



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 1 June 2022

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

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	18/11/21	16/12/21	3/2/22	17/2/22	20/4/22	4/5/22
David Crofts	X	X	X	X	X	X
Michael Mason	X	X	X	X		
Chris Gee	X		X		X	
Tony McNamara		X		X	X	X
Dan Croft (Group Manager Development Services)	X	X	X	X	X	X
Grant Burge (Development Engineering Coordinator)	X	X	X	X	X	
Patrick Galbraith-Robertson (Development Planning Coordinator)	X	X	X	X	X	X

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

Development Assessment Panel Meeting

Wednesday 1 June 2022

Items of Business

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 4 May 2022 be confirmed.

PRESENT

Members:

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

Other Attendees:

Mayor Peta Pinson
Pat Galbraith-Robertson (Development Assessment Planning Coordinator)
Jon Power (Acting Development Engineering Coordinator)
Beau Spry (Development Assessment Planner)
Chris Gardiner (Development Assessment Planner)
Clinton Tink (Development Assessment Planner)
Ben Roberts (Development Assessment Planner)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Michael Mason (Independent Member)

03 CONFIRMATION OF MINUTES

CONSENSUS

The Minutes of the Development Assessment Panel Meeting held on 20 April 2022 were confirmed.

04 DISCLOSURES OF INTEREST

Tony McNamara declared a Non-Pecuniary - Less than Significant Interest in Item 05, the reason being Mr McNamara was the Chief Town Planner with Hastings Council in 1989 when the original medical centre was approved.

05 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

Speakers:

Damien Lawrence (opposing the development)

Malcolm McNeil (applicant)

CONSENSUS:

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 as amended below:

- Additional condition in Section B of the consent to read: 'Prior to the issue of a Construction Certificate amended plans shall be submitted for the approval of the Principal Certifying Authority. The plans shall include replacement of the section of footpath and bollards forward of parking space 8 with landscaping of similar species to the landscaping forward of parking space 1.'
- Additional condition in Section B of the consent to read: Prior to the issue of a Construction Certificate amended plans shall be submitted for the approval by Council providing for improved building finished and features on the western elevation of the building so as to improve the aesthetics and provide relief to the wall.'

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

Speakers:

Nil

CONSENSUS

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.

**07 DA2021 - 1190.1 CHANGE OF USE TO MEDICAL CENTRE AND
CONSTRUCTION OF ASSOCIATED CARPARK AT LOT 8 DP 264025, 2 SIREN
ROAD, PORT MACQUARIE**

Speakers:

Michael Matthews (opposing the development)

Anna James (opposing the development)

Geraldine Haigh (applicant)

CONSENSUS:

That the application be deferred to enable the applicant to provide clarity on proposed conditions A(9) and A(15) with respect to the following:

1. Additional traffic safety advice from a traffic consultant to determine whether the street trees can be retained and an acceptable level of traffic safety will be maintained.
2. Advice from an arborist to advise whether it is possible to construct a footpath without compromising the integrity of the street trees.

08 GENERAL BUSINESS

Nil

The meeting closed at 4:15pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the 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 - 1190.1 CHANGE OF USE - DWELLING 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 and construction of associated carpark 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 and construction of associated carpark 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.

It is also noted that the application was previously reported to DAP on 4 May 2022. A copy of the original DAP report is attached (**Attachment 2**).

At the previous meeting, DAP resolved the following:

That the application be deferred to enable the applicant to provide clarity on proposed conditions A(9) and A(15) with respect to the following:

- 1. Additional traffic safety advice from a traffic consultant to determine whether the street trees can be retained and an acceptable level of traffic safety will be maintained.*
- 2. Advice from an arborist to advise whether it is possible to construct a footpath without compromising the integrity of the street trees.*

The applicant has since provided an updated traffic assessment and arborist report both of which are attached to this report (**Attachment 3 & 4**).

In summary, the traffic assessment advises that the two (2) Queensland Box trees can be retained, whilst also achieving an acceptable level of traffic safety. However, the updated traffic assessment now suggests that the frangipani tree to the west, be removed for sight distance purposes.

In terms of the arborist report, it is noted that the construction of a footpath will have an adverse impact on the two (2) Queensland Box trees.

Council's Engineering and Arborist staff have reviewed the assessments and agree with the outcomes. Council's Arborist also confirmed there was no issue in removing the frangipani (not a desired street tree for this area). Furthermore, now that the two (2) Queensland Box trees can be retained from a sight distance/safety perspective, it becomes an issue of whether the trees should be removed to install a footpath. In this case, the need for a footpath was considered less critical and secondary to achieving safe sight distances. In particular, the footpath does not connect to any existing or proposed pathways, bus stops etc and thereby adds limited value. As a result, it is recommended that the retention of the trees be given more weight from a streetscape and community perspective than the construction of a footpath in this case.

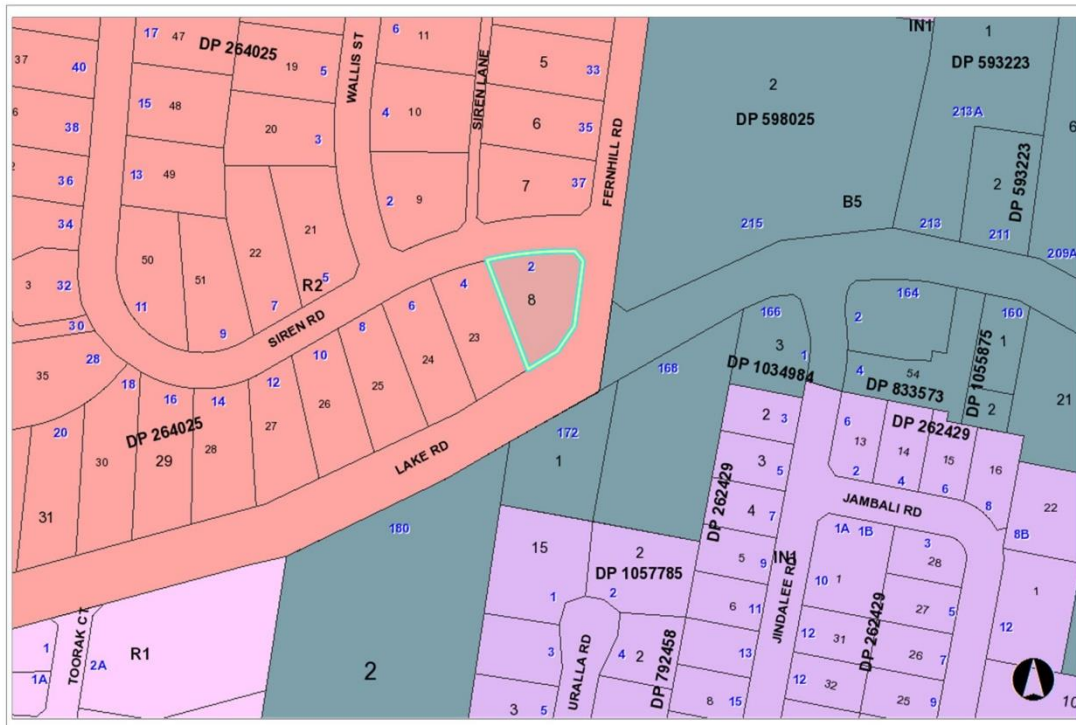
The assessment report and conditions have been updated to factor in the above assessments.

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.
- Retention of the two (2) Queensland Box trees within the street but removal of the Frangipani for sight distance purposes.

Refer to plans at the end of this report for plans of the proposed development (**Attachment 5**).

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.
 - 3/5/2022 & 4/5/2022 - Two (2) late submissions received and to be considered by DAP.
 - 4/5/2022 - Application reported to DAP. DAP requested further information.
 - 10/5/2022 - DAP minutes provided to applicant to address.
- 16/5/2022 - Updated traffic assessment and arborist report 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

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. No significant tree removal proposed or required. The two (2) Queensland Box trees will now be retained. However, the frangipani to the west of the driveway will now need to be removed but is not considered a koala feed species.

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

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 subsequently overrides Council's Local Environmental Plan in terms of permissibility.

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.
- 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 with consent, medical centres in the R2 zone under Clause 2.60, which overrides the LEP in terms of permissibility.
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 with consent 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 with consent 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 approved by Council under the Roads Act 1993 or section 68 of the Local Government Act 1993.	No signage is proposed outside the property boundaries.	Yes
	c) An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , 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 infrastructure or an asset protection zone.	Buffer provisions not triggered so clause does not apply.	N/A
	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'.	No key vegetation/habitat to be removed.	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.	No offsetting proposed or required.	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 where it is adequately demonstrated that the applicable objectives are achieved.	Buffer provisions not triggered.	N/A
	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	Trees to be removed are not prescribed within the DCP.	N/A

	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.		
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 – 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. 	No vegetation listed within Table 1 of the DCP to be removed.	N/A
	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	No vegetation listed within Table 1 of the DCP to be removed.	N/A

	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>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 – Does not alter the growth structure of the tree, and – Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees. 	No significant vegetation removal proposed within the site.	N/A
	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.	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
	h) A tree removal permit can be sought for tree removal associated with a Complying Development Certificate (CDC), subject to the tree	Development is not a CDC.	N/A

	<p>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). – 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 	<p>Only a frangipani is proposed to be removed from the street, which is impacting on sight distances. The two (2) Queensland Box trees originally proposed to be removed for sight distance purposes have since been reviewed and considered capable of being retained. With the two (2) Queensland Box trees being retained, replacement of the Frangipani is not necessary in this case.</p>	Yes

	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		
	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 accordance with Council's tree management specifications.	Conditions will cover this process.	Yes
	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	Provision not triggered or being utilised.	N/A

	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.		
	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 	A single driveway of a suitable width is proposed. Driveway has been located as far as possible from the Fernhill Road intersection.	Yes

	<ul style="list-style-type: none"> – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 		
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Medical centres require 3 spaces per consultant and 1 per 2 employees.</p>	<p>The application 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.</p>	Yes
25	<p>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.</p>	<p>Provision not utilised. Applicant has provided compliant parking numbers.</p>	Yes
26 & 27	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – 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. 	<p>No on street parking proposed.</p>	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: <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 is located forward of the dwelling, which is a common and acceptable outcome for medical centres in residential areas. Key to the design is the use of landscaping to screen/landscape the parking area.	Yes
	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; 	No stack or tandem spaces proposed.	N/A

	<ul style="list-style-type: none"> - 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. 		
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	No - minor variations acceptable for limited length of frontage.

		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.	
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 AUS-SPEC design specifications.	Conditions will cover implementation of landscaping.	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.	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 Engineering Section and considered acceptable.	Yes
	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; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	<p>The 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.</p> <p>Lighting and CCTV can be installed retrospectively by the owner, should they wish to have further security in the future.</p>	Yes

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

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 also 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's requirements.
- So the minimum stopping sight distance can be attained towards Fernhill Road, two (2) street trees were originally proposed to be removed as part of the development construction. However, this aspect was subsequently reviewed by a separate traffic consultant (McLaren Traffic Engineering) following the previous resolution of DAP. Noting the circumstances of the site, road conditions etc, the latest traffic consultant advised that the two (2) street trees could be retained, whilst still achieving acceptable and safe sight distances. However, the consultant did advise that the Frangipani to the west would need to be removed to achieve safe sight distances in that direction.

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.

Parking and Manoeuvring

A total of 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 Councils 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, and the application documents etc are considered by DAP when making their decision.
Take up/occupation of residential homes by medical uses.	<p>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.</p> <p>Overall, a person is unlikely to 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</p>

Submission Issue/Summary	Planning Comment/Response
	<p>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 scale commercial/industrial uses.</p> <p>Two (2) Queensland Box trees were originally proposed to be removed for sight distance reasons. However, this aspect was subsequently reviewed by a separate traffic consultant following the previous resolution of DAP. Noting the circumstances of the site, road conditions etc, the latest traffic consultant advised that the two (2) Queensland Box trees could be retained, whilst still achieving acceptable and safe sight distances.</p>

Submission Issue/Summary	Planning Comment/Response
	<p>However, the consultant did advise that the Frangipani to the west would need to be removed to achieve safe sight distances in that direction. The frangipani species is not consistent with the remaining street trees in the area and is considered acceptable to be removed.</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 Fernhill Road.</p>	<p>The applicant 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 subject to removal of the two (2) street trees for sight distance purposes.</p>

Submission Issue/Summary	Planning Comment/Response
<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>The removal of the two (2) street trees has since been reviewed by a separate traffic consultant following the previous resolution of DAP. Noting the circumstances of the site, road conditions etc, the latest traffic consultant advised that the two (2) Queensland Box trees could be retained, whilst still achieving acceptable and safe sight distances. However, the consultant did advise that the frangipani to the west would need to be removed to achieve safe sight distances in that direction.</p> <p>Overall, the development (as amended) is considered acceptable on traffic, road design and safety grounds.</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</p>

Submission Issue/Summary	Planning Comment/Response
	<p>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 will also be applied to the consent.</p>
Absence of carpark manoeuvrability report.	Council Engineering staff have reviewed the parking layout plan and determined it to be compliant.
<p>Lack of car parking and compliance.</p> <p>Overflow parking will occur on Siren Road and create further blockages and a traffic hazard.</p> <p>Why hasn't the backyard been used for parking?</p>	<p>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.</p> <p>Road design and traffic impacts are also addressed previously in this submissions table.</p>
Absence of environmental study. Koala corridor being overlooked.	The development does not involve the removal of any Koala feed trees or substantial vegetation onsite.
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.
<p>Will Council allow tree removal?</p> <p>Trees should not be removed due to fauna and amenity impacts.</p> <p>Removing trees is not a solution to poor site selection/planning.</p>	<p>Two (2) Queensland Box trees were originally proposed to be removed for sight distance reasons. However, this aspect was subsequently reviewed by a separate traffic consultant following the previous resolution of DAP. Noting the circumstances of the site, road conditions etc, the latest traffic consultant advised that the two (2) Queensland Box trees could be retained, whilst still achieving acceptable and safe site distances. However, the consultant did advise</p>

Submission Issue/Summary	Planning Comment/Response
	that the frangipani to the west would need to be removed to achieve safe sight distances in that direction. The frangipani species is not consistent with the remaining street trees in the area and is acceptable to be removed.
Underinflated estimated cost of works. Does this include contributions?	Given a lot of the internal work can be done as exempt development, the costs are considered acceptable. Contributions, where applicable, are separate to this amount.
Incorrect information in the SOEE regarding hours of operation, parking requirements, consultant numbers, tree removal and waste.	Comment noted. Hours of operation will be conditioned to be 8:30am to 4:30pm Monday to Friday. These are relatively conservative for a medical centre. Number of parking spaces complies with Council controls. Waste collection and disposal to be addressed by conditions of consent. 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. Tree removal has been addressed by Council staff in this report.
Signage will reduce safety for pedestrians etc.	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.
Sight distances do not comply and are dangerous.	Sight distances have been reviewed by a traffic consultant and considered acceptable, noting the circumstances of the site and surrounding street environment etc.
How can medical waste be common domestic waste? Surely there needs to be standards and procedures to dispose	Council's Environmental Health Officer has reviewed the application and applied conditions to cover medical

Submission Issue/Summary	Planning Comment/Response
<p>of needles etc.</p> <p>Increased waste impacts.</p>	<p>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 with consent in 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 with consent 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 tear on Siren Road.</p> <p>Will residents have to pay extra to maintain the road due to the extra traffic?</p>	<p>Council's Engineering Section have 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</p>

Submission Issue/Summary	Planning Comment/Response
	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.
Council should rely/use local legislation to not allow the development rather than state legislation.	The relevant State Environmental Planning Policy (Transport and Infrastructure) 2021 overrides local planning legislation and permits medical centres in the R2 zone with consent. 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.
Development is not consistent with the objectives of the zone. Does the development meet the day to day needs of residents?	Refer to comments on compliance with the objectives of the R2 zone under the LEP 2011 section of this report. 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.
Flexibility for expansion is of concern.	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.
Signage should not be illuminated.	Signage is not proposed to be illuminated and conditions will reinforce this.
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 and specifically allowed medical centres in the R2 zone from late 2017.
A 10m long x 1.8m high concrete fence should be erected along the western boundary to provide privacy to the	The applicant is agreeable to providing a 10m x 1.8m high colorbond equivalent fence/screen. This can be

Submission Issue/Summary	Planning Comment/Response
adjoining neighbours dwelling/bedroom.	<p>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>
Clause 2.60(4) of State Environmental Planning Policy (Transport and Infrastructure) 2021 still allows Council to refuse the development on compatibility with the surrounding land uses.	<p>Comments are noted. Compatibility of the development with surrounding land uses has been considered in the above assessment and deemed suitable. In particular, there is a recently built medical centre located at 14 Siren Road and adjoining the site to the south and east are bulky goods and industrial type uses (ie non-residential uses).</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021 only refers to generic health service facilities. Clarification on characterisation of the development.	<p>The planning systems uses a range of parent and child terms when characterising a development. Where a parent term such as health service facilities is permissible, it can subsequently allow all child terms like medical centres to also be permissible without the need to specifically list them.</p> <p>Determining whether a development falls within a parent term, child term or other defined use, is subject to consideration of the definitions of each use and what is proposed in the application. In some cases, there are only minor differences between defined uses and it can occur where an applicant has a different opinion on how their development is defined/characterised to Council. In this case, the development is considered to best meet the medical centre use, which is a child term of the permitted parent term - health service facility.</p>

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 6.

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 DAP Report 04 05 2022
- 3   DA2021 - 1190.1 Amended Traffic Assessment
- 4   DA2021 - 1190.1 Arboricultural Assessment
- 5   DA2021 - 1190.1 Plans
- 6   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	220381.01DA	Streetwise Road Safety & Traffic Services as amended by McLaren Traffic Engineering	8/12/2021 as amended 13/5/2022
Arboricultural Assessment Report		Sky's The Limit Tree Services	11/5/2022

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

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (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) (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.
- (10) (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.
- (11) (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.

- (12) (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.
- (13) (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.

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.
- (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
 - 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 Guide](#)

[Asbestos 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) (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.

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DEVELOPMENT ASSESSMENT PANEL
04/05/2022

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.



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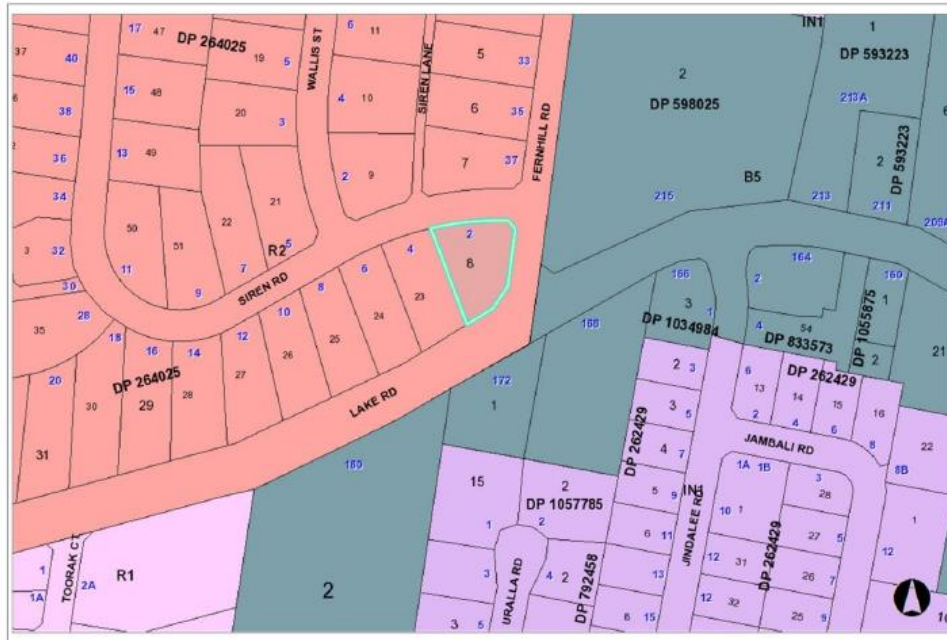
DEVELOPMENT ASSESSMENT PANEL
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1. BACKGROUND

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:

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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.



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- 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.



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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

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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.*



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- 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



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	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

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	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

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	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

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	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

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	<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. 		
	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.	No vegetation listed within Table 1 of the DCP to be removed.	N/A
	d) Removal of dead branches including palm fronts 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: <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

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	<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
	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: <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

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	<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

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	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

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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

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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

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	<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
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> – the spaces are surplus to that required; – in motor showrooms; – for home business; – for exhibition homes; – in car repair stations; – staff parking spaces are separately identified and delineated; – it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m. 	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

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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

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	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

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		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

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	<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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(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

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.

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(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.



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- 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.



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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



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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.



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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

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	<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>
Development will impact on the amenity of the street/area. Loss of amenity.	<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>

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	<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>
The development does not meet the 20m distance between the R2 zone and B5 zone as per LEP 2011.	<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>

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<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>

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	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.

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	<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>

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	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.
How can medical waste be common domestic waste? Surely there needs to be standards and procedures to dispose of needles etc. Increased waste impacts.	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. 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.
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.	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.
Siren Road is zoned R2 Low Density Residential and should not allow this type of development.	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.
Estate is changing to another medical precinct.	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.
Development will accelerate wear and	Council's Engineering Section have

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<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>

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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.



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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.



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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:
- 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) (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 holidays
 The 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

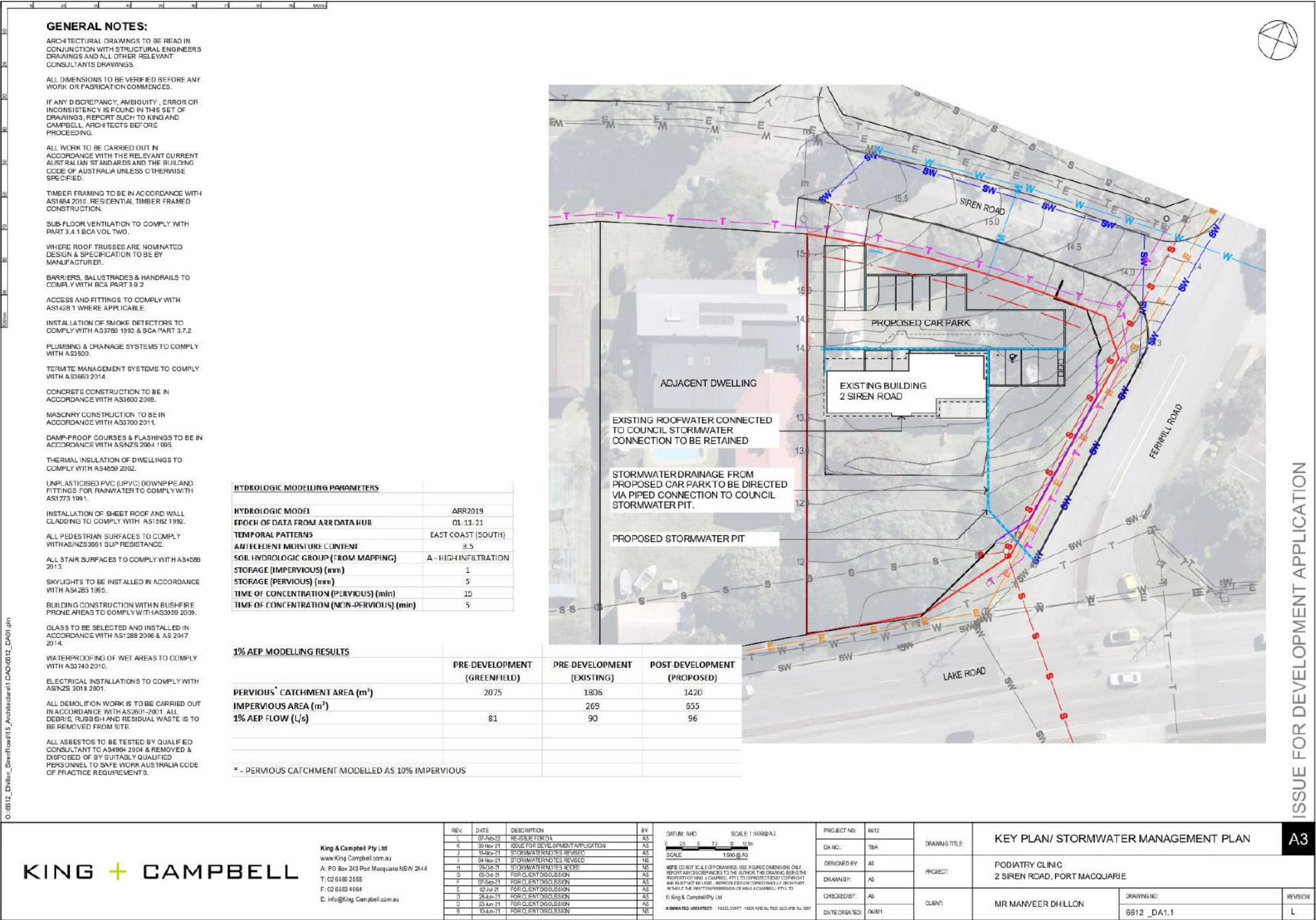
- (1) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (2) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (3) (F019) Clinical 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.

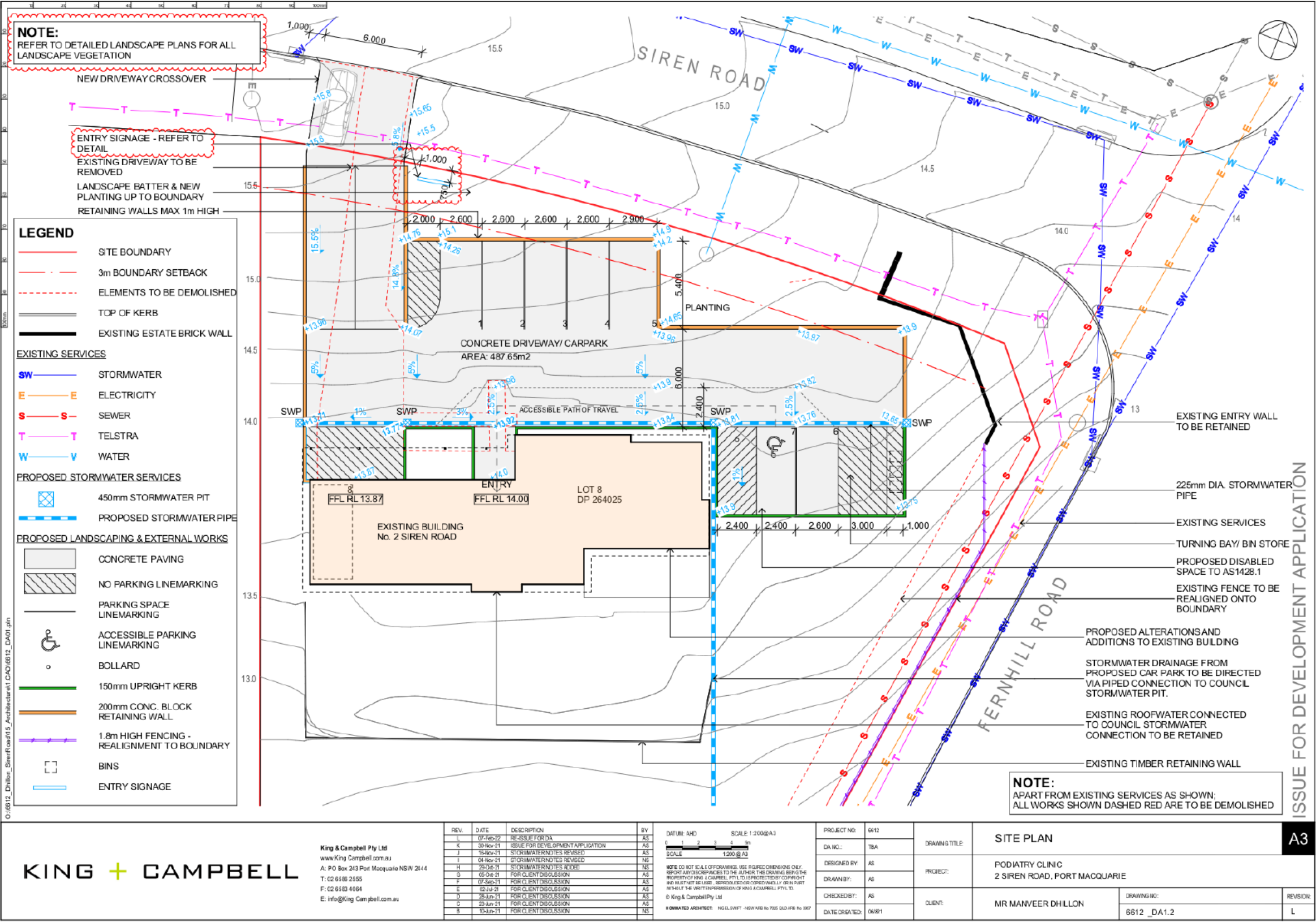


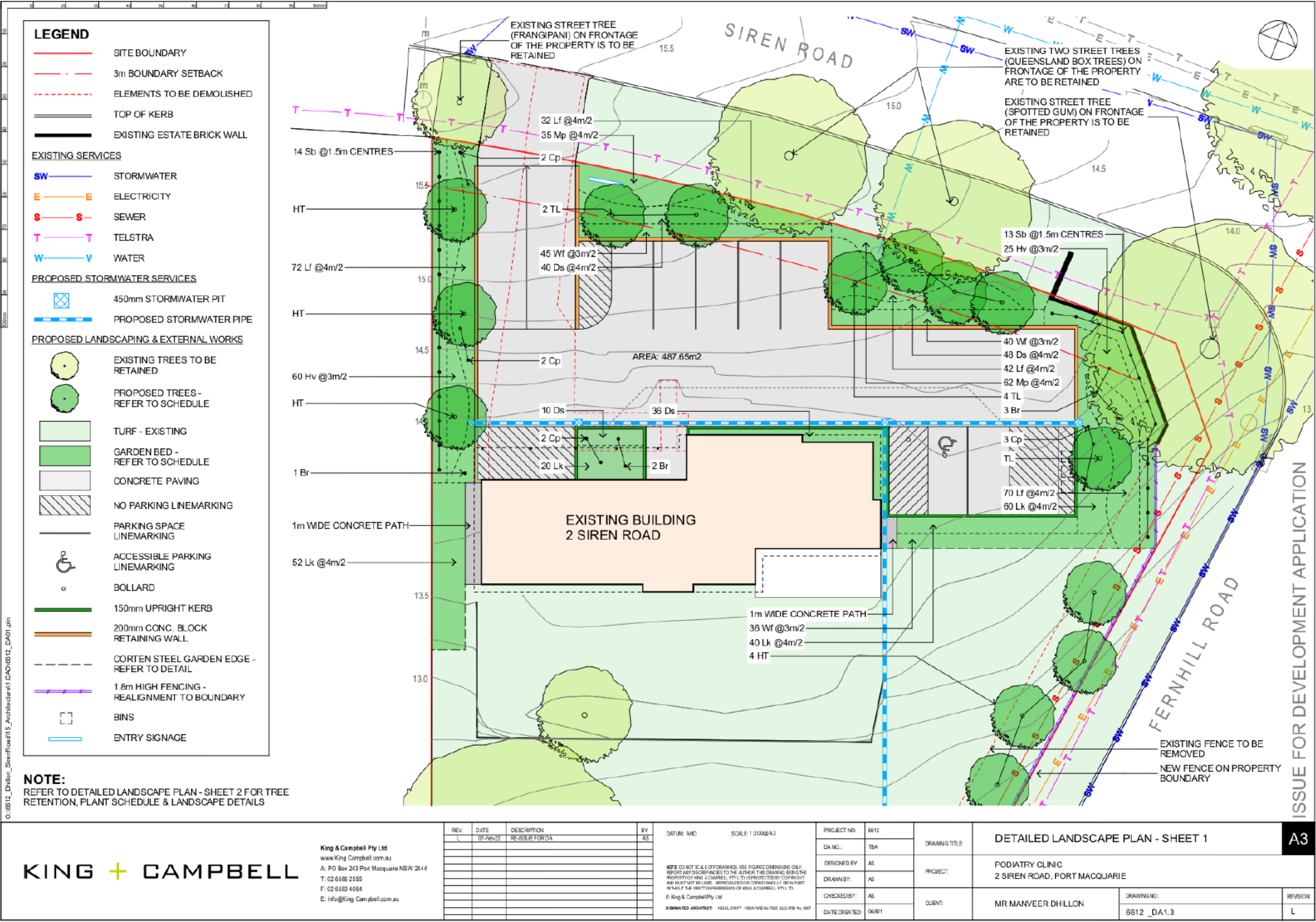
DEVELOPMENT APPLICATION

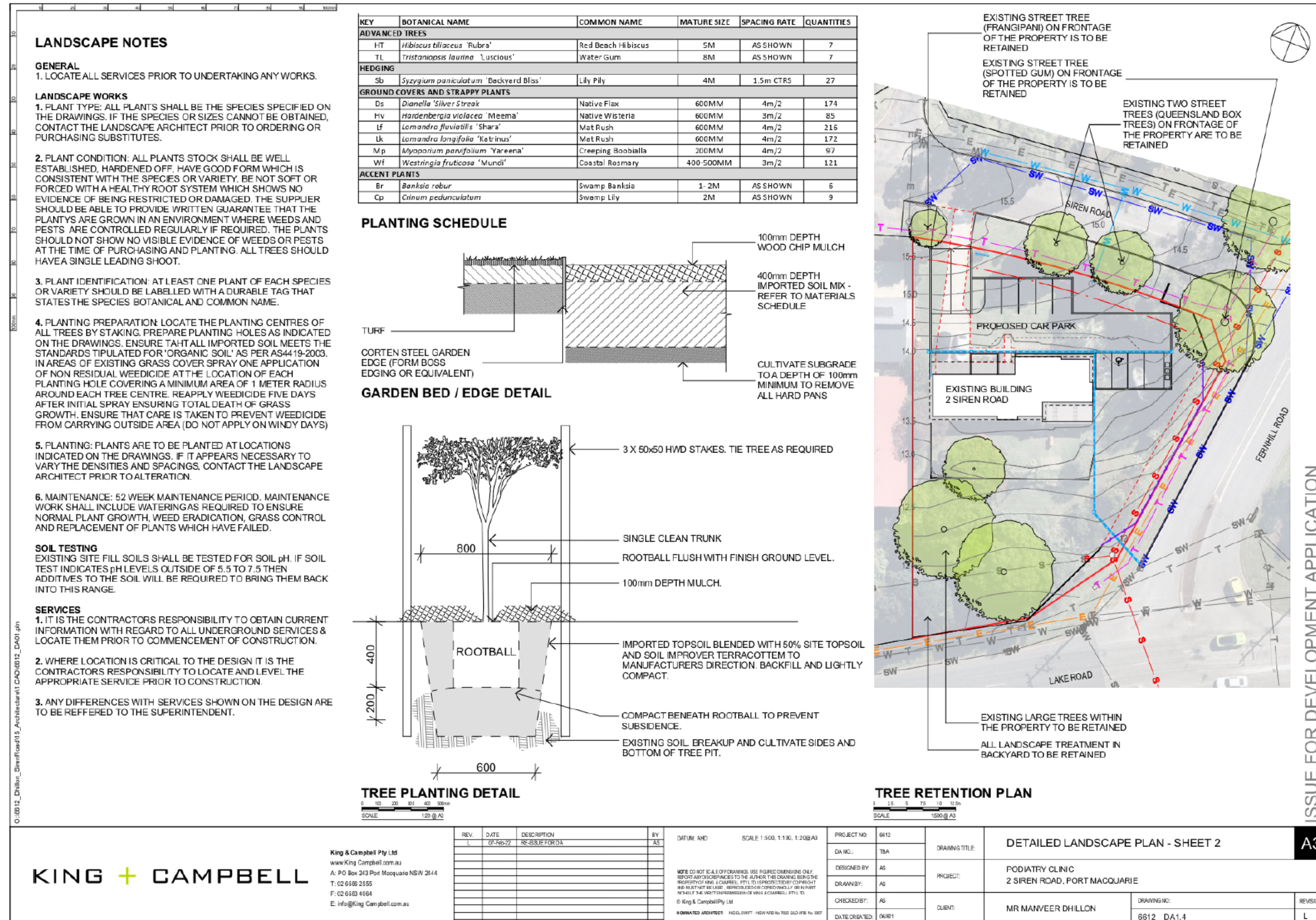
PODIATARY CLINIC
2 SIREN ROAD, PORT MACQUARIE

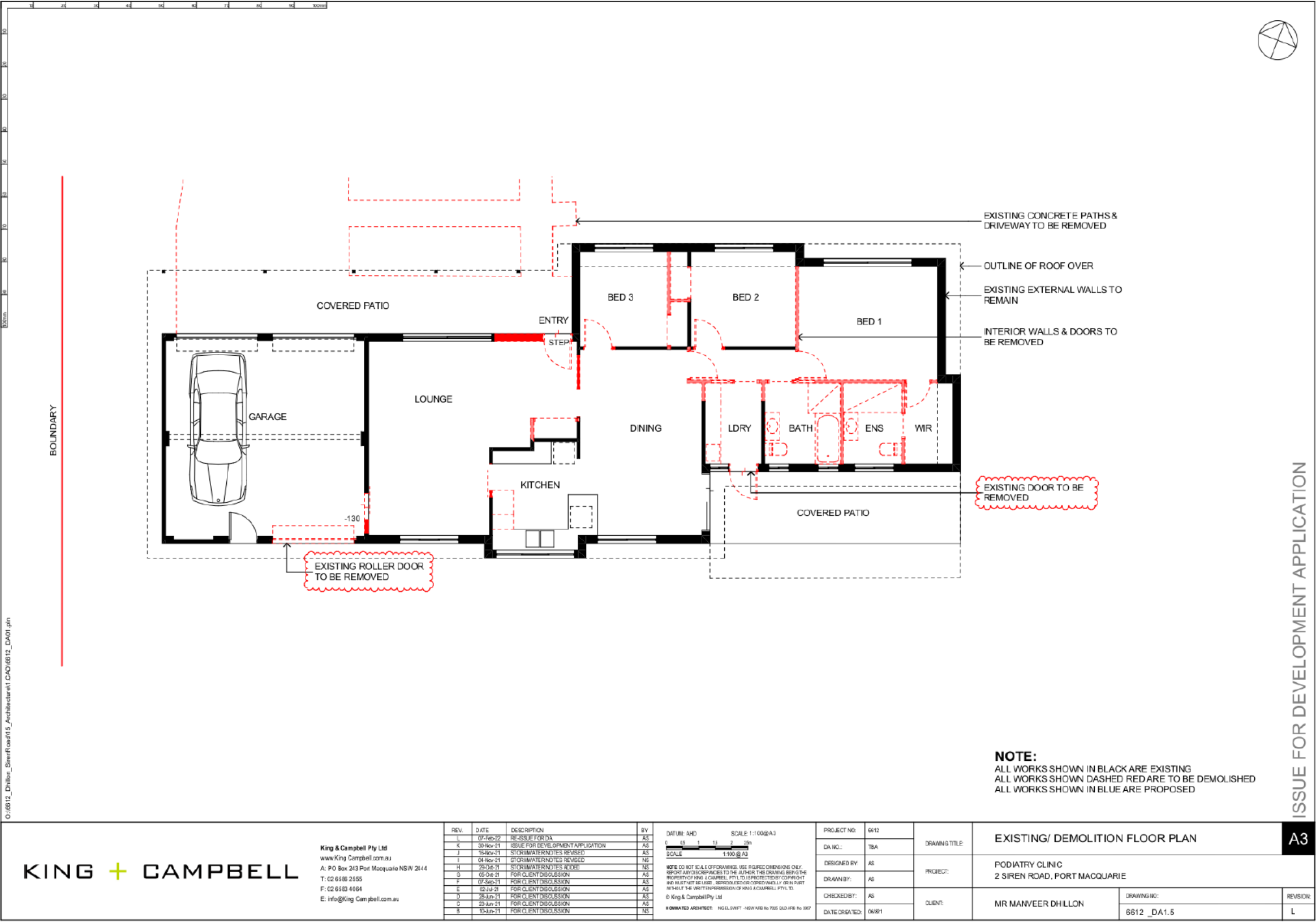
SHEET INDEX		
Layout	Layout Name	Rev.
DA0.1	COVER SHEET	L
DA1.1	KEY PLAN/ STORMWATER MANAGEMENT PLAN	L
DA1.2	SITE PLAN	L
DA1.3	DETAILED LANDSCAPE PLAN - SHEET 1	L
DA1.4	DETAILED LANDSCAPE PLAN - SHEET 2	L
DA1.5	EXISTING/ DEMOLITION FLOOR PLAN	L
DA1.6	PROPOSED FLOOR PLAN	L
DA1.7	ROOF PLAN	L
DA1.8	FRONT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

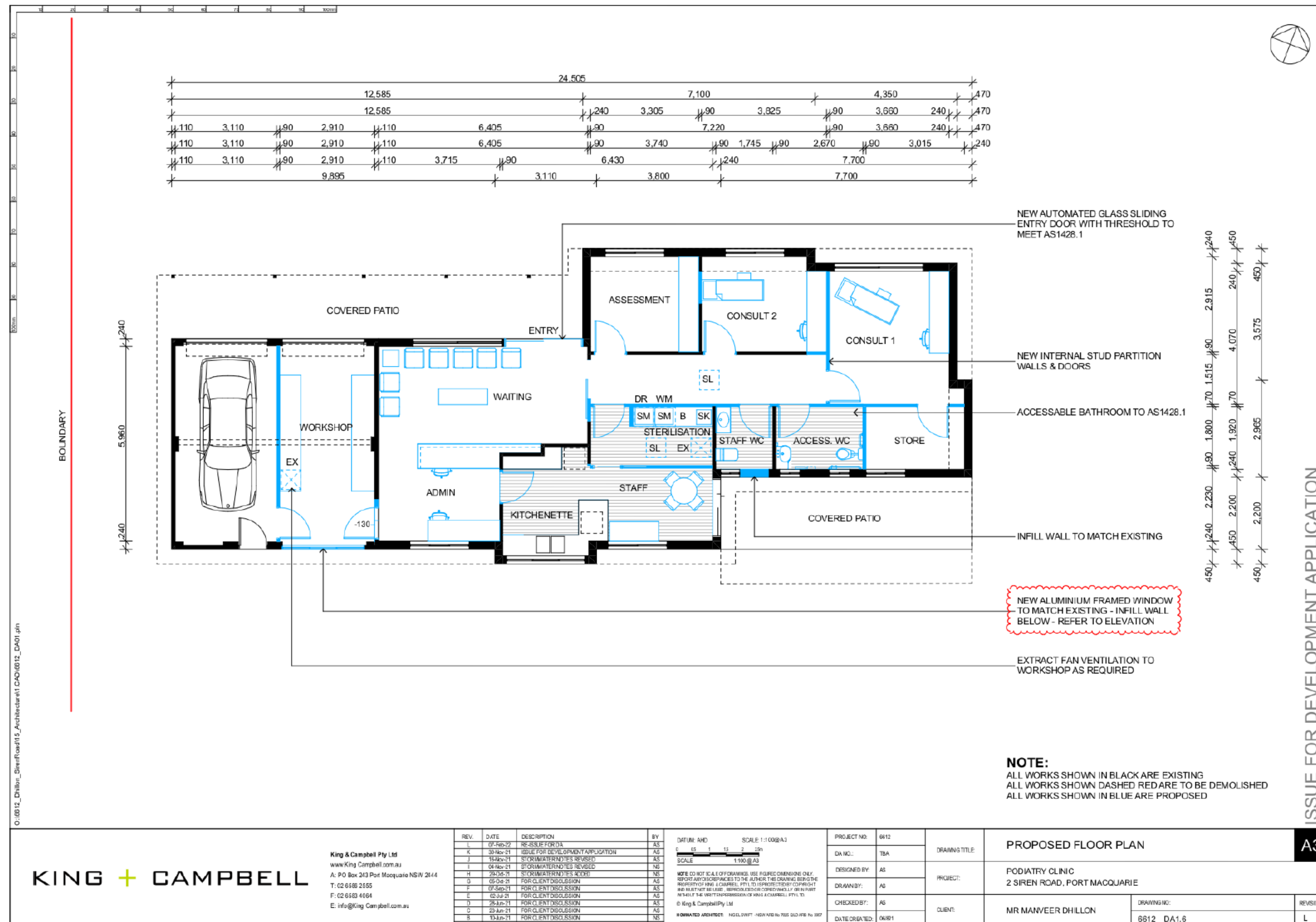


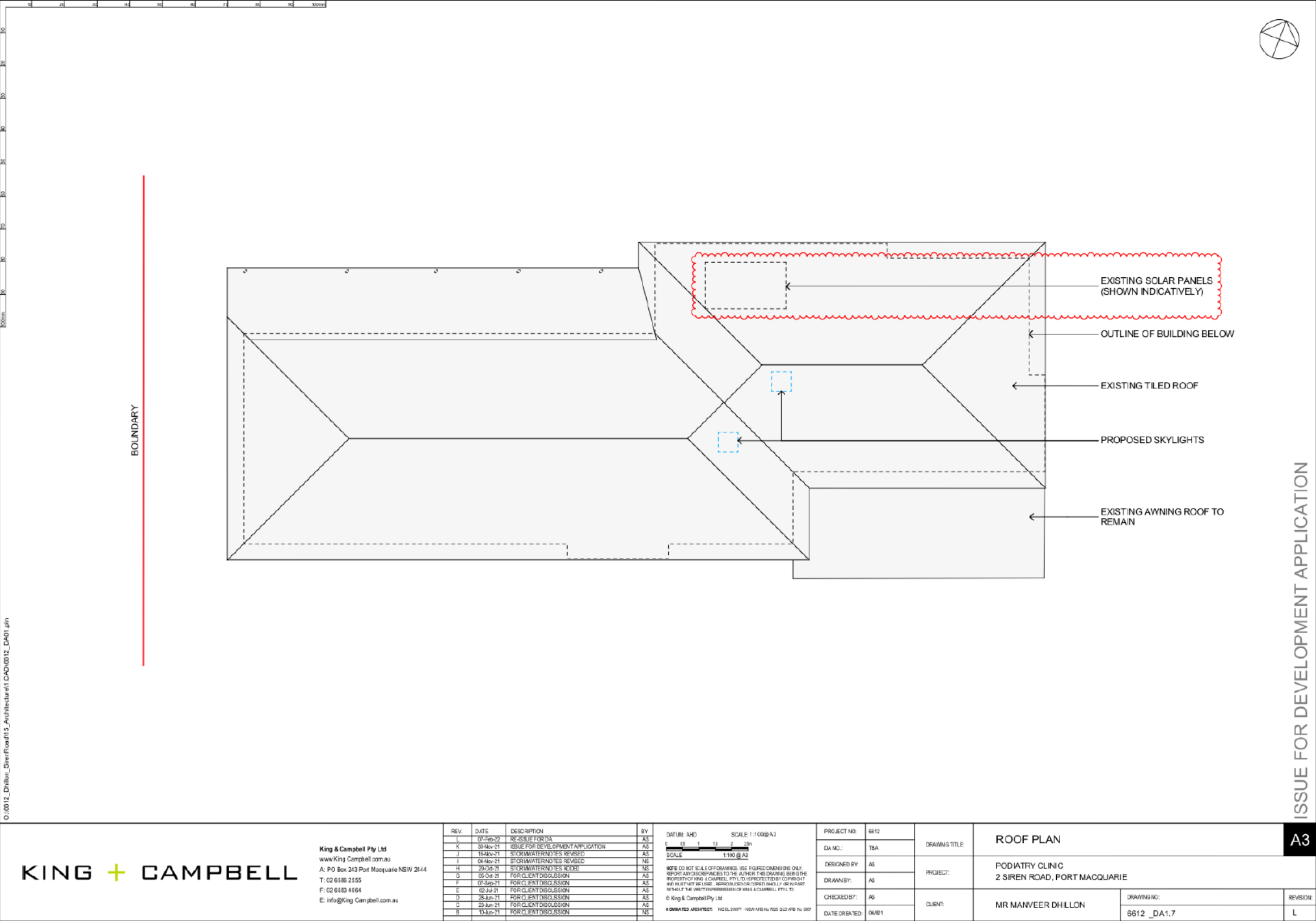


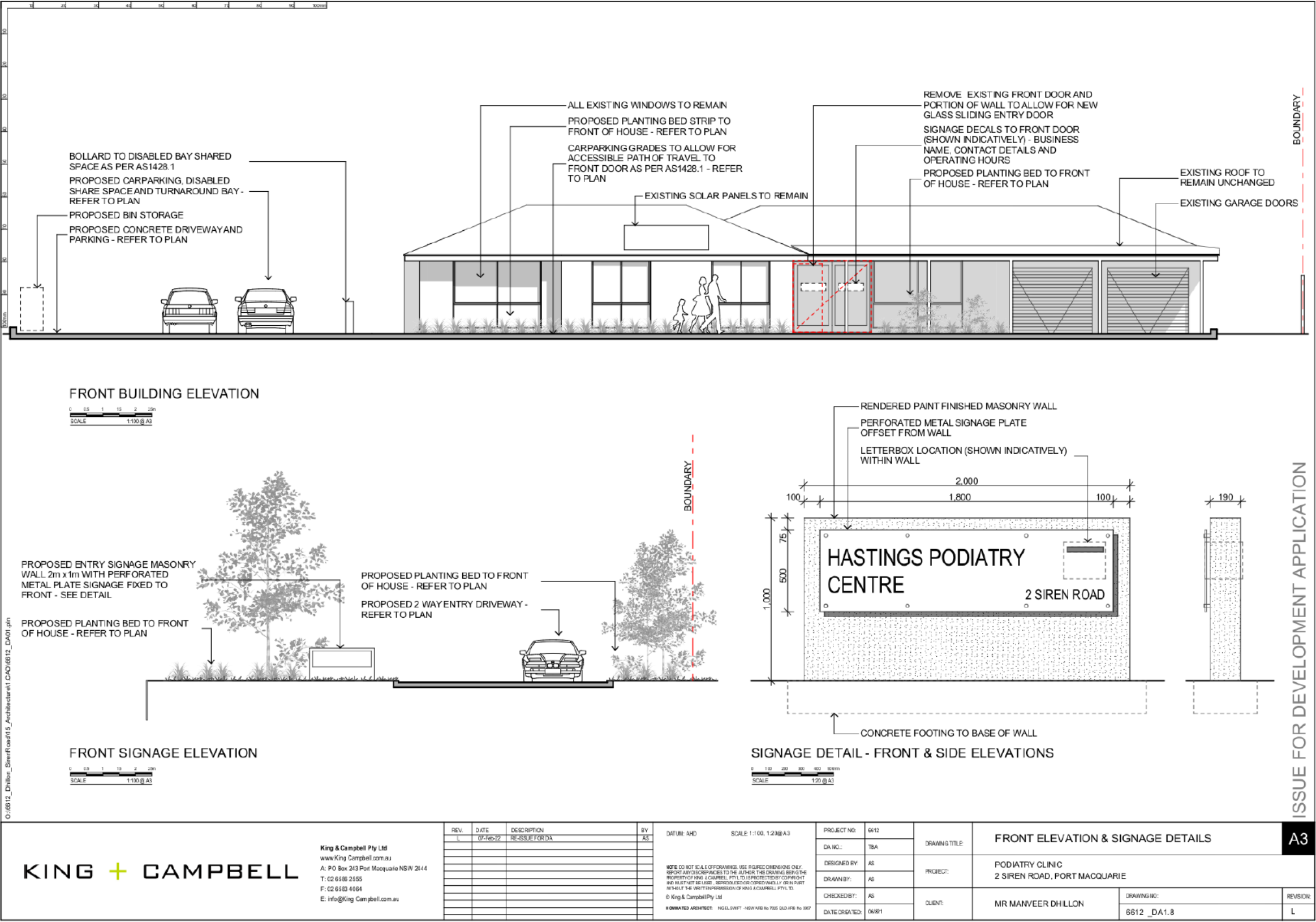


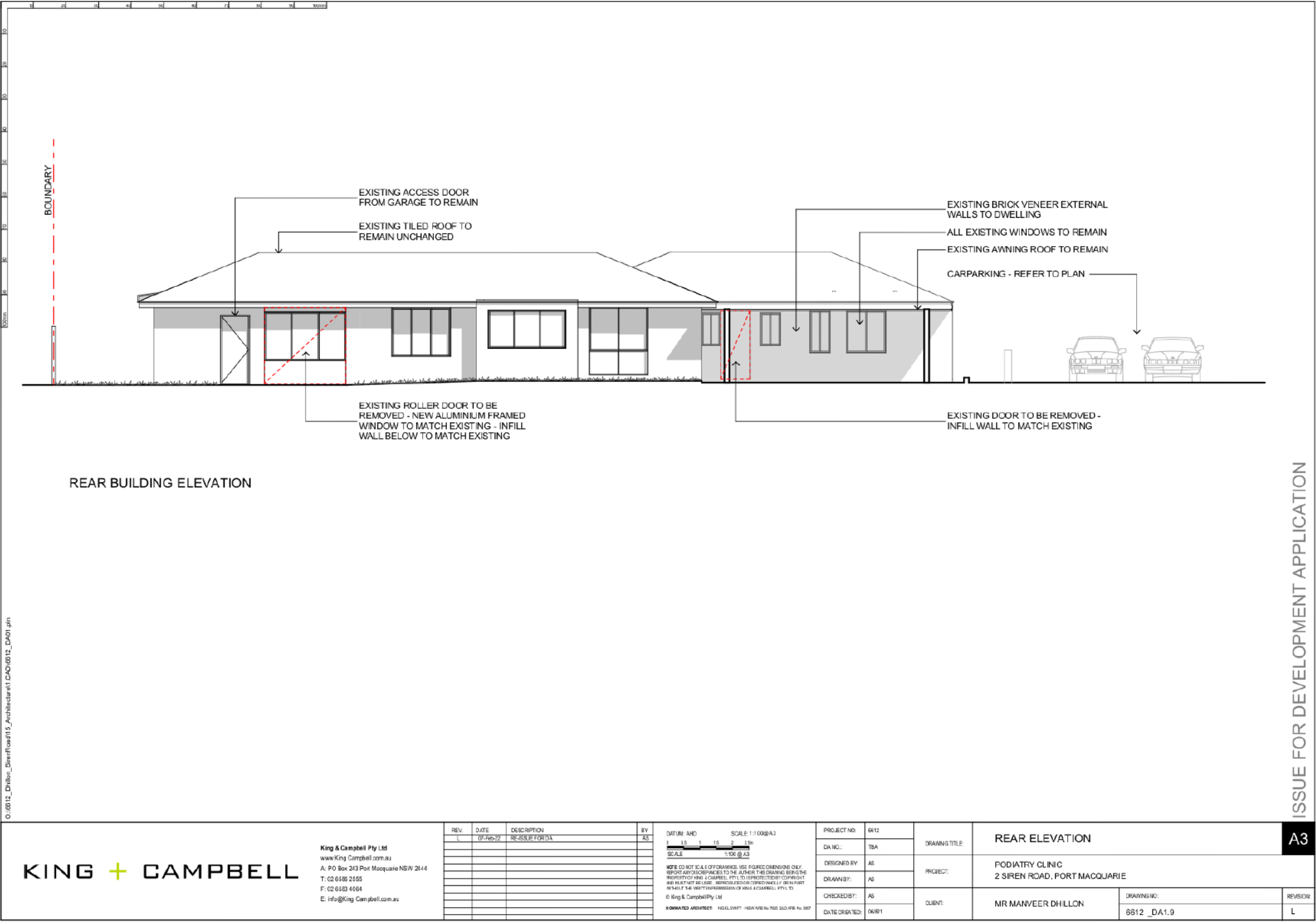












Developer Charges - Estimate

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



154 2021 0303 01

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 S64A 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

Item 07
 Attachment 3
 Page 141

Item 05
 Attachment 2
 Page 120



13 May 2022

Reference: 220381.01DA

GEM Planning Projects
PO Box 2068
Port Macquarie NSW, 2444
Attention: Geraldine Haigh

**LETTER OF ADVICE REGARDING SIGHTLINES AT
THE PROPOSED PODIATRY CLINIC
AT 2 SIREN ROAD, PORT MACQUARIE**

Dear Geraldine,

Reference is made to your request to provide a Letter of Advice for the Podiatry Clinic at 2 Siren Road, Port Macquarie, with proposed plans depicted in **Annexure A** for reference. This letter addresses the sightline assessment provided in the StreetWise Road Safety & Traffic Services Pty Ltd Traffic Impact Assessment submitted in the DA proposal for the proposed Allied Health Consulting Practice podiatry centre. As part of their sightline assessment for driveway access to the proposed development, StreetWise advised that two (2) trees on the southern side of Siren Road would need to be removed to meet SSD requirements. This advice is reproduced in **Annexure B** for reference.

It has been identified that the two street trees on the southern side of Siren Road are Queensland Box trees (an assumed Koala Food Tree species) and as such Council has requested that the applicant consider the retention of both trees. *McLaren Traffic Engineering* has conducted a review of sight distances from the access driveway and is of the opinion that these trees can be retained. The relevant analysis by StreetWise is shown below (italicised) with *McLaren Traffic Engineering's* (MTE) response thereafter.

The stopping sight distance requirements for the proposed access based on a posted speed limit of 50km/h (Urban Default) is 69m for a desirable gap of 5 seconds or a minimum distance of 45m.

The proposed driveway will be located approximately 50m to a point in Siren Road where a vehicle turning in from Fernhill Road can be sighted by an exiting vehicle from the development. This distance does not meet the desirable distance requirement of the standard; however, it does meet the minimum requirement of 45m.



In order to attain the sight distance requirements towards Fernhill Road two (2) substantial trees located on the southern side of Siren Road will need to be removed to enable unobstructed view towards Fernhill Road. (See Figure 10.70).

MTE Response: Siren Road is a default 50km/h street. In accordance with AS 2890.1-2004 Figure 3.2, a minimum sight distance of 45m is required from access driveways for a road with a 50km/h frontage road speed. The priority-controlled T-intersection of Siren Road / Fernhill Road is located approximately 50m from the proposed driveway. Photos were recently taken from the position of an emerging driver from the proposed driveway towards approaching traffic in both directions on Siren Road (see **Figure 1** and **Figure 2**). These images were taken from a set back of 2.5m from the public road carriageway and 0.5m from the centreline that separates the entry and exit lanes of the proposed 6m two-way driveway and from a driver height of 1.15m in compliance with AS 2890.1-2004 Figure 3.2 requirements.



FIGURE 1: DRIVER VIEW FROM THE PROPOSED DRIVEWAY TO THE EAST

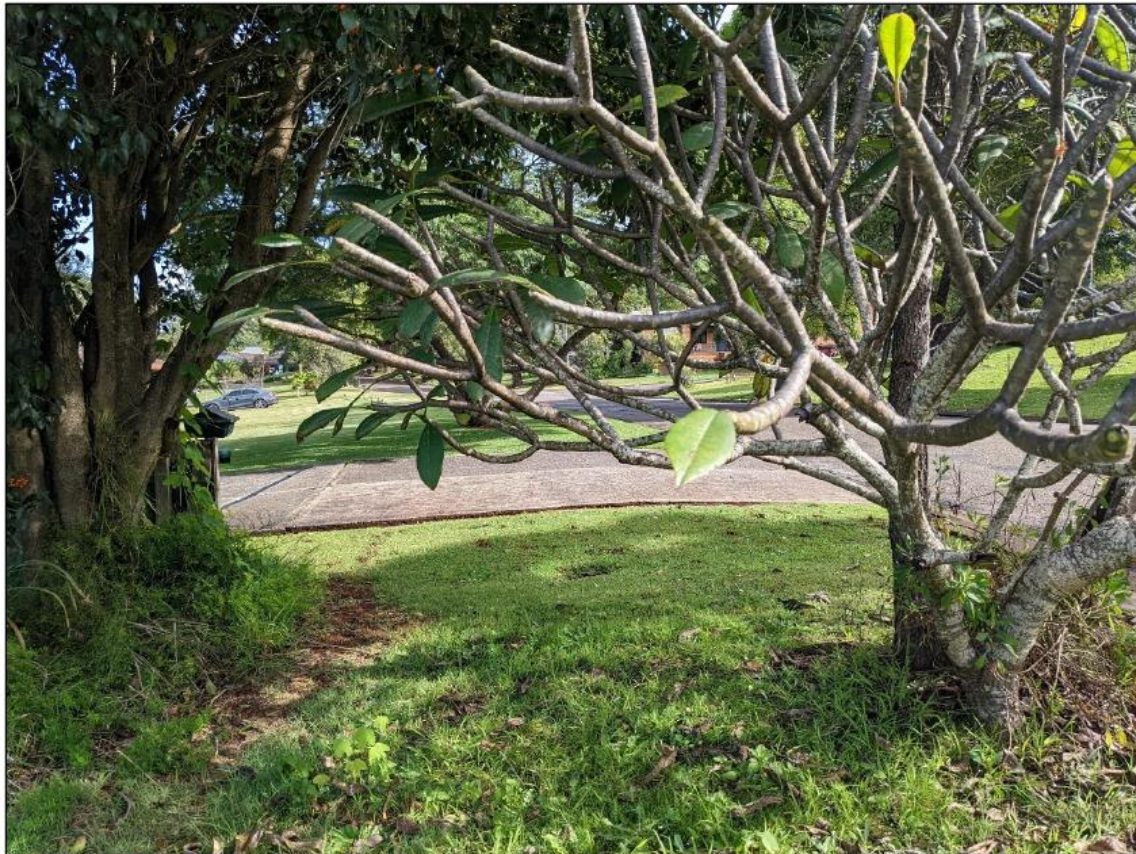


FIGURE 2: DRIVER VIEW FROM THE PROPOSED DRIVEWAY TO THE WEST

The two Queensland Box trees are located to the east of the proposed driveway on the southern side of Siren Road and can be seen along the site frontage in **Figure 1**. As can be seen, the Siren Road / Fernhill Road intersection is clearly visible from the driveway, and there is a sufficient gap between the trees to view vehicles turning onto Siren Road from the intersection. As such, while the trees do partially obstruct the 45m sight distance sightlines to approaching vehicles, there is sufficient vision between the trees to see and identify vehicles turning left into Siren Road from the northbound lane of Fernhill Road, which is at a distance of approximately 50m from the driveway. It is reiterated that the image was taken from a compliant location in accordance with AS 2890.1-2004 specifications for assessing sight distances from a driveway.

Additionally, it is expected that drivers turning onto Siren Road from Fernhill Road will decelerate from 50km/h as they turn onto Siren Road and will not have accelerated back up to 50km/h as they approach the site frontage. Therefore, the sight distance actually required by motorists exiting the driveway is likely to be less than the AS 2890.1-2004 requirement, and as such the 45m sight distance requirement is conservative.

However, on further review of the driver sight distances to the west of the driveway, it has been observed that the Frangipani bush obstructs driver sight lines so that a motorist exiting the driveway cannot see oncoming traffic within 45m of the driver's position in the driveway (as can be seen in **Figure 2**). *McLaren Traffic Engineering* recommends that this bush is removed.



To summarise, the two Queensland Box trees to the east of the proposed driveway are not required to be removed as they have been assessed to not obstruct driver sight lines. All oncoming traffic from the Siren Road / Fernhill Road can be seen from a distance more than 45m away. However, the Frangipani bush to the west of the proposed driveway has been assessed to obstruct the relevant driver sight distances and will require removal.

Please contact Aaron Tomlins or the undersigned on 9521 7199 should you require further information or assistance.

Yours faithfully,

McLaren Traffic Engineering

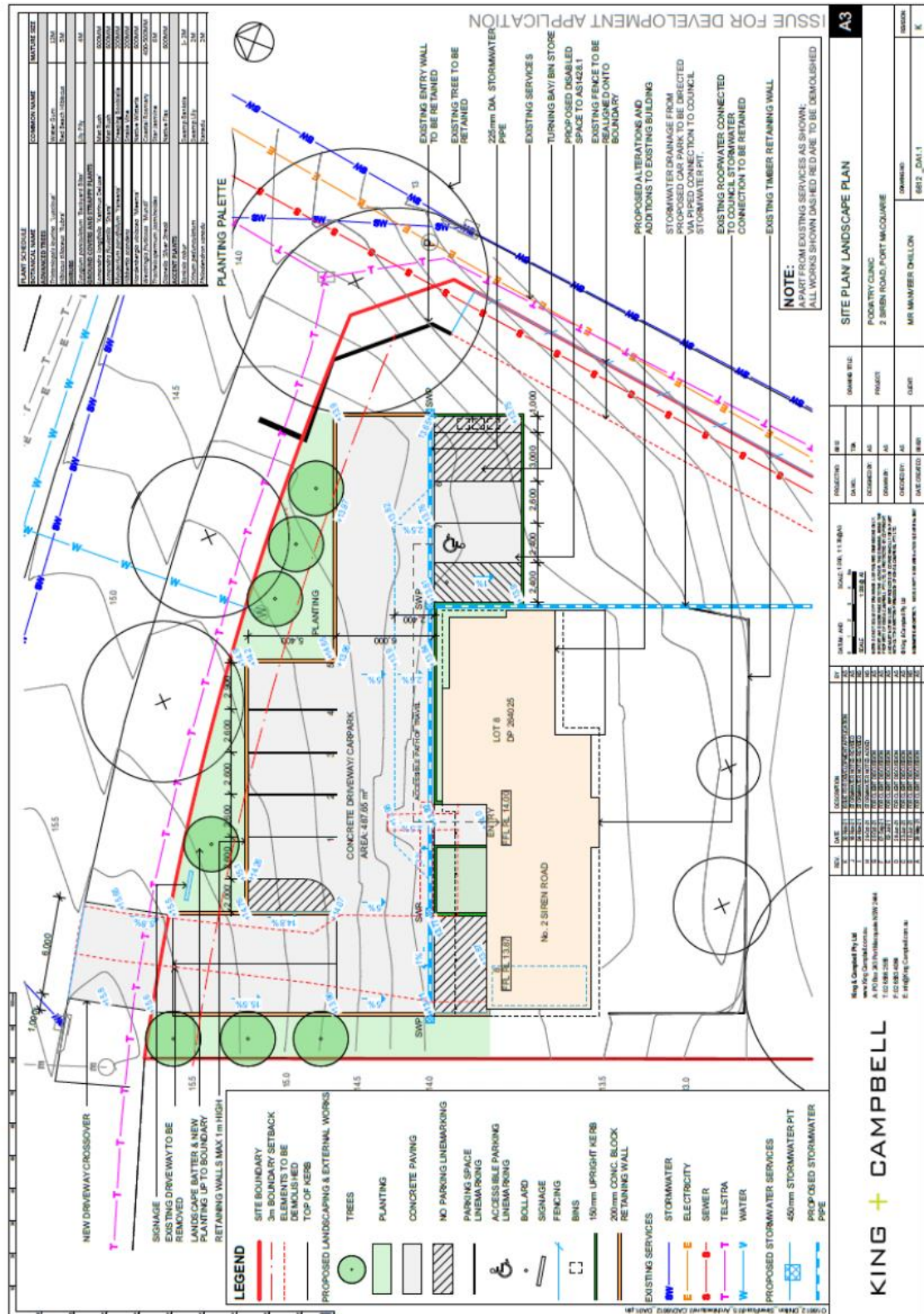
A handwritten signature in black ink, appearing to read 'Craig McLaren'.

Craig McLaren
Director

BE Civil, Grad Dip (Transport Engineering), MAITPM, MITE
RPEQ 19457
RMS Accredited Level 3 Road Safety Auditor [1998]
RMS Accredited Traffic Management Plan Designer [2018]



**ANNEXURE A: PROPOSED PLANS
(1 SHEET)**





**ANNEXURE B: ORIGINAL ADVICE
(1 SHEET)**

10.7 Driveway Access

In accordance with section 3.2.2 of AS2890.1 the driveway access for this development can be between 3.0m to 5.50m wide as the proposed peak hour



Page 18 of 23
Date 08/12/2021
FINAL Report



LOT 8 DP 264025 (No.2) Siren Road, Port Macquarie

Traffic Impact & Carparking Assessment
Proposed Allied Health Consulting Practice

movements will be under 30 (12 trips worst case) in and out movements. The driveway access will be located perpendicular to the road frontage on the western boundary of the site and provided for a width of 6.0m.

The stopping sight distance requirements for the proposed access based on a posted speed limit of 50km/h (Urban Default) is 69m for a desirable gap of 5 seconds or a minimum distance of 45m.



Figure 10.70 – AT DRIVEWAY LOCATION LOOKING TOWARDS FERNHILL ROAD

The proposed driveway will be located approximately 50m to a point in Siren Road where a vehicle turning in from Fernhill Road can be sighted by an exiting vehicle from the development. This distance does not meet the desirable distance requirement of the standard; however, it does meet the minimum requirement of 45m.

In order to attain the sight distance requirements towards Fernhill Road two (2) substantial trees located on the southern side of Siren Road will need to be removed to enable unobstructed view towards Fernhill Road. (See Figure 10.70)



ARBORICULTURAL ASSESSMENT REPORT



Address: 2 Siren Road Port Macquarie

Inspection Date: 11.5.2022 **Report Valid Until:** 11.5.2023

Sky's The Limit Tree Services ABN: 13 112 670 818

Consulting Arborist: Troy Roberts T: 0474 580 214 E: info@stltrees.com.au W: stltrees.com.au

Insurer & Policy:

Profesional Indemnity: QBE - 41A063969PID

Public Liability: PAS - BXLC LIQ 2018 014319



Prepared for:
GEM Planning Projects

Prepared By:

Sky's The Limit Tree Services
T: 0474 580 214
E: info@stltrees.com.au
W: stltrees.com.au

	Name	Date
Prepared By	Troy Roberts	14/5/2022

Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Sky's The Limit Tree Services. To the best of Sky's The Limit Tree Services knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Sky's The Limit Tree Services used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Sky's The Limit Tree Services to ensure that this information and/or documentation was accurate, it has been taken in good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.

Trees are living organisms and therefore possess natural variability. This cannot be controlled, however trees can be managed. An Arborist cannot guarantee that a tree will be safe under all circumstances, nor predict the exact time when a tree or part of a tree will fail. To live or work near a tree involves some degree of risk and this evaluation does not preclude all the possibilities of failure.

The findings within this report are based on the tree's condition when the inspection was completed (11.5.22). Time and severe weather conditions can greatly change the health and structure of a tree. Thus no responsibility is taken for any adverse damage or injury sustained as a result of tree/ tree part failure after this date.



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1. INTRODUCTION

Sky's The Limit Tree Services (STL Trees) has been engaged by 'GEM Planning Projects' to carry out a tree assessment report for 2 Siren Road Port Macquarie NSW, Australia, which will be referred to as 'the site'.

Concerns were raised by the client in respect to the long term tree viability due to encroachments into 'Tree Protection Zones' by a pathway proposed by Council. The client has also informed us that neighbours and surrounding residents have also expressed that they wish for the trees to be retained as they add to the amenity value of the street.

2. BACKGROUND

2.1 Proposed Development

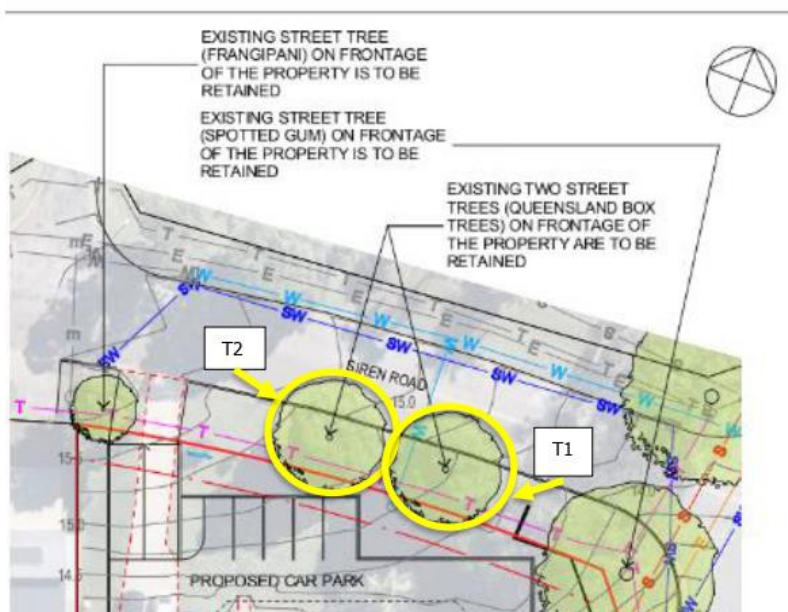


Figure 1: The trees which were assessed for this report have been highlighted in yellow above.



2.2 Site Location

The subject site is located at number 2 Fernhill Road in Port Macquarie, NSW, Australia.



Figure 2 - Site location highlighted in yellow above

2.3 Site Conditions

The site has a North facing aspect with reasonable fall from the North to South. This area is predominately red soil which is prone to the effects of compaction. The vegetation onsite is predominantly occurring around the perimeter and the 2 Brushbox trees in question are occurring on the 'nature strip' on Siren Road, hence they are Council assets.



3. METHODOLOGIES

3.1 Methods

Numerous methodologies were used to assess the subject trees. These are listed and described below.

Visual Tree Assessment (VTA)

A Visual Tree Assessment (VTA) was used as the main methodology for assessing the health and vigour of the subject trees.

A Visual Tree Assessment (VTA) is an internationally accepted and widely recognised system that identifies **symptoms** that a tree produces in reaction to an area of biomechanical stress. It is a visual assessment of a tree from the ground which was developed by Mattheck and Breloer to aid the diagnosis of potential defects through visual signs and the application of mechanical criteria (Lonsdale 2001, p324).

Tree Hazard Evaluation

Hazard Tree evaluation is the systematic process of assessing the potential for a tree or one of its parts to fail and injure people or damage property. The primary goal of hazard evaluation is to identify potentially hazardous trees or tree parts so they can be treated before failure occurs. All hazards cannot be eliminated. However, by evaluating trees and rating the hazards associated with them, the arborist can prioritise and schedule abatement treatments to reduce the level of risk.

ULE (Useful Life Expectancy)

Each tree can be assigned a ULE (Useful Life Expectancy) value as developed by Barrell (1996). The objective of a ULE assessment is to assign a relative value to individual trees within a group for the purpose of informing future management options. In summary, ULE is the life expectancy of each tree modified by economic considerations, impacts on trees with a longer ULE and the retention of the amenity of the wider landscape.

The Useful Life Expectancy (ULE) methodology can be used to categorise trees as follows:

- Long (Greater than 40 years); = **L**
- Medium (Between 15 and 40 years); = **M**
- Short (Between 5 and 15 years); = **S**
- Removal (no remaining ULE); = **R**
- Small, young or regularly pruned. = **SY**

3.2 Materials and Tools

Various materials and tools were used to carry out the tree assessments. These included a biotic and abiotic data collection sheet for the subject trees in order to easily collect and recall all required and relevant data whilst in the field.

In addition to this the following tools were used to assist and record the data collected

- Sony 6300 camera with 50mm & fish lens for photographs
- 5 metre metric diameter tape
- Iphone for compass
- Microsoft surface tablet for data collection



4. OBSERVATIONS

A comprehensive VTA inspection and data gathering was conducted by Troy Roberts of STL Trees who holds an AQF 5 in Arboriculture. Site inspection was completed on 11/5/22.

4.1. Summary of Tree Assessment

The summary sheet below was prepared noting details of each tree upon the site. More detail including photographs can be found in **Part 6 Discussion & Analysis**.

Tree Data Summary Sheet – Definitions

SPECIES: Botanical Name and Common Name. U = unidentified; *identification not confirmed

DBH: diameter of trunk at 1400mm above ground level and measure in millimetres (mm)

~HGT: approximate height of tree measured in metres (m)

~ AGE: J = Juvenile < 2 years; S = Semi mature; M = mature; OM = over mature

VITALITY: is an overall measure of the rate of shoot production, shoot extension or diameter growth (Lonsdale 2001, p324). It can also be described as the ability to resist strain (genetic feature) = Poor, Declining, Good

ULE: Useful Life Expectancy, indicator of time frame of useful expectancy

**DEVELOPMENT
IMPACT &**

COMMENTS: The overall impact of the proposed development & additional comments on tree structure, health and observations

Number Species & Common Names	DBH (mm) & Basal	~HGT (m)	Canopy Spread	~Age Class	Vitality & Vigour	ULE	Tree Structure	Development Impact, Heritage, Cultural or Ecological Value & Additional Comments
Tree 1: Lophostemon confertus (Brushbox)	DBH: 620mm Basal: 720mm	10m	N: 5 E: 5 S: 4 W: 4	Mature	Good	Long 20 + years	Good	Co-dominant trunks starting at approximately 1.5m Presence of minor deadwood in all cardinal directions Exposed root crown with exposed surface roots, all with some extent of mechanical damage
Tree 2: Lophostemon confertus (Brushbox)	DBH: 390mm 250mm Basal: 620mm	8m	N: 4 E: 4 S: 4 W: 4	Mature	Good	Long 20 + years	Good	Co-dominant trunkes starting at approximately 0.9m Presence of minor deadwood in all cardinal directions



5. DISCUSSION AND ANALYSIS

5.1 Subject trees & their current condition



Photo 1: T1 on the left & T2 to the right. Both trees are *Lophostemon confertus* (Brushbox) which are endemic to rainforests and more fertile forests of the area. Brushbox have been used extensively and very successfully throughout Australia as a street tree.



Photo 2: Surface roots of Tree 1; multiple 'mechanical damage' wounds. The top soil is exposed with minimal organic matter observed.



Photo 3: The pathway, regardless of what trajectory it takes will dissect the 'Tree Protection Zones' (TPZ) & have what is deemed a 'Major Encroachment' into the TPZ & 'Structural Root Zones' (SRZ).



Photo 2: Tree 1 has a DBH of 620mm attaining it a tree protection zone of 7.44m (total area of 173.9m²). If the pathway is 1.5m from the centre of the trunk, this would give an incursion rate of approximately 37.25% of the total tree protection zone (occupying a total area of 64.78m²).

The completed pathway would occupy a smaller percentage than the incursion percentage stated. But during the construction process, the property side of the pathway would have to be used by construction machinery, tradesmen etc. Hence it would be out of the prescribed Tree Protection Zone and the construction activities and occupation of the area would undoubtedly have a detrimental affect on the soil profile causing compaction, top soil disturbance etc.

Both Trees 1 & 2 are of good vigour and vitality and due to their age and species would be more resilient and adaptable with minor manipulation of their environment. There are examples around LGA and others of trees of similar age, vigour and vitality surviving post-construction of footpaths of similar nature and encroachments. Although to guarantee that the effects of construction (root severage, compaction, alteration of soil profile etc) would not be detrimental would be negligent on our behalf especially when referencing AS4970 'Protection of Trees on Development Sites'.

5.2 Tree Protection Zone (TPZ) encroachment

Encroachment into the Tree Protection Zone (TPZ) needs to be considered when determining the potential impact upon the trees by any future maintenance activities and especially during the earthworks stage, landscaping, fencing construction activities etc. Even foot traffic in the area of the TPZ over a short period of time can severely compact the soil profile. As a result, water can not infiltrate the soil profile and tree roots can not function properly as they are suffocated. This is a major contributor to tree decline during and post construction.



Mechanical damage and root severage are terms used to describe physical damage sustained to the trees cambium (or deeper layers phloem/xylem) which inhibits or severs the trees natural transportation pathways. This is caused from human activities; namely whilst operating machinery e.g. whipper snippers, slashers, mowers, poor driving, excavators, earth moving equipment & vandalism.

5.3 Structural Root Zone (SRZ) encroachment

The roots within the SRZ are required for the tree's stability. Any loss of roots in the TPZ can compromise tree health, vitality and vigour. In the case of major encroachments into the SRZ, overall structural integrity of a tree cannot be guaranteed long term, as these roots are what anchor the tree to the ground.

We can confirm that both Trees 1 & 2 will all have major encroachments into their SRZ.

Tree Num.	Species & Common Name	Basal Measurement	SRZ
T1	Lophostemon confertus (Brushbox)	720mm	2.88m
T2	Lophostemon confertus (Brushbox)	620mm	2.71m

5.4 Ground Surface Modification

By introducing hard surface materials within an area that is currently grassed may affect tree health. This may reduce water penetration and oxygen levels within the underlying soil structure thus having an impact upon the root systems of the trees 1 & 2.



6. RECOMMENDATIONS

Based upon the observations and discussions, the following recommendations are made regarding the 2 subject trees.

Our preferred option would be that the pathway is not constructed, as it is unavoidable to construct the path without having a major encroachment into both the prescribed 'Tree Protection Zones' & 'Structural Root Zones'.

Any loss of roots in the TPZ can compromise tree health, vitality and vigour. In the case of the SRZ, overall structural integrity of a tree cannot be guaranteed long term, as these roots are what anchor the tree to the ground.

In cases like this on development sites we would normally recommend that sections that bisect the TPZ/SRZ are raised to avoid impacting the surrounding trees. However, we are aware that this would not comply with the requirements of the 'minimum design standards' criteria for footpaths by Council.

If Council decide the pathway must be constructed and find it reasonably practical to absorb the risks highlighted in this report, then it would be our strong recommendation that an AQF level 5 project arborist is consulted to ensure that damage is minimised, trunks of T1 & 2 are protected and their TPZ's are delineated as per AS 4970 - 'Protection of Trees on Development Sites'.

Regardless of the outcome of the footpath it would be our recommendation that before construction begins that the subject trees have associated deadwood removed and have a minor canopy raise to enhance their amenity value.



7. REFERENCES

LITERATURE:

'Dictionary for Managing Trees in Urban Environments'.
Danny B Draper and Peter A Richards.

'Forest Trees of Australia'
D.J. Boland, M.I.H Brooker, G.M Chippendale, N. Hall, B.P.M Hyland, R.D.Johnston, D.A.Kleinig, J.D.Turner.
Published 1952 - reprinted 2002.

'Trees and Development – A Technical Guide to Preservation of Trees During Land Development'
Nelda P. Matheny & James R.Clark, 1998.

'AS 4970-2009 'Protection of Trees on Development Sites' – Standards Australia 2009

WEB

http://www.treetec.net.au/TPZ_SRZ_DBH_calculator.php

Google.com

Sixmaps.com



8. ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided to the consultant/ appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matter legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other government regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified in so far as possible; however, the consultant/ appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant/ appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the expressed written or verbal consent of the consultant/ appraiser.
7. Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/ appraiser – particularly as to value conclusions, identity of the consultant/ appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/ appraiser as stated in his qualification.
8. This report and any values expressed herein represent the opinion of the consultant/ appraiser, and the consultant/ appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural report or surveys. Unless expressed otherwise:
 - a. Information contained in this report conveys only those items that were examined and reflects the condition of those items at the time of inspection.
 - b. The inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Abeyta.D (ed) (1995). *Guide to Report Writing for Consulting Arborists*. International Society of Arboriculture. United Graphics Inc., Homer, Illinois



9. APPENDICES

APPENDIX A - STRUCTURAL ROOT ZONE (SRZ)

The Structural Root Zone (SRZ) is the area required for tree stability. A larger area is required to maintain a viable tree.

The SRZ only needs to be calculated when major encroachment into a TPZ is proposed.

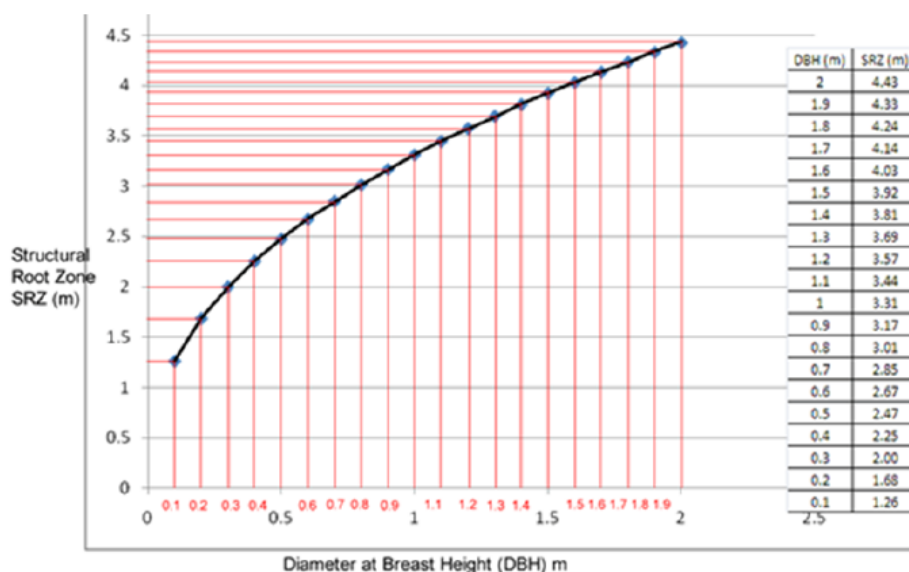
There are many factors that affect the size of the SRZ (e.g. tree height, crown area, soil type, soil moisture). The SRZ may also be influenced by natural or built structures, such as rocks and footings. An indicative SRZ radius can be determined from the trunk diameter measured immediately above the root buttress using the following formula or Figure 1. Root investigation may provide more information on the extent of these roots.

$$\text{SRZ radius} = (\text{DBH} \times 50)^{0.42} \times 0.64$$

Where

DBH = trunk diameter at breast height in m, measured above the root buttress

NOTE: The SRZ for trees with trunk diameters less than 0.15 m will be 1.5 m (see graph below).



**APPENDIX B - TREE PROTECTION ZONE (TPZ)**

Australian Standard 4970 – 2009 Protection of Trees During Construction states that the method of calculating the ideal TPZ is as follows:

TPZ radial distance (m) = DBH (m) x 12

It is also noted that the TPZ can be encroached by 10 – 20% where the remainder of the TPZ remains undisturbed due to site restrictions. This formula has been applied as a guideline.

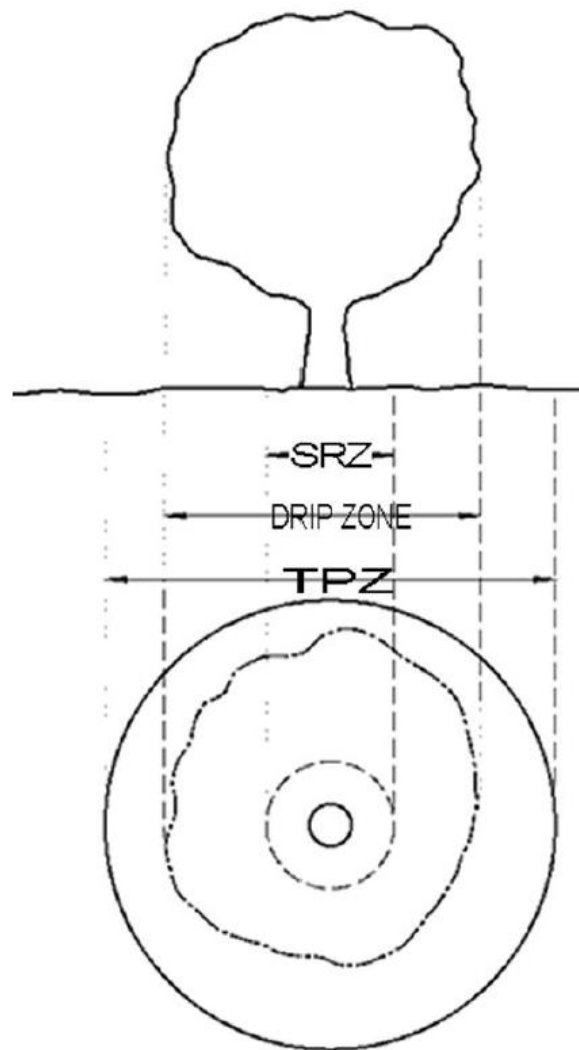


Figure 1: TPZ & SRZ from 'AS 4970 - Protection of Trees on Development Site

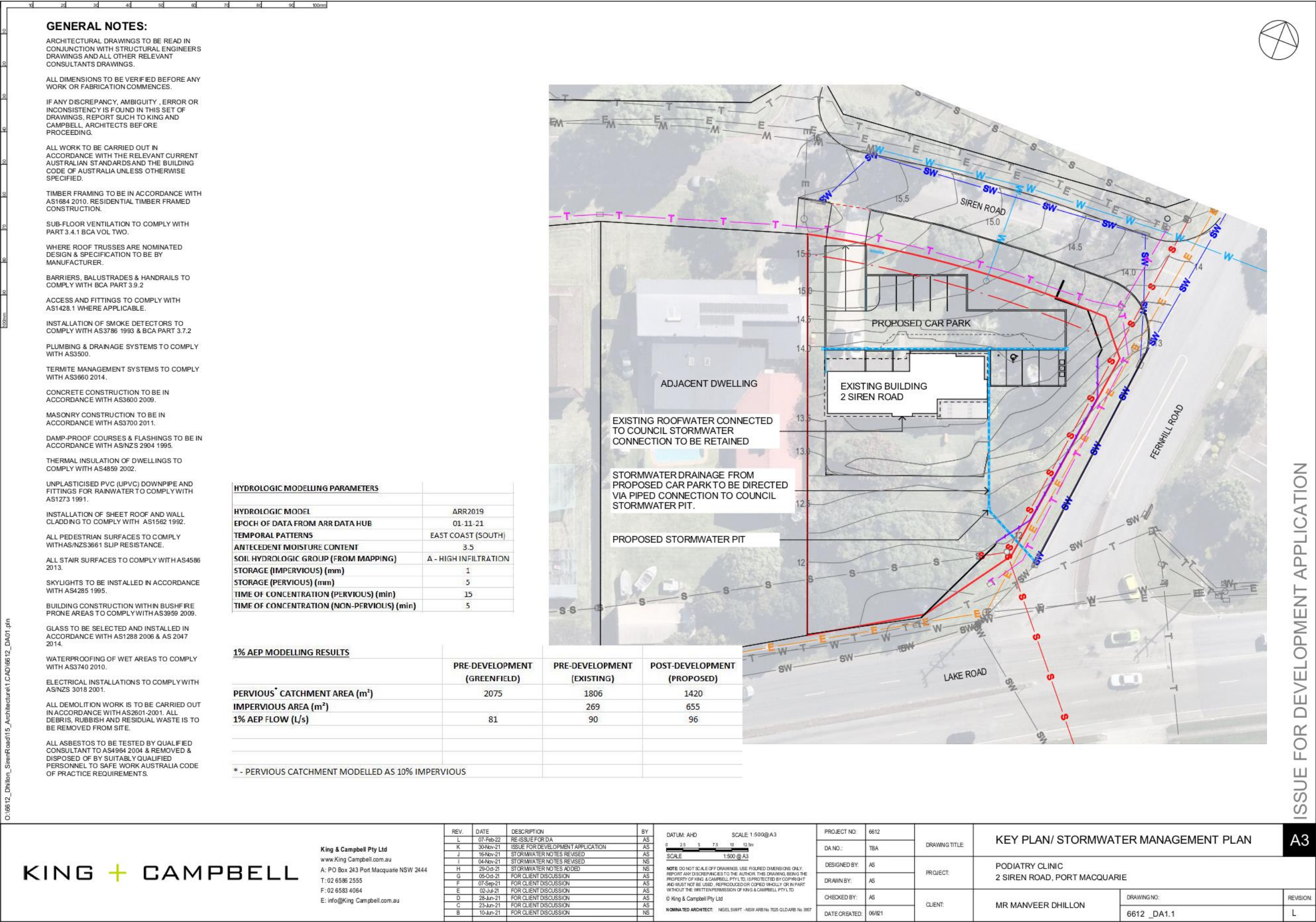


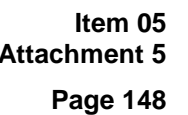


DEVELOPMENT APPLICATION

PODIATARY CLINIC
2 SIREN ROAD, PORT MACQUARIE

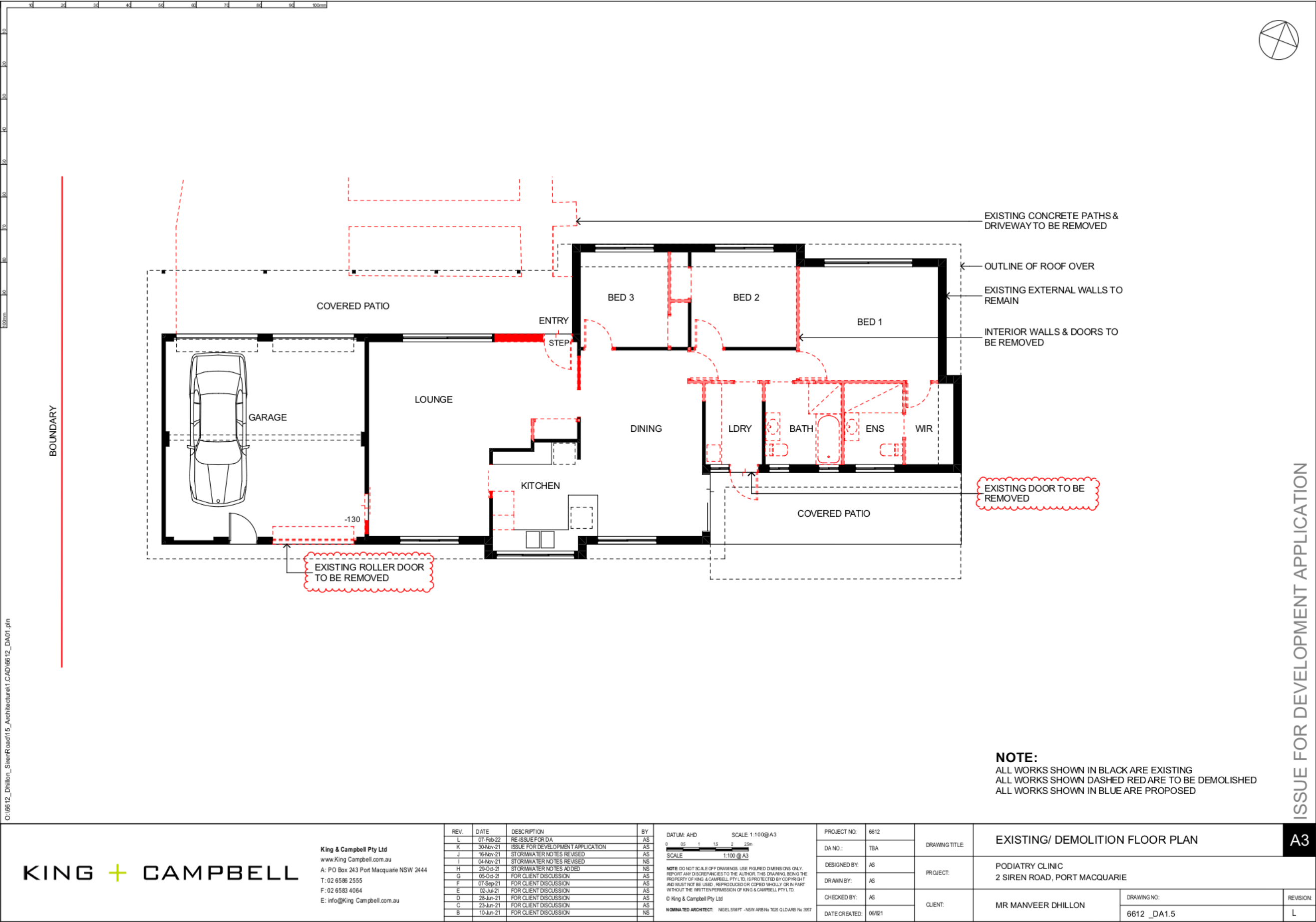
SHEET INDEX		
Layout	Layout Name	Rev.
DA0.1	COVER SHEET	L
DA1.1	KEY PLAN/ STORMWATER MANAGEMENT PLAN	L
DA1.2	SITE PLAN	L
DA1.3	DETAILED LANDSCAPE PLAN - SHEET 1	L
DA1.4	DETAILED LANDSCAPE PLAN - SHEET 2	L
DA1.5	EXISTING/ DEMOLITION FLOOR PLAN	L
DA1.6	PROPOSED FLOOR PLAN	L
DA1.7	ROOF PLAN	L
DA1.8	FRONT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

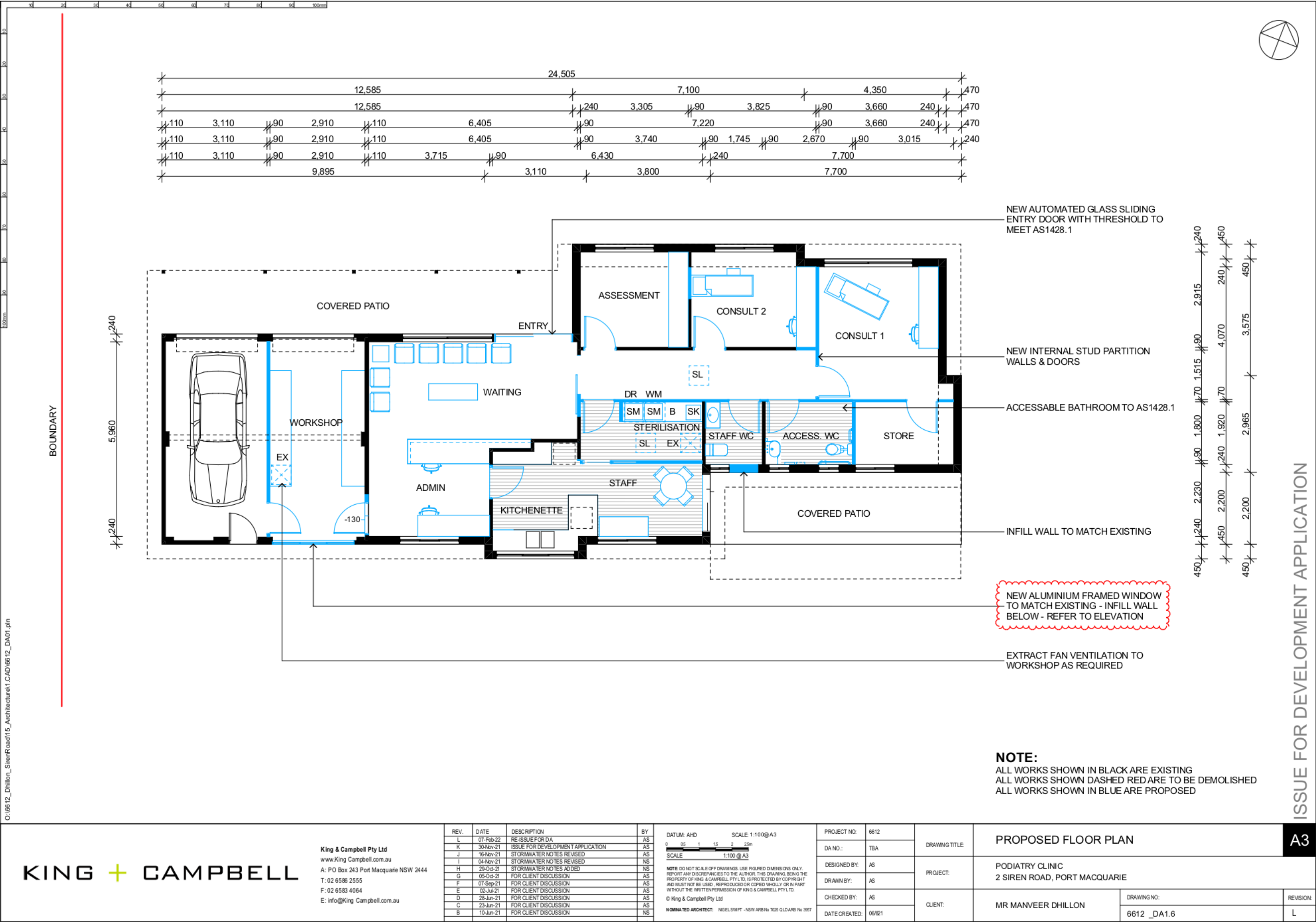


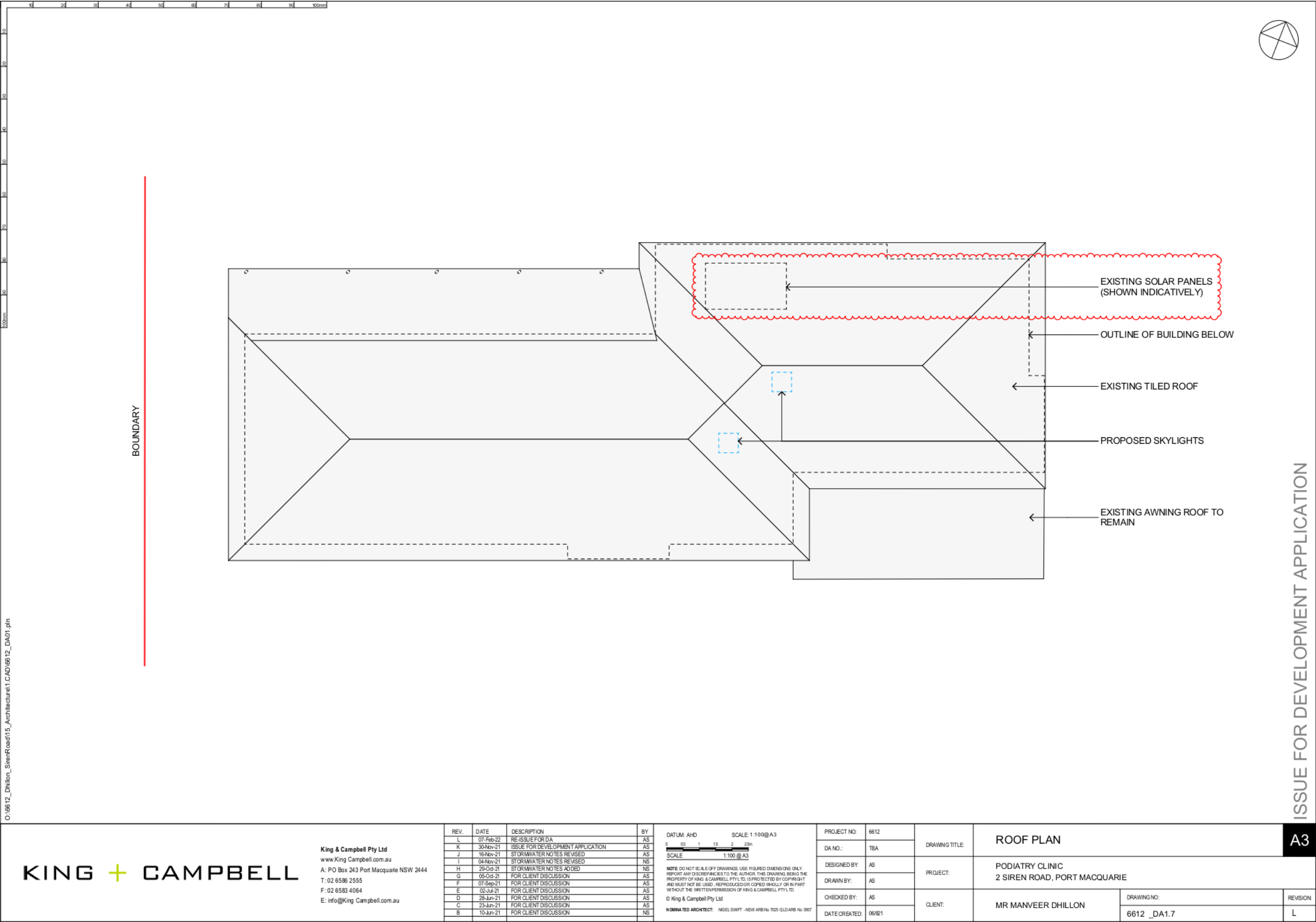


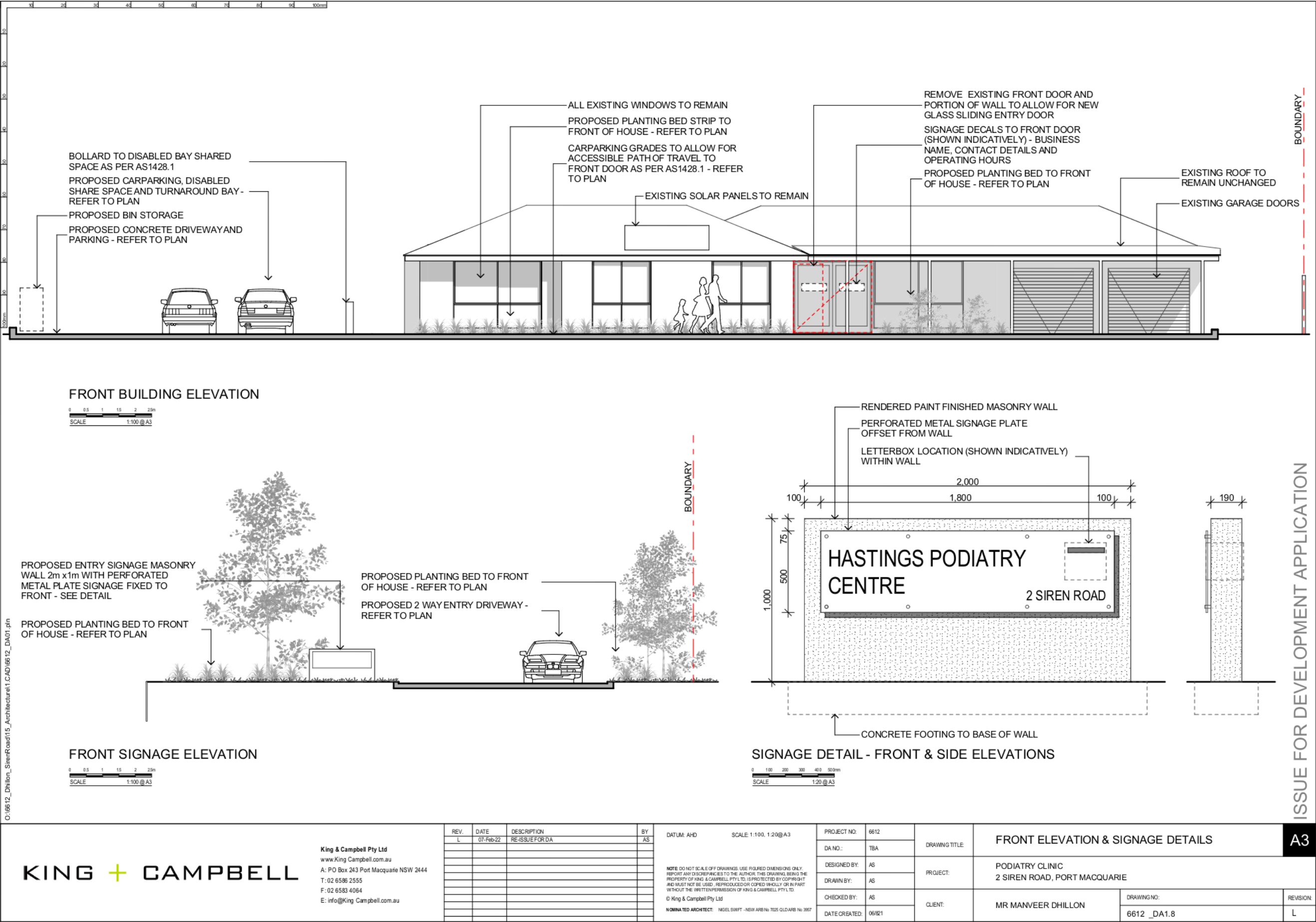


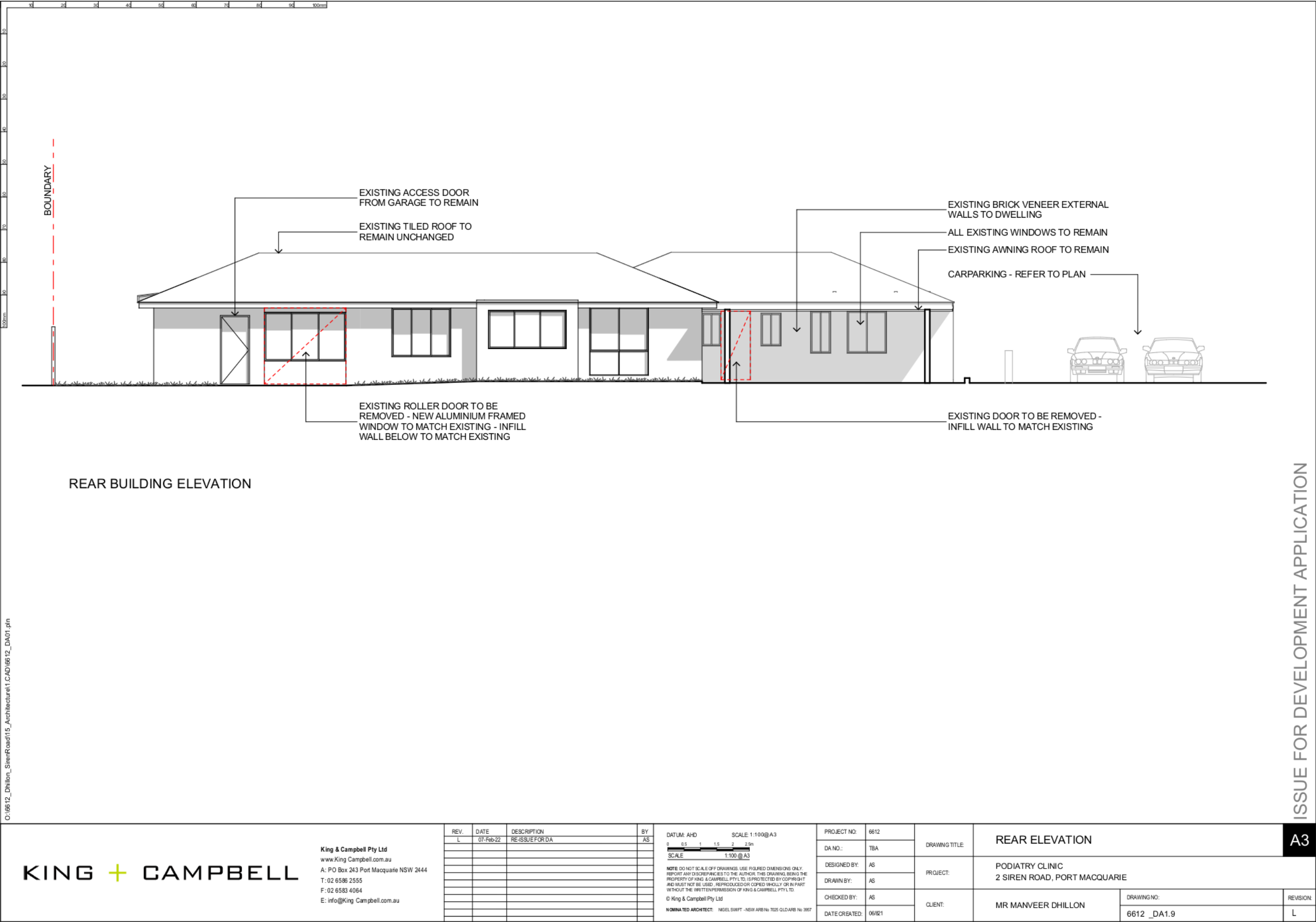
Item 05
Attachment 5
Page 150











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

Item: 06

Subject: DA2021 - 1023.1 ALTERATIONS AND ADDITIONS TO INDUSTRIAL BUILDING (BOAT BUILDING AND REPAIR FACILITY) AT LOT 17 DP 1191370, NO 10 GLEN EWAN ROAD, SANCROX

Report Author: Development Assessment Planner, Chris Gardiner

Applicant:	Birdon Holdings Pty Ltd
Owner:	Birdon Holdings Pty Ltd
Estimated Cost:	\$1,481,000
Parcel no:	64192

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2021 - 1023.1 for Alterations and Additions to an Industrial Building (Boat Building and Repair Facility) at Lot 17, DP 1191370, No. 10 Glen Ewan Road, Sancrox, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to an industrial building (boat building and repair facility) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. Plans for the proposed development are included in **Attachment 2**.

Following exhibition of the application, seven (7) submissions were received.

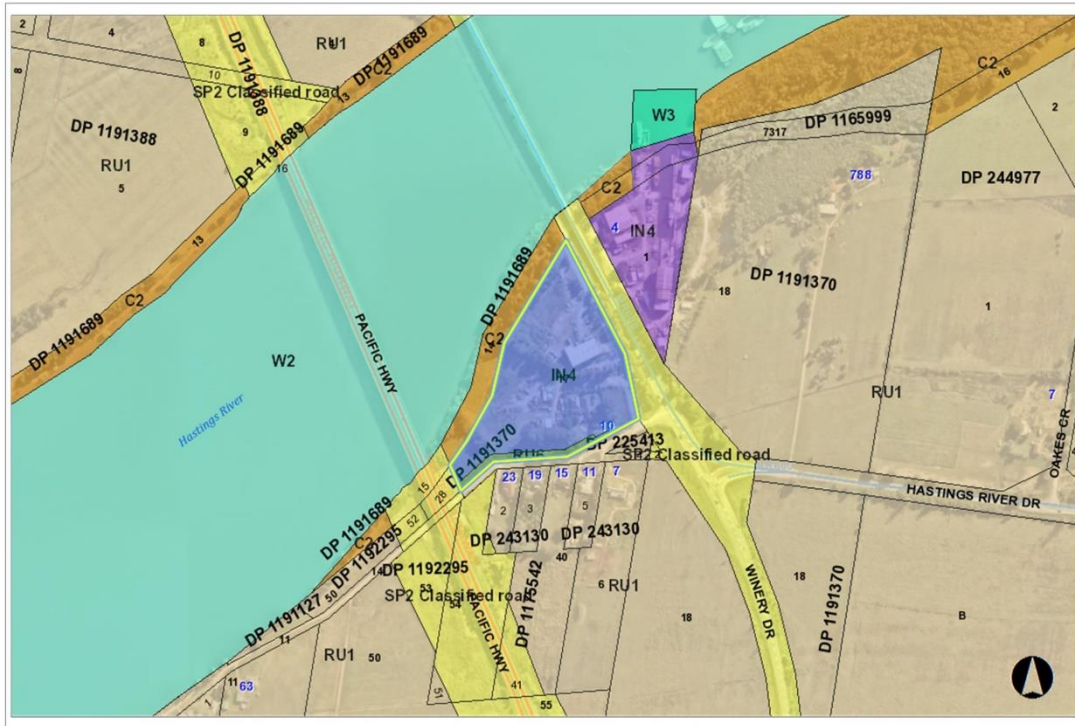
The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be granted consent subject to the conditions in **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.

Existing Sites Features and Surrounding Development

The site is zoned IN4 Working Waterfront 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:



- 25 November 2021 - Application accepted for lodgement.
- 1 December 2021 to 14 December 2021 - Neighbour notification.
- 15 December 2021 - Comments of application received from Essential Energy.
- 28 January 2022 - Additional information requested from Applicant.
- 2 March 2022 - Additional information submitted by Applicant.
- 3 May 2022 - Further additional information requested.
- 12 May 2022 - Further 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 4.9 - The property is over 1ha in size (including adjoining land in the same ownership) and does not have a KPOM in place.

Before consent is granted, Council is required to assess whether the development is likely to have any impact on koalas or koala habitat.

In accordance with Clause 4.9(3), Council is satisfied that the development is likely to have low or no impact on koalas or koala habitat for the following reasons:

1. The ecology assessment from 2011 (PP2007 - 7.1) identified the site as potential koala habitat, but not core habitat under former SEPP 44.
2. The proposed development will not involve any tree removal or changes to site fencing.
3. The only works outside the footprint of the existing building are some minor earthworks for the car parking area and access.

Based on the above, consent to the development application on koala habitat grounds is supported.

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

The proposed development includes proposed advertising signage in the form of business identification signs on the eastern and western elevations of the proposed building addition.

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 proposed signs are located on a building within a working waterfront industrial precinct and are considered appropriate to the character of the area.	Yes

	More broadly the area is in a rural setting adjacent to the Hastings River.	
Schedule 5(2) Special areas.	The site is not located in a special area.	Yes
Schedule 5(3) Views and vistas.	The signs are proposed to be attached to the walls of the building and would not obstruct any views or vistas.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The scale and proportions of the signs are appropriate for the setting.	Yes
Schedule 5(5) Site and building.	The dimensions of the signs are compatible with the building that they are proposed to be attached to.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	Yes
Schedule 5(7) Illumination.	Signs not proposed to be illuminated.	Yes
Schedule 5(8) Safety.	The location and design of the signs is not anticipated to result in any adverse safety impacts.	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 2.7 - The subject site includes land mapped as coastal wetland (see below). However, the proposed development is located clear of the coastal wetland areas and is therefore not designated development.

- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The location of the building addition is predominately cleared and located within an area zoned for working waterfront industrial purposes. There is established vegetation within the Crown land to the north and west of the site that will substantially screen the building from view from the Hastings River.

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - The proposal has been referred to Essential Energy in accordance with this clause. 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.

Essential Energy also advised that Council consult with TransGrid in relation to the transmission line running adjacent to the eastern boundary of the site. The proposal was referred to TransGrid through the NSW Planning Portal on 15 December 2021, but no comments were provided within the statutory timeframe and it is assumed that Transgrid has no safety concerns regarding the development. It is noted that the development is located clear of the transmission easement registered on the title of the lot.

Clause 2.118 - The site has frontage to a classified road (Hastings River Drive). All access to the site is via Glen Ewan Road and the proposal does not include any direct access to the classified road. The development will result in a slight increase to the additional traffic generation for the site. The traffic is within the capacity of the existing road network and is not expected to impact on the safety or efficiency of the classified road.

The development is not of a nature that is sensitive to road traffic noise.

State Environmental Planning Policy (Primary Production) 2021

Part 2.5 Division 4 - The proposal was referred the NSW Department of Primary Industries due to the development including a high-risk on-site sewage management system in proximity to a priority oyster aquaculture area. The Department provided the following comments on 3 December 2021:

DPI requires the proponent to adequately consider the State Environmental Planning Policy (Primary Production and Rural Development) 2019, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPI Healthy Estuaries for Healthy Oysters Guidelines, to ensure the proposed development has no net impact on downstream water quality and any consequential impact on the oyster industry. These NSW DPI documents can be found on our website at <https://www.dpi.nsw.gov.au/fishing/aquaculture>

The proponent must consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with, oyster aquaculture development or a priority oyster aquaculture area. Further, that the proponent considers any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with, food safety requirements administered by the NSW Food Authority for oyster aquaculture development or a priority oyster aquaculture area.

The Applicant has provided a Wastewater Report prepared by Rosewood Environmental Services, which has been reviewed by Council's Environmental Health Officer. The proposal is not considered likely to impact on oyster aquaculture in the area as it provides for an appropriate type of wastewater system for the scale and nature of the development and the land application area is located with an adequate buffer distance to 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 IN4 Working Waterfront and RU6 Transition. The proposed development is located entirely within the IN4 land.
- Clause 2.3(1) and the IN4 zone landuse table - The proposed development for a boat building and repair facility is a permissible landuse with consent.

The objectives of the IN4 zone are as follows:

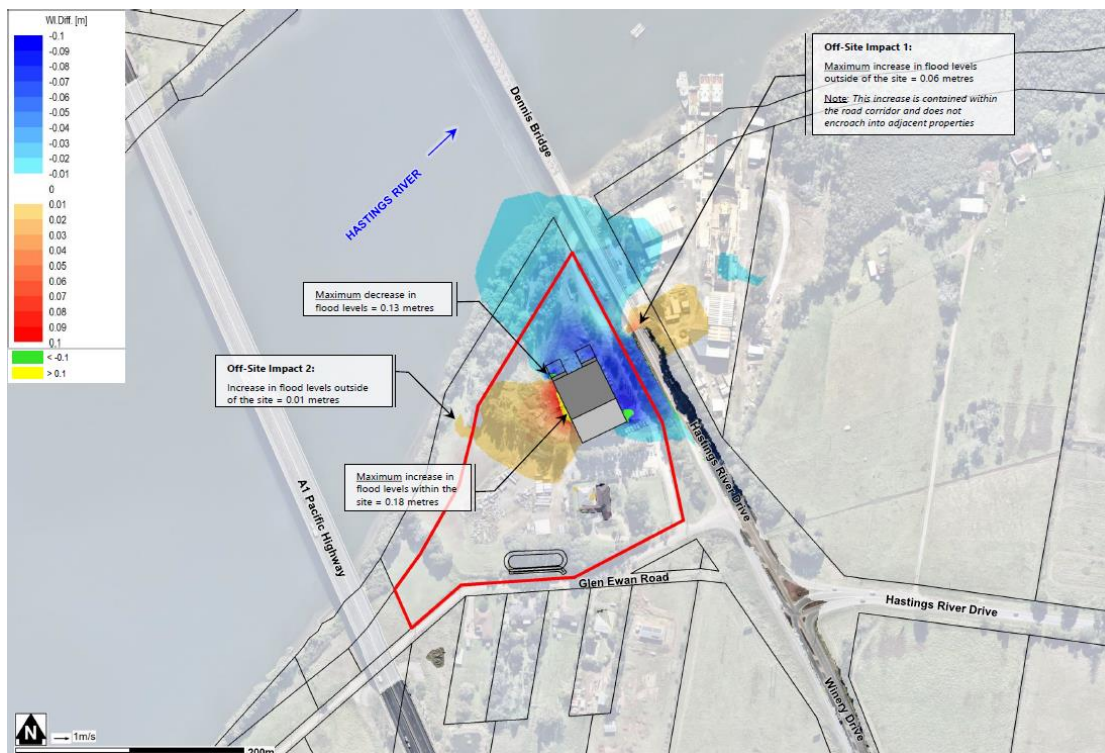
- *To retain and encourage waterfront industrial and maritime activities.*
- *To identify sites for maritime purposes and for activities that require direct waterfront access.*
- *To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of development on land uses in other zones.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To ensure that industrial activities located in the zone require direct waterfront access or are associated with other industrial activities that require direct waterfront access.*

Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

- The proposal is for a marine related industry;
- The development will provide employment opportunities;
- The development will be substantially screened from the Hastings River by existing vegetation and will not have adverse visual impacts on the foreshore.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 5.21 - The site is land which is considered to be within a "flood planning area" (refer to *NSW Government Floodplain Development Manual 2005*). In this regard, the following comments are provided which incorporate consideration of the objectives of Clause 5.21, Council's Flood Policy 2018, the NSW

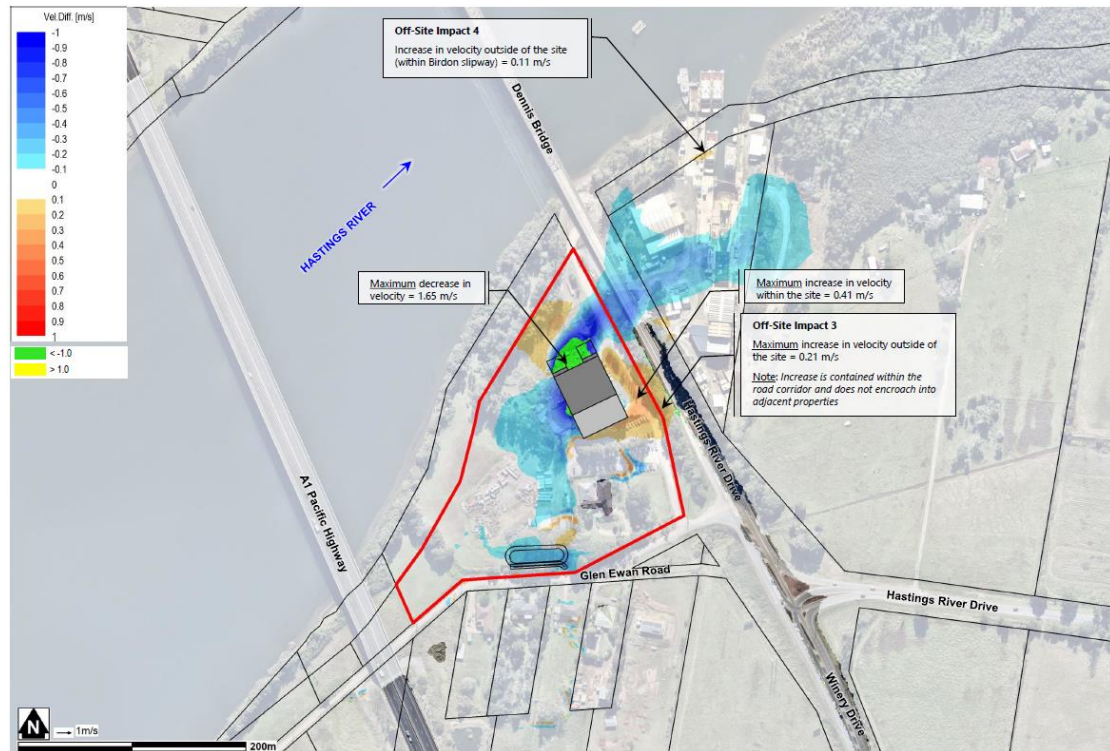
Government's *Considering Flooding in Land Use Planning Guideline 2021* and the NSW Government's *Floodplain Development Manual* (2005):

- The proposal is sufficiently compatible with the flood function and behaviour on the land. Council's Flood Policy permits development in flood storage areas subject to satisfying the relevant controls in the Policy.
- The proposal will not result in any significant adverse effects on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties. Council's Flood Policy requires that for development in flood storage areas, flood level increases are to be less than 10mm (0.01m), and flow velocity increases are to be less than 0.1m/s for the 1:100 flood event. The Flood Impact & Risk Assessment prepared by Advisian has modelled the impact of the development on flood behaviour in the locality. The modelling identified an increase in off-site peak flood levels of 0.01m in the Crown Land along the Hastings River foreshore and an increase of 0.06m in the Hastings River Drive road reserve to the east of the site as shown in the extract below.



The location of these increased flood levels is on public land adjoining the site, where there would be no significant impacts resulting from the increased level. The peak flood levels would not be increased for any of the nearby rural dwellings on the southern side of Glen Ewan Road.

The modelling also identified an off-site increase in peak flow velocities of 0.11m/s in the adjoining Birdon slipway to the east, and 0.21m/s in the Hastings River Drive road reserve to the east of the existing shed as shown in the extract below.



The increased velocity of floodwaters in the Hastings River Drive would be in an existing vegetated swale at the base of the Dennis Bridge abutment and is not expected to result in any increased scour impacts on the road infrastructure. The area is not utilised for public pedestrian or vehicular access and the increased flow velocities would not increase risk to life.

- The proposal will not result in any adverse effects on the safe occupation and efficient evacuation of people along existing evacuation routes for the surrounding area. The Flood Impact & Risk Assessment identifies an evacuation route via Winery Drive to the Pacific Highway, and then via the Oxley Highway to Port Macquarie. The site has a minimum 8.5 hour warning time from the Minor Flood level at the Wauchope rail bridge until the evacuation route is inundated in a 1:100 flood event. The evacuation route and warning time comply with the Flood Policy.
- The proposal incorporates sufficient measures to minimise and manage the flood risk to life and property associated with the use of land. Birdon have established flood evacuation procedures, which were effective in the recent March 2021 floods. A condition has been recommended requiring the evacuation procedure to be updated with relevant information from the Advisian Flood Impact & Risk Assessment.

The flood risk to the building is increased by the proposal to construct the addition to match the existing floor level of the current building at 3.4m AHD, rather than the Flood Policy requirement of 25% of the floor area to be above FPL3 (5.06m AHD) and the remainder above FPL2 (4.56m AHD). However, the lower finished floor level is supported in this instance for the following reasons:

- The proposal is for an addition to an existing building and a change in floor level would affect the operation of the facility.
- Raising the floor level with a flood mound would have additional flood impacts on neighbouring properties compared with the current proposal.

- The development is a Working Waterfront land use, relying on proximity to and access to the river and is distinctly different to a general industrial development.

The flood risk to the building can be appropriately managed by engineering the building to withstand flood forces and constructing the lower part of the building with flood compatible materials. The equipment and machinery within the building would need to be stored at a higher level and a condition is recommended requiring the flood preparation and evacuation procedure to be updated to include details of the triggers to commence the pack up of equipment ahead of a site evacuation.

- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- The proposal will not result in any identifiable adverse impacts to flood behaviour as a result of projected climate change. The flood model incorporates a climate change allowance.
- The intended design and scale of the proposal is sufficiently compatible with the flooding risk on the property.
- Adequate consideration has been given to the modifying/altering the existing buildings to respond to the flooding risk within the locality. Given the scale, marine industrial use, and recent construction of the existing industrial building on the site, it is not considered necessary for it to be altered or removed due to flood risk. An existing office located near the Glen Ewan Road frontage of the site has been required to be upgraded with a flood barrier system under development consent DA2021 - 998.1.
- Clause 7.1 - The site is mapped as potentially containing class 3 acid sulfate soils. The Statement of Environmental Effects indicates that it is not anticipated that the development will include any excavation more than 1m below natural ground level. However, the plans show an indicative footing depth of 2m for the building addition, and the wastewater system is also expected to require excavation more than 1m below natural ground level. In accordance with subclause (6), the works are not expected to lower the watertable and an Acid Sulfate Soils Management Plan is not required.
- 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.
- Clause 7.16 - The proposed development is for a boat building and repair facility that requires direct waterfront access due to the size of vessels built/repared.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments,	The site has existing waste management	Yes

	Public Place & Events - Waste Minimisation and Management Policy.	arrangements that will not be altered by the proposal. Standard condition recommended to management of construction and demolition waste.	
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).	Less than 1m of cut and fill proposed.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	N/A	N/A
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	N/A	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management			
DCP Objective	Development Provisions	Proposed	Complies
Bushfire Hazard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	No APZ proposed in environmental zones.	Yes
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	N/A
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	See comments earlier under Clause 5.21 of the LEP. The proposal includes some variations to the Flood Policy that are considered acceptable on merit.	No, but acceptable

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 will remain from Glen Ewan Road, with no direct access to Hastings River Drive.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	N/A

	<p>c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:</p> <ul style="list-style-type: none"> - to avoid driveways near intersections and road bends, and - to minimise streetscapes dominated by driveways and garage doors, and - to maximise on-street parking. 	No change to existing driveway crossings proposed.	N/A
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Industrial - 1 space per 70m² of GFA</p>	<p>The proposal includes a 2042m² addition to the existing factory building.</p> <p>$2042/70 = 29.2$ (rounded to 30) spaces required.</p> <p>The development proposes 21 parking spaces under the elevated training room and staff amenities (3 of which are stacked parking). The Statement of Environmental Effects indicates that these spaces are intended to meet the requirements of DA2004 - 526, which required a minimum of 12 spaces on the northern side of the building for use by staff working extended hours.</p> <p>The Applicant has carried out an analysis of the existing development on the site and Birdon's east yard on Lot 1 DP 225413 and determined that the existing buildings have a current combined GFA of 4209m². At 1 space per 70m² the existing development on the site would have a parking demand of 61 spaces.</p>	

		<p>The total site parking demand following the development would therefore 91 spaces.</p> <p>The submitted plans show 81 existing parking spaces to the south of the building and the proposal will provide an additional 18 spaces that are not stacked parking. The site therefore provides adequate parking for the existing and proposed development.</p>	
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Parking location is accessible from the street.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	Not necessary for the scale of the proposed parking area.	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 spaces are 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 and AS 2890.6 - Off-street parking for individuals with a	Design is capable of complying. Condition recommended requiring certification of the design at CC stage and	Yes

	disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	the completed parking area prior to OC.	
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> the spaces are surplus to that required; in motor showrooms; for home business; for exhibition homes; in car repair stations; staff parking spaces are separately identified and delineated; it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m. 	<p>Stacked parking spaces under the elevated lunch room and amenities will be for use by staff only during extended hours work. The spaces are in excess of the minimum number of spaces required for this purpose under DA2004 - 526.</p> <p>However, the stacked parking spaces have not been considered as additional parking for the purpose of assessing the parking for the current proposal.</p>	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.	<p>Design is capable of complying. Condition recommended requiring certification of the design at CC stage and the completed parking area prior to OC.</p> <p>Layout includes one disabled parking bay.</p>	Yes
Surface Finishes			
35	<p>a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers.</p> <p>Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction</p>	Sealed surface required for access and parking area. Condition recommended in this regard.	Yes

	certificate by a practising qualified Civil Engineer.		
	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.	The site is not considered suitable for unsealed parking given the intensity of the use and the proximity of residential uses.	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 guttering or table drains for any development other than that of a minor nature.	Capable of complying. See comments under Stormwater later in this report.	Yes
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.		
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).	The proposal does not exceed the thresholds for traffic generating development.	N/A

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; 	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.	Yes

	<ul style="list-style-type: none"> – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 		
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**DCP 2013: Part D - Locality Specific Provisions - D7 - Highway Employment Lands:
D7.3 Birdon Marine West**

DCP Objective	Development Provisions	Proposed	Complies
Visual Amenity			
331	<p>a) Working waterfront industrial development is to be screened from the existing and future upgraded Pacific Highway and the Hastings River through landscaped buffers to a minimum depth of 5m. Such to include mounding and canopy trees to limit the visual impact of development.</p> <ul style="list-style-type: none"> – Trees are to be selected from those that are indigenous to the area and are to be planted at the time of developing the land. – Design details to be provided with the DA for approval prior to issue of a Construction Certificate for earthworks, subdivision and/or building works, whichever occurs first. 	Existing landscaping provides adequate screening of the building from the Hastings River, Pacific Highway, and Hastings River Drive (former Pacific Highway).	Yes
	<p>b) The strip of RU6 Transition zoned land (generally 10m wide) adjacent to Glen Ewan Road is to be densely vegetated or regenerated, whichever is applicable; and fenced to provide a robust natural buffer to screen buildings, parking areas, loading areas and any other associated uses of the site from adjoining rural dwellings.</p> <ul style="list-style-type: none"> – Approved screen planting works are to be completed to Council's satisfaction prior to the issue of the subdivision or building occupation certificate. 	The proposed addition is to the northern side of the existing building and will not be visually prominent to the rural dwellings on the southern side of Glen Ewan Road. Additional landscaping in the Glen Ewan Road frontage is not considered necessary.	N/A
	<p>c) Acoustic fences or noise barriers are not to be used in visually prominent areas of the site, with noise attenuation to be achieved through building design measures.</p>	No acoustic fences or barriers proposed.	Yes

	d) Landscaping of flood mounds adjacent to the existing Pacific Highway is to be designed and assessed at regrading and fill stage; and established prior to issuing of subsequent approvals for any subdivision, buildings and or structures.	Proposal is not for any regrading or filling of the site.	Yes
	e) Landscape treatment required in (a) and (b) above should be devoid of signage.	No signage proposed in landscaped areas.	Yes
332	a) Buildings adjoining the Hastings River are to be oriented and designed using appropriate materials and colours to limit any visual impact from public land and waters surrounding the site. A visual impact assessment is to be submitted with the DA.	The proposed development does not include any removal of the established vegetation along the foreshore of the Hastings River. The existing vegetation will provide adequate screening of the proposed building additions. The building design and finishes will be compatible with existing building.	Yes
Working Waterfront Industrial Land Adjoining Sensitive Land Uses			
333	a) DAs for working waterfront industrial development are to be accompanied by noise impact assessment carried out by a suitably qualified and experienced person to: <ul style="list-style-type: none"> – Determine the noise reduction required to achieve reasonable levels for the proposed industry (if any) in accordance with the provisions of the NSW Industrial Noise Policy, Environment Protection Authority 2000; – Design and incorporate any necessary noise mitigation measures to demonstrate achievement of acceptable noise levels at sensitive receivers, including visual detail of how the proposal integrates into the existing locality; – Provide justification for any proposed acoustic treatment(s), based on site characteristics and the nature and intensity of the proposed use; and 	<p>The application includes a Noise Impact Assessment prepared by Matrix Thornton. The report concludes that the proposal will comply with relevant noise trigger levels subject to the installation of internal acoustic insulation. The assessment also assumes that no external doors will be opened during the evening or night-time period (unless there is no construction activity taking place within the shed).</p> <p>Mitigation measures for noise include the installation of</p>	Yes

	<p>– Demonstrate consideration of attenuation strategies of like industries with similar sites and requirements for noise reduction.</p>	<p>rubber/vinyl seals for all doors on the western elevation of the building, installation of acoustic absorption material within the shed, parking of vehicles on the northern side of the building during extended hours, and closing all western doors during the evening and night-time period.</p> <p>More detailed comments regarding the noise impact assessment are provided later in this report under 'Noise and Vibration'.</p>	
	<p>b) Windows, doors and other wall openings should be arranged to minimise noise impacts on adjoining/adjacent rural-dwellings.</p>	<p>The proposal does not include any new openings to the southern side of the existing shed. The noise impact assessment includes recommendations for the treatment and management of the doors in the western elevation of the building to ensure no adverse impacts on adjoining dwellings.</p>	<p>Yes</p>
	<p>c) External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise nuisance and located away from adjoining/adjacent rural-dwellings.</p>	<p>No new plant indicated in the noise impact assessment.</p>	<p>N/A</p>
	<p>d) Prior to carrying out any development on the site, an air quality assessment is to be prepared by a suitably qualified and experienced person with reference to relevant legislation and guidelines, to demonstrate that development will be carried out in a way that prevents and/or mitigates any air pollution generated by the development and that all practicable measures are</p>	<p>The proposal is for a boat building facility and the development will not introduce any new uses or manufacturing procedures. An air quality assessment is not considered necessary.</p>	<p>N/A</p>

	implemented to minimise any off-site odours and emissions generated by the development.		
	e) External and security lighting should be directed and shielded to avoid light spillage to adjoining/adjacent rural-dwellings.	The building addition will be located approximately 170m from the closest dwelling on the southern side of Glen Ewan Road and is shielded by existing vegetation. No adverse lighting impacts are expected. However, a precautionary condition is recommended requiring all external lighting to comply with AS4282.	Yes
	f) Driveways should be arranged or screened to avoid headlight glare on windows of adjoining/adjacent rural-dwellings.	The proposal will utilise the existing site access from Glen Ewan Road and it is not anticipated that there would be any additional impacts in relation to headlight glare.	Yes
Waterfront Access			
334	a) Vehicular access arrangements are to be in place to guarantee access to the Hastings River via the adjoining land to the east (Lot 1 DP 225413) for any industry that requires direct waterfront access. – Such arrangements to be in place prior to issue of a Construction Certificate for earthworks, subdivision and/or building works, whichever occurs first.	Condition recommended requiring right of carriageway/access over adjoining Lot 1 DP 225413.	Yes

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

The land is subject to the Birdon Planning Agreement between Port Macquarie-Hastings Council and Birdon Holdings Pty Ltd. The Planning Agreement includes provisions relating to upgrading the intersection of Glen Ewan Road and the Pacific Highway (now Hastings River Drive). The agreement has been terminated as a result of the opening of the re-aligned Pacific Highway to two-way traffic in 2017. It has no further application to the development proposal.

(iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations are applicable to the proposal.

(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 southerly street frontage orientation to Glen Ewan Road and an easterly frontage to Hastings Rive Drive. The Hastings River runs adjacent to the north-west boundary of the site and is separated from the site by a strip of Crown Land (Lot 14 DP 1191689). The Pacific Highway crosses the Hastings River to the western boundary of the site.

Rural residential uses are located along the southern side of Glen Ewan Road adjacent to the site.

The proposal is not expected to have any significant adverse lighting impacts given its location on the site and the separation distance and screening between the building and the residential uses to the south. A precautionary condition is recommended requiring all external lighting to comply with AS4282 - control of the obtrusive effects of outdoor lighting.

Access, Traffic and Transport

The proposal will not have any significant adverse impacts in terms of 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 is proposed though an existing sealed driveway to Glen Ewan Road.

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

Parking and Manoeuvring

A total of 21 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.

Three (3) stacked parking spaces are proposed underneath the proposed elevated staff and training rooms. These parks have been designed to be capable of conforming to the relevant provisions of AS2890 and will be utilised primarily for evening and night-time usage as per the requirements of DA2004/526.

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

The site is not connected to Council water supply, and will continue to be serviced with rainwater tanks.

Sewer Connection

The site is not connected to sewer, and the development is proposed to be serviced by an on-site sewage management system.

The Applicant has submitted an On-site Wastewater Management Report prepared by Rosewood Environmental Services. The report considers the use of the existing residence as offices for up to 20 persons per day and a meeting and lunch room serving up to 80 persons per day. The report recommends that the site is suitable for an Aerated Wastewater Treatment System (AWTS) with an Aquatech Sand Mound.

The sand mound has been proposed to be located near the Glen Ewan Road frontage.

Stormwater

The development site is currently serviced by an existing internal stormwater drainage system that incorporated both on site stormwater detention/retention facilities (by way of rainwater storage tanks) and water quality controls (GPT and sediment basin). The proposed new works will drain to this existing site stormwater drainage system.

The applicant has indicated that the proposed additions are intended to connect to this existing system with on-site detention proposed to be provided by way of water tank of 130,000L size. This tank will function to provide OSD and partial water quality controls.

A condition has been recommended requiring that detailed stormwater management plans be submitted with the application pursuant to Section 68 of the Local Government Act and prior to the issue of a Construction Certificate. These plans will be required to demonstrate:

- That the development provided suitable on site stormwater detention facilities, capable of retarding site stormwater discharge to pre-development rates, and
- Water quality controls sized to achieve compliance with the pollutant percentage reduction targets defined within AUSPEC D7.

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. An AHIMS search and consultation with the Birpai Local Aboriginal Land Council were carried out in 2014 as part of the rezoning process. No items of significance were identified.

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only

recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

Other land resources

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

Water cycle

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

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 native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

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

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

The proposed extended boat building facility seeks to operate 24 hours, with the exception of the hours between 6.00pm Saturday to 7.00am Sunday and 6.00pm Sunday to 7.00am Monday.

The application includes a Noise Impact Assessment prepared by Matrix Thornton. The report concludes that the proposal will comply with relevant noise trigger levels subject to the installation of internal acoustic insulation. The assessment also assumes that no external doors will be opened during the evening or night-time period (unless there is no construction activity taking place within the shed).

Mitigation measures for noise include:

- Installation of rubber/vinyl seals for all doors on the western elevation of the building;
- Installation of acoustic absorption material within the shed;
- Parking of vehicles on the northern side of the building during extended hours; and

- Closing all western doors during the evening and night-time period (unless no construction activities are being carried out in the building).

Appropriate conditions are recommended requiring installation and certification of the proposed noise mitigation measures, and operational management of the western doors of the building.

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

Bushfire

The site is identified as being bushfire prone.

The proposal is for a Class 5 - 8 building under the National Construction Code and Clause 8.3.1 of Planning for Bush Fire Protection 2019 applies. The general fire safety construction provisions of the NCC are taken as acceptable solutions in terms of the construction of the building and the following objectives also require consideration:

To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;	The building addition will have access to the majority of its perimeter from the existing access road and the proposed new access roads and parking areas. The existing access road provides a connection to the public road network.
To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;	The proposal does not include any permanent residents, and only staff would require evacuation in an emergency. The site layout and access arrangements would facilitate evacuation in an orderly manner.
To provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building;	The site has an existing dedicated fire fighting water supply with appropriate fittings. Gas and electricity will be located away from the hazard side of the building.
Provide for the storage of hazardous materials away from the hazard wherever possible.	The proposal does not include storage of any hazardous materials on the eastern side of the building.

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.

The extended hours car park is proposed to be located on the northern side of the building, which is close to the building access and can be provided with adequate lighting to ensure safe night time use.

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. The expansion of the business is likely to create additional employment opportunities during both construction and operation.

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

Site constraints of flooding, bushfire, and acid sulfate soils have been adequately addressed and appropriate conditions of consent recommended.

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

Seven (7) 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
The submitted Flood Impact Assessment uses data from 2009 and 2019 and does not reflect the impacts experienced by residents during the March 2021 floods. The assessment needs to be updated.	Planning decisions have to be made based on the Hastings River Flood Study adopted by Council. Data from the March 2021 floods will be used in a future review of the flood study, but this work is yet to be completed. The Flood Impacts Assessment submitted with the application uses the appropriate data required by Council's Flood Policy.
The Flood Impact Assessment notes that filling the site to achieve finished floor levels at FLP2 and FLP3 would result in additional flood impacts. Any proposal that creates additional impacts should not be supported.	The recommendation is supporting the construction of the building with finished floor levels lower than would normally be permitted by the Flood Policy. Part of the justification for this variation is to ensure that the development does not create

Submission Issue/Summary	Planning Comment/Response
	additional flood impacts on nearby properties.
<p>The location of the proposed Aquatech sand mound for the on-site sewage management system is directly across the road from residents and will result in visual and odour impacts. The site has a large area and there would be more suitable locations that are further from neighbours.</p>	<p>The finished system will present as a grassed mound with maximum height of 800mm. The area will be capable of being maintained in a tidy condition and it is not considered that it would result in any adverse visual impacts.</p> <p>In terms of odour impacts, the system design provides for primary treatment of the wastewater in the tanks at the rear of the shed. Treated wastewater will be discharged to the sand mound by sub-soil irrigation and will filter through the sand. The system complies with applicable buffer distances in the Environment & Health Protection Guidelines for On-site Sewage Management. For sub-surface irrigation a minimum 6m buffer distance is required from any property boundary. The nearest residence on the southern side of Glen Ewan Road will be located approximately 35m from the sand mound.</p> <p>Given the separation distance and the type of disposal proposed, it is not expected that the system would result in any adverse odour impacts.</p>
<p>The flood modelling does not account for changes to fill levels and storage of containers, machinery and dredging equipment on the western side of the shed. These items will increase the extent of blockage in the floodplain and change the modelled impacts on neighbouring property.</p>	<p>The flood modelling in the Advisian report was based on a survey plan prepared by Coastal Survey Solutions and dated 5 November 2018. A review of Nearmap aerial imagery since the date of the survey did not identify any evidence of significant filling of the area to the west of the shed. The Applicant has indicated that there has been no works carried out in this location other than resurfacing of gravel areas impacted by flooding.</p> <p>The flood modelling did not include a specific blockage factor for machinery and equipment stored on the site outside the building, as the size, type, and location of such items can vary with operational needs. However, the flood did include an appropriate 'roughness coefficient' to account for machinery and equipment potentially</p>

Submission Issue/Summary	Planning Comment/Response
	stored in this location.
<p>The submitted proposal does not comply with Council's Flood Policy requirements in relation to off-site flood impacts.</p>	<p>Noted. Consistency of the proposed development with Council's Flood Policy is discussed in more detail earlier in this report.</p> <p>The off-site impacts are limited to a small section of the Hastings River Drive road reserve and neighbouring land to the east owned by the proponent. None of the nearby dwellings on the southern side of Glen Ewan Road would be affected by increase depth or velocity of floodwaters beyond the extent permitted by the Flood Policy.</p>
<p>Potential for on-site sewage management system to contaminate the Hastings River and neighbouring properties during flood events.</p>	<p>The proposed new on-site sewage management system will be required to be installed with all electrical and mechanical components, vents and inspection openings above the 1:100 flood level. This will provide a significant improvement to the level of flood protection compared to the existing system serving the site.</p> <p>The top of the Aquatech sand mound is slightly above the 1:20 flood level and the mound would be inundated in more extreme flood events. The treated wastewater discharged to the mound is expected to be of better quality than the floodwaters in such an event and would not result in any contamination of the Hastings River of neighbouring properties.</p>
<p>The noise impact assessment has omitted to include a number the noise mitigation measures required for the existing building that is proposed to be extended in the current application.</p> <ul style="list-style-type: none"> • The western doors were required to remain closed at all times when work was being carried out; • No use of forklifts, cranes, or heavy machinery after 6.00pm; • Cars are to use the northern car park after 6pm and no deliveries are permitted after 6.00pm; 	<p>Development consent DA2004 - 526 for the existing building on the site is subject to a number of operational conditions applicable if/when the premises operates between the hours of 6pm and 7am as noted in the submission. The Applicant has indicated that the business has not commenced extended hours of operation at this point, but have committed to operating under the same conditions for the current proposal.</p> <p>Conditions consistent with DA2004 - 526 have been included in the recommendation.</p>

Submission Issue/Summary	Planning Comment/Response
The recommended noise levels from the NSW Noise Policy for Industry are 50dB for day, 45dB for evening, and 40dB for night.	The Noise Impact Assessment prepared by Matrix Thornton has established appropriate noise trigger levels for the development in accordance with the NSW Noise Policy for Industry.

(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 flooding assessment includes appropriate consideration of climate change risks.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Section 7.11 Contributions

The proposed development will comprise (describe the development) 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 alterations and additions to a boat building and repair facility 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

The proposed development is not connected to Council water supply or sewer. As a result, s64 water supply and/or sewerage developer charges do not apply.

A copy of the contributions estimate is included as **Attachment 3**.




5. CONCLUSION AND STATEMENT OF REASON

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

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1.  DA2021 - 1023.1 Recommended Conditions
2.  DA2021 - 1023.1 Plans
3.  DA2021 - 1023.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2021/1023****DATE: 20/05/2022****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	11706 Sheet 2, 3, 4, 6 & 7 Rev E	B.R. Development Consulting	1 March 2022
Survey Plan	8399	Coastal Survey Solutions	5 November 2018
Statement of Environmental Effects	Revision B	King & Campbell	9 November 2021
Flood Impact and Risk Assessment	Revision C	Advisian	25 November 2021
Noise Impact Assessment	M19054.05	Matrix Thornton	20 August 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 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) (A090) All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is the 1 in 100 year flood level (including Climate Change allowance). Details demonstrating compliance shall be clearly illustrated on plans accompanying the section 68 application.
- (6) (A091) All parts of the structure below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document *Reducing Vulnerability of Buildings to Flood Damage (2007)*. For the purpose of this requirement, the 1 in 100 year flood level including climate change and 500mm freeboard may be assumed to be RL5.06m AHD.
- (7) (A195) A laminated copy of the relevant evacuation procedures from the updated 'Flood Risk Preparation and Response Plan' is to be clearly displayed within the building at all times. All visitors are to be alerted to the Flood Risk Preparation and Response Plan upon arrival and made aware of the evacuation process in a flood event. The Flood Risk Preparation and Response Plan should be reviewed annually in line with SES evacuation warning triggers for the Hastings River.

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) (B005) Prior to release of the Construction Certificate, approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.
- (3) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Subdivision Works Certificate or 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 existing stormwater drainage system.
 - b) 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.
 - c) Where the proposal is defined as a 'High Risk' Development as per AUSPEC D7 D7.11, the design shall include water quality controls designed to achieve the targets specified within table D7.7 of AUSPEC D7.
 - d) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (4) (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.
- (5) (B069) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood levelling including climate change may be assumed to be RL4.56m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate

change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood may be assumed to be 0.67m/s.

- (6) (B074) With the exception of the shed floor extended to match existing shed levels, the floor level of all new industrial areas, and areas for the temporary storage of equipment and machinery during a flood event is to be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL4.56m AHD. Prior to release of the Construction Certificate the designated areas and floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (7) (B090) Payment to Council, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first) 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.

- (8) (B195) All plumbing work associated with the on-site sewage management system shall be located clear of the mapped coastal wetland area. Details shall be submitted for approval with the Section 68 application prior to the issue of a Construction Certificate.
- (9) (B196) Prior to release of the Construction Certificate, a suitably qualified professional with demonstrated experience in floodplain risk management and flood evacuation is to provide an updated Flood Risk Preparation and Response Plan. The updated Plan is to be prepared in accordance with the current version of the Floodplain Development Manual and include clear procedures for storage of machinery and equipment at or above 5.06m AHD and the evacuation of all staff from the site in a flood emergency. The updated plan must include appropriate triggers for carrying out such procedures with sufficient warning time, and maps and diagrams indicating evacuation routes suitable for permanent display on site.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (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.
- (2) (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*.

- (3) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (4) (D195) The Site Supervisor/Manager is responsible for ensuring the Construction Noise Management Plan is complied with for the duration of works, and for the recording and actioning of any noise complaints. Full details shall be recorded. Both the Construction Noise Management Plan and the Complaints Log/Register shall be kept on the premises in a readily available format and made available to an authorised officer upon request.

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) (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.
- (3) (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.
- (4) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (5) (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.
- (6) (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 or Subdivision Certificate.

- (7) (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.

- (8) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (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) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (11) (E195) Prior to the issue of an Occupation Certificate, evidence shall be provided to the Principal Certifying Authority of the registration of appropriate legal arrangements for access to the Hastings River over Lot 1 DP 225413.
- (12) (E196) Prior to the issuing of the Occupation Certificate, a suitably qualified and practising acoustic consultant shall:
 - Detail the type and location of the required acoustic treatments and noise insulation materials installed in the shed and on the doors.
 - A site plan clearly marking and delineating the location and type of the noise insulation materials, treatments and door seals shall be submitted to council along with the certification.
 - Certify that the noise insulation treatments/materials are of a suitable type/standard and achieve the required noise levels along the front boundary for Day, Evening and Night.

The acoustic certification shall be submitted to Council and the Principal Certifying Authority.

- (13) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation/Subdivision Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (14) (E045) The applicant will be required to submit prior to occupation or the issue of the Occupation/Subdivision Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.

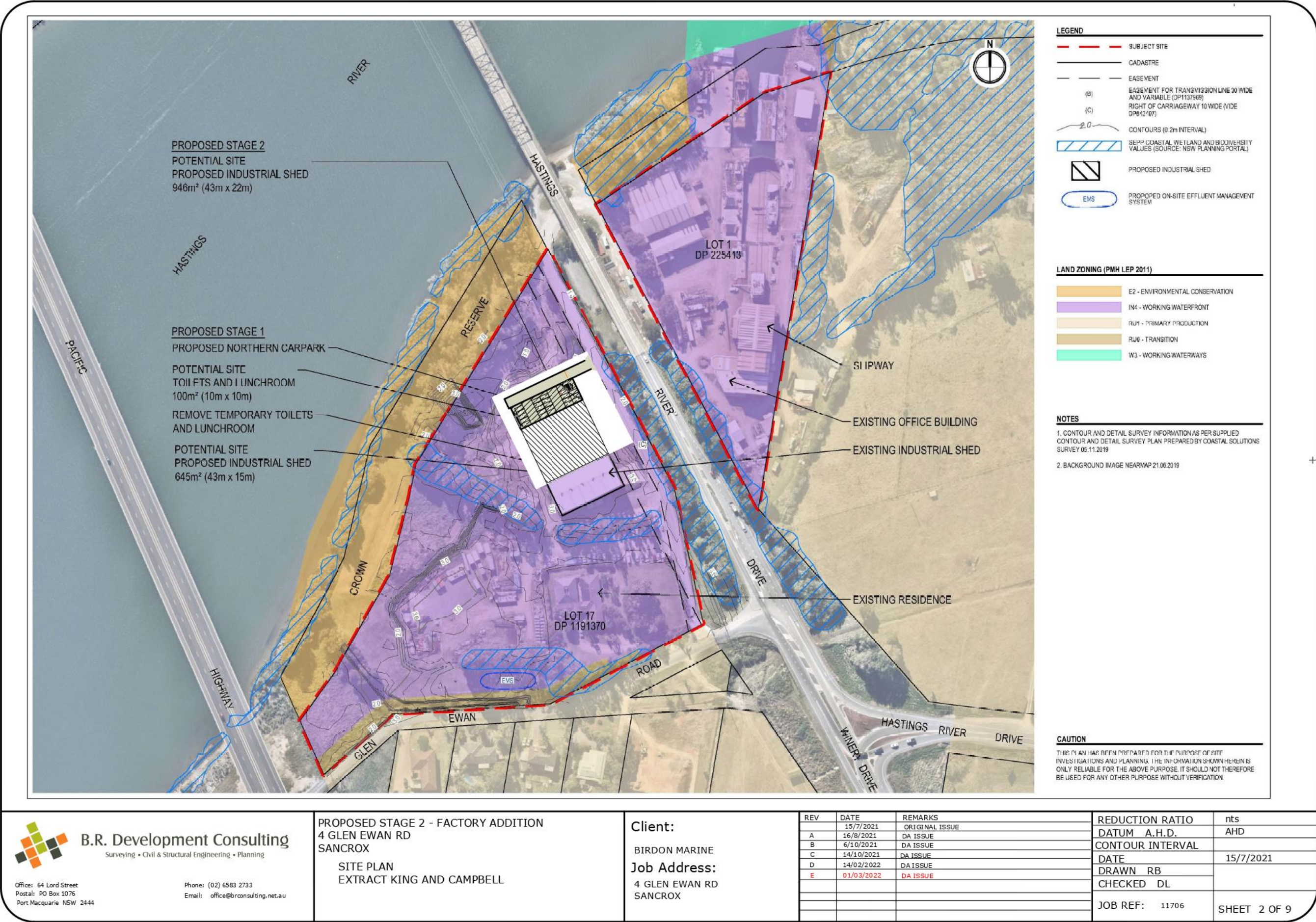
F – OCCUPATION OF THE SITE

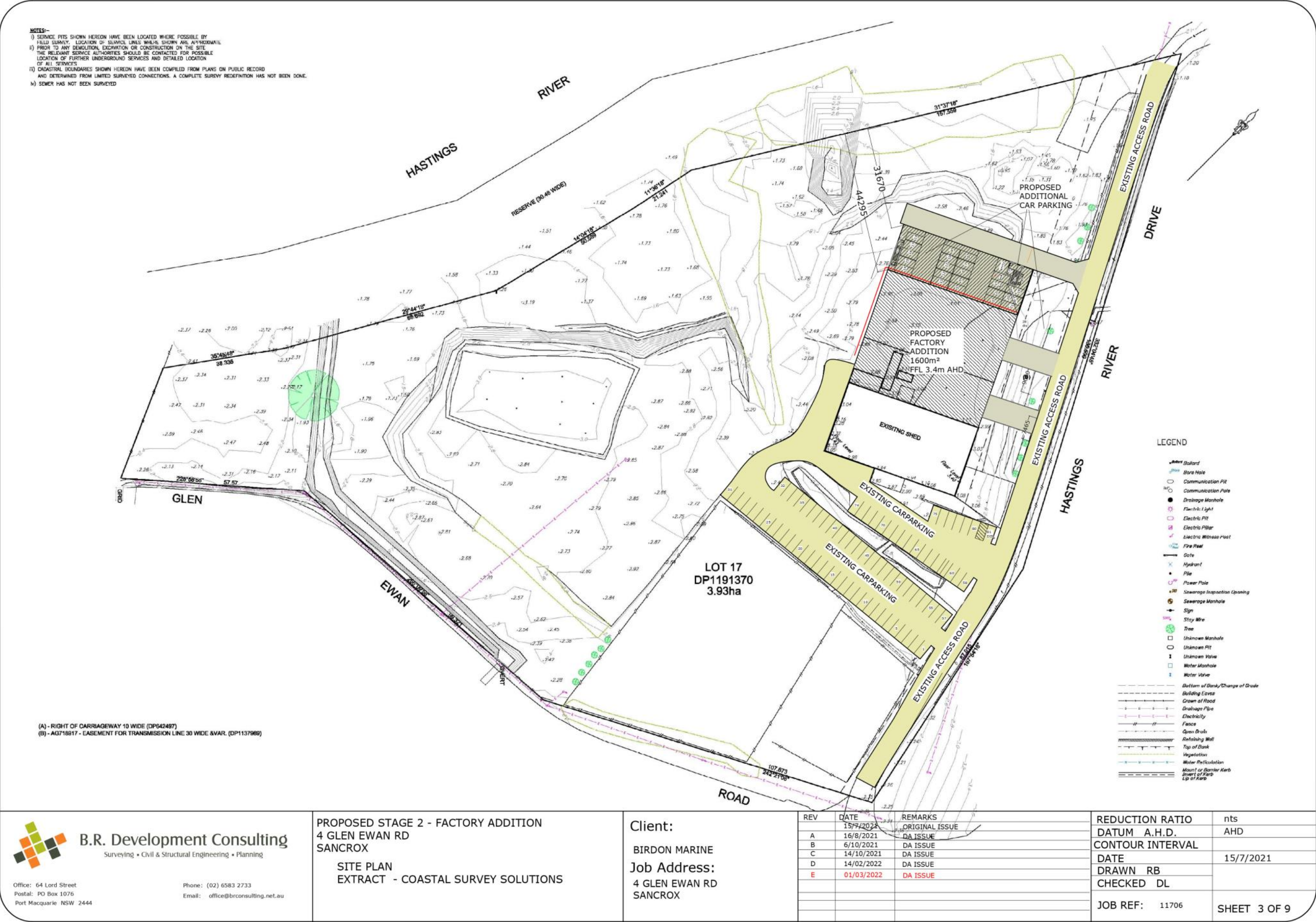
- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.

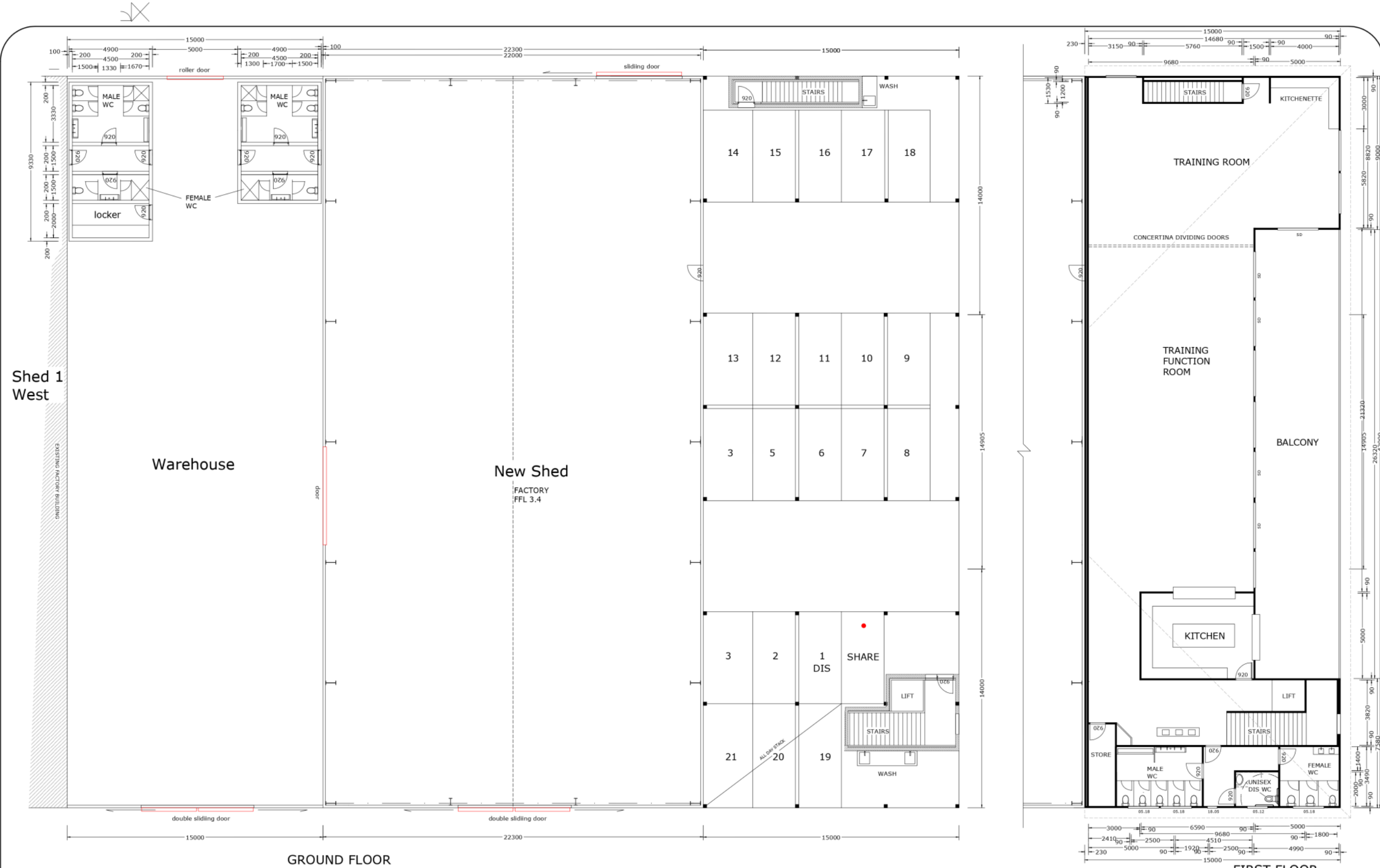
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (5) (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.
- (6) (F025) The use is permitted to operate 24 hours, with the exception of the hours between 6.00pm Saturday to 7.00am Sunday and 6.00pm Sunday to 7.00am Monday.
- (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.
- (8) (F195) All sliding/roller doors shall be kept closed between 6.00pm to 7.00am. The western sliding/roller doors shall be kept closed when the processes of manufacturing and fabrication are being carried out within the western shed.

The western sliding door is permitted to be opened and closed for reasons of deliveries and boat/hull flipping only when no manufacturing and/or fabrication works/processes are being carried out or are occurring within the western shed.

The door may remain open during times of a flood risk emergency.
- (9) (F196) All deliveries and operation of transport vehicles including forklifts or the like shall be made between 7.00am and 6.00pm.
- (10) (F197) The specifications and maintenance records for all acoustic materials installed in the shed/doors shall be maintained on the premises and made available to an authorised officer upon request.
- (11) (F198) The use of the building shall be limited to the manufacturing of new boats. Repairs to existing vessels are not permitted.



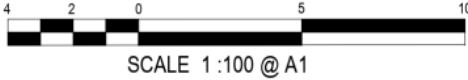




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PROPOSED STAGE 2
FACTORY ADDITION
4 GLEN EWAN RD
SANCROX

FLOOR PLAN



SCHEDULE OF FIRE SAFETY MEASURES	
FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EXIT SIGNS	AS 1319 AS 2293.1
2.) FIRE HOSE REEL	AS 2441
3.) PORTABLE FIRE EXTINGUISHERS	AS 2444
4.) EMERGENCY LIGHTING	AS 2293.1



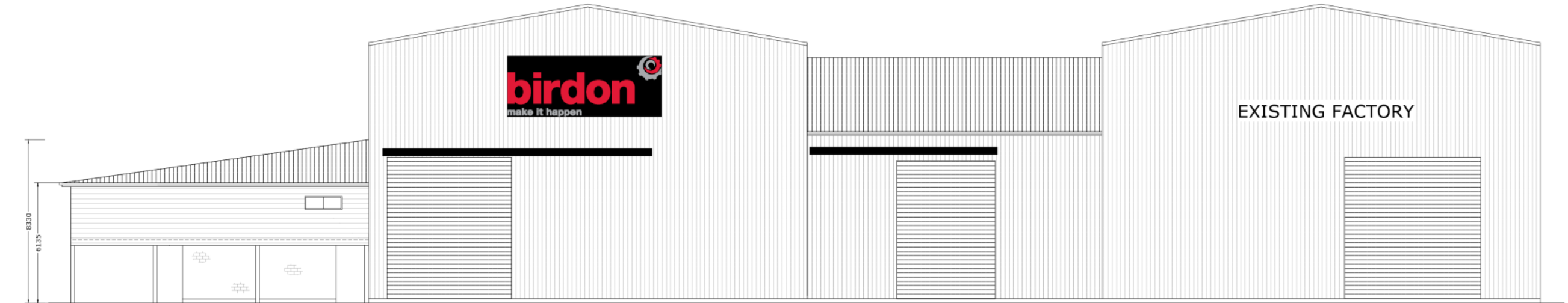
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BIRDON MARINE
Job Address:
4 GLEN EWAN RD
SANCROX

REV	DATE	REMARKS
	15/7/2021	ORIGINAL ISSUE
A	16/8/2021	DA ISSUE
B	6/10/2021	DA ISSUE
C	14/10/2021	DA ISSUE
D	14/02/2022	DA ISSUE
E	01/03/2022	DA ISSUE

REDUCTION RATIO	1:100 @ A1
DATUM A.H.D.	AHD
CONTOUR INTERVAL	
DATE	15/7/2021
DRAWN	RB
CHECKED	DL
JOB REF:	11706
SHEET	4 OF 9



EASTERN ELEVATION



WESTERN ELEVATION



SCHEDULE OF FIRE SAFETY MEASURES	
FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EXIT SIGNS	AS 1319 AS 2293.1
2.) FIRE HOSE REEL	AS 2441
3.) PORTABLE FIRE EXTINGUISHERS	AS 2444
4.) EMERGENCY LIGHTING	AS 2293.1



SCALE 1:100 @ A1



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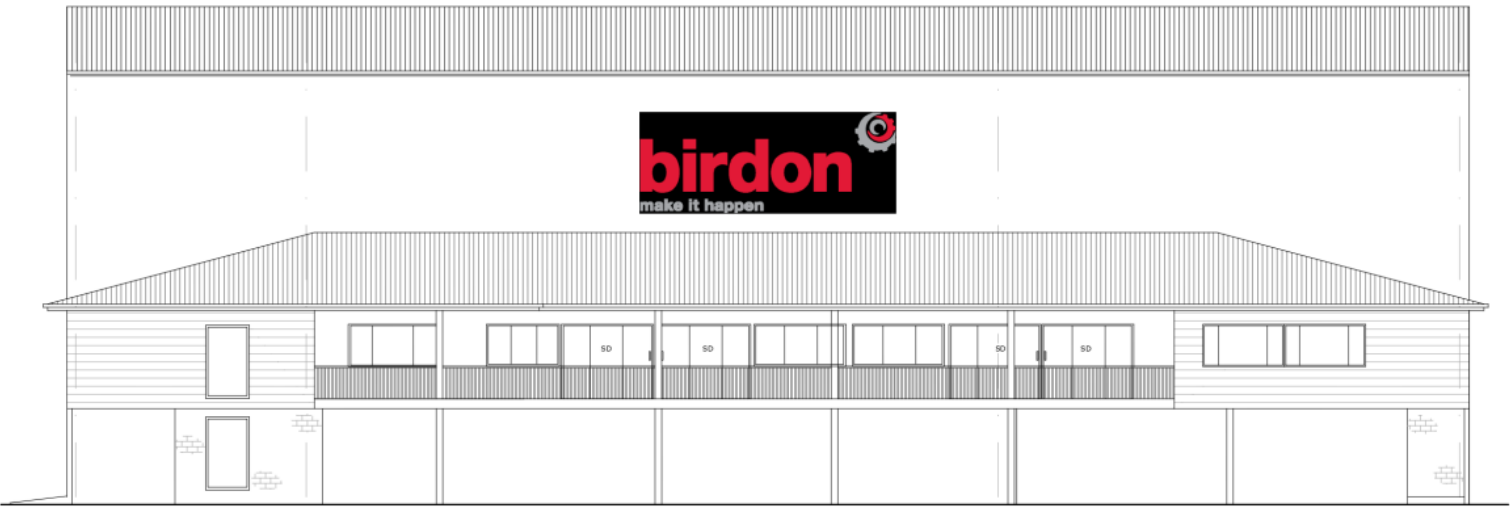
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PROPOSED STAGE 2 - FACTORY ADDITION
4 GLEN EWAN RD
SANCROX

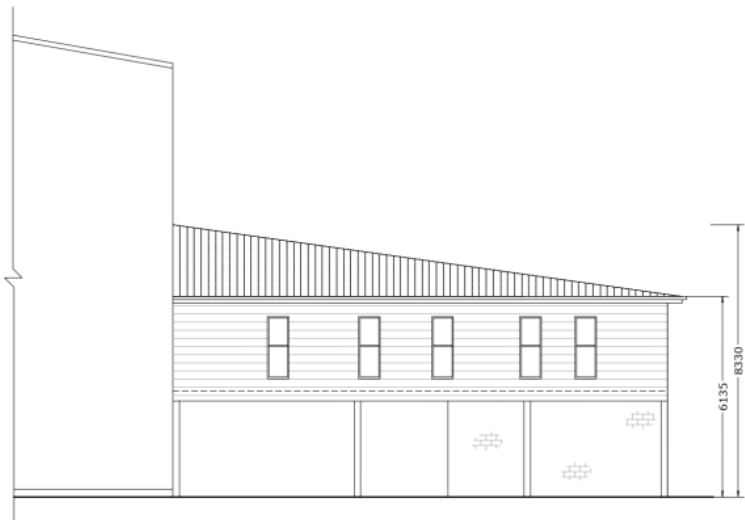
ELEVATIONS

Client:
BIRDON MARINE
Job Address:
4 GLEN EWAN RD
SANCROX

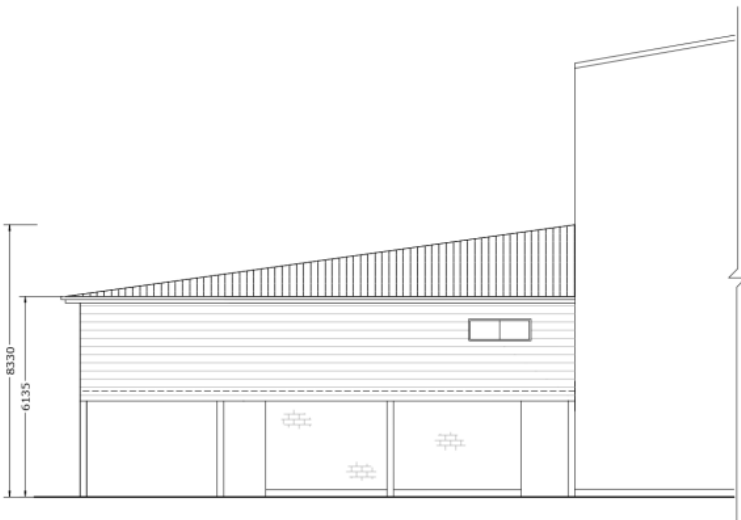
REV	DATE	REMARKS	REDUCTION RATIO	1:100 @ A1
	15/7/2021	ORIGINAL ISSUE	DATUM A.H.D.	AHD
A	16/8/2021	DA ISSUE	CONTOUR INTERVAL	
B	6/10/2021	DA ISSUE	DATE	15/7/2021
C	14/10/2021	DA ISSUE	DRAWN RB	
D	14/02/2022	DA ISSUE	CHECKED DL	
E	01/03/2022	DA ISSUE	JOB REF: 11706	SHEET 6 OF 9



NORTHERN ELEVATION



WESTERN OFFICE
EASTERN ELEVATION



EASTERN OFFICE
WESTERN ELEVATION



SCHEDULE OF FIRE SAFETY MEASURES	
FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EXIT SIGNS	AS 1319 AS 2293.1
2.) FIRE HOSE REEL	AS 2441
3.) PORTABLE FIRE EXTINGUISHERS	AS 2444
4.) EMERGENCY LIGHTING	AS 2293.1



SCALE 1:100 @ A1



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PROPOSED STAGE 2 - FACTORY ADDITION
4 GLEN EWAN RD
SANCROX

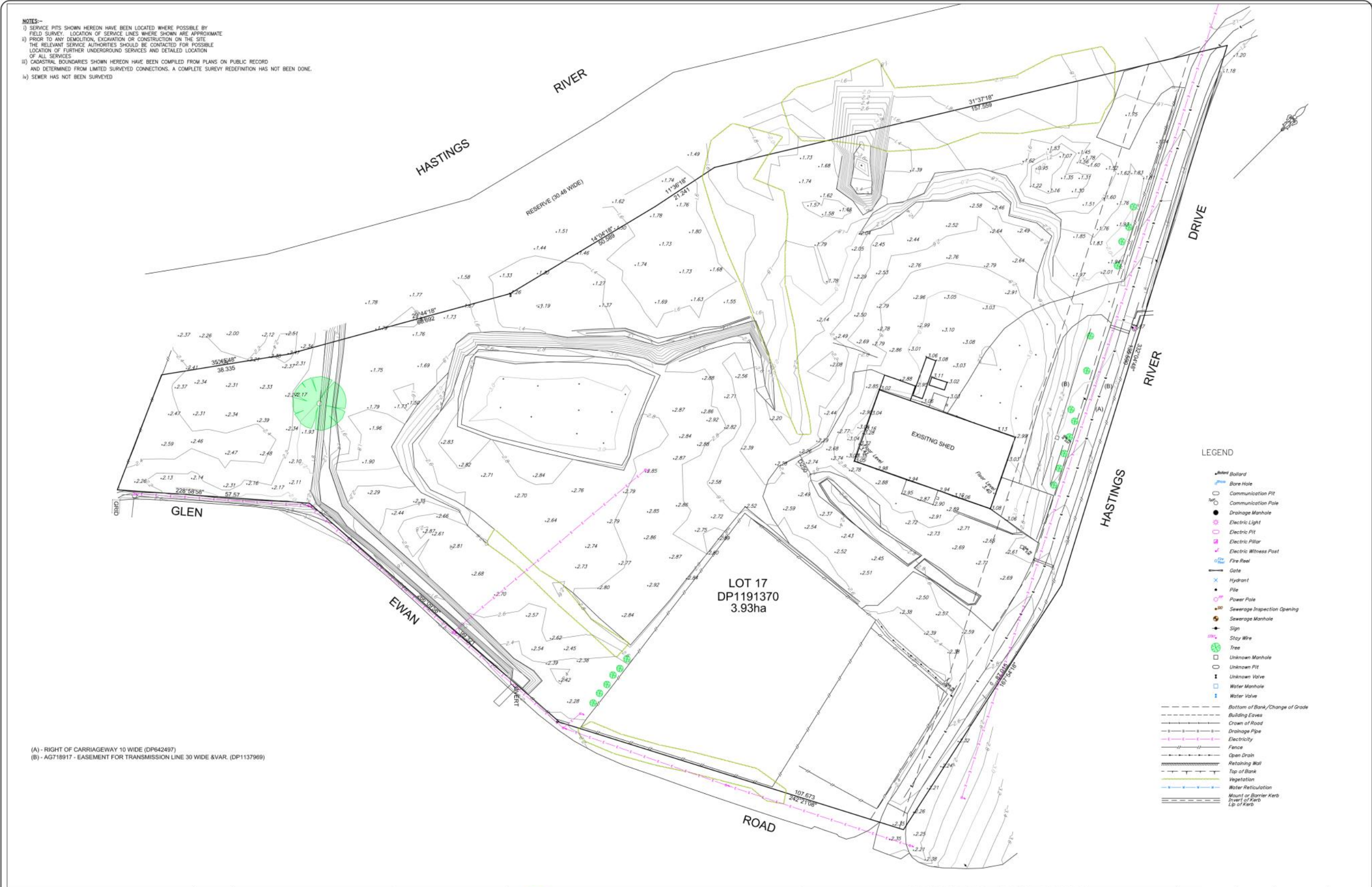
ELEVATIONS

Client:

BIRDON MARINE
Job Address:
4 GLEN EWAN RD
SANCROX

REV	DATE	REMARKS
	15/7/2021	ORIGINAL ISSUE
A	16/8/2021	DA ISSUE
B	6/10/2021	DA ISSUE
C	14/10/2021	DA ISSUE
D	14/02/2022	DA ISSUE
E	01/03/2022	DA ISSUE

REDUCTION RATIO	1:100 @ A1
DATUM A.H.D.	AHD
CONTOUR INTERVAL	
DATE	15/7/2021
DRAWN RB	
CHECKED DL	
JOB REF: 11706	SHEET 7 OF 9



SCALE: 1:400@A1		ORIGINAL SHEET SIZE A1		REVISIONS		APPROVED ON BEHALF OF COUNCIL	 COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS	CONTOUR AND DETAIL SURVEY		BCAD NO: NA	SHEET NO. 1	NO. OF SHEETS 1	COUNCIL PLAN NO.
DATUM: AHD	JOB No: 8399	DESIGNED: NA		DATE	DETAILS			LOTS 17 DP1191370 BIRDON SANDS PORT MACQUARIE		CCAD NO: NA	CLIENT: BIRDON		REF: 8399
ORIGIN: PM74290	DATE: 05/11/2018	DRAWN: MC					90 LORD STREET PORT MACQUARIE PO BOX 2223 PMQ	PH: 6583 3564 Mobile 0488 464 644 mark@coastalsurveysolutions.com.au					
R.L.: 3.097	SURVEYED: CM	CHECKED:											

SURVEYOR'S REFERENCE: 8399

Developer Charges - Estimate

Applicants Name: Birdon Holdings Pty Ltd
 Property Address: 10 Glen Ewan Road, Sancroix
 Lot & Dp: Lot(s): 17, DP(s): 1191370
 Development: DA 2021/1023 - Additions to Industrial Building (Boat Building Facility)



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	1.00%	\$ 1,524,123	\$15,241.00
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)			\$15,241.00

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:

23-May-2022

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

i Holdings Pty Ltd, 10 Glen Ewan Road, Sancroix, 23-May-2022.xls

PORT MACQUARIE-HASTINGS COUNCIL