of the poolside. A 6m length of obscured glazed pool fencing is proposed at ground level along the southern boundary to protect privacy to the adjoining front balcony</p>	
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		of 60 Watonga Street from these areas.	
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or – Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	<p>The first floor front balcony is setback 1.9m from the northern boundary. The northern elevation of the balcony is provided with a hard wall treatment. An opening in this wall 1.5m from floor level is proposed above the BBQ area. However, given the elevation difference, view angle out the opening and fixed BBQ bench against the opening there is no direct view available into any adjoining primary living or open space areas of 56 Watonga Street.</p> <p>The first floor front balcony is setback 5.985m from the southern boundary. It is provided with a solid lower portion balustrade to maintain privacy to the adjoining front balcony of 60 Watonga Street.</p> <p>A rear balcony off the master bedroom on the first floor is setback 3.05m to the southern boundary. This balcony is also setback a minimum of 4.2m that extends to 5.48m from the rear boundary. The western elevation of this balcony is provided with privacy louvres to maintain privacy between adjoining residences in Bourne Street. There is no direct view to the primary living and outdoor areas of 60</p>	Yes

		Watonga Street from this balcony and no screening is proposed along its southern elevation.	
	c) Privacy protection is not required for: – Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height.	Noted refer to above comments.	Yes
	d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application): – 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space – Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. – A window, the whole of which has translucent glass and is not able to be opened.	Screening and other privacy treatment measures are proposed where necessary.	Yes

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

DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for	Yes

		construction waste management.	
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Cut and fill >1m is proposed outside the perimeter of the external building walls.	No*
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Noted. Suitable condition recommended.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	No retaining wall and front fence combination is proposed. Refer to front fencing comments surrounding masonry wall.	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management**Bushfire Hazard Management**

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	APZ within property.	Yes
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Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Not flood prone land.	N/A

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	Capacity for more than 1 parking space behind the building line has been provided for.	Yes
Parking Layout			
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> - it is stacked parking in the driveway; or - it can be demonstrated that improvements to the open space provided will result; and - the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Proposed behind the building line.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	Parking design and layout appropriate.	Yes
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes
	b) Council will not permit the discharge of stormwater directly into kerbing and	Single dwelling only with 1 domestic driveway. Stormwater	Yes

	guttering or table drains for any development other than that of a minor nature.	drainage is capable of being managed as part of plumbing construction.	
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DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
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. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

The proposal seeks to vary Development Provision 45 relating to the garage being at least 1m behind the building. The garage is proposed at an angle to the front boundary. Its distance behind the building line varies from approximately 300mm in the southern part of the garage door to over 1m toward the northern extent.

The relevant objectives are:

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

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

- The variation is minor and largely compliant. The minor variation is due to the angle provided in the building design and garage door.
- The angle in the garage door combined with the feature window and balustrade façade treatments to the east facing wall of the garage and above the garage door minimise any dominance upon the streetscape.
- The landscaping and retaining wall treatments will be the dominant features of the immediate streetscape. These features will complement the streetscape and will almost eliminate any view of the garage from street level.
- A safe and functional vehicular access is still achieved.

The proposal seeks to vary Development Provision 46 relating to a minimum rear setback requirement of 4m. The rear setback proposed varies from 3m to 5.48m.

The relevant objectives are:

- To ensure no adverse overshadowing or privacy impacts to neighbouring properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space

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

- The variation is minor and largely compliant. The minor variation is due to the angle in the allotment boundary.
- No adverse overshadowing or privacy impacts will result. Appropriate privacy screening and landscape plantings are proposed.
- Adequate natural light and ventilation between dwellings and to private open space areas will be achieved.
- Useable yard and open space areas are provided.

The proposal seeks to vary Development Provision 49 which provides that front fencing more than 1.2m in height be a maximum of 1.8m in height and either:

- Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or
- Be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage.
- Have openings which make it not less than 25% transparent (no individual opening more than 30mm wide)

The proposal incorporates a 2m high masonry wall setback 3.1m from the front boundary.

The relevant objectives are:

- To define the edge between public and private land and to provide privacy and security.
- To ensure the adequate sight lines are provided for vehicles leaving the site.
- To ensure front fencing does not impact on the public domain.
- To encourage surveillance of the street and other public places.

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

- The masonry wall helps to define the interface between public and private land and provides for privacy and security to the dwelling.
- The wall is setback 3.1m from the boundary and adequate sight lines are provided from the driveway.
- A garden bed is provided immediately in front of the wall to provide for plantings that will soften its appearance and not impact upon the public domain.
- The elevated nature of the site and dwelling provides for sufficient casual surveillance of the street and public domain.

The proposal seeks to vary Development Provision 4 which provides that development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured

vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building). The proposal incorporates cut and fill over 1m outside the external walls of the building primarily in the front portion of the site. Retaining is also proposed up to 1.1m in height in the rear portion of the site.

The relevant objectives are:

- Minimise the extent of site disturbance caused by excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.
- Ensure that there is no adverse alteration to the drainage of adjoining properties.
- Ensure the privacy of adjoining dwellings and private open space are protected.
- Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.

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

- The extent of cut and retaining proposed is due to the steep drop in grade along the front of the site.
- Stormwater is capable of being managed.
- Privacy of adjoining dwellings is not compromised as a result of the cut and fill.
- Potential damage or instability to adjoining properties can be appropriately managed. It is a prescribed condition of any development consent.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact of any significance that would justify refusal of the application.

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

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

(iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations apply.

(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 proposed development satisfactorily addresses the public domain.

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

View Sharing

The 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 it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.)

The judgement in *Tenacity Consulting v Waringah* 2004 NSW LEC 140 is an established 'planning principle' which provides an assessment methodology as to what constitutes view sharing and what constitutes reasonable view sharing. To that end, Commissioner Roseth SC developed a four step assessment process to assess the impacts of views. The four steps are as follows:

Step 1

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

Step 2

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

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.

Step 4

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

Analysis of view impacts at four residences was undertaken to establish whether the view sharing is acceptable. The four residences being 56 Watonga Street, 1A Bourne Street, 1B Bourne Street and 2/3 Bourne Street. For the purposes of this assessment, the following was undertaken:

- Establishment of height poles by proponent to indicate proposed maximum building height.

- Certification of the height poles by a registered surveyor.
- Site inspections, observations and photographs from all four residences.

Note the photos and height poles depicted in the photos below are based on the original plans and do not reflect the further building height reduction of 400mm in the north-eastern corner.

See aerial photo below showing location of adjoining residences for context:



56 Watonga Street

This site contains an existing two-storey dwelling that fronts Watonga Street. The site immediately adjoins the development site to the north.

Step 1 - The dwelling enjoys extensive panoramic ocean and land interface views extending to the northeast, east and southeast. The elevated nature of the site provides uninterrupted highly valuable headland, lighthouse and ocean views.

Step 2 - The orientation of the block and dwelling results in the views primarily being enjoyed across the front boundary. These views are from the secondary storey living room and balcony. There is also an ocean and land interface view enjoyed from the living room window across the side boundary to the southeast. Views are enjoyed from both standing and sitting positions.

Step 3 - Sitting and standing views of the ocean, headland and lighthouse across the front boundary from the living room and balcony will not be impacted by the proposal. The standing and sitting view across the side boundary to the south of the ocean and land interface from the living room window and to some extent the southern aspect of the front balcony will be impacted. However, a view corridor will still exist from the southern aspect of the front balcony and living room window past the front of the new dwelling. The view loss can be described as minor.

Site photos are provided below showing the location of the front balcony and south facing living room window and southerly view enjoyed:



Southern aspect of front balcony and living room window.



View from south facing living room window.



View from south facing aspect of front balcony.

Step 4 - The amended proposal is compliant with the applicable building height and floor space controls. While there are minor variations to the rear and south side setback standards of the development control plan these variations do not impact on the extent of view loss from this property. The proposed front setback exceeds the 4.5m minimum which aids in the retention of some view corridor across the southern side boundary.

1A Bourne Street

This site contains a two-storey dwelling that fronts Bourne Street. The site partly adjoins the development site to the west.

Step 1 - At ground level the dwelling enjoys ocean and land interface views across the development site. See site photo below for context:



View from rear ground floor patio looking east across the development site.

The elevated nature of the first floor provides uninterrupted highly valuable headland, lighthouse and ocean views to the north, east and south. The view is across the development site and above the roofline of existing dwellings. Refer to site photo below context:



View from first floor balcony off master bedroom.

Step 2 - The orientation of the block and dwelling results in the views primarily being enjoyed across the rear boundary. The primary views are from the secondary storey balcony off the master bedroom and the ground balcony off the living area. Views are enjoyed from both standing and sitting positions. There is also views enjoyed from first floor north east facing windows to a study and lounge area. See photo below for context:



North and east facing first floor windows of study and lounge area.

Step 3 - Sitting and standing views of the ocean and land interface across the development site at ground level will be lost almost completely. A small view corridor will be retained along the northern boundary between the new dwelling and No 56 Watonga Street. The standing and sitting views from the first floor balcony northeast of the headland, lighthouse and ocean interface are not impacted as they are enjoyed across the roofline of No 56 Watonga Street. The same applies to the first floor north and east facing windows to the study and lounge area. The sitting and standing view of the ocean and its land interface immediately east across the development site will be lost from the first floor balcony. Sitting and standing views of the ocean and land interface north and south will be retained either side of the new dwelling from the first floor balcony. The view loss can be described as moderate.

Step 4 - The amended proposal is compliant with the applicable building height and floor space controls. While there are minor variations to the rear and south side setback standards of the development control plan, these variations do not impact on the extent of view loss from this property.

1B Bourne

This site contains a two-storey dwelling that fronts Bourne Street. The site partly adjoins the development site to the west.

Step 1 - At ground level the dwelling enjoys ocean, headland and land interface views east across the development site. Standing in the southern corner of the rear yard the lighthouse is visible alongside the roofline of No 36 Watonga Street. See site photos below for context:



View from rear ground floor patio looking east across the development site.



View from southern corner of ground floor rear yard looking north. Lighthouse adjoining roofline of No 36 Watonga Street.

The elevated nature of the first floor provides uninterrupted highly valuable headland, lighthouse and ocean views to the north, east and south. The view is across the

development site and above the roofline of existing dwellings. Refer to site photo below context:



View from first floor balcony off master bedroom.

Step 2 - The orientation of the block and dwelling results in the views primarily being enjoyed across the rear boundary. The primary views are from the secondary storey balcony off the master bedroom and the ground balcony off the living area. Views are enjoyed from both standing and sitting positions.

Step 3 - Sitting and standing views of the ocean and land interface across the development site at ground level will be lost almost completely. A small view corridor will be retained along the southern boundary between the new dwelling and No 54 Watonga Street. The standing and sitting views from the first floor balcony northeast of the headland, lighthouse and ocean interface are not impacted as they are enjoyed across the roofline of No 56 Watonga Street and will remain over the roofline of the proposed dwelling. The sitting and standing view of the ocean and its land interface immediately east across the development site will be lost from the first floor balcony. Sitting and standing views of the ocean and land interface north and south will be retained either side of the new dwelling from the first floor balcony. The view loss can be described as moderate.

Step 4 - The amended proposal is compliant with the applicable building height and floor space controls. While there are minor variations to the rear and south side setback standards of the development control plan, these variations do not significantly impact on the extent of view loss from this property. Notably the section of south facing wall setback 2.49m (as opposed to 3m) for a length of 4.6m.

2/3 Bourne Street

This site contains a first floor unit that fronts Bourne Street. The site does not share a boundary with the development site.

Step 1 - The first floor unit enjoys ocean, headland, lighthouse and land interface views northeast across the development site. Panoramic ocean and land interface views are also enjoyed east and south. See site photos below for context:



View from first floor balcony looking northeast.



View from first floor balcony looking southeast.

Step 2 - The orientation of the block and unit results in the views primarily being enjoyed across the side and rear boundary. The primary views are from the first floor balcony and living area. Views are enjoyed from both standing and sitting positions. The lighthouse and headland view is considered to be enjoyed across a side boundary.

Step 3 - Sitting views of the headland and lighthouse from the living room window and balcony will be lost. See photos below for context:



View from living room window in sitting position.



View from balcony in sitting position.

Standing views of the headland and ocean interface would be lost from both the living room window and balcony. A standing view of the lighthouse would be retained immediately above the proposed roofline from both the living room window and balcony. See photos below for context:



Standing view of lighthouse and headland from living room window.



Standing view of lighthouse and headland from balcony.

The standing and sitting panoramic ocean and land interface views from the living room and balcony east and south across the rear boundary will not be impacted. See photos below for context:



View east across rear boundary from balcony.



View southeast from balcony.

Views of the lighthouse are considered to be iconic in the context of the area. The lighthouse view loss from a sitting position in conjunction with the headland and ocean interface view impact from both a sitting and standing position can be described as severe.

In response to view impact concerns, post exhibition, the applicant lodged revised plans. The revised plans replaced the raised clerestory window with a low pitched skylight window arrangement on the roof top. The changes do soften the appearance of an element that would have somewhat “stuck out” from the proposed roofline when viewed from the residences in Bourne Street.

In terms of whether a more skilful design could provide the same development potential and amenity and reduce the impact on the views of neighbours, the applicant advised that numerous design options were explored and offered the following comments:

- *More traditional roof pitches - but these proved too high;*
- *Stepped floor levels - but these did not provide the accessibility via a lift required by the landowner;*
- *Burying’ the primary habitable rooms deeper into the hill - however this was detrimental to the amenity afforded to the landowner and resulted in substantial retaining walls outside of the dwelling (and is poor design and completely undesirable in any case.);*
- *Reducing side setbacks and shifting the building mass towards Watonga Street – but this has a greater view impact to the southern edge of the proposed design;*
- *If floor areas were reduced then the building height would be unaffected as the main building volume would shift towards Watonga street – this is a redundant point however as the floor area is a result of the required functional design brief (5 bedroom property, gym, two sitting rooms, lift access etc);*
- *Please note - higher ceiling heights were originally proposed and shown to the neighbours prior the development application. Ceiling heights were reduced in an effort to maintain maximum height limits and improve the view sharing aspect to the proposal.*

Following deferral of the application on 25 November 2020 the applicant submitted revised plans. The revised plans reduce the building height by 400mm in the north-eastern corner, which do lessen the impact on views of the Lighthouse from 2/3 Bourne Street. This north-eastern portion of the building now sits approximately 1.2m below the 8.5m maximum height control.

Having regard to compliance with the adopted maximum building height and floor space ratio controls it is considered that the amended development proposal is a realistic response to the site conditions and view impacts not unreasonable in this instance. While there is a minor variation to the rear setback standard of the development control plan this variation does not impact on the extent of view loss from the adjoining properties.

The proposal will not have any significant adverse view sharing impact that would warrant refusal of the application.

Overshadowing

The application was supported by a set of shadow diagrams. The most impacted property being No 60 Watonga Street immediately adjoining to the south.

This dwelling has a couple of outdoor areas at the rear. The ground level outdoor area from the house is heavily excavated into the site, bordered by a significant retaining wall and currently covered by an awning structure. There is an upper rear yard area accessed via a pedestrian bridge from the upper level of the house. This is considered to be the secondary open space area of the dwelling. The shadow diagrams demonstrate that this yard area is not adversely overshadowed for more than 3 hours between 9am and 3pm on 22 June (winter solstice).

The primary living and outdoor balcony area of the house is located on the first floor with an eastern aspect taking advantage of the views. There are two north-facing windows on the dwelling. One located on the upper level which serves the master bedroom and one on the lower level, which appears to serve a bedroom or sitting room. Access to within the dwelling could not be obtained to confirm the lower room. Having regard to the elevated nature and east facing aspect of the primary living and outdoor balcony area there will be no adverse overshadowing impacts.

The proposal does not have significant adverse overshadowing impacts.

Privacy

The design has had regard to positioning of the primary living and outdoor areas in relation to that of adjoining primary living and outdoor areas. Where appropriate privacy protection measures are proposed in the form of either privacy screening or highlight windows. There are no significant adverse privacy impacts identified that would warrant refusal of the application.

Bulk and Scale

In response to the steep topography and commanding views in the area surrounding development is characterised by large two storey and to some extent three storey homes. While the proposed building height does extend slightly above those of the immediately adjoining dwellings, it does present of a similar bulk and scale. The design of the roof is lower at the rear, which aids in reducing the visual bulk of the dwelling when viewed from existing Bourne Street residents.

The building design also provides for various building elements and materials, which soften the visual impact and dominance of various parts and levels of the dwelling, pool edge and basement garage.

Having regard to the topography, compliance with the adopted planning controls, front and southern setback at ground and first floor, reduction in building width heading back into the block and response to the irregular lot shape the bulk and scale of the proposal is appropriate for the site.

Access, Traffic and Transport

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

Water Supply Connection

Water supply service is existing to the lot. Details of connection and associated plumbing will be provided with section 68 application under the Local Government Act. Appropriate condition recommended.

Sewer Connection

Sewer service is existing to the lot. Details of connection and associated plumbing will be provided with section 68 application under the Local Government Act. Appropriate condition recommended.

Stormwater

There is a stormwater pit and piped network in Watonga Street. The proposal is capable of connection to this network. Details of stormwater drainage and connection will be required with S.68 application. Appropriate standard condition recommended.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other Land Resources

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

Water Cycle

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

Soils

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

Air and Microclimate

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

Flora and Fauna

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

Waste

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

Energy

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

Noise and Vibration

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

Bushfire

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

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

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

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

Economic Impacts in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

The proposal will fit into the locality. Site constraints of slope and bushfire have been adequately addressed and appropriate conditions of consent recommended.

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

Four (4) written submissions were received following public exhibition of the original application and plans. Three (3) additional responses were received in response to the amended plans following notification to previous submitters. Copies of all written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Concerns over impacts to dwelling and its foundations at 56 Watonga Street given the extent of excavation proposed. No engineering details provided.	It is a prescribed condition of any development consent that possible damage from any excavation extending below the base of the footings of an adjoining building be protected and supported. Engineering details will form part of the Construction Certificate plans.
Potential impact of construction traffic on recent road and infrastructure work in Watonga Street. Objection to relocation of power pole.	Any damage to Council infrastructure will be managed by Council. No relocation of power pole is proposed or noted on the plans.
View sharing impacts.	Refer to view sharing assessment and analysis within this report.
Overshadowing impacts.	Refer to overshadowing impact assessment section of this report.
Privacy impacts.	Refer to DCP assessment table and privacy heading of this report.
The open cut out in the front balcony above the barbeque area will impact on enjoyment of balcony at No 56 Watonga Street in the form of barbeque smoke.	The first floor balcony is open to the east and south. No adverse smoke or odour impacts are likely to result from the cut out in the northern wall of this balcony.
The proposed front door lines up with a bedroom window at No 56 Watonga Street. Privacy and noise impacts.	Aluminium louvres are proposed alongside the boundary fence to maintain privacy to the entry. The use of this entry will be infrequent and not create any significant adverse noise or privacy impact.
No consultation or prior plans discussed with No 56 Watonga	Noted.

Submission Issue/Summary	Planning Comment/Response
Street.	
The proposal is not consistent with the height of building objectives of the Port Macquarie-Hastings Local Environmental Plan 2011.	Refer to comments under Port Macquarie-Hastings Local Environmental Plan 2011 heading of this report. The proposal complies with the maximum building height limit.
Advice from planning organisation suggests view loss could be minimised by reduction in garage height and removal of mezzanine within.	Noted. The application as lodged is subject to this assessment. Refer to comments under view sharing analysis indicating various design options that were investigated.
The height of the dwelling is excessive and leads to the impact upon views and outlook from Bourne Street residents.	Refer to view sharing and bulk and scale sections of this report. The proposal complies with the maximum building height limit.
The proximity of the lap pool to the boundary will result in noise, music, litter impacts.	Appropriate separation between adjoining primary living and outdoor areas is achieved. Privacy measures are proposed where appropriate. The swimming pool will be used by the residents and no adverse noise or litter impacts are identified.
The bulk and amenity impacts to Bourne Street residences from the rear facing wall.	The section of building facing the rear boundary is approximately 5.2m in width. The ground floor component contains no windows to the gym room. The first floor contains a 2.6m unarticulated wall section to the study room and 2.6m wide section of vertical louvres to the western elevation of the rear balcony. Having regard to the elevated nature of the Bourne Street properties and articulation proposed there are no adverse bulk and amenity impacts that would warrant refusal of the application.
The clerestory roof window could be redesigned similar to a skylight and be incorporated into the roof so as to minimise amenity and view impact.	Changes were made to the design and orientation of the rooftop window. Refer to view sharing assessment and analysis within this report.
The solar panels could be placed closer to the southern side of the roof and further minimise view impact.	Noted. The application as lodged is subject to this assessment.
The size of the dwelling lends itself to be used for the purposes of tourist and or visitor letting.	The proposal is for a residential use only. Recommended consent condition to reinforce this.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 as the proposal is for a new residential dwelling on an approved residential lot.




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 (**Attachment 1**) of this report.

Attachments

1.  DA2020 - 713.1 Recommended DA Conditions
2.  DA2020 - 713.1 Covering letter to revised plans
3.  DA2020 - 713.1 Revised Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/713****DATE: 6/1/2021*****PRESCRIBED CONDITIONS***

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulation 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
Development Plans as stamped	Project No: 1906 Drawing No: DA02 to DA13 Revision C	Craig Teasdell Architect	7 December 2020
Statement of Environmental Effects	58 Watonga Street, Port Macquarie	Craig Teasdell Architect	2 September 2020
BASIX Certificate	1112644S	Craig Teasdell Architect	1 September 2020
Bushfire Assessment Report	58 Watonga Street, Port Macquarie	Craig Teasdell Architect	Undated

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

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

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

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work

adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

4. Building waste is to be managed via an appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
Such works include, but not be limited to:
 - i. New functional vehicular access
- (3) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;

are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (4) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 and requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (2) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (3) (D017) In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
 - (a) Bears a notice containing the words “This swimming pool is not to be occupied or used”, and
 - (b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
 - (c) Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.
- (4) (D000) Any excess fill is to be disposed of at an approved location or taken to an approved waste management facility.
- (5) (D007) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (6) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (6) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F027) The swimming pool filtration motor shall be operated between the following hours only:

Monday to Friday (other than a public holiday)
7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.
- (3) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.



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7th December 2020

Post Development Assessment Panel – Height Reduction

PMHC DA Reference: DA2020-713.1

Subject site: 58 Watonga Street
Lot 33 DP31187
Lighthouse Beach
Port Macquarie NSW.

Following the deferral of the subject development application at the Development Assessment Panel (DAP) meeting held on the 25th November 2020 the following resolution was agreed by the panel:

Resolution: 'That DA 2020 - 713.1 for a dwelling and swimming pool at Lot 33, DP 31187, No. 58 Watonga Street, Port Macquarie, be deferred to enable the applicant an opportunity to amend plans so as to lower the building height and lessen the impact on views of the Lighthouse from adjoining properties.'

The applicant can confirm that the amended design addresses the resolution by effectively lowering the building and lessening the impact of views from adjoining properties.

The applicant can also confirm that a combined lowering of 400mm (approximately) has been achieved. This lowering occurs in the north-eastern corner of the proposed dwelling where the view loss of the objecting neighbours at Unit 2/3 Bourne Street is most affected.

As per the judgment in *Tenacity Consulting v Warringah [2004]* a more skilful design has been employed in order to achieve this outcome by adopting the following design strategy:

- Redesigning the entire roof such that it falls down towards the north side of the site therefore permitting an unobstructed view of the lighthouse and partial headland from a standing position from the balcony of Unit 2/3 Bourne Street;
- Lowering the finished first floor level by 50mm;
- Lowering the finished ground floor level by 50mm;
- Reducing the ceiling height in the first floor living, kitchen, dining and sitting zone by 50mm;
- Removing 50mm from the ceiling height of the mezzanine;
- Stepping the roof in 2 planes to respond to the 2 ceiling heights proposed in the bedroom (2700mm) and living room (3000mm) zones;

- Maintaining the revised skylights but set down in the lower roof area to lessen the profile of this feature when viewed by the residents behind the dwelling.

The previously design (deferred by the DAP) saw the highest part of the roof occurring at the most north-eastern corner of the proposed dwelling which compromised the view of the Lighthouse for the residents of Unit 2/3 Bourne Street. The enclosed design seeks to place the highest part of the roof at the southernmost edge of the building (yet still approximately 50mm lower than the height limit) and so this key design strategy results in the applicant revising the entire roof design to lessen the impact on the lighthouse view.

Please note that the part of the dwelling design that has been lowered by approximately 400mm to permit an unobstructed view of the lighthouse is now approximately 7,300mm above existing ground level. This is approximately 1,200mm below the permissible 8500mm LEP height limit imposed on the site. It would follow that any further height reduction would be unreasonable in the context of this application.

The writer can confirm that the landowner is not prepared to reduce the building height any more than proposed by this revised design as it would negatively impact on the entire design and floor plan. This amended design is not viewed favourably by the landowner as they believe their original design has been compromised by the change in roofline and the lowering of their floor, ceiling and garden levels.

The proposed building is under the height limit anticipated by the LEP and DCP and the site was purchased by the landowner with the knowledge of these adopted and legislated constraints. The design as presented is now offering an improved view-sharing opportunity for residents behind the rear of the subject site at the expense of the applicants' design.

The ramifications of lowering the building any further than proposed in this submission are generally as follows:

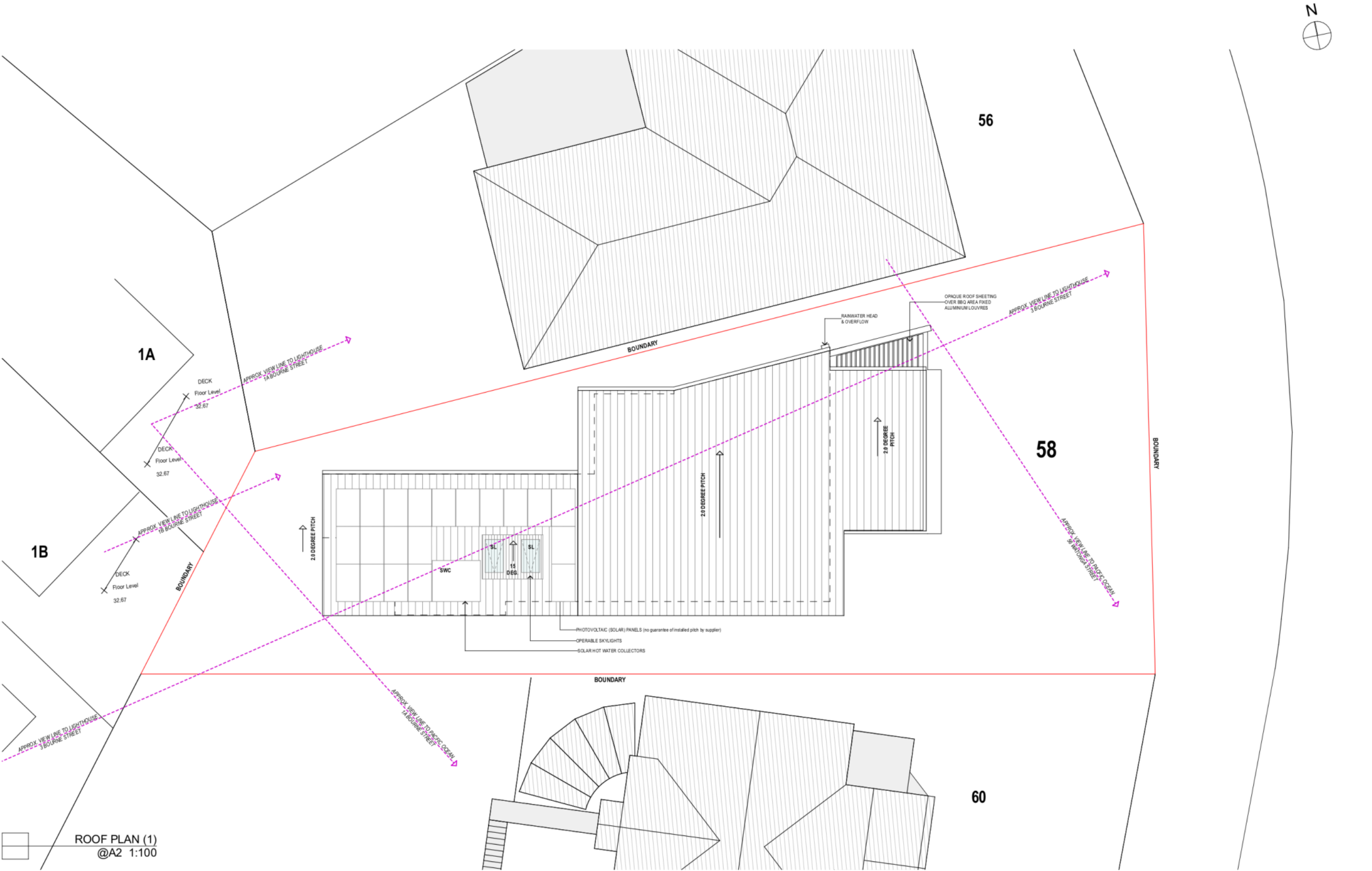
- Any further lowering to the ground floor level would result in poor amenity and undesirable external retaining walls and garden area relationships at this habitable level;
- Uneconomical in regard to excessive excavation at the basement level (already proposed to be heavily excavated);
- Given the basement level will not be lowered, any further lowering of the ground and first floor levels would see the whole building design compromised as the internal stair and vertical circulation would no longer work.

A significant effort and consideration has been given to improving the view sharing opportunities for the Bourne Street residents through a more skilful and carefully considered design. As the proposed development application is already under the height limit and was previously recommended for approval, we trust that this view improvement will see a development consent granted in the very near future.

Craig Teasdel







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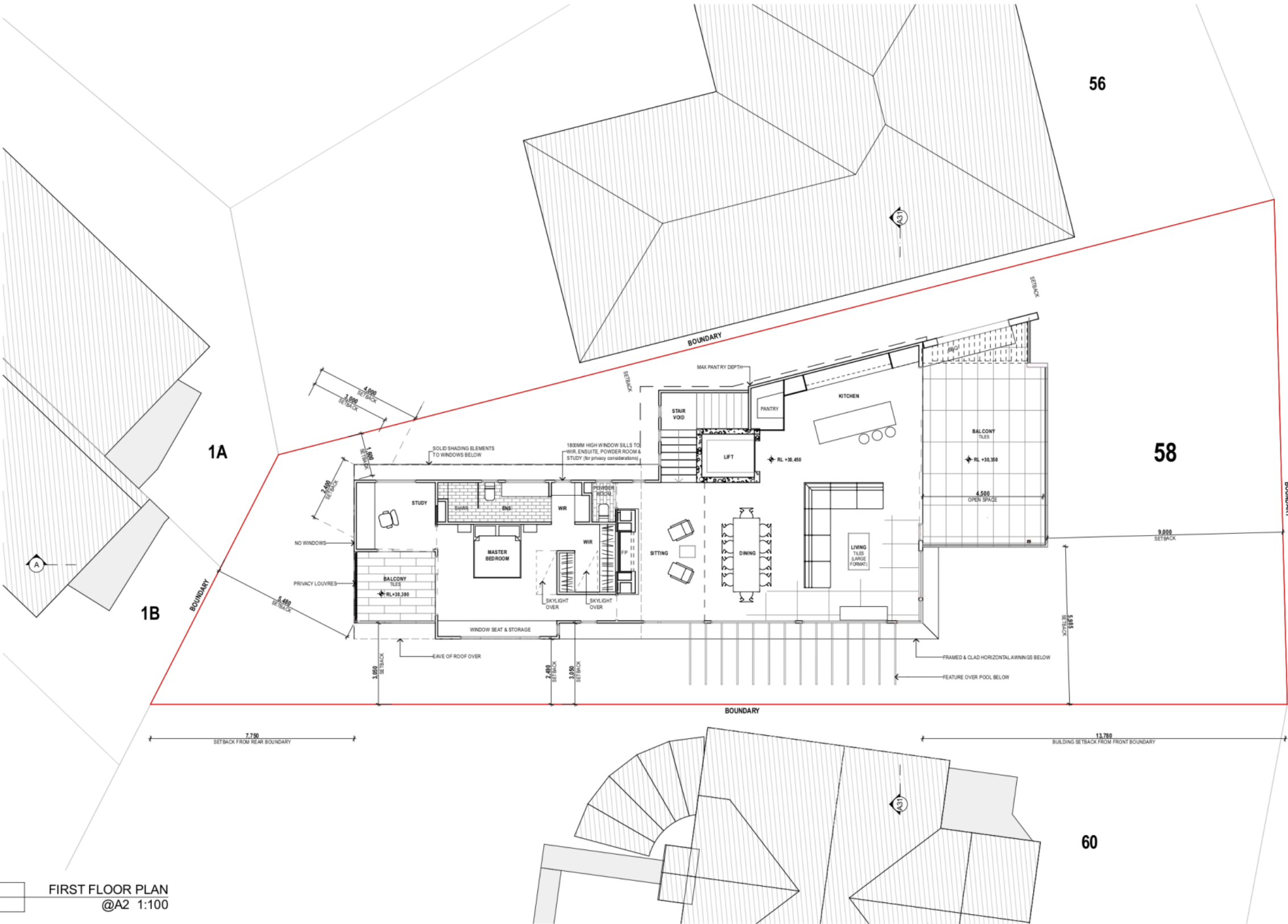
The Builder shall check all dimensions and levels on site prior to construction.
Notify any errors, discrepancies or omissions to the architect.
Drawings shall not be used for construction purposes until issued for construction.
Do not scale drawings.
All boundaries and contours subject to survey
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REVISIONS	
A	02/01/2020 DEVELOPMENT APPLICATION ISSUE
B	26/10/2020 DA - ROOF WINDOW AMENDMENT
C	11/12/2020 PROPOSED HEIGHT REDUCTION

REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

ROOF PLAN
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA05
REV
C



FIRST FLOOR PLAN
@A2 1:100

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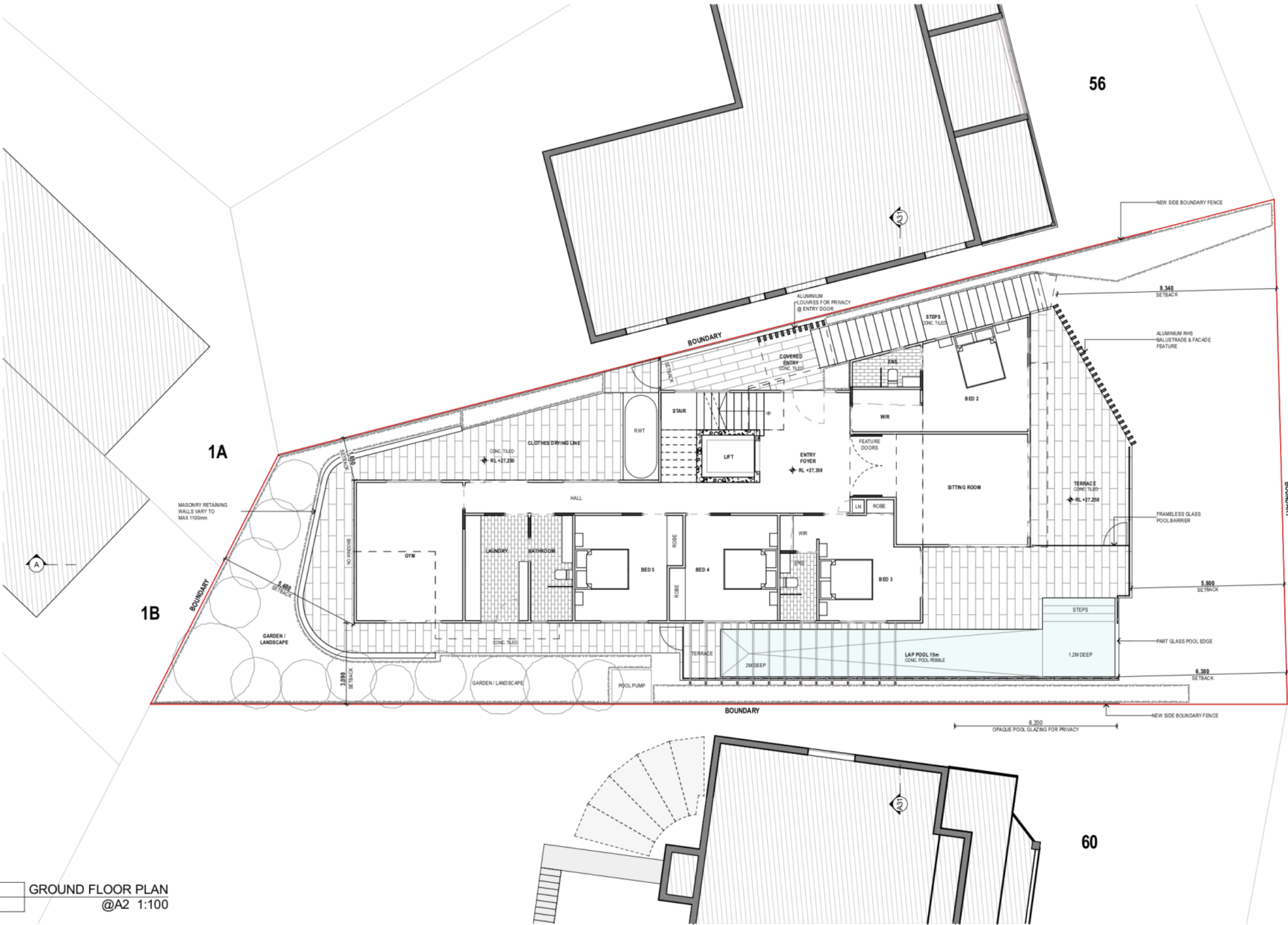
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PORT MACQUARIE

FIRST FLOOR PLAN
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA06
REV
C



GROUND FLOOR PLAN
@A2 1:100

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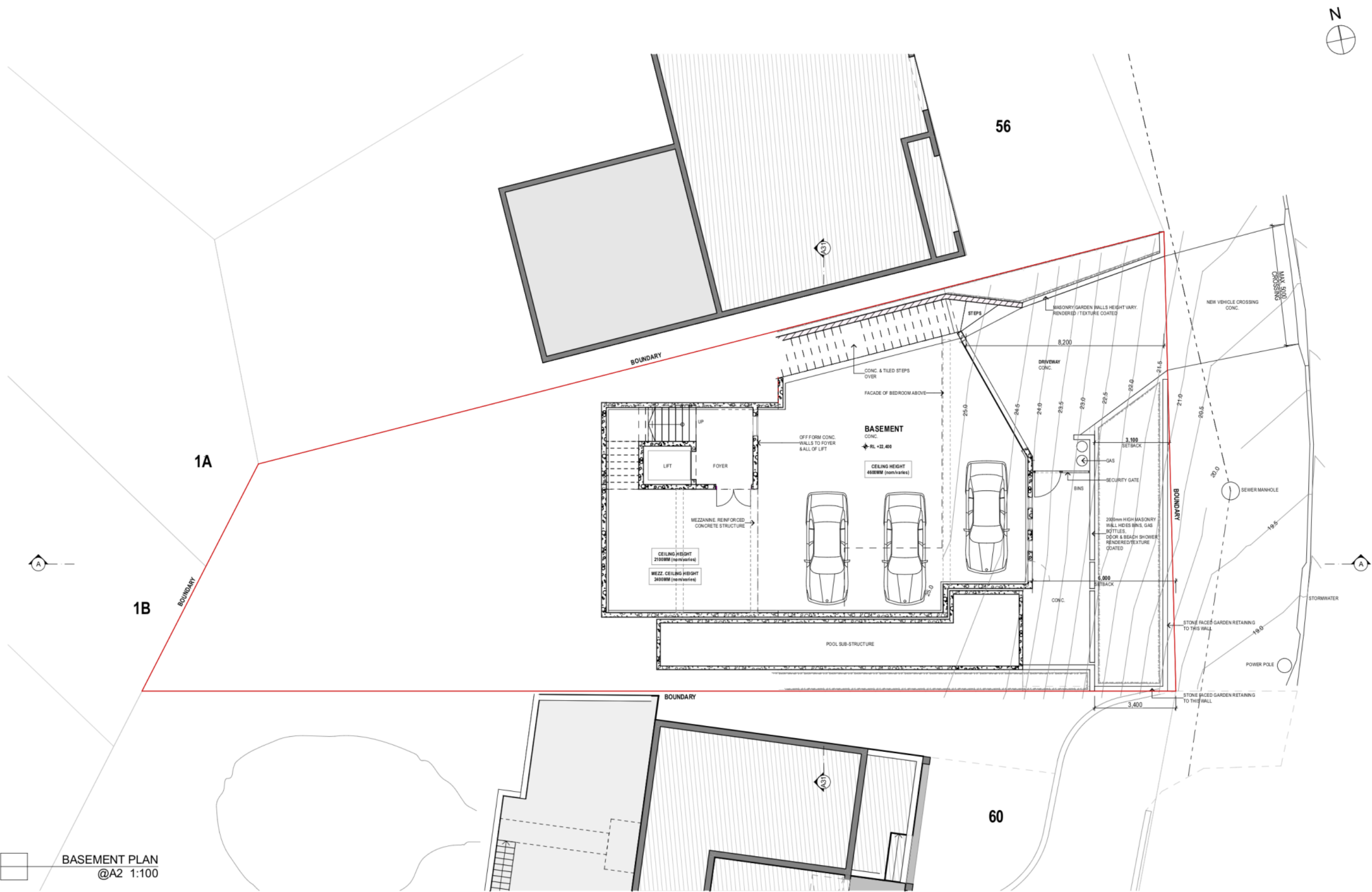
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58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

GROUND FLOOR
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA07
REV
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BASEMENT PLAN
@A2 1:100

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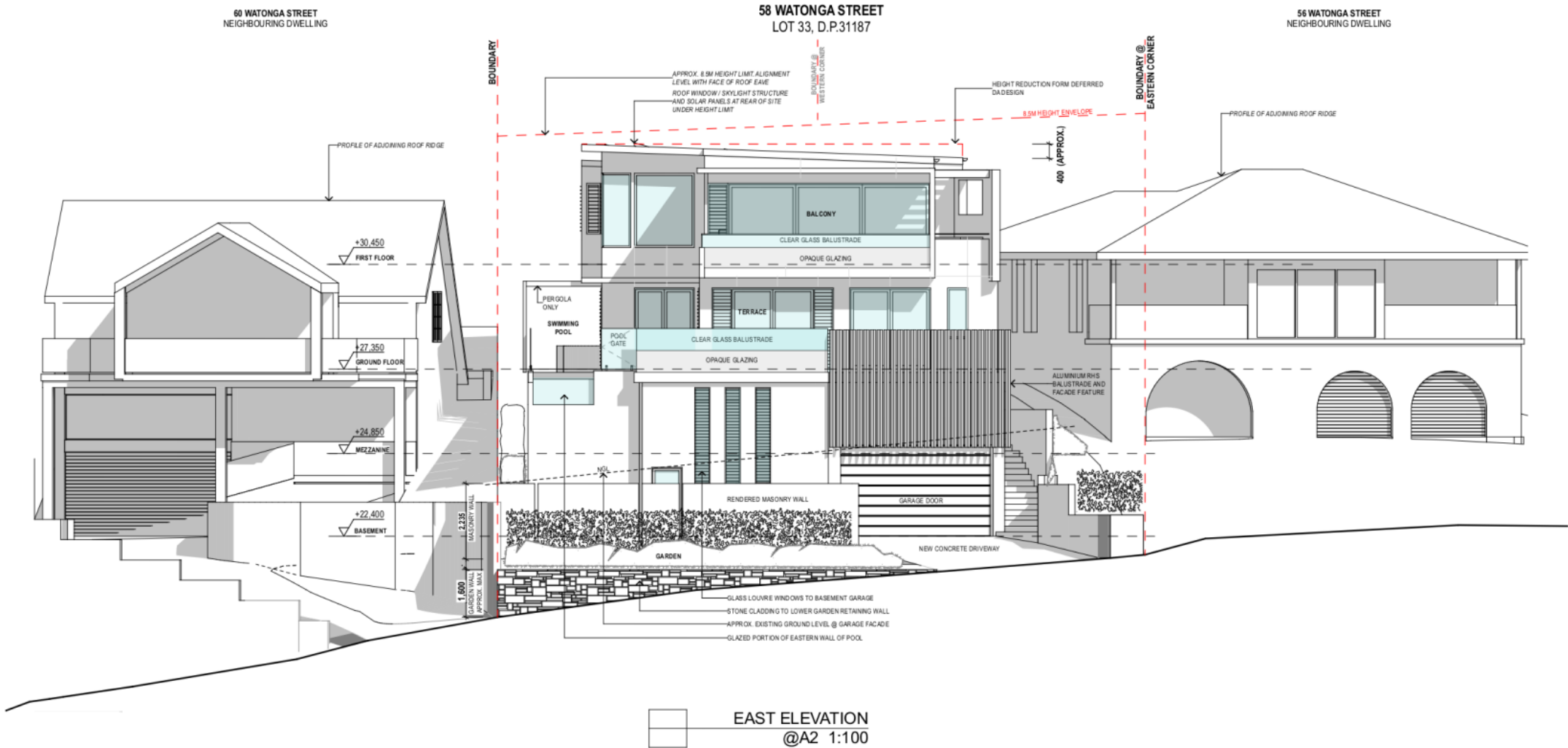
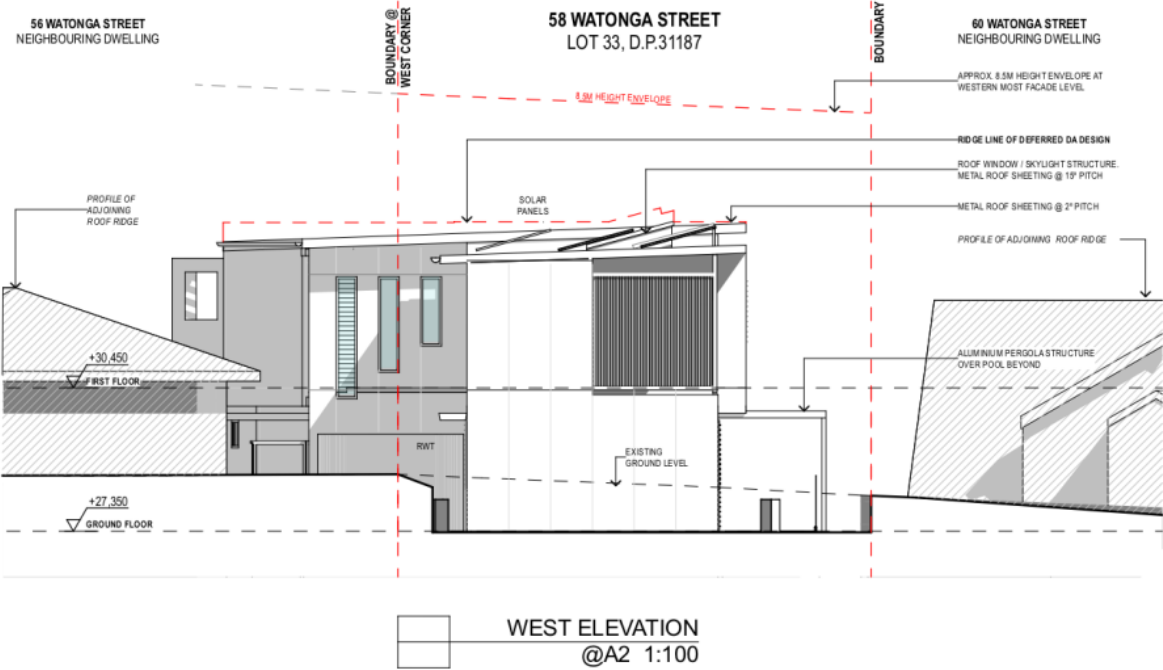
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58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

BASEMENT PLAN
SCALE: REF DRAWING @A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA08
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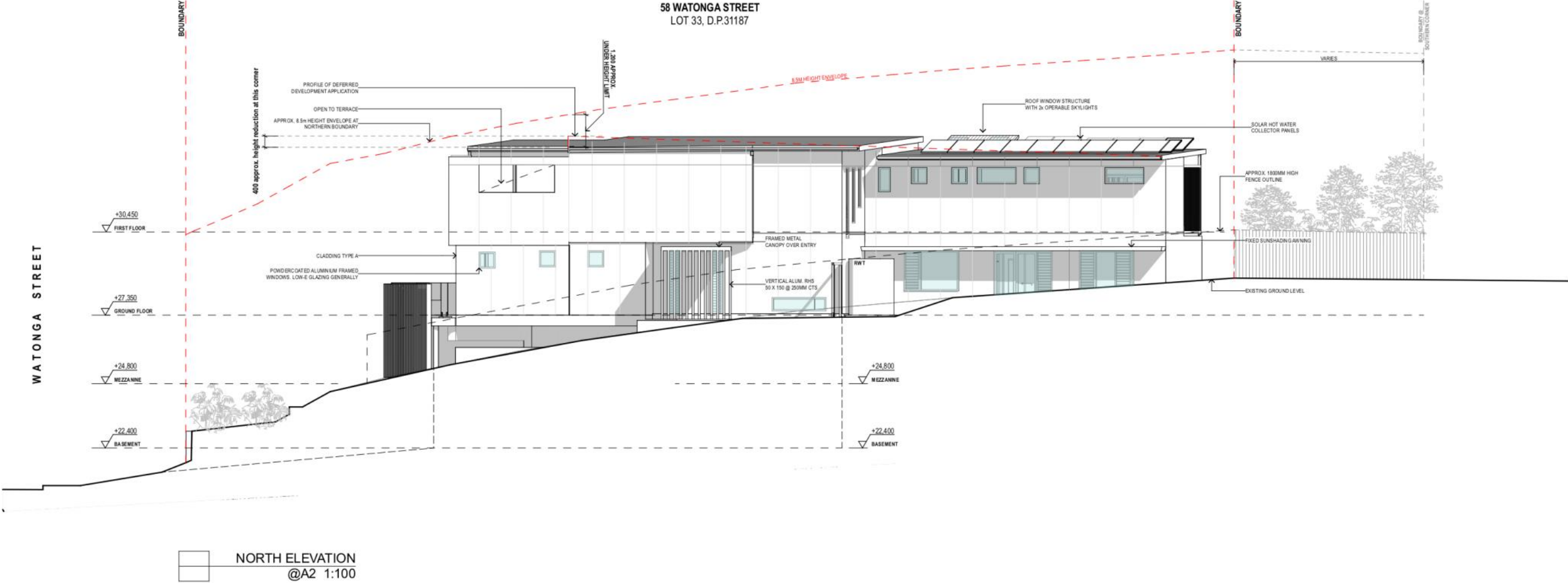
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REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

ELEVATIONS - E & W
SCALE: REF DRAWING @A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA09
REV
C



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REVISIONS

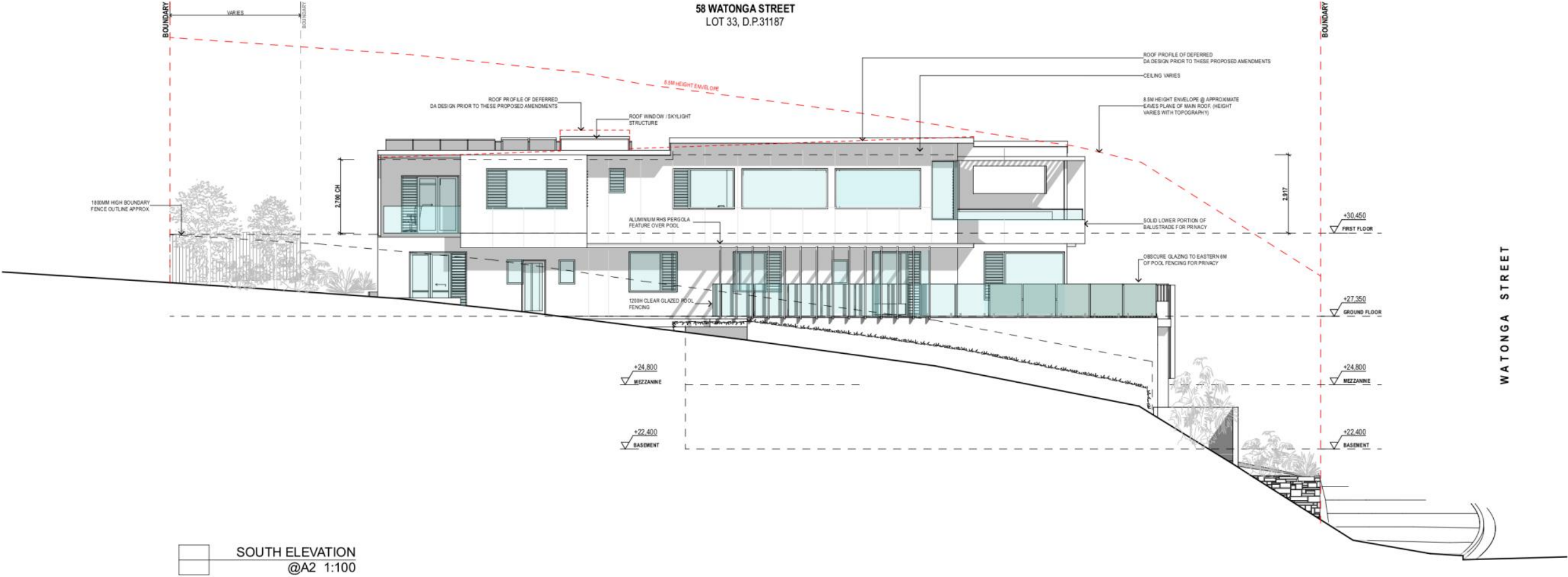
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B	26/10/2020	DA - ROOF WINDOW AMENDMENT
C	11/12/2020	PROPOSED HEIGHT REDUCTION

REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

ELEVATION - NORTH

SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA10
REV
C



3/42 BULLER STREET
PORT MACQUARIE NSW 2444
M: 0498 660 240
E: craig@craigteasellarchitect.com.au

Craig Teasell
ARCHITECT

The Builder shall check all dimensions and levels on site prior to construction.
Notify any errors, discrepancies or omissions to the architect.
Drawings shall not be used for construction purposes until issued for construction.
Do not scale drawings.
All boundaries and contours subject to survey

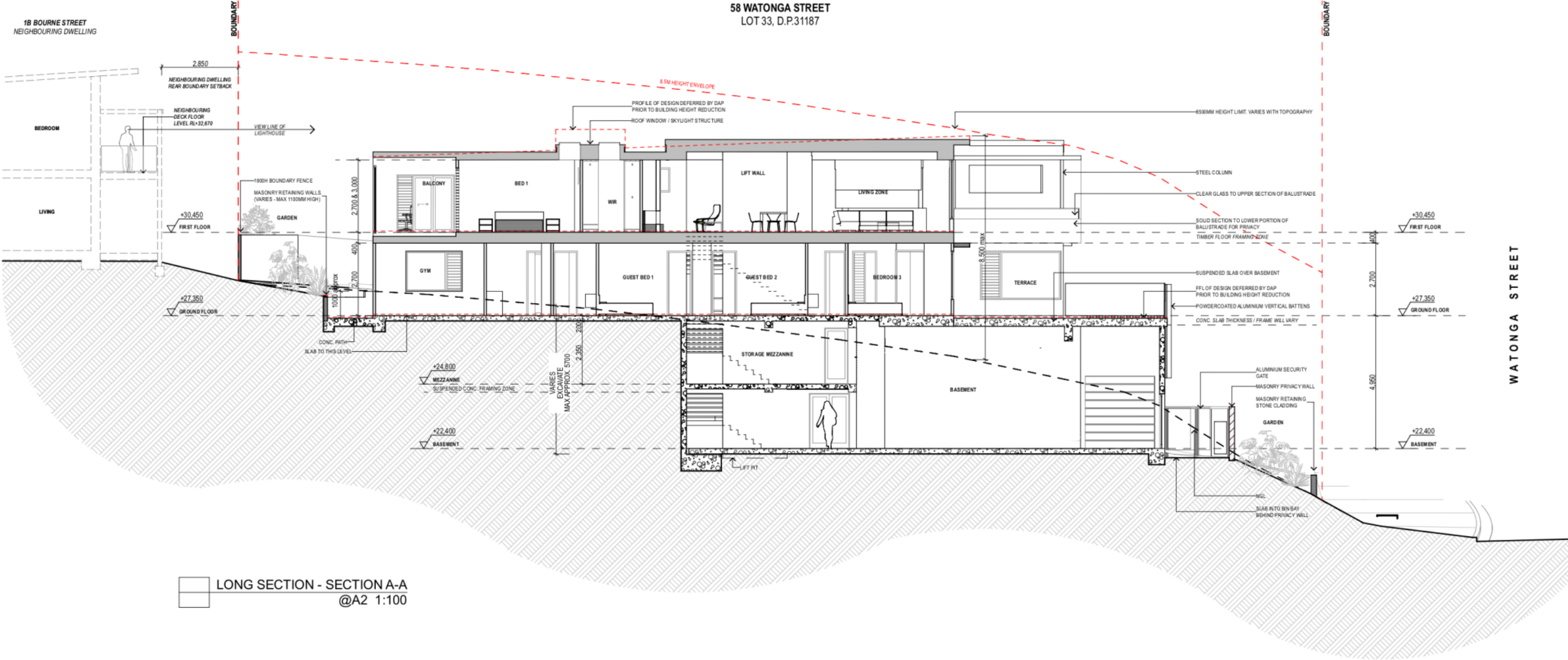
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REVISIONS
A 02/09/2020 DEVELOPMENT APPLICATION ISSUE
B 26/10/2020 DA - ROOF WINDOW AMENDMENT
C 11/12/2020 PROPOSED HEIGHT REDUCTION

REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

ELEVATION - SOUTH
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA11
REV
C



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REVISIONS
A 02/01/2020 DEVELOPMENT APPLICATION ISSUE
B 26/10/2020 DA - ROOF WINDOW AMENDMENT
C 11/12/2020 PROPOSED HEIGHT REDUCTION

REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

LONG SECTION
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA12
REV
C

CAMERA VIEW A
REFER TO SITE CONTEXT PLAN FOR LOCATION



View from 1A Bourne Street
FROM BEDROOM

VIEW FROM CENTRE OF UNIT 1 A BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL+32.67M

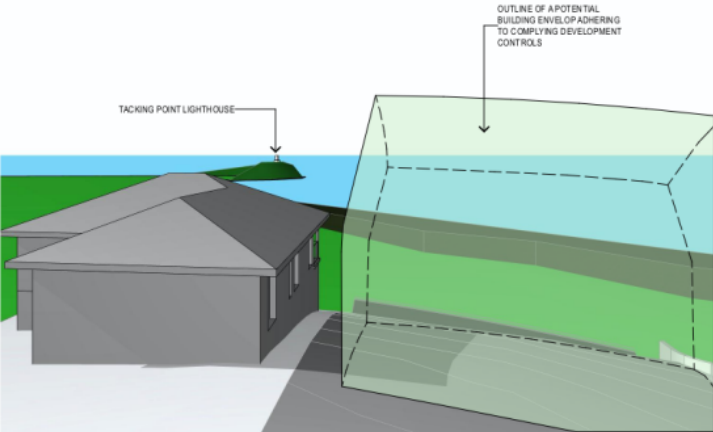
CAMERA VIEW B
REFER TO SITE CONTEXT PLAN FOR LOCATION



View from 1B Bourne Street
FROM BEDROOM

VIEW FROM CENTRE OF UNIT 1 B BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL+32.67M

CAMERA VIEW B
REFER TO SITE CONTEXT PLAN FOR LOCATION



View from 1B Bourne Street with CDC Compliant Envelope
FROM BEDROOM

VIEW FROM CENTRE OF UNIT 1 B BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL+32.67M

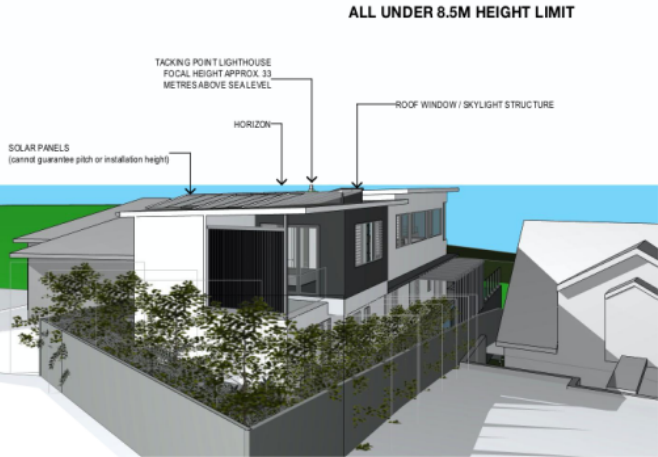
CAMERA VIEW C
REFER TO SITE CONTEXT PLAN FOR LOCATION



View from Unit 2/3 Bourne Street with proposal outlined
FROM LIVING

VIEW FROM CENTRE OF NO.3 BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL32.67M (ASSUMED SIMILAR TO UNIT 1B)

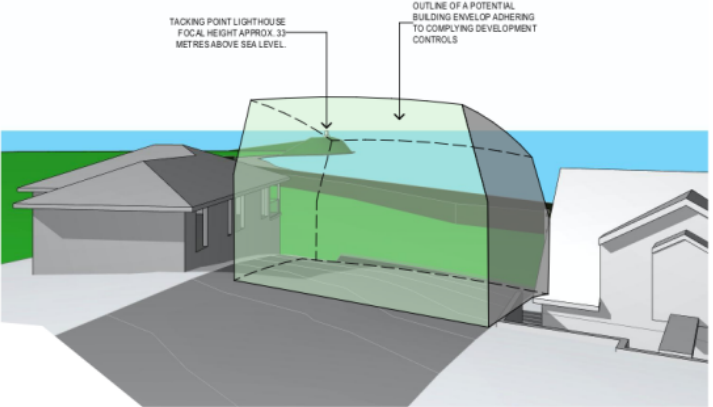
CAMERA VIEW C
REFER TO SITE CONTEXT PLAN FOR LOCATION



Unit 2/3 Bourne St View
FROM LIVING

VIEW FROM CENTRE OF NO.3 BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL32.67M (ASSUMED SIMILAR TO UNIT 1B)

CAMERA VIEW C
REFER TO SITE CONTEXT PLAN FOR LOCATION



View from Unit 2/3 Bourne Street with CDC Compliant Envelope
FROM LIVING

VIEW FROM CENTRE OF NO.3 BOURNE STREET BALCONY.
STANDING EYE LEVEL 1500MM ABOVE DECK LEVEL.
DECK LEVEL IS RL+32.67M (ASSUMED SIMILAR TO UNIT 1B)
SETBACKS OF 900MM UP TO 4.5M AND TAPERING TO 1.9M AT 8.5M HEIGHT LIMIT

3/42 BULLER STREET
PORT MACQUARIE NSW 2444
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REVISIONS
A 02/01/2020 DEVELOPMENT APPLICATION ISSUE
B 26/10/2020 DA - ROOF WINDOW AMENDMENT
C 11/12/2020 PROPOSED HEIGHT REDUCTION

REITER - FRIEND RESIDENCE
58 WATONGA STREET
LOT 33 DP31187
PORT MACQUARIE

NEIGHBOUR VIEWS
SCALE: REF DRAWING @ A2
DATE: 7/12/20
PROJECT No: 1906

DRAWING NUMBER
DA13
REV
C

Item: 10

Subject: DA2020 - 606.1 DEMOLITION OF CARAVAN PARK AND CONSTRUCTION OF SERVICE STATION, FOOD AND DRINK PREMISES AND CAR PARK AT LOT 702 DP 1151916, NO 128 HASTINGS RIVER DRIVE, PORT MACQUARIE

Report Author: Development Assessment Planner, Chris Gardiner

Applicant:	RCI Group
Owner:	Stevens Holdings Pty Ltd
Estimated Cost:	\$3,200,000
Parcel no:	61267

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 606.1 for demolition of a caravan park and construction of a service station, food and drink premises and car park at Lot 702, DP 1151916, No. 128 Hastings River Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for demolition of a caravan park and construction of a service station, food and drink premises and car park 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, eight (8) submissions were received.

The proposal has been amended through the assessment process, including increase to the height of the acoustic fence to the southern boundary, reduction in operational hours for the food and drink premises, changes to illuminated signage, and access and circulation within the site.

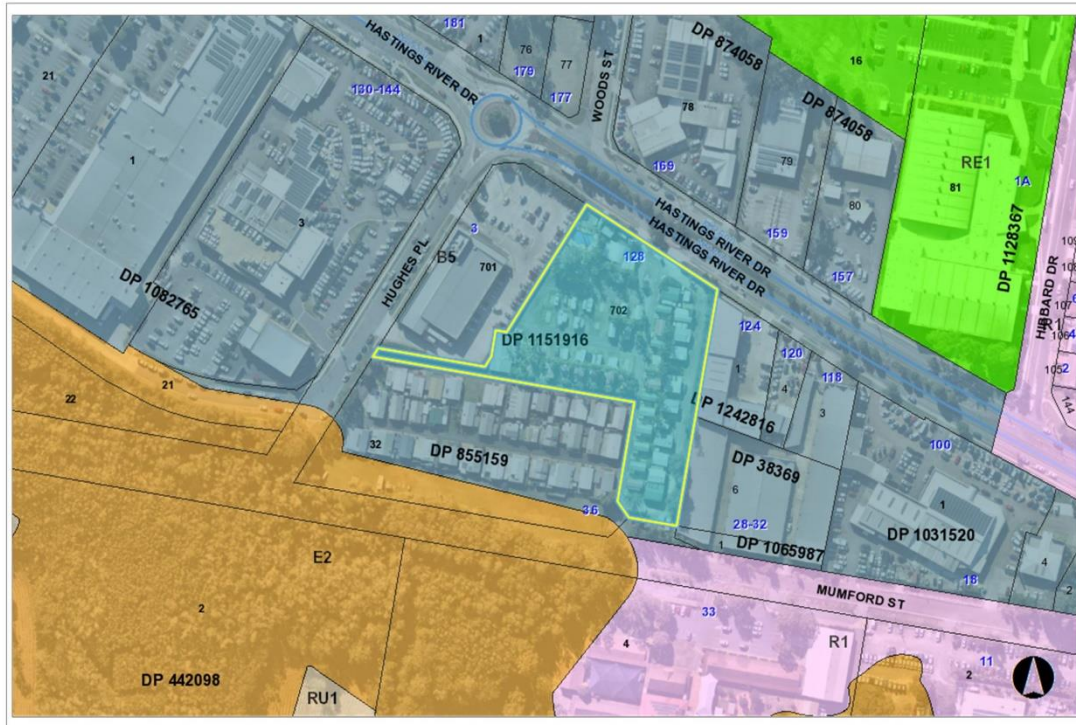
The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

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 1.062 hectares.

The site is zoned B5 Business Development in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing caravan park, including roads, swimming pool and community buildings;
- Construction of a service station including convenience shop, underground fuel tanks, and fuelling canopy;
- Construction of a food and drink premises with drive through facility;
- Construction of associated car parking, landscaping and frontage works.

The development is proposed to be staged to allow for each of the components to be completed individually in any order.

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

Application Chronology

- 31 July 2020 - Application lodged.
- 11 August 2020 to 24 August 2020 - Neighbour notification.
- 21 October 2020 - Additional information requested from Applicant.
- 4 November 2020 - Comments on application received from Transport for NSW.
- 24 November 2020 - Additional information and amended plans submitted by Applicant.
- 16 December 2020 - Amended Waste Management Plan submitted.
- 17 December 2020 - Amended food and drink premises fit out plans submitted.
- 6 January 2021 - Amended plans and noise impact assessment submitted.

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

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

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

State Environmental Planning Policy No. 21 - Caravan Parks

The proposal involves demolition of an existing caravan park. The SEPP does not contain any relevant provisions regarding the closure/demolition of a caravan park. The retained caravan park (Melaleuca Lifestyle Village) on adjoining Lot 32 DP 855159 has a separate approval to operate and does not rely upon any of the roads or communal facilities on the subject site (other than the section of road within the right of carriageway, which is proposed to be retained).

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. In this case, the development has the potential to be hazardous (risk of fire/explosion) and offensive (odours) given the fuel storage component and the provisions of the SEPP apply.

The proposal incorporates a total of approximately 115 kilolitres of flammable liquid and 65 kilolitres of combustible liquid stored in underground tanks. The application includes a SEPP 33 Risk Screening Report prepared by Hazkem Dangerous Goods Consulting. The report addresses the Department of Planning's *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33* and considered the screening tests to determine whether a preliminary hazard analysis is required.

The proposal includes the following breakdown of fuel types and classifications:

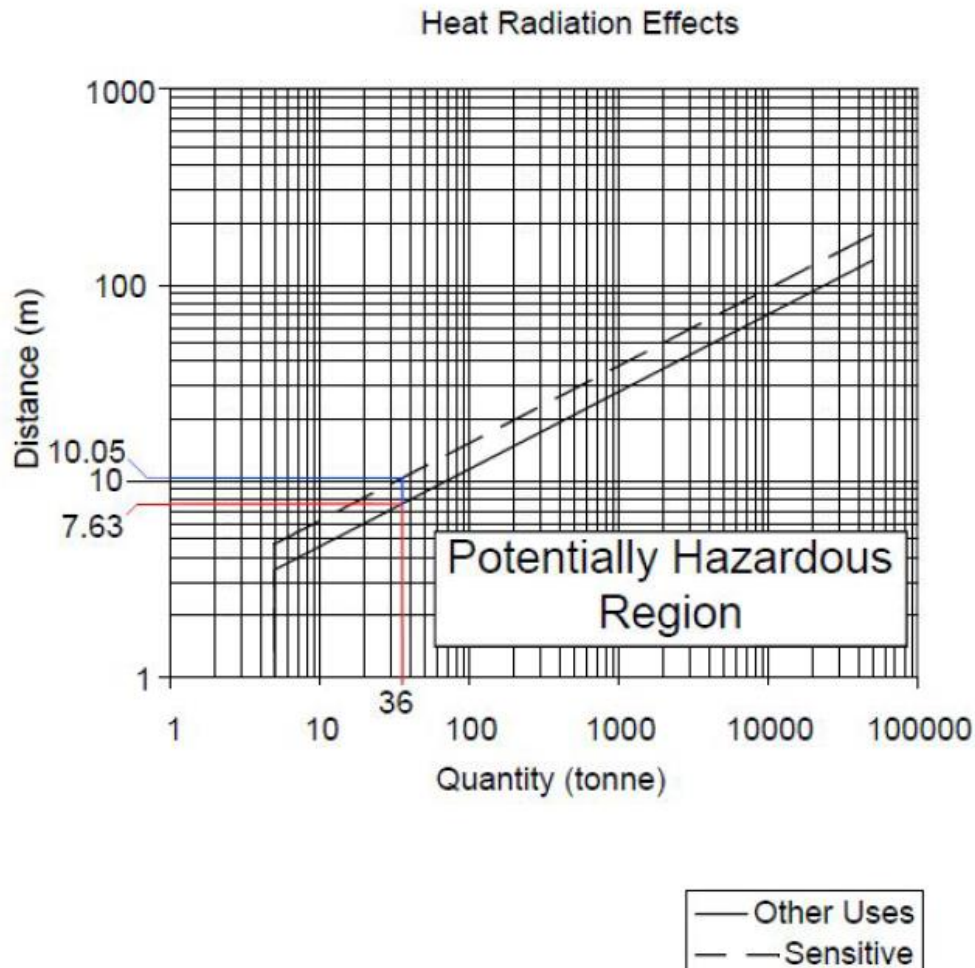
Product	Quantity	Tank/Compartment No.	Class and PG
Diesel	65,000 litres	1	C1*
95 Petrol	25,000 litres	2	3 PG II
98 Petrol	25,000 litres	3	3 PG II
ULP	40,000 litres	4	3 PG II
E10 Petrol	25,000 litres	5	3 PG II

Notes: * As the diesel (combustible C1) is stored on site together with the petrol (flammable liquid class 3), it will be considered as a flammable for the purposes of this report.

The total storage volume is 180,000 litres, but for the purpose of the screening test the guideline allows the volume to be divided by a factor of 5, due to all tanks being underground. This gives a total volume of 36,000 for the purpose of the screening test. Figure 9 in the guideline provides the minimum separation distances required

for a proposal to not be considered hazardous. The proposal has been plotted on the figure below:

FIGURE 9, SEPP 33



From Figure 9 we can see that for 36,000 litres, the minimum setback distance from the remote fill and dispensing points is 7.63 metres to site property boundaries for other uses or 10.05 metres for sensitive uses (residential uses).

The only residential use adjoining the site is located to the south, with other adjoining development being commercial. The proposal satisfies the minimum setback requirements and therefore doesn't require a preliminary hazard analysis.

The proposal is also below the transport screening threshold of up to 45 movements per week or 750 movements per year. The application indicates that the site will receive approximately 3 deliveries per week (156 deliveries per year), which is well below the threshold.

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

Clause 7 - The site has an area greater than 1 hectare and Part 2 of the SEPP applies.

Clause 8 - The ecological assessment prepared by Narla Environmental confirms that the land does contain any Schedule 2 food trees and the site therefore does not meet the definition of potential koala habitat. No further consideration of the SEPP is required.

State Environmental Planning Policy No. 55 - Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use. The land has previously been used as a caravan park, which is not identified as a potentially contaminating use in the contaminated land planning guidelines.

State Environmental Planning Policy No. 64 - Advertising and Signage

The proposed development includes proposed signage in the form of two 6m high pylon signs in the Hastings River Drive frontage and various business identification signs on the fuel canopy, service station building and food and drink premises.

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

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is consistent with the objectives of the Policy.	Yes
Schedule 1(1) Character of the area.	The area has a generally commercial character along Hastings River Drive and the proposed signs are considered to be compatible with the existing and desired future character of the area.	Yes
Schedule 1(2) Special areas.	The site is not located in a special area.	N/A
Schedule 1(3) Views and vistas.	The proposed signs would not affect any significant views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale of the signage is appropriate to the setting and would not detract from the streetscape. The pylon signs are below the top of the service station buildings and consistent with the DCP height controls for pylon signs in the precinct.	Yes
Schedule 1(5) Site and building.	The scale of the signs are in proportion to the proposed buildings.	Yes

Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	N/A	N/A
Schedule 1(7) Illumination.	<p>The proposal includes illuminated signage. Given that the service station is intended to operate 24 hours, the signage is not proposed to be subject to a curfew. It will be necessary for the illuminated signs to comply with AS4282, and a condition has been recommended in this regard.</p> <p>The DCP recommends that illuminated signage near residential uses be fitted with a time switch to dim by 50% after 11.00pm and a condition is also recommended confirming this requirement.</p> <p>Illuminated signage associated with the food and drink premises should be switched off outside the operational hours of the business.</p>	Yes
Schedule 1(7) Safety.	The signs are not considered to adversely affect traffic, cyclist, or pedestrian safety.	Yes

State Environmental Planning Policy (Coastal Management) 2018

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

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

Clause 11(1)(a) - The proposal is not expected to significantly impact the biophysical, hydrological or ecological integrity of the adjacent coastal wetland. The site is an existing developed caravan park and is separated from the coastal wetland by the adjoining Melaleuca Village. The proposal includes stormwater quality controls in accordance with Council's AUSPEC specifications.

Clause 11(1)(b) - The quality and quantity of surface water entering the adjacent coastal wetland will be controlled in accordance with Council's AUSPEC specifications. The Applicant has submitted a Water Cycle Management Plan, which demonstrates conceptually that on-site detention and water quality controls are achievable. In relation to potential impacts on groundwater entering the coastal wetland, the proposed underground fuel storage tanks are located outside the proximity area and have been designed with leak, detection and groundwater monitoring in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

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

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

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

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - The development is not in proximity to electricity infrastructure and referral to Essential Energy was not required.

Clause 101 - The site has frontage to a classified road (Hastings River Drive). The property also has frontage to Mumford Street and Hughes Place. Access to the proposed development is proposed via a left-in left-out divided driveway from Hastings River Drive. This is consistent with the existing access arrangement for the caravan park. In this instance access via Hughes Place or Mumford Street is not considered desirable due to traffic impacts on the classified road at their intersections.

The design of the access to the land and the likely traffic impacts on the classified road have been addressed in the submitted Traffic Impact Assessment are discussed later in this report.

The development will not result in any emissions of smoke or dust once operational.

A standard condition has been recommended in relation to dust management during the construction phase.

The development is not of a nature that would be sensitive to road traffic noise.

Clause 104 - The proposal is traffic-generating development identified in Schedule 3 of the SEPP. The proposal has been referred to Transport for NSW (TfNSW) in accordance with this clause. The comments received from TfNSW are discussed later in this report.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned B5 Business Development.
 - Clause 2.3(1) and the B5 zone landuse table - The proposed development for a service station, food and drink premises and car park is permissible with consent.
- The objectives of the B5 zone are as follows:
- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
 - To minimise conflict between land uses within the zone and with adjoining zones.
 - To ensure that new developments make a positive contribution to the public domain and streetscape.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The development contributes to the mix of business uses in the area.
 - Land use conflict with nearby uses is capable of being appropriately managed.
 - The development will make an acceptable contribution to the streetscape.
 - Clause 2.7 - The demolition of existing buildings within the caravan park requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
 - Clause 4.3 - The maximum overall height of the buildings above ground level (existing) is 8.0m, which complies with the height limit of 11.5m applying to the site.
 - Clause 4.4 - No maximum floor space ratio applies 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. The proposed development includes underground fuel storage tanks, which will involve excavation of more than 1m below ground level. An Acid Sulfate Soil Management Plan prepared by Douglas Partners Pty Ltd has been submitted with the application. The Plan recommends pre-construction confirmation of site specific acid sulfate soil conditions. Excavated acid sulfate soils are to be stored in a bunded area to contain leachate and neutralised using Grade 1 agricultural lime. The Acid Sulfate Soil Management Plan is considered satisfactory and a condition is recommended requiring the Plan to be implemented during construction.
 - Clause 7.3 - The site is land within a mapped "flood planning area" (land subject to flood discharge of 1:100 annual recurrence interval flood event, plus the applicable climate change allowance and relevant freeboard). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's *Flood Prone Lands Policy* and the NSW Government's *Floodplain Development Manual* (2005):
 - The 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 & 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;
- The service station convenience shop, fuel canopy, and food and drink premises are proposed to be constructed to FPL2 (1:100 flood level, plus applicable climate change allowance)
- 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 provisions of the DCP are considered in the following table:

DCP 2013: Part B - General Provisions - B1: Advertising and Signage			
DCP Objective	Development Provisions	Proposed	Complies
1	a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	All proposed signage is business identification with the exception of the fuel pricing information, which is legally required to be displayed.	Yes
	b) Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the Roads Act 1993 or section 68 of the Local Government Act 1993.	All proposed signs are contained within the site boundaries.	Yes
	c) An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² ,	N/A	N/A

	and should contain a sign written heading indicating the premises to which it refers.		
	d) On-premise signs should not project above or to the side of building facades	Signs are contained within the walls of the buildings.	Yes
2	a) Where there is potential for light spill from signage in a non-residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	Condition recommended requiring illuminated signage to be dimmed by 50% or turned off by 11pm each night.	Yes

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

DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	The Applicant has submitted a Waste Management Plan addressing Council's Policy.	Yes

Cut and Fill Regrading

4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	The proposal includes substantial earthworks across the site, the majority of which is located outside the perimeter walls of the proposed buildings. The proposal includes cut of less than 0.5m, and filling of up to 1.8m. The extent of filling is necessary in this instance to achieve the required minimum floor/ground levels in accordance with Council's Flood Policy. The required levels cannot be achieved within the DCP provisions. Relevant objectives of the provision including, site stability, privacy impacts, and stormwater management have been	No, but acceptable
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		considered in the assessment and the proposal is consistent with these objectives.	
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Condition recommended requiring engineering certification.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	No front fence and retaining wall combination proposed.	N/A
Tree Management – Private Land			
11	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.	The ecology report identifies 4 broad leaf paperbarks to be removed, which are listed as other browse species in the DCP. Offset plantings are capable of being provided within the site landscaping or on the vacant part of the site adjacent to Mumford Street. A condition is recommended requiring offset plantings at a ratio of 2:1 in the same species, or 1:1 with primary koala food trees.	Yes
Tree Management - Hollow Bearing Trees			

13	a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's Hollow-bearing tree assessment (HBT) protocol	No hollow bearing trees identified for removal.	N/A
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DCP 2013: Part B - General Provision - B3: Hazards Management

DCP Objective	Development Provisions	Proposed	Complies
Airspace Protection			
15	a) Development shall not result in land use or activities that attract flying vertebrates such as birds and bats within proximity of flight paths associated with airport operations.	The proposed use is not expected to attract flying vertebrates.	Yes
16	a) Development shall not result in emission of airborne particulate or produce a gaseous plume with a velocity exceeding 4.3m per second that penetrates operational airspace. Refer Manual of Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	No emissions of this nature proposed.	Yes
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	See comments earlier under Clause 7.3 of LEP regarding flooding.	

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the	Site has existing entry and exit to classified road.	N/A

	desirable traffic speed, and other factors.		
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	The existing site access is already left-in, left-out to Hastings River Drive, which is considered to be the most practical means of access. Access from Mumford Street is not desirable without improvements to the intersection of Hastings River Drive and Mumford Street.	Yes
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	A single entry and exit driveway are proposed with adequate width to accommodate heavy vehicles.	Yes
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Take away food and drink premises - On-site seating and drive-through: 1 space per 2 seats, plus queuing area for minimum of 8 cars from the pickup point.</p> <p>Service station: 3 spaces per work bay + 1 per employee + 2 customer (minimum) + any Restaurant/Take Away Food requirements</p>	<p>The service station is noted to have no work bays and 2 employees, which requires a minimum of 4 parking spaces. The convenience store component of the service station has a floor area of approximately 98m² and is considered to generate a parking demand at the retail premises rate (1 space per 30m²). This equates to an additional 3.27 (rounded to 4) spaces. The total parking demand for the service station component is 8 spaces.</p>	Yes

		<p>The takeaway food and drink premises is proposed to have 42 indoor seats (21 spaces) and provided queuing for 8 vehicles in the drive through.</p> <p>The total parking required for the development is therefore 29 spaces, plus queuing for 8 vehicles at the drive through.</p> <p>The proposal provides 148 spaces, which meets this requirement with 119 parking spaces surplus.</p>	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	N/A	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	Noted. Parking assessment has considered all relevant land uses.	Yes
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.	No parking credits applicable.	N/A
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 the area; 	N/A	N/A

	<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.	N/A	N/A
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Parking easily accessible.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	General directional pavement markings included on architectural plans.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Parking in the north-west corner of the site located forward of the building line with landscaping approximately 1.5m wide. This is consistent with the adjoining car parking for the Aldi store to the west. Landscaping in this location has been established in the 1.5m wide strip and successfully screens the open parking area from Hastings River Drive. It is considered that a similar landscape treatment for the subject site could achieve a similar result.	No, but acceptable
	d) Parking design and layout is provided in accordance with	Parking layout capable of complying.	Yes

	AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS 2890.6 - Off-street parking for individuals with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	Conditions recommended requiring certification of design prior to the issue of a Construction Certificate and certification of the completed car park prior to the issue of an Occupation Certificate.	
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> - the spaces are surplus to that required; - in motor showrooms; - for home business; - for exhibition homes; - in car repair stations; - staff parking spaces are separately identified and delineated; - it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m. 	None proposed.	Yes
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	Parking layout capable of complying. Conditions recommended requiring certification of design prior to the issue of a Construction Certificate and certification of the completed car park prior to the issue of an Occupation Certificate.	Yes
30	a) Bicycle and motorcycle parking shall be considered for all developments.	The proposed uses of the land for a service station and food and drink premises are not expected to generate a significant demand for customer bicycle parking. A bicycle rack is identified on the plans adjacent to the food and drink	Yes

		premises to cater for the small volume of staff and customer parking anticipated. Motorcycle parking can be accommodated within the vehicle parking area, and there is significant surplus spaces for this use.	
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	Bicycle rack adjacent to the food and drink is capable of complying with standard.	Yes
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	N/A	N/A
Landscaping of Parking Areas			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	The landscape plan includes understorey plantings as well as 36 medium mature trees including: - 5 Tuckeroo - 4 Riberry - 7 Watergum - 20 Foxtail Palm	Yes
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	The landscape plan includes landscaping within the parking areas and along the site frontage to the public domain.	Yes
	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	Parking in the north-west corner of the site located forward of the building line with landscaping approximately 1.5m wide. The suitability of this area is discussed above under 28(c).	No, but acceptable
34	a) All plantings on public lands are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	Proposal will include replacement of the existing street tree in Hastings River Drive.	Yes

	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's AUS-SPEC design specifications.	Noted. Replacement street tree will need to meet these specifications.	Yes
	Surface Finishes		
35	<p>a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers.</p> <p>Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.</p>	Concrete surface proposed.	Yes
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	N/A	N/A
	Drainage		
36	<p>a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.</p> <p>b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.</p>	Water Cycle Management Plan submitted with application addressing these matters.	Yes
37	a) Car parking areas should be drained to swales, bio		

	retention, rain gardens and infiltration areas.		
	Loading Bays		
38	a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	Separate loading facilities proposed for the service station and food and drink premises.	Yes
	b) Loading bays should be provided in accordance with the following requirements; <ul style="list-style-type: none"> – Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). – Vertical clearance shall be a minimum of 5m. – Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area. – A limited number of 'employee only' car parking spaces may be combined with loading facilities. – Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. – Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic. – Vehicles are to stand wholly within the site during such operations. 	Service station bay 8m x 3.5m. Food and drink premises loading bay 8m x 3.58m. Neither loading bay is roofed and both loading bays can accommodate the swept path of the design vehicle.	Yes
	c) Industrial development shall provide adequate heavy vehicle access to building entries, or alternatively, external bays located appropriately for goods distribution.	N/A	N/A

	d) For external bays, one bay is required for 500m ² of floor space or 1000m ² of site area.	Two loading bays provided.	Yes
	e) Commercial development having a floor space less than 500m ² need not provide a loading bay.	N/A	N/A
	f) Other commercial development shall provide one loading bay for the first 1,000m ² floor space and one additional bay for each additional 2,000m ² .	N/A	N/A
	g) If parcel pickup facilities are provided on-site they shall be located so as to avoid conflict with general traffic flow within parking areas. Parcel pickup lanes shall be separate from through traffic lanes in major shopping developments.	N/A	N/A
39	a) The location and design of loading bays should integrate into the overall design of the building and car parking areas.	Loading bay locations acceptable.	Yes
	b) Where visible from the public domain, loading bays are located behind the building.	Service station loading bay behind the building line and food and drink premises loading bay substantially setback from site frontage.	Yes
	c) Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.	Food and drink premises loading bay located approximately 20m from the boundary of the adjoining Melaleuca Village. The loading bay is screened from the sensitive land use by the screened plant area on the eastern side of the building and also the proposed acoustic fencing on the property boundary.	Yes
Traffic Generating Development			
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to	Proposal is traffic generating development and has been referred to Transport for NSW.	Yes

	Clause 104 and Schedule 3 of the SEPP).		
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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.	Social Impact Assessment has been submitted and is considered later in this report.	
Crime Prevention			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	The service station component is proposed to be open 24 hours and will provide casual surveillance of the site. The building surrounds and car parking areas are proposed to be illuminated, which will also assist with casual surveillance and remove concealment opportunities. There is no access control to the overall site and parking area, but appropriate access control will be provided to buildings, particularly during late night trading at the service station. The site layout and proposed landscaping will define the public and private areas of the site.	Yes

DCP 2013: Part C - Development Specific Provisions - C3: Business and Commercial Development

DCP Objective	Development Provisions	Proposed	Complies
97	Setbacks a) A zero metre setback to ground floor is preferred for B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre and B4 Mixed Use zone developments.	Not applicable to B5 zone.	N/A

	b) Any front setback for other commercial zones to be considered on merit, having regard to existing streetscape.	The proposed setback of 7.5m to the service station building and fuelling canopy is considered satisfactory for the nature of the use. There is no established character to the existing building setbacks in the locality.	Yes
99	Roof Form a) Variations in roof form including the use of skillions, gables and hips are to be provided in the development.	Roof form satisfactory having regard to other buildings in the locality.	Yes
	b) Variations in roof materials shall be used.		
	c) Parapets and flat roofs should be avoided.		
	d) In an established street, roof form and materials shall be consistent or complementary to those developments in that street.	Roof form and materials consistent with other development in the locality.	Yes
	e) Lift over-runs and service plant shall be concealed within roof structures.	N/A	N/A
	f) All roof plant must be represented on plans and elevations.	Screened plant areas identified on the plans to the side of each of the proposed buildings. No roof plant proposed.	Yes
	g) Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	N/A	N/A
	h) Roof design shall generate an interesting skyline and be visually interesting when viewed from adjoining developments.	No multi-storey buildings in the locality that would have views across the rooftops.	No, but acceptable
100	a) Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street	Materials and finishes satisfactory in the site context.	Yes
101	a) Shopfront widths are to be between 15 and 20 m.	Maximum 20m shopfront width.	Yes

	b) Widths up to a maximum of 30 may be considered where the building achieves superior built design and streetscape outcomes.	N/A	N/A
	c) The maximum length of any similar façade treatment is 22m.	Neither façade is longer than 22m.	Yes
	d) Side and rear facades are to be treated with equivalent materials and finishes to the front façade.	Side and rear facades treated in similar quality materials.	Yes
	e) Building facades should be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.	Features integrated into building design.	Yes
	f) An articulation zone of between 1.8-4.0m is provided for the front façade of all floors containing residential and tourist uses.	N/A	N/A
102	a) Any security grilles shall be provided inside the building, behind glazing and designed to ensure transparency to the interior.	None shown on plans.	N/A
103	a) Infill development or alterations should respect the form, scale and massing of existing traditional buildings.	N/A	N/A
	b) Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.	N/A	N/A
104	Active Frontages a) Ground floor levels should not be used for residential purposes in zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial core and B4 Mixed use.	Land is in B5 zone.	N/A
111	Landscaping	Landscape plan submitted showing	Yes

	<p>A landscape plan shall be submitted with the development application and include:</p> <ul style="list-style-type: none"> - Existing vegetation; and - Existing vegetation proposed to be removed; and - Proposed general planting and landscape treatment; and - Design details of hard landscaping elements and major earth cuts, fills and any mounding; and - Street trees; and - Existing and proposed street furniture including proposed signage. 	satisfactory detail of plantings.	
	b) Vegetation is provided on top of podium levels, on tops of car parks, and on balconies and verandas fronting the street below podium level.	N/A	N/A
112	a) All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	Condition recommended regarding replacement street tree plantings.	Yes
113	a) Large trees and spreading ground covers are provided in all landscape areas within the site.	Proposed on landscape plan.	Yes
	b) Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.	Appropriate screening shrubs proposed in the area forward of the parking area on the western side of the service station building.	Yes
	c) Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	1.5m wide landscaped strip proposed between the parking area and Hastings River Drive. This is generally consistent with the width of the landscaping for the adjoining Aldi car park and can accommodate	No, but acceptable.

		effective screen plantings.	
114	a) At grade car parking incorporate water sensitive urban design principles to drain pavement areas.	See comments under Stormwater section of this report.	
115	a) Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	None proposed.	Yes
116	a) Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	N/A	N/A
117	a) Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.	None proposed.	N/A
118	a) Any ramps are to be integrated into the overall building and landscape design.	No ramps proposed.	N/A
120	Vehicular Access Location and Design a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.	Land is in B5 zone.	N/A
	b) The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.	Single entry and single exit driveway proposed, which is consistent with the existing access arrangement for the site.	Yes
	c) Any car park ramps are located largely within the building footprint.	N/A	N/A
	d) Underground car parks must be designed to enable all vehicles to access and egress in a forward direction.	N/A	N/A

	e) Vehicular entrances to underground car parks are to be; – Located on minor streets; – Have a maximum crossover of 6.0m; – Shall be signed and lit appropriately; – Shall be designed so that exiting vehicles have clear sight of pedestrians and cyclists.	N/A	N/A
	f) At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	Landscaping proposed between car park and street.	Yes
	g) All stairs and elevators in the parking structure are clearly visible.	N/A	N/A
123	Pedestrian Entries & Access a) Pedestrian and vehicle movement areas are separated to minimise conflict.	Separate pedestrian access proposed from Hastings River Drive.	Yes
	b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	Submitted plans show line marking to define pedestrian paths through the parking area.	Yes
124	a) Pedestrian and vehicle movement areas are separated to minimise conflict.	Pedestrian and vehicle areas separated between Hastings River Drive and the service station building. Within the site dedicated pedestrian areas are provided between parking bays, but crossing of traffic aisles is still required.	Yes
	b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways	Submitted plans show line marking to define pedestrian paths through the parking area.	Yes
	c) Parking areas are adequately illuminated (naturally and/or artificially)	Lighting proposed, but no details shown on the plans. The Statement of	Yes

	during the time period the centre is open.	Environmental Effects notes that a detailed lighting design will be prepared as part of the Construction Certificate documentation.	
127	Commercial Development Adjoining Residential Land Uses a) The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	Food and drink premises loading area located on north-east corner of the building, away from the residential use to the south. Service station loading area located on the southern side of the building, but separated by approximately 50m from the southern boundary.	Yes
	b) Where this cannot be achieved visual and acoustic treatment of the interface is required.	Acoustic fence proposed along boundary of adjoining residential use in accordance with the recommendation in the Noise Impact Assessment.	Yes
	c) The building elevation adjoining the residential area must be; <ul style="list-style-type: none"> – Articulated, with changes in setback at intervals no greater than 10m; – Use a variety of materials and treatments; – Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater. 	Southern elevation of Food and drink premises includes appropriate articulation and building materials. Minimum setback from the boundary is approximately 11.5m for a building having a maximum height of 7.0m.	Yes
	d) Waste areas are located and managed to minimise pests, noise and odour.	Waste storage located in screened service yards.	Yes
132	Public Art - Additional Requirements for Land Zoned for Business and Tourism a) Development proposed on land zoned Business or Tourist on sites over 5,000sqm, or where the total project capital costs exceed \$5M, is to provide	Cost of works is less than \$5 million.	N/A

	a Public Art Strategy for consideration as part of a Development Application.		
	b) The Strategy is to make provision for quality artwork(s) within the development in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage.	N/A	N/A
	c) The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain.	N/A	N/A

**DCP 2013: Part D - Locality Specific Provisions - D3 Port Macquarie West:
D3.3 Hastings River Drive**

DCP Objective	Development Provisions	Proposed	Complies
229	a) Subdivision design shall incorporate access roads generally in the location shown on Figure 76. New building development shall be located to avoid the proposed access roads and be designed to provide access to them, in preference to Hastings River Drive.	N/A	N/A
230	a) All development (including minor works and change of use development) on land fronting Hastings River Drive shall contribute to the improvement of the streetscape of Hastings River Drive, and are required to incorporate landscaping works.	Proposal includes removal of existing fencing and caravan park buildings, and landscaping has been incorporated into the frontage of the proposed development.	Yes
	b) Where development involves subdivision, new buildings or major additions, and the development site has a frontage greater than 40m, landscaped blisters shall be provided generally in accordance with Figure 76 and Figure 77 and to the satisfaction of Council's engineers and Parks and Recreation Manager.	The proposal includes removal of existing landscaped blisters adjacent to the proposed exit driveway and for the deceleration lane in the frontage of adjoining land to the east at No. 124 Hastings River Drive. The concept plans submitted for the	Yes

		frontage works in Hastings River Drive do not include any replacement landscaped blisters, and there is not considered to be a suitable safe location in the site frontage for these to be provided. However, there is considered to be sufficient area for two new trees to be provided in the central median of Hastings River Drive, and a condition has been recommended requiring detailed design with the Section 138 application.	
	c) Land required for road widening is to be dedicated to Council as a condition of consent.	No road widening required in site frontage.	N/A
	d) Development is to be designed to be operational for both pre and post road widening.	Road widening has already been carried out in the site frontage, and the proposal will be operational for the existing widened road.	Yes
	e) Flush wall signs and pole or pylon signs are preferred signs in the precinct. Pylon or pole signs are subject to the following: <ul style="list-style-type: none"> – maximum height of 6m; – one pylon (or pole) sign per property. Multiple signs may be attached to the one pole. – Where a property has more than 50m frontage to Hastings River additional pylons may be allowed, provided that there is a minimum separation of 40m between pylons; – the sign shall not overhang the boundary 	<p>The majority of proposed signs are flush wall signs or pole/pylon signs. Some awning fascia signs are proposed on the fuel canopy, which are also considered acceptable in the context and are consistent with the signage at the nearby Caltex service station at No. 92 Hastings River Drive.</p> <p>The site has a frontage greater than</p>	Yes

		50m and two pylons are permitted. The proposed pylon signs are each 6m high and separated by 40m.	
	f) For motor showrooms, the application shall demonstrate that consideration has been given to the impact of all signs and advertising techniques utilised on the site (including flags, bunting etc), in respect to visual amenity and reduction of visual clutter, integration of landscaping works, car display and signage.	N/A	N/A
	g) Where multiple car franchises are to operate from the one site, one corporate pole sign per franchise may be allowed, provided the position, height and size of each sign is integrated so that the overall impact is controlled, eg grouping of poles, with differing heights, and different setbacks and stepping of signs. In addition, there should be careful integration with landscaping works and car display. No other pole signs will be allowed on site. If a dealer name identification sign is required, this should appear on the building, or as part of a franchise corporate sign. Directional signs eg visitor parking, customer service, parts etc, should be either attached to a corporate franchise "pylon" style sign, or a small entry way wall sign.	N/A	N/A

Based on the above assessment, the variations detailed above to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact of a significance that would justify refusal of the application.

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

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

(iv) Any matters prescribed by the Regulations**Demolition of buildings AS 2601 - Clause 92**

Demolition of the existing caravan park buildings 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 northerly street frontage orientation to Hastings River Drive. The site also has a narrow frontage to Mumford Street for the part of the site shown as 'Vacant Land' on the plans, and frontage via a battle-axe handle to Hughes Place to the west.

Adjoining the site to the north is Hastings River Drive. On the northern side of Hastings River Drive are a car dealership and bowling alley.

Adjoining the site to the east is bulky goods premises and vehicle repair station, and some self-storage units.

Adjoining the site to the south is the remaining part of the caravan park (known as Melaleuca Lifestyle Village) and the Heritage Christian School.

Adjoining the site to the west is an Aldi supermarket.

The proposal has had regard for the context and particularly potential amenity impacts on the adjoining caravan park to the south.

Lighting

The Statement of Environmental Effects notes that the proposal will include low impact illuminated signage and lighting to the car park and vehicle fuelling area given the intended 24-hour operation. No details of the lighting have been submitted with the application and it has been stated that a detailed design will be prepared as part of the Construction Certificate documentation.

A condition is recommended requiring the design and installation of all exterior lighting to be certified by an appropriately qualified person to comply with *AS4282 - Control of the obtrusive effects of outdoor lighting*.

Overshadowing

The proposal is not expected to result in any adverse overshadowing impacts to the adjoining caravan park. The acoustic fence and retaining wall will have a combined height of up to approximately 4m in places. The nearest caravan park sites are setback from the fence by 5m.

Roads

The site's primary road frontage is onto Hastings River Drive. Adjacent to the site, Hastings River Drive is a sealed public road under the care and control of Council. It is a TfNSW Classified distributor road with a 33m wide road reserve. There is a 10m wide road carriageway in the western (outbound) direction, consisting of two through-traffic lanes, an on-road bike lane and a left-hand slip lane providing access to the site.

In the eastern (inbound) direction, the road carriageway consists of two through-traffic lanes, an on-road bike lane and a 2.5m wide parallel parking bay.

Within Hastings River Drive, there is a 2.5m wide centre median, consisting of trees, a garden bed and streetlights. Immediately adjacent is a tree pit and a concrete pedestrian refuge, accommodating foot traffic across Hastings River Drive. There is a bus bay in the road reserve, adjacent to the north-west corner of the site. In the site frontage, there is SA profile kerb & gutter, an established garden and an existing 1.2m wide footpath.

The site also has road frontage to Hughes Place in the west, via a 5m wide, bitumen-sealed right of carriageway on the access handle and the adjoining land to the south. However, there is no driveway connection from the end of the access handle to the public road. Hughes Place is a 9m wide, sealed Local Street within a 22m wide road reserve. There is SA profile kerb & gutter and an existing 1.2m wide footpath in the street.

The site also has access to Mumford Street to the south, via a bitumen-sealed 5.5m wide private roadway (with boom gate). Mumford Street is a 7.5 wide, sealed Local Street within a 20m wide road reserve. The site's private access road comes off the north-west edge of the turning circle, which consists of a vegetated centre median and SA profile kerb & gutter.

Traffic and Transport

The site is currently approved for use as a caravan park, with 11 long-term sites and 39 short-term sites. Given the proposed change in use of the site, the application includes a Traffic Impact Assessment from Intersect Traffic dated July 2020. Findings of the study determined:

- The local and state road network is currently operating within its two-way mid-block technical capacity therefore has spare capacity to cater for development in the area.
- The proposed development could generate up to 162 vtp/h to and from the site during peak periods of which 82 vtp/h will be passing trade.
- The local and state road network will not reach its two-way mid-block technical capacity resulting from this development and it is reasonable to conclude the development will not adversely impact on the state and local road network subject to satisfactory intersection performance.
- Sidra Intersection modelling of the adjoining Hastings River Drive / Hughes Place roundabout has shown the roundabout will continue to operate satisfactorily post development during both the AM and PM peak periods through to 2030 and beyond. No loss of LoS, with average delays and queue lengths well within the acceptable intersection criteria set by TfNSW. It is therefore reasonable to conclude that the proposal will not adversely impact on the operation of intersections within the local and state road network.
- The proposed development will not adversely impact on the Hastings River Drive / Wood Street intersection and the Hastings River Drive / Mumford Street intersection.
- The proposed access arrangements for the development are satisfactory and compliant with Australian Standard AS 2890.1 – 2004 *Parking facilities – Part 1: Off-street car parking* and the *Port Macquarie Hastings DCP (2013)*.
- The relocation of the Hastings River Drive entry driveway will require the removal of some roadside furniture and loss of 2 – 3 on-street car parks with the lengthening of the No Stopping zone along the adjoining business frontage to

allow the existing parking lane on Hastings River Drive to be utilised as a left turn deceleration lane into the site. Whilst this will have a negative impact on the supply of on-street car parking in the area it was noted during site observations and from an historical aerial photograph survey of the site (Near Map) that the on-street car parking demand in this area is not excessive and on-street car parking in Hastings River Drive should not be encouraged due to the function of the road and the traffic volumes on the road.

- Suitable queuing areas exist from the bowsters to the site accesses such that the risk of vehicles queuing back onto the road network is minimal.
- The proposed development provides sufficient and suitable car parking to meet the requirements of the *Port Macquarie Hastings DCP (2013)* and Australian Standard AS2890.1-2004 *"Parking Facilities Part 1 – Off street car parking"*.
- The drive through service lane within the food and drink premises also has queuing space for 9 vehicles behind the service point before the queue would begin to impact on the operation of the on-site car parking. This is compliant with the *Port Macquarie Hastings DCP (2013)* requirements for drive through service lanes (minimum 8 spaces).
- The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site with forward entry and exit from the site for the fuel tankers and service vehicles. This has been demonstrated with the provision of swept turning paths on the plans.
- No additional public transport facilities will be needed resulting from the development as little demand for such services will be generated by the development and suitable public transport services and infrastructure already exists within the vicinity of the site.
- Whilst this type of development may generate a small amount of pedestrian and cycleway traffic, it would not be sufficient to require additional infrastructure.

The findings of the traffic assessment have been assessed by Council staff and are considered to be reasonable

Transport for NSW (TfNSW) Referral

The proposal was referred to TfNSW in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. Comments were received on 4 November 2020, which recommended consideration of the following items:

- TfNSW recommends that the impact of turning traffic on the safe and efficient operations of the Hastings River Drive should be assessed in accordance with the *Austroads Guide to Traffic Management Part 6* and *Austroads Guide to Road Design Part 4A* to identify the appropriate type of left-turn treatment that will be required for the accesses.
- Any proposed roadworks on Hastings River Drive will require a S138 Application to be submitted to Council and referred to TfNSW for Concurrence. This should include a 2D strategic design for consideration.
- The development proposes two connections to the Aldi Supermarket and the vacant lot. The additional uses proposed as well as the existing, have the potential to increase traffic generation through the site and at the Hastings River Drive accesses. The potential additional traffic generation should be taken into account.
- Traffic from the site and the proposed subdivision will have to use the service stations forecourt area to exit the site. This area will be used by pedestrians to access the shop. A separate exiting arrangement for traffic should be provided to maintain a safe environment for pedestrians.

- The swept paths of the largest design vehicle entering and leaving and movements through the development for each development should be considered.
- The Fuel Plans indicate that the fuel tanker cannot turn from the nearside lane and the prime mover will block the exit while unloading. An alternative arrangement needs to be considered to ensure safety and efficiency for all users of the site.
- No details were provided of the Pylon Sign. Please confirm if SEPP 64 will be triggered.
- Consideration needs to be given to how the Mobile Home Parks pedestrians will safely connect to the existing bus stop.
- Any new or changes to the regulatory controls should be referred to Council's Traffic Committee for a recommendation.

The Applicant has provided a response to these issues and it is considered that they have been satisfactorily resolved through additional information and amendments to the design of the development.

Site Frontage and Access

Vehicle access to the site is proposed through separate left-in (entry) and left-out (exit) driveways onto Hastings River Drive. There will also be an alternative access provided via the existing right of carriageway over the Aldi driveway onto Hughes Place. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Hastings River Drive is a Transport for NSW (TfNSW) classified road and will require concurrence from the TfNSW prior to works on this road. Details shall be provided as part of a Roads Act (Section 138) application to Council.

Due to the type and size of development, additional works are required to include:

- The reinstatement of SA profile kerb & gutter across any redundant driveways.
- The planting of two additional street trees within the centre median of Hastings River Drive, to compensate for the removal of the two existing tree pits.

Appropriate consent conditions have been recommended.

Parking and Manoeuvring

A total of 148 parking spaces (including 2 disabled spaces) have been provided on-site. This includes 10 dedicated on-site car parking spaces for the service station convenience store (including 1 accessible space and a loading / servicing area). The food and drink outlet will be serviced via a drive-thru lane with a queuing capacity of 9 cars behind the service window and 40 on-site car parking spaces including 2 waiting bays for the drive through service lane as well as an accessible parking space. A loading / service bay for the food and drink premises is provided beside the building clear of any car parking provided for the business. The remaining parking spaces will be shared between the two businesses. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been recommended to reflect these requirements.

Water Supply Connection

Council records indicate that the development has a 40mm and a 20mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

Existing water services no longer required are to be disconnected at the main and a request for this is to accompany the application for water meter hire.

Any water main fittings (hydrants, stop valves etc.) shall be moved clear of driveways if required, at no cost to Council.

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

Appropriate consent conditions have been recommended.

Sewer Connection

Council records indicate that the development site is traversed by a 150mm PVC sewer line. Any other abandoned sewer junctions are to be capped off at Council's sewer main. Due to the scale of the development all sewage must discharge directly to a new or existing sewer manhole.

Footings and/or concrete slabs adjacent to sewer lines are to be designed so that no loads are imposed on the infrastructure.

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

Appropriate consent conditions have been recommended.

Stormwater

The submitted application includes a Water Cycle Management Plan prepared by Eclipse Consulting Engineers. The plan has been reviewed by Council's Senior Stormwater Engineer and considered to be satisfactory subject to the recommended conditions.

The development includes water quality control facilities that have been sized to achieve the water quality targets of AUSPEC D7. A maintenance plan will be required at Section 68 stage to address the ongoing maintenance of these facilities.

The proposed drainage system included on-site detention (OSD) facilities that have been sized to restrict stormwater discharge to pre development rates for all storm events up to and including the 10% AEP event. This differs to Council's usual requirements which would stipulate detention of flows up to the 1% AEP event, however has been justified in this instance on the basis that the downstream receiving waters are flood prone and will be inundated in events larger than the design - hence there is no downstream benefit to detaining those larger storm events.

Potential exists for discharge from the service station to impact on receiving waters. A SPEL Purceptor and Stomscak pre-treatment devices/system is proposed to treat surface water/runoff wastewater from the under canopy high risk area, prior to discharge to the stormwater system. Conditions have been recommended in relation to the design and maintenance of this system. Stormwater from the lower risk areas is to be diverted around/away from the high-risk under canopy area.

Appropriate consent conditions have been recommended.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on, or adjacent to, the property. The site is considered to be disturbed land due to the previous development of the caravan park.

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

Other Land Resources

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

Water Cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle. The application includes a satisfactory Water Cycle Management Plan

Soils

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

Air and Microclimate

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

Flora and Fauna

The application includes an ecological assessment prepared by Narla Environmental Pty Ltd. The proposed development includes clearing of approximately 391m² of native vegetation (Broad-leaved Paperbark Swamp Woodland) and 3,157m² of urban native/exotic vegetation. The Biodiversity Offset Scheme doesn't apply 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.

Offset planting requirements in accordance with the DCP have been recommended in the conditions

Waste

The Applicant has submitted a Waste Management Plan (WMP) for the development. The WMP generally complies with the provisions of Council's Developments, Public Place & Events Waste Minimisation and Management Policy and make appropriate

provision for waste storage, private waste collection, and manoeuvring for garbage collection vehicles. Some minor changes to the operational provisions of the plan are recommended to incorporate the following:

- Public place bins are to include side-by-side general waste (red) and recyclables (yellow) bins;
- The food and drink premises is to provide 2 x 240L food organics and garden organics (green) bins.

A condition has been recommended requiring these changes to the WMP.

Standard precautionary site management condition also recommended for the construction phase of the project.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and Vibration

A Noise Impact Assessment prepared by Reverb Acoustics has been submitted with the application. The assessment considers potential noise impacts from a range of activities associated with the proposed development, including:

- Cars entering, exiting, using the car park, and using the drive through lane;
- Trucks entering, existing, manoeuvring to loading areas, and making deliveries;
- Customers and staff in the drive through facility;
- Fuel tankers entering, exiting, and delivering fuel at the fill point;
- Air conditioning, refrigeration, and exhaust plant; and
- Service station air compressor.

The assessment determined that with no mitigation measures, noise levels would exceed the relevant criteria by up to 9dB(A) at the nearest residential boundary and noise was also predicted to exceed sleep arousal criterion.

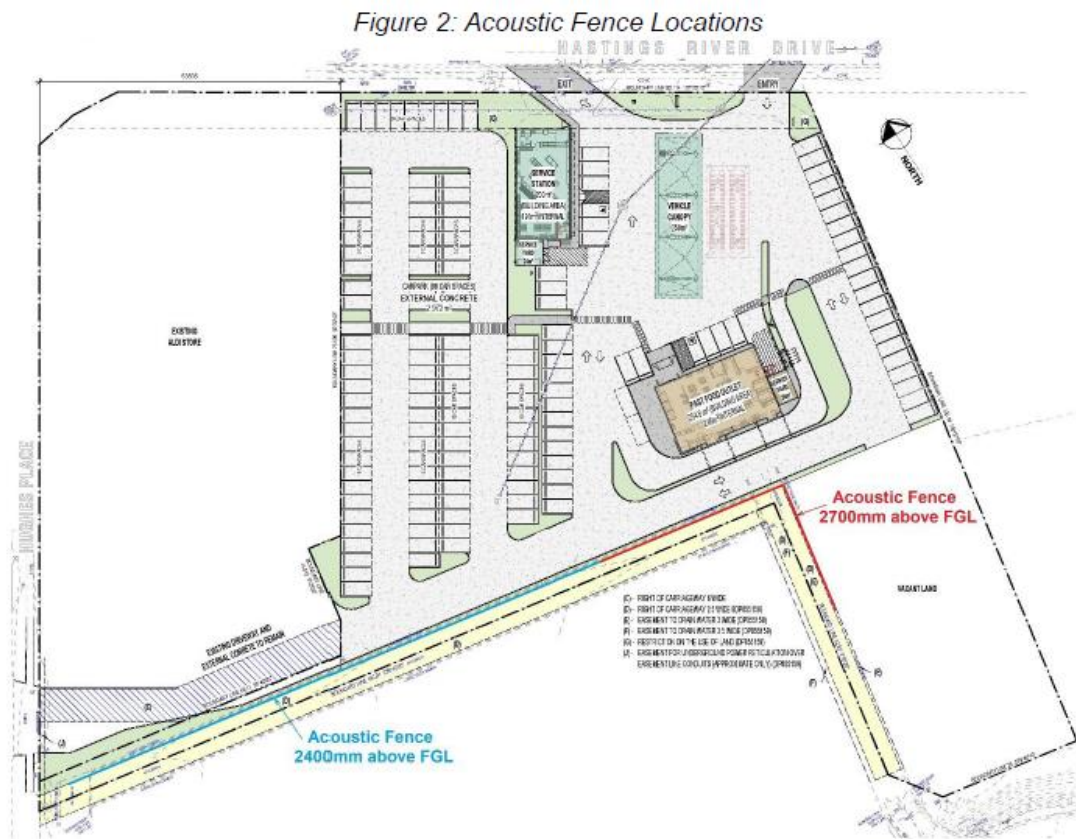
The consultant has made a series of recommendations for noise mitigation measures required to achieve the appropriate noise criteria as follows:

- 4.1** *The service station and take-away restaurant may trade over the full 24-hour period.*
- 4.2** *Fuel tanker deliveries are to be restricted to 5am-12am.*
- 4.3** *General store deliveries are to be restricted to 5am-12am.*
- 4.4** *Acoustic fences 2400-2700mm above FGL must be erected along the south site boundary. See Figure 2 for fence heights and locations. A gap of 50-75mm is permitted at ground level to aid in drainage. An acoustic fence is one which is impervious from the ground to the recommended height, and is typically constructed from lapped and capped timber, Hebel Powerpanel or similar. No significant gaps should remain in the fence to allow the passage of sound below the recommended height. Other construction options are available if desired, providing the fence or wall is impervious and of equivalent or greater surface mass than the above construction options.*

- 4.5** Preference should be given to installing a RFP Retail Forecourt Inflator with inbuilt compressor, in preference to a separate compressor. If a separate compressor is preferred it must be located in the service yard.
- 4.6** Perimeter walls to the Service Yards must be impervious from the ground to a height of 1800mm above FGL. Construction may consist of Colorbond or similar. A gap of 50-75mm may be left at ground level to aid in drainage, cleaning, etc.
- 4.7** Exhaust plant that produces a sound pressure level (SPL) in excess of 65dB(A) at a distance of 1 metre must have acoustic barriers constructed at the fan discharge. The barriers must fully enclose at least three sides towards any residence. In our experience, a more efficient and structurally secure barrier is one that encloses all four sides. The barrier must extend at least 600mm above and below the fan centre and/or the highest point of the discharge outlet. The barrier must be no closer than 500mm and no further than 1200mm from the edges of the exhaust. Barrier construction should consist of Acoustisorb panels (available through Modular Walls). Note that variations to barrier construction or alternate materials are not permitted without approval from the acoustical consultant. Barrier construction is based solely on acoustic issues. Visual, wind load issues must be considered and designed by appropriately qualified engineers.
- 4.8** All refrigeration must be located at ground level in enclosed service yards.
- 4.9** No acoustic treatment is required for air conditioning/refrigeration or exhaust plant (not located in service yards) that satisfies the following noise emission limits:

	Lw, dB(A)	SPL at 1m dB(A)
Exhaust plant	71	65
Air con Plant (behind parapet)	86	80

- 4.10** The contractor responsible for supplying and installing mechanical plant must provide evidence that installed plant meets this noise emission limit, or that noise control included with the plant is effective in reducing the sound level to the specified limit. Once the plant layout has been finalised, details should be forwarded to the acoustic consultant for approval.
- 4.11** It is strongly recommended that waste collection be restricted to weekdays 7.00am to 6.00pm.
- 4.12** Construction Certificate documentation must be forwarded to Reverb Acoustics to ensure all recommendations within this report have been incorporated into the design of the site.
- 4.13** For both staff and customers, some form of education campaign is suggested to ensure satisfactory noise levels at nearby residences. For staff, the education can be part of in-service training, while for visitor's reminders may be included in promotional material and reinforced with erection of appropriate signage.



Conditions are recommended requiring implementation and certification of the noise mitigation measures recommended in the report.

The height of the acoustic fence has been further increased by the Applicant during the assessment process and is now proposed to be 3.3m high above FGL for the section noted as 2.4m high in Figure 2 above.

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a BPAD Certified Consultant. The assessment concludes that the proposed development will comply with the aims and objectives of Planning for Bush Fire Protection subject to the following recommendations:

- The proposed building works shall comply with the NCC (National Construction Code).
- The entire site shall be managed as an inner protection area (IPA) as outlined in Appendix 4 of Planning for Bush Fire Protection 2019.
- An Emergency Management Plan shall be prepared in accordance with AS3745-2010 with specific consideration for bushfire.

Conditions are recommended confirming these requirements.

Safety, Security and Crime Prevention

The service station component is proposed to be open 24 hours and will provide casual surveillance of the site. The building surrounds and car parking areas are proposed to be illuminated, which will also assist with casual surveillance and remove concealment opportunities. There is no access control to the overall site and parking

area, but appropriate access control will be provided to buildings, particularly during late night trading at the service station. The site layout and proposed landscaping will define the public and private areas of the site.

Social Impacts in the Locality

The application includes a Social Impact Assessment Prepared by BB Professional Services. The assessment identifies potential positive social impacts through the creation of employment (40-50 jobs during construction and up to 30 ongoing jobs). The new car park will have a positive social impact by filling a shortage of off-street parking in the locality for existing businesses. If the displaced manufactured homes were able to be relocated to serve as some form of affordable housing at another location, this would also be a positive social impact.

There is also potential for some negative social impacts on:

- evicted home-owners in the Melaleuca Caravan Park
- evicted renters in the Melaleuca Caravan Park
- neighbouring residents in the Melaleuca Lifestyle Village
- and to a small extent, on the availability of affordable housing in Port Macquarie.

To mitigate the likely negative impacts of the proposed development, the Social Impact Assessment makes the following recommendations:

- That residents of Melaleuca Caravan Park be kept informed;
- That renters be given longer than usual notice before eviction and financial assistance towards relocation costs in two cases where tenants will be most negatively impacted;
- If acceptable sites for relocation of owner-occupied homes can be found at another park in Port Macquarie or another location acceptable to the owners, that relocation expenses be paid, including any fee for securing the new site;
- If no acceptable relocation sites can be found, that home-owners be paid an agreed amount for their homes, so they can use the money received to purchase a new home in another residential park in Port Macquarie when one becomes available;
- That residents of Melaleuca Lifestyle Village be kept informed;
- That Council conducts the intended 6 months' inspection to ensure that Aldi complies with the noise reduction measures specified as conditions of consent to extended operating hours given in January 2020;
- That the sound-proofing treatment of the perimeter fence behind Aldi, required by Council but not complied with at the time of writing, be extended along the perimeter fence behind the proposed development (car park and fast food restaurant);
- That the tall shrub planting at the Hughes Place end of the perimeter fence also be extended along the entire perimeter fence to reduce fumes;
- That the current storm water run-off problem be rectified with improved drainage;
- That a dilapidation assessment be conducted on houses in the Melaleuca Residential Park for those residents who wish to participate;
- That the developer explores, with Council, the NSW Department of Family and Community Services and community housing providers in Port Macquarie, ways in which the displaced rental homes could be repurposed as social housing elsewhere.

The Applicant has noted in the Statement of Environmental Effects that they intend to implement the recommendations of the Social Impact Assessment. It is recommended that the Social Impact Assessment be included in the approved documents for the development to ensure that the commitments are incorporated into any consent.

The recommendations regarding management of eviction/relocation of existing residents and renters, as well as informing existing residents of progress, are a matter for the property owners and it is not considered that they can be linked to the building certification process. It is noted that the same impacts could occur if the caravan park were to close outside the development application process. A condition has been recommended requiring all existing site agreements to be resolved prior to demolition of construction work commencing.

The other recommendations that relate specifically to the proposed development on the land have been addressed through the assessment and recommended conditions.

Economic Impact in the Locality

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will create employment in the construction industry (40-50 jobs during construction), which will lead to flow impacts such as expenditure in the area. The operational development is also expected to create ongoing employment opportunities for up to 30 people.

Underground Petroleum Storage System (UPSS)

The UPSS must comply with the various NSW requirements including the Protection of the Environment Operations Act, the UPSS Regulation, EPA requirements and relevant Australian Standards. Conditions have been recommended to ensure that the system complies with these requirements.

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

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

Site constraints of flooding, bushfire, and acid sulfate soils have been adequately addressed and appropriate conditions of consent recommended.

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

Eight (8) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Is another service station needed when there are already 8 service stations within approximately 5km, 4 of which operate 24 hours?	Supply and demand for a particular land use is not a matter for consideration by the consent authority.
Viability of the proposal and potential impacts on existing service stations in Port Macquarie. If other service stations are forced to close it will result in abandoned properties with underground fuel storage, resulting in potential pollution issues.	<p>Viability and competition impacts are not matters for consideration by the consent authority.</p> <p>The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 contains provisions for the ongoing monitoring and remediation of properties containing underground fuel storage systems. These provisions would apply to service stations that are no longer operational. It is not expected that any closure of existing service stations would result in pollution issues.</p>
Air quality impacts on adjoining caravan park, including vapours from fuel bowzers and filling point, vehicle emissions, and odour from fast food outlets.	<p>The fuel system and service station has capability for vapour recovery (ie VR1 & VR2). Vapour recovery is not required by the EPA in regional NSW and is not mandatory in the Port Macquarie-Hastings LGA. However, VR1 has been recommended to be installed in the fuel system in the proposed conditions.</p> <p>Potential exists for cooking odours to be generated from the takeaway food and drink premises and a condition has been recommended regarding the management offensive odours.</p> <p>Vehicle emissions are managed through manufacturing standards and are not a matter for consideration in individual development proposals.</p>
Noise impacts on adjoining caravan park from vehicles, deliveries, waste collection, operation of fuel pumping equipment, air compressor, refrigeration and air conditioning plant, conversations at the drive through facility.	A Noise Impact Assessment has been submitted and the likely noise impacts and mitigation measures are discussed earlier in this report.
Increase in traffic noise impacts on Melaleuca Lifestyle Village from Hastings River Drive due to the removal of existing caravan park buildings, which currently provide some noise protection.	A part 3.3m and part 2.7m acoustic fence is proposed to be constructed along the northern edge of the caravan park. The fence is expected to provide better traffic noise reduction from Hastings River Drive than the existing buildings as it is of a similar height and does not have any gaps.

Proximity of the proposed service station to residential uses may result in health impacts, particularly on the elderly vulnerable residents of the Melaleuca Lifestyle Village and children attending the nearby Heritage Christian School. Some international studies have recommended a minimum separation distance of 50m, 100m, or 150m. The proposal shows the nearest fuel bowser being approximately 47.5m from the closest residence. There are also international studies showing links between proximity to petrol stations and childhood leukaemia or cancer.	There have been no public health standards adopted in NSW for the separation between residential uses and service stations. Safe separation distances have been considered in terms of potential hazards associated with fuel storage in accordance with the requirements of SEPP 33 - Hazardous and Offensive Development.
If the development is approved the recommendations in the Social Impact Assessment need to be implemented.	The recommend conditions of consent are consistent with the SIA recommendations.
The survey accompanying the Social Impact Assessment did not include any detail of the actual proposal, which limited the ability of nearby residents to make informed comments.	Noted.
The developer has made no attempt to consult with residents of the Melaleuca Lifestyle Village prior to, or since the lodgement of the application. This is contrary to the recommendations of the Social Impact Assessment to keep residents informed.	Noted.
Impacts of construction activities. It is recommended that the developer have a liaison person responsible for informing residents of the Melaleuca Lifestyle Village of key events, including: <ul style="list-style-type: none"> • Notice of commencement of work on the site; • Any work which would cause severe ground vibration; • Internal road blockages; • Pile driving equipment; • Heavy excavation work; • Excessive noise related events; • Excessive dust and debris events. 	A condition has been recommended requiring this to be implemented as part of the construction site management.
Manufactured homes in the adjoining caravan park are highly susceptible to vibration impacts. The construction activities should adopt best management practice. A dilapidation report for existing homes should be carried out in accordance with the recommendations of the Social Impact Assessment.	Conditions have been recommended requiring the developer to prepare a dilapidation report prior to commencing works and following completion of the development.

Inaccuracies in previous background noise logging for developments at the adjoining Aldi site.	Noted. The submission also notes that the location of the noise logger for the current proposal is considered to be more appropriate.
Noise recommendations must not require residents to close windows and doors to achieve required noise levels.	The mitigation measures proposed in the Noise Impact Assessment do not require residents to close windows and doors to achieve required internal noise levels.
Removal of the existing caravan park buildings and replacement with a 2400mm high acoustic fence will expose residents to increased noise levels from the Aldi loading dock.	The proposal has been amended to provide a 3.3m high acoustic fence extending from the existing fence at the Aldi loading dock. Advice from the acoustic consultant has been submitted, confirming that the proposal would not result in an increase in noise from this source.
Question the effectiveness of the proposed additional 300mm fence height adjacent to the takeaway premises.	The acoustic consultant has modelled the expected noise impacts in accordance with EPA guidelines and has recommended that the fence height is appropriate to achieve the required noise reduction.
The proposal will replace an existing 3300mm acoustic fence adjacent to the Aldi loading dock with a 2400mm high acoustic fence along the road edge. This will reduce the level of noise protection from the Aldi loading dock.	The proposal has been amended during the assessment process to increase the fence height in this location to 3.3m.
The full length of the perimeter fence should be provided with an additional acoustic treatment, similar to Council's requirements for the Aldi section of the fence under DA2019 - 673.1, as recommended in the Social Impact Assessment.	<p>The noise impact assessment has not determined that this level of acoustic treatment to the full length of the fence is necessary to achieve satisfactory noise levels in the adjoining caravan park. The conditions of DA2019 - 673.1 only require this treatment for the south-western boundary of the Aldi site prior to any deliveries occurring between 10pm and midnight.</p> <p>It is understood that the Aldi site is yet to act on DA2019 - 673.1 and deliveries to the site are being carried out in accordance with the Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020.</p>
The perimeter fence should be increased in height to a minimum of 3.3m above finished ground level for its full length and have an acoustic treatment/lining to a minimum of Rw28.	The fence height has been increased in height to 3.3m for part of its length. The noise impact assessment has not determined that it is necessary to provide the additional acoustic treatment/lining to achieve appropriate

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	noise levels in the adjoining caravan park.
The hours of operation for the service station should be reduced to 5am to midnight, 7 days a week. This is consistent with the developer's other service station approved under DA2019 - 285.1 at the corner of Ocean Drive and Ackroyd Street.	The noise impact assessment has demonstrated that the proposed service station is capable of operating 24 hours without adverse noise impacts on adjoining residents.
Request that the hours of operation for the take away food and drink premises be reduced to: <ul style="list-style-type: none">- 7am to 10pm Sunday to Thursday, and- 7am to 11pm Friday and Saturday.	The Applicant has amended the proposal to reduce the hours of operation for the food and drink premises to: <ul style="list-style-type: none">- 7am to 10pm Sunday to Thursday, and- 7am to midnight Friday and Saturday.
Request that deliveries be restricted to between 7am and midnight, consistent with the adjoining Aldi store.	The noise impact assessment recommends that deliveries be restricted to between 5am and midnight.
The proposed illuminated signage on the southern elevation of the take away building will project above the proposed perimeter fence and cause lighting and visual impacts on the adjoining caravan park residents.	The proposal has been amended to remove illuminated signage from the southern elevation of the food and drink premises.
Request that the air pump beeper be silenced or turned off after 8pm each night.	A condition has been recommended the air pump beeper to be silenced after 8pm each night.
Request that illuminated signs be fitted with a time switch to dim by 50% or turn off by 9pm each night.	<p>The DCP requires illuminated signage to dim by 50% or switch off after 11pm and a condition has been recommended accordingly.</p> <p>A condition has also been recommended requiring the illuminated signage for the takeaway food and drink premises to be switched off outside the approved hours of operation. This would require the signage illumination to be switched off from 10pm Sunday to Thursday.</p>
Request that the developer provide a follow up noise assessment after all buildings and the fence are completed.	A condition has been recommended requiring the noise mitigation measures recommended in the noise impact assessment to be completed and certified prior to the issue of an Occupation Certificate.
The submitted plans incorrectly label some of the building elevations.	Amended plans have been submitted with the correct orientation labelled on the elevations.
Request for ongoing monitoring of noise and air quality impacts.	Ongoing monitoring of noise and air quality impacts is typically only required for development subject to an

	<p>Environment Protection Licence (EPL) issued by the EPA. The proposed development does not require an EPL and ongoing monitoring is not considered necessary.</p> <p>If any operational noise impacts occur, Council's regulatory staff could address the issue in accordance with the Protection of the Environment Operations Act 1997.</p>
Concerns regarding negotiations with the developer over relocation/compensation for existing impacted residents.	<p>The Residential (Land Lease) Communities Act 2013 provides the relevant process for termination of site agreements and this is not a matter for consideration by the consent authority in the assessment of the development application.</p> <p>A condition is recommended requiring any existing site agreements to be terminated prior to works commencing.</p>
Any increase in traffic on Mumford Street will reduce safety for children at Heritage Christian School.	The application does not propose any access from Mumford Street for the service station and food and drink premises. The existing Mumford Street access to the Melaleuca Lifestyle Village will be retained, but would not result in any increase in traffic generation.
Due to congestion on Hughes Place delivery vehicles are likely to use Mumford Street for access.	All delivery vehicles are to access the site from Hastings River Drive and a condition has been recommended confirming this requirement.
The traffic assessment has not considered impacts on Mumford Street or its intersection with Hastings River Drive, which is already unsafe.	The application does not propose any access from Mumford Street for the service station and take away food and drink premises and therefore will not affect the volume of traffic turning onto Hastings River Drive at the Mumford Street intersection.
The end of Mumford Street is used by school buses to turn around. Any additional access points in this location will have safety and congestion impacts.	No additional access points are proposed in this location.
The proposal will increase pedestrian traffic past the Heritage Christian School.	The application does not propose any pedestrian access to Mumford Street.
The take away food and drink premises will encourage students leaving the Heritage Christian School to cross the road in unsafe locations.	There is no pedestrian access to the food and drink premises proposed from Mumford Street.
Having a licenced premises so close to a school is of concern and will result in intoxicated patrons walking through the school grounds.	The application does not indicate that either the service station or food and drink premises would be licenced.

Construction noise impacts on school.	Standard conditions have been recommended in relation to construction hours and noise.
Concerns that fuel storage could contaminate surface water during extreme flooding.	The service station canopy area has been designed to be above 1:100 flood level (including climate change allowance). Modern fuel storage systems are designed to be water tight, and compliance with current Australian Standards will ensure that surface water is not able to enter the fuel storage system during flood events more extreme than the 1:100 event.
The submitted plans don't clearly indicate how/if the development will connect to Mumford Street.	Clarification has been provided, confirming that there will be no connection to Mumford Street for this development.
Request that no vehicle or pedestrian access to Mumford Street be permitted during construction or operation of the development.	No access to Mumford Street is proposed for this development. A condition has been recommended confirming that access is not permitted in this location.
Allegations that Council has historically failed to enforce the requirements for the caravan park.	Noted, but not relevant to the assessment of the current application.
The proposed fencing to the eastern side of the caravan park should extend to the Mumford Street frontage, and the fence at the rear of the take away food and drink premises should extend to the eastern property boundary.	The fencing proposed in the application is to the extent necessary to provide noise mitigation for the proposed uses. The vacant portion of the site adjacent to Mumford Street could potentially be further developed in the future and appropriate fencing could be considered as part of any such proposal.
The parking area contains more spaces than will be required for the customers of the service station and take away food and drink premises. It is likely that these spaces will be used by customers of the adjoining Aldi store.	As noted in the parking assessment earlier in this report, the proposal provides 119 parking spaces more than the minimum required under the DCP. Even if the parking is considered to be an independent land use (rather than being ancillary to the service station or food and drink premises), car parks are permitted with consent in the B5 zone. The design of the car park appears to provide for physical access to the adjoining Aldi site, but it would be possible for the property owner/s to deny access for Aldi customers if they did not wish to allow shared use. The proposal does not include any rights of carriageway or parking easements in favour of the Aldi site.

Request for copies of studies relating to noise, air quality impacts, and impacts on koalas.	The relevant studies submitted with the application were made publicly available on Council's online Application Tracker.
There are links between the proximity of fast food restaurants to schools and adolescent obesity.	There have been no public health standards adopted in NSW for the separation distance between take away food and drink premises and schools.
Access to Hughes Place via the Aldi site does not appear practical due to the narrow width of the access road adjacent to the loading dock, one way direction of travel (entry only), and use of the area by service vehicles.	It is agreed that access to Hughes Place on the southern side of the Aldi building would not be possible with the current access arrangements. However, it is possible that vehicles could exit the development site and circulate via the northern side of the building to Hughes Place. As noted in the traffic impact assessment, this is not expected to be a common trip as it provides less convenient access to Hastings River Drive. It is only anticipated that the Hughes Place exit would be used by customers shopping at Aldi after visiting the service station or food and drink premises.
The retained section of fence shown on the DA plans is not in the same location as the fence exists on site. The existing fence is located on the boundary of the Aldi lot and setback from the caravan park road approximately 1.8m. The fence shown on the DA plans is located on the northern edge of the caravan park road.	The plans have been amended to show the correct location of the retained section of fence adjacent to Aldi.
The lack of fence for the full length of the western boundary of the caravan park will result in a complete loss of privacy and security. Vehicles will also be able to access the vacant lot from the rear of the take away building.	<p>The noise modelling indicated that acoustic fencing is only required for part of the western boundary with the caravan park to achieve satisfactory noise levels. An appropriate fencing treatment for the remainder of the western edge would need to be negotiated between the property owners. It is not considered that there is sufficient nexus to require the developer to construct the fence given that there are no development impacts created on the vacant part of the site.</p> <p>Pedestrians are able to access to caravan park via the access to Mumford Street and the proposal would not create any additional security risks that do not already exist.</p> <p>To prevent vehicles accessing the vacant part of the site, a condition has been recommended requiring a</p>

	temporary barrier to be installed between the eastern end of the acoustic fence and the eastern property boundary. The barrier is to be maintained until any future development of the vacant part of the site. A barrier in this location would also likely discourage pedestrian access between Mumford Street and the proposed development.
Discrepancies between noise data in the submitted noise impact assessment and a similar noise impact assessment prepared by the same company for DA2019 - 285.1.	An amended noise impact assessment has been submitted, which corrects these discrepancies. The result of the amended modelling found that the overall noise level at the receiver increased by 0.3dB(A)
Request that waste collection hours be restricted to 7am to 6pm, as strongly recommended in the noise impact assessment.	A condition has been recommended restricting waste collection to these hours.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993, as the site has sufficient credits from the previous use as a caravan park.

- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards road works in Hastings River Drive.
 -
- A copy of the contributions estimate is included as **Attachment 3**.
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5. CONCLUSION AND STATEMENT OF REASON

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

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

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

Attachments

- 1   DA2020 - 606.1 Recommended DA Conditions
- 2   DA2020 - 606.1 Plans
- 3   DA2020 - 606.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/606****DATE: 5/01/2021****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plans	BC0179 00 - 04 Rev 6	RCI Group	5 January 2021
Service Station Plans	BC0179 11, 12, 13, 15, and 16 Rev 5	RCI Group	16 December 2020
Food and Drink Premises Plans	20159 DA01 - DA10 Rev DA2	BD Architecture Interiors	1 December 2020
Fuel Plans	HAZ-2632-GA01, HAZ-2632-GA02, HAZ-2632-GA03	Hazkem	14 July 2020
Landscape Plans	Sheet 1 - 5	JK's Garden Creations	12 July 2020
Acid Sulfate Soil Management Plan	Project 102104.00 R.001.Rev0	Douglas Partners	26 May 2020
Noise Impact Assessment	20-2483-R3	Reverb Acoustics	January 2021
Social Impacts Assessment	-	BB Professional Services	July 2020
Bushfire Risk Assessment	Port Macquarie - Brown Commercial Building	Firebird ecoSultants Pty Ltd	July 2020
Statement of Environmental Effects	2020-1073 Version 3	Wilson Planning	August 2020
Water Cycle Management Plan	10046-001B- wcmp Issue 3	Eclipse Consulting Engineers	10 September 2020

Waste Management Plan	-	Brown Commercial Building	14 December 2020
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:

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

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

7. A liaison person shall be appointed and contact details provided to Council and residents of the adjoining caravan park on Lot 32 DP 855159. Caravan park residents shall be informed of key events, including:
 - Notice of commencement of work on the site;
 - Any work which would cause severe ground vibration;
 - Internal road blockages;
 - Pile driving equipment;
 - Heavy excavation work;
 - Excessive noise related events;

- Excessive dust and debris events.

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (7) (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.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Construction Certificate or approval under 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.

- (9) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre-treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (10) (A007) This consent permits the development to be carried out in stages. The service station, food and drink premises, and car park may be carried out as individual stages in any order.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Water supply reticulation.
 4. Stormwater systems.
 5. Erosion & Sedimentation controls.
 6. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202 and ASD207, Port Macquarie-Hastings Council current version.
 7. Provision of a 1.2m concrete footpath across the full road frontage of the property to Hastings River Drive.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

A pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test

results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:

- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (4) (B010) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with either the provisions of the following plans (as amended) or a Planning Agreement:

- Hastings River Drive S94 Contributions Plan 1997
- Hastings S94 Administration Levy Contributions Plan 2003

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

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

- (5) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (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.

- (8) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for existing buildings/moveable dwellings on the adjoining caravan park at Lot 32 DP 855159. Such report shall be furnished to the Principal Certifying Authority, Council, and each resident of the caravan park.
- (9) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining walls is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- (10) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, 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 drainage system. In this regard, Council's piped drainage system Hughes Place must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 10046 C05, 6 & 7-C Sheets 1-3 prepared by Eclipse Consulting Engineers and dated 10 September 2020.
 - c) The development must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - g) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - h) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 10% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted. Alternative is to submit an electronic model in DRAINS format for electronic review.
 - i) A maintenance plan for the water quality control facilities proposed shall be submitted with the application pursuant to Section 68 of the Local Government Act, 1993 and shall include all necessary inspections,

frequencies and actions required to maintain the ability stormwater quality controls to achieve the nominated standards (AUSPEC D7) for the life of the development.

- j) Concrete bunds and drains shall be used to divert stormwater away from the service station forecourt into the 'clean' stormwater system and to channel runoff from the fuelling area to the treatment device/s. The size and effectiveness of the bunds and oil separation system shall be verified for all storms up to and including 100 year ARI.
 - k) Detailed specifications, plans, testing reports and maintenance requirements for the stormwater pre-treatment system (SPEL Purceptor and Stomscak).
- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines. The entrance driveway in particular, is to be contained solely within the projected property boundary on Hastings River Drive.
- (13) (B061) Prior to release of the Construction Certificate the Waste Management Plan shall be amended to include the following items:
- a. Public place bins are to include side-by-side general waste (red) and recyclables (yellow) bins;
 - b. The food and drink premises is to provide 2 x 240L food organics and garden organics (green) bins.
- (14) (B063) Prior to release of the Construction Certificate the landscape plan shall be amended to include the following items:
- a. Incorporation of eight (8) broad leaf paperbarks, or four (4) primary browse species listed in Table 1 of Development Control Plan 2013;
 - b. Provision of two (2) street trees to the satisfaction of Council's Arborist in the central median in Hastings River Drive;
 - c. Landscaping of the areas adjacent to the food and drink premises consistent with the approved architectural plans.
- (15) (B085) The location of any electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (16) (B195) Prior to the issue of a Construction Certificate, detailed plans and specifications of the Underground Petroleum Storage Systems demonstrating compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, associated guidelines, and AS4897-2008 are to be submitted to Council for approval.
- (17) (B196) The floor level of the food and drink premises, service station building and vehicle canopy area is to be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL4.34m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.

- (18) (B197) Prior to the issue of the Construction Certificate, certification shall be provided to the Principal Certifying Authority from an appropriately qualified acoustic consultant that the design of all fencing, acoustic barriers, and plant will comply with the recommendations of the approved Noise Impact Assessment prepared by Reverb Acoustics.

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) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (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.
- (5) (C195) Any existing site agreements for the caravan park are to be terminated in accordance with the Residential (Land Lease) Communities Act 2013 prior to demolition or construction works commencing.

D – DURING WORK

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

- j. on completion of road gravelling or pavement;
- k. during construction of sewer infrastructure;
- l. during construction of water infrastructure;
- m. prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (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) All demolition work 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) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (6) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (7) (D195) Upon completion of the finished floor level of each of the buildings and the service station vehicle canopy and prior to further works being undertaken

on each of these structures, a certificate prepared by a registered surveyor is to be submitted to the Principal Certifying Authority which confirms that the finished floor levels of the development are situated at or above the flood level specified in this consent.

- (8) (D196) Construction work shall be carried out in accordance with the approved Acid Sulfate Soil Management Plan.
- (9) (D197) No construction or demolition access is permitted from Mumford Street.
- (10) (D198) At the commencement of work and in perpetuity, the entire site shall be managed as an inner protection area (IPA) as outlined in Appendix 4 of Planning for Bush Fire Protection 2019.
- (11) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (12) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course within Hastings River Drive, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.
- (13) (D199) Any water main fittings (hydrants, stop valves etc.) shall be moved clear of driveways if required, at no cost to Council.

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) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (5) (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.

- (6) (E024) Occupation of the food and drink premises and/or service station shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.
- (7) (E025) Prior to occupation or the issue of an Occupation Certificate, provide a certificate from the installer certifying that the mechanical ventilation system for the premises meets the requirements of AS 1668 Parts 1 & 2. The certificate must include:
- a. Inspection, testing and commissioning details
 - b. Date of inspection, testing and commissioning
 - c. The name and address of the individual/company, who carried out the test
 - d. Statement that the service has been designed, installed and is capable of operating to AS 1668.
- (8) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (9) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land uses.
- (10) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (11) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (12) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (13) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation Certificate.
- (14) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

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

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

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

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

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

- (16) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the Principal Certifying Authority, Council, and each resident of the caravan park at Lot 32 DP 855159 prior to the issue of an Occupation Certificate.
- Any damage identified in the Dilapidation Report must be fully rectified by the developer or owner at no cost to the Council prior to the issue of an Occupation Certificate.
- (17) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
- A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (18) (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.
- (19) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of an Occupation Certificate.
- (20) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (21) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (22) (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
- (23) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (24) (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.
- (25) (E195) Prior to the issue of an Occupation Certificate, a suitably qualified person shall provide certification to Council that the underground petroleum

storage system has been designed, installed, tested and commissioned in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019. All relevant certificates and reports shall be submitted to Council.

- (26) (E196) Prior to the issue of an Occupation Certificate, groundwater monitoring wells must be designed, installed and tested by a suitable qualified person in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019. The installation report shall be submitted to Council and held on the premises and made available to an authorised officer upon request.
- (27) (E198) 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 shall be submitted to the Principal Certifying Authority.
- (28) (E199) 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 4.34m AHD.
- (29) (E200) Prior to the issue of the Occupation Certificate, certification shall be provided to the Principal Certifying Authority from an appropriately qualified acoustic consultant that the installation of all fencing, acoustic barriers, and plant complies with the recommendations of the approved Noise Impact Assessment prepared by Reverb Acoustics.
- (30) (E201) Prior to the issue of the Occupation Certificate, a temporary barrier shall be erected at the rear of the food and drink premises between the eastern end of the acoustic fence and the property boundary sufficient to prevent vehicular and pedestrian access to the part of the site noted 'Vacant Land' on the approved plans. The barrier shall be maintained until any subsequent development of this land.
- (31) (E202) The Underground Petroleum Storage System (UPSS) shall be fitted with a Stage 1 Fuel Vapour Recovery System (VR1). The underground tank's vent system shall be connected to a vapour recovery system to return vapours from underground tanks into the delivery vehicle tank during product deliveries. Certification that the VR1 system has been installed shall be provided to Council prior to the issue of an Occupation Certificate.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans is to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A minimum of 8 spaces are to be provided for the service station and a minimum of 29 spaces (excluding drive through queuing) are to be provided for the food and drink premises.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.

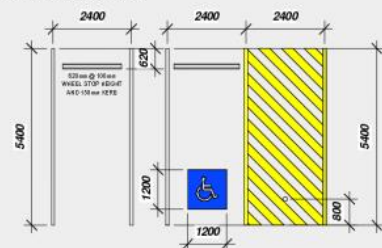
- (5) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (6) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (7) (F016) Offensive odours shall not be generated by the development.
- (8) (F020) Liquid materials, including chemicals, cleaning fluids and the like are to be stored in roofed and impervious bund area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (9) (F023) Spills and contaminated runoff from the service station forecourt and under canopy area where necessary should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (10) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be generated as a result of the operation of the development.
- (11) (F025) The service station is permitted to operate 24 hours. Hours of operation of the food and drink premises are restricted to the following hours:
- 7.00 am to 10.00 pm – Sunday to Thursday;
- 7.00 am to 12.00 am (midnight) – Friday and Saturday.
Fuel tanker and general deliveries are restricted to between 5.00am and 12.00am (midnight).
Garbage collection is restricted to between 7.00am and 6.00pm weekdays.
- (12) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (13) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or impact on the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 control of the obtrusive effects of outdoor lighting. Illuminated signage shall be fitted with a time switch to dim by 50% after 11.00pm each night. Illuminated signage associated with the food and drink premises shall be switched off outside the approved hours of operation.
- (14) (F195) The site operator must be able to prove that maximum discharge of TPH concentrations from the oil/water separator is less than 5ppm.
- (15) (F196) The oil water separator shall be properly maintained in good operating condition at all times in accordance with the manufacturer's specification and recommendations. The specification and all service/maintenance records shall be retained on the premises for three (3) years and made available to an authorised officer upon request.

- (16) (F197) Accumulated sediment in the sump is to be removed when necessary by a licenced contractor and disposed of properly at an EPA licenced facility. Receipts for the servicing and disposal shall be kept on the premises for three (3) years and made available to an authorised officer upon request.
- (17) (F198) The premises shall have a fully compliant and operational Fuel System Operation Plan (FSOP) and designated "Person Responsible". The FSOP and details of the designated "Person Responsible" shall be held on the premises at all times and made available to an authorised officer upon request.
- (18) (F199) The operation, maintenance, reporting and record keeping for the service station, including forecourt water treatment systems and underground petroleum storage system (UPSS), shall comply with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019, all relevant EPA requirements, Australian Standards and manufacturer's requirements at all times. Required test results, documents and plans shall be made available to an authorised officer upon request.
- (19) (F200) Should repairs to the underground petroleum storage system (UPSS) be required during the operational phase, the system must not be recommissioned unless it satisfies the requirements of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019.
- (20) (F201) Any underground petroleum storage system (UPSS) to be removed, replaced or decommissioned shall require site validation. The validation report shall be prepared by a suitably qualified and practicing professional in accordance with relevant legislation and guidelines and shall be submitted to Council within 60 days of validation works being completed.
- (21) (F202) The acoustic fence shall be kept in good condition and properly maintained to ensure it is fit for purpose at all times. All damage shall be promptly repaired.
- (22) (F203) An Emergency Management Plan shall be prepared and implemented in accordance with AS3745-2010 with specific consideration for bushfire.
- (23) (F204) The air pump beeper shall be silenced after 8.00pm each night.
- (24) (F205) No vehicular or pedestrian access to the development is permitted from Mumford Street.

FOR:
Service Station & Fast Food
AT:
Lot 702 DP1151916,
128 Hasting River Drive,
Port Macquarie

[illegible]

OFF STREET CAR PARKING TO COMPLY WITH AS 2006.1 - 2004
 DISABILITY CAR PARKING TO COMPLY WITH AS2006.6 - 2009
 BICYCLE PARKING FACILITIES TO AS2006.3:1993



1. BUILDING SHALL BE DESIGNED TO CONFORM TO PROPOSED DETAIL DESIGN FOR CONSTRUCTION,
2. INCLUDING ALL BUILDING SERVICES, STRUCTURAL, CIVIL WORKS & BUILDING SERVICES
3. THE CONTRACTOR SHALL VERIFY ALL EXISTING AND ABOVE GROUND SERVICES WITHIN THE SCOPE OF
4. WORKS BY GET COMPLYING CONSTRUCTION INFORMATION
5. AND TO DRAWINGS ARE INDICATED ONLY AND ARE TO BE READ IN CONJUNCTION WITH THEIR RELEVANT DRAWINGS
6. ALL ACCESSIBILITY AND SOCIETY DESIGN DETAILS TO COMPLY WITH A S203 AND
7. THE DRAWING SHOULD BE DESIGNED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, SCHEDULES
8. AND DRAWING INCLUDING CIVIL, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND
9. DIMENSIONS

CONTRACTOR AND SUB-CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THIS DRAWING AND SITE CONDITIONS
PRIOR TO ANY WORK COMMENCING

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS (UNLESS NOTED OTHERWISE)

FIGURED DIMENSIONS ARE:

- 1. WALL / PARTITION HEIGHT TO CENTRAL LINE WHEN NOTED
- 2. ALL OTHER WALL / PARTITION DIMENSIONS ARE TO FINISH FACE OF PARTITION
- 3. CEILING FINISH UNDERWIND OF CEILING - CEILING HEIGHT IS MEASURED FROM FINISH FLOOR LEVEL
- 4. FLOORING AND FLOORING DIMENSIONS TO FINISH FACE AND FINISH ARE SET OUT FROM FINISH WALL
FACE / FINISH FLOOR LEVEL

PLANS TO BE READ IN CONJUNCTION WITH:

- 1. BUILDING CODE OF AUSTRALIA
- 2. RELEVANT AUSTRALIAN STANDARDS
- 3. HYDRAULIC DRAINING SET
- 4. COLD DRAINING SET
- 5. STRUCTURAL DRAWING SET
- 6. LANDSCAPE DRAWING SET

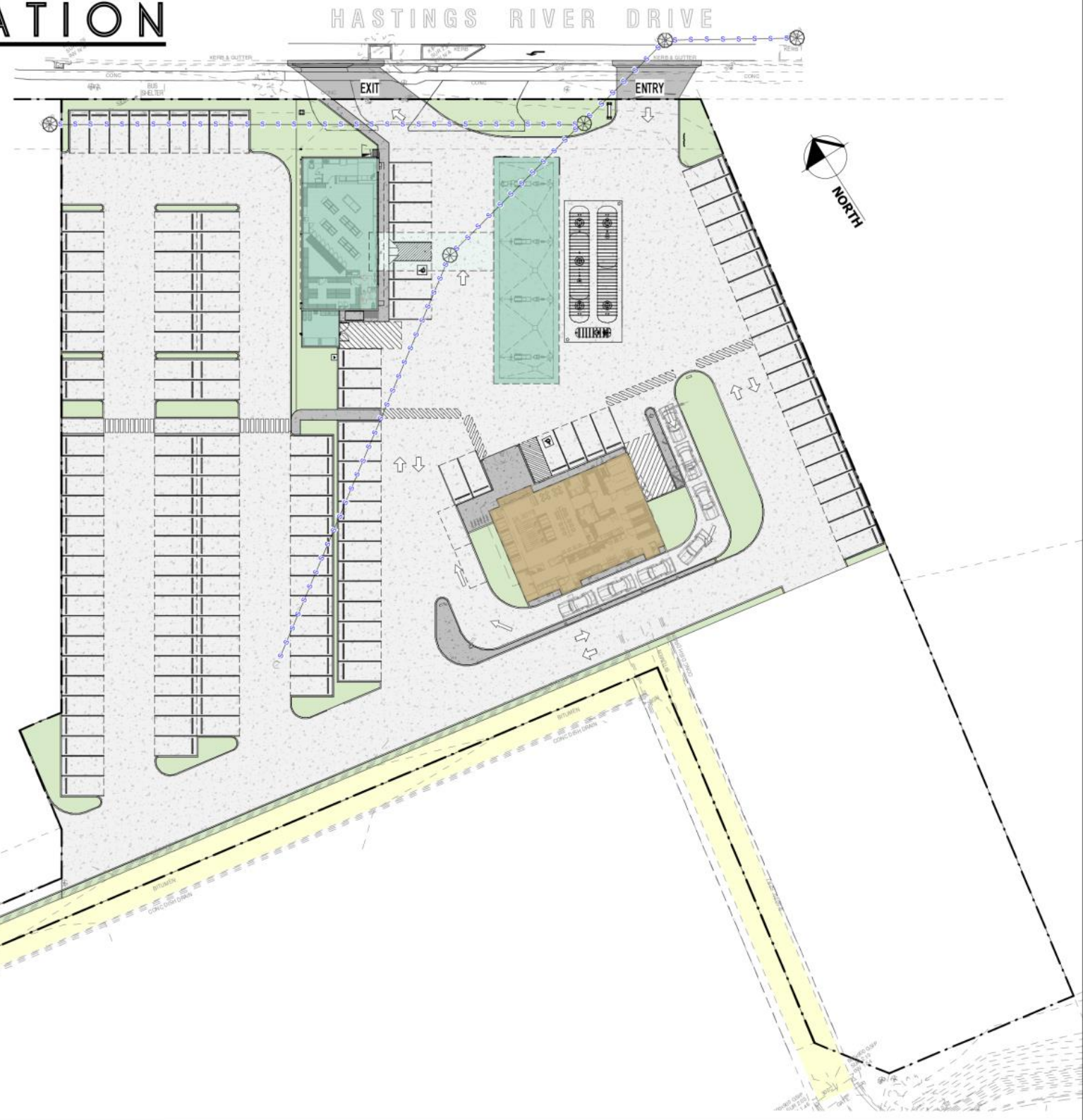
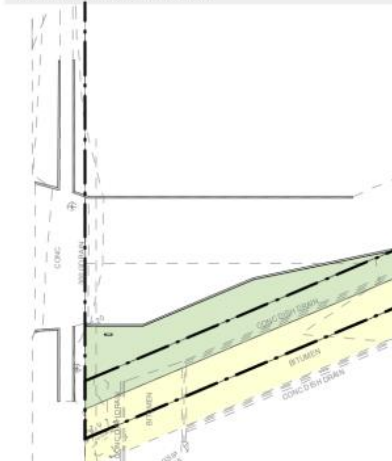
IF NO INTERNAL FITOUT FINISHES & PLANS ARE PRESENT, CLIENT SELECTIONS & DETAILS ARE TO TAKE PRECEDENCE.

PLEASE NOTE:
DETAILS SHOWN ON THIS PLAN ARE INTENDED TO BE ACCURATE,
HOWEVER INFORMATION WRITTEN TO INDIVIDUAL CONTRACTS
AND DIMENSIONS WILL TAKE PRECEDENCE OVER THIS SET.

**NOTE: IMPROVED DEVELOPMENT WILL BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING
STANDARDS:**

- A1780: EARTHWORKS
- A1870: STEEL STRUCTURES
- A1871: STRUCTURAL STEEL
- A1910: GLASS IN BUILDINGS
- A1916: METAL ROOF SHEETING
- A1917: METAL AREA CONSTRUCTION
- A2121: PLANTING OF BUILDS
- A2122: INSTALLATION OF PORTABLE FIRE EXTINGUISHERS
- A2123: EMERGENCY EXIT LIGHTING & SIGNS
- A1918: DESIGN FOR ACCESSIBILITY
- A1919: OFF STREET PARKING FACILITIES

**INFORMATION NOT SUPPLIED ON THIS DRAWING WILL NOT BE TO BE CONFIRMED BY LINEAR SPECIFICATION
INSTEAD OF THE FOLLOWING: NO WORK ONLY IF A NOTIFICATION DOES NOT BE TO BE ADDED TO THE LINE
ALL FOOD OUTLET AREAS TO COMPLY WITH A401-2004**



Rev.	Description	Date	Issued by
1	Development Application Issue	01.07.20	BSIVA
2	Development Application Issue	31.08.20	BSIVA
3	Revision 3	04.09.20	BSIVA
4	Revision 4	20.11.20	BSIVA
5	Revision 5	16.12.20	
6	Revision 6	05.01.21	BSIVA

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NOTES:

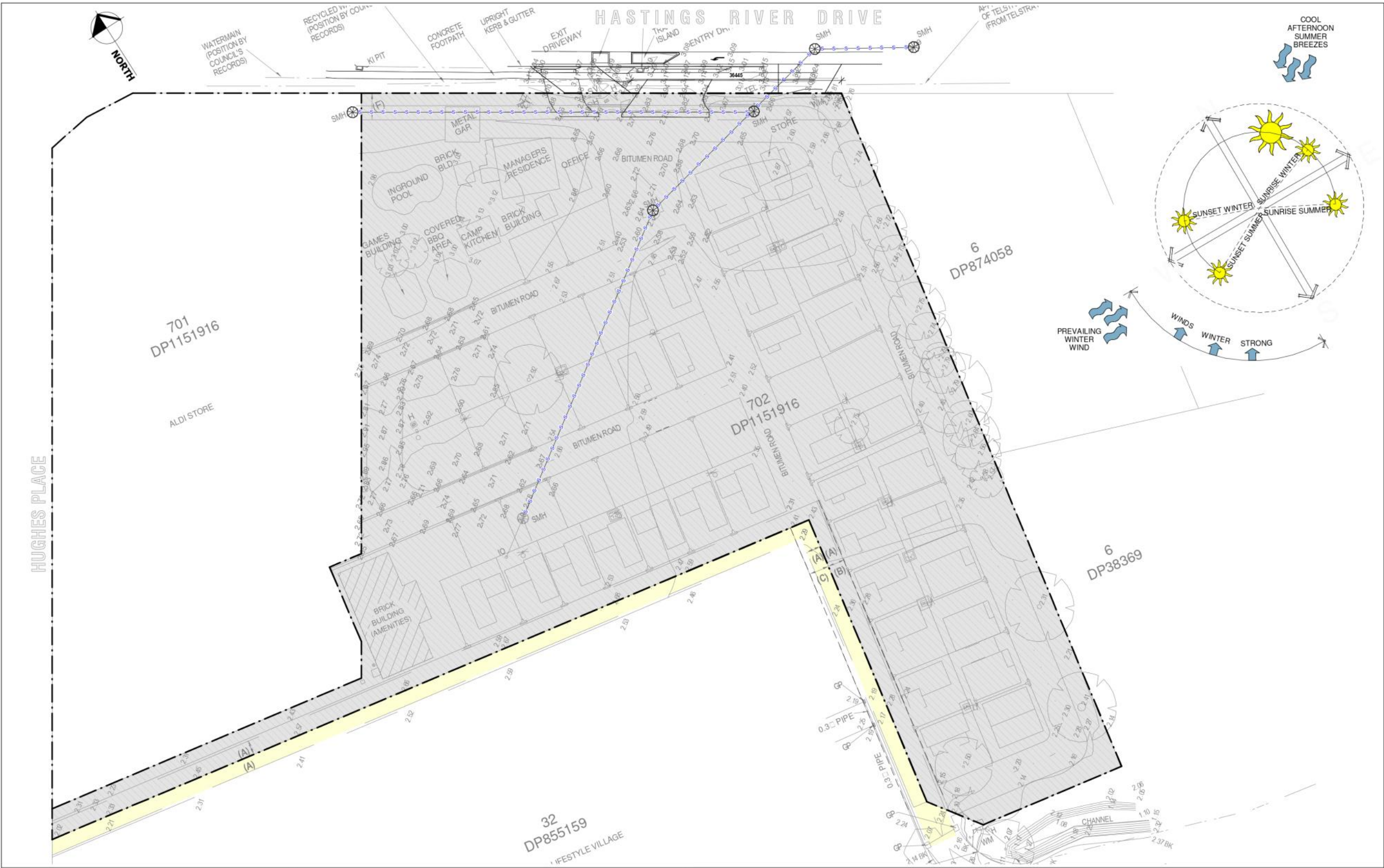
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Project:	Sheet Title:
MIXED USE DEVELOPMENT	Cover Page
Lot: 702 DP: 1151916 No: 128 Street: Hasting River Drive	Suburb: PORT MACQUARIE
Client:	Project Status:
RCI Group	DEVELOPMENT APPLICATION ISSUE

Sheet Title:		Project No:
Cover Page		BC0179
Suburb: PORT MACQUARIE		DWG No:
S:	Scale:	Revision:
NT APPLICATION ISSUE	As indicated on A1	6
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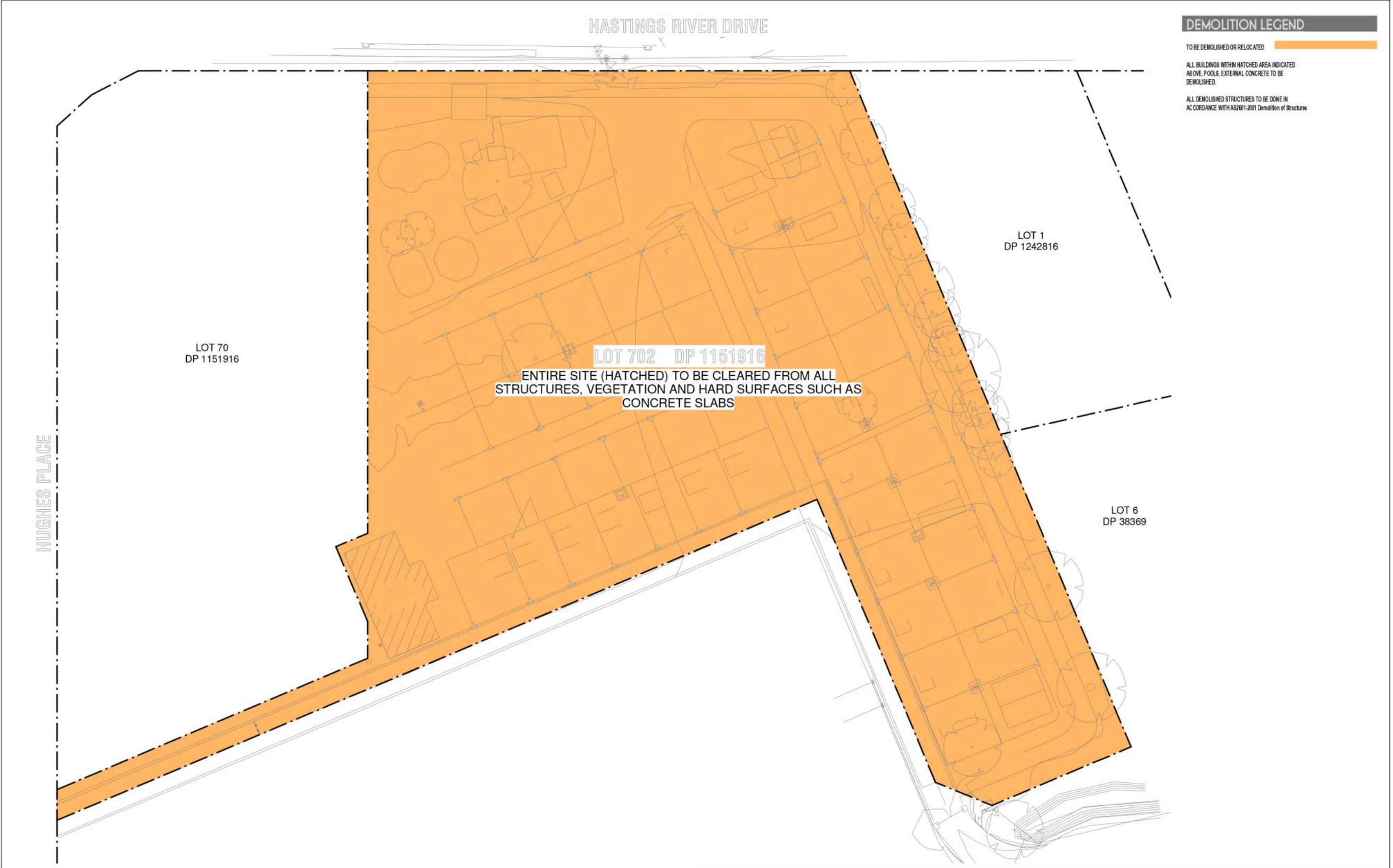
Rev.	Description	Date	Issued by
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Project: MIXED USE DEVELOPMENT		Sheet Title: SITE ANALYSIS PLAN		Project No: BC0179	
Lot: 702 DP: 1151916 No: 128		Street: Hastings River Drive		Suburb: PORT MACQUARIE	
Client: RCI Group		Project Status: DEVELOPMENT APPLICATION ISSUE		Scale: As indicated on A1	
				Revision: 6	
				DWG No: 01	



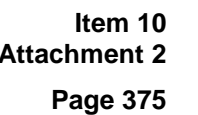
Rev.	Description	Date	Issued by
1	Development Application Issue	01.07.20	BSIVA
2	Development Application Issue	31.08.20	BSIVA
3	Revision 3	04.09.20	BSIVA
4	Revision 4	20.11.20	BSIVA
5	Revision 5	16.12.20	
6	Revision 6	05.01.21	BSIVA

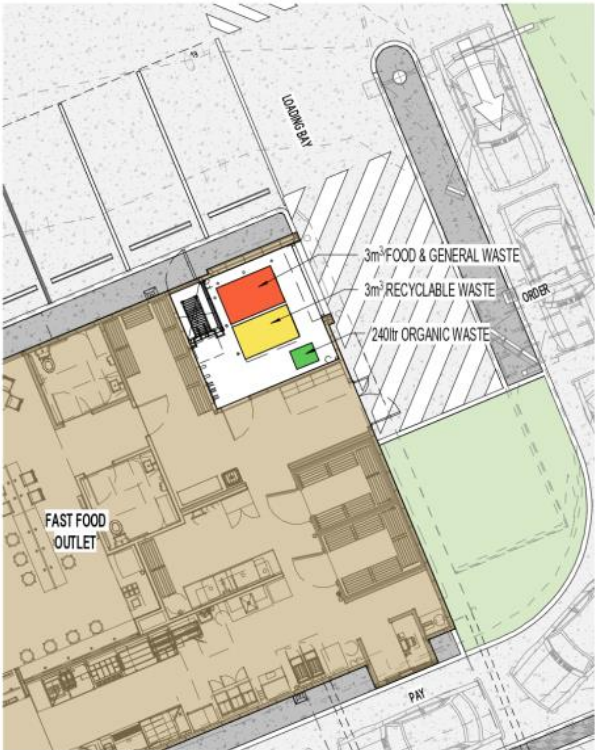
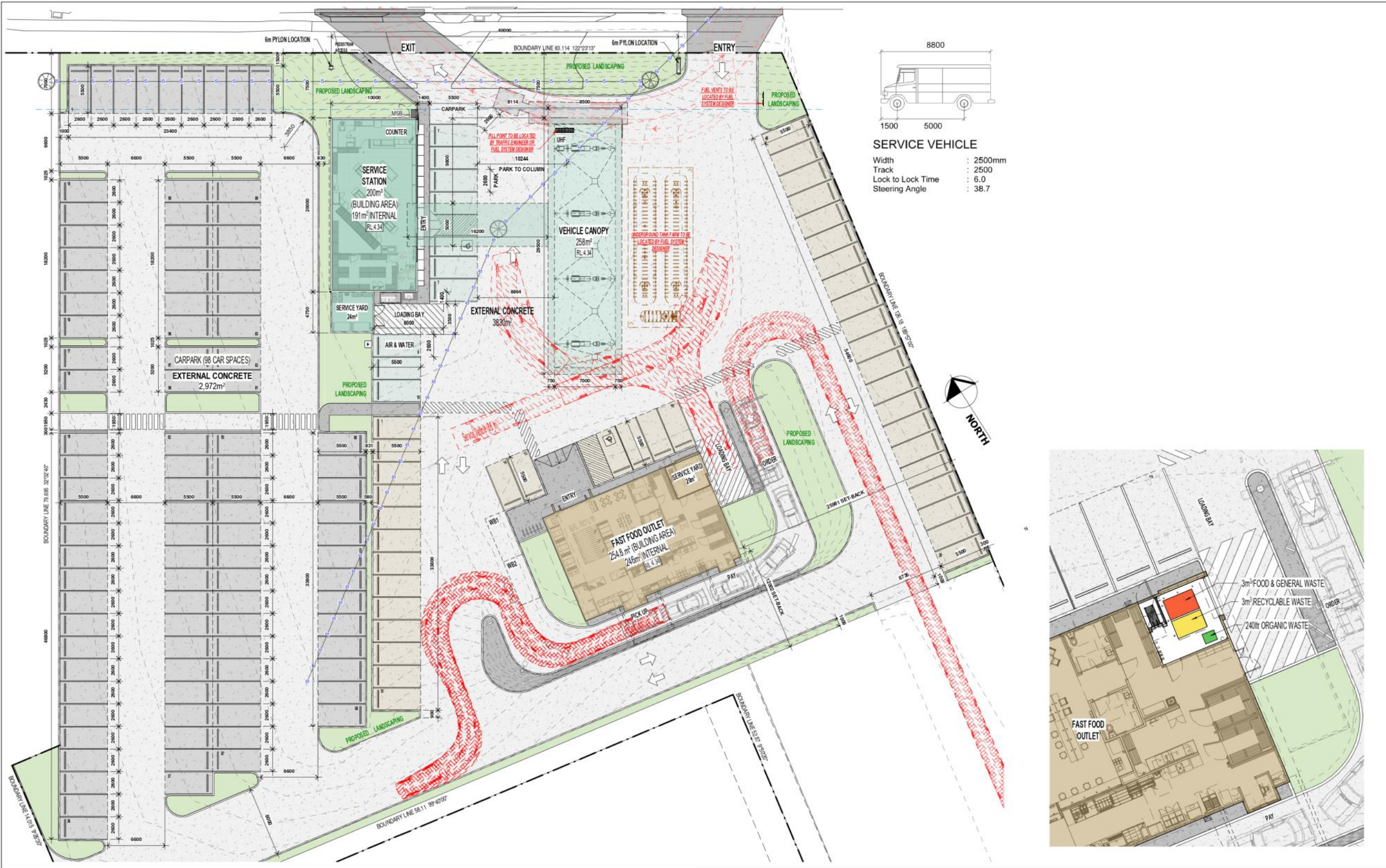
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Project:		Sheet Title:		Project No:	
MIXED USE DEVELOPMENT		DEMOLITION PLAN		BC0179	
Lot: 702 DP: 1151916 No: 128 Street: Hasting River Drive		Suburb: PORT MACQUARIE			
Client:	Project Status:	Scale:	Revision:	DWG No:	
RCI Group	DEVELOPMENT APPLICATION ISSUE	As indicated on A1	6	02	





Rev.	Description	Date	Issued by
1	Development Application Issue	01.07.20	BSIVA
2	Development Application Issue	31.08.20	BSIVA
3	Revision 3	04.09.20	BSIVA
4	Revision 4	20.11.20	BSIVA
5	Revision 5	16.12.20	BSIVA
6	Revision 6	05.01.21	BSIVA

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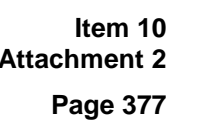
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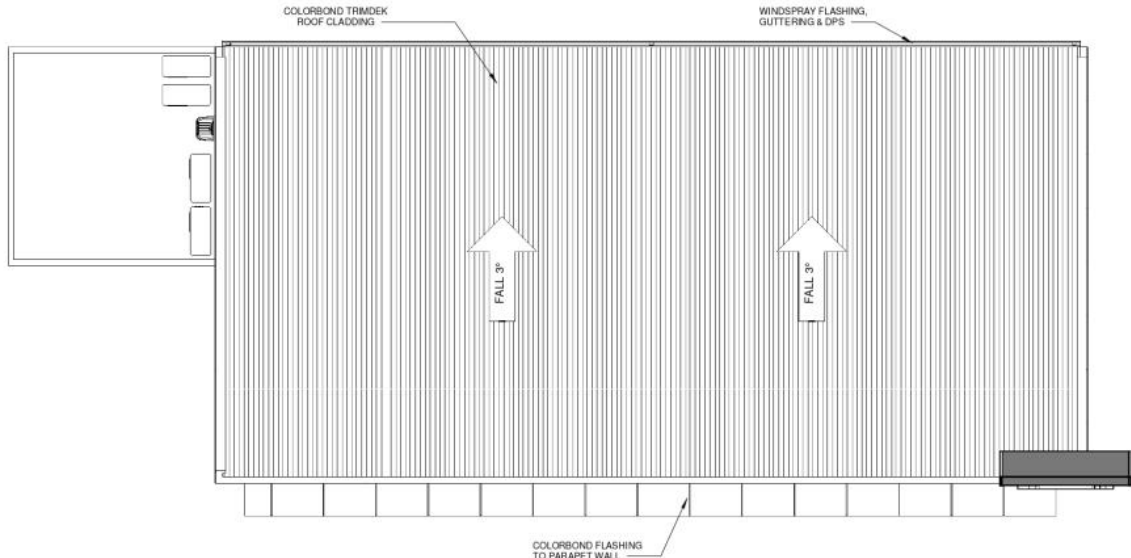
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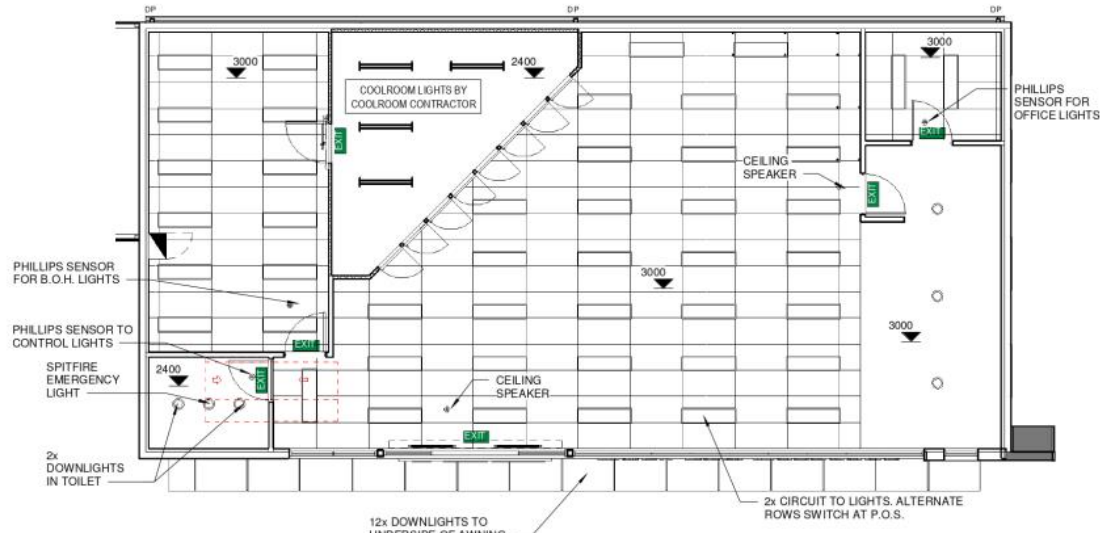
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Project:		Sheet Title:		Project No:	
MIXED USE DEVELOPMENT		SITE PLAN		BC0179	
Lot: 702 DP: 1151916 No: 128 Street: Hasting River Drive		Suburb: PORT MACQUARIE		DWG No:	
Client: RCI Group		Project Status: DEVELOPMENT APPLICATION ISSUE		Revision: 6	
		Scale: As indicated on A1		04	

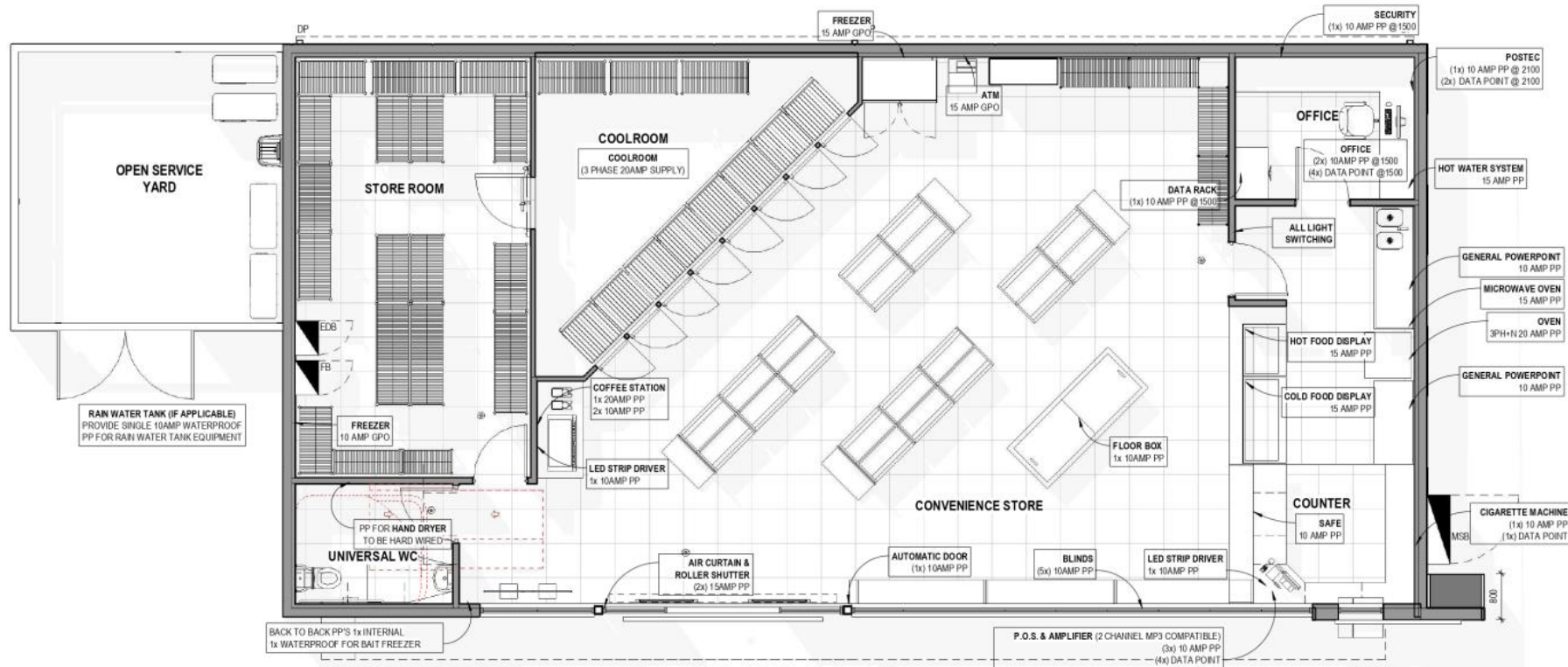




1 Building Roof Plan
1 : 75 (A1)



2 Building Reflected Ceiling Plan
1 : 75 (A1)



3 Building Electrical Plan
1 : 50 (A1)



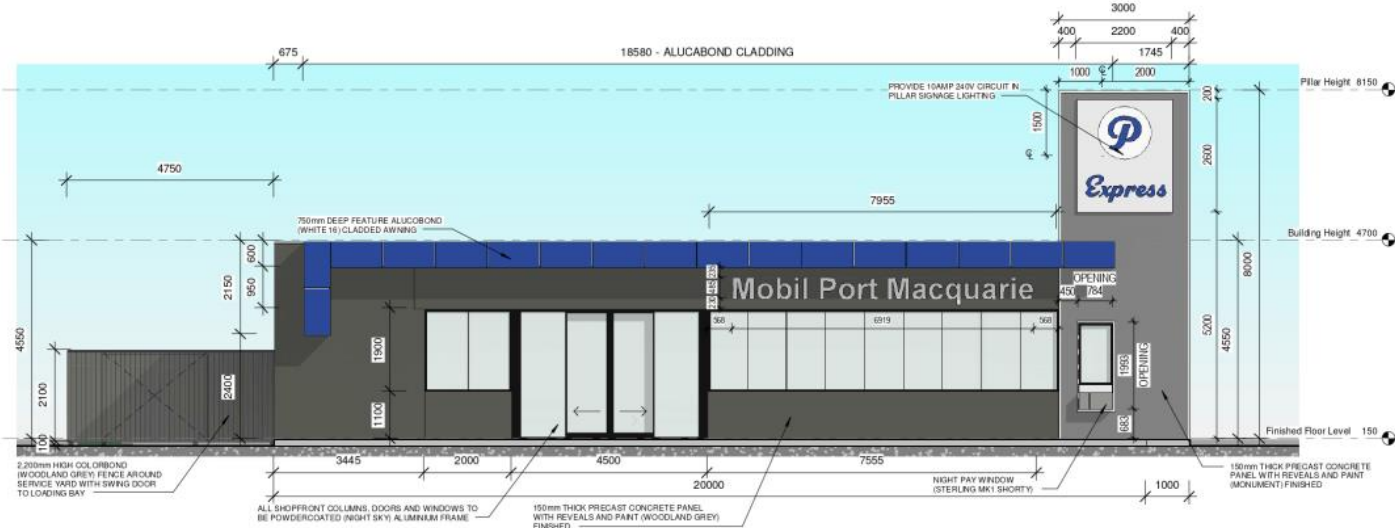
Rev.	Description	Date	Issued by
1	DEVELOPMENT APPLICATION ISSUE	01.07.20	BSVA
2	Revision 2	04.09.20	BSVA
3	DEVELOPMENT APPLICATION ISSUE	29.10.20	BSVA
4	Revision 4	20.11.20	
5	Revision 5	16.12.20	

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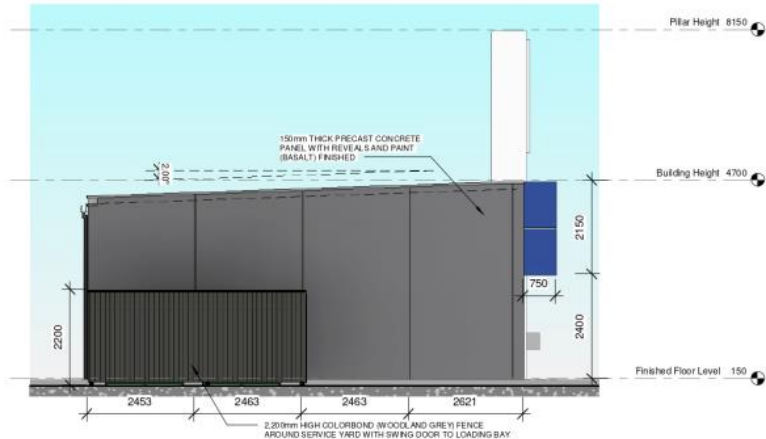
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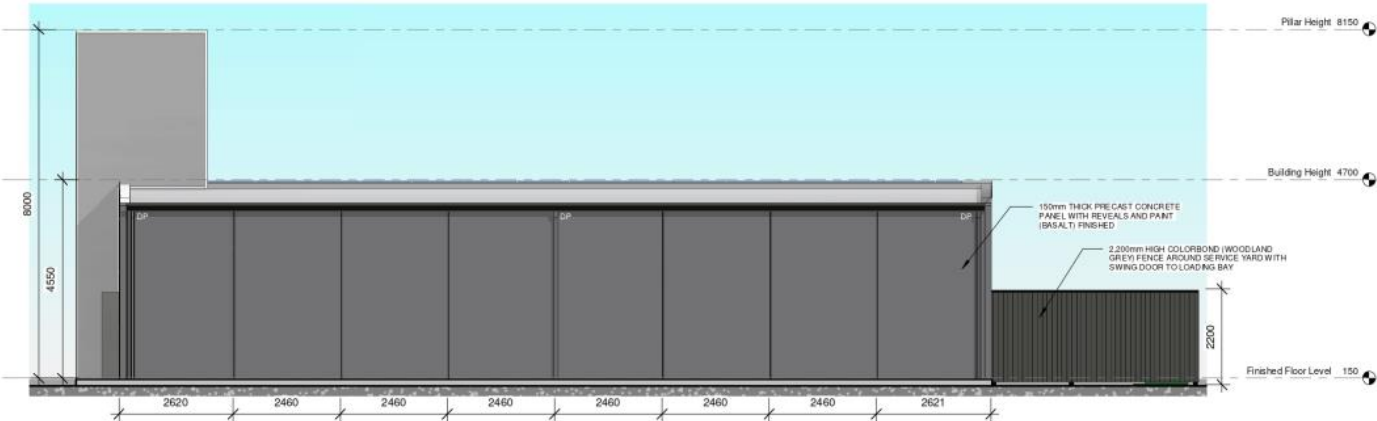
Project:	Sheet Title:	Project No:
SERVICE STATION	ROOF PLAN, RCP & ELECTRICAL LAYOUT	BC0179
Lot: 702 DP: 1151916 No: 128 Street: Hasting River Drive Suburb: PORT MACQUARIE		
Client: RCI GROUP	Project Status: DEVELOPMENT APPLICATION ISSUE	Scale: As indicated on A1
	Revision: 5	DWG No: 12



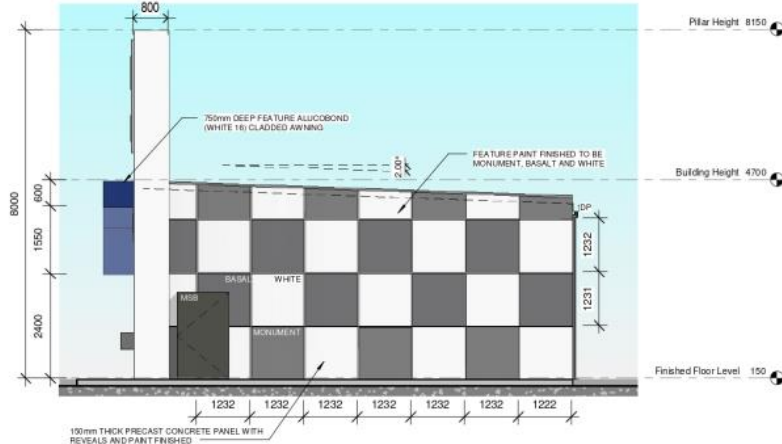
1 South East Elevation
1:75 (A1)



2 South West Elevation
1:75 (A1)



3 North West Elevation
1:75 (A1)



4 North East Elevation
1:75 (A1)



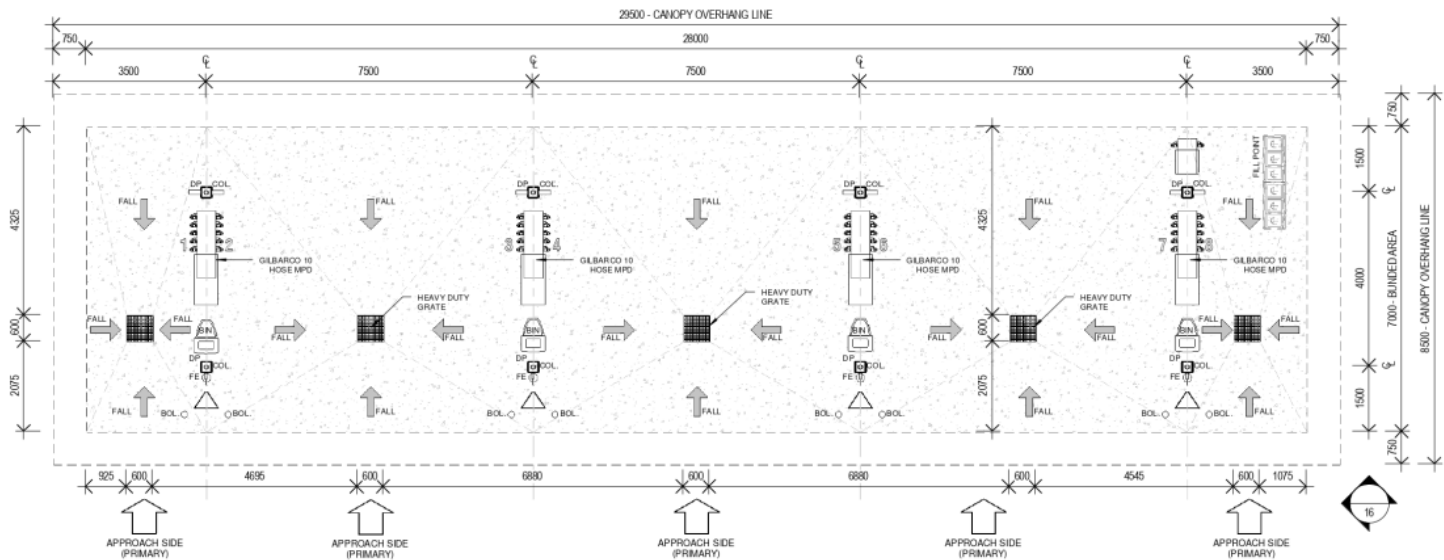
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3	DEVELOPMENT APPLICATION ISSUE	29.10.20	BSVA
4	Revision 4	20.11.20	
5	Revision 5	16.12.20	

0 1 2 4 6m

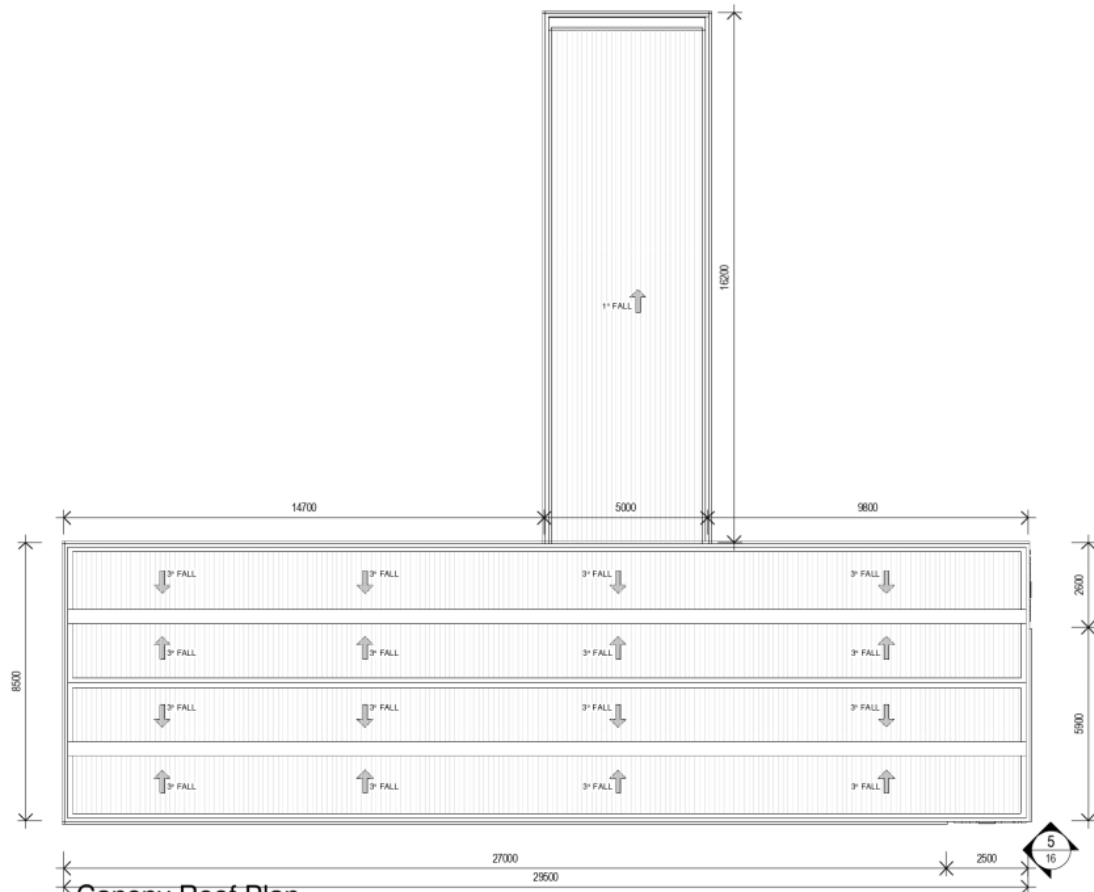
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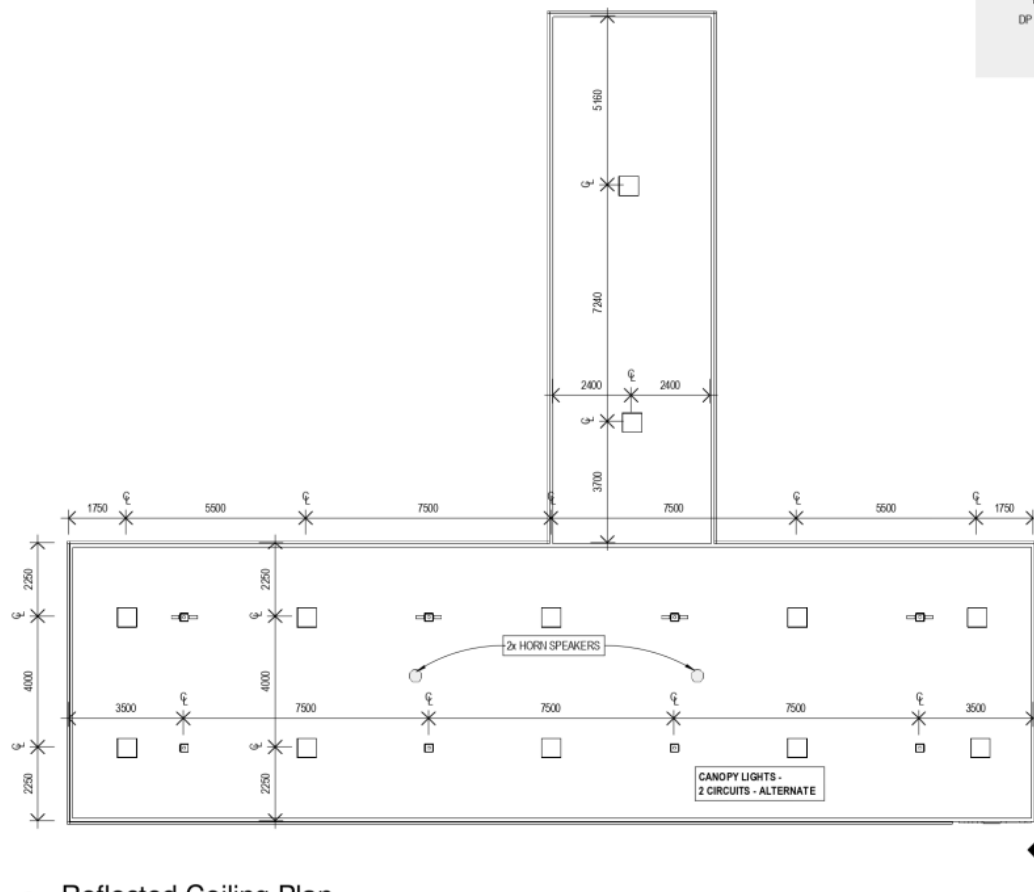
Project:	Sheet Title:	Project No:
SERVICE STATION	ELEVATIONS	BC0179
Lot: 702 DP: 1151916 No: 128 Street: Hastings River Drive	Suburb: PORT MACQUARIE	DWG No: 13
Client: RCI GROUP	Project Status: DEVELOPMENT APPLICATION ISSUE	Scale: 1:75 on A1
		Revision: 5



1 Canopy Floor Plan
1 : 75 (A1)



2 Canopy Roof Plan
1 : 100(A1)



3 Reflected Ceiling Plan
1 : 100(A1)

GENERAL NOTES:

1. BUILDING SHELL DESIGN INTENT SHOWN CONTRACTOR TO PROPOSE DETAILED DESIGN FOR CONSTRUCTION, INCLUDING ALL SITE RELATED WORKS, STRUCTURAL, CIVIL WORKS & BUILDING SERVICES.
2. THE CONTRACTOR SHALL VERIFY ALL EXISTING IN-GROUND AND ABOVE-GROUND SERVICES WITHIN THE SCOPE OF WORKS BEFORE COMMENCING CONSTRUCTION/DEMOLITION.
3. ANY 3D DRAWINGS ARE INDICATIVE ONLY, AND ARE TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.
4. ALL ACCESSIBILITY AND MOBILITY DESIGN (DDA) ITEMS TO COMPLY WITH A.S. 1428.1 2009.
5. THIS DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, SCHEDULES AND DRAWINGS INCLUDING CIVIL, STRUCTURAL, HYDRAULIC DIMENSIONS.
- 6.

CONTRACTOR AND SUB-CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THIS DRAWING AND SITE CONDITIONS PRIOR TO ANY WORK COMMENCING.
FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS (UNLESS NOTED OTHERWISE).
FIGURED DIMENSIONS ARE:
• WALL / PARTITIONS SETOUT TO CENTRE LINE WHERE NOTED
• ALL OTHER WALL/PARTITION DIMENSIONS ARE TO FINISHED FACE OF PARTITION.
• CEILINGS: FINISHED UNDERSIDE OF CEILING - CEILING HEIGHT IS MEASURED FROM FINISH FLOOR LEVEL.
• FITTINGS AND FIXTURES: DIMENSIONS TO FIXTURES AND FITTINGS ARE SETOUT FROM "FINISH" WALL FACE / FINISH FLOOR LEVEL.

PLANS TO BE READ IN CONJUNCTION WITH:

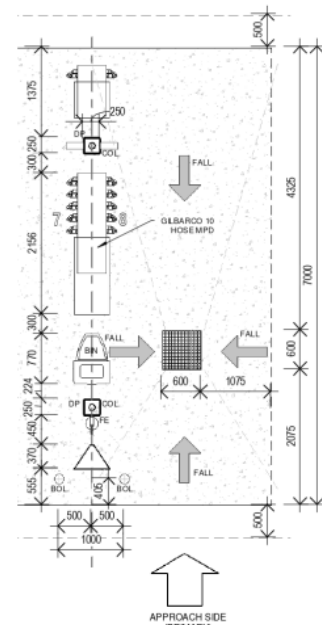
- BUILDING CODE OF AUSTRALIA
- RELEVANT AUSTRALIAN STANDARDS
- HYDRAULIC DRAWING SET
- CIVIL DRAWING SET
- STRUCTURAL DRAWING SET
- LANDSCAPE DRAWING SET

IF NO INTERNAL FITOUT FINISHES & PLANS ARE PRESENT, CLIENT SELECTIONS & DETAILS ARE TO TAKE PRECEDENCE.

PLEASE NOTE:
DETAILS SHOWN ON THIS PLAN ARE INTENDED TO BE ACCURATE,
HOWEVER INFORMATION WRITTEN INTO INDIVIDUAL CONTRACTS
AND DRAWINGS WILL TAKE PRECEDENCE OVER THIS SET.

LEGEND:

- CL CENTRE LINE
- DP RAINWATER DOWNPIPE LOCATION AND NOS. SHOWN INDICATIVELY CONTRACTOR TO DESIGN AND CONSTRUCT TO COMPLY WITH RELEVANT CODES AND STANDARDS.



4 Set-out Plan
1 : 50 (A1)



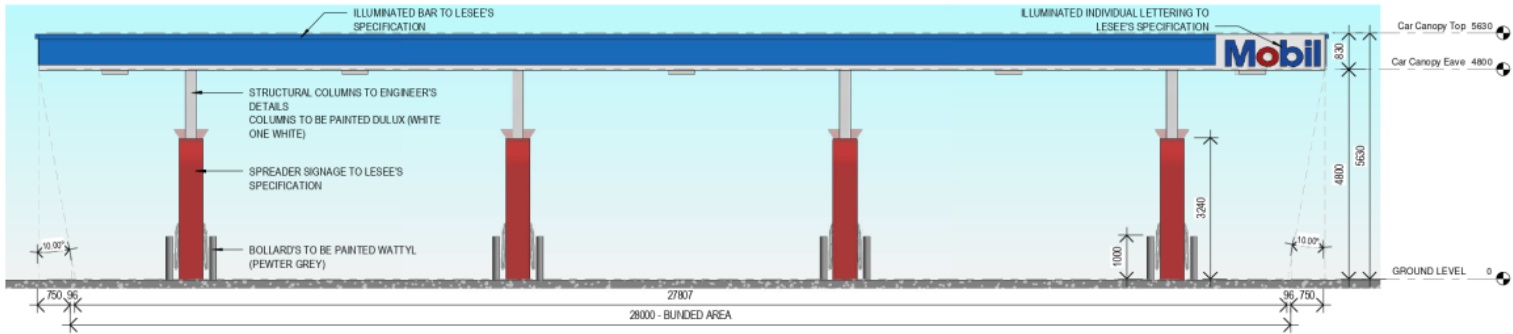
Rev.	Description	Date	Issued by
1	CLIENT REVIEW	01.07.20	BSVA
2	Revision 2	04.09.20	BSVA
3	DEVELOPMENT APPLICATION ISSUE	29.10.20	BSVA
5	Revision 5	16.12.20	

0 1 2 4 6m

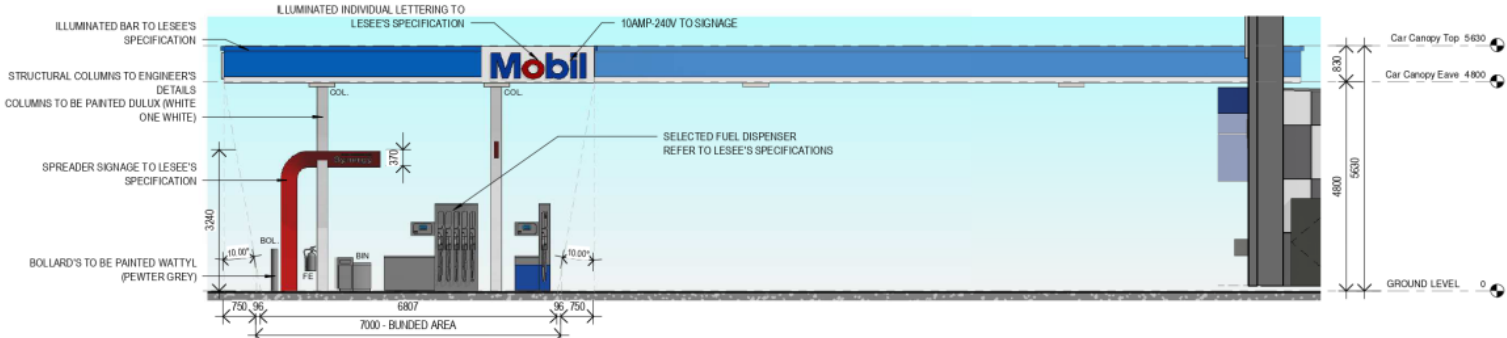
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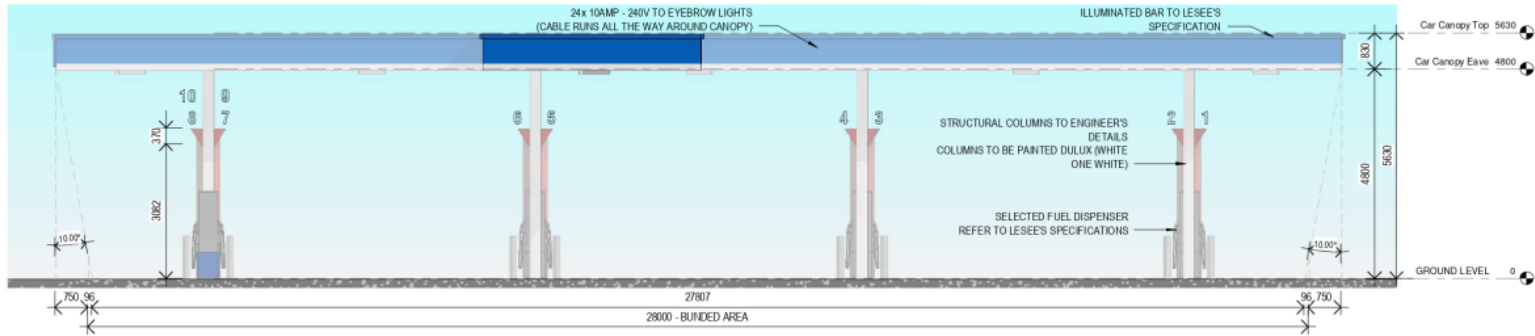
Project:		Sheet Title:		Project No:	
SERVICE STATION		CAR CANOPY PLANS		BC0179	
Lot: 702	DP: 1151916	No: 128	Street: HASTING RIVER DR. Suburb: PORT MACQUARIE	DWG No: 15	
Client: RCI GROUP		Project Status: DEVELOPMENT APPLICATION ISSUE		Revision: 5	
		Scale: As indicated on A1			



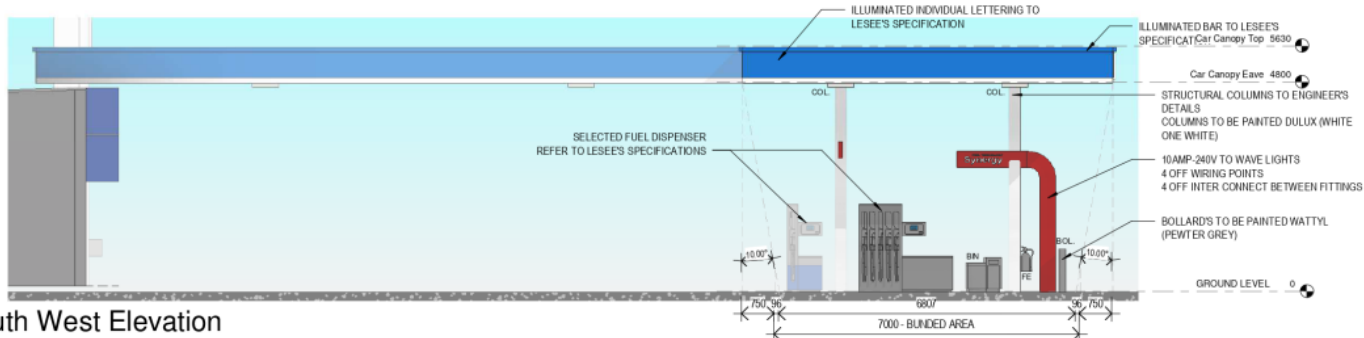
1 South East Elevation
1 : 75 (A1)



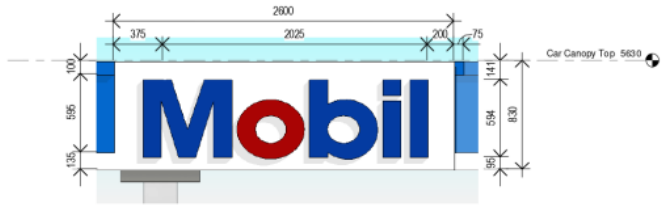
2 North East Elevation
1 : 75 (A1)



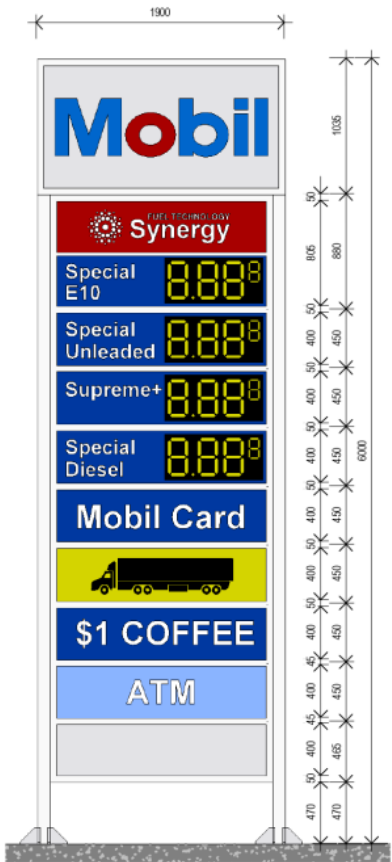
3 North West Elevation
1 : 75 (A1)



4 South West Elevation
1 : 75 (A1)



5 Canopy Signage Details
1 : 25 (A1)



6 6M PYLON ELEVATION
1 : 25 (A1)



Rev.	Description	Date	Issued by
1	CLIENT REVIEW	01.07.20	BSVA
2	Revision 2	04.09.20	BSVA
3	DEVELOPMENT APPLICATION ISSUE	29.10.20	BSVA
5	Revision 5	16.12.20	

0 1 2 4 6m

NOTES:

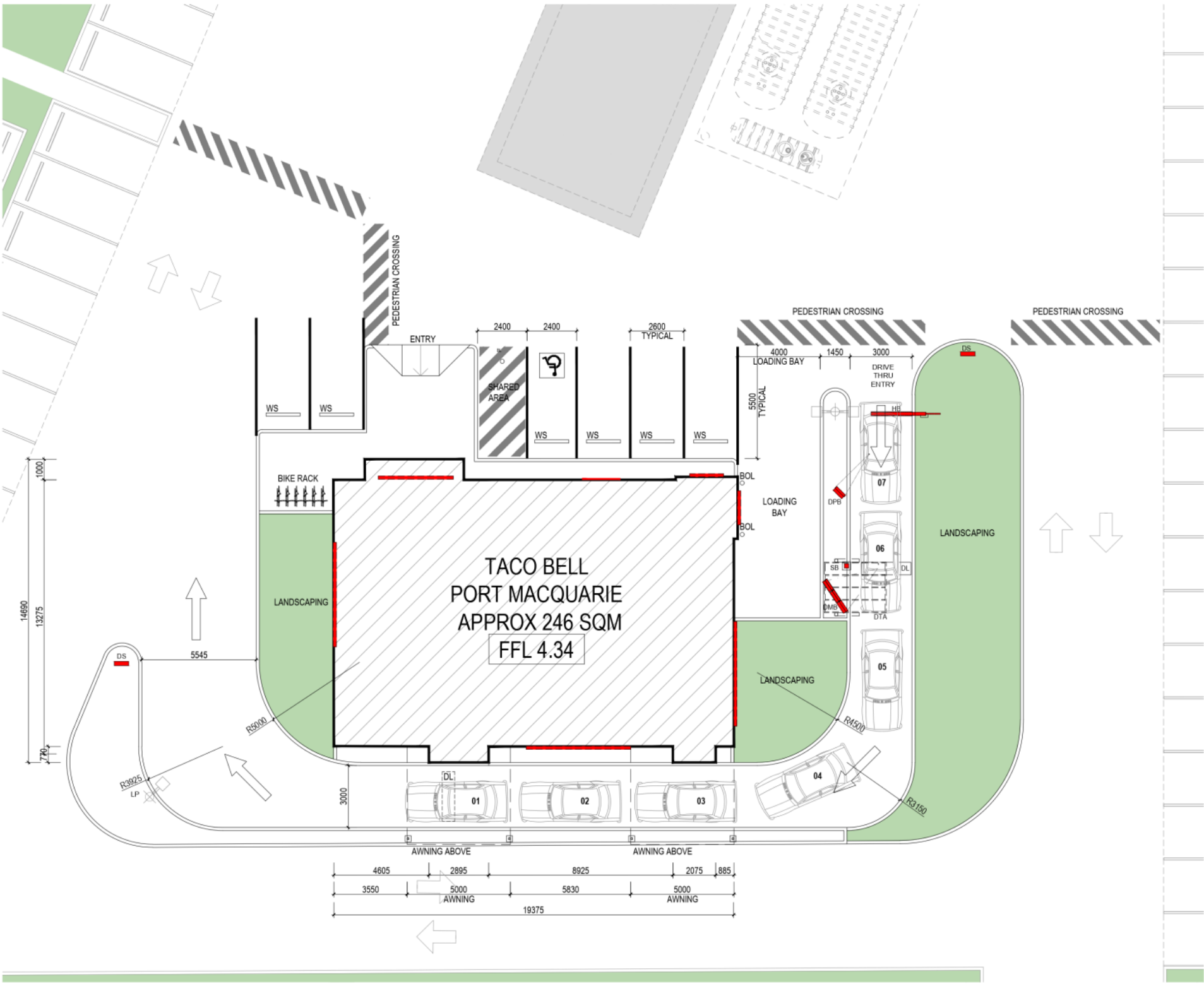
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Project:		Sheet Title:		Project No:	
SERVICE STATION		CAR CANOPY ELEVATIONS AND DETAILS		BC0179	
Lot: 702	DP: 1151916	No: 128	Street: HASTING RIVER DR. Suburb: PORT MACQUARIE		
Client: RCI GROUP	Project Status: DEVELOPMENT APPLICATION ISSUE	Scale: As indicated on A1	Revision: 5	DWG No: 16	



LEGEND:

X 7.77	SURVEY LEVELS
+EX 8.88	EXISTING SITE LEVELS
+RL 9.99	PROPOSED SITE LEVELS
TOW+6.66	TOP OF WALL LEVEL
EX	EXISTING
BOL	STEEL BOLLARD
PS	PYLON SIGN
DS	DIRECTION SIGN
HB	HEIGHT BAR
BS	BANNER SIGN
DPB	PREVIEW MENU BOARD
DMB	MENU BOARD
SB	SPEAKER BOLLARD
DTA	DRIVE-THRU AWNING
PP	POWER POLE
MSB	MAIN SWITCH BOARD
WM	WATER METER
DP	DOWNPIPE
RWT	RAINWATER TANK
RWP	RAIN WATER PUMP
LB	LADDER BRACKET
AC	AIR-CONDITIONING CONDENSOR UNIT
GT	GREASE TRAP

---	EXISTING TO BE DEMOLISHED / REMOVED
■	DENOTES SIGNAGE
■	BUILDING FOOTPRINT - REFER TO FLOOR PLAN
■	LANDSCAPE BED - REFER TO LANDSCAPE PLAN
■	BLACK CONCRETE TO DRIVE-THRU LANE AND KERB, LOADING BAY, PATHWAY AND PLANT AREA
■	SINGLE POLE LIGHT - REFER TO LIGHTING CONSULTANT'S SCHEDULE
■	DOUBLE POLE LIGHT - REFER TO LIGHTING CONSULTANT'S SCHEDULE
■	TRIPLE POLE LIGHT - REFER TO LIGHTING CONSULTANT'S SCHEDULE
■	RUBBISH BIN UNIT BOLT FIXED TO CONCRETE PAVEMENT
■	STREET FURNITURE 1800 027 799 - BST04 BIKE RACKS
■	STORMWATER PIT - REFER TO HYDRAULIC CONSULTANT'S DRAWINGS
■	GRATE DRAIN - REFER TO HYDRAULIC CONSULTANT'S DRAWINGS
■	BUILDING SETOUT POINT
■	SERVICES CONNECTION POINTS
---	90 DIA STORMWATER PIPE CONDUIT FOR IRRIGATION LINES
■	DRIVE THRU SYSTEM DETECTION LOOP
■	RAISED PAVEMENT MARKERS AT 500 CENTRES - SWAREFLEX "CITY STUD"
■	PRE-CAST CONCRETE WHEEL STOPS
■	100mm WIDE WHITE PAINTED CARPARK LINEMARKING
■	WHITE PAINTED LINE-MARK 200mm W x 2500mm L TO INDICATE CUSTOMER STOP POINTS AT DT ORDER POINT, PAY POINT & PICK UP
■	WHITE 'SYMBOL OF ACCESS' 900 HIGH ON BLUE RECTANGLE 1200 SQ. TO COMPLY WITH AS1428.1
→	WHITE PAINTED DIRECTIONAL ARROW - 3M. X 1M.
○	PROPOSED NEW TREES - REFER TO LANDSCAPE PLAN
○	EXISTING TREES TO BE REMOVED - REFER TO LANDSCAPE PLAN
○	EXISTING TREES TO BE RETAINED - REFER TO LANDSCAPE PLAN



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- NOTES:**
- Works to comply with AS 4674 construction & fitout of food premises
 - Food storage and handling areas to comply with the Food Act 2003
 - Refer to General Finishes Schedule for Finishes

DA ISSUE

project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

drawing
SITE PLAN

project ref	date	drawn by
20159	DEC 2020	VC
scale	deg. no.	rev.
1:100 @ A1	DA01	DA2

amendments

01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1
date	notes	rev.

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DA ISSUE

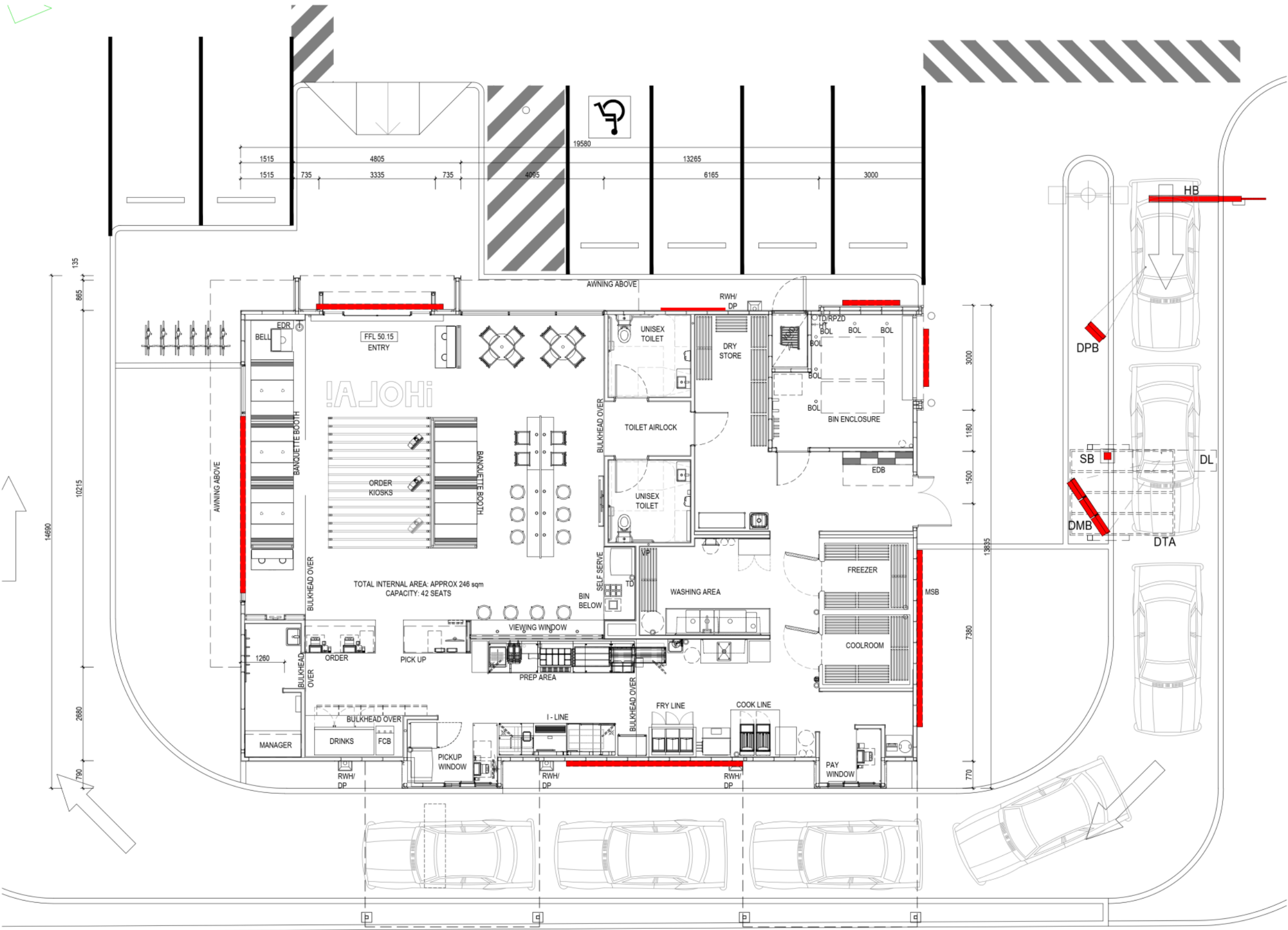
project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

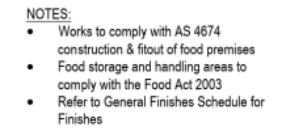
drawing
FLOOR PLAN

project ref	date	drawn by
20159	DEC 2020	VC
scale	date no	rev
1:50 @ A1	DA02	DA2

amendments		
01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1
date	notes	rev.

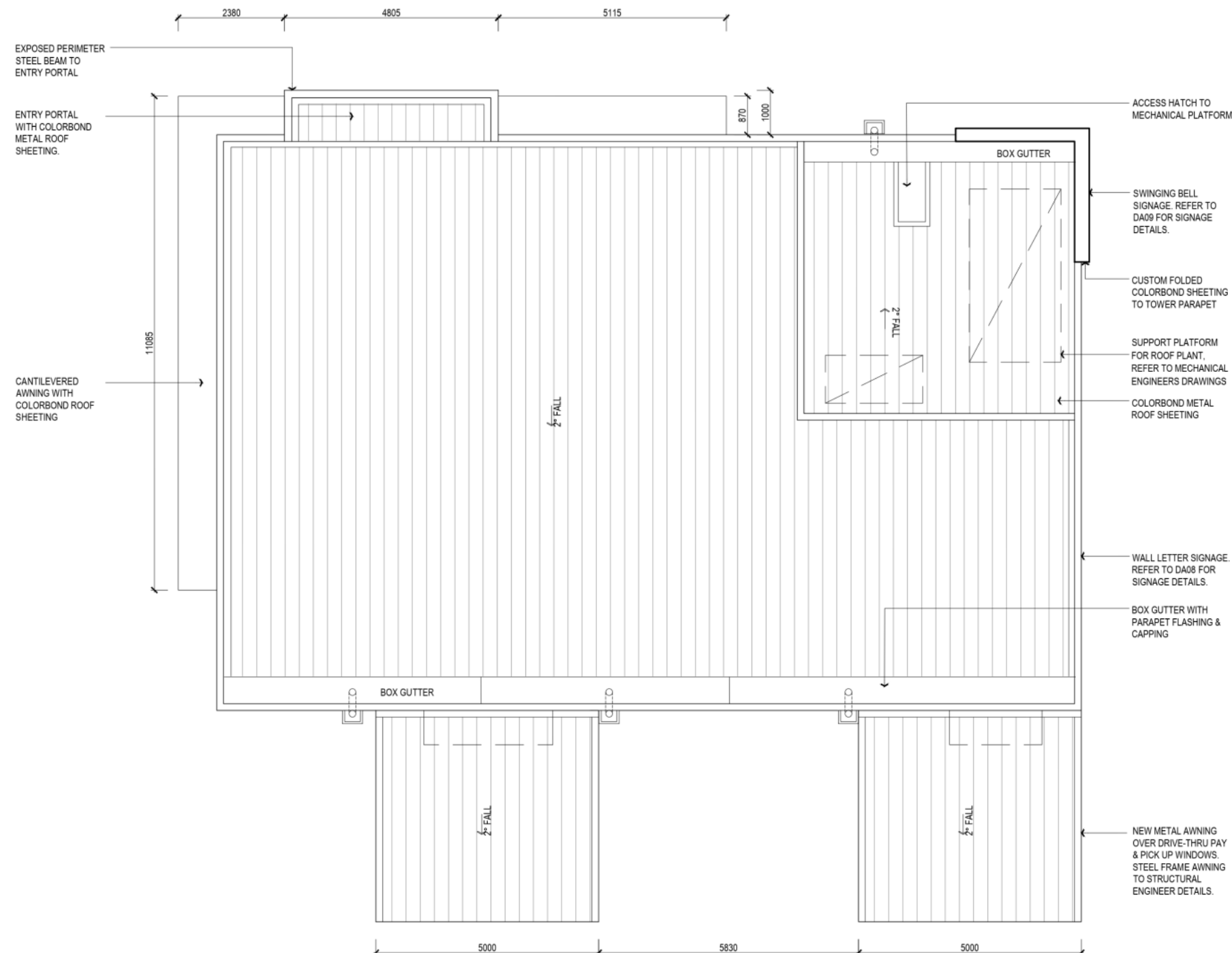
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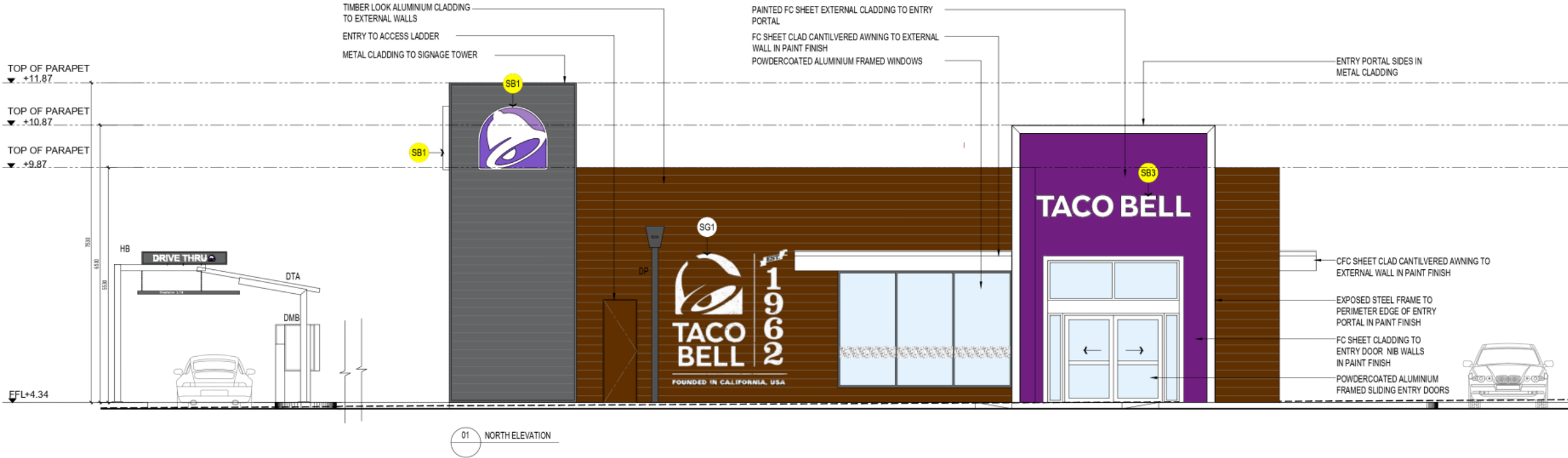


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project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE,
PORT MACQUARIE NSW 2444

drawing
ELEVATIONS - SHEET 1

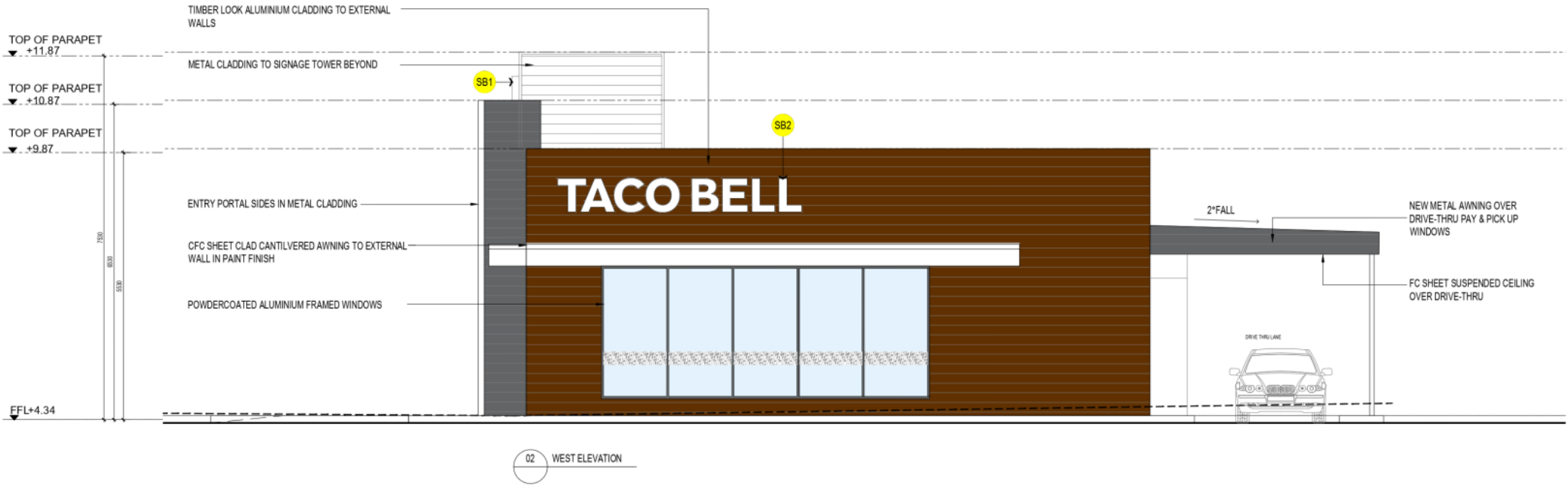
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20159	DEC 2020	VC
scale	desig. no.	rev.
1:50 @ A1	DA04	DA2

amendments		

01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1
date	notes	rev.

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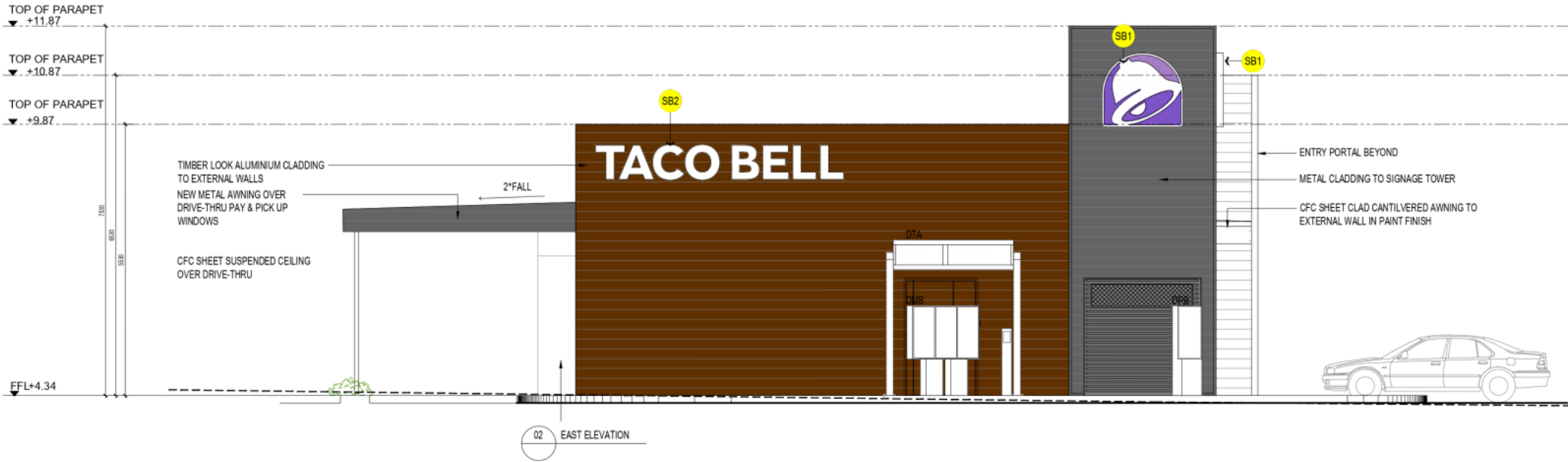
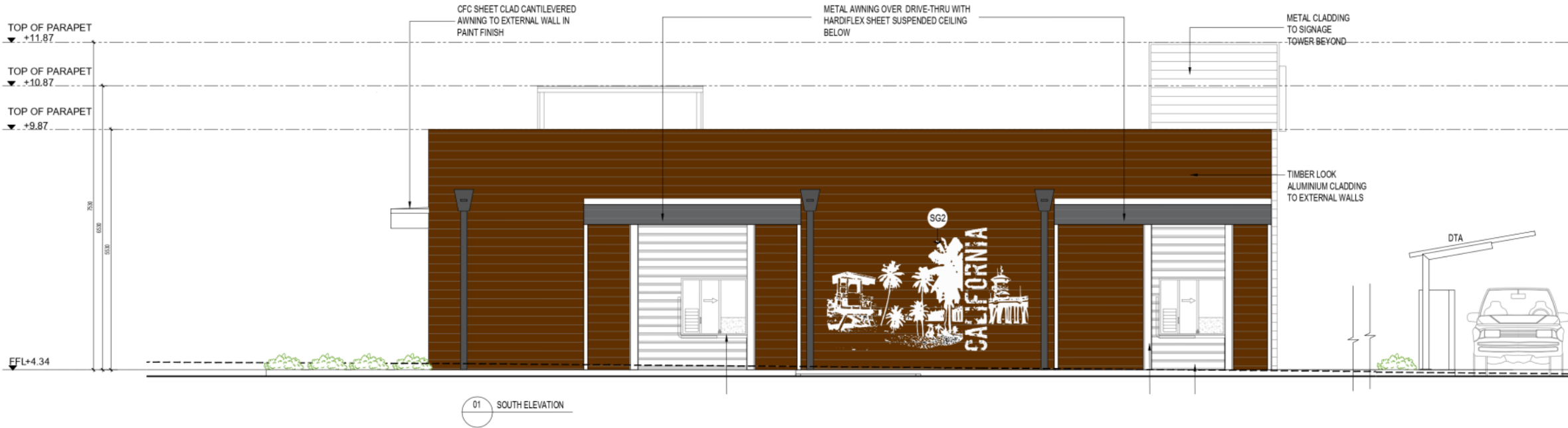


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TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

drawing
ELEVATIONS - SHEET 2

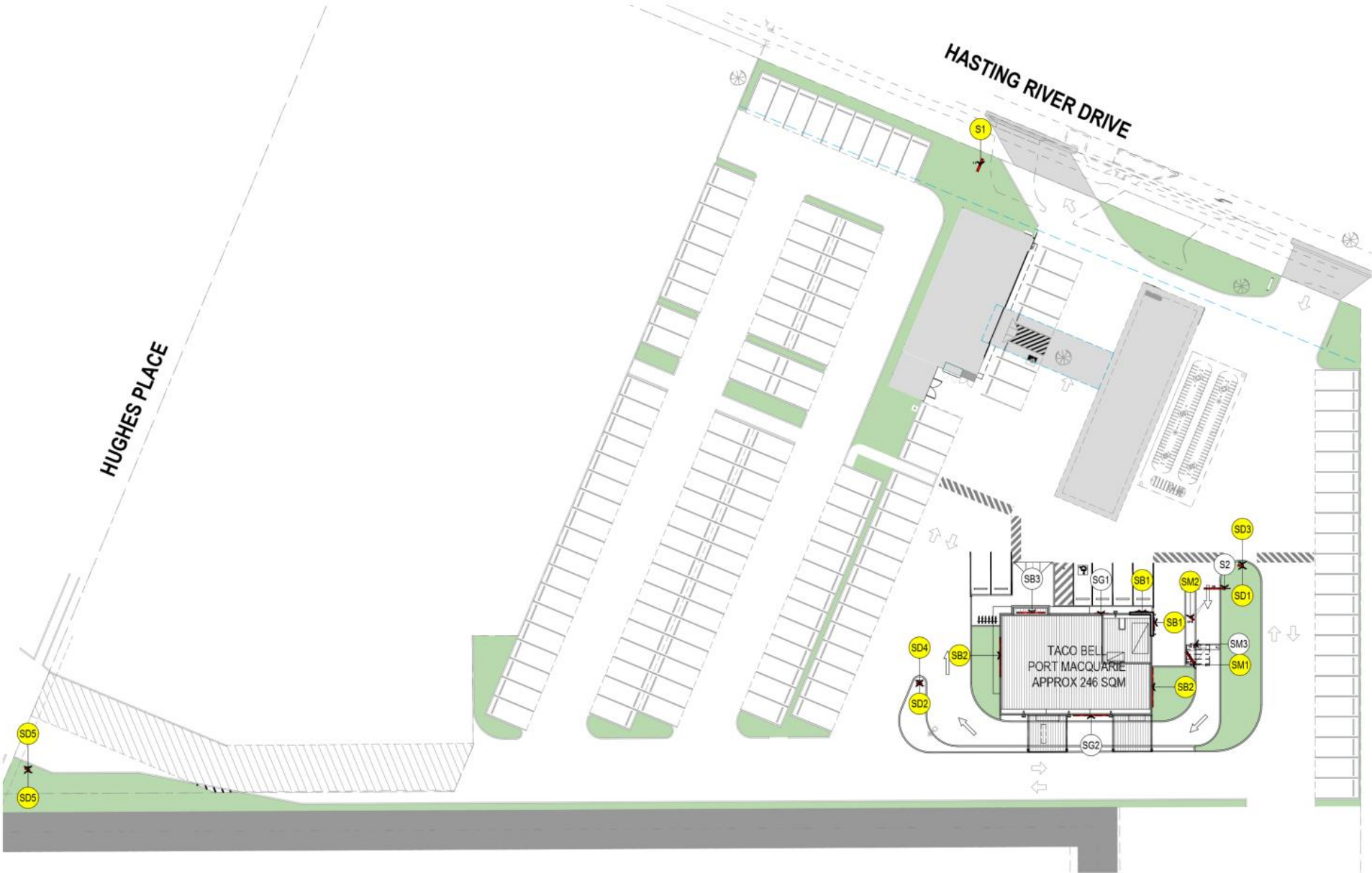
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20159	DEC 2020	VC
scale	desig. no.	rev.
1:50 @ A1	DA05	DA2

amendments

01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1

date	notes	rev.
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SIGNAGE LEGEND:

- S-- ILLUMINATED SIGNAGE
- S- NON-ILLUMINATED SIGNAGE
- S1 ILLUMINATED PYLON SIGN WITH GRAPHICS ON BOTH SIDES
- S2 NON-ILLUMINATED HIGH HEIGHT BAR
- SB1 ILLUMINATED SWINGING BELL SIGN
- SB2 ILLUMINATED DRIVE THRU SWINGING BELL SIGNAGE
- SB3 NON-ILLUMINATED LETTER SIGN - ENTRY PORTAL
- SD1 ILLUMINATED SWINGING BELL DIRECTIONAL SIGN
- SD2 ILLUMINATED 'THANK YOU' DIRECTIONAL SIGN
- SD3 ILLUMINATED 'DRIVE THRU' DIRECTIONAL SIGN
- SD4 ILLUMINATED 'NO ENTRY' DIRECTIONAL SIGN
- SD5 ILLUMINATED 'WELCOME' DIRECTIONAL SIGN
- SG1 NON-ILLUMINATED GRAPHIC PANEL WHITE PAINTED MURAL 'TACO BELL 1962'
- SG2 NON-ILLUMINATED GRAPHIC PANEL PAINTED MURAL 'CALIFORNIA STENCIL WHITE'
- SM1 DIGITAL MENU BOARD
- SM2 DIGITAL PREVIEW BOARD
- SM3 SPEAKER BOLLARD
- SM4 'ORDER HERE' SIGN



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- NOTES:**
- Works to comply with AS 4674 construction & fitout of food premises
 - Food storage and handling areas to comply with the Food Act 2003
 - Refer to General Finishes Schedule for Finishes

DA ISSUE

project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

drawing
SIGNAGE PLAN

project ref	date	drawn by
20159	DEC 2020	VC
scale	drawn no	rev
1:300 @ A1	DA06	DA2

amendments		
01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1
date	notes	rev.

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 - Refer to General Finishes Schedule for Finishes

DA ISSUE

project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

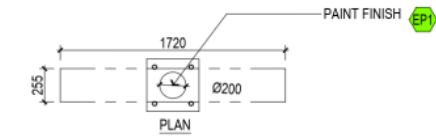
drawing
SIGNAGE DETAILS - SHEET 1

project ref	date	drawn by
20159	DEC 2020	VC
scale	des. no.	rev.
AS SHOWN	DA07	DA2

amendments		

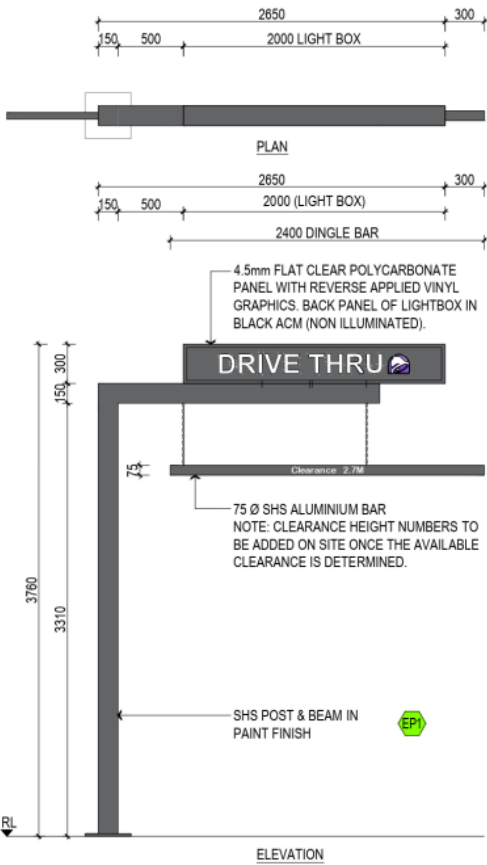
date	notes	rev.
01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1

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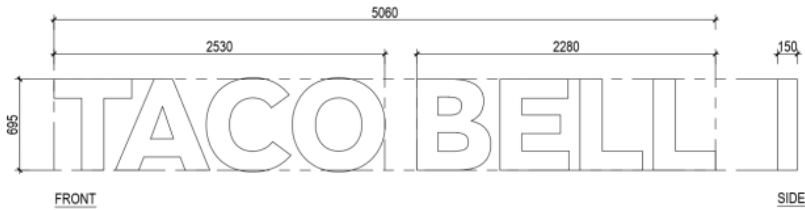
INTERNALLY ILLUMINATED PYLON SIGN WITH GRAPHICS ON BOTH SIDES.

S1	PYLON SIGNAGE
-	1:25 @ A1 (ILLUMINATED)



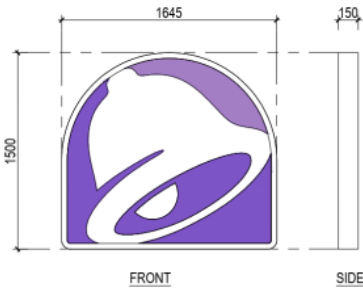
NOTE: DRIVE THRU SIGN BOX MUST BE CONSTRUCTED WITH FIXING POINTS & POWER ENTRY LOCATED SO THAT THE SIGN BOX CAN BE INSTALLED FACING EITHER DIRECTION FOR POST ON THE RIGHT OR LEFT SIDE

S2	DRIVE THRU HEIGHT BAR
-	1:50 @ A3



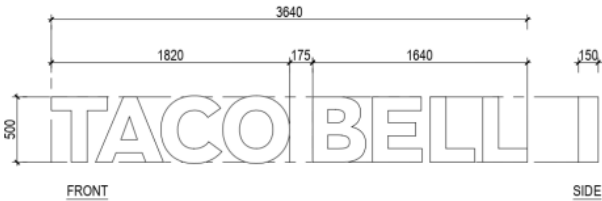
FRONT
INTERNALLY ILLUMINATED LETTER SIGNAGE.
BLACK FINISH TO SIDES OF LETTERS.

SB2	LETTER SIGN
-	1:25 @ A1 (ILLUMINATED)



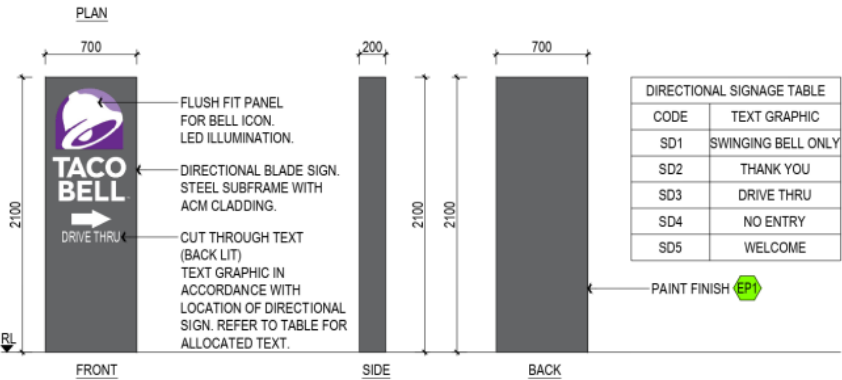
NOTE: ENSURE INTERNALLY ILLUMINATED SIGN FITTED WITH LIGHT DIMMER

SB1	SWINGING BELL SIGNAGE
-	1:25 @ A1 (ILLUMINATED)



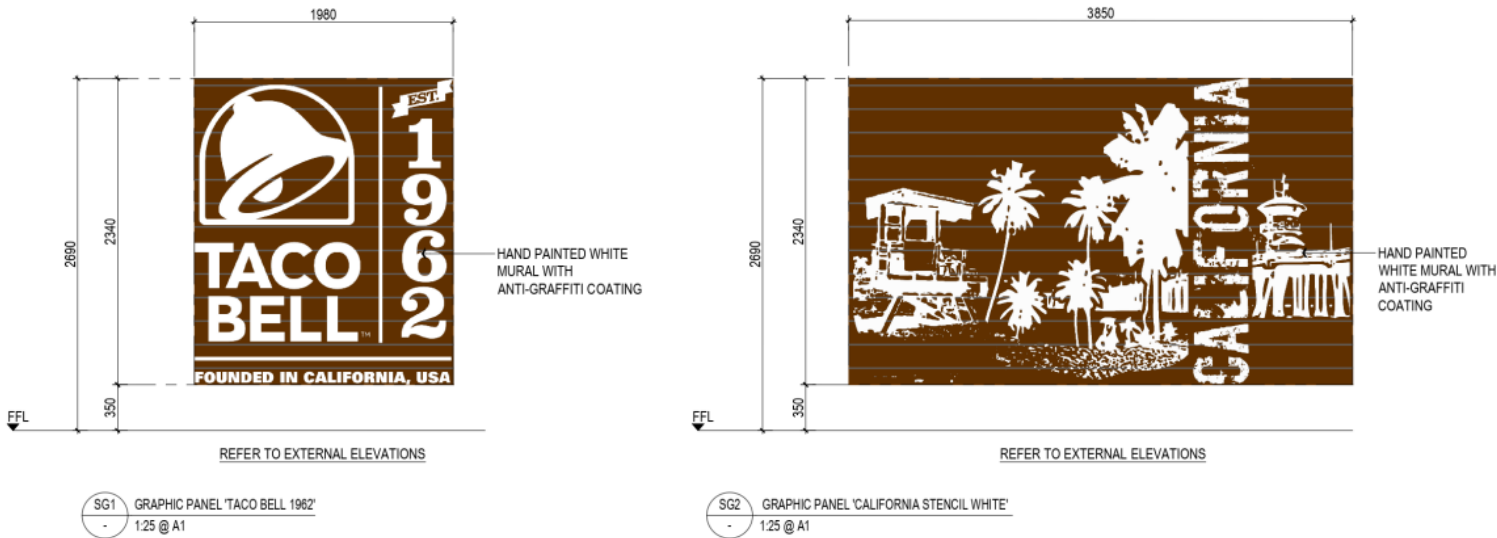
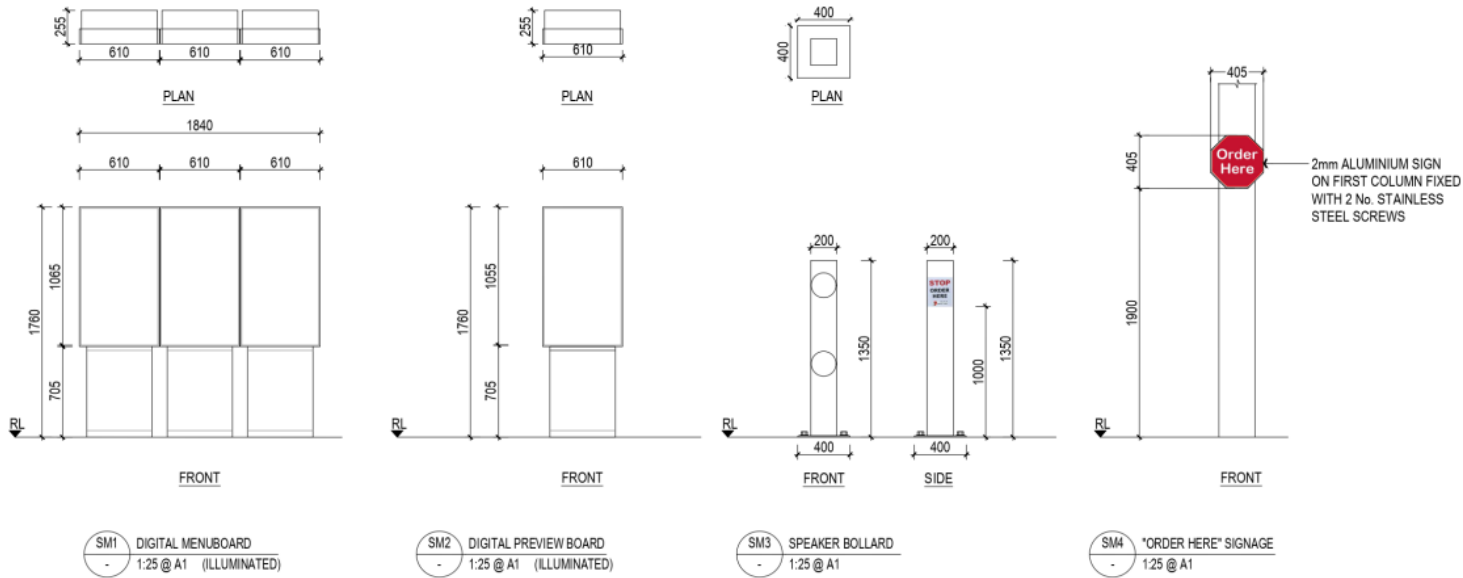
FRONT
ILLUMINATED LETTER SIGNAGE BY EXTERNAL SOURCE.
BLACK FINISH TO SIDES OF LETTERS.

SB3	LETTER SIGN - ENTRY PORTAL
-	1:25 @ A1 (ILLUMINATED)



SD1	DIRECTIONAL SIGNAGE
-	1:25 @ A1 (ILLUMINATED)

DIRECTIONAL SIGNAGE TABLE	
CODE	TEXT GRAPHIC
SD1	SWINGING BELL ONLY
SD2	THANK YOU
SD3	DRIVE THRU
SD4	NO ENTRY
SD5	WELCOME



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- NOTES:**
- Works to comply with AS 4674 construction & fitout of food premises
 - Food storage and handling areas to comply with the Food Act 2003
 - Refer to General Finishes Schedule for Finishes

DA ISSUE

project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE
PORT MACQUARIE NSW 2444

drawing
SIGNAGE DETAILS - SHEET 2

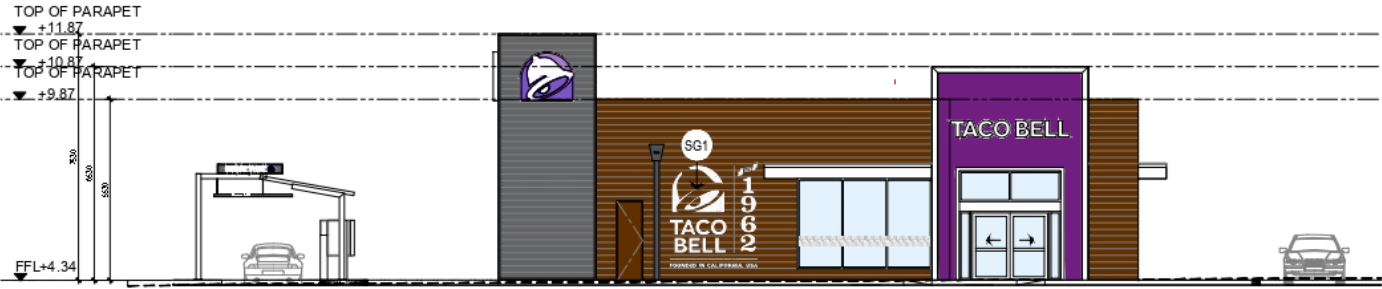
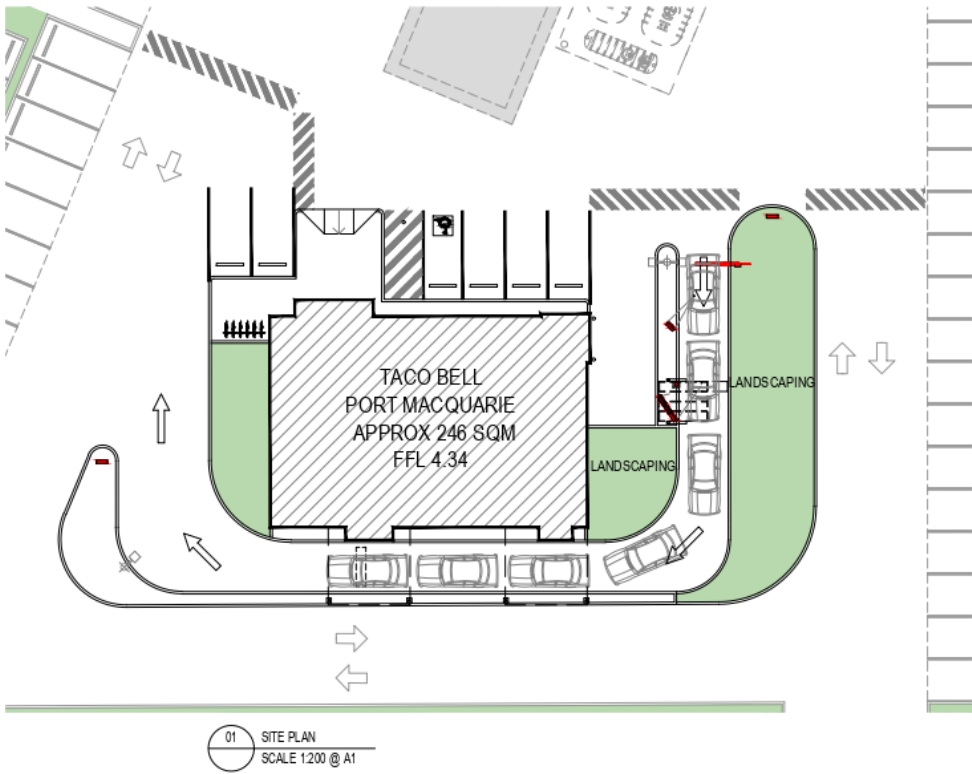
project ref	date	drawn by
20159	DEC 2020	VC
scale	des. no.	rev.
AS SHOWN	DA08	DA2

amendments		

01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1

date	notes	rev.
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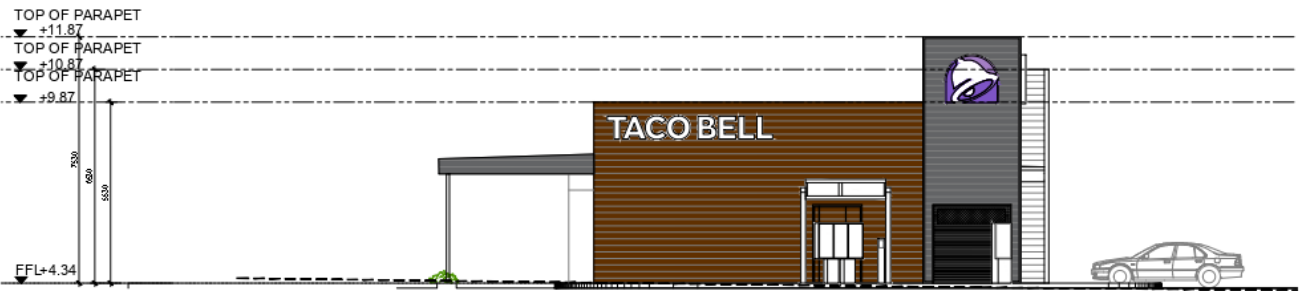
02 NORTH ELEVATION



03 WEST ELEVATION



04 SOUTH ELEVATION



05 EAST ELEVATION



NOMINATED ARCHITECT:
MAURICE BERALDO
NSW Reg 6354
VIC Reg 4884
Suite 14, Level 3
22-36 Mountain Street
Ultimo NSW 2007
T 02 9062 7700
bdai.com.au



- NOTES:**
- Works to comply with AS 4674 construction & fitout of food premises
 - Food storage and handling areas to comply with the Food Act 2003
 - Refer to General Finishes Schedule for Finishes

DA ISSUE

PROJECT
TACO BELL PORT MACQUARIE
128 HASTING STREET D3W E
PORT MACQUARIE NSW 2444

NOTIFICATION PLAN

projected	date	drawn by
20159	DEC 2020	VC
scale	dwg no.	rev.
AS SHOWN	DA09	DA2



date	notes	rev.
01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1

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- NOTES:**
- Works to comply with AS 4674 construction & fitout of food premises
 - Food storage and handling areas to comply with the Food Act 2003
 - Refer to General Finishes Schedule for Finishes



TIMBER LOOK ALUMINIUM CLADDING
RANGE: DECOCLAD SHADOWLINE
SIZE: 200MM BOARD WIDTH X 6.5M LENGTHS
PROFILE: 20MM
RECESSED SHADOWLINE
COLOUR: NATURAL WESTERN RED CEDAR
PATTERN: HORIZONTAL INSTALLATION



COLORBOND DOWNPIPE WITH RAINWATER HEAD
RAINWATER HEAD RADIUS = 450MM AT TOP & 250MM AT NARROW END
DOWNPIPE RADIUS= 150MM
COLORBOND COLOUR: IRONSTONE



PROFILED METAL CLADDING
RANGE: LYSAGHT TRIMDEK
RIB DEPTH: 29MM
COLOUR: COLOURBOND ULTRA, IRONSTONE
PATTERN: HORIZONTAL INSTALLATION

DA ISSUE

project
TACO BELL PORT MACQUARIE
128 HASTING RIVER DRIVE,
PORT MACQUARIE NSW 2444

drawing
SCHEDULE OF EXTERNAL FINISHES

project ref	date	drawn by
20159	DEC 2020	VC
scale	desig. no.	rev.
1:50 @ A1	DA10	DA2

amendments		

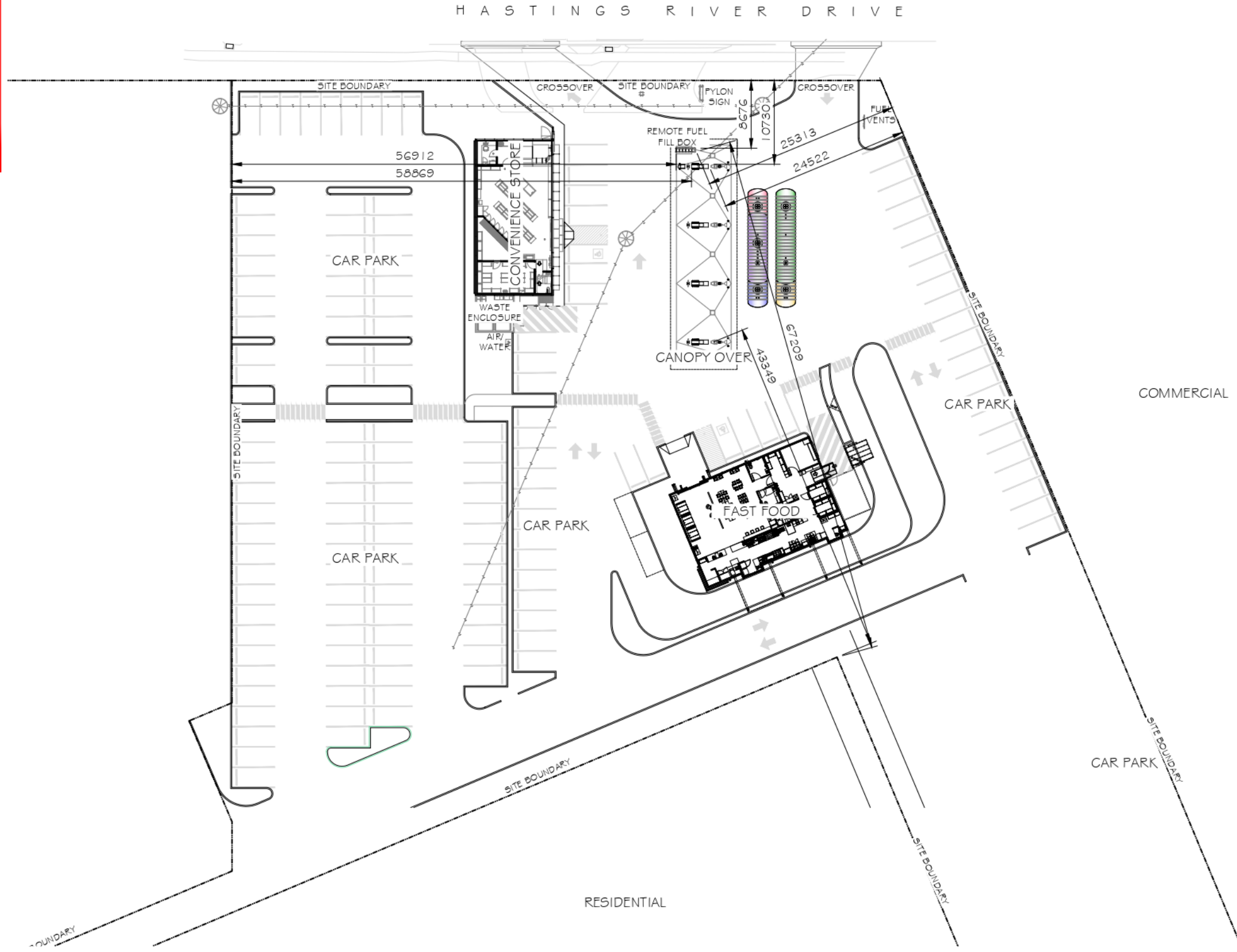
date	notes	rev.
01.12.20	DA ISSUE	DA2
30.11.20	DA ISSUE	DA1

Contractor shall verify all trade and dimensions on site prior to commencing any work or shop drawings. Figured dimensions to be used - do not scale.
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TANK SCHEDULE			
TANK-ID	TANK-SIZE	COMPARTMENT-SIZE	PRODUCT
T1	90, 000LT	65, 000LT	D5L
T2		25, 000LT	P95
T3		25, 000LT	P95
T4		40, 000LT	ULP
T5		25, 000LT	E10

TOTAL SITE AREA -
10624 sqm

SHOP AREA INTERNAL -
191sqm



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PRELIMINARY ISSUE

ISSUANCE DESCRIPTION	BY	DATE
1. SITE LAYOUT AMENDMENT	EZ	14.07.20
0. INITIAL HAZKEM ISSUE	EZ	18.06.20

HAZKEM

ABN 63 616 105 483
DANGEROUS GOODS CONSULTING
LPG & FUEL SYSTEMS - CONSULTING & DESIGN
8/328 RESERVE ROAD, CHELTENHAM VIC 3192
PHONE (03) 9842 7300
www.hazkem.com.au

PROJECT
MOBIL PORT MACQUARIE
128 HASTINGS RIVER DR
PORT MACQUARIE, NSW

CLIENT
RCI GROUP PTY LTD

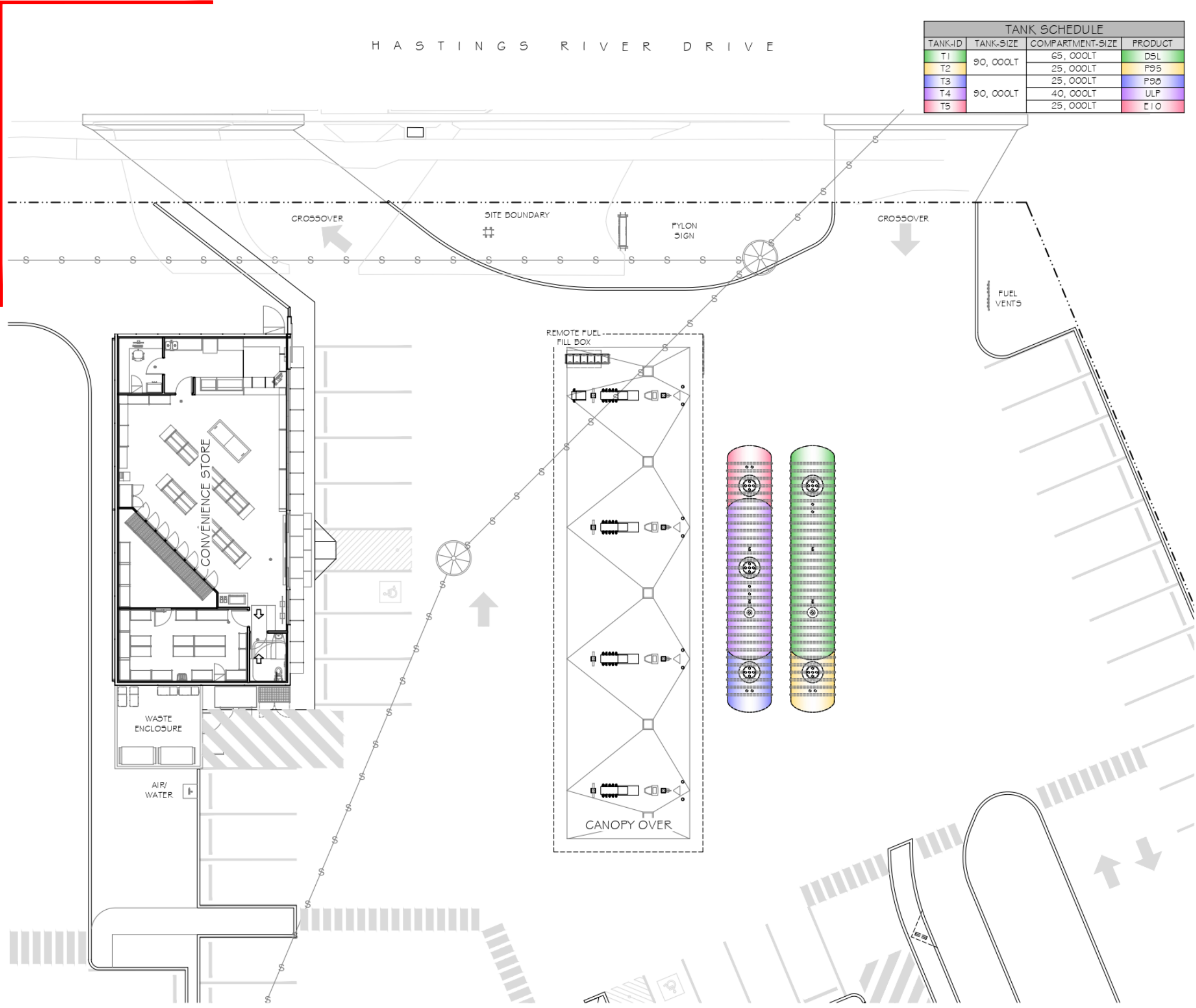
TITLE
GENERAL ARRANGEMENT DRAWING

SCALE 1 : 500

PROJECT No DESIGNED DRAWN SCALE
HAZ-2632 EZ 1:500 @A3

NORTH APPROVED

DRAWING No ISSUE/AMT
HAZ-2632-GAO1 1



TOTAL SITE AREA -
10624 sqm

SHOP AREA INTERNAL -
191sqm



PRELIMINARY ISSUE

ISSUE/AMT DESCRIPTION	BY	DATE
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HAZKEM

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PROJECT
MOBIL PORT MACQUARIE
128 HASTINGS RIVER DR
PORT MACQUARIE, NSW

CLIENT
RCI GROUP PTY LTD

TITLE
GENERAL ARRANGEMENT DRAWING
DETAILS

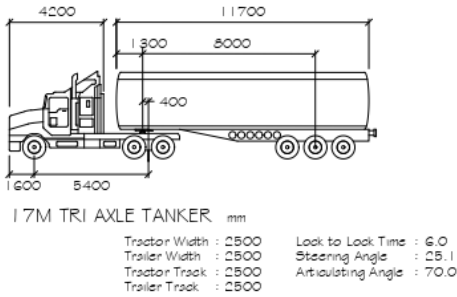
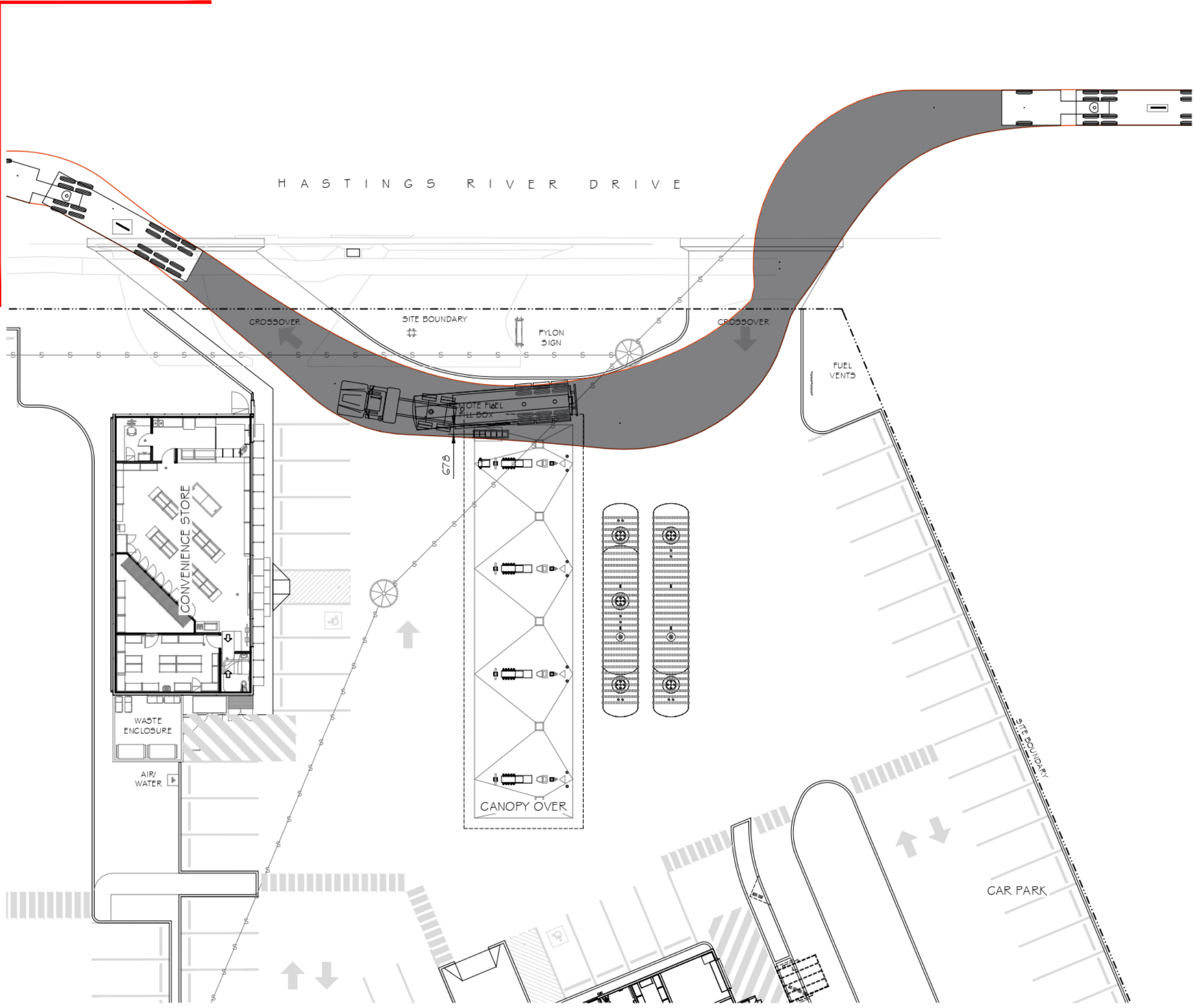
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SCALE 1 : 200

PROJECT No DESIGNED DRAWN SCALE
HAZ-2632 EZ 1:200 @A3

NORTH APPROVED

DRAWING No ISSUE/AMT
HAZ-2632-GA02 1

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PRELIMINARY ISSUE

ISSUE/AMT DESCRIPTION	BY	DATE
1. SITE LAYOUT AMENDMENT	EZ	14.07.20
0. INITIAL HAZKEM ISSUE	EZ	18.06.20



ABN 63 616 105 483
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PROJECT
MOBIL PORT MACQUARIE
128 HASTINGS RIVER DR
PORT MACQUARIE, NSW

CLIENT
RCI GROUP PTY LTD

TITLE
GENERAL ARRANGEMENT - TANKER
PATH LAYOUT 19M

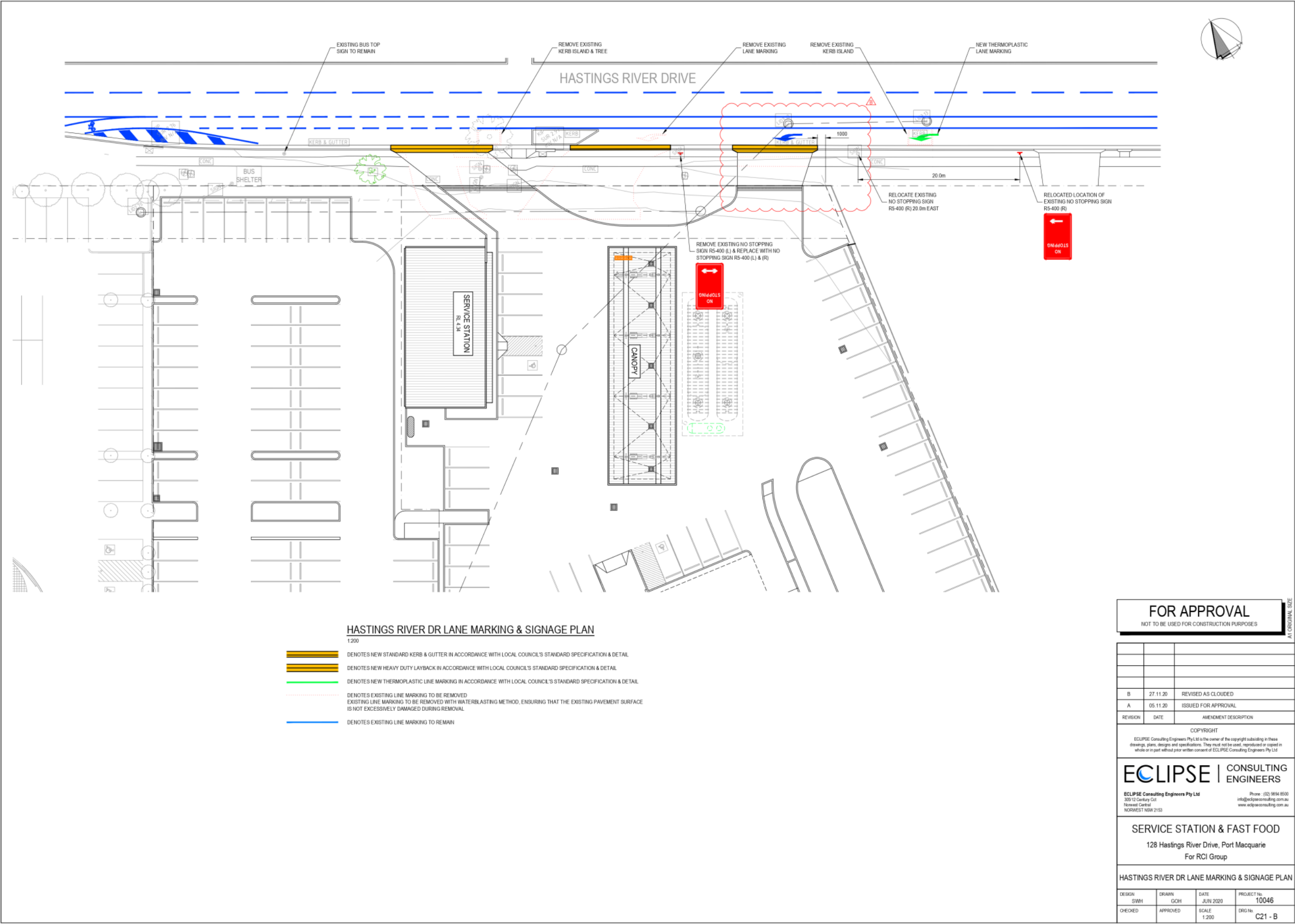
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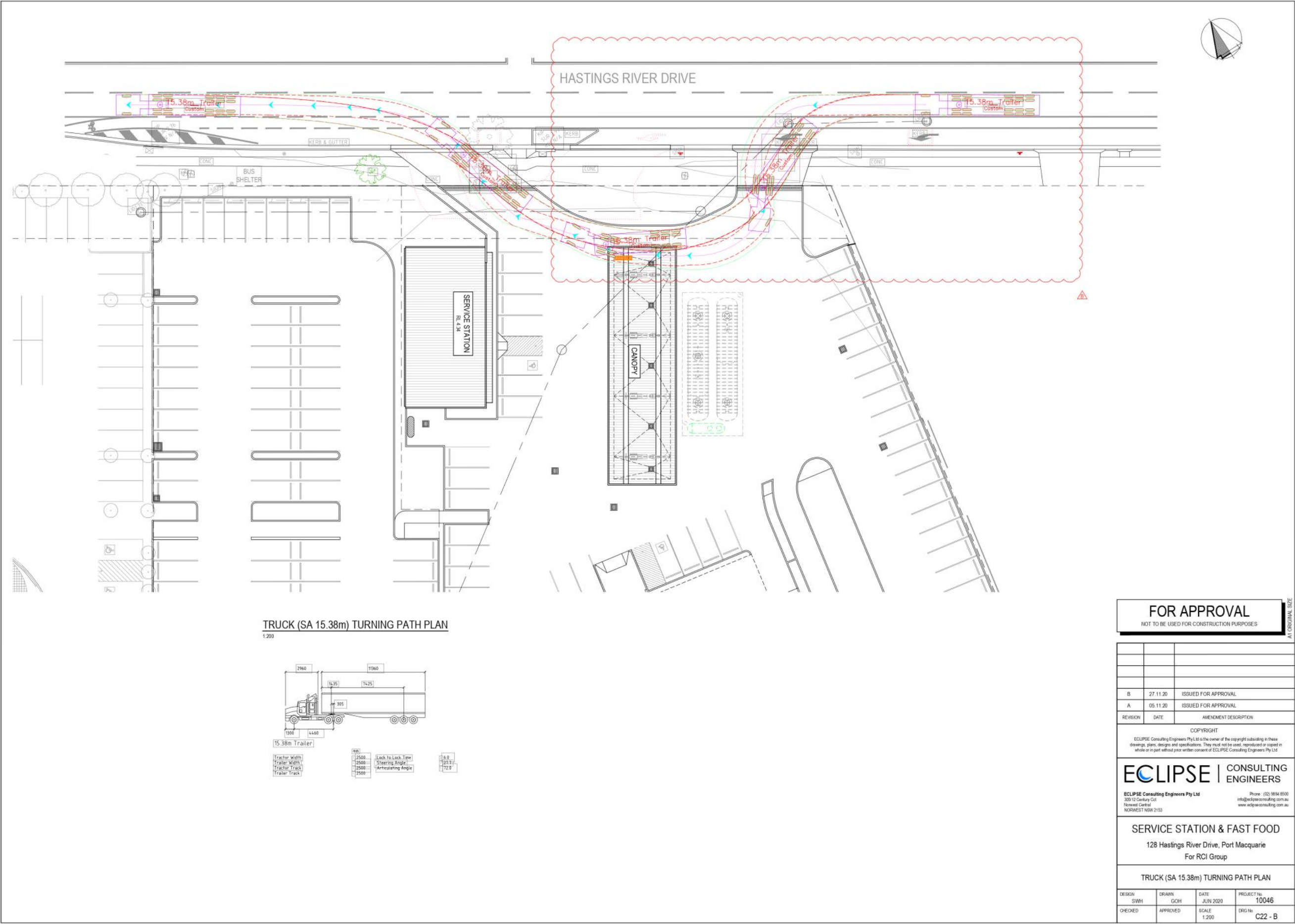
PROJECT No HAZ-2632 DESIGNED EZ DRAWN I:250 @A3

NORTH APPROVED

DRAWING No HAZ-2632-GA03 ISSUE/AMT 1

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SHEET 1 OF 5 SITE ANALYSIS PLAN
SHEET 2 OF 5 OVERALL LANDSCAPE PLAN
SHEET 3 OF 5 LANDSCAPE MIXED USE AREA
SHEET 4 OF 5 LANDSCAPE CARPARK EXIT
SHEET 5 OF 5 SPECIFICATION PLAN

NOTES

THE LOT IS RELATIVELY FLAT WITH NATURAL WATER FLOWS TOWARDS MUMFORD STREET AT THE REAR OF THE PROPERTY & CONTAINED WITHIN THE LOT THROUGH DRAINAGE. THE EXISTING TREES MADE UP MAINLY OF PALM SPECIES REMAINING IN THE LOT ARE PROPOSED TO BE REMOVED DUE TO THE INSTALLATION OF ROADWAYS AND BUILDINGS WITH COMPENSATORY PLANTING OF NATIVE SPECIES TREES. THE SOIL IS A SANDY LOAM WITH PH OF 5.5 TO 6.5. THE HAS MAINLY ROADWAYS, SITE PADS, EXISTING GARDENS WITH THE REMAINDER A MIXTURE OF GRASS VERGES. THE EXISTING PERMANENT BUILDINGS ARE TO BE REMOVED WITH THE EXISTING DEMOUNTABLE BUILDINGS TO BE REMOVED ALSO.

HUGHES PLACE

ALDI STORE

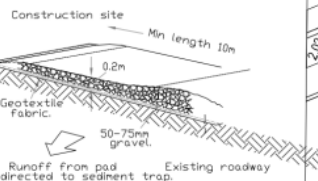
701
DP1151916

- (A) RIGHT OF CARRIAGEWAY 2.5 WIDE (DP855159)
- (B) EASEMENT TO DRAIN WATER 3 WIDE (DP855159)
- (C) EASEMENT TO DRAIN WATER 3.5 WIDE AND VARIABLE (DP855159)
- (F) RESTRICTION AS TO USER (RESTRICTING ACCESS TO HASTINGS RIVER DRIVE, AND NOT PERMITTING BUILDINGS BEING ERRECTED OR REMAINING ERRECTED ON AREA DESIGNATED (F)) (DP855159)

SERVICES SHOWN HEREON HAVE BEEN LOCATED BY VISIBLE INSPECTION ONLY WITH THE ASSISTANCE OF LOCATION DIAGRAMS SUPPLIED BY SERVICE AUTHORITIES. THIS PLAN SHOWS INFORMATION FROM DETAIL SURVEY DRAWING No. 14795, DATED FEBRUARY 2008. PLEASE REFER TO THIS FOR NOTES AND DISCLAIMERS REGARDING THAT SURVEY.

CADASTRAL BOUNDARIES SHOWN HEREON HAVE BEEN COMPILED FROM PLANS ON PUBLIC RECORD AND DETERMINED FROM LIMITED SURVEYED CONNECTIONS.

A COMPLETE SURVEY REDEFINITION HAS NOT BEEN UNDERTAKEN.



TEMPORARY CONSTRUCTION EXIT

MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH PREVENTS TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL GRAVEL AS CONDITIONS DEMAND AND REPAIR AND / OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY MUST BE REMOVED.

SANDBAG KERB INLET SEDIMENT TRAP



SEDIMENT CONTROL FENCE

Construction Notes: 1. Construct a 10m x 10m area of sandbags as shown in the diagram. 2. The sandbags shall be placed in a line across the entrance to the site. 3. The sandbags shall be placed in a line across the entrance to the site. 4. The sandbags shall be placed in a line across the entrance to the site.

HASTINGS RIVER DRIVE

APPROXIMATE LOCATION OF TELSTRA CONDUIT (FROM TELSTRA RECORDS)



north easterly wind in autumn



EROSION AND SEDIMENT CONTROL NOTES

- GENERAL INSTRUCTIONS**
 - E1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ENGINEERING PLANS, AND ANY OTHER PLANS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED AND RELATING TO DEVELOPMENT AT THE SUBJECT SITE.
 - E2. THE SITE SUPERINTENDENT WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE LOCATED AS INSTRUCTED IN THIS SPECIFICATION.
 - E3. ALL BUILDERS AND SUB-CONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN MINIMISING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSLOPE LANDS AND WATERWAYS.
- CONSTRUCTION SEQUENCE**
 - E4. THE SOIL EROSION POTENTIAL ON THIS SITE SHALL BE MINIMISED. HENCE WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:
 - (a) INSTALL SEDIMENT FENCES
 - (b) UNDERTAKE SITE DEVELOPMENT WORKS IN ACCORDANCE WITH THE ENGINEERING PLANS. PHASE DEVELOPMENT SO THAT LAND DISTURBANCE IS CONFINED TO AREAS OF WORKABLE SIZE.
- EROSION CONTROL**
 - E5. DURING WINDY CONDITIONS, LARGE UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL.
 - E6. FINAL SITE LANDSCAPING WILL BE UNDERTAKEN AS SOON AS POSSIBLE AND WITHIN 20 WORKING DAYS FROM COMPLETION OF CONSTRUCTION ACTIVITIES.
- FENCING**
 - E7. STOCKPILES WILL NOT BE LOCATED WITHIN 2 METRES OF HAZARD AREAS, INCLUDING LIKELY AREAS OF CONCENTRATED OR HIGH VELOCITY FLOWS SUCH AS WATERWAYS. WHERE THEY ARE BETWEEN 2 AND 5 METRES FROM SUCH AREAS, SPECIAL SEDIMENT CONTROL MEASURES SHOULD BE TAKEN TO MINIMISE POSSIBLE POLLUTION TO DOWNSLOPE WATERS, E.G. THROUGH INSTALLATION OF SEDIMENT FENCING.

ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) WILL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.

WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE. IE. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE REHABILITATED.

OTHER MATTERS

ACCEPTABLE RECEPTORS WILL BE PROVIDED FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER.

RECEPTORS FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER ARE TO BE EMPTIED AS NECESSARY DISPOSAL OF WASTE SHALL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.

SITE INSPECTION & MAINTENANCE

EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER RAINFALL EVENTS TO ENSURE THAT THEY OPERATE EFFECTIVELY. REPAIR AND OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED.

DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECTS- STORMWATER- ENGINEERS PLANS PLUS ASSOCIATED SHEETS ATTACHED

LEGEND

- SMH ● SEWER MANHOLE
- SV ○ STOP VALVE
- H □ HYDRANT
- PP ○ POWER POLE
- TEL TELSTRA PIT
- KI PIT KERB INLET PIT
- WM WATER METER
- IO ○ SEWER INSPECTION POINT
- GP GRATED PIT
- EXISTING SITE TREES
- TREE SYMBOL WITH APPROXIMATE TRUNK GIRTH AND CANOPY
- WATERMAIN
- TELSTRA
- STORMWATER (EXISTING)
- SEWER RETICULATION
- OVERHEAD ELECTRICITY
- RECYCLED (NON-POTABLE)
- STRUCTURES TO BE REMOVED
- OVERLAND FLOW PATH
- PREVAILING WIND

SYMBOL LEGEND:

- LIGHT POLE
- TAP
- FIRE HOSE REEL
- GAS OUTLET
- POWER OUTLET
- ELECTRICITY DOME
- ▬ SITE BOUNDARY

DATE	BY	AMENDMENT

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John A. Kime
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email.gardenflora704@gmail.com
Member AILDM
Diploma in Horticulture / Landscape Design, Cert. Ag

SITE ADDRESS
Service Stn & Fast Food
Lot 702, DP 1151916
128 Hastings River Drive
Port Macquarie. NSW.

CLIENT
RCI GROUP

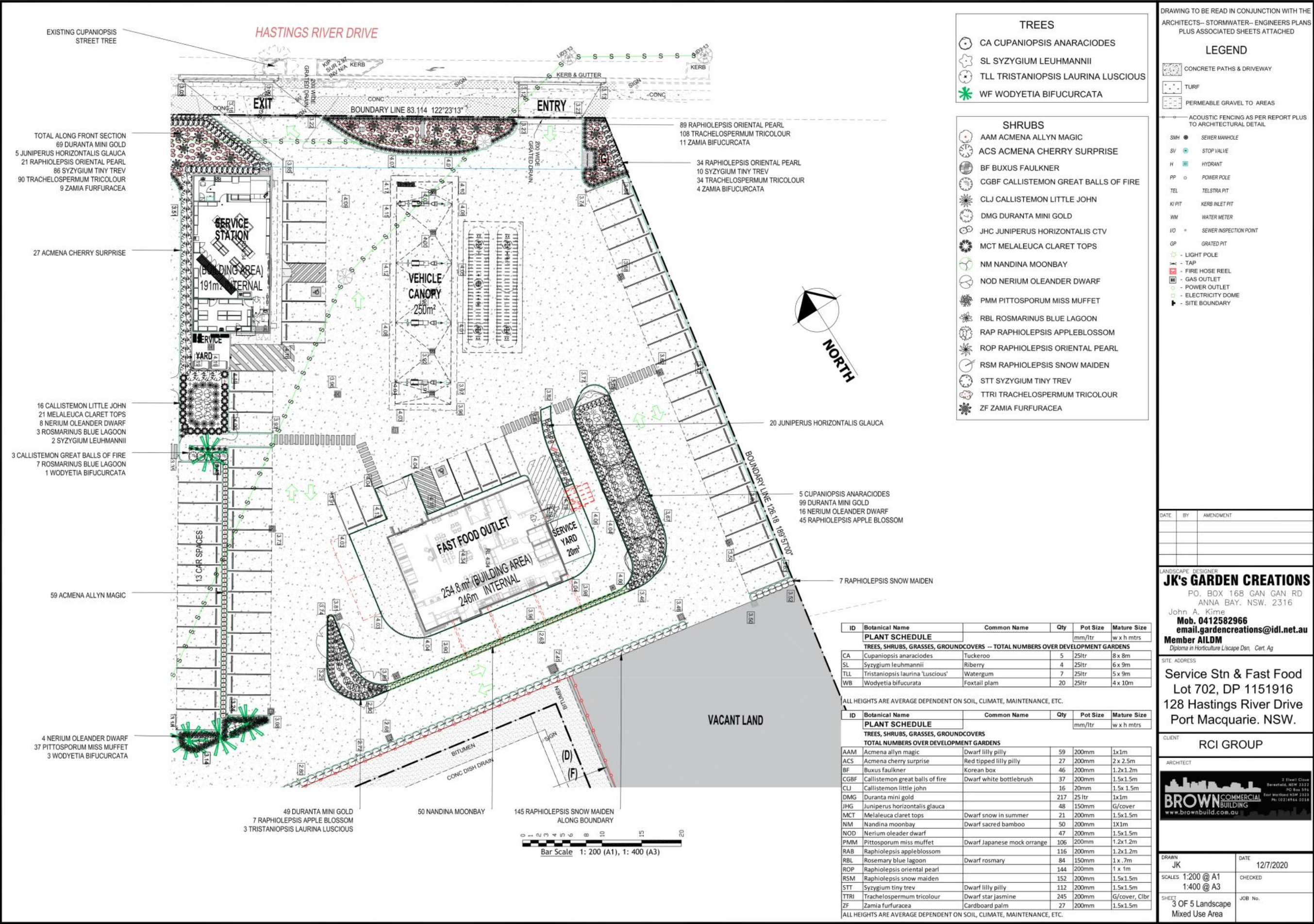
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BROWN BUILDING
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Barefield, NSW 2327
PO Box 994
East Maitland NSW 2325
Ph. (02) 4744 2214
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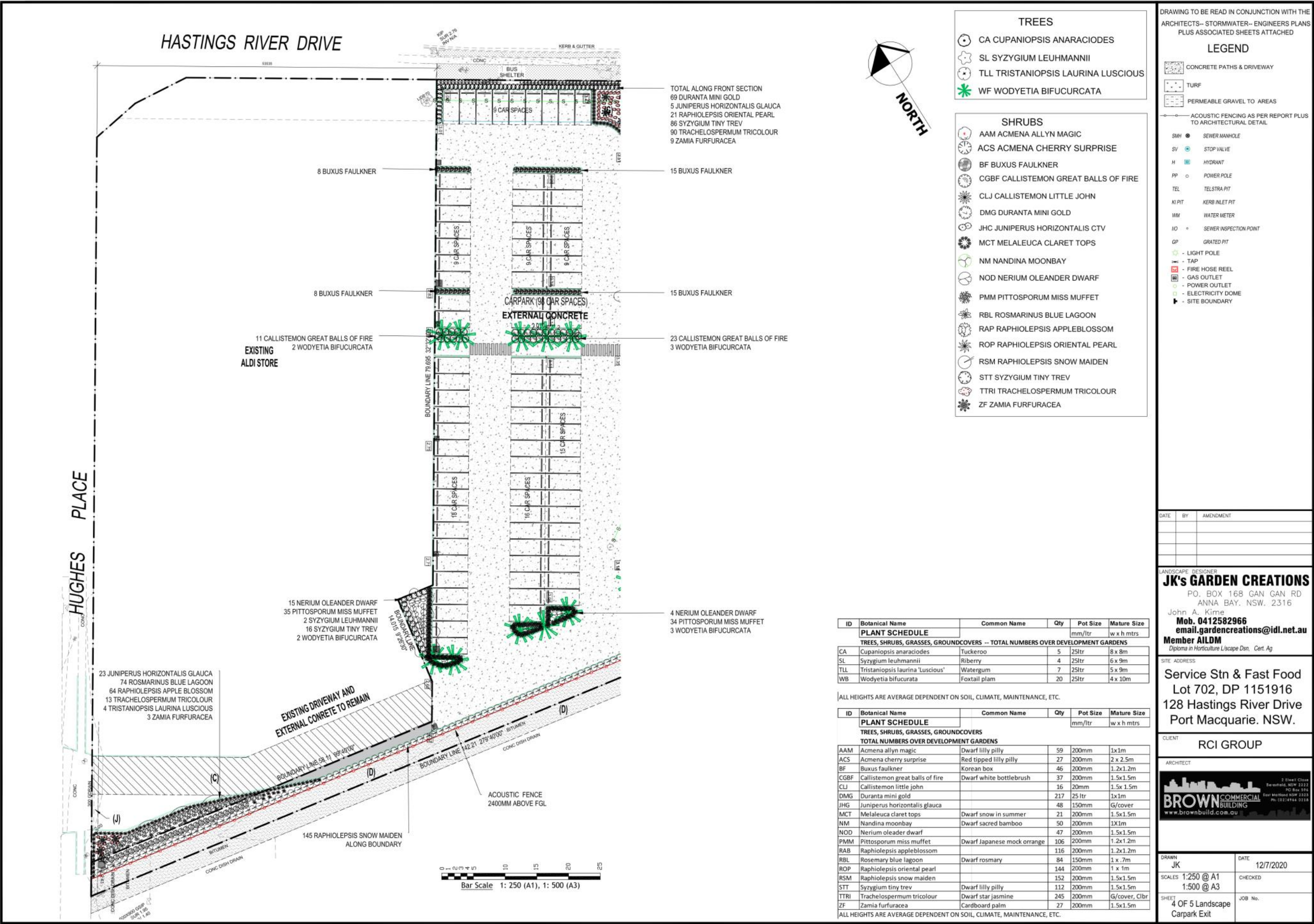
DRAWN JK	DATE 12/7/2020
SCALES 1:300 @ A1 1:600 @ A3	CHECKED
SHEET 1 OF 5 Site Analysis Plan	JOB No.

ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.



ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.





INITIAL PREPARATION

Verify all dimensions on site prior to commencement, locate all underground services and ensure no damage occurs to them throughout the contract. Comply with the requirements of the Council site guidelines in reference to erosion and sediment control regulations and other environmental controls to contain all within confines of the site. Spray with approved herbicide weed killer to all proposed lawn and garden areas to manufactures directions. Spray all weeds before commencement of any site works are carried and throughout the contract so as to suppress any weeds that may arise. Source all plants before start of job so the time factor to purchase from species list, will be true to plant schedule. The trees and shrubs recommended may sometimes be difficult to source due to times of year, weather, disease etc, this being the case, please inform early so arrangements to substitute can be made. Excess soils and contaminated soil are to be removed within the guidelines of the council requirements to approved sites.

SOIL PREPARATION

Cultivate to the minimum depth of 200mm in all garden areas and 100mm depth in all lawn areas; add a clay breaker to all garden areas, before the addition of garden soil is added. In all areas where fill is required, gain required levels using a premium soil mix. Where excavation is required as with clay excavate as required to allow for addition of 200-400mm depth of premium garden soil to garden areas and 100-300mm depth of topsoil to lawn areas. Undertake all required action to ensure that no root balls of proposed plants sit in clay wells and that all garden and lawn areas drain satisfactorily. It is the contractor's responsibility to ensure the end result of the project is that all lawn and garden areas drain sufficiently (both surface and subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Soil levels are to allow for the addition of turf and mulches to specified requirements.

GARDEN EDGING

EDGING: Timber edging shall be located to all planter bed edges where meeting new or existing turfed areas. Use 38x150mm treated pine edging with 50x50 pegs at 1200 centres finished 30mm below top of edging.

PLANTING

Purchase plants from an approved nursery that supplies plants that are true to type and species, healthy and able to store at nursery to maintain vigor before planting. Plant within 24hrs of plants being delivered. Set out plants as indicated on plan. Plant holes shall be dug approximately twice the width and 100mm deeper than the plant root balls that they are to receive. Add fertilizer, followed by 100mm of garden soil shall be placed into the base of hole and lightly consolidated. Remove plant from container install and backfill with garden soil and firmed into place. Base of stem shall finish flush with finished soil level. Thoroughly water all plants on first planting to soak soil of plant and surrounding soil so as to allow roots to adjust, do not allow drying out. Water regular over the first 3-4 weeks.

FERTILISING

Use slow release fertilizers such as osmocote and or agriform tablets on all plants.

MULCHING

Install 100mm minimum of Forest mulch as a mulch over all gardens. Shaded areas mulch with 10-25mm pebble mulch with weedmat under.

RETAINING WALLS

Erection of masonry block retaining walls treated timber retaining walls to be as per retaining wall specification guidelines. All retaining walls and footings to remain within the confines of boundary.

TURF

Prepare for, level and lay cultivated Buffalo turf to all areas nominated on the plan as being lawn. To be laid within 24 hrs of delivery on site, making sure all areas are level for drainage, garden edging and paths.

COMPLETION

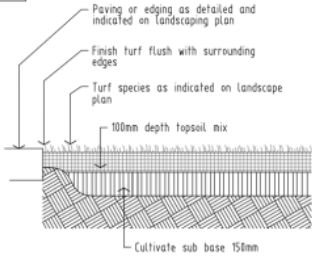
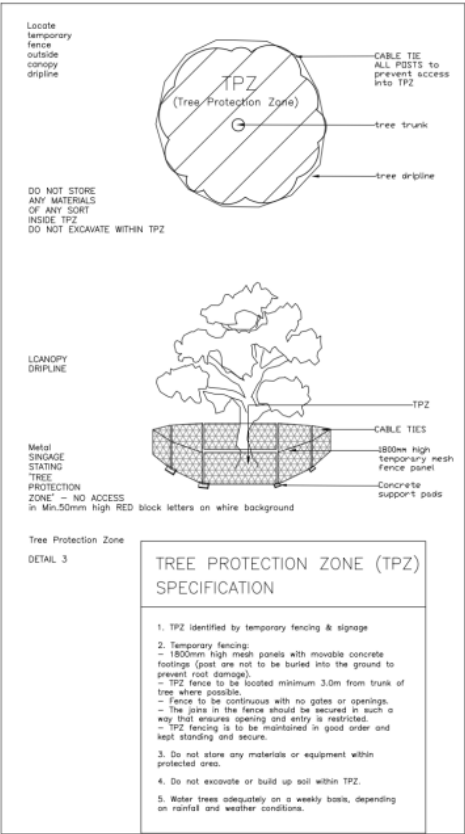
Prior to practical completion removal from site all unwanted debris occurring from work. Satisfy council that all landscaping work has been undertaken in strict accordance with council's landscape codes and guide lines.

At the completion of landscape works and prior to the issue of the Certificate of Practical Completion.

Carry out the following during the maintenance period(determined by Builder). These works shall include but not limited to watering, weeding, fertilizing, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovation, top dressing and the like.

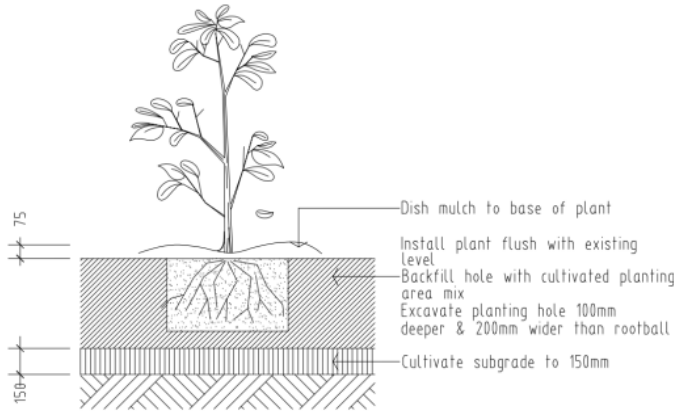
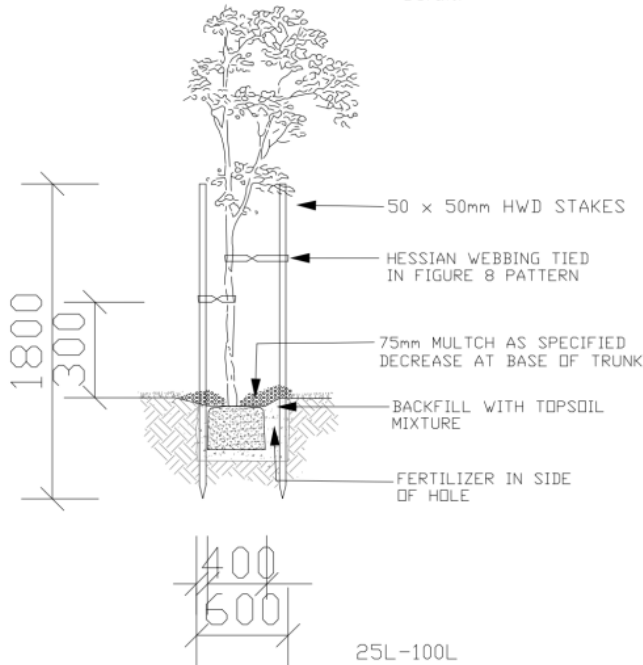
EXISTING TREES

The existing trees to be retained on site are to be protected by surrounding with a 1.8m high chainmesh fence 3.00m from the base of the tree. This fence is to be erected prior to works commencing on site and is to be retained until all building works are completed. The enclosed area is to remain free of materials, machinery, vehicles or site sheds. With this preparation is to protect the existing tree and its critical roots from mechanical damage, compaction or any other adverse impacts resulting from construction activity and allowing the trees to grow the optimum growth once all works have been finalized.

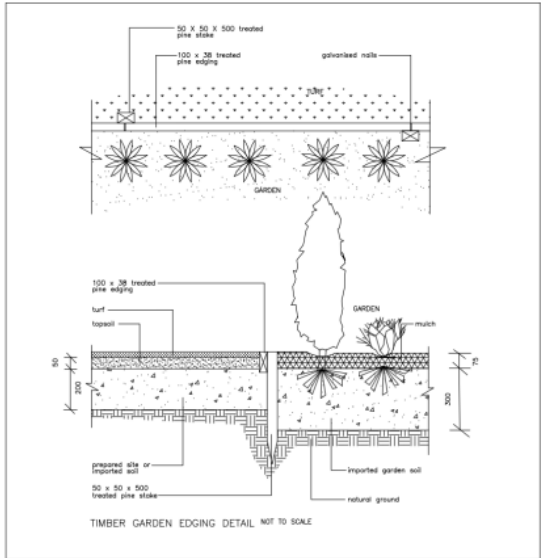


Ground preparation
Grassed area: turf using imported topsoil
Detail. Not To Scale

TREES STAKE DIAGRAM



Planting in garden beds
Detail. Not To Scale



ID	Botanical Name	Common Name	Qty	Pot Size	Mature Size
PLANT SCHEDULE			mm/ltr	w x h mtrs	
TREES, SHRUBS, GRASSES, GROUNDCOVERS -- TOTAL NUMBERS OVER DEVELOPMENT GARDENS					
CA	Cupaniopsis anaradiodes	Tuckeroo	5	25ltr	8 x 8m
SL	Syzygium leuhammii	Riberry	4	25ltr	6 x 9m
TLL	Tristanopsis laurina 'luscious'	Watengum	7	25ltr	5 x 9m
WB	Wodyetia bifurcata	Foxtail palm	20	25ltr	4 x 10m

ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.

ID	Botanical Name	Common Name	Qty	Pot Size	Mature Size
PLANT SCHEDULE			mm/ltr	w x h mtrs	
TREES, SHRUBS, GRASSES, GROUNDCOVERS					
TOTAL NUMBERS OVER DEVELOPMENT GARDENS					
AAM	Acmena allyn magic	Dwarf lilly pilli	59	200mm	1x1m
ACS	Acmena cherry surprise	Red tipped lilly pilli	27	200mm	2 x 2.5m
BF	Buxus faulkner	Korean box	46	200mm	1.2x1.2m
CGBF	Callistemon great balls of fire	Dwarf white bottlebrush	37	200mm	1.5x1.5m
CLJ	Callistemon little john		16	20mm	1.5x 1.5m
DMG	Duranta mini gold		217	25 ltr	1x1m
JHG	Juniperus horizontalis glauca		48	150mm	G/cover
MCT	Melaleuca claret tops	Dwarf snow in summer	21	200mm	1.5x1.5m
NM	Nandina moonbay	Dwarf sacred bamboo	50	200mm	1X1m
NOD	Nerium oleader dwarf		47	200mm	1.5x1.5m
PMM	Pittosporum miss muffet	Dwarf Japanese mock orange	106	200mm	1.2x1.2m
RAB	Raphiolepis appleblossom		116	200mm	1.2x1.2m
RBL	Rosemary blue lagoon	Dwarf rosemary	84	150mm	1 x .7m
ROP	Raphiolepis oriental pearl		144	200mm	1 x 1m
RSM	Raphiolepis snow maiden		152	200mm	1.5x1.5m
STT	Syzygium tiny trev	Dwarf lilly pilli	112	200mm	1.5x1.5m
TTRI	Trachelospermum tricolour	Dwarf star jasmine	245	200mm	G/cover, clbr
ZF	Zamia furfuracea	Cardboard palm	27	200mm	1.5x1.5m

ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.

DRAWING TO BE READ IN CONJUNCTION WITH THE
ARCHITECTS-- STORMWATER-- ENGINEERS PLANS
PLUS ASSOCIATED SHEETS ATTACHED



DATE	BY	AMENDMENT

LANDSCAPE DESIGNER
JK's GARDEN CREATIONS
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CLIENT
RCI GROUP



DRAWN	DATE
JK	12/7/2020
SCALES	CHECKED
SHEET	JOB No.
5 OF 5 Specification Plan	

PROPOSED SERVICE STATION & FAST FOOD
128 Hastings River Drive, Port Macquarie
CONCEPT STORMWATER / CIVIL WORKS

LOCATION PLAN



GENERAL NOTES

- G1. THE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL DRAWINGS AND SPECIFICATIONS AND OTHER WRITTEN INSTRUCTIONS THAT MAY BE ISSUED.
- G2. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING FROM THE DRAWINGS. REFER ARCHITECT'S DRAWINGS FOR ALL DIMENSIONS.
- G3. REFER ANY DISCREPANCY TO THE ENGINEER/ARCHITECT.
- G4. MATERIALS AND WORKMANSHIP SHALL COMPLY WITH THE APPROPRIATE SAA SPECIFICATIONS OR CODE AND WITH THE REQUIREMENTS OF THE RELEVANT LOCAL AUTHORITY.
- G5. THE ALIGNMENT AND LEVEL OF ALL SERVICES SHOWN ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONFIRM THE POSITION AND LEVEL OF ALL SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY DAMAGE TO SERVICES SHALL BE RECTIFIED AT THE CONTRACTOR'S EXPENSE.
- G6. NO WORKS ARE TO COMMENCE UNTIL THE REQUIRED TREE REMOVAL PERMITS HAVE BEEN GRANTED BY RELEVANT LOCAL AUTHORITY, AND THE APPROPRIATE NOTICE OF INTENTION TO COMMENCE GIVEN.
- G7. ALL SERVICES, OR CONDUITS FOR SERVICING SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF PAVEMENT CONSTRUCTION.
- G8. SUBSOIL DRAINAGE, COMPRISING 100 AGRICULTURE PIPE IN GEO-STOCKING TO BE PLACED AS SHOWN AND AS MAY BE DIRECTED BY THE SUPERINTENDENT. SUBSOIL DRAINAGE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.
- G9. NO WORK IS PERMITTED WITHIN ADJOINING PROPERTIES WITHOUT WRITTEN PERMISSION FROM THE OWNERS OR RESPONSIBLE AUTHORITY.

DRAINAGE NOTES

- D1. ALL DRAINAGE OUTLET LEVELS SHALL BE CONFIRMED ON SITE, PRIOR TO CONSTRUCTION COMMENCING.
- D2. ALL PIPES WITHIN THE PROPERTY TO BE MIN. 100 DIA UPVC @ 1% MIN. GRADE, UNO.
- D3. ALL PITS WITHIN THE PROPERTY ARE TO BE FITTED WITH "MELDOK" OR APPROVED EQUIVALENT GRATES.
- D4. LIGHT DUTY FOR LANDSCAPED AREAS.
- D5. HEAVY DUTY WHERE SUBJECTED TO VEHICULAR TRAFFIC.
- D6. PITS WITHIN THE PROPERTY MAY BE CONSTRUCTED AS:
- 1) PRECAST STORMWATER PITS
- 2) CAST IN-SITU MASS CONCRETE
- 3) CEMENT RENDERED 230mm BRICKWORK
- D7. SUBJECT TO THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.
- D8. ENSURE ALL GRATES TO PITS ARE SET BELOW FINISHED SURFACE LEVEL WITHIN THE PROPERTY. TOP OF PIT RLS ARE APPROXIMATE ONLY AND MAY BE VARIED SUBJECT TO APPROVAL OF THE ENGINEER. ALL INVERT LEVELS ARE TO BE ACHIEVED.
- D9. ANY PIPES BENEATH RELEVANT LOCAL AUTHORITY ROAD TO BE RUBBER RING JOINTED RCP, UNO.
- D10. ALL PITS IN ROADWAYS ARE TO BE FITTED WITH HEAVY DUTY GRATES WITH LOCKING BOLTS AND CONTINUOUS HINGE.
- D11. PROVIDE STEP ROWS TO STORMWATER PITS GREATER THAN 1200 IN DEPTH.
- D12. TRENCH BACK FILL IN ROADWAYS SHALL COMPRISE SHARP, CLEAN GRANULAR BACK FILL IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY SPECIFICATION TO NON-TRAFFICABLE AREAS TO BE COMPACTED BY ROLLING AND TAMPING USING A FLAT PLATE VIBRATOR.
- D13. WHERE A HIGH EARLY DISCHARGE (HED) PIT IS PROVIDED ALL PIPES ARE TO BE CONNECTED TO THE HED PIT, UNO.
- D14. DOWN PIPES SHALL BE A MINIMUM OF DN100 SW GRADE UPVC OR 100X100 COLORBOND/ZINCALUME STEEL, UNO.
- D15. COLORBOND OR ZINCALUME STEEL BOX GUTTERS SHALL BE A MINIMUM OF 450 WIDE X 150 DEEP.
- D16. EAVES GUTTERS SHALL BE A MINIMUM OF 125 WIDE X 100 DEEP (OR OF EQUIVALENT AREA) COLORBOND OR ZINCALUME STEEL, UNO.
- D17. SUBSOIL DRAINAGE SHALL BE PROVIDED TO ALL RETAINING WALLS & EMBANKMENTS, WITH THE LINES FEEDING INTO THE STORMWATER DRAINAGE SYSTEM, UNO.

EARTHWORKS NOTES

- E1. THE EARTHWORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL REPORT.
- E2. THE SITE OF THE WORKS SHALL BE PREPARED BY STRIPPING ALL EXISTING TOPSOIL, FILL AND VEGETATION.
- E3. SUBGRADE SHALL BE COMPACTED UNTIL A DRY DENSITY HAS BEEN ACHIEVED OF NOT LESS THAN 100% OF THE STANDARD MAXIMUM DRY DENSITY WHEN TESTED IN ACCORDANCE WITH AS 1289 TESTS E.1.1 OR E.1.2.
- E4. THE EXPOSED SUBGRADE SHOULD BE PROOF ROLLED TO DETECT ANY SOFT OR WET AREAS WHICH SHOULD BE LOCALLY EXCAVATED AND BACK FILLED WITH SELECTED MATERIAL.
- E5. THE BACK FILLING MATERIAL SHALL BE IMPORTED GRANULAR FILL OF LOW PLASTICITY, PREFERABLY CRUSHED SANDSTONE, AND TO BE PLACED IN LAYERS NOT EXCEEDING 150 LOOSE THICKNESS AND COMPACTED TO 98% OF STANDARD DRY DENSITY AT A MOISTURE CONTENT WITHIN 2% OF OPTIMUM.
- E6. SITE WORKS ARE TO BE BATTERED TO ADJACENT PROPERTY LEVELS.
- E7. STORMWATER MUST NOT BE CONCENTRATED ON TO AN ADJACENT PROPERTY.
- E8. AT NO TIME DURING OR AFTER CONSTRUCTION IS STORMWATER TO BE PONDED ON ADJOINING PROPERTIES.
- E9. THE SITE SHALL BE GRADED AND DRAINED SO THAT STORMWATER WILL BE DIRECTED AWAY FROM THE BUILDING PLATFORM.
- E10. STORMWATER DRAINAGE SHALL BE PROVIDED AND MAINTAINED THROUGHOUT THE COURSE OF CONSTRUCTION. ALL STORMWATER RUNOFF SHALL BE GRADED AWAY FROM THE SITE WORKS AND DISPOSED OF VIA SURFACE CATCHDRAINS AND STORMWATER COLLECTION PITS.
- E11. ALL SURFACE CATCHDRAINS SHALL BE GRADED AT 1% (1 IN 100) MINIMUM. THE GROUND SHALL GRADE AWAY FROM ANY DWELLING AT 5% (1 IN 20) FOR THE FIRST METRE THEN AT 2.5% (1 IN 40).
- E12. WHERE A CUT FILL PLATFORM IS USED THERE SHALL BE A MINIMUM BERM 1000 WIDE TO THE PERIMETER OF THE SITE WORKS WHICH SHALL BE SUPPORTED BY BATTERS OF 3:1 IN FILL.
- E13. ANY VERTICAL OR NEAR VERTICAL PERMANENT EXCAVATION (CUT) DEEPER THAN 600 IN MATERIAL OTHER THAN ROCK SHALL BE ADEQUATELY RETAINED OR BATTERED AT A MINIMUM OF 3:1.
- E14. WHERE BATTERS CANNOT BE PROVIDED TO SUPPORT THE CUT OR FILL, THEY SHALL BE ADEQUATELY RIVETED.
- E15. RETAINING WALLS ARE TO BE CONSTRUCTED WITH ADEQUATE SUBSOIL DRAINAGE.

CONCRETE PAVEMENT

- C1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- C2. PROVIDE JOINTING AT MINIMUM 6000 MAX. INTERVALS OR AS OTHERWISE SPECIFIED IN THE DRAWINGS.
- C3. CONCRETE SHALL COMPRISE A MIN. COMPRESSIVE STRENGTH OF 32MPa AT 28 DAYS IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY SPECIFICATION, UNO.
- C4. ANY SUB-BASE MATERIAL SHALL BE COMPACTED AS OUTLINED IN EARTHWORKS.
- C5. CONCRETE KERBS AND GUTTER SHALL COMPRISE A MINIMUM COMPRESSIVE STRENGTH OF 28MPa, UNO.
- C6. CONCRETE WORKS ARE TO BE CURED BY ONE OF THE FOLLOWING MEANS:
- i) WETTING TWICE DAILY FOR THE FIRST THREE DAYS.
- ii) USING AN APPROVED CURING COMPOUND FOR A MINIMUM OF 7 DAYS COMMENCING IMMEDIATELY AFTER POURING.

FLEXIBLE PAVEMENT NOTES

- F1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- F2. PAVEMENT MATERIAL SHALL CONSIST OF APPROVED OR RIPPED SANDSTONE, NATURAL GRAVEL OR FINE CRUSH ROCK AS PER THE RELEVANT COUNCIL AUTHORITY SPECIFICATION.
- F3. PAVEMENT MATERIALS SHALL BE SPREAD IN LAYERS NOT EXCEEDING 150 AND NOT LESS THAN 75 COMPACTED THICKNESS.
- F4. PAVEMENT MATERIALS SHALL BE SIZED AND OF A STANDARD OUTLINED IN AS 1141.
- F5. CRUSHED OR RIPPED SANDSTONE SHALL BE MINUS 75 NOMINAL SIZE DERIVED FROM SOUND, CLEAN SANDSTONE FREE FROM OVERBURDEN, CLAY SEAMS, SHALE AND OTHER DELETERIOUS MATERIAL.
- F6. PAVEMENT MATERIALS SHALL BE COMPACTED BY SUITABLE MEANS TO SATISFY THE FOLLOWING MINIMUM SPECIFICATIONS (AS PER AS 1289.2):
- | DESCRIPTION | MEDIUM DENSITY RATIO |
|--------------------|----------------------|
| SUB-BASE | 98% MOD |
| BASE COURSE | 98% MOD |
| ASPHALTIC CONCRETE | 97% MOD |
- AND SUBJECT TO THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.

- F7. TESTING FOR EACH LAYER SHALL BE UNDERTAKEN BY A NATAA REGISTERED LABORATORY IN ACCORDANCE WITH AS 3700. AT NOT MORE THAN 50m INTERVALS AND A MINIMUM OF TWO PER LAYER. FURTHER FREQUENCY OF TESTING SHALL BE NO LESS THAN THAT REQUIRED BY AS 3700.

PAVED AREAS NOTES

- A1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- A2. ALL PAVERS ARE TO BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATION.
- A3. TRAFFICABLE AREAS:
- SUB-BASE TO BE 150 COMPACTED THICKNESS DOGS.
- SUB-BASE TO BE SUITABLY COMPACTED TO MEDIUM DENSITY 98% MOD.
- SUB-BASE TO EXTEND AT LEAST 200 BEYOND PAVED SURFACE.
- PAVERS TO BE 80 THICK INTERLOCKING PAVERS ON 50 SAND BEDDING.
- A4. NON TRAFFICABLE AREAS:
- SUB-BASE AS PER TRAFFICABLE AREAS.
- PAVERS TO BE 80 INTERLOCKING PAVERS ON 50 SAND BEDDING (UNO).

EROSION AND SEDIMENT NOTES

- B1. THIS PLAN TO BE READ IN CONJUNCTION WITH EROSION AND SEDIMENT CONTROL DETAILS AS ATTACHED.
- B2. THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES AS NECESSARY AND TO THE SATISFACTION OF THE RELEVANT LOCAL AUTHORITY PRIOR TO THE COMMENCEMENT OF AND DURING CONSTRUCTION. NO DISTURBANCE TO THE SITE SHALL BE PERMITTED OTHER THAN IN THE IMMEDIATE AREA OF THE WORKS AND NO MATERIAL SHALL BE REMOVED FROM THE SITE WITHOUT THE RELEVANT LOCAL AUTHORITY APPROVAL. ALL EROSION AND SEDIMENT CONTROL DEVICES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH STANDARDS OUTLINED IN NSW DEPARTMENT OF HOUSING'S "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION".
- B3. TOPSOIL SHALL BE STRIPPED AND STOCKPILED OUTSIDE HAZARD AREAS SUCH AS DRAINAGE LINES. THIS TOPSOIL SHALL BE RESPREAD LATER ON AREAS TO BE REVEGETATED AND STABILISED ONLY. (I.E. ALL FOOTPATHS, BATTERS, SITE REGARDING AREAS, BARRIS AND CATCHDRAINS). TOPSOIL SHALL NOT BE RESPREAD ON ANY OTHER AREAS UNLESS SPECIFICALLY INSTRUCTED BY THE SUPERINTENDENT. IF THEY ARE TO REMAIN FOR LONGER THAN ONE MONTH STOCKPILES SHALL BE PROTECTED FROM EROSION BY COVERING THEM WITH A MULCH AND HYDROSEEDING AND, IF NECESSARY, BY LOCATING BARRIS OR DRAINS DOWNSIDE OF A STOCKPILE TO RETARD SILT LAZHI RUNOFF.
- B4. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES. SUCH THAT MORE THAN 60% OF THEIR CAPACITY IS LOST. ALL SILT IS TO BE PLACED OUTSIDE THE LIMIT OF WORKS. THE PERIOD FOR MAINTAINING THESE DEVICES SHALL BE AT LEAST UNTIL ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.
- B5. LAY TURF STRIP (MIN 300 WIDE) ON 100 TOPSOIL BEHIND ALL KERB WITH 1000 LONG RETURNS EVERY 6000 AND AROUND STRUCTURES IMMEDIATELY AFTER BACKFILLING AS PER THE RELEVANT LOCAL AUTHORITY SPECIFICATION.
- B6. THE CONTRACTOR SHALL GRASS SEED ALL DISTURBED AREAS WITH AN APPROVED MIX AS SOON AS PRACTICABLE AFTER COMPLETION OF EARTHWORKS AND REGRADING.
- B7. VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING CONSTRUCTION CONFIRMING ACCESS WHERE POSSIBLE TO NOMINATED STABILISED ACCESS POINTS.
- B8. WHEN ANY DEVICES ARE TO BE HANDLED OVER TO COUNCIL, THEY SHALL BE IN CLEAN AND STABLE CONDITION.
- B9. THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL BY REGULAR WETTING DOWN (BUT NOT SATURATING) DISTURBED AREA.
- B10. PROVIDE AND MAINTAIN SILT TRAPS AROUND ALL SURFACE INLET PITS UNTIL CATCHMENT IS REVEGETATED OR PAVED.
- B11. REVEGETATE ALL TRENCHES IMMEDIATELY UPON COMPLETION OF BACKFILLING.
- B12. ALL DRAINAGE PIPE INLETS TO BE CAPPED UNTIL:
- DOWNPIPES CONNECTED
 - PITS CONSTRUCTED AND PROTECTED WITH SILT BARRIER

CONCRETE STRUCTURES NOTES

- S1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3600 CURRENT EDITION WITH AMENDMENTS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
- S2. CONCRETE COMPONENTS AND QUALITY SHALL BE AS FOLLOWS, UNO:

ELEMENT	SUMP mm	MAX SIZE AGG. mm	CEMENT TYPE	FC AT 28 DAYS - MPa	ADMXTURE
FOOTINGS	80	20	A	25	-
PIERS & CAPS	80	20	A	25	-
SLABS ON GROUND	80	20	A	32	-
SUSPENDED SLABS	80	20	A	32	-
PITS	80	20	A	25	-

- S3. MINIMUM CLEAR CONCRETE COVER TO REINFORCEMENT INCLUDING TIES AND STIRRUPS SHALL BE AS FOLLOWS, UNO:

EXPOSURE CLASSIFICATION	MINIMUM COVER (mm)				
	CONCRETE STRENGTH (fc)				
	20 MPa	25 MPa	32 MPa	40 MPa	>50 MPa
A1	20	20	20	20	20
A2	(50)	30	25	20	20
B1	-	(85)	40	30	25
B2	-	-	(65)	45	35
C	-	-	-	(70)	50

FOR BRACKETED FIGURES REFER TO AS 3600 CURRENT EDITION TABLE 4.10.3.2

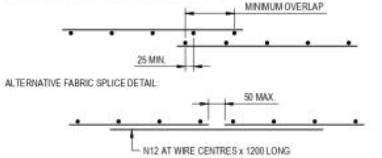
- S4. MINIMUM COVER FOR FIRE RESISTANCE LEVEL (FRL) SHALL BE AS FOLLOWS:

MINIMUM ELEMENT WIDTH OR THICKNESS / MIN COVER (mm)				
FRL	BEAM	SLAB	COLUMN	WALL
60	125 / 30	80 / 20	200 / 20	80 / 20
90	150 / 45	100 / 25	250 / 35	100 / 35
120	200 / 55	120 / 30	300 / 45	120 / 40
180	240 / 70	150 / 45	400 / 60	150 / 45
240	270 / 80	170 / 55	450 / 70	170 / 50

- NOTE: 1. REFER TO AS 3600 CURRENT EDITION FOR REDUCED COVERS IF GREATER ELEMENT THICKNESSES ARE ADOPTED FOR BEAMS & COLUMNS.
2. COVER IS MEASURED TO THE MAIN REINFORCEMENT.

- S5. COVER TO REINFORCEMENT SHALL BE OBTAINED BY THE USE OF APPROVED BAR CHAIRS. ALL CHAIRS SHALL BE SPACED AT LEAST 200 BEYOND PAVED SURFACE.
- S6. ALL CONCRETE SHALL BE MECHANICALLY VIBRATED. VIBRATORS SHALL NOT BE USED TO SPREAD CONCRETE.
- S7. SIZES OF CONCRETE ELEMENTS DO NOT INCLUDE THICKNESS OF APPLIED FINISHES.
- S8. NO HOLES OR CHASES OTHER THAN THOSE SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE MADE IN CONCRETE MEMBERS WITHOUT THE PRIOR APPROVAL OF THE ENGINEER.
- S9. CONSTRUCTION JOINTS WHERE NOT SHOWN SHALL BE LOCATED TO APPROVAL OF THE ENGINEER. ALL CONSTRUCTION JOINTS SHALL BE SCABBED OVER THE WHOLE FACE AND ANY UNSOUND MATERIAL REMOVED.
- S10. REINFORCEMENT IS REPRESENTED DIAGRAMMATICALLY. IT IS NOT NECESSARILY SHOWN IN TRUE PROJECTION.
- S11. SPLICES IN REINFORCEMENT SHALL BE MADE ONLY IN THE POSITIONS SHOWN OR AS APPROVED BY THE ENGINEER. WHERE THE LAP LENGTH IS NOT SHOWN IT SHALL BE SUFFICIENT TO DEVELOP THE FULL STRENGTH OF THE REINFORCEMENT AS SPECIFIED IN AS 3600. COGS AND HOOPS SHALL BE STANDARD UNLESS SHOWN OTHERWISE.
- S12. WELDING OF REINFORCEMENT WILL NOT BE PERMITTED UNLESS SHOWN ON THE STRUCTURAL DRAWINGS OR APPROVED BY THE ENGINEER.
- S13. PIPES OR CONDUITS SHALL NOT BE PLACED WITHIN THE CONCRETE COVER TO REINFORCEMENT WITHOUT THE APPROVAL OF THE ENGINEER.
- S14. REINFORCEMENT SYMBOLS:
- N - DENOTES DEFORMED GRADE 500 NORMAL DUCTILITY REINFORCING BARS TO AS/NZS 4671.
 - R - DENOTES PLAIN ROUND GRADE 250 NORMAL DUCTILITY REINFORCING BARS TO AS/NZS 4671.
 - SL - DENOTES DEFORMED GRADE 500 LOW DUCTILITY REINFORCING MESH TO AS/NZS 4671.
 - RL - DENOTES DEFORMED GRADE 500 LOW DUCTILITY REINFORCING MESH TO AS/NZS 4671.
 - L-T-M - DENOTES DEFORMED GRADE 500 LOW DUCTILITY TRENCH MESH TO AS/NZS 4671.

- S15. ALL REINFORCING FABRIC SHALL COMPLY WITH AS 1303 AND AS 1304 AND SHALL BE SUPPLIED IN FLAT SHEETS.
- S16. SPLICES IN FABRIC: THE OUTERMOST TRANSVERSE WIRES SHALL BE OVERLAPPED BY AT LEAST THE SPACING OF THESE TRANSVERSE WIRES PLUS 25 mm.



- S17. EXPOSED CORNERS SHALL BE 20 mm CHAMFERED UNO.
- S18. ALL REINFORCEMENT SHALL BE INSPECTED BY THE SUPERINTENDENT OR ENGINEER PRIOR TO PLACING CONCRETE.
- S19. ALL SLAB CONCRETE TO BE CURED IN AN APPROVED MANNER FOR A MINIMUM OF 7 DAYS.
- S20. ALL FORMWORK AND PROPS FOR SLABS AND BEAMS SHALL BE REMOVED BEFORE CONSTRUCTION OF ANY MASONRY WALLS OR PARTITIONS ON THE FLOOR.
- S21. ALL ABBREVIATIONS ARE IN ACCORDANCE WITH AS 1100.
- S22. FORMWORK SHALL NOT BE STRIPPED UNTIL CONCRETE HAS ACHIEVED A MINIMUM STRENGTH OF 20 MPa. THE CONCRETE SLAB AND BEAMS SHALL BE TEMPORARILY BACK PROPPED UNTIL THE CONCRETE HAS ACHIEVED 28 DAY STRENGTH AND ANY PROPPING TO HIGHER LEVEL FORMS HAVE BEEN REMOVED.
- S23. WHERE A SUSPENDED SLAB IS TO BE SUPPORTED OFF A SUSPENDED SLAB BELOW, WRITTEN APPROVAL SHALL BE OBTAINED FROM THE ENGINEER PRIOR TO ANY SITE WORKS.

MASONRY

- M1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3700.
- M2. THE DESIGN STRENGTH OF MASONRY SHALL BE AS FOLLOWS UNO:

EXPOSURE CLASSIFICATION TO AS 3600	MASONRY COMPRESSIVE STRENGTH MPa (fm)	MASONRY SALT RESISTANCE GRADE	DURABILITY CLASSIFICATION OF BUILT IN COMPONENTS	MORTAR MIX GP PORTLAND CEMENT : LIME : SAND	FC MPa
A1 / A2	> 6.3	General Purpose	R3 (Galvanneal)	1.0 : 1.0 : 6.0	2.8
B1	> 6.3	General Purpose	R3 (Galvanneal)	1.0 : 1.0 : 6.0	2.8
B2	> 6.7	Exposure	R4 (Stainless)	1.0 : 0.5 : 4.5	2.8

- M3. ALL MASONRY WALLS SUPPORTING SLABS AND BEAMS SHALL HAVE A PRE-GREASED TWO LAYER GALVANNEAL STEEL SLIP JOINT BETWEEN CONCRETE AND MASONRY.
- M4. ALL MASONRY WALLS SUPPORTING OR SUPPORTED BY CONCRETE FLOORS SHALL BE PROVIDED WITH VERTICAL JOINTS TO MATCH ANY CONTROL JOINTS IN THE CONCRETE.
- M5. NON LOAD BEARING WALLS SHALL BE SEPARATED FROM CONCRETE ABOVE BY 20 mm THICK CLOSED CELL POLYETHYLENE STRIP.
- M6. MASONRY SHALL BE ARTICULATED IN ACCORDANCE WITH TECHNICAL NOTE 61 FROM THE CEMENT AND CONCRETE ASSOCIATION OF AUSTRALIA. VERTICAL CONTROL JOINTS SHALL NOT EXCEED 6 METRES MAXIMUM CENTRES, AND 4 METRES MAXIMUM FROM CORNERS IN MASONRY WALLS, AND BETWEEN NEW & EXISTING BRICKWORK.
- M7. MASONRY RETAINING WALLS ARE TO BE BACKFILLED WITH EITHER OF THE FOLLOWING MATERIAL:
- COARSE GRAINED SOIL WITH LOW SILT CONTENT
 - RESIDUAL SOIL CONTAINING STONES
 - FINE SILTY SAND
 - GRANULAR MATERIALS WITH LOW CLAY CONTENT

BLOCKWORK

- B1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3700.
- B2. REINFORCED CONCRETE BLOCKWORK SHALL COMPLY WITH THE FOLLOWING, UNO:
- BLOCKS: GRADE 15 CONFORMING TO AS 1500.
 - MORTAR: 1 CEMENT : 1.25 LIME : 3 SAND.
 - PROVIDE CLEANOUT HOLES AT BASE OF WALL & ROD CORE HOLES TO REMOVE PROTRUDING MORTAR FINIS.
 - CORE FILLING: FC = 20 MPa, 10 AGG, 230 SLUMP +/- 30 mm.
 - COVER: 55 mm MIN. FROM OUTSIDE OF BLOCKWORK.
- B3. BACKFILL TO RETAINING WALLS TO BE FREE DRAINING GRANULAR MATERIAL, UNO. PROVIDE SUBSOIL DRAIN BEHIND WALL AND AT WEEP HOLES.
- B4. VERTICAL CONTROL JOINTS SHALL BE PROVIDED AT 10 m MAX. CENTRES.
- B5. NO ADMIXTURES SHALL BE USED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.

STANDARD LINE TYPES AND SYMBOLS:

- PROPOSED KERB & GUTTER
- EXISTING KERB & GUTTER
- PROPOSED BELOW GROUND PIPELINE
- PROPOSED SUSPENDED PIPELINE
- EXISTING PIPELINE
- SUBSOIL DRAINAGE LINE
- PROPOSED KERB INLET PIT
- EXISTING KERB INLET PIT
- PROPOSED JUNCTION OR INLET PIT
- EXISTING JUNCTION OR INLET PIT
- DESIGN CENTRELINE
- EXISTING EDGE OF BITUMEN
- TELECOMMUNICATION CONDUIT
- GAS MAIN
- WATER MAIN
- SEWER MAIN
- UNDERGROUND ELECTRICITY CABLES
- PERMANENT MARK & S.S.M.
- BENCH MARK, SURVEY STATION

FOR APPROVAL

NOT TO BE USED FOR CONSTRUCTION PURPOSES

SCHEDULE OF DRAWINGS

SHEET No	DESCRIPTION
C01	GENERAL NOTES
C02	SEDIMENT & EROSION CONTROL PLAN
C03	STORMWATER CATCHMENT AREA PLAN SHEET 1 OF 2
C04	STORMWATER CATCHMENT AREA PLAN SHEET 2 OF 2
C05	STORMWATER DRAINAGE PLAN SHEET 1 OF 3
C06	STORMWATER DRAINAGE PLAN SHEET 2 OF 3
C07	STORMWATER DRAINAGE PLAN SHEET 3 OF 3
C08	EXTERNAL PAVEMENT PLAN SHEET 1 OF 2
C09	EXTERNAL PAVEMENT PLAN SHEET 2 OF 2
C10	STORMWATER AND PAVEMENT DETAILS
C11	BULK EARTHWORKS CUT AND FILL PLAN SHEET 1 OF 2
C12	BULK EARTHWORKS CUT AND FILL PLAN SHEET 2 OF 2
C13	SITE CROSS SECTION SHEET 1 OF 2
C14	SITE CROSS SECTION SHEET 2 OF 2
C15	SITE CROSS SECTIONS SHEET 3 OF 3
C16	OSD TANK SECTIONS & DETAILS

AS ORIGINAL SIZE

C	10.09.20	RE-ISSUED FOR APPROVAL
B	29.07.20	RE-ISSUED FOR APPROVAL
A	23.07.20	ISSUED FOR APPROVAL
REVISION	DATE	AMENDMENT DESCRIPTION

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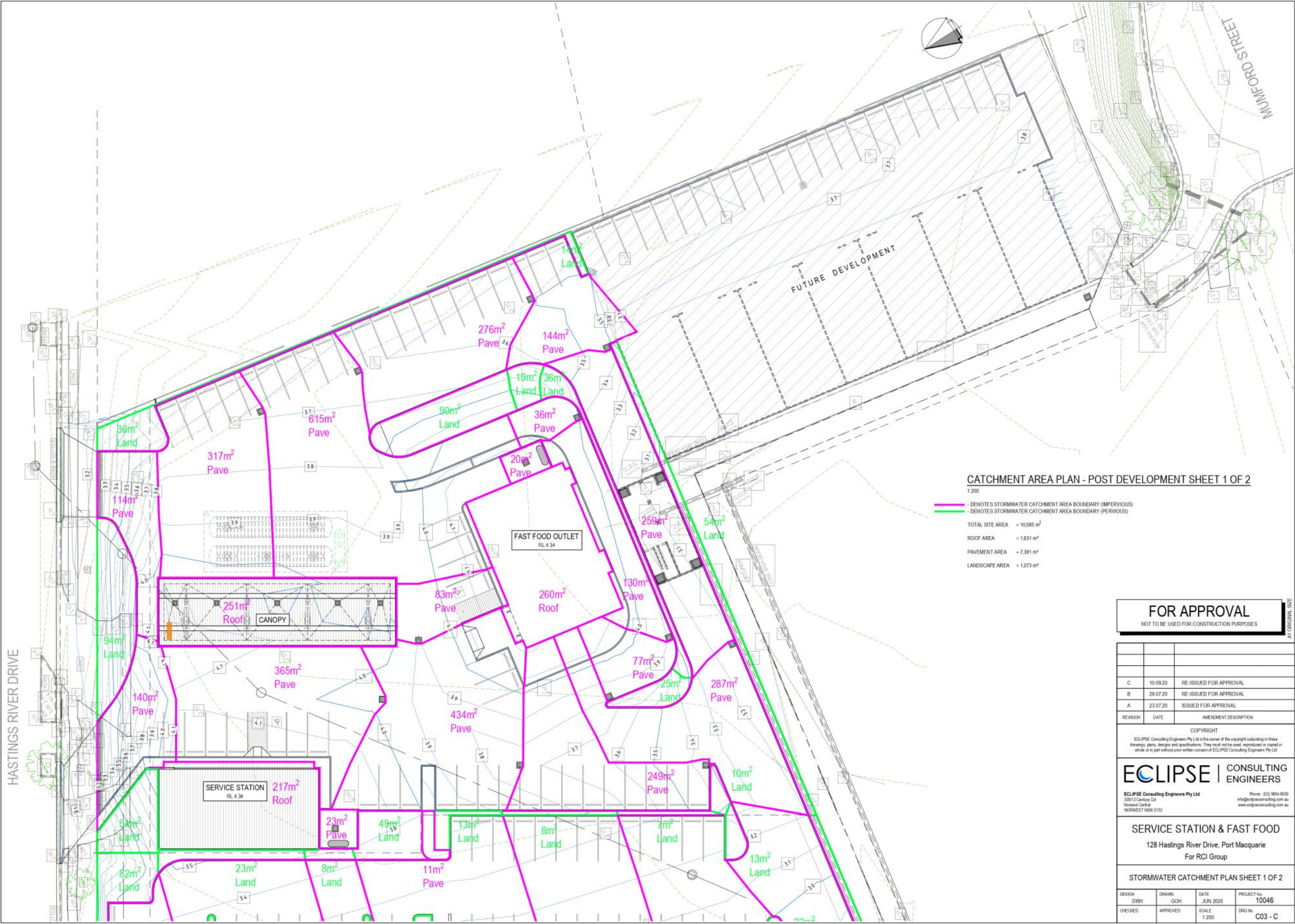
SERVICE STATION & FAST FOOD

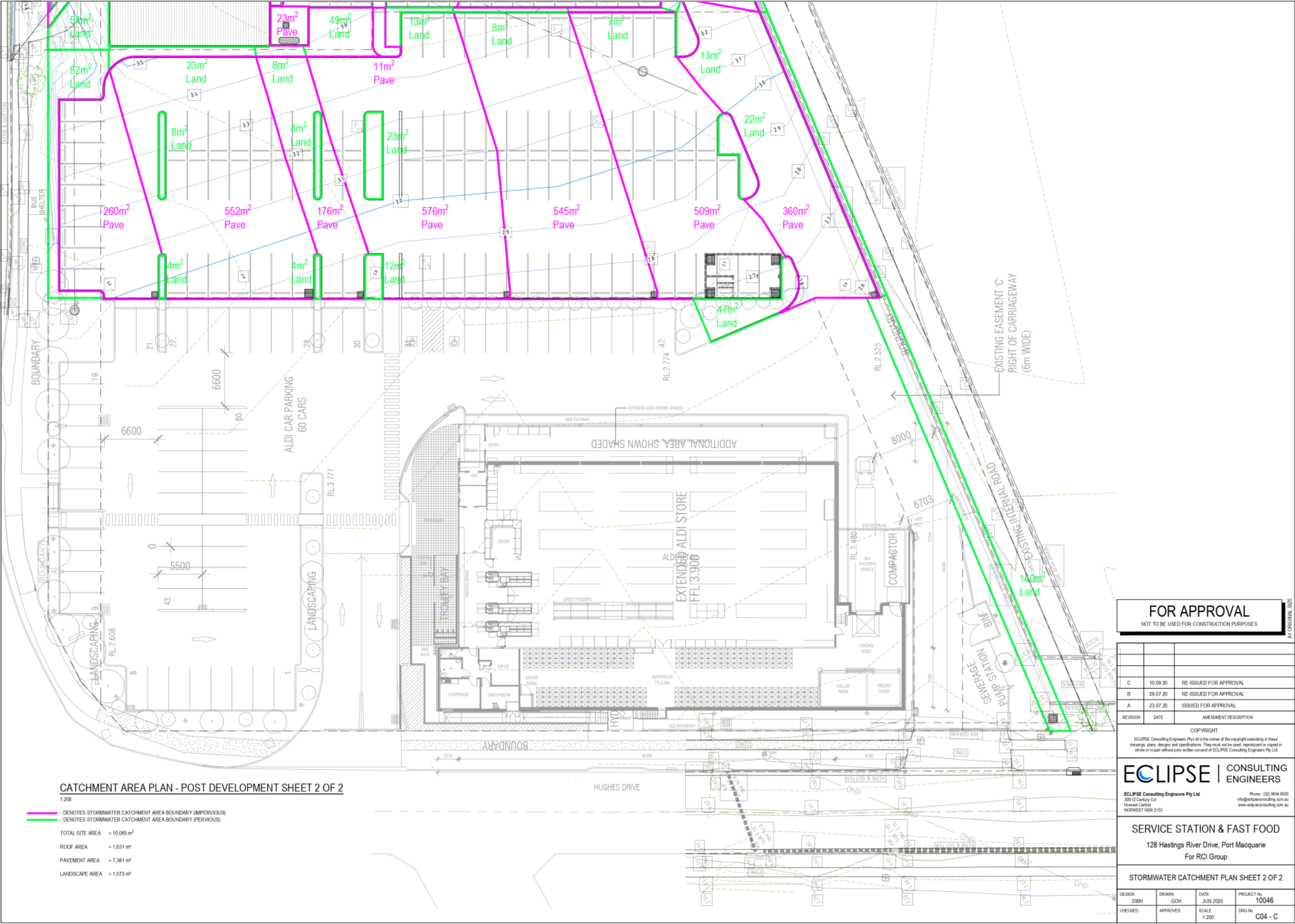
128 Hastings River Drive, Port Macquarie
For RCI Group

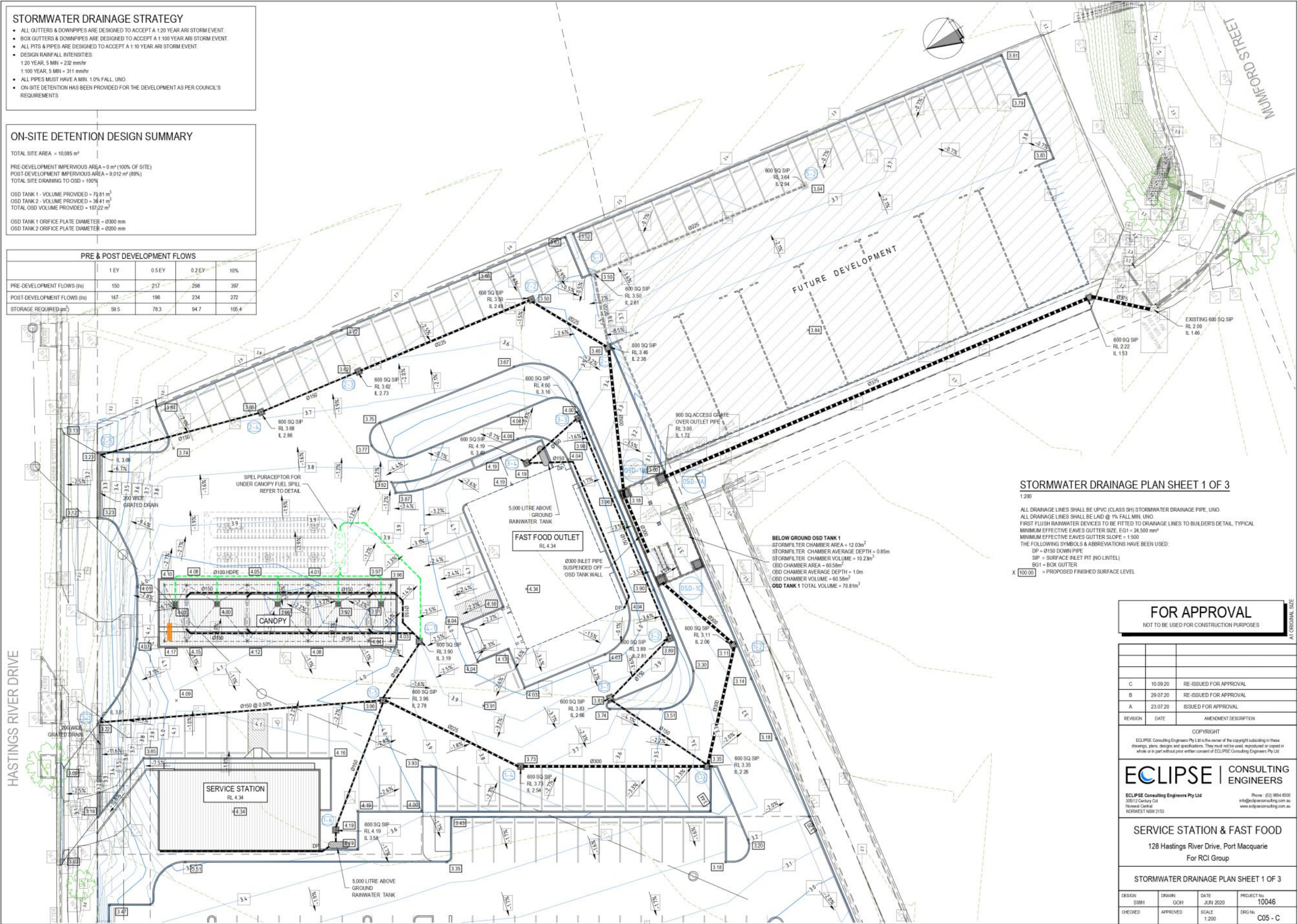
GENERAL NOTES

DESIGN: SWH	DRAWN: GOH	DATE: JUN 2020	PROJECT No: 10046
CHECKED:	APPROVED:	SCALE: 1:200	DRG No: C01 - C

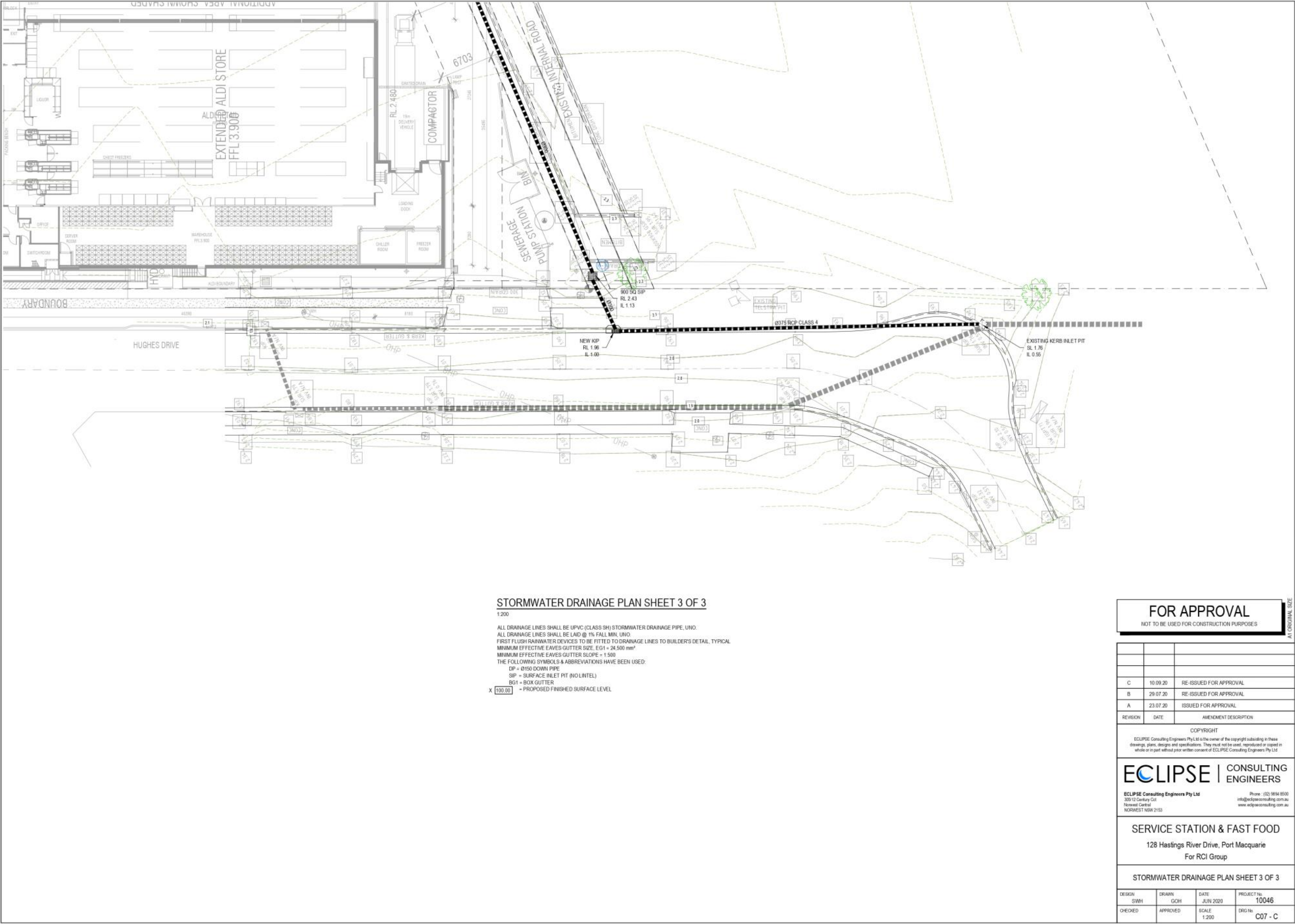


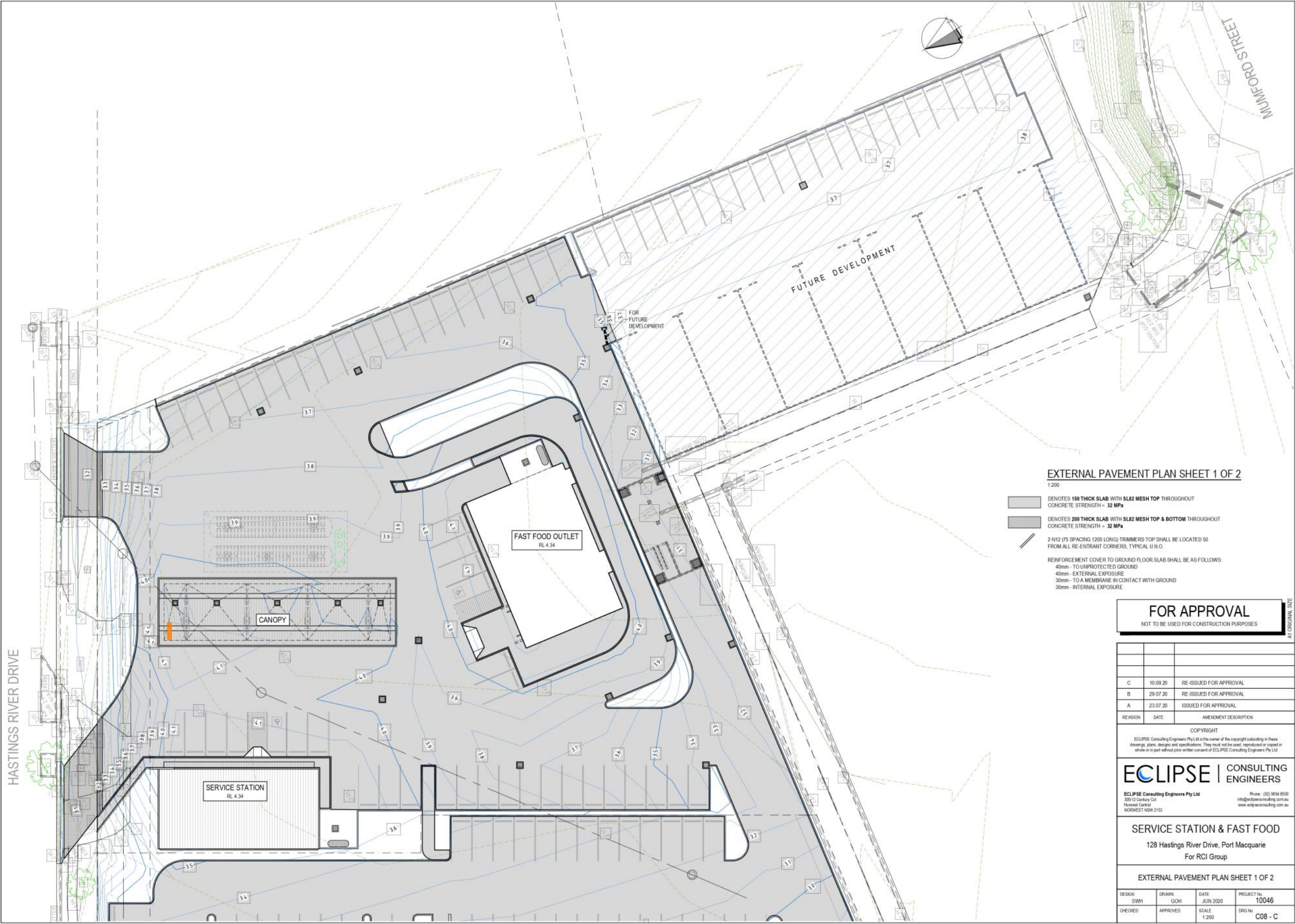


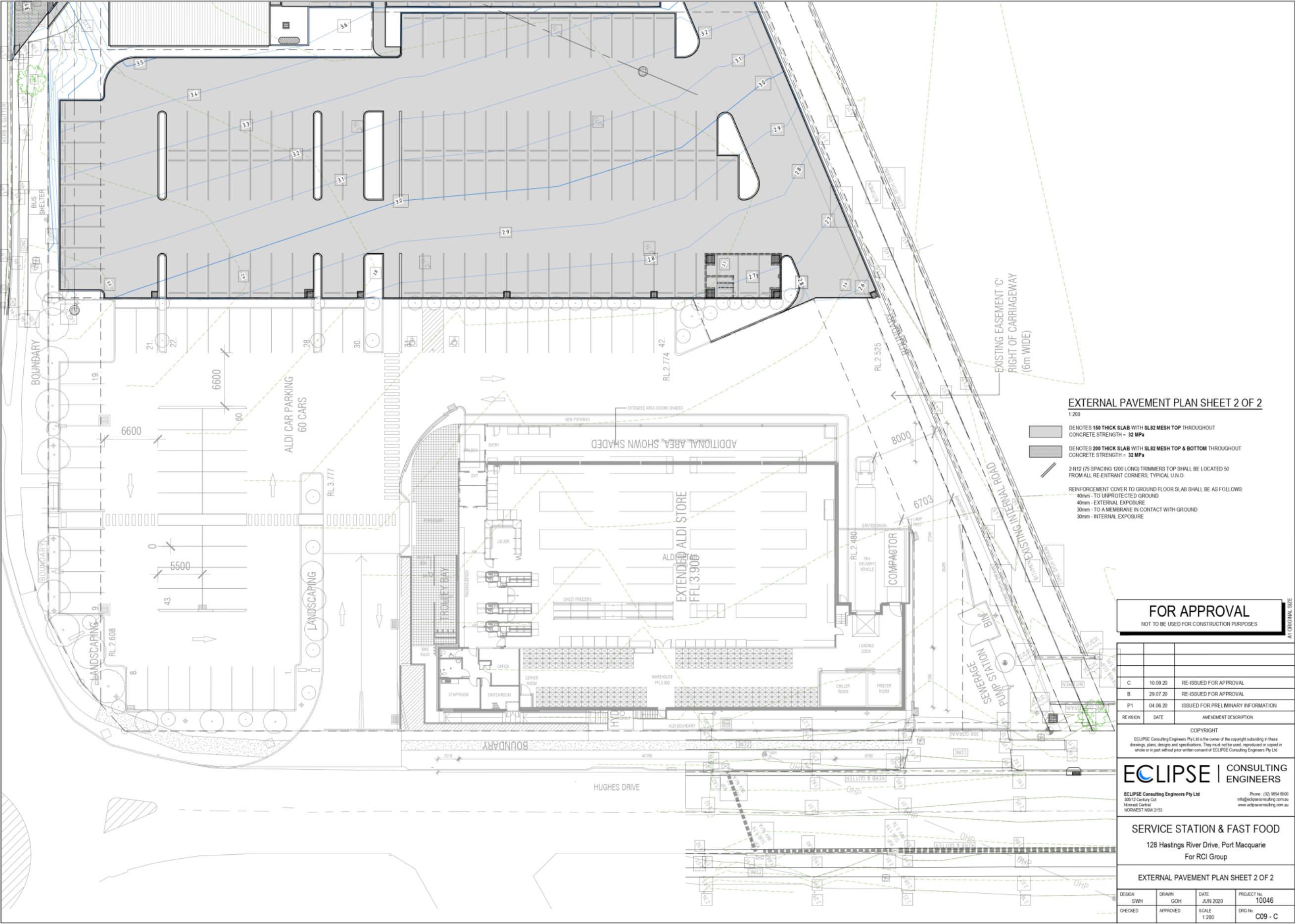


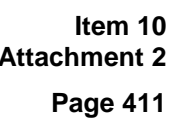


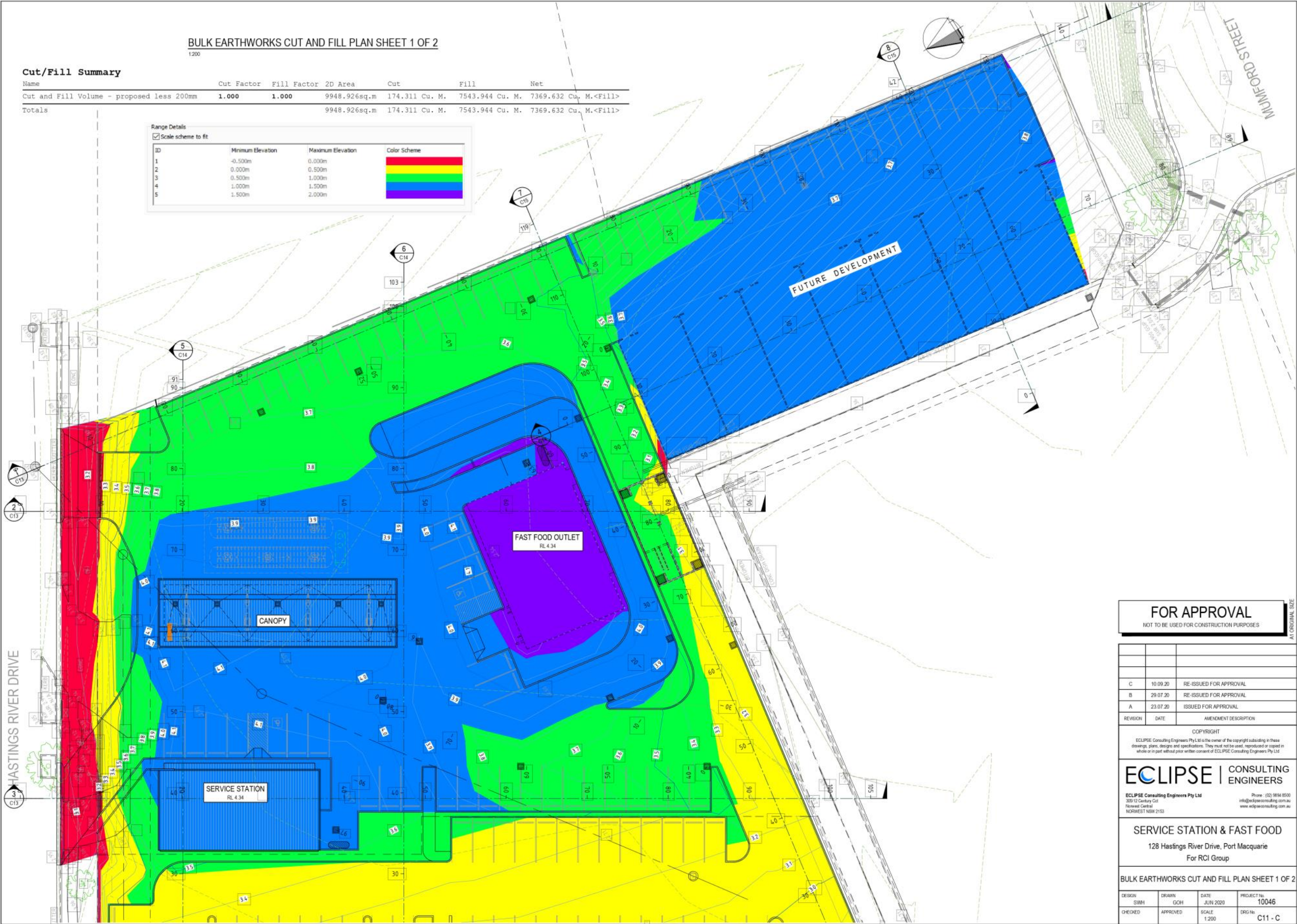












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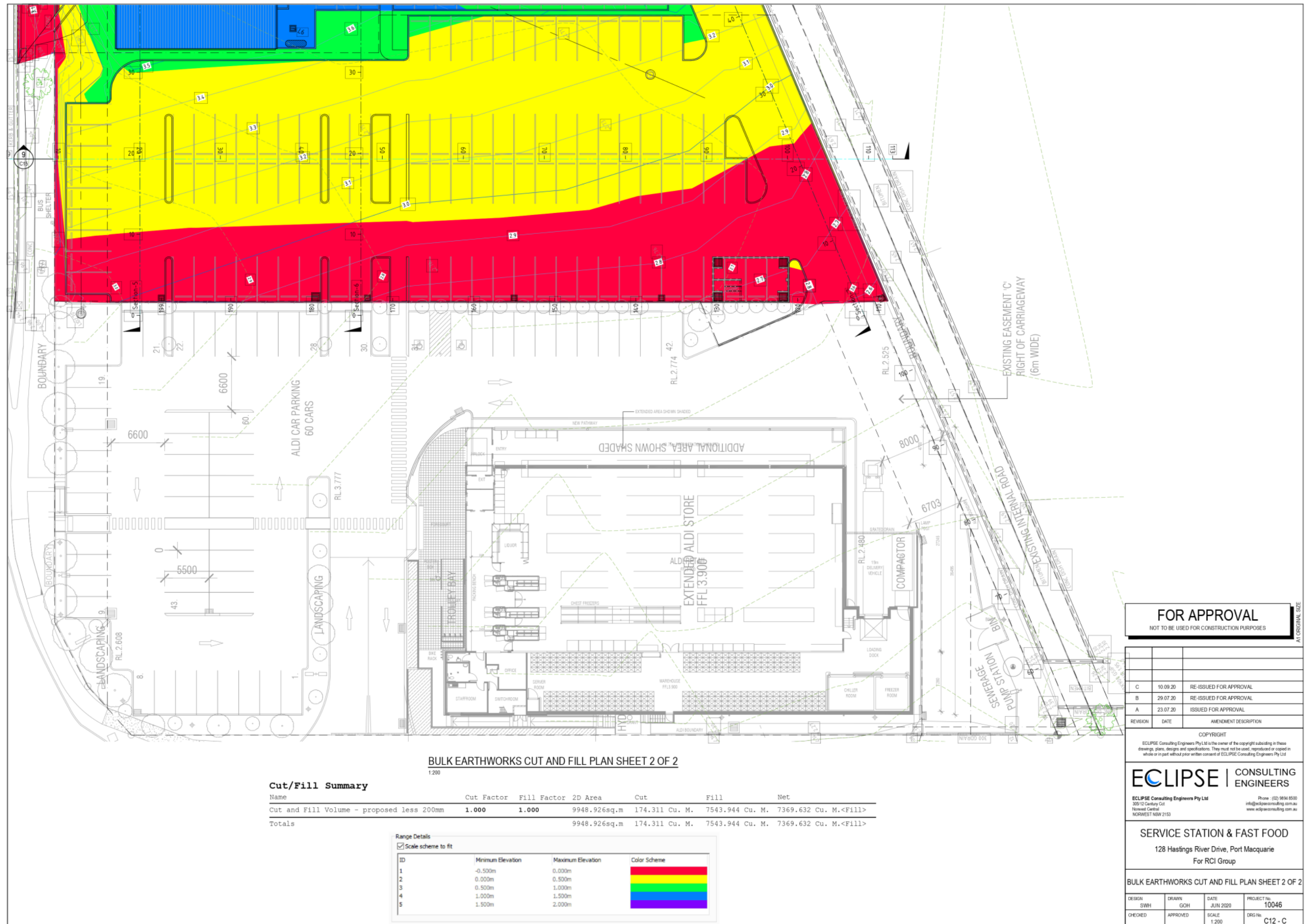
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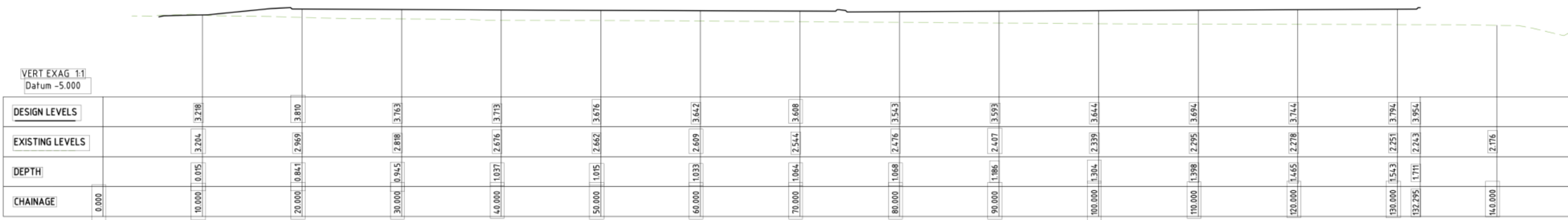
SERVICE STATION & FAST FOOD

128 Hastings River Drive, Port Macquarie
For RCI Group

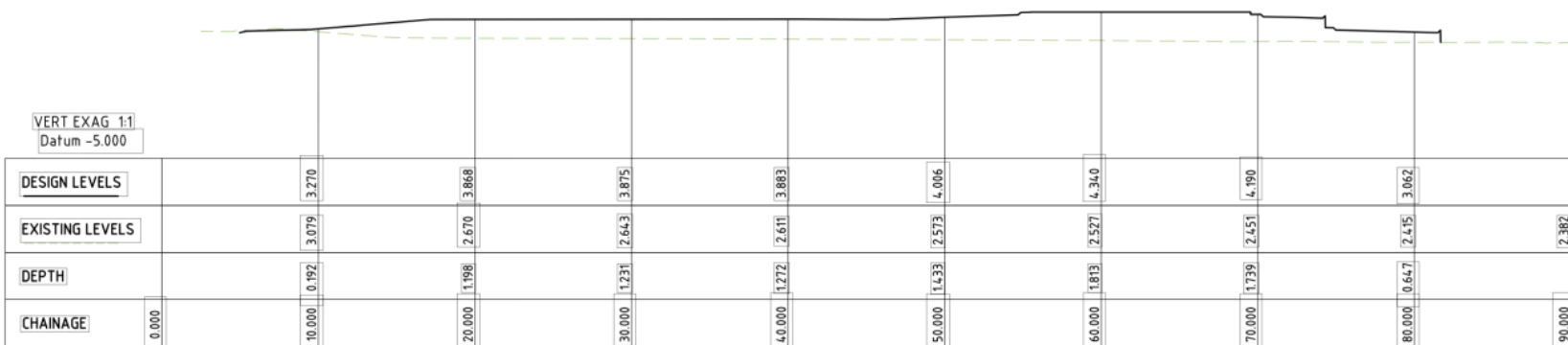
BULK EARTHWORKS CUT AND FILL PLAN SHEET 1 OF 2

DESIGN	DRAWN	DATE	PROJECT No.
SWH	GOH	JUN 2020	10046
CHECKED	APPROVED	SCALE	DRG No.
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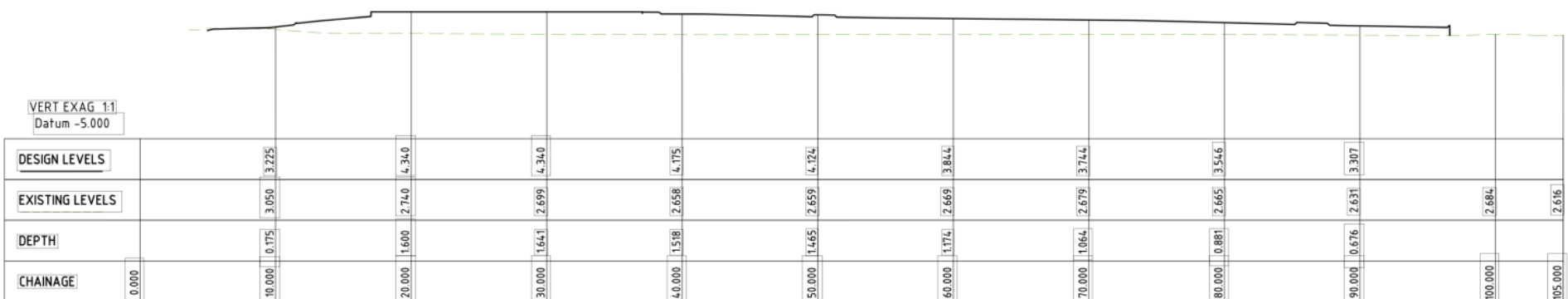




SITE CROSS SECTION 1
1:200
C11



SITE CROSS SECTION 2
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C11

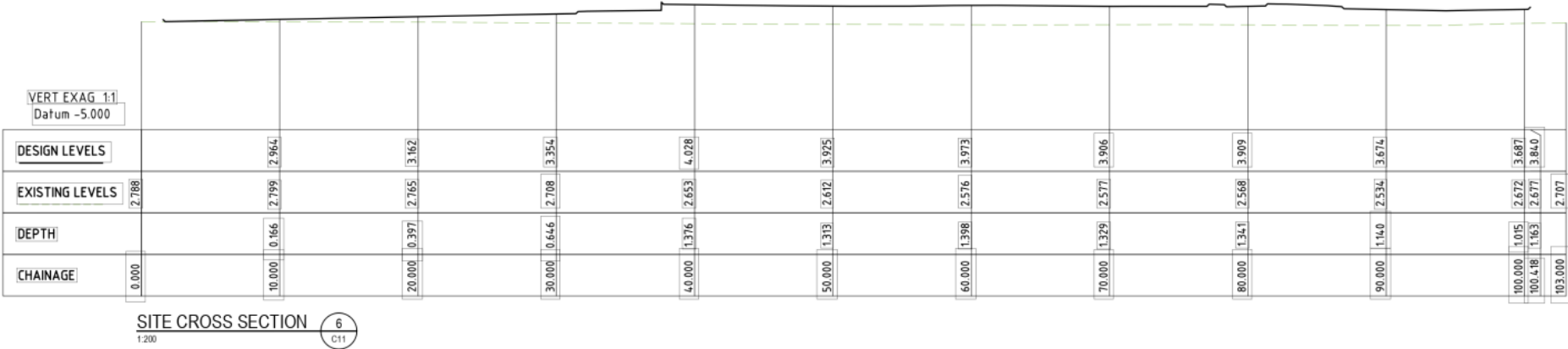
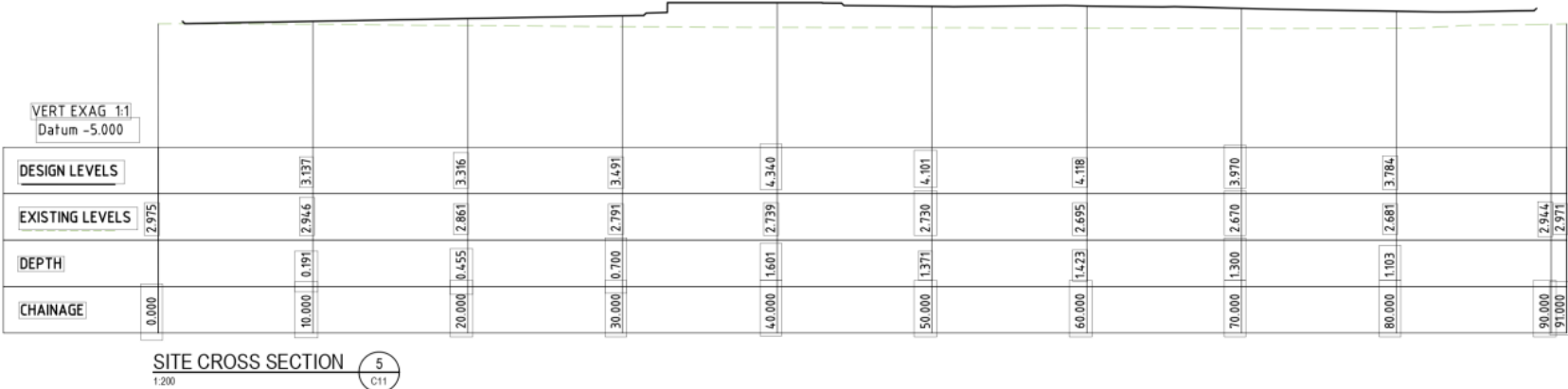
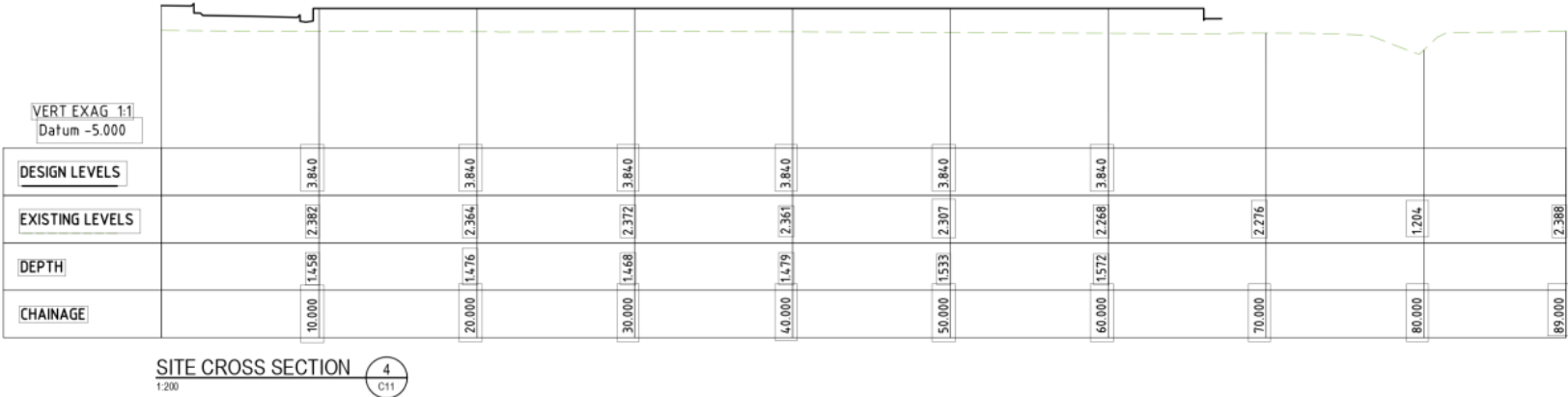


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C11

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SITE CROSS SECTIONS SHEET 1 OF 3		
DESIGN SWH	DRAWN GOH	PROJECT No. 10046
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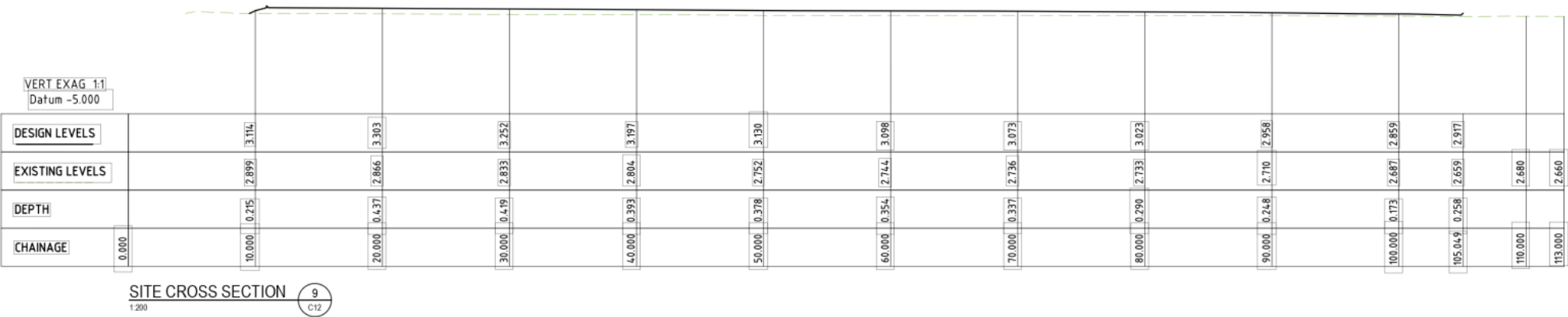
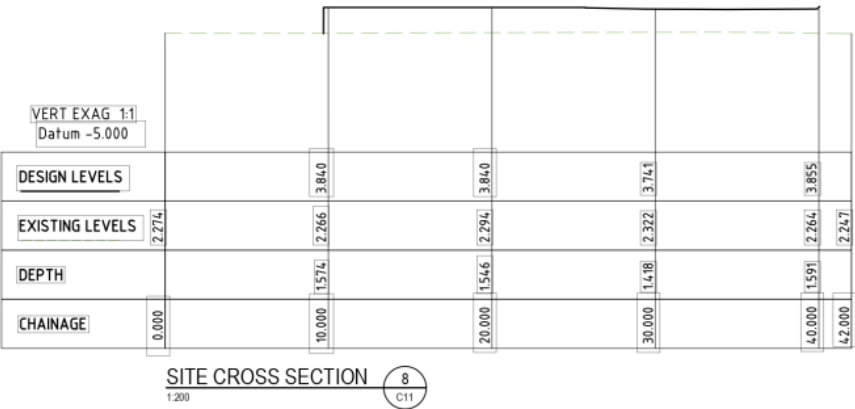
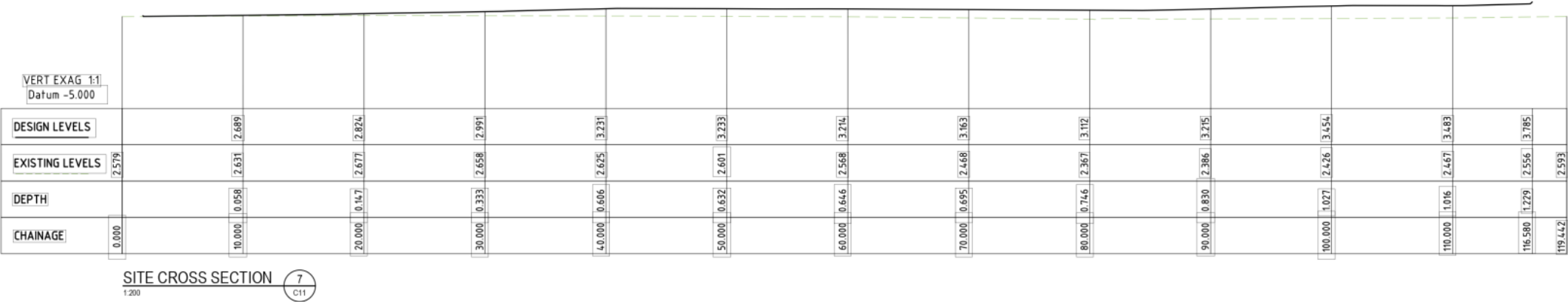
SERVICE STATION & FAST FOOD

128 Hastings River Drive, Port Macquarie

For RCI Group

SITE CROSS SECTIONS SHEET 2 OF 3

DESIGN SWH	DRAWN GOH	DATE JUN 2020	PROJECT No 10046
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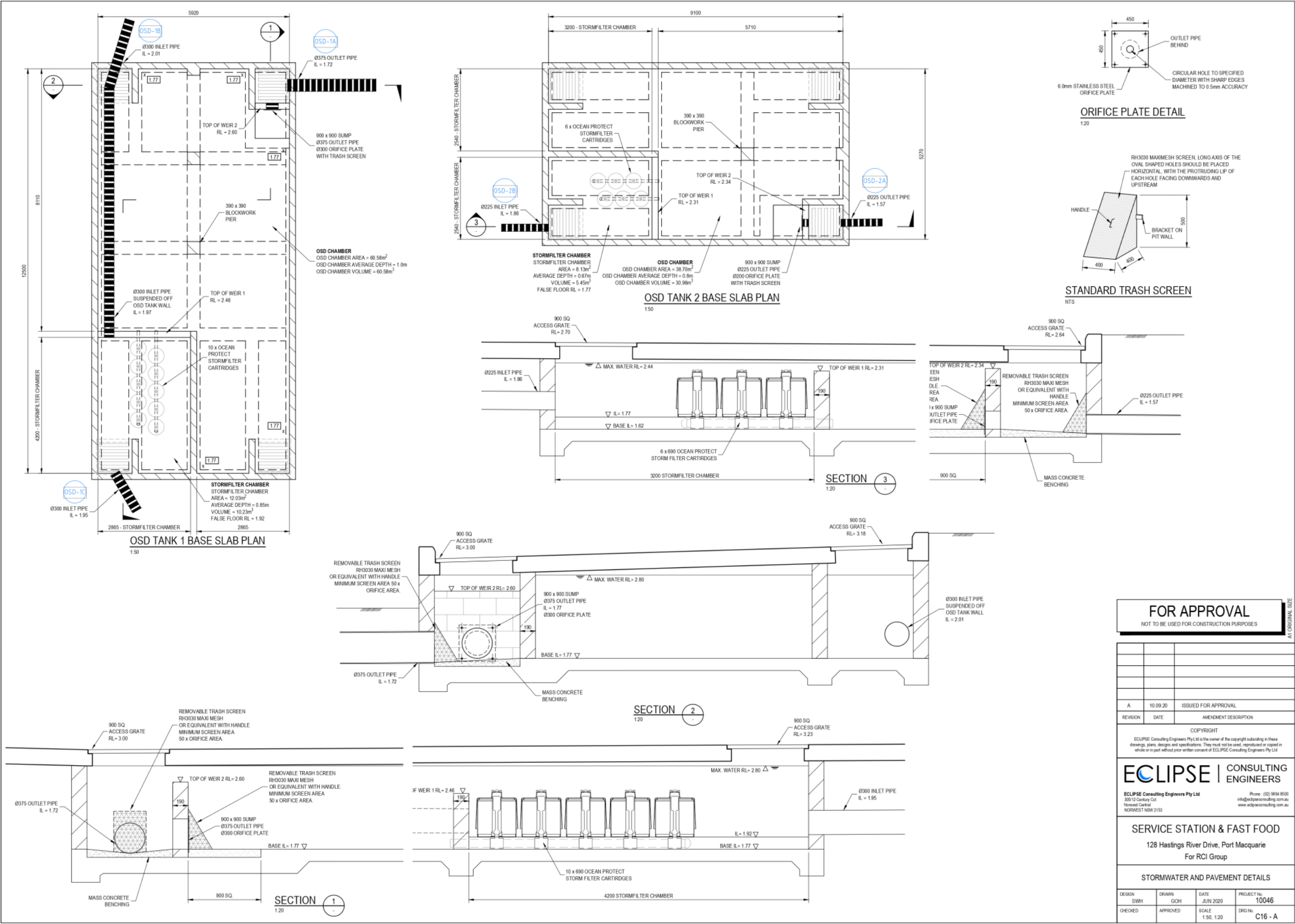
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SERVICE STATION & FAST FOOD

128 Hastings River Drive, Port Macquarie
For RCI Group

SITE CROSS SECTIONS SHEET 3 OF 3

DESIGN	DRAWN	DATE	PROJECT No.
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		1:200	C15 - C



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STORMWATER AND PAVEMENT DETAILS			
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SWH	GOH	JUN 2020	10046
CHECKED	APPROVED	SCALE	DRG No.
		1:50, 1:20	C16 - A

Developer Charges - Estimate

Applicants Name: RCI Group
Property Address: 128 Hastings River Drive, Port Macquarie
Lot & Dp: Lot(s):702,DP(s):1151916
Development: DA2020/606 - Demolition of Caravan Park and Construction of Service Station and Take Away Food & Drink Premises



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

Levy Area	Units	Cost	Estimate
1 N/A			
2 N/A			
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 Hastings River Drive Traffic Works - 3(s) Zone	9412	\$24.44 Per m2	\$230,026.90
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 1/1/2013	2.2% S94 Contribution		\$5,060.50
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$235,087.40

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

7-Jan-2021

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

Group, 128 Hastings River Drive, Port Macquarie, 7-Jan-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL