



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 4 May 2022

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, transparent and expert determinations of development applications that fall outside of staff delegations.

2.0 KEY FUNCTIONS

- To review development application reports and conditions. The focus of the Panel's review is to be on those issues raised in submissions received following exhibition of development applications;
- To determine development applications where there are 3 or more unique submissions or where an application is 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

- Three (3) independent external members will be selected for each scheduled DAP meeting from an appointed pool of members. One of the independent external members to be the Chairperson. Independent members will be rostered onto meeting on a rotational basis where possible.
- Group Manager Development Assessment (alternate - Director Development and Environment or Development Assessment Planning Coordinator).

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.

3.4 Member Tenure

The independent external members will be appointed for the term of Four (4) years or until such time as an expression of interest process to source Panel members is completed for the proceeding four (4) year term.

3.5 Appointment of members

- A pool of independent external members (including the Chair) shall be appointed by the Chief Executive Officer following an external Expression of Interest process. Previous Panel members are eligible to be reappointed on the Panel following this expression of interest process.
- Independent members will be rostered on to Panel meetings on a rotational basis where possible to suit Panel member availability and Panel operational needs.
- Staff members on the Panel shall be appointed by the Chief Executive Officer.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Thursday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development and Environment 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 an applicant and objectors or their representatives. Speakers are required to register to speak by close of business on the day prior to the Panel meeting.
- The Panel shall have the discretion to ask the applicant and objectors questions relating to the proposal and their submission. There is no 'right of reply' for an objector or applicant.
- Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons rather than multiple persons with the same interest.
- Council assessment staff will be available at Panel meetings to provide technical assessment advice and assistance to the Panel.
- Where considered necessary, the Panel will conduct site inspections prior to the meeting.

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

Three (3) members must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

Independent Chair (alternate - independent member).

5.5 Secretariat

- The Director Development and 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 be limited to the recording of decisions only 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 interest at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest are to 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.

9.0 CONDUCT AT MEETINGS

All parties in attendance at a DAP meeting shall conduct themselves respectfully ie. not disrupt the conduct of the meeting, not interject, act courteously and with compassion and

empathy and sensitivity and will not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the DAP, Council staff or other members of the public.

Development Assessment Panel

ATTENDANCE REGISTER

Member	01/10/21	21/10/21	18/11/21	16/12/21	03/02/22	17/02/22
David Crofts	✓	✓	✓	✓	✓	✓
Michael Mason			✓	✓	✓	✓
Chris Gee	✓	✓	✓		✓	
Tony McNamara	✓	✓		✓		✓
Dan Croft (Group Manager Development Services) Grant Burge (acting)	✓	✓	✓	✓	✓	✓
Patrick Galbraith-Robertson (Development Planning Coordinator)	✓	✓	✓		✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2022

20/01/2022	Function Room	2.00pm
3/02/2022	Function Room	2.00pm
17/02/2022	Function Room	2.00pm
3/03/2022	Function Room	2.00pm
17/03/2022	Function Room	2.00pm
7/04/2022	Function Room	2.00pm
21/04/2022	Function Room	2.00pm
5/05/2022	Function Room	2.00pm
19/05/2022	Function Room	2.00pm
2/06/2022	Function Room	2.00pm
16/06/2022	Function Room	2.00pm
7/07/2022	Function Room	2.00pm
21/07/2022	Function Room	2.00pm
4/08/2022	Function Room	2.00pm
18/08/2022	Function Room	2.00pm
1/09/2022	Function Room	2.00pm
15/09/2022	Function Room	2.00pm
6/10/2022	Function Room	2.00pm
20/10/2022	Function Room	2.00pm
3/11/2022	Function Room	2.00pm
17/11/2022	Function Room	2.00pm
1/12/2022	Function Room	2.00pm
15/12/2022	Function Room	2.00pm

Development Assessment Panel Meeting

Wednesday 4 May 2022

Items of Business

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08	General Business	

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 20 April 2022 be confirmed.

PRESENT

Members:

David Crofts (Independent Chair)
Chris Gee (Independent Member)
Tony McNamara (Independent Member)
Dan Croft (Group Manager Development Services)

Other Attendees:

Pat Galbraith-Robertson (Development Assessment Planning Coordinator)
Grant Burge (Development Engineering Coordinator)

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS

The Minutes of the Development Assessment Panel Meeting held on 17 February 2022 were confirmed.

04 DISCLOSURES OF INTEREST

Nil

05 DA2021 - 999.1 DWELLING AND SWIMMING POOL INCLUDING A CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 3 DP 238250, NO 5 ORR STREET PORT MACQUARIE

Speakers:

Del Robson (opposing the development)
Danielle De Silva (opposing the development)
John Newman (opposing the development)
Gwyneth Kearnes (opposing the development)
Damien Storer (opposing the development)
Steven Holt (opposing the development)
Terrance Stafford (applicant)
Nigel Swift (applicant)

CONSENSUS:

That it be recommended to Council that DA 2021-999 for a Dwelling and Swimming Pool Including a Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 3, DP 238250, No. 5 Orr Street, Port Macquarie, be determined by granting consent subject to the recommended conditions as amended below:

- Additional condition in Section B of the consent to read: 'Prior to the issue of a Construction Certificate a dilapidation report prepared by a suitably qualified person is to be submitted to Council. The report is to cover the rock retaining wall on the northern boundary/northern property.'

06 DA2021 - 1047.1 HEALTH SERVICES FACILITY AT LOT 1 DP 1273684, NO 11 NGAMBA PLACE, BONNY HILLS

Speakers:

Del Robson (opposing the development)
Danielle De Silva (opposing the development)
John Newman (opposing the development)
Gwyneth Kearnes (opposing the development)
Damien Storer (opposing the development)
Steven Holt (opposing the development)
Terrance Stafford (applicant)
Nigel Swift (applicant)

CONSENSUS:

That DA2021 - 1047.1 for a Health Services Facility at Lot 1, DP 1273684, No. 11 Ngamba Place, Bonny Hills, be determined by granting consent subject to the recommended conditions and as amended below.

-
- Amend condition B(23) to read: 'Acoustic lining or fencing is to be applied to the eastern and northern boundary adjoining the residential backyards immediately adjacent to the proposed carparks. The fencing is to be designed and certified by an acoustic consultant confirming that noise emanating from use of the car park will not be greater than 5dBA above background noise levels at the neighbouring property. Details are to be illustrated on the plans submitted with the application for Construction Certificate.'
 - Additional condition in Section B of the consent to read: 'Prior to release of the Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council.'
 - Additional condition in Section B of the consent to read: 'The plans for the required construction certificate are to include a 1.5m high privacy screen around the eastern first floor deck located off the staff room.'
 - Additional condition in Section B of the consent to read: 'The plans for the required construction certificate are to include privacy film, opaque glass or the like up to a height of 1.5m on the consulting room windows on the eastern elevation of the building.'

07 GENERAL BUSINESS

Nil

The meeting closed at 3.50pm.

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 (i)
 - (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 Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer 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: DA2021 - 775.1 ALTERATIONS AND ADDITIONS TO MEDICAL CENTRE AND DEMOLITION OF DWELLING AT LOT 106 & 107 DP 31187, NO 38 & 40 WATONGA STREET, PORT MACQUARIE****Report Author: Development Assessment Planner, Chris Gardiner**

Applicant:	N A Lingaiah
Owner:	Jenrik Group Pty Ltd
Estimated Cost:	\$1,143,000
Parcel no:	24835 & 24837

Alignment with Delivery Program

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

RECOMMENDATION

That DA2021 - 775.1 for Alterations and Additions to Medical Centre and Demolition of Dwelling at Lot 106 & 107, DP 31187, No. 38 & 40 Watonga Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application on two (2) occasions, five (5) submissions were received.

The application has been amended through the assessment process with key changes including:

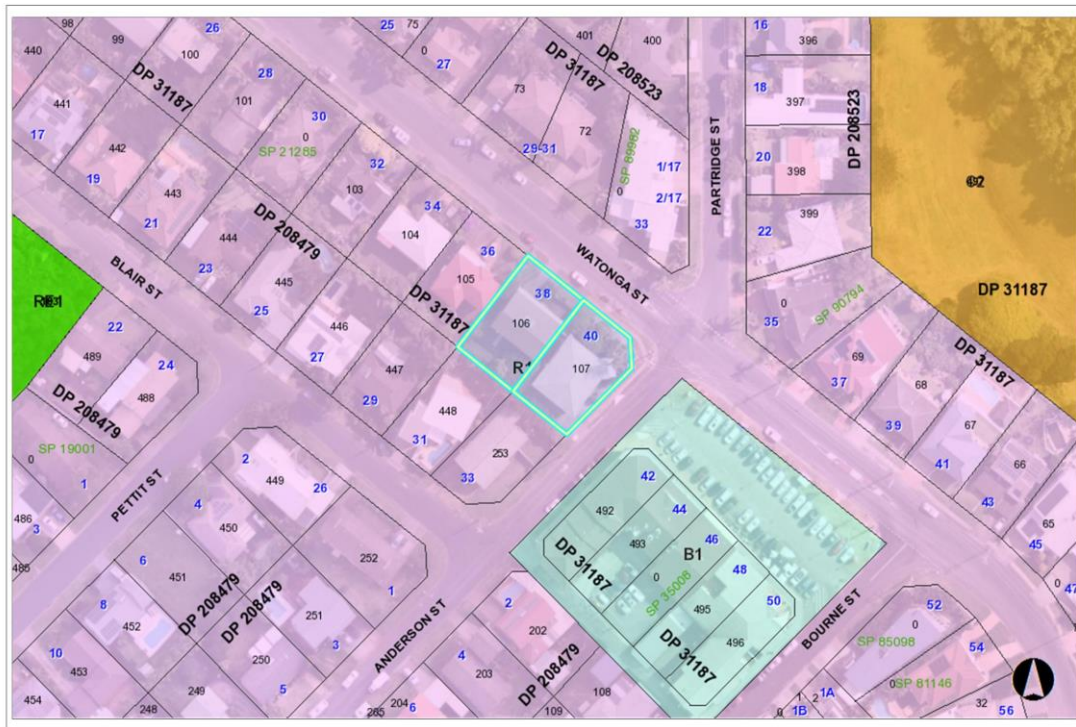
- Increased building setback to the western boundary;
- Increased setback of parking area to the southern boundary;
- Provision of acoustic fencing to the southern and western boundaries;
- Improved landscaping to the southern boundary.

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.

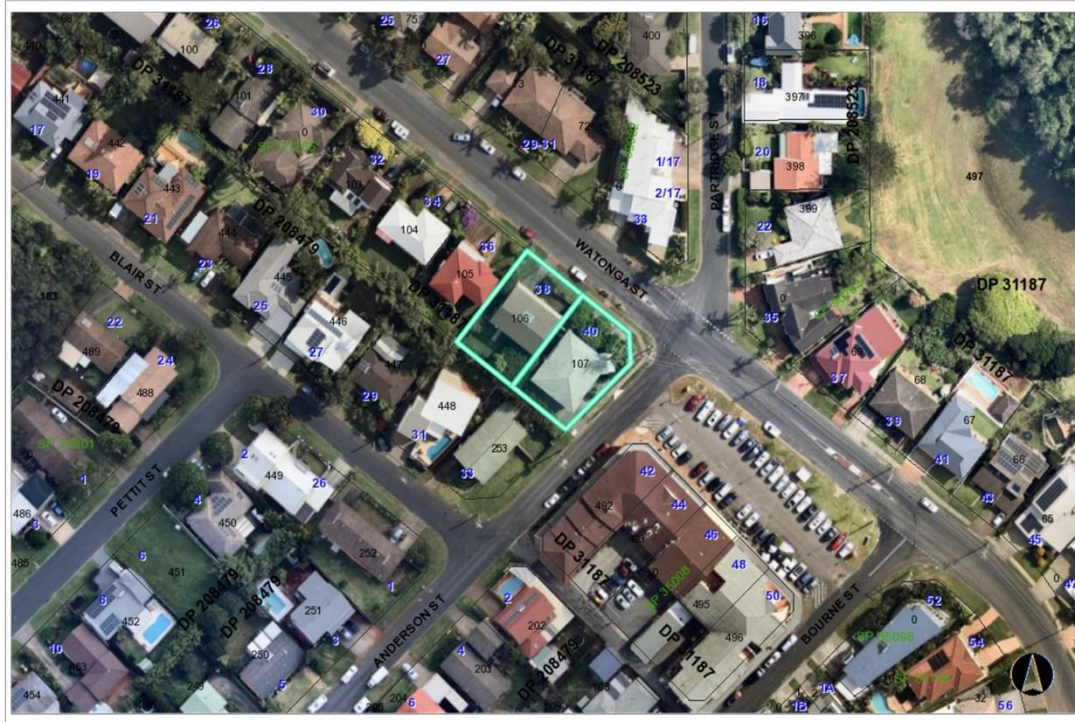
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

Existing Sites Features and Surrounding Development

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:

- Demolition of the existing dwelling at No. 38 Watonga Street;
- Construction of a two storey addition to the medical centre comprising ground floor parking and first floor medical uses;
- Alterations to the existing medical centre to integrate with additions and provide additional ground floor medical floor space;
- Associated car parking and landscaping.

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

Application Chronology

- 10 September 2021 - Application lodged.
- 20 September 2021 to 5 October 2021 - Neighbour notification.
- 22 September 2021 - Additional information requested from Applicant.
- 30 September 2021 - Additional information requested by Essential Energy.
- 22 November 2021 - Further additional information requested from Applicant.
- 1 December 2021 - Additional information submitted by Applicant.
- 7 December 2021 to 20 December 2021 - Application re-notified with amended plans and additional information.
- 14 December 2021 - Essential Energy comments received on amended plans.
- 14 January 2022 - Additional information requested on amended proposal.
- 14 February 2022 - Additional information submitted by Applicant.

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 (Biodiversity and Conservation) 2021
Chapter 4 Koala Habitat Protection 2021

Clause 4.4 - This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area.

Clause 4.10 - The consent authority is not prevented from granting consent in this case for the following reasons:

1. The property is not subject to a KPOM, and
2. The site not considered to be core koala habitat.

State Environmental Planning Policy (Industry and Employment) 2021
Chapter 3 Advertising and Signage

The proposed development includes a business identification sign on a low wall on the Watonga Street frontage.

Clause 3.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clause 3.6 - The following assessment table provides an assessment checklist against the Schedule 5 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Schedule 5(1) Character of the area.	With the exception of the neighbourhood shops to the east of the site, the area has a predominantly residential character. The proposed low wall sign is compatible with this character.	Yes
Schedule 5(2) Special areas.	The land is in a residential zone. The location and design of the proposed business identification sign is considered to be compatible with the residential location.	Yes
Schedule 5(3) Views and vistas.	The sign would not affect any views or vistas.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The location and scale of the sign is appropriate to the streetscape setting.	Yes

Schedule 5(5) Site and building.	The wall sign is low and in scale with the proposed building additions.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	Yes
Schedule 5(7) Illumination.	None proposed.	Yes
Schedule 5(8) Safety.	The sign is not expected to result in any adverse safety impact on vehicles, cyclists, or pedestrians.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 2 Coastal Management

Clause 2.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clause 2.11 - The site is located within a coastal use area. The proposed development is not considered likely to result in any of the following:

- a) any adverse impact on Aboriginal cultural heritage, practices and places;
- b) any adverse impacts on the cultural and built environment heritage;
- c) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- d) overshadowing, wind funnelling and the loss of views from public places to foreshores; and
- e) 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.

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 appropriately for health services facilities.

Clause 2.12 - The proposal is not likely to cause increased risk of coastal hazards on the land or other land.

Chapter 4 Remediation of Land

Clause 4.6 - 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 (Transport and Infrastructure) 2021

Clause 2.48 - The application has been referred to Essential Energy in accordance with this clause. Essential Energy made the following comments in relation to the proposal:

“Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. *The proposed structures must maintain a minimum clearance, being the maximum blowout distance plus a safety clearance distance (11kV = 2.1 metres and Low Voltage aerial bundled cable = 1.0 metre) from the nearest conductor/s (horizontal distances).*
2. *Any driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.*
3. *The existing overhead service/s to all properties will need to comply with the NSW Service and Installation Rules, both in relation to the clearances and access to the point of attachment, no roofed area is to be underneath the point of attachment. This may mean that the existing service/s will need to be re-located, at the Applicant's expense. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*
4. *SafeWork NSW clearances when working near powerlines MUST be complied with.*

Essential Energy also makes the following general comments:

1. *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
2. *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.*
3. *As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.*
4. *Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.*
5. *In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.*
6. *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*

7. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”*

In response to Essential Energy’s safety concerns the Applicant engaged Stowe Australia to carry out a conductor blowout analysis. The analysis confirms that the proposed development will achieve the relevant safety clearances to powerlines under blowout conditions, with the exception of the entry portico of existing medical centre. The plans have been amended to include demolition of the entry portico.

The amended plans also confirm that the proposed driveways will be located more than 1m from any power pole or street light.

The other general advice received from Essential Energy has been forwarded the Applicant for consideration during the construction phase.

Clause 2.60 - Health services facilities are permitted with consent as the land is within a prescribed zone (R1 General Residential).

State Environmental Planning Policy (Primary Production) 2021

Part 2.5 Division 4 - The proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for a medical centre 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 having regard to the following:

- The development will provide medical services to residents in the locality.
- Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.6m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.53:1, which 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 to the site.

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

Port Macquarie-Hastings Development Control Plan 2013

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.	No products or services identified on signs.	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.	Signage located within the site.	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 , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A
	d) On-premise signs should not project above or to the side of building facades	No signs proposed on the building. Only low wall sign on the Watonga Street frontage.	N/A
2	a) Where there is potential for light spill from signage in a non-residential zone adjoining or adjacent to residential	The sign is not identified as being illuminated.	N/A

	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.		
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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 submitted Statement of Environmental Effects adequately addresses the requirements of the Policy. The site has adequate bin storage area. The storage location for medical waste is appropriate and arrangements will be required for private collection of this waste, consistent with the arrangements for the existing medical centre at 40 Watonga Street.	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).	Proposal includes fill of up to 0.8m for rear parking area.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	None 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; 	No front fence and retaining wall combination proposed.	N/A

	<ul style="list-style-type: none"> – 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. 		
Tree Management – Private Land			
11	<p>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.</p>	The proposal includes the removal of several garden trees, but does not include any trees listed in Table 1.	N/A

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

DCP Objective	Development Provisions	Proposed	Complies
Bushfire Hazard Management			
18	<p>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.</p>	No APZ proposed in environmental land.	Yes

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 desirable traffic speed, and other factors.	No direct access from arterial or distributor road.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	N/A
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	<p>The proposal includes relocation of the existing driveway crossover in Watonga Street, and will not result in any additional crossovers.</p> <p>The 5.5m width of the proposed new driveway is acceptable.</p>	Yes
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Medical centres - 3 spaces per consultant, plus 1 space per 2 employees.</p>	<p>The Statement of Environmental Effects indicates that the development would include 5 consultants and 9 employees.</p> <p>5 x 3 = 15 spaces; 9/2 = 4.5 spaces; Total parking required = 20 spaces.</p> <p>The submitted plans provide for 24 off street parking spaces, 5 of which are tandem</p>	Yes

		spaces. The site also has a two space parking credit from development contributions previously paid under DA1989 - 330. The proposed parking satisfies the minimum requirements of this clause.	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	N/A	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	N/A	N/A
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.	The site has a two space parking credit from development contributions previously paid under DA1989 - 330.	Yes
26	a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that: <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – 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 	N/A	N/A

	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
27	a) On street parking will not be permitted unless it can be demonstrated that: <ul style="list-style-type: none"> – parking does not detract from the streetscape; and – that streetscape improvement works, such as landscaped bays and street trees are provided. 	N/A	N/A
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Proposed layout provides for all customer parking off the Watonga Street access, and staff parking off the Anderson Street access.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	The proposed parking area is not of a scale that requires wayfinding signs.	N/A
	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 proposed forward of the building line on both frontages. Space 1 on the Watonga Street frontage has been provided with a 4.3m wide landscaped area. Space 8 on the Watonga Street frontage has concrete footpath and no landscaping. Spaces 19 and 20 on the Anderson Street frontage have 1 - 2.5m wide landscaping. This area is already used as parking for the existing medical centre and the formalised arrangement	No, but acceptable with proposed condition

		<p>will provide for a better landscaping treatment.</p> <p>The footpath area and bollards adjacent to parking space 8 are not necessary for pedestrian access to the building as another connection to the public footpath is provided slightly to the east. This footpath could be replaced by landscaping, to improve the screening of the parking area. A condition is recommended requiring amended plans to be submitted prior to the issue of a Construction Certificate confirming the additional landscaping.</p>	
	d) Parking design and layout is provided in accordance with 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.	Capable of complying. Conditions recommended requiring certification of design and completed parking facility.	Yes
	<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 	Tandem parking spaces are surplus to the required parking and will also be designated for staff only. A condition is recommended requiring appropriate signage and pavement marking to confirm the use of these spaces.	Yes

	garage with a minimum depth of 5.5m.		
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.	Capable of complying. Conditions recommended requiring certification of design and completed parking facility.	Yes
Surface Finishes			
35	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. 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.	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	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface. b) Council will not permit the discharge of stormwater directly into kerbing and	Parking area proposed to be drained to pump out pit at the rear of the site and discharged via on-site detention tanks.	Yes

	guttering or table drains for any development other than that of a minor nature.		
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.		

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 Design (CPTED) principles. 	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.	Yes

Based on the above assessment, the variations proposed to the standard landscaping 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 61

Demolition work 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 north-easterly street frontage orientation to Watonga Street, and a south-easterly orientation to Anderson Street.

Adjoining the site to the north, south, and west are residential uses with building heights of 1-2 storeys.

Adjoining the site to the east is a 2 storey neighbourhood shopping complex with a mix of convenience shops and services, food and drink premises, and shop top housing.

With the exception of the neighbourhood shopping, the locality is predominantly residential uses. It is considered that the proposal is compatible with these uses in terms of bulk and scale, setbacks, and operational impacts and adequately addresses planning controls for the area.

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

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

The proposal is not expected to have significant adverse lighting impacts. A condition is recommended requiring any external lighting to comply with AS4282.

There are no significant adverse privacy impacts. Landscaping at the rear of the site will assist in screening direct views and the proposed additions to the medical centre are located more than 12m from the principal private open space and living areas of adjoining dwellings to the south.

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.

Access, Traffic and Transport

For extended hours medical centres, the *Guide to Traffic Generating Developments* assumes a peak hour traffic generation of 8.8 vehicles/hour/100m² of floor area. The proposed development would result in a 386m² increase in the floor area of the existing medical centre, and would generate an additional 35 vehicles in the peak hour.

The additions will have access from Watonga Street, which is classified as a collector road in Council's road hierarchy. The road network has adequate capacity to cater for the increase in traffic generation as a result of the development.

Site Frontage and Access

Vehicle access to the site is proposed through an existing access off Anderson St and replacement of an existing residential driveway to 38 Watonga Street.

All new accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Parking and Manoeuvring

A total of 24 car parking spaces (including 1 disabled space) have been provided on-site. 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 site has an existing 25mm metered water service from the 100 AC water main on the same side of Anderson Street. Minimum backflow prevention for a medical centre is an RPZ at the boundary. 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.

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

Appropriate conditions are recommended in this regard.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer main in the western corner of the lot. The proposed development can drain to this existing junction.

Construction of part of the car park and associated retaining walls in proximity to the sewer main through the rear of the site is acceptable, subject to appropriate engineering to prevent any load on the main.

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

Appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the rear (southern boundary). The existing medical centre at No 40 Watonga Street drains to a kerb adaptor in Anderson Street, and the existing dwelling at No 38 Watonga Street appears to drain to a rubble drain at the rear of the site.

Stormwater from the proposed development is planned to be discharged to Anderson Street via on-site detention (OSD) tanks designed to limit discharge to greenfield flow rates. The parking and landscaped areas for the additions to the medical centre will drain initially to a pump out pit, where it will be pumped to the OSD tanks.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate. In accordance with Councils AUSPEC requirements, on-site stormwater detention facilities must be incorporated into the stormwater drainage plan.

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. The site is highly disturbed by previous dwelling construction and it is unlikely that any items of significance would remain.

Other land resources

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

Water cycle

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

Soils

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

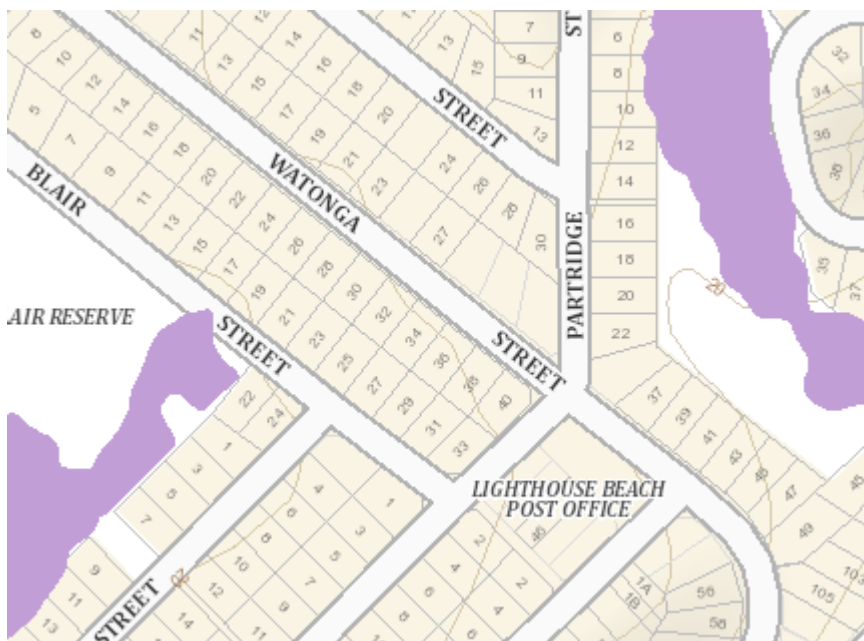
Air and microclimate

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

Flora and fauna

The proposed development includes clearing of approximately 60m² of planted native vegetation. The Biodiversity Offset Scheme doesn't apply for the following reasons:

- The land isn't identified on the Biodiversity Values Map (see below);
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017 (0.25 hectares or more);
- The application of test of significance (5 Part Test) demonstrates that the development will not have a significant impact on any biodiversity values.



Waste

The Statement of Environmental Effects indicates that the proposed medical centre will utilise the Council kerbside waste service for general waste, organic waste, and recycling. A bin storage area has been nominated on the plans adjacent to the parking area.

Medical waste will continue to be collected by an accredited contractor. The Statement of Environmental Effects indicates that medical waste will be collected daily during business hours by a car or van. Medical waste will be stored in a locked bin adjacent to the other waste bins.

Standard precautionary site management condition also recommended for construction and demolition waste.

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

The proposed hours of operation for the development are:

- 7.00am to 6.00pm Monday to Friday;
- 9.00am to 2.00pm Saturday and Sunday.

The Applicant has submitted a Noise Impact Assessment prepared by PKA Acoustic Consulting addressing the likely operational noise impacts associated with the use as a medical centre, vehicles using the parking facilities, and mechanical plant. The assessment concludes that the proposed development is capable of complying with the applicable noise criteria in the NSW Noise Policy for Industry subject to the following noise mitigation measures:

1. Carpark Noise Breakout Mitigation

A traffic management plan was not required as part of the approval process at the time of preparation of this report. Therefore, PKA have provided acoustic treatment that have been used in similar situations to effectively mitigate carpark noise breakout to adjacent residential premises.

Acoustic fences (either at the boundary or the retaining wall line) of the following minimum heights are required to be installed at the boundary as shown in Figure 6-1 below. Structural requirements must be checked with the relevant authority. The acoustic barrier must be of solid construction (with no air gaps or penetrations including the connections and structural bases) such as:

- Polycarbonate Transparent Sheeting (selection must ensure the R_w rating is met)
- Timber fence with double lapped boards of standard 15mm thickness, allowing a continuous thickness of 30mm
- Aerated Concrete panels such as Hebel
- Masonry or Precast concrete panels
- Any combination of the above

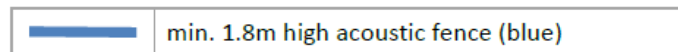
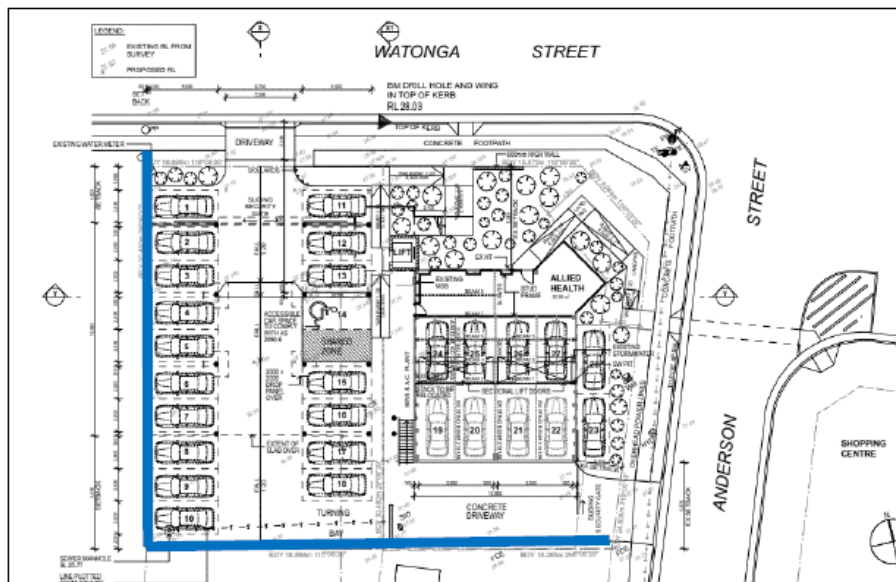


Figure 6-1 Extent of Recommended Acoustic Barrier and Heights (Ground Floor) - Indicative



It is PKA's understanding that car spots 2 to 7 are adjacent to a masonry block wall on the boundary fence and this will be acoustically suitable.]

2. Outdoor Plant and equipment

At the time of preparation of this report, a detailed mechanical schedule was unavailable. This is typically prepared in later approval stages of the development. The selection of any future outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences with the NSW EPA Noise Policy for Industry 2017 criteria listed in Table 4-3. The final selections must be approved by an acoustic consultant.

3. Construction Noise & Vibration

If the preparation of a Construction Noise & Vibration Management Plan is required by the certifying authority, the noise criteria established in Sections 4.3 and 5.3 must be considered.

The plans identify a 1.8m high lapped and capped timber fence to the western and southern boundaries of the site consistent with the recommendations in the acoustic report. Further confirmation has also been provided from the acoustic consultant that

the location of the acoustic fence downslope of the parking area would not alter its acoustic performance.

Appropriate conditions have been recommended confirming the requirements for acoustic fencing and mechanical plant.

A standard precautionary site management condition is also recommended for construction hours.

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 impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Seven (7) written submissions were received following public exhibition of the application on two (2) occasions. 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
What is the current zoning of the site? Has the site been re-zoned to allow a commercial use and, if so, why were the neighbours not informed.	The site is currently zoned R1 General Residential and the zoning of the site has not changed. Medical centres are permitted with consent in the R1 zone under the Port Macquarie-Hastings Local Environmental Plan 2011 and State Environmental Planning Policy (Transport and Infrastructure) 2021.
The application does not identify the full extent of tree removal proposed.	Amended plans have been submitted clarifying the extent of vegetation removal proposed.
Loss of privacy to neighbouring residents.	Landscaping at the rear of the site will assist in screening direct views and the proposed additions to the medical centre are located more than 12m from the principal private open space and living areas of adjoining dwellings to the south. There are no windows proposed on the western elevation of the building.
Amenity impacts from vehicle headlights in mornings and evenings during the winter months.	The proposed hours of operation are 7.00am to 6.00pm and there will only be short periods in the winter months where vehicles need to use headlights. The proposed landscaping and acoustic fencing will satisfactorily minimise the impacts of headlight glare to neighbouring properties.
Potential damage to neighbouring properties from construction activities.	The proposed development does not involve any significant excavation adjacent to buildings or structures on neighbouring property and there are not considered to be any specific risks of damage to neighbouring properties that need to be resolved through consent conditions. Neighbouring property owners could prepare their own dilapidation reports if deemed necessary.
Stormwater impacts on neighbouring properties in Blair Street. There is a history of stormwater issues with the existing medical centre at 40 Watonga Street.	An appropriate stormwater management plan has been submitted for the proposed development, which addresses stormwater from the existing medical centre and the proposed additions. Subject to detailed design, as recommended in the conditions, the stormwater drainage for the development will avoid significant impacts on neighbouring property and

Submission Issue/Summary	Planning Comment/Response
	improve the stormwater issues relating to the existing medical centre.
The proposal includes more parking than is required under the DCP and the parking area will be located very close to the rear boundary. Removal of existing trees for car parking would result in adverse privacy and visual impacts on neighbouring properties. Consideration should be given to reducing the amount of parking to allow for retention of existing vegetation.	The proposal has been amended during the assessment process to reduce the amount of surplus car parking and retain the majority of the existing landscaping at the rear of the site.
Impacts on native flora and fauna. Koalas have been observed regularly moving through this area.	<p>The proposal includes the removal of a small amount of planted garden in an existing residential context. The clearing does not exceed the thresholds for the Biodiversity Offset Scheme and no koala food trees are proposed to be removed. The land is not subject to a koala plan of management and does not meet the definition of core koala habitat under SEPP (Biodiversity and Conservation) 2021.</p> <p>The proposal has also been amended during the assessment process to retain the majority of the existing vegetation along the southern boundary of the site that has been observed to provide shelter for koalas moving through the area. The proposed lapped and capped timber acoustic fence will be climbable and not restrict movement of koalas through the site.</p>
The development will have negative economic impacts through loss of property values.	Impacts on property value are not a relevant planning consideration under the Environmental Planning and Assessment Act 1979.
The development will diminish the neighbourhood feel in an area that is predominantly residential homes.	The proposal is for the expansion of an existing medical centre located adjacent to the neighbourhood shopping facilities. Medical centres are typically considered to be a land use that is compatible with residential uses, and the proposal is not expected to significantly impact the overall character of the area.
Has a noise impact assessment been prepared for the proposal?	A noise impact assessment was requested from the Applicant as part of the initial assessment and was submitted after the initial notification period. The noise impact assessment was made available for neighbours to review during the second notification period.

Submission Issue/Summary	Planning Comment/Response
What is the minimum required offset for parking from a rear boundary?	The DCP does not have a minimum rear boundary setback for parking areas. However, the plans have been amended through the assessment process to increase the width of the landscaped buffer to the rear boundary to between 2.5m and 6.4m. The building is proposed to be setback 6.4m from the rear boundary.
Has an ecological assessment been carried out for the development?	An ecological assessment was not required for the nature and extent of tree removal proposed.
Has a social impact comment or statement been provided?	Council's Social Impact Assessment Policy requires a social impact comment to describe the likely positive and negative impacts of the development on the local community, measures to mitigate/reduce any negative impacts, and include consultation with neighbours and key stakeholders. These requirements have been covered in the Statement of Environmental Effects and consideration of the submissions received from neighbour notification.
Request that the existing bottlebrush trees along the southern boundary of 40 Watonga Street be removed and replaced with a privacy wall or screen.	A 1.8m high acoustic barrier has been proposed along the southern boundary of 40 Watonga Street. It is possible that the acoustic fence could be constructed in a manner that retains the existing bottlebrush trees. The Applicant has proposed to retain the trees and they have not been assessed for removal as part of this development. The property owners could negotiate removal of these trees separately if desired.
The extent of limb pruning for the landscaping at the rear of the site needs to be restricted.	A condition is recommended requiring the landscaping to be maintained as an effective screen to a minimum height of 3m.

(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

Section 7.11 Contributions

The development does not contain any residential component. As a result, s7.11 contributions do not apply.

Section 7.12 Contributions

In assessing s7.12 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and the Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007.

The proposed development will comprise alterations and additions to a medical centre and is deemed to increase the demand for public amenities/services.

As a result, s7.12 contributions apply and a condition of consent has been imposed to ensure payment.

Section 64 Water and Sewer Contributions

In assessing s64 water and sewer contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans.

The site has been provided contribution credit based on an existing dwelling on a residential lot with area between 450m² and 2000m² for Lot 106 DP 31187. The existing medical centre on Lot 107 DP 31187 was originally granted consent under DA1989 - 330. The contributions assessment for that application provided water and sewer credits of 4 EP (equivalent to 1ET under the current DCAP).

The proposed development will comprise alterations and additions to the medical centre and contributions have been charged based on the below GFA:

- Ground floor allied health - 49m²;
- First floor medical centre - 530m².

Having considered the above, the proposed development will increase the demand on water and sewer services.

As a result, s64 contributions apply and a condition of consent has been imposed to ensure payment.

A copy of the contributions estimate is included as Attachment 3. The estimate is based on the rates applicable at the date of the report and are scheduled to be indexed on 1 May 2022. The final contributions will be levied at the rates applicable at the date of determination of the application, and will likely differ from the estimate.







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   DA2021 - 775.1 Recommended Conditions
- 2   DA2021 - 775.1 Plans
- 3   DA2021 - 775.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2021/775****DATE: 21/04/2022****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the relevant prescribed conditions in Part 4 - Division 2 of the Environmental Planning & Assessment Regulation 2021.

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	2141 D00/B to D08/B	McNeil Architects	19 November 2021
Stormwater Plan	2022 0253 - H100	NAS Hydraulics	15 March 2022
Statement of Environmental Effects	2141	McNeil Architects	30 November 2021
Acoustic Report	ID: 12219 R01v1	PKA Acoustic Consulting	3 November 2021

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) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (7) (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.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

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

- (9) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

In this regard, whilst you have indicated that trade waste will not be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.

- (10) (A069) Existing trees and shrubs to the south of the turning bay and parking space 14 shall be retained and protected from damage during construction.
- (11) (A071) Branch pruning approved by this consent shall only be carried out by a qualified Arborist in accordance with the Australian Standards AS 4373.

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. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 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. 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. Minimum backflow prevention for a medical centre is an RPZ at the boundary.
 3. Stormwater systems.

4. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 & 207, Port Macquarie-Hastings Council current version.
- (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
- (4) (B009) The applicant shall surrender the consent relating to DA2015 - 943.1 for alterations and additions to the medical centre at 40 Watonga Street, Port Macquarie by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2021, prior to release of the Construction Certificate. This condition does not apply where it can be demonstrated that the consent has lapsed prior to the issue of a Construction Certificate.
- (5) (B011) Prior to the issue of Construction Certificate, 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 Certificate, 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) (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.

- (7) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
 - ii. 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.
- (8) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (9) (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 the kerb and gutter of a public road.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 2022 0253 - H100 prepared by NAS Hydraulics and dated 15 March 2022.
 - c) 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 1% 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 (20%, 5% & 1% AEP at minimum). Alternative is to submit an electronic model in DRAINS format for electronic review. For new works, or alterations and additions resulting in the creation of greater than 40m² additional site impervious area, the pre-development site impervious area conditions shall be assumed to be 20% of the total site area. In all cases, the existing condition or better is to be maintained.
 - 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.
- (10) (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.
- (11) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 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 Council Section 94A Levy Contributions Plan 2007

The plan 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 plan. 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.

- (12) (B195) Prior to the issue of a Construction Certificate, full construction and location details of the 1.8m minimum acoustic fencing to the southern and western boundaries/retaining wall line shall be submitted to the Principal Certifying Authority. Details shall be consistent with the recommended specifications in the stamped approved Acoustic Report.
- (13) (B196) Prior to the issue of a Construction Certificate, details of all external mechanical plant and equipment shall be submitted to the Principal Certifying Authority. Details shall include details of the type, location, hours of use, Sound Power and Sound Pressure Levels. The cumulative noise level from the operation of all external plant and equipment, the automatic entry/exit carpark gate and the lift, shall comply with the Project Noise Trigger Level of 44dB(A) between 7am to 6pm, when measured at the closest, most affected point of both the southern and western boundaries adjacent to the neighbouring residences.
- (14) (B197) Prior to the issue of a Construction Certificate, a Demolition and Construction Noise Management Plan shall be submitted to Council and the Principal Certifying Authority demonstrating that construction noise will comply with the NSW EPA Interim Construction Noise Guideline and the construction noise goal of 49 decibels (49dB(A)) at the boundaries to the adjacent residences to the south and west.

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) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your

Construction Certificate number and property description to ensure your inspection is confirmed:

- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- b. before pouring of kerb and gutter;

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) (D002) Fill material shall not raise the existing surface level within the dedicated easement/s.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (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.
- (6) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.
Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.
- (7) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

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) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (3) (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.
- (4) (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.

- (5) (E010) Driveways, access aisles and parking areas shall be provided with a concrete 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).
- (6) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (7) (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 use.
- (8) (E031) Provision of a sign at the Watonga Street vehicular access point within the property, prior to the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (9) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (10) (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.
- (11) (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 have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (12) (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.
- (13) (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.

- (14) (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.
- (15) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (16) (E056) Certification that the construction of footings and piers adjacent to the sewer lines 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 Council with the application for the Section 307 - Certificate of Compliance/Occupation Certificate.
- (17) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (18) (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
- (19) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all

infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (20) (E195) Prior to the issue of any Occupation Certificate, certification from an acoustic consultant shall be submitted to Council and the Principal Certifying Authority that the acoustic boundary fencing complies with the recommendations made in the stamped approved Acoustic Report. The certification shall provide full details of the construction of the acoustic fencing, including the overall noise reduction achieved and the operating decibel level at each of the southern and western boundaries, measured adjacent to a window of a habitable room of the adjoining residences.
- (21) (E196) Prior to the issue of any Occupation Certificate, certification from an acoustic consultant shall be submitted to Council and the Principal Certifying Authority that the overall, cumulative operating noise level of all external mechanical plant and equipment, including the operation of the lift and automatic entry/exit carpark gate complies with the Project Noise Trigger Level of 44 decibels (44dB(A)), between 7am and 6pm, when measured at the closest, most affected point on the southern and western boundaries, adjacent to the neighbouring residences.
- (22) (E197) Prior to the issue of an Occupation Certificate, appropriate pavement markings and signage shall be installed to confirm that the use of parking space 15 to 24 inclusive is restricted to staff only.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 24 spaces are to be provided onsite.
- (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) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (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.
- (5) (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.
- (6) (F019) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (7) (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.
- (8) (F025) Hours of operation of the development are restricted to the following hours:

- 7.00am to 6.00pm – Monday to Friday
 - 9.00am to 2.00pm – Saturday and Sunday
- (9) (F030) The number of consultants and staff employed at the premises shall not generate the demand for more than 24 spaces using the parking rates in Port Macquarie-Hastings Development Control Plan 2013 for Medical Centres, being 3 spaces per consultant and 1 space per 2 staff.
- (10) (F036) Any exterior lighting and illuminated signage 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.
- (11) (F195) Landscaping to the south of the turning bay and parking space 14 shall be maintained to a minimum height of 3m to maintain an effective visual screen to the parking area. Landscaping shall be managed and replaced as necessary for the life of the development to achieve this purpose.

DESIGN SAFETY STATEMENT -
The NSW Work Health and Safety
Regulation 2011 Section 295

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL
INVOLVED IN THE PROJECT.

THIS INCLUDES, BUT IS NOT LIMITED TO ALL
CONSULTANTS, THE PROPRIETOR, THE BUILDER, ALL SUB-
CONTRACTORS, ALL MAINTENANCE PERSONNEL.



01 FALLS SLIPS TRIPS

01.01 Working at Heights

01.01 i During Construction

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

01.01 ii During Operation or Maintenance

For low-rise buildings where scaffolding is appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.

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

01.01 iii Anchor Points

Roof anchor points for fall arrest devices are included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work must be informed of the location of these points.

01.02 Slippery Surfaces

01.02 i Surface Finishes

The OWNER is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.

01.02 ii Steps and Uneven Surfaces

The OWNER must monitor the pedestrian access ways to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard must be cleaned or removed from access ways.

Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance must be stored in areas away from access ways and work areas.

02 FALLING OBJECTS

02.01 Protection

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground or floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling onto persons below:

- Prevent or restrict access to areas below where the work is being carried out;
- Provide toeboards to scaffolding or work platforms;
- Provide protective structure below the work area;
- Ensure that all persons below the work area have Personal Protective Equipment (PPE).

02.02 Building Components

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors must ensure that temporary bracing or other required support is in place at all times when collapse, which may injure persons in the area is a possibility.

02.03 Mechanical Lifting

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors must ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

03 TRAFFIC MANAGEMENT

03.01 Off Site

For building on a major road, narrow road or steeply sloping road, parking of vehicles or loading and unloading of vehicles may cause a traffic hazard. During construction, maintenance or demolition, designated parking for workers and loading areas must be provided. Accredited traffic management personnel must be responsible for the supervision of these designated areas.

03.02 On Site

For building where on-site loading and unloading is restricted, construction of this building will require loading and unloading of materials on the roadway. Deliveries must be well planned to avoid congestion of loading areas, and accredited traffic management personnel must be used to supervise loading/unloading areas. Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by accredited traffic management personnel should be adopted for the work site.

04 SERVICES

04.01 Existing Services

Rupture of services during excavation or other activity creates a variety of risks, including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans, but the exact location and extent of services may vary from that indicated. Services must be located using an appropriate service, such as Dial Before You Dig. Appropriate excavation practices must be used, and, where necessary, specialist contractors must be used.

04.02 Underground Power

Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located, and adequate warning signs used prior to any construction, maintenance or demolition commencing.

04.03 Overhead Power

Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical, adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

05 MANUAL TASKS

05.01 Lifting

Components with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages, and, where practical, all items should be stored on site in a way which minimises bending before lifting. Advice must be provided on safe lifting methods in all areas where lifting may occur.

05.02 Portable Tools

Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These must be fully maintained in accordance with manufacturer's specifications, and not used where faulty or, in the case of electrical equipment, not carrying a current electrical safety tag.

05.03 Safety Devices

All safety guards or devices must be regularly checked and Personal Protective Equipment must be used in accordance with the manufacturer's specification and instructions.

06 HAZARDOUS MATERIALS

06.01 Asbestos

For demolition of, or alterations to a building constructed prior to 1990, materials used in either cladding or in fire retardant insulation material may contain asbestos. The builder must check, and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the asbestos containing material.

06.02 Powdered Material

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

06.03 Treated Timber

Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition must ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

06.04 Volatile Organic Compounds

Many types of glues, solvents, spray packs, paints, varnishes, and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used must be kept well ventilated while the material is being used and, for a period after installation, Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

06.05 Synthetic Mineral Fibre

Fibreglass, rockwool, ceramic and other materials used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

07 CONFINED SPACES

07.01 Excavation

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

07.02 Enclosed Spaces

Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment must be provided.

07.03 Small Spaces

Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

07.04 Public Access

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

08 OPERATIONAL USE

08.01 Building Classification

This building has been designed to the National Building Code Series Volume 2 (2016) for classification 5 & 7a as identified in the Specification & Drawings. This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues must be undertaken.

08.02 Codes of Practice

During operational reference must be made to all Codes relating workplace health & safety, including, but not limited to: AS/NZ 3012 Managing Electrical Risks at the Workplace. Managing Risks of Plant at the Workplace. Managing Noise and Preventing Hearing Loss at Work.

NOTES

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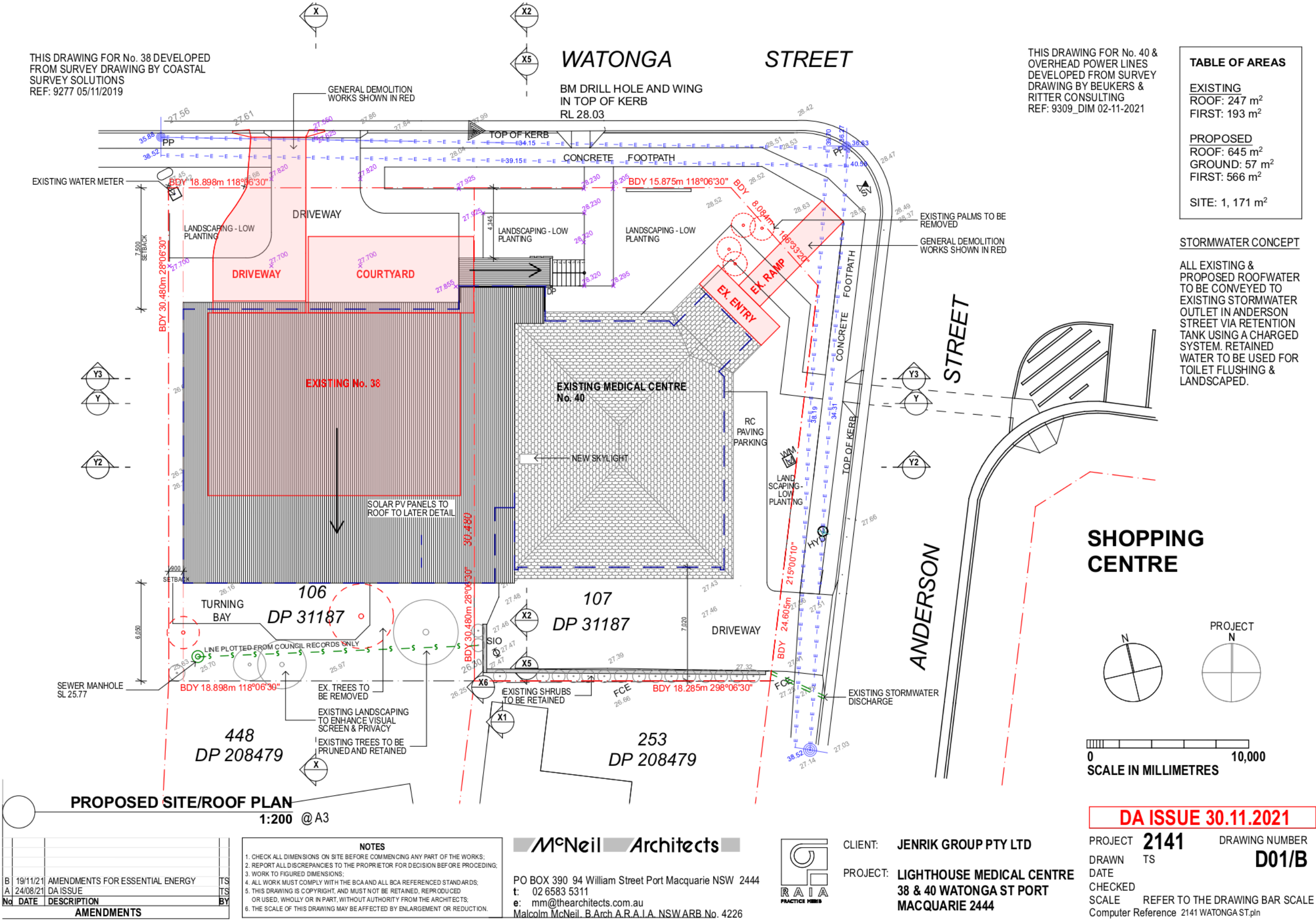
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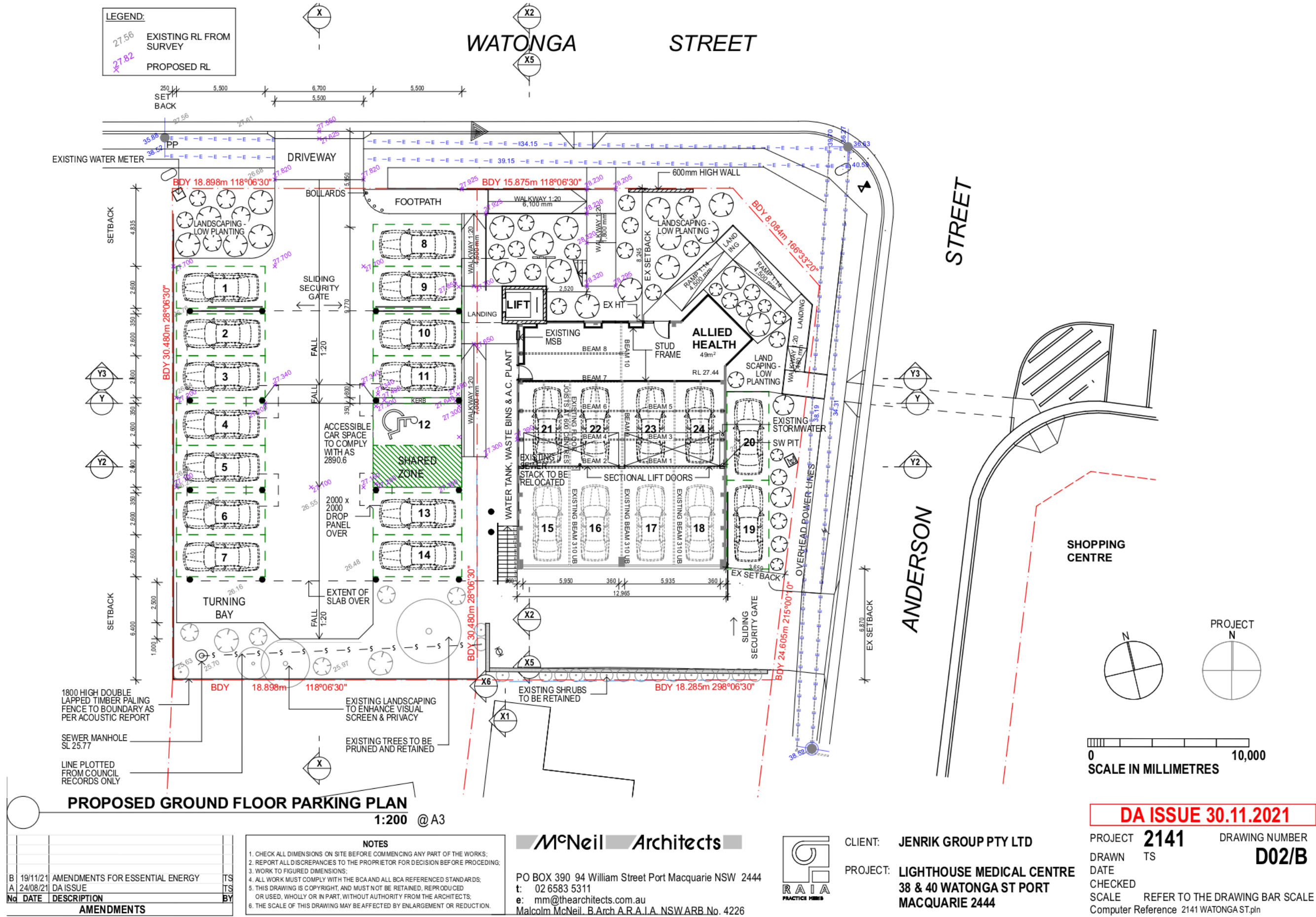
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38 & 40 WATONGA ST PORT
MACQUARIE 2444

DA ISSUE 30.11.2021

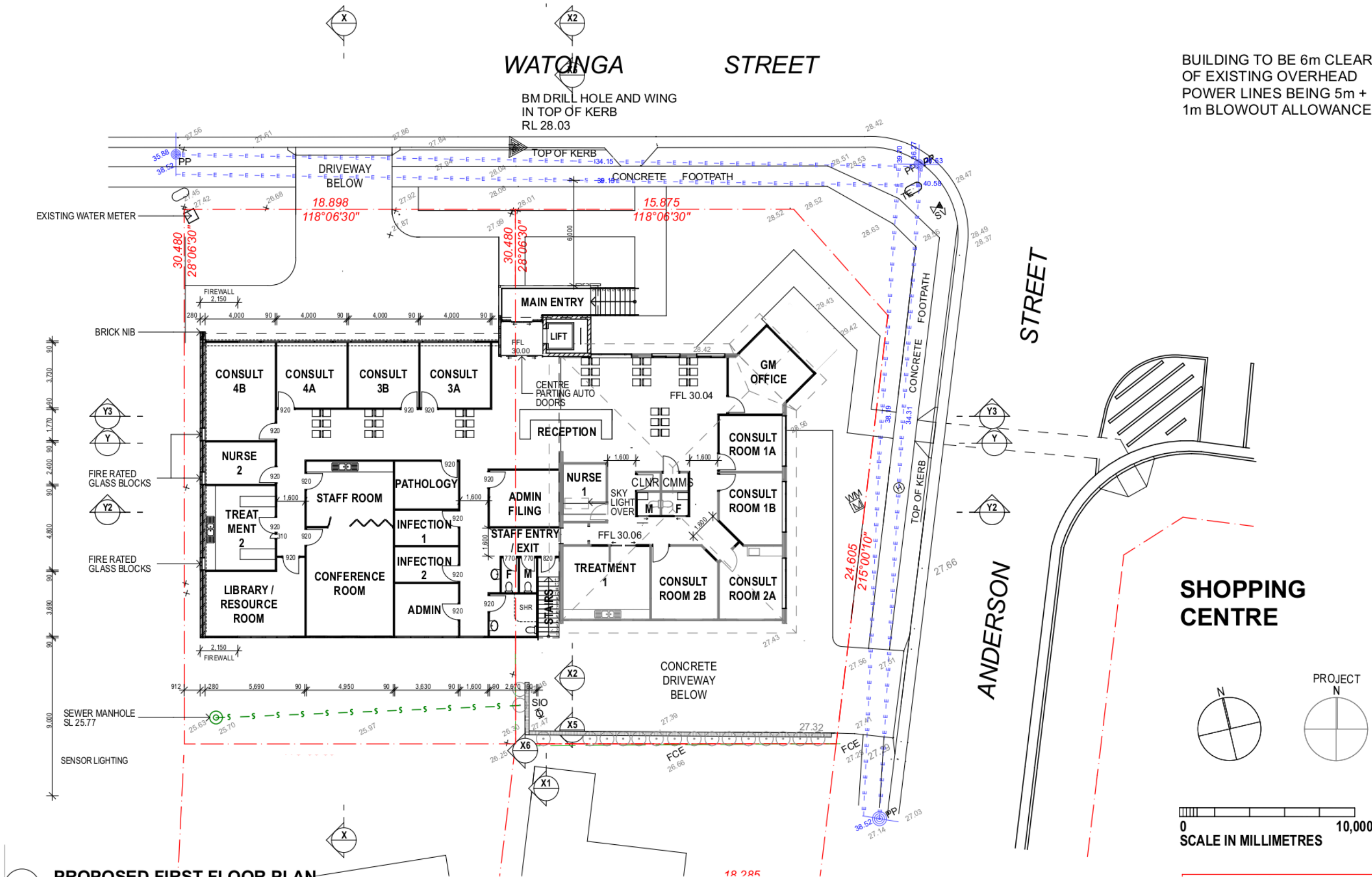
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Nd		AMENDMENTS	BY





BUILDING TO BE 6m CLEAR
OF EXISTING OVERHEAD
POWER LINES BEING 5m +
1m BLOWOUT ALLOWANCE



PROPOSED FIRST FLOOR PLAN

1:200 @ A3

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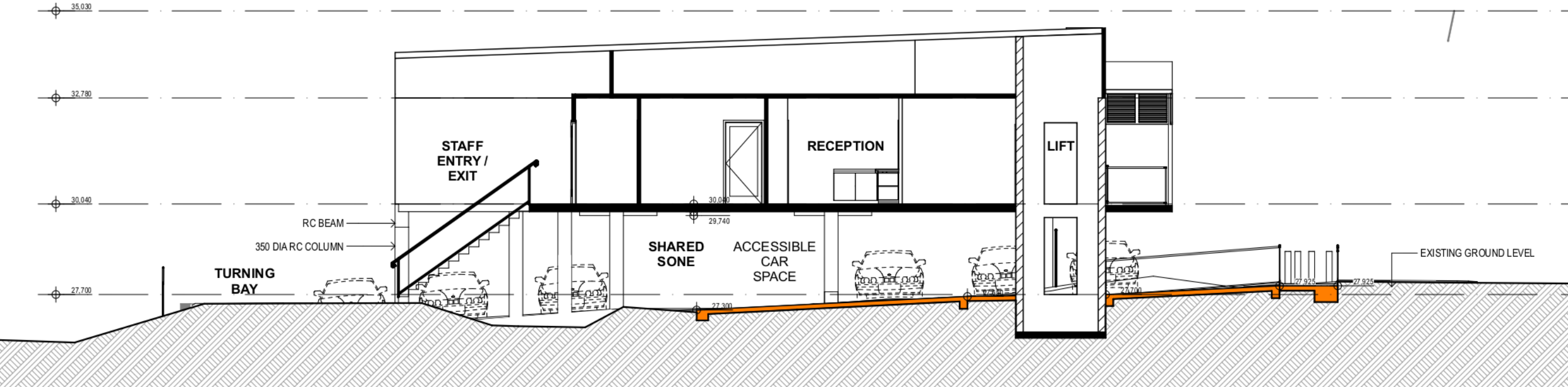
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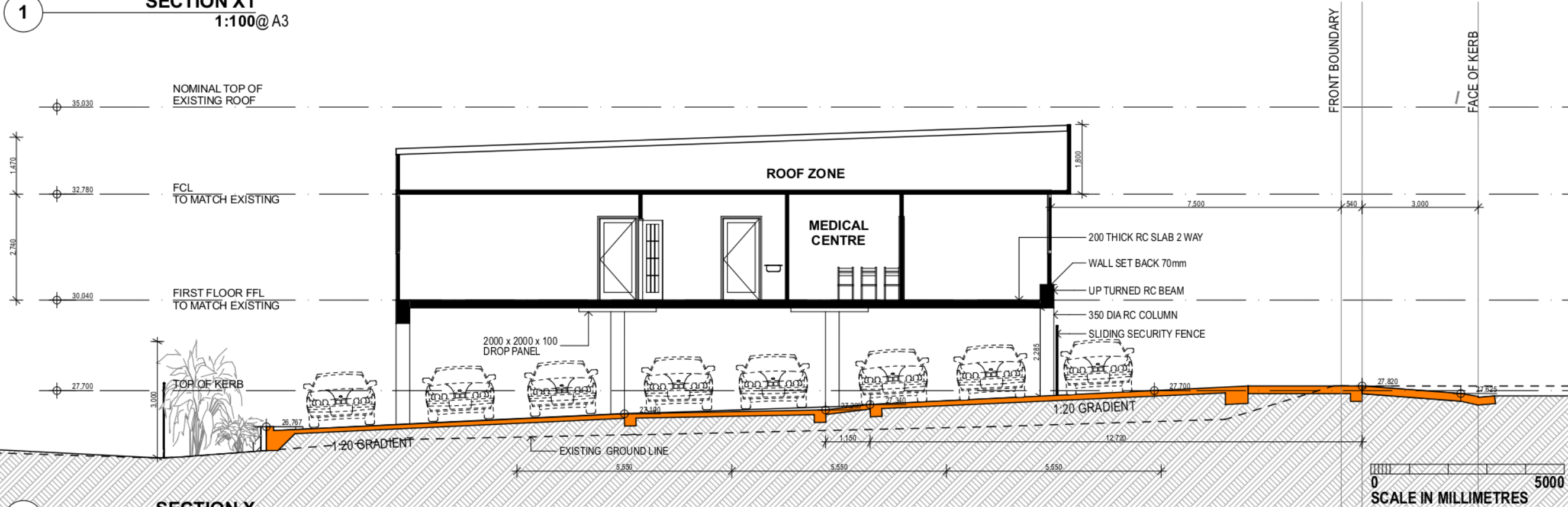
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1 SECTION X1
1:100@ A3



2 SECTION X
1:100@ A3

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24/08/21	DA ISSUE	TS
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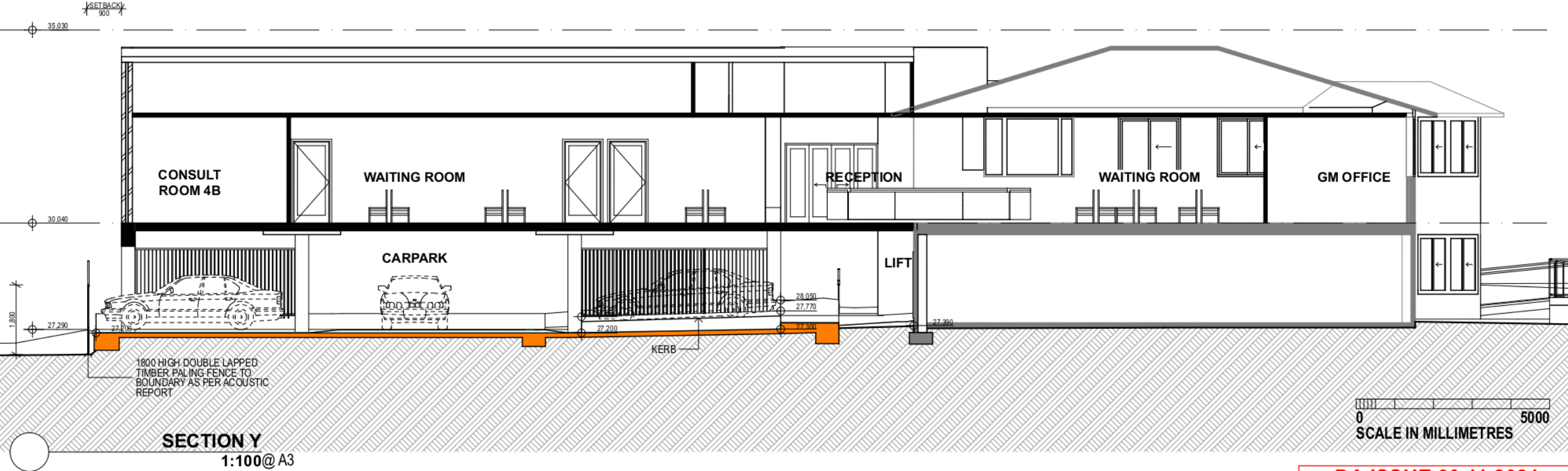
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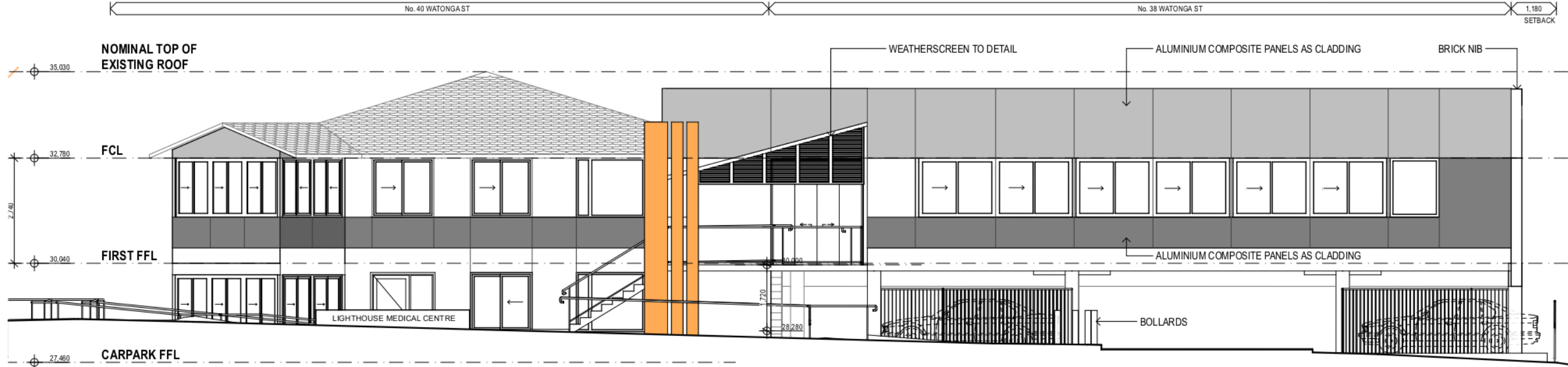
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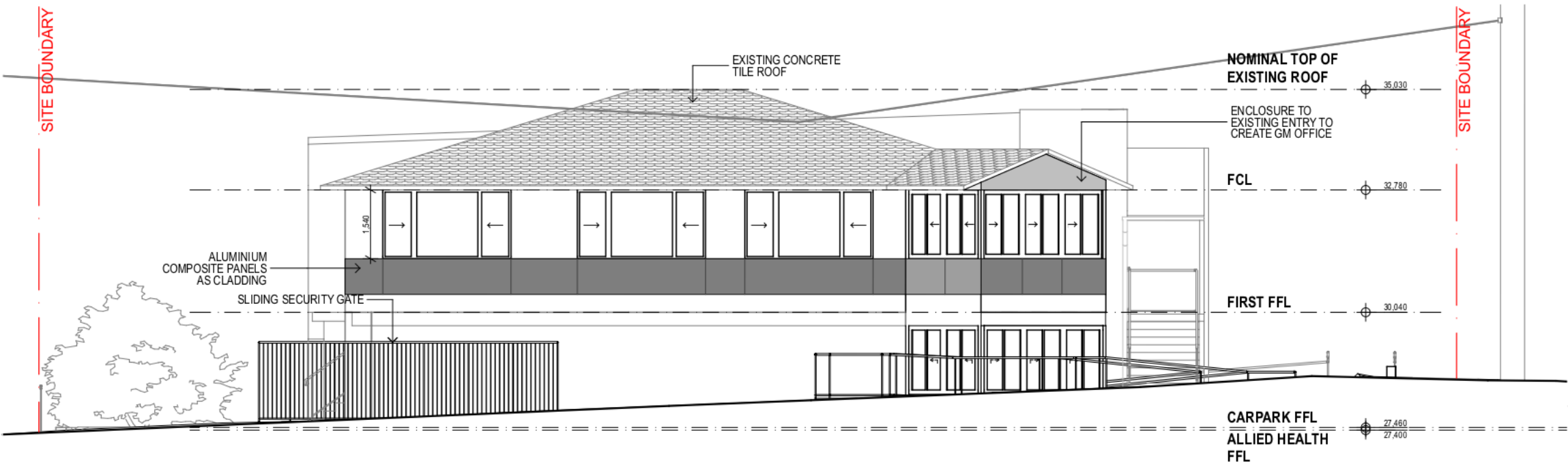
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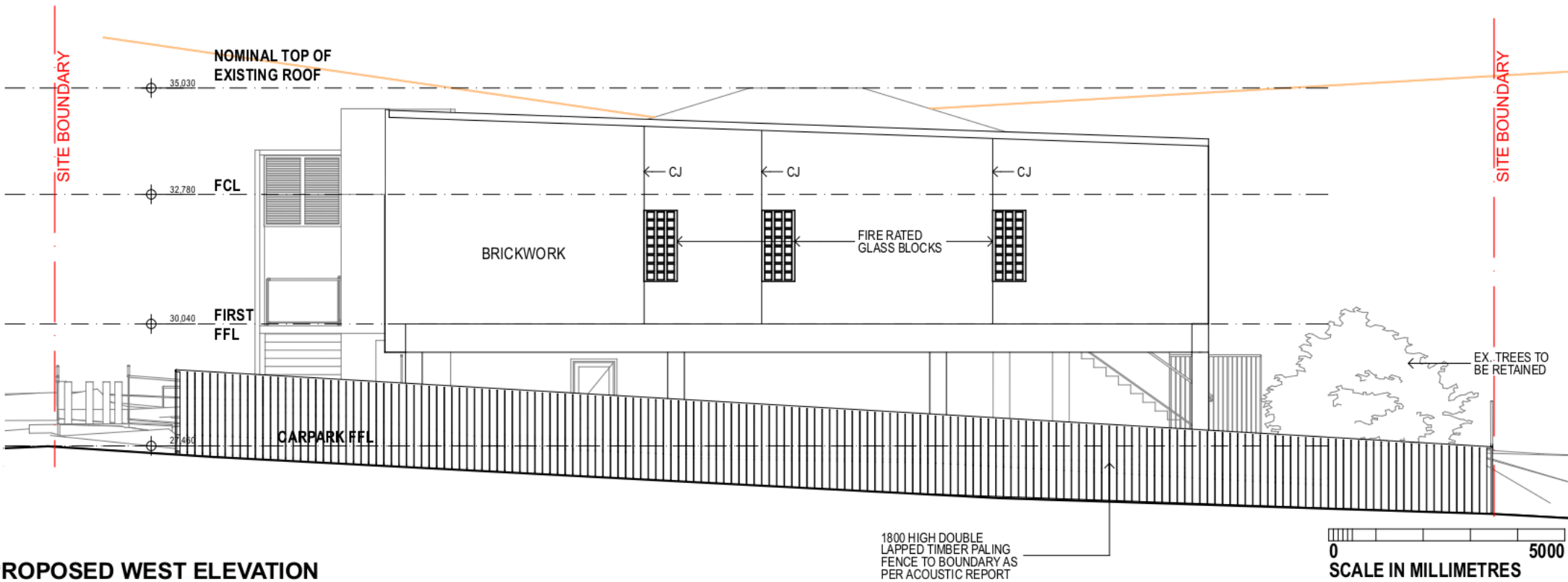
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1 PROPOSED EAST ELEVATION
1:100@A3



2 PROPOSED WEST ELEVATION
1:100@A3

DATE	DESCRIPTION	BY
19/11/21	AMENDMENTS FOR ESSENTIAL ENERGY	TS
24/08/21	DA ISSUE	TS
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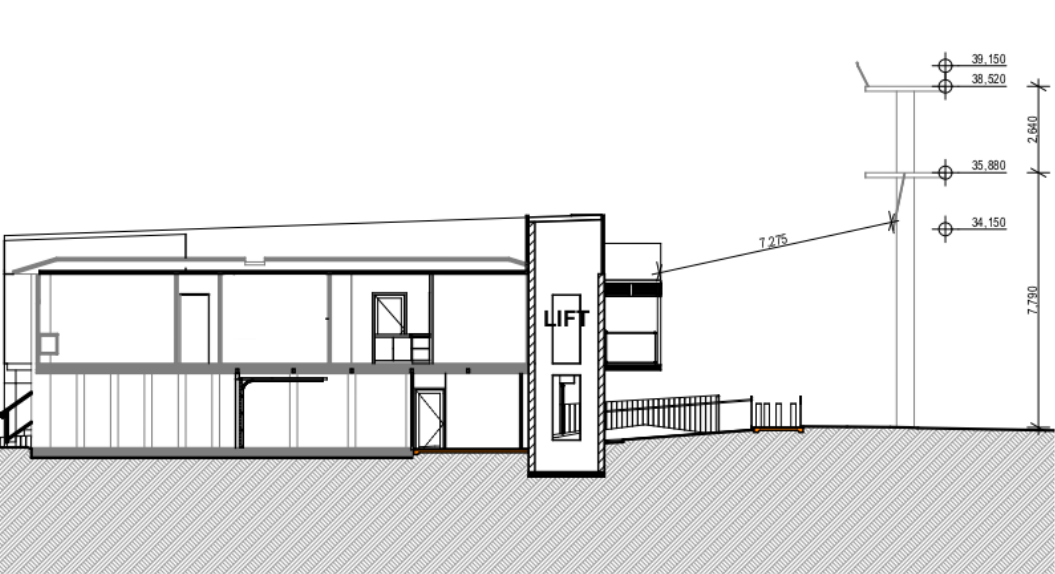
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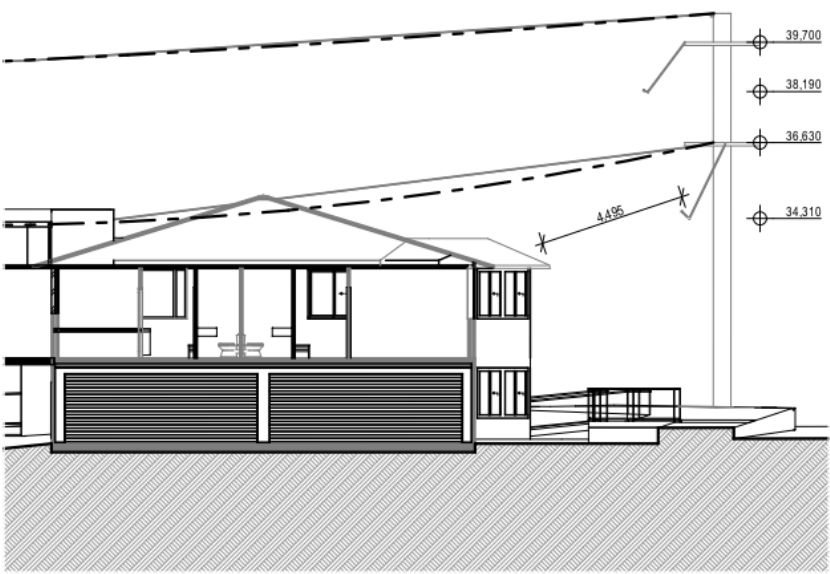
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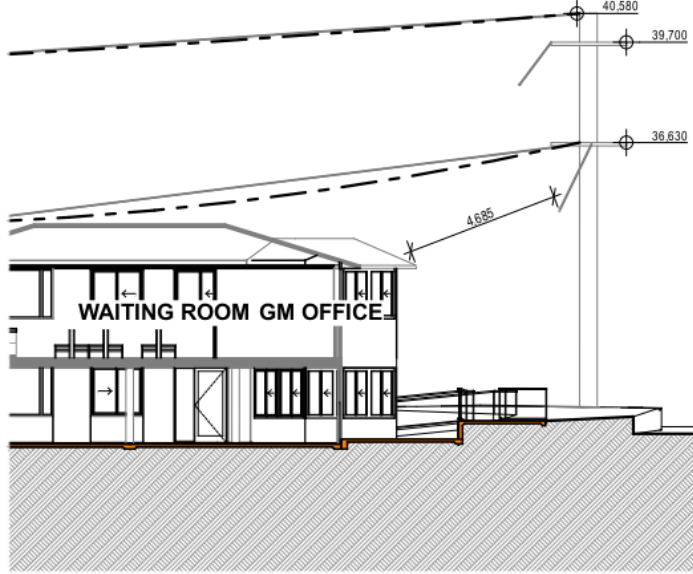
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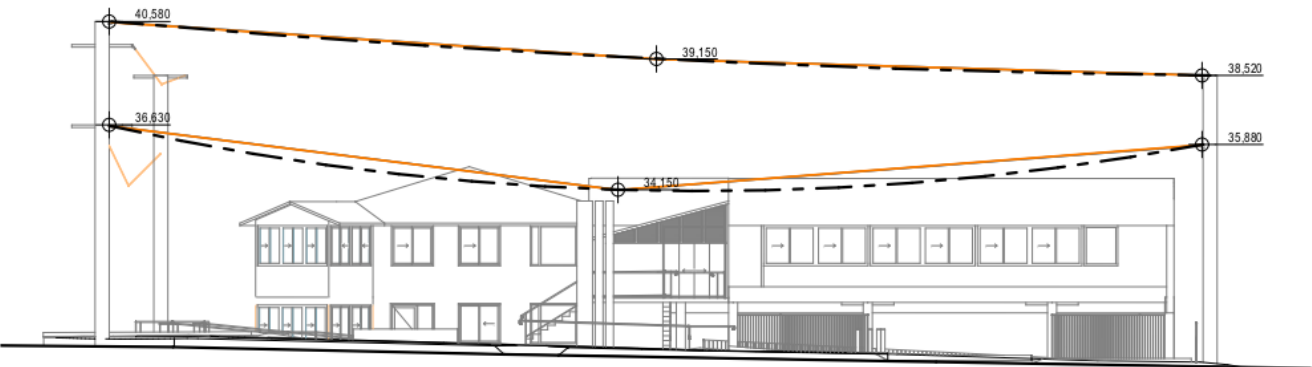
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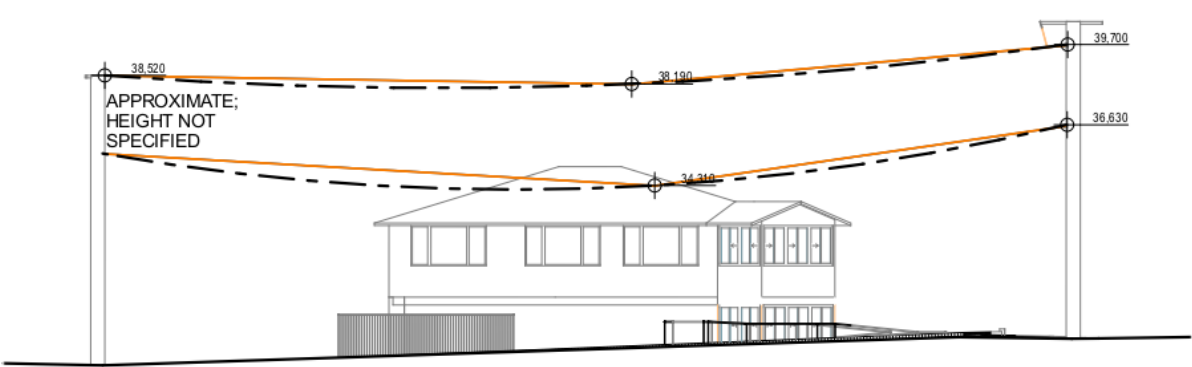
2 SECTION Y2
1:200 @ A3



3 SECTION Y3
1:200 @ A3



4 PROPOSED NORTH ELEVATION - POWERLINES
1:250 @ A3



5 PROPOSED EAST ELEVATION - POWERLINES
1:250 @ A3

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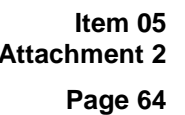
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Developer Charges - Estimate

Applicants Name: N A Lingaiah
 Property Address: 38 & 40 Watonga Street, Port Macquarie
 Lot & Dp: Lot(s):106 & 107, DP(s):31187
 Development: DA 2021/775 - Alterations and Additions to Medical Centre



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	0.171	\$10,692.00 Per ET	\$1,828.30
2 Sewerage Scheme Port Macquarie	0.171	\$4,056.00 Per ET	\$693.50
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 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 1,164,060	\$11,640.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$14,161.80

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:

26-Apr-2022

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

ingaiah, 38 & 40 Watonga Street, Port Macquarie, 26-Apr-2022.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06

Subject: DA2021 - 1238.1 CONTINUED USE OF A ROADSIDE STALL AT LOT 4
DP 557384, NO. 128 RAWDON ISLAND ROAD, SANCROX

Report Author: Development Assessment Officer (Planner), Benjamin Roberts

Applicant:	A J Davis
Owner:	S M and A J Davis
Estimated Cost:	\$100
Parcel no:	18309

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2021 - 1238.1 for continued use of a roadside stall at Lot 4, DP 557384, No. 128 Rawdon Island Road, Sancrox, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for continued use of a road side stall 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 application was originally made for markets and roadside stall on the site. The application has subsequently been amended throughout assessment and is now for the continued use of a roadside stall only.

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.

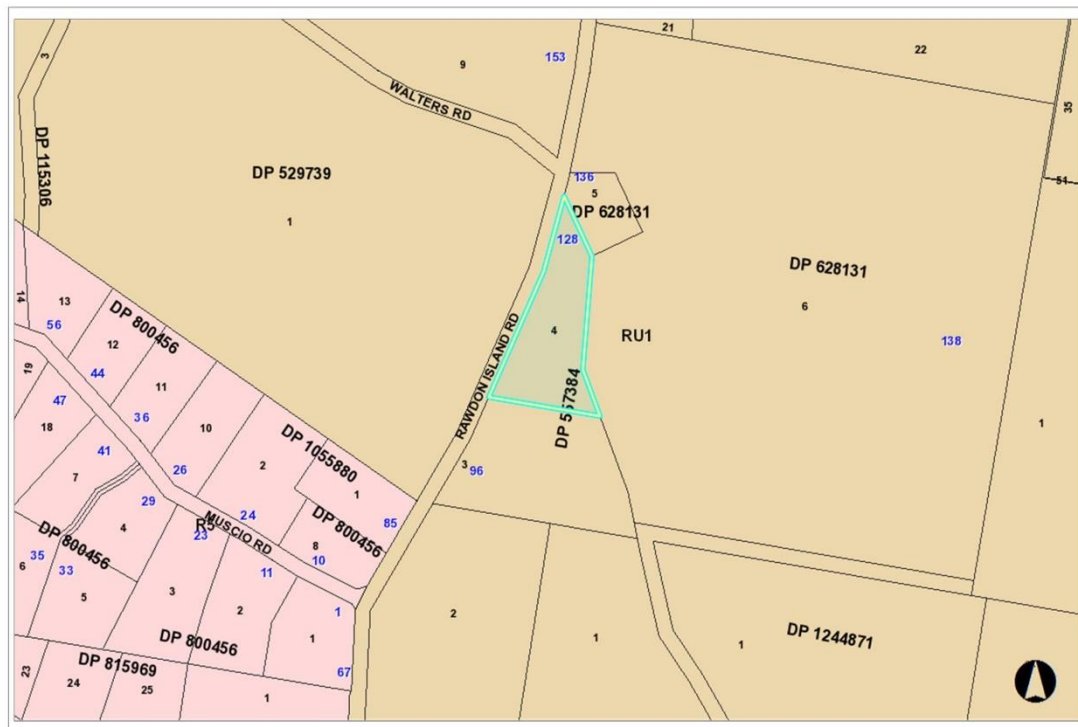
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. BACKGROUND

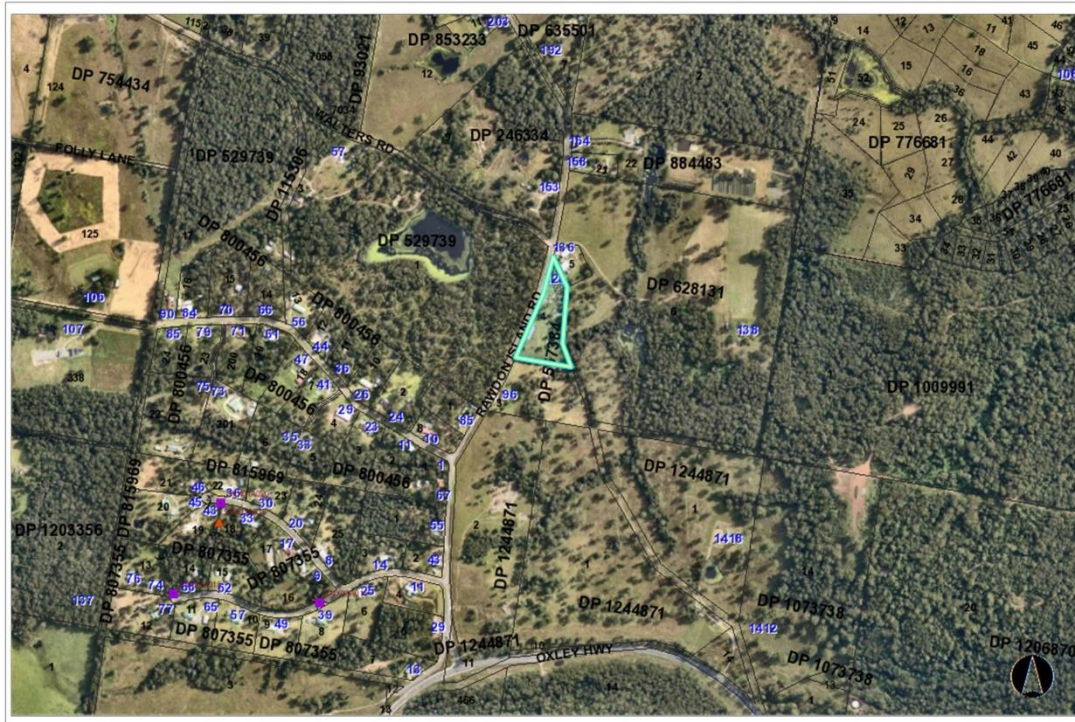
Existing Sites Features and Surrounding Development

The site has an area of 2.1 hectares.

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Continued use of a road side stall and sign associated with farming use on the property.

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

Application Chronology

- 7 January 2022 - Application lodged for markets and a roadside stall.
- 13 January 2022 - External referral to Essential Energy.
- 18 January to 1 February 2022 - Public exhibition via neighbour notification.
- 25 January 2022 - Essential Energy comment received.
- 16 February 2022 - Request for additional information to applicant.
- 25 February 2022 - Part additional information response from applicant with amended proposal and plans.
- 5 April 2022 - Land owner provided amended SOEE and plans for a road side stall only. Land owner is now applicant.
- 11 April 2022 - Request for additional information to applicant.
- 12 April 2022 - Additional information and amended plan provided.
- 14 April 2022 - Request for additional information to applicant.
- 19 April 2022 - Additional information and amended plan provided.

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

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

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

**State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 3 Koala Habitat Protection 2021**

Clause 3.3 - This SEPP applies to all zoned land within the Port Macquarie-Hastings Local Government Area.

Clause 3.5 - The property is over 1ha in size (including adjoining land in the same ownership) and does not have a KPOM in place.

Clause 3.6 - The Department of Planning and Environment Circular No. B35, Section 1.5 states that "In relation to affected development applications it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

**State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 4 Remediation of Land**

Clause 4.6 - 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 (Primary Production) 2021

Part 2.5 Division 4 - The proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

**State Environmental Planning Policy (Industry and Employment) 2021
Chapter 3 Advertising and Signage**

The proposed development includes continued use of one already erected sign in the form of business identification signage on the front fence. See photo below:



Clause 3.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clause 3.6 - The following assessment table provides an assessment checklist against the Schedule 5 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Schedule 5(1) Character of the area.	The area has a rural character. The signage is low key and compatible with this character.	Yes
Schedule 5(2) Special areas.	The location of the sign is considered to be compatible with the location.	Yes
Schedule 5(3) Views and vistas.	The sign does not affect any views or vistas.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The location and scale of the sign is appropriate to the streetscape setting.	Yes
Schedule 5(5) Site and building.	The sign is of a suitable scale consistent with the existing fencing and buildings on the site.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	Yes
Schedule 5(7) Illumination.	None proposed.	Yes
Schedule 5(8) Safety.	The sign is not expected to result in any adverse safety impact on vehicles, cyclists, or pedestrians.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - The application has been referred to Essential Energy in accordance with this clause. Essential Energy made the following comments in relation to the proposal:

“Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. Essential Energy’s records indicate that there is existing overhead powerlines located across the street frontage of the properties and also within the location of the proposed driveway:
 - a. Minimum safety clearance requirements are to be maintained at all times for the proposed driveway access and/or exit (concrete crossovers), as such driveway access will pass under Essential Energy’s existing overhead powerlines located at the front of the property. The driveway must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy’s policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
 - b. Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - c. Any excavation works in this area or works on the driveway must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Essential Energy also makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
3. In addition, Essential Energy’s records indicate there is electricity infrastructure located within the property and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”

There are no new driveway crossovers proposed under the amended proposal and no changes to the location of the existing crossovers servicing the dwelling and the 5 nominated off-street parking spaces.

The other general advice received from Essential Energy has been forwarded to the applicant for consideration.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned RU1 Primary Production.
- Clause 2.3(1) and the RU1 zone landuse table - The proposed development for a road side stall is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The development will encourage a primary production industry; and
 - The proposal will not fragment agricultural land.
- Clause 5.4 - The gross floor area of the road side stall is 9m² and below the maximum 20m² permitted.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development.

1.

(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 - 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.	One business identification sign is erected on the front fence. The sign does not identify products or services.	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.	The sign is on the front boundary fence and not within the road reserve.	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 , and should contain a sign written heading indicating the premises to which it refers.	None proposed.	N/A
	d) On-premise signs should not project above or to the side of building facades.	N/A	N/A
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.	No illumination of signage proposed.	N/A

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

DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			



PORT MACQUARIE
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24	a) Off-street Parking is provided in accordance with Table 3: - Roadside stalls 2.5 per stall (must be off street).	The continued use of one (1) road side stall is proposed. Five (5) off-street parking spaces are proposed in addition to the existing parking for the dwelling.	Yes
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	The off-street parking is proposed to be accessed via an existing driveway crossover.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	A condition has been recommended requiring erection of a sign that clearly indicates the location of the off-street parking.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: - 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 is located 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.	Adequate area exists to accommodate the 5 parking spaces that comply with AS2890.	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.	Adequate area exists to accommodate the 5 parking spaces that comply with AS2890.	Yes

30	<p>a) Bicycle and motorcycle parking shall be considered for all developments.</p> <p>b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.</p> <p>c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).</p>	Adequate area exists to accommodate bicycle and motorcycle parking.	Yes
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. 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>	Refer to comments below.	N/A
	<p>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.</p>	Traffic volumes for a roadside stall are expected to be quite low. Sealing of the parking areas is not considered warranted in this instance. Upgrading of the driveway to rural access standards is considered more important. Recommended conditions applied.	Yes
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</p>	Stormwater is capable of being managed onsite.	Yes

	table drains for any development other than that of a minor nature.		
--	---------------------------------------------------------------------	--	--

(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

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 site has a direct street frontage to Rawdon Island Road.

Adjoining the site to the north is a small rural allotment containing a dwelling house and ancillary structures.

Adjoining the site to the east is a larger rural allotment containing a dwelling.

Adjoining the site to the south is a smaller rural allotment containing a dwelling

Adjoining the site to the west is Rawdon Island Road and larger rural allotment beyond.

The proposal will not have any significant adverse impacts to existing adjoining properties or the public domain.

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

The proposal does not have an adverse impact on any views of significance.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate separation is proposed.

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.

Site Frontage and Access

Vehicle access to the site and car parking area is proposed through an existing driveway near the dwelling. Refer to site photo below:



The existing access is currently not in accordance with Council's current standards and is required to be upgraded as part of this development. Consent conditions have been recommended to reflect these requirements.

Parking and Manoeuvring

A total of five (5) parking spaces are proposed on-site as part of the development. Site plans show near the vicinity of the existing driveway hardstand area that space is available for the required parking numbers and conditions have been recommended for car parking to be provided in accordance with Australian Standards (AS 2890).

Water Supply Connection

No change to existing water supply arrangements proposed or required.

Sewer Connection

The site is not connected to reticulated sewer. There is no change to the existing onsite sewage management arrangements proposed or required.

Stormwater

The proposal is for the continued use of 3m x 3m pop up gazebo. No specific stormwater requirements proposed or required.

Other Utilities

No change to existing telecommunication and electricity services to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The proposal 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.

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.

Energy

No adverse impacts anticipated.

Noise

The proposed operating hours of 9am to 4pm Wednesdays to Sundays are reasonable and will not result in any significant adverse noise impacts. The nature of the use is restricted in size and located close to an existing road.

Bushfire

The site is identified as being bushfire prone. No residential or special fire protection purpose is proposed and no increased bushfire risk would result from the proposed development.

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. Adequate casual surveillance is available.

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 lead to flow on 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

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
Events and activities continue on regular occasions despite no approvals and refusal of previous applications.	The application has been amended to be for the continued use of a roadside stall only. Use of the land without approval will be a compliance matter.
Cars all park on the side of Rawdon Island Road and manoeuvre dangerously into and out of the road which is a traffic and safety issue.	The amended proposal incorporates 5 off-street parking spaces. Conditions have been recommended requiring the existing access to this parking area be upgraded.
The plans show event areas yet the application is for markets and roadside stall. The site contains a playground and runs music events and coffee sales.	The application and plans have been amended to be for the continued use of the roadside stall only. Use of the land for any other purpose without approval will be a compliance matter.
Signage is too close to the road.	One sign is proposed under the amended proposal. It is located on the front fence which is considered acceptable.

(e) The Public Interest

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

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:
 - No extra residential development is proposed.
 - No increase demand on the water supply network will result.
 - The site is not connected to the sewer supply network.





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.

The application has been amended in response to issues raised throughout the assessment process. Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application and 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   DA2021 - 1238.1 Recommended Conditions
- 2   DA2021 - 1238.1 Plan

DRAFT CONSENT CONDITIONS**NOTE: THESE ARE DRAFT ONLY****DA NO: 2021/1238****DATE: 22/04/2022****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the relevant prescribed conditions in Part 4 - Division 2 of the Environmental Planning & Assessment Regulation 2021.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	128 Rawdon Island Road, Sancrox	Amy Davis	23 March 2022
Site Plan as stamped	No reference	No author	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) (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.
- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via appropriate receptacles into separate waste streams;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm

- No work to be carried out on Sunday or public holidays

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

- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (6) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (7) (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 within 30 days of this consent.
Such works include, but not be limited to:
 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Footway and gutter crossing
 - Functional vehicular access
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) This consent only provides for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property.
- (10) The existing driveway access to serve the parking area shall be upgraded to comply with PMHC Standard Drawing - Rural Driveway Construction Details - ASD 214. An application to undertake the work shall be made to Port Macquarie-Hastings Council within thirty (30) days from the date of this consent.
- (11) (B003) 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. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 214, Port Macquarie-Hastings Council current version.
- (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

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.

D – DURING WORK

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

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F025) Hours of operation of the development are restricted to the following hours:
 - 9am to 4pm – Wednesdays to Sundays
- (3) (E031) Provision of a sign at the front vehicular access point within the property shall be erected within thirty (30) days from the date of this consent, indicating that customer parking is available on-site.
- (4) Within sixty (60) days from the date of this consent documentation shall be obtained from Port Macquarie-Hastings Council being the local roads authority certifying that the existing driveway access to serve the parking area has been upgraded and that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.



Item: 07**Subject: DA2021 - 1190.1 CHANGE OF USE TO MEDICAL CENTRE AND
CONSTRUCTION OF ASSOCIATED CARPARK AT LOT 8 DP 264025,
2 SIREN ROAD, PORT MACQUARIE****Report Author: Development Assessment Planner, Clint Tink**

Applicant:	Manveer Asha Investments Pty Ltd
Owner:	Manveer Asha Investments Pty Ltd
Estimated Cost:	\$115,000
Parcel no:	6452

Alignment with Delivery Program

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

RECOMMENDATION

That DA2021 - 1190.1 for a change of use - dwelling to medical centre at Lot 8 DP 264025, No. 2 Siren Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a change of use from a dwelling to a medical centre 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, 16 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 overall 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.

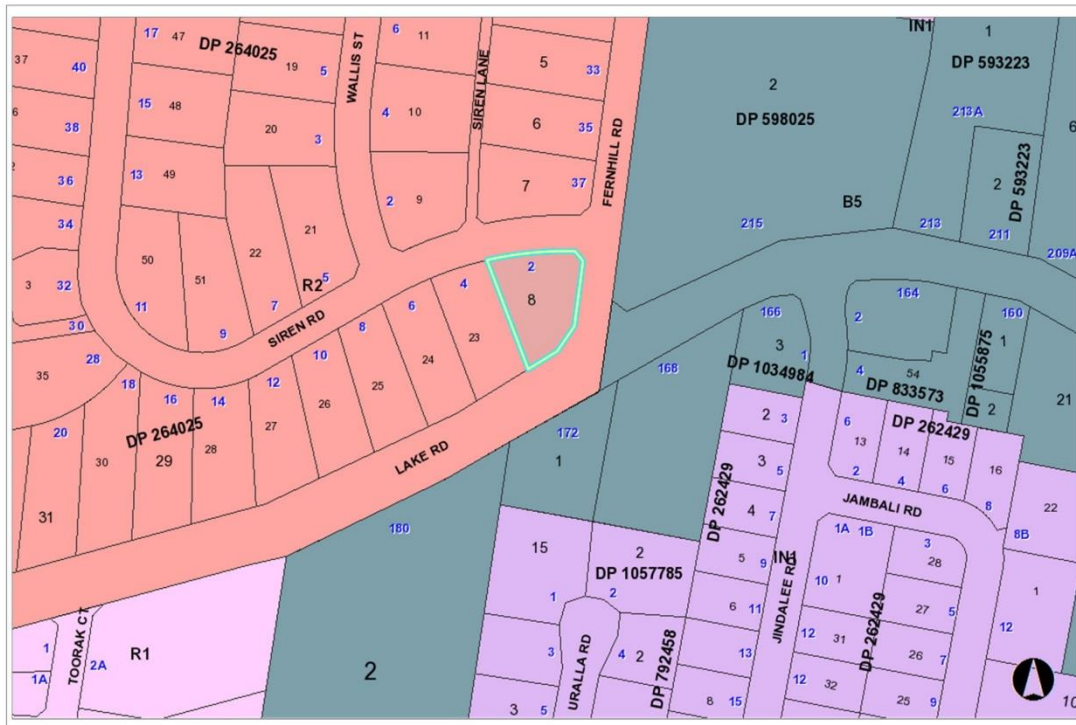
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 2080m² and is occupied by an established dwelling.

The site is zoned R2 Low Density 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:

- Change of use from dwelling to medical centre.
- Alterations to the existing dwelling/building with the majority being internal.
- Construction of a new crossover driveway and car park.
- Removal of two (2) street trees for sight distance safety and footpath construction requirements.

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

Application Chronology

- 17/12/2021 - Application lodged.
- 12-25/1/2022 - Neighbour notification period. Submissions were received during the notification period.
- 25/1/2022 - Council staff requested additional information.
- 26-27/1/2022 - Discussion between Council staff and the applicant on the request for additional information.
- 27/1/2022 - Redacted submissions provided to the applicant.
- 7-8/2/2022 - Council staff responded to an email request/update from objector.
- 9/2/2022 - Discussion between Council staff and the applicant on the traffic assessment, amended plans and re-notification.
- 15-28/2/2022 - Application re-notified with amended plans and traffic assessment.

- 14-15/2/2022 - Council staff responded to an email request from objector.
- 16/2/2022 - Council staff requested additional information.
- 9/3/2022 - Redacted submissions from the re-notification provided to the applicant.
- 16/3/2022 - Applicant provided Council with responses to issues raised in the submissions and also a response to the request for additional information.
- 23&28/3/2022 - Council staff responded to an email request/update from objector.
- 11/4/2022 - Update to applicant.

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

It should be noted that a number of State Environmental Planning Policies (SEPPs) were consolidated on the 1 March 2022. The same provisions were transferred from the old SEPPs and inserted into the newly titled SEPPs with revised clause numbers etc.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 4 Koala Habitat Protection 2021

Clause 4.4 - This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area. The property is zoned R2 Low Density Residential, a non-rural zone, so the SEPP applies.

Clause 4.10 - Having considered the SEPP, the application and on completion of a site inspection, Council is not prevented from granting consent in this case for the following reasons:

1. The property is not subject to a Koala Plan of Management (KPOM).
2. The property is less than 1ha.
3. The site not considered to be core koala habitat.
4. Tree removal is minimal (ie two (2) street trees) and does not involve Koala feed species. Tree removal is also to be offset by replacement plantings onsite that will comprise actual Koala feed trees and be located away from the road to avoid road strike conflict.

State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and Signage

The development includes proposed signage in the form of a business identification sign at the front car park entry. The sign will be located on a small freestanding wall measuring 2m x 1m, with the actual sign component occupying a 0.5m x 1.8m area. The signage is considered to be consistent with the aims and objectives of the SEPP.

In terms of Clause 3.6, the following assessment table provides an assessment checklist against the Schedule 5 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Schedule 5(1) Character of the area.	<p>The area is predominately characterised by low density residential uses with limited examples of signage in the street. However, there is a similar sign at 14 Siren Road, which was erected as part of a recent medical centre approval.</p> <p>In this case, the sign is considered to be modest in size. The sign will also not be illuminated and is to be located on a wall that is consistent with a front fence design. It is also noted that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows walls signs up to 2.5m² without consent in a residential zone and the subject sign is only 0.9m².</p> <p>Based on the above, the signage is considered acceptable and will not adversely impact on the character of the area.</p>	Yes
Schedule 5(2) Special areas.	The site is located in a residential area and does not contain any special area components that would be impacted upon by the signage.	Yes
Schedule 5(3) Views and vistas.	The location and scale of the signage will not adversely impact on any views or vistas.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The scale of the signage is appropriate for the site and does not adversely impact on the streetscape. The signage does not protrude above the building and landscaping has been utilised to soften the appearance.	Yes
Schedule 5(5) Site and building.	The scale of the signage is appropriate to the building.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 5(7) Illumination.	Signage will not be illuminated.	N/A

Schedule 5(8) Safety.	The signage is not expected to adversely affect vehicular, cyclist or pedestrian safety.	Yes
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State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 - 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 (Transport and Infrastructure) 2021

Clause 2.48 - Referral to Essential Energy is 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.

Essential Energy have no specific concerns regarding the development, but have provided some general advice. The advice received from Essential Energy has been forwarded the Applicant for consideration.

Clause 2.60 - The subject clause allows health service facilities (includes medical centres) with consent in the R2 Low Density Residential, being a prescribed zone. This is a State provision and overrides Council's Local Environmental Plan.

State Environmental Planning Policy (Primary Production) 2021

Part 2.5 Division 4 - The proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area. In particular, the site is well clear of the Hastings River.

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 R2 Low Density Residential. In accordance with Clause 2.3(1) and the R2 zone landuse table, a medical centre is normally a prohibited use. However, State Environmental Planning Policy (Transport and Infrastructure) 2021 permits medical centres in the R2 zone under Clause 2.60, which overrides the LEP.
The objectives of the R2 zone are as follows:
 - *To provide for the housing needs of the community within a low density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.*
 - Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is permissible under State legislation, which overrides Local provisions (ie the LEP).
 - The proposal provides a medical service to meet the day to day needs of residents.
 - The proposal does not increase the density of the existing development on the site.
- Clause 2.7 - Some of the internal demolition work requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3 - The maximum overall height of the existing building above ground level (existing) remains unchanged at approx. 4m, which complies with the standard height limit of 8.5m applying to the site.
- Clause 5.3 - Development near zone boundaries provision not utilised or applicable. The development is permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance. The site is also disturbed from the existing residential use.
- 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 relevant 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 - 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.	The proposed sign identifies the business name.	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	No signage is proposed outside the property boundaries.	Yes

	approved by Council under the Roads Act 1993 or section 68 of the Local Government Act 1993.		
	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 , and should contain a sign written heading indicating the premises to which it refers.	This type of signage is not proposed.	N/A
	d) On-premise signs should not project above or to the side of building facades	No on premise building signs proposed.	N/A
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.	No illumination of signage proposed.	N/A
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 site contains suitable area onsite to manage waste storage and collection.	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).	Other than some minor cut for the new car park, no substantial cut or fill proposed.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	No retaining walls over 1m 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; – 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 fence combinations exceeding 1.8m proposed.	Yes
Environmental Management Areas and Buffers			
7	a) For coastal floodplain endangered ecological communities (EEC) a minimum, fully vegetated buffer of 35m must be provided.	Relevant EEC does not exist onsite or within 35m.	N/A
	b) For Freshwater Wetland on Coastal Floodplain endangered ecological community a fully vegetated buffer of 100m is to be provided.	Relevant EEC does not exist onsite or within 100m.	N/A
	c) For all other endangered ecological communities, a fully vegetated buffer of 50m must be provided.	No EEC exist within 35m.	N/A
	d) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.	Buffer provisions not triggered so clause does not apply.	N/A
	e) Fully vegetated buffers cannot contain road	Buffer provisions not triggered so clause does not apply.	N/A

	infrastructure or an asset protection zone.		
	f) Where different buffers (including riparian buffers) apply to an area, the greater of the buffer widths applies.	Buffer provisions not triggered so clause does not apply.	N/A
8	a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.	The removal of the two (2) street trees will require offsetting within the subject property. Offsetting the trees with more specific koala feed species, away from the road is considered a better outcome.	Yes
	b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.	Refer to comment on Clause 8 above.	Yes
	c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.	VMP requirement is not triggered for replacing two (2) street trees. Standard conditions can cover the process.	Yes
	d) VMPs are required to address Council's VMP "Heads of Consideration"	Refer to comment on Clause 8(c) above.	Yes
9	a) A minimum, fully vegetated buffer from the top of bank to both sides of a watercourse is to be provided in accordance with the following: <ul style="list-style-type: none"> – 10m for 1st order streams that flow intermittently. – 30m for 1st order streams that flow permanently. – 40m for 2nd order streams. – 50m for 3rd order streams. – 65m for 4th order streams. 	The site is not located near a watercourse.	N/A
	b) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and	Buffer provisions not triggered.	N/A

	where it is adequately demonstrated that the applicable objectives are achieved.		
	c) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.	Buffer provisions not triggered.	N/A
Tree Management - Land to which State Environmental Planning Policy SEPP (Vegetation in Non-Rural Areas) 2017 Applies			
10	a) Prescribed vegetation for the purposes of the SEPP (Vegetation in Non-Rural Areas) 2017 is any tree identified in Table 1 or is a mangrove or cycad and is: <ul style="list-style-type: none"> – 3 metres or higher in height, or – has a trunk diameter of 100mm measured at 1.0metre above ground level; or – a hollow bearing tree 	Trees to be removed are not prescribed within the DCP.	N/A
	b) The above criteria does not apply to a tree where the nearside trunk is 3 metres from the nearest external wall of an existing, permanent dwelling or manufactured home and is located within the same property. Such trees may be removed without a permit or development consent. This Provision does not apply to areas mapped as Core Koala Habitat under the LEP. A permit will be required in these instances.	Trees to be removed are not prescribed within the DCP.	N/A
Tree Management – Private Land			
11	a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.	No significant vegetation removal proposed within the site.	N/A
	b) An application for the removal of a tree listed in Table 1 must be accompanied by an Arborist's report stating that the tree: <ul style="list-style-type: none"> – is dangerous; or 	No vegetation listed within Table 1 of the DCP to be removed.	N/A

	<ul style="list-style-type: none"> – is dying and remedial pruning would not improve the deteriorated condition of the tree; or – has a history of branch fall (documented or photographic evidence to be provided); or – is structurally unsound or; diseased. – Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff. – The requirement for an arborist report for tree removal associated with a development application will be determined on merit by Council's Development Assessment. 		
	<p>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.</p>	No vegetation listed within Table 1 of the DCP to be removed.	N/A
	<p>d) Removal of dead branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:</p> <ul style="list-style-type: none"> – Does not alter the canopy of the tree, and – Does not destroy the aesthetic appearance of the tree canopy; and 	No significant vegetation removal proposed within the site.	N/A

	<ul style="list-style-type: none"> Does not alter the growth structure of the tree, and Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees. 		
	e) The pruning of large garden shrubs in excess of 3 metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.	Provisions noted.	Yes
	f) Where a development is proposed adjoining Council controlled land, the plans must identify all trees that fall within 6.0m of the property boundary and any trees proposed to be removed, identified on that plan.	Applicant has shown relevant trees within 6m of the property and that will need to be removed to achieve safe sight distances.	Yes
	g) Any pruning or removal of any tree on private land must be undertaken in accordance with Council's tree management specifications.	No significant vegetation removal proposed within the site.	N/A
	<p>h) A tree removal permit can be sought for tree removal associated with a Complying Development Certificate (CDC), subject to the tree removal meeting the following criteria:</p> <ul style="list-style-type: none"> Must be associated with CDC and removal must not occur until CDC issued. Application must identify and locate all trees within proximity to the development. No more than 3 trees over 6m in height to be removed. Trees taken to be impacted on by the development are to be determined in accordance with AS 4970 - Protection of trees on development sites (i.e 12 x DBH tree protection zone required for those trees to be retained). 	Development is not a CDC.	N/A

	<ul style="list-style-type: none"> – Must not involve removal of hollow bearing trees. – The removal of any koala browse tree species are to be replaced at a ratio of 2:1 on site or at a secure off site location agreed to by Council. Any on site replanting is to have regard for services and buildings and is to be agreed to by Council. 		
Tree Management – Public Land			
12	<p>a) Trees on public land shall not be pruned or removed unless:</p> <ul style="list-style-type: none"> – Written consent is provided by Council; and – They are dead, dying, diseased or dangerous, or – They are causing damage to infrastructure on public land, or – They are impacting on pedestrian or traffic conditions; or – They are interfering with services on private property; or – They impact on the outlook from historic sites or significant public viewing areas, or – The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or 	<p>Two (2) trees will need to be removed from within the road reserve to achieve safe sight distances.</p> <p>The trees are not listed within Table 1 of the DCP or considered to be Koala feed species. To offset the removal of the trees, a condition will be imposed on the DA requiring two (2) replacement koala feed species within the site. This will have benefits of providing a more appropriate species for koala habitat in the long term and locating the trees away from the road (ie rather than direct koalas towards/along the road and potential car strike, koalas will be able to utilise private land for refuge).</p>	Yes
	b) The trees require removal to fulfil the requirements of section 100C of the Rural Fires Act 1997, as determined by the General Manager or his delegates.	Tree removal not required for bushfire protection.	N/A
	c) Where a tree removal on public land is approved, the removal is to be supervised by the Director of Infrastructure Services or their delegate and undertaken in	Conditions will cover this process.	Yes

	accordance with Council's tree management specifications.		
	d) A tree removed on public land is to be replaced by an approved species in a suitable location as determined by the Director of Infrastructure Services or his delegate.	Refer to comment on 12(a).	Yes
	e) Council will not consider the pruning or removal of trees where the intent is to enhance the views of or from private property.	No view improvements are achieved by removing the trees.	Yes
	f) Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not permitted. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council.	Provision not triggered or being utilised.	N/A
	g) Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report.	Provision not triggered or being utilised.	N/A
	h) Council has no statutory obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land.	Provision not triggered or being utilised.	N/A
	i) Any pruning, removal or treatment of any tree on public land must be undertaken in accordance with Council's tree management specifications.	Conditions will cover this process.	Yes
	j) Council, or contractors working on behalf of Council are exempt from requiring an approval to remove or kill non-native or non-indigenous native trees from public bushland reserves.	Provision not triggered or being utilised.	N/A

Tree Management - Hollow Bearing Trees			
13&14	Hollow bearing tree provisions.	No hollow bearing trees being removed.	N/A

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 desirable traffic speed, and other factors.	Access is proposed to a local road (Siren Road).	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	No such access points exist.	N/A
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	A single driveway of a suitable width is proposed. Driveway has been located as far as possible from the Fernhill Road intersection.	Yes
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3. Medical centres require 3 spaces per consultant and 1 per 2 employees.	The applicant proposes 2 consultants and 2 support staff. This triggers the need for a minimum of 7 spaces. The application provides a car park comprising 8 spaces, which includes a disabled space.	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.	Provision not utilised. Applicant has provided compliant parking numbers.	Yes
26 & 27	a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that: <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – 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. 	No on street parking proposed.	N/A
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	The car park is located at the front of the property and easily visible/accessible from Siren Road.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	Suitable line marking shown on the plans to assist customers negate the site.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:	Parking is located forward of the dwelling, which is a common and acceptable outcome for medical centres in residential areas. Key	Yes

	<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. 	to the design is the use of landscaping to screen/landscape the parking area.	
	d) Parking design and layout is provided in accordance with 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.	Parking layout has been reviewed by Council's Engineering Section and deemed compliant with the relevant standards.	Yes
	e) Stack or tandem parking spaces will not be included in assessment of parking provision except where: <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. 	No stack or tandem spaces proposed.	N/A
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 has been reviewed by Council's Engineering Section and deemed compliant with the relevant standards.	Yes

30	a) Bicycle and motorcycle parking shall be considered for all developments.	Car spaces can be used to accommodate motorcycles and there is suitable area onsite to park bicycles.	Yes
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	Refer to comment on 30(a).	Yes
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	Refer to comment on 30(a).	Yes
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	Suitable landscaping areas have been nominated.	Yes
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	Suitable landscaping areas have been nominated.	Yes
	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	A variety of landscape beds both less than and greater than 3m proposed. On balance, the garden beds provide a suitable landscaping outcome that achieves compliance with the DCP objectives. In particular, the parking areas are visually pleasing whilst still being accessible. The landscaping also provides shade and a buffer to the road.	No - minor variations acceptable for limited length of frontage.
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.	No plantings proposed on public land.	N/A
	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's	Conditions will cover implementation of landscaping.	Yes

	AUS-SPEC design specifications.		
	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>	Conditions will cover the car park etc being constructed as a sealed surface.	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.	Provision not relevant. Sealed surface required.	N/A
	Drainage		
36	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	The stormwater requirements for the development have been reviewed by Council's Engineering Section and considered capable of complying.	Yes
	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.	The stormwater requirements for the development have been reviewed by Council's Engineering Section and considered capable of complying.	Yes
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	The stormwater requirements for the development have been reviewed by Council's	Yes

		Engineering Section and considered acceptable.	
	Loading Bays		
38	Commercial type development having a floor space less than 500m ² need not provide a loading bay.	The proposal has a floor area less than 500m ² so a loading bay is not required.	Yes
Traffic Generating Development			
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	Development does not trigger traffic generating development thresholds in the SEPP.	Yes

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.	The development triggers the need for a social impact comment under the Policy. The applicant has provided a comment on social impact in the application. Overall, the development will have a positive benefit by providing ongoing employment of local health care professionals and staff as well as Podiatry services to the local community.	Yes
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; 	The proposed development will be unlikely to create any adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security	Yes

	<ul style="list-style-type: none"> – 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>in the immediate area. The development will also provide a level of natural surveillance within the locality.</p> <p>Lighting and CCTV can be installed retrospectively by the owner, should they wish to have further security in the future.</p>	
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(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

None relevant.

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

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

Fire Safety and other considerations – Clause 93

This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building. In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use. Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with the relevant fire safety provisions as are applicable to the building's proposed use.

Having considered the above, the proposal involves internal alterations so the clause does not apply.

Consent authority may require buildings to be upgraded – Clause 94

This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:

- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.

(c) (Repealed)

In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

In this case, it is considered that the building work comprises less than half of the building. Nonetheless, given the nature of the use (medical centre) fire safety provisions will be conditioned/form part of the Construction Certificate requirements.

(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 aspect with street frontage to Siren Road, Fernhill Road and Lake Road.

Adjoining the site to the north and west are low density residential uses typically comprising single dwellings. A recently built medical centre is located at 14 Siren Road.

Adjoining the site to the south and east (across roads) are bulky goods and industrial type uses.

The proposal will not have any significant adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. In particular, the site is located at the entry to the residential estate (typically visitors to the medical centre will not have to drive through the estate) and is of low scale.

The proposal is also considered to be compatible with other non-residential development in the locality and adequately addresses planning controls for the area. Existing fencing and new landscaping will further ensure no adverse privacy impacts. Adequate building separation is proposed/existing.

There are no significant adverse overshadowing impacts noting there is no change to the existing building.

Traffic and Transport

The site has road frontage to Siren Road to the north, Fernhill Road to the east, and Lake Road to the south, all being sealed public roads under the care and control of Council. From a traffic hierarchy perspective, Siren Road is a local street, Fernhill Road is collector road, and Lake Road is a sub arterial road. The application proposes access via the Siren Road frontage being the lowest order road, which is considered acceptable.

The application includes a Traffic Impact & Carparking Assessment (TIA) from StreetWise Road Safety & Traffic Services Pty Ltd dated 8th December 2021. The recommendations of the assessment are as follows:

- The assessment has determined that Siren Road and the local road network has the capacity to cater for the future traffic volumes generated by the proposed development, with regard to safety, efficiency and with minimal impacts. The proposed access and proposed car parking layout also complies with Council' requirements.

- So the minimum stopping sight distance can be attained towards Fernhill Road, two (2) street trees are to be removed as part of the development construction.

The TIA estimates that the development would generate between 42 - 84 trips per day, with a peak hour traffic generation of 12 trips in and out. The TIA assess the existing Siren Road / Fernhill Road intersection 10 years into the future by applying a nominal 1.5% growth rate. This assessment concludes that the recently upgraded CHR(s) treatment at the Siren Road / Fernhill Road intersection will adequately cater for the additional traffic associated with this development.

Whilst there will be an increase in traffic associated with this development at this location, the increase has been assessed to not have any significant adverse impacts in terms access, transport and traffic at the locality of the site.

Site Frontage and Access

Adjacent to the site, Siren Road has an approximate 8m sealed carriageway with SE kerb and gutter throughout. Vehicle access to the site is proposed via a new 6m wide driveway from Siren Road. The development proposes the access location as far west along the Siren Road frontage as is practicable and this is considered the most suitable option. The access shall comply with Council's AUSPEC and Australian Standards and conditions have been recommended to reflect these requirements.

Due to the type and size of development, additional works are required to include:

- A condition is recommended requiring construction of a new pedestrian footpath minimum width of 1.2m along the full Siren Road frontage of the development site.

Parking and Manoeuvring

A total eight (8) parking spaces (including one (1) disabled space) have been provided on-site. 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's Water and Sewer Section have reviewed the application and confirmed that reticulated water is available to the site and able to cater for the development.

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

Appropriate conditions are recommended in this regard.

Sewer Connection

Council's Water and Sewer Section have reviewed the application and confirmed that reticulated sewer is available to the site and able to cater for the development.

Detailed plans will be required to be submitted for assessment with the Section 68 application, including any trade waste requirements.

Appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the south/south-east, being the rear street frontage of Lake Road and is currently un-serviced.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline network within the public road reserve. Stormwater from the proposed development is planned to be disposed via this existing public network, which is consistent with the above requirement.

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

In accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Refer to comments on heritage in the LEP section of this report.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant native vegetation/does not trigger the thresholds and is also not located within a mapped Biodiversity Values area. The site is also disturbed from past activities onsite and unlikely to contain or impact on any threatened species. Development is considered to be compliant with the Biodiversity Conservation Act 2016.

Waste

Satisfactory arrangements are either in place or will be conditioned to cover the proposed storage and collection of waste, medical 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 Section J of the National Construction Code. No adverse impacts anticipated.

Noise and vibration

The proposed hours of operation are essentially 8:30am to 4:30pm Monday to Friday.

The application was reviewed by Council's Environmental Health Officer. Overall, the construction and operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. In particular, the hours of operation are conservative and the use is not one that generates adverse noise. Standard precautionary site management and operational conditions 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 adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The development will also provide a level of natural surveillance within the locality.

Lighting and CCTV can be installed retrospectively by the owner, should they wish to have further security in the future.

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 and health services industries, 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.

Concern has been raised in the submissions of the cumulative impact of further medical centre change of use applications within Siren Road. At this point, there have only been two (2) known medical centre applications in Siren Road and neither have triggered any adverse cumulative impact that hasn't been able to be addressed via conditions. Furthermore, it is not uncommon to see medical centres located within residential areas and State legislation specifically allows it. Nonetheless, the issue will need to be monitored, should further applications be submitted.

(c) The suitability of the site for the development

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

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

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

Sixteen (16) people/groups provided written submissions following public exhibition of the application. It should be noted that due to the two (2) notification periods, some submitters put in multiple submissions. Furthermore, some households provided submissions from individual occupants. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Council did not notify all residents of Siren Road/Wallis Street.	The extent of the notification area was consistent with the requirements of Council's Community Participation Plan.
Concerns with the process and reporting to DAP. Concern submissions will not be considered or community heard by DAP.	Issues raised in submissions are addressed in this table. In addition, this report, the submissions, the application documents etc are to be considered by DAP when making their decision.
Take up/occupation of residential homes by medical uses.	Supply and demand pressures around whether to use a site for housing over medical centres and associated site selection is often a commercial decision made by the owner/developer. When the property is placed on the market, it could have been purchased the property and used it for residential purposes if the purchaser thought that was best for them. Likewise, the use could be converted back to residential in the future should the owner or purchaser wish to do so. Overall, a person is unlikely to

Submission Issue/Summary	Planning Comment/Response
	<p>establish or relocate a medical centre unless there is a genuine need for such a service or the change is required to make it more viable.</p> <p>Given State legislation also allows medical centres within residential zones, the issue of housing supply/affordability versus medical centre location becomes a broader issue than this DA. In this case, Council's role is more around the permissibility, suitability etc of the specific development, which is addressed throughout this assessment report.</p> <p>Furthermore, like housing, the provision/retention of medical facilities to a community is also considered to be within the public's interest.</p>
<p>Development will impact on the amenity of the street/area. Loss of amenity.</p>	<p>The development will create no significant adverse impact on the amenity of the area. In particular, the medical centre is small in scale and retains a dwelling appearance.</p> <p>The number of consultants and hours of operation are also limited.</p> <p>It is further noted that the development is positioned at the entry to the estate, which will limit interactions between visitors of the medical centre and surrounding residential occupants. In particular, vehicles do not have to drive to the end of the estate to get to the medical centre.</p>
<p>The development will compromise the streetscape, environmental, scenic and landscape qualities of the estate.</p> <p>Medical centre is out of character with the estate and will be visually prominent.</p>	<p>Whilst the proposal is not the same residential use as the majority of the estate, the building appearance remains relatively unchanged and consistent with the built form, setbacks, height etc of other dwellings throughout the estate. There is a front car park proposed but it will largely be landscaped to soften the appearance and set lower than the street level.</p> <p>In addition, the medical centre is also located at the corner of Siren Road, Fernhill Road and Lake Road. Across Fernhill Road and Lake Road are large</p>

Submission Issue/Summary	Planning Comment/Response
	<p>scale commercial/industrial uses.</p> <p>Two (2) street trees are noted as requiring removal but these will be offset by more appropriate species in a better location within the property. It is further noted that there are also other properties within Siren Road that do not have street trees along their frontage.</p>
<p>The development does not meet the 20m distance between the R2 zone and B5 zone as per LEP 2011.</p>	<p>The 20m measurement referred to in the submissions relates to Clause 5.3 of the LEP 2011.</p> <p>Clause 5.3 is a flexible zone provision. Essentially, the clause is used when you have a property that is located on the edge of a particular zone and the applicant wants to apply to do a development that is permitted with consent in the adjoining zone but prohibited on the subject property. An example would be a property that is zoned residential and adjoins a commercial zone. An applicant could apply to do a normally prohibited commercial type development in the residential zone using Clause 5.3. As per Clause 5.3, there are limits on how much of the property can be applied for to have the prohibited use (ie 20m) and the application still needs to go through an assessment process to determine whether the use of the Clause and proposed development are appropriate.</p> <p>In terms of DA2021 - 1190 at 2 Siren Road, Clause 5.3 has not been used nor is it required to be used. In particular, health service facilities/medical centres are permissible with consent in the R2 zone under State legislation. As per above, Clause 5.3 is only used when the proposed use is prohibited.</p>
<p>Increased traffic impacts.</p> <p>Pedestrian and vehicle traffic impacts/conflict points and associated loss of safety. For example, the multiple entry and exit points in close proximity to the site. Location of the bus stop on</p>	<p>The applicant has submitted a traffic impact assessment, which was reviewed by Council Engineering staff. Overall, the assessment and review by Council staff concluded that the development is acceptable on traffic, road design, safety grounds etc</p>

Submission Issue/Summary	Planning Comment/Response
<p>Fernhill Road.</p> <p>Existing non compliances/problems around the road designs in the area should not be ignored and result in the DA being refused.</p> <p>Left turn in off Fernhill Road would be required.</p>	<p>subject to removal of the two (2) street trees for sight distance purposes.</p>
<p>Will there be any trade practices or substantial deliveries/delivery vehicles?</p>	<p>No major trade practices or deliveries proposed. Site contains suitable parking for minor deliveries and their associated vehicles to occur.</p>
<p>Currently there are No Standing Signs just in from the T-intersection of Siren Road. To move these would send the parking/safety issue further up.</p> <p>People who can't park within the site will be forced to park in front of neighbouring properties.</p> <p>No parking signs should be installed within the street.</p>	<p>The No Standing Signs will not be moved.</p> <p>A compliant number of parking spaces are proposed with an easy identifiable entry point and signage to assist people locate and enter the site. Parking onsite will also be more convenient than parking on the street. This will minimise people looking to use on street parking.</p>
<p>Absence of Traffic Assessment and Counts provided with the DA for public display.</p>	<p>The Traffic Impact Assessment was not included in the original notification. This was corrected and the application renotified.</p> <p>The Traffic Impact Assessment was reviewed by Council staff and considered acceptable.</p>
<p>Absence of noise impact assessment.</p> <p>Traffic noise impacts.</p> <p>Hours of operation should be restricted.</p>	<p>Council staff, including an Environmental Health Officer, reviewed the type of development proposed and considered that a noise impact assessment was not required in this case. In particular, the type of use is not one that typically generates offensive noise and the hours of operation were relatively conservative.</p> <p>Furthermore, the development and surrounding neighbours either have frontage to or are in close proximity to Fernhill Road and Lake Road. Both these roads (especially Lake Road) have significant traffic volumes and vehicle types/trucks that would generate noise impacts above the development.</p> <p>Standard conditions on offensive noise</p>

Submission Issue/Summary	Planning Comment/Response
	will also be applied to the consent.
Absence of carpark manoeuvrability report.	Council Engineering staff have reviewed the parking layout plan and determined it to be compliant.
Lack of car parking and compliance. Overflow parking will occur on Siren Road and create further blockages and a traffic hazard. Why hasn't the backyard been used for parking?	The number of parking spaces proposed exceed Council requirements - refer to comments on parking in the DCP 2013 assessment table within this report. As a result, there is no need to utilise the backyard for parking and on street parking/blockages will be minimal. Road design and traffic impacts are also addressed previously in this submissions table.
Absence of environmental study. Koala corridor being overlooked.	The development does not involve the removal of any Koala feed trees or substantial vegetation onsite. Two (2) street trees are being removed to address sight distance requirements. These trees are proposed to be offset with koala feed trees within the sight. These replacement plantings along with the proposed landscaping will improve the environmental outcomes for the area by directing koalas and other fauna away from the road and road strike issues.
Absence of soil testing.	Council records and the nature of the current dwelling use, do not trigger the need for specific soil testing for contamination. Furthermore, there are no sensitive uses proposed and majority of works are associated with a sealed car parking area.
Object to signage being placed on the brick wall at the entry to the estate.	Signage is no longer proposed on the brick wall at the entry to the estate.
Removal of trees does not comply with the Koala Plan of Management.	There is no Koala Plan of Management applicable to the site.
Will Council allow tree removal? Trees should not be removed due to fauna and amenity impacts. Removing trees is not a solution to poor site selection/planning.	Yes, two (2) street trees will need to be removed to create safe sight distances. However, these are to be offset with two (2) koala feed trees within the site, which is considered a better long term outcome. In particular, the replacement plantings along with the proposed landscaping will improve the environmental outcomes for the area by directing koalas and other fauna away from the road and road strike issues.

Submission Issue/Summary	Planning Comment/Response
	<p>Conditions are recommended to reinforce the above and can be monitored using standard compliance practices.</p> <p>It should also be noted that a number of other trees both on the site and within the street will be retained (ie development is not removing all vegetation from the site or surrounding street frontages).</p>
<p>Underinflated estimated cost of works.</p> <p>Does this include contributions?</p>	<p>Given a lot of the internal work can be done as exempt development, the costs are considered acceptable.</p> <p>Contributions, where applicable, are separate to this amount.</p>
<p>Incorrect information in the SOEE regarding hours of operation, parking requirements, consultant numbers, tree removal and waste.</p>	<p>Comment noted.</p> <p>Hours of operation will be conditioned to be 8:30am to 4:30pm Monday to Friday. These are relatively conservative for a medical centre.</p> <p>Number of parking spaces complies with Council controls.</p> <p>Waste collection and disposal to be addressed by conditions of consent.</p> <p>It is not uncommon for a medical centre to contain more consultant rooms than consultant staff. For example, some rooms are set up for specific assessments that the consultants normal room is not suitable for. The key is that the number of consultants and staff are restricted. In this case, consultant/staff numbers will be conditioned to be 2 consultants and 2 support admin staff.</p> <p>Tree removal has been addressed by Council staff in this report.</p>
<p>Signage will reduce safety for pedestrians etc.</p>	<p>The signage is now located within the property, perpendicular to the road. The sign is also relatively small in scale. Based on the above, the signage will not create any safety issues.</p>
<p>Sight distances do not comply and are dangerous.</p>	<p>The non-compliance of the sight distances was based on obstructions created by two (2) street trees.</p>

Submission Issue/Summary	Planning Comment/Response
	<p>However, Council's Engineering Section have reviewed the application and traffic impact assessment. Through the removal of the two (2) street trees, the sight distances will be acceptable.</p>
<p>How can medical waste be common domestic waste? Surely there needs to be standards and procedures to dispose of needles etc.</p> <p>Increased waste impacts.</p>	<p>Council's Environmental Health Officer has reviewed the application and applied conditions to cover medical waste collection and removal. Medical waste will specifically need to be collected by an appropriately licenced contractor.</p> <p>Overall, any increase in standard waste is likely to be minimal. Where kerbside collection cannot cater for standard waste, the applicant will need to organise a private collection.</p>
<p>Restrictions on the title stipulate the land is not to be used for any other purpose than a single dwelling. People bought into the estate on that assumption.</p>	<p>In accordance with Clause 1.9A of the LEP 2011, any agreement, covenant or other similar instrument that restricts the carrying out of that development, does not apply to the extent necessary to allow development to be carried out in accordance with the Plan (LEP 2011). The consent authority therefore does not consider this restriction in making a decision on the application.</p>
<p>Siren Road is zoned R2 Low Density Residential and should not allow this type of development.</p>	<p>Comment is noted. However, State legislation (SEPP) permits this type of development within the R2 zone. In this case, the medical centre proposed is also relatively small in scale and retains a lot of the residential elements in the built form.</p>
<p>Estate is changing to another medical precinct.</p>	<p>Given that medical centres are permissible in the R2 zone under State legislation, this possibility cannot be ruled out. However, at this point, there have only been two (2) known medical centre applications in Siren Road and neither have triggered any adverse cumulative impact that hasn't been able to be addressed via conditions etc. Furthermore, it is not uncommon to see medical centres located within residential areas and State legislation specifically allows it. Nonetheless, the issue and associated impacts will need to be monitored, should further applications continue to be submitted.</p>
<p>Development will accelerate wear and</p>	<p>Council's Engineering Section have</p>

Submission Issue/Summary	Planning Comment/Response
<p>tear on Siren Road.</p> <p>Will residents have to pay extra to maintain the road due to the extra traffic?</p>	<p>reviewed the application, impact of the development on roads/traffic etc. Overall, the standard of the road network is considered acceptable subject to routine maintenance.</p> <p>Given the development is also located at the start of Siren Road, traffic associated with the development will be relatively confined to the first 50m. The majority of Siren Road will not have any additional vehicles traversing it as a result of the development.</p>
<p>Council should rely/use local legislation to not allow the development rather than state legislation.</p>	<p>The relevant State Environmental Planning Policy (Transport and Infrastructure) 2021 overrides local planning legislation and permits medical centres in the R2 zone. Planning legislation within NSW is setup so that State based controls can apply and override local controls. In some cases, the state based controls can be supportive or contrary to what a local Council plans for an area. However, the state based controls cannot be ignored and make it difficult to refuse an application on permissibility grounds.</p>
<p>Development is not consistent with the objectives of the zone.</p> <p>Does the development meet the day to day needs of residents?</p>	<p>Refer to comments on compliance with the objectives of the R2 zone under the LEP 2011 section of this report.</p> <p>The development will provide a medical service (ie access to medical services is considered a day to day need) to not only the residents of the estate but also the immediate local area. The local area would comprise industrial workers/residents, parts of the Clifton area, Sherwood Estate residents, nearby hospital precinct residents - all of which are within close proximity.</p>
<p>Flexibility for expansion is of concern.</p>	<p>This assessment is based on the proposal outlined in the development application that has been submitted to Council. Any additional medical centres or expansions to this proposal will be subject to further applications/consideration.</p>
<p>Signage should not be illuminated.</p>	<p>Signage is not proposed to be illuminated and conditions will reinforce this.</p>

Submission Issue/Summary	Planning Comment/Response
When did the legislation change to allow this type of development?	The State policy that allows medical centres in the R2 zone came into force in 2008.
A 10m long x 1.8m high concrete fence should be erected along the western boundary to provide privacy to the adjoining neighbours dwelling/bedroom.	<p>The applicant is agreeable to providing a 10m x 1.8m high colorbond equivalent fence/screen. This can be reinforced by conditions.</p> <p>The applicant has also offered to replace the subject side boundary fence.</p> <p>Whilst Council is agreeable to the 10m long section of fence/screen, the requirement to use concrete or replace the whole fence will be a civil matter between the developer and neighbour to resolve. In particular, Council would only request that the 10m long section of fence/screen be solid construction.</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**Section 7.11 Contributions**

The proposed development will comprise a change of use from a dwelling to a medical centre and does not involve the creation of any additional residential component. As a result, s7.11 contributions do not apply.

Section 7.12 Contributions

In assessing s7.12 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and the Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007.

The proposed development will comprise a change of use from a dwelling to a medical centre with a cost of works greater than \$100,000 and is deemed to increase the demand for public amenities/services.

As a result, s7.12 contributions apply and a condition of consent has been imposed to ensure payment - Attachment 3.

Section 64 Water and Sewer Contributions

In assessing s64 water and sewer contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans.

The site has been provided contribution credit based on the existing lot/dwelling.

The proposed development will comprise a change of use from a dwelling to a medical centre and contributions have been charged accordingly.

Having considered the above, s64 contributions do not apply in this case as there is no increase in demand on water and sewer services.







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.   DA2021 - 1190.1 Recommended Conditions
2.   DA2021 - 1190.1 Plans
3.   DA2021 - 1190.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2021/1190****DATE: 26/04/2022****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the relevant prescribed conditions in Part 4 - Division 2 of the Environmental Planning & Assessment Regulation 2021.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	173MVR	GEM Planning Projects	8/12/2021
Plans	Project No. 6612, Drawing No. 6612_DA1.1-1.9, Revision L	King & Campbell Pty Ltd	7/2/2022
Traffic Impact & Carparking Assessment		Streetwise Road Safety & Traffic Services	8/12/2021

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

- Stage 1 - Change of use to medical centre.
- Stage 2 - Relocate Fernhill Road fence. The Hibiscus shrubs near the fence are to either be retained or relocated/replaced elsewhere onsite.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via 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) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of Siren Road at 1.2m wide is required with design details in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (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.
- (11) (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.
- (12) (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 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 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.

- (13) (A045) Submission to Council of an application for water meter/s hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid. This application is also to include an application for the disconnection of any existing service not required.
- (14) (A063) The disposal of wastewater from a medical business to Port Macquarie-Hastings Council's sewage system typically requires specific approval under Section 68 of the Local Government Regulation, 1999.

In this regard, whilst you have not indicated whether trade waste will be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer, a further application under Section 68 of the Local Government Regulation, 1999 will be required.
- (15) (A195) The two (2) existing Queensland Box street trees within Siren Road are to be removed and replaced on the property with two (2) koala feed trees. The location of the replacement trees is to be approved by Council, prior to release of the Construction Certificate or the trees being removed (whichever occurs first). The two (2) koala feed trees will need to be maintained onsite. Should the replacement trees die, they are to be replaced.

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

- 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. Earthworks.
 3. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
 4. Sewerage reticulation.
 5. 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.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.
 8. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 208, Port Macquarie-Hastings Council current version.
 9. Provision of a 1.2m (unless varied in writing by Council) concrete footpath along Siren Road.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Functional vehicular access
- (4) (B026) Given the nature of the development the need for backflow prevention devices is to be assessed by a hydraulic consultant. 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 coverage to AS 2419 and backflow protection requirements.
- (5) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (6) (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.
 - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - c) 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 1% 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 (20%, 5% & 1% AEP at minimum). Alternative is to submit an electronic model in DRAINS format for electronic review. For new works, or alterations and additions resulting in the creation of greater than 40m² additional site impervious area, the pre-development site impervious area conditions shall be assumed to be 20% of the total site area. In all cases, the existing condition or better is to be maintained.
 - 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.
- (7) (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.
- (8) (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.
- (9) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 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 Council Section 94A Levy Contributions Plan 2007

The plan 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 plan. 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.

- (10) (B195) Prior to release of the Construction Certificate, the plans are to show either a 1.8m high solid screen, minimum 10m in length, that screens the

neighbouring bedroom window at 4 Siren Road or the side fence is to be replaced with a 1.8m high solid fence.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

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

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) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

Fibro & Asbestos - A Renovator and Homeowner's GuideAsbestos Awareness**E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (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 use.
- (5) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (6) (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.
- (7) (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.
- (8) (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.

- (9) (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.
- (10) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (11) (E057) 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.
- (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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (14) (E195) Prior to release of the Occupation Certificate or occupation (whichever occurs first), the health of the replacement trees is to be checked and signed off by Council.

- (15) (E196) Prior to release of the Occupation Certificate or occupation (whichever occurs first), any fencing, screening or landscaping is to be completed onsite in accordance with the approved plans.

F – OCCUPATION OF THE SITE

- (1) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (2) (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.
- (3) (F019) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (4) (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.
- (5) (F025) Hours of operation of the development are restricted to the following:
- 8:30am to 4:30pm – Mondays to Fridays
- (6) (F030) Parking onsite is to comply with the parking rates in Port Macquarie-Hastings Development Control Plan 2013 for Medical Centres being 3 spaces per consultant and 1 space per 2 staff. Using the aforementioned parking rates, the ratio of consultants to staff allowed is not to generate the need for more than eight (8) spaces.
- (7) (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.

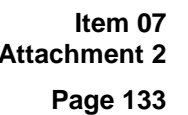


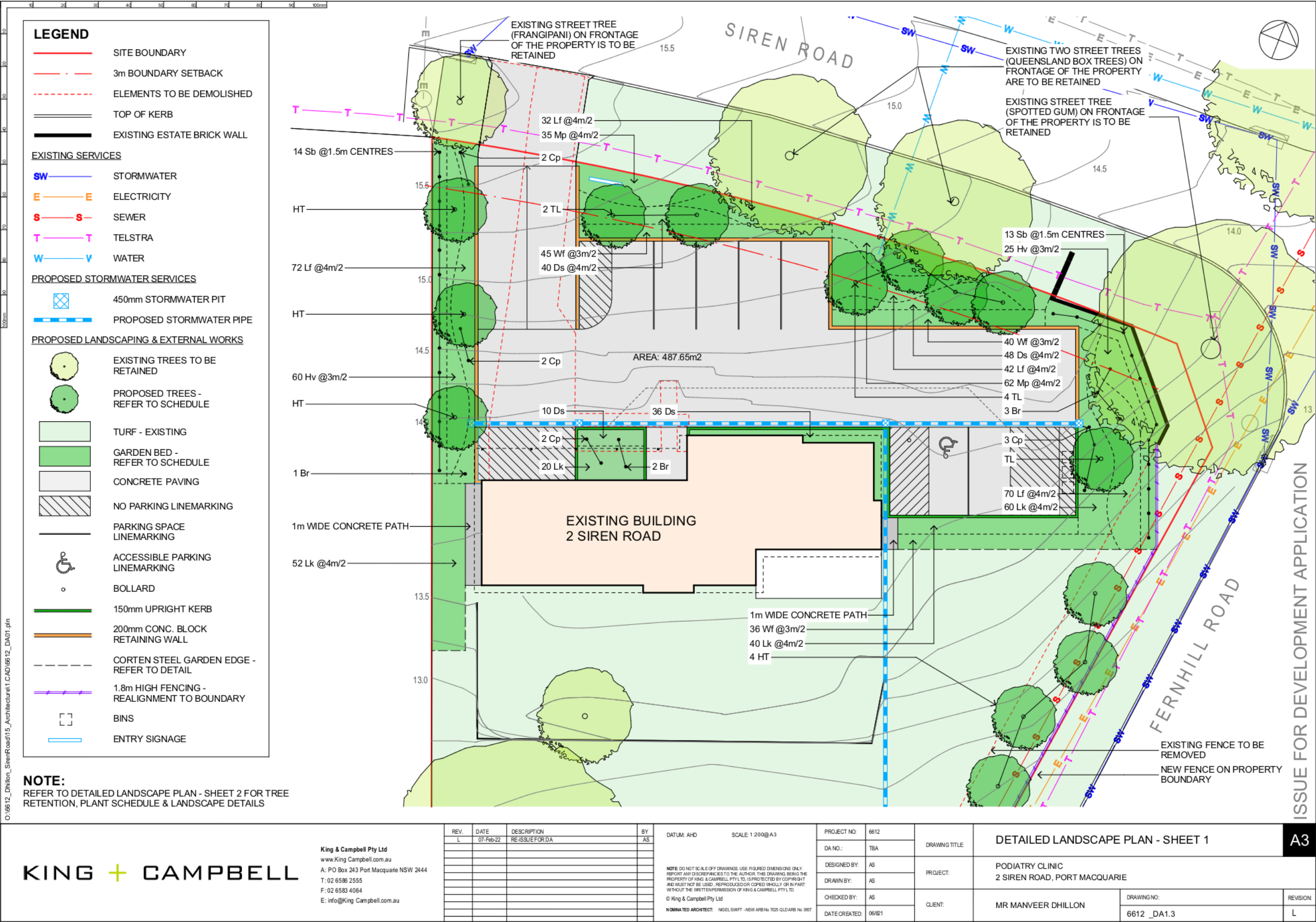
DEVELOPMENT APPLICATION

PODIATARY CLINIC
2 SIREN ROAD, PORT MACQUARIE

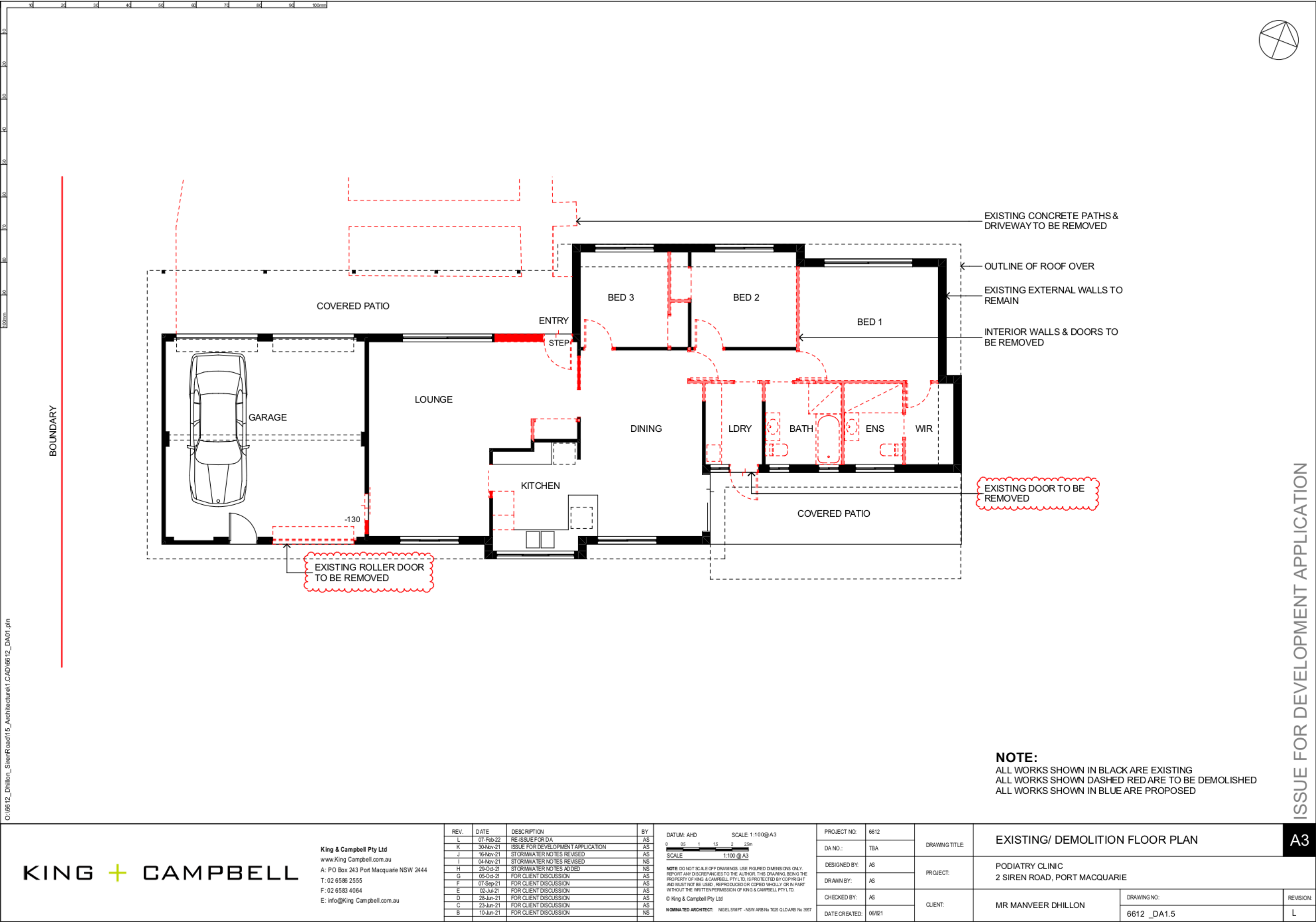
SHEET INDEX		
Layout	Layout Name	Rev.
DA0.1	COVER SHEET	L
DA1.1	KEY PLAN/ STORMWATER MANAGEMENT PLAN	L
DA1.2	SITE PLAN	L
DA1.3	DETAILED LANDSCAPE PLAN - SHEET 1	L
DA1.4	DETAILED LANDSCAPE PLAN - SHEET 2	L
DA1.5	EXISTING/ DEMOLITION FLOOR PLAN	L
DA1.6	PROPOSED FLOOR PLAN	L
DA1.7	ROOF PLAN	L
DA1.8	FRONT ELEVATION & SIGNAGE DETAILS	L
DA1.9	REAR ELEVATION	L

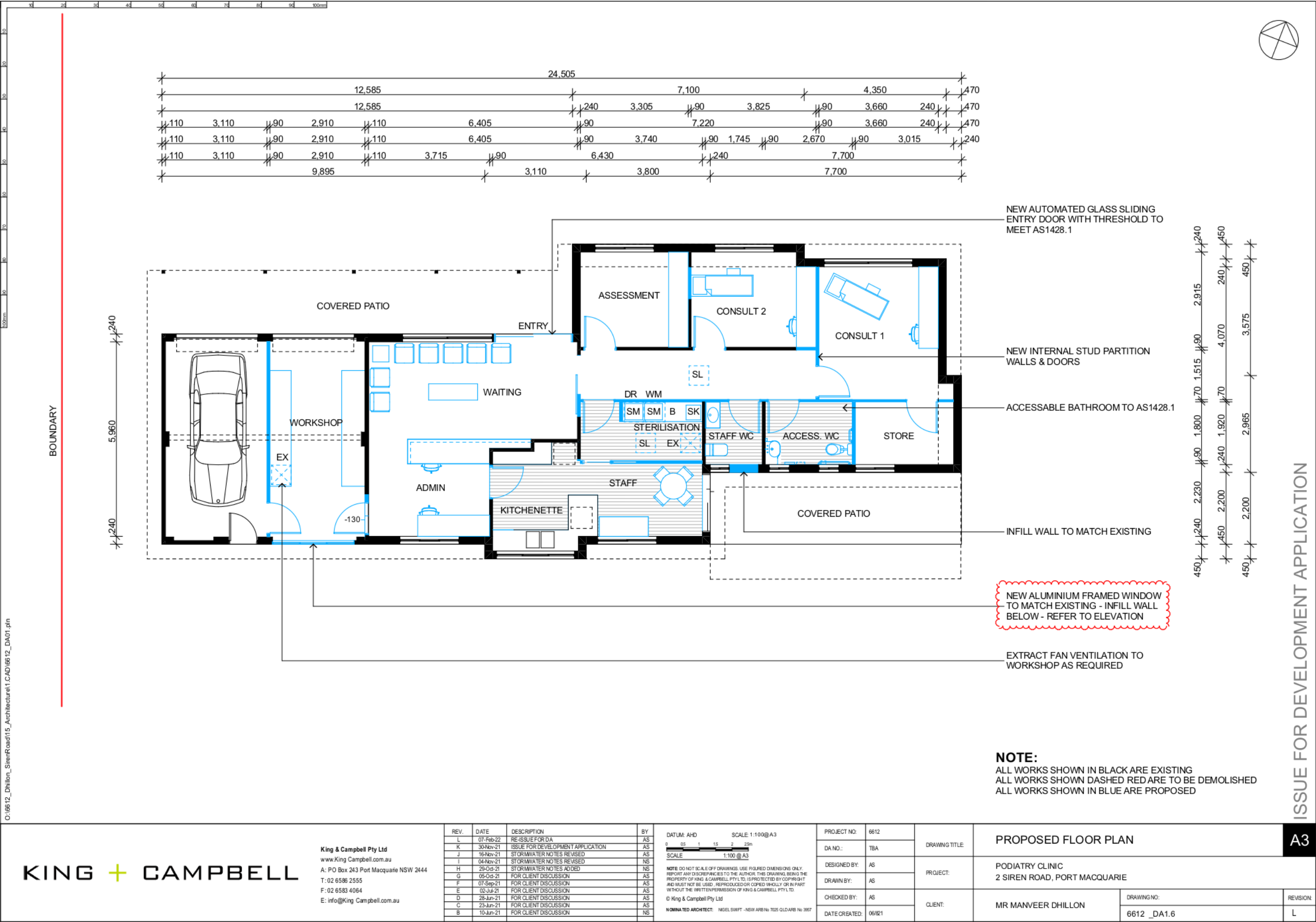
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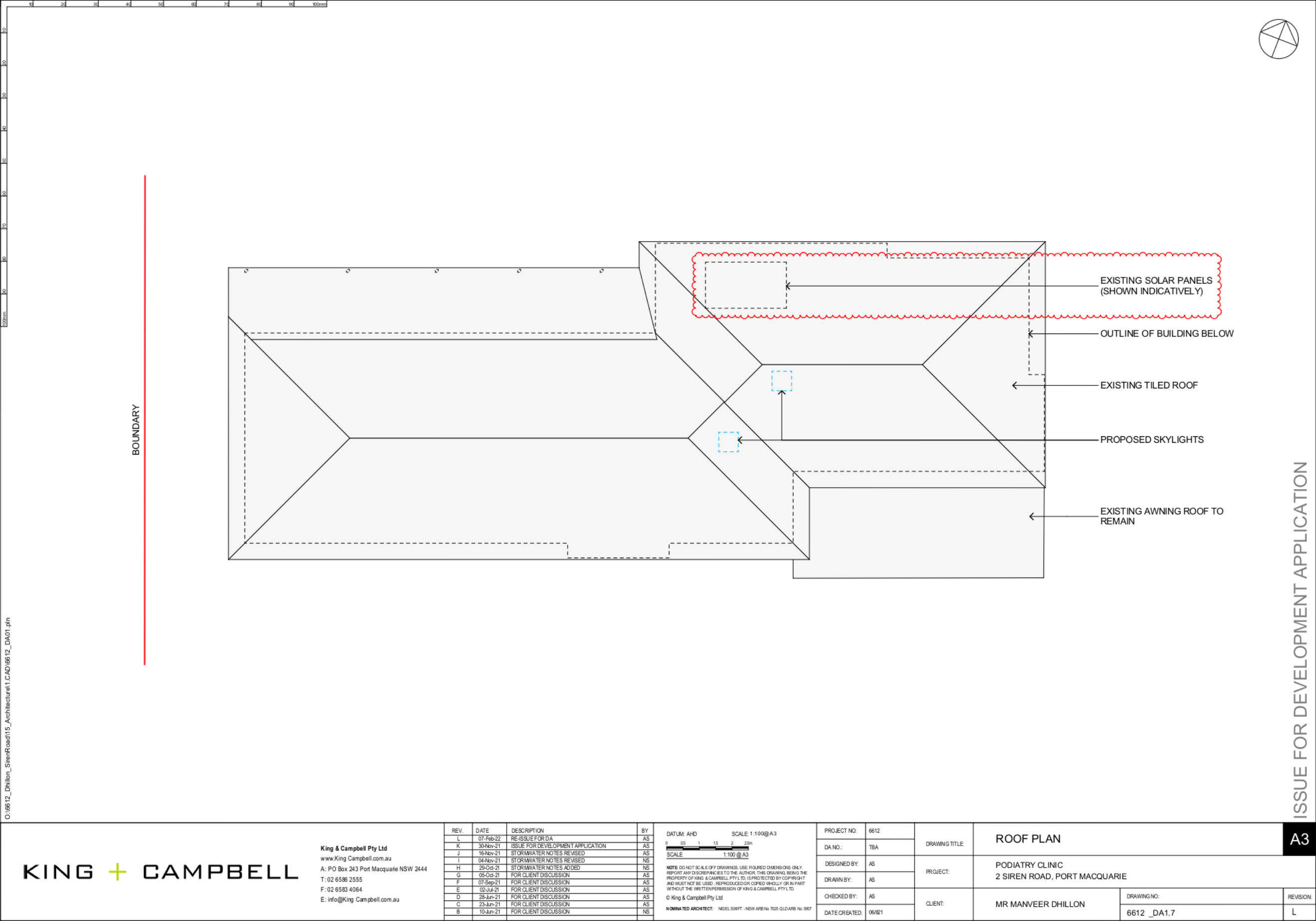


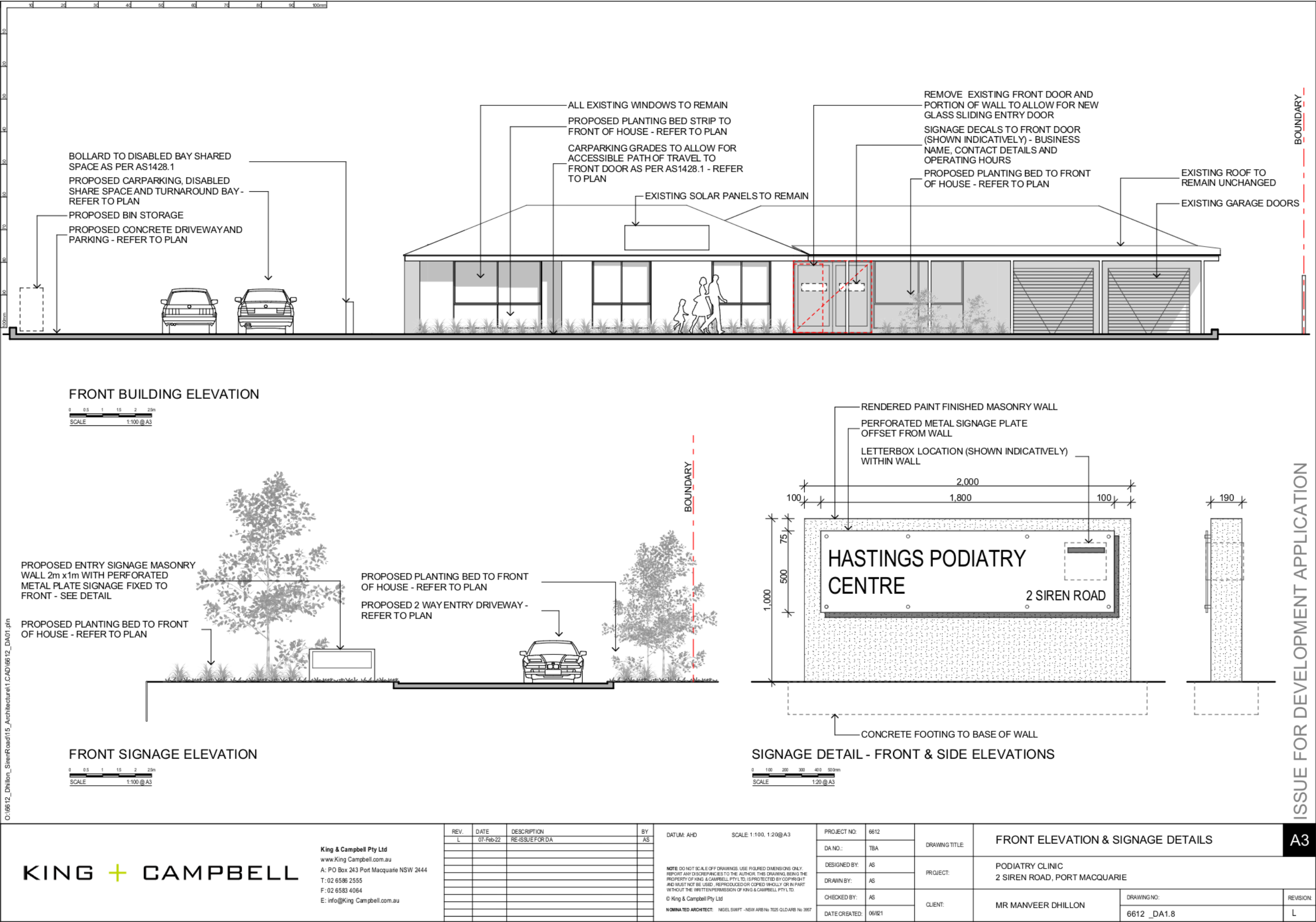


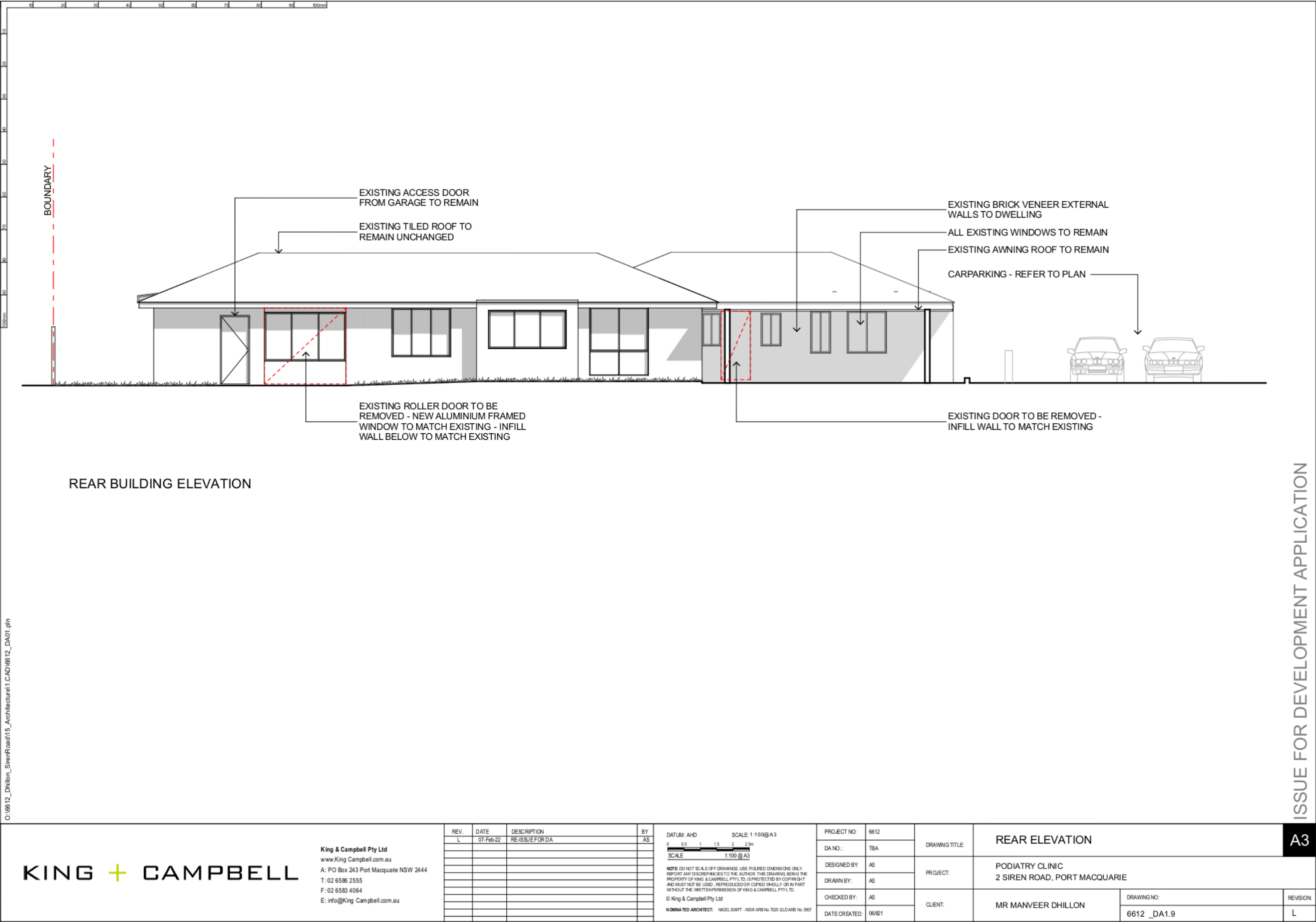
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Developer Charges - Estimate

Applicants Name: Manveer Asha Investments Pty Ltd
 Property Address: 2 Siren Road, Port Macquarie
 Lot & Dp: Lot(s):8,DP(s):264025
 Development: DA 2021/1190 - Change of use - dwelling to medical centre



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 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	0.50%	\$ 116,339	\$581.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$581.00

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:

26-Apr-2022

Estimate Prepared By Clinton Tink

This is an ESTIMATE ONLY - NOT for Payment Purposes

sha Investments Pty Ltd, 2 Siren Road, Port Macquarie, 26-Apr-2022.xls

PORT MACQUARIE-HASTINGS COUNCIL