



Development Assessment Panel

Business Paper

date of meeting: Wednesday 6 July 2022

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

time: 2:00pm

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 6 July 2022

Items of Business

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05	DA2022 - 304.1 Alterations and Additions to Dwelling at Lot 46 DP 807508, No 19 The Fairway, Port Macquarie	<u>17</u>
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07	General Business	

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 1 June 2022 be confirmed.

PRESENT

Members:

David Crofts (Independent Chair)
Chris Gee (Independent Member)
Tony McNamara (Independent Member)
Pat Galbraith-Robertson (Development Assessment Planning Coordinator)

Other Attendees:

Grant Burge (Development Engineering Coordinator)
Clint Tink (Development Assessment Planner)
Chris Gardiner (Development Assessment Planner)

The meeting opened at 2:02pm

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Dan Croft (Group Manager Development Services) be accepted.

03 CONFIRMATION OF MINUTES

RECOMMENDATION

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

04 DISCLOSURES OF INTEREST

Tony McNamara declared a Non-Pecuniary - Less than Significant Interest in Item 6, the reason being Mr McNamara was previously a Town Planner with Hastings Council who assessed an application for the original Birdon slipway.

Pat Galbraith-Robertson declared a Non-Pecuniary - Less than Significant Interest in Item 6, the reason being Mr Galbraith-Robertson was the assessing Planner for the previous application for DA2004 - 526.3 which was determined on 6 May 2020.

Chris Gee declared a Non-Pecuniary - Less than Significant Interest in Item 6, the reason being Mr Gee's parents owned property at Crescent head adjacent to Birdon family members.

05 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

Speakers:

Michael Matthews (opposing the application)

Peter Willard (opposing the application)

Geraldine Haigh (applicant)

CONSENSUS:

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.

06 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

Speakers:

Jeffrey Lutze (opposing the application)

Terrance Stafford (applicant)

Peter Bereicua (applicant),

CONSENSUS:

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 and as amended below:

-
- Add new condition B(10) which is to state: 'Prior to [the](#) issue of a Construction Certificate a detailed landscaping plan shall be submitted to and approved by Council which provides for vegetative screening of the proposed on-site sewage management sand mound where visible from Glen Ewan Road'.
 - Amend condition E(14) which is to state: '(E045) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL 4.56m AHD.
 - Amend condition F(1) which is to state: (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. The southern carparking areas shall not be used by employees during the extended hours of operation from 6pm to 7am.
 - Amend condition F(8) which is to state: All sliding/roller doors shall be kept closed between 6.00pm to 7.00am.

At other times, 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.

07 GENERAL BUSINESS

NIL

The meeting closed at 3:49pm

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: DA2022 - 304.1 ALTERATIONS AND ADDITIONS TO DWELLING AT
LOT 46 DP 807508, NO 19 THE FAIRWAY, PORT MACQUARIE****Report Author: Development Assessment Officer (Planner), Benjamin Roberts**

Applicant:	DLS Building Design
Owner:	P J & K J Mitchell
Estimated Cost:	\$500,000
Parcel no:	23511

Alignment with Delivery Program

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

RECOMMENDATION

That DA2022 - 304.1 for alterations and additions to dwelling at Lot 46, DP 807508, No. 19 The Fairway, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, four (4) submissions were received.

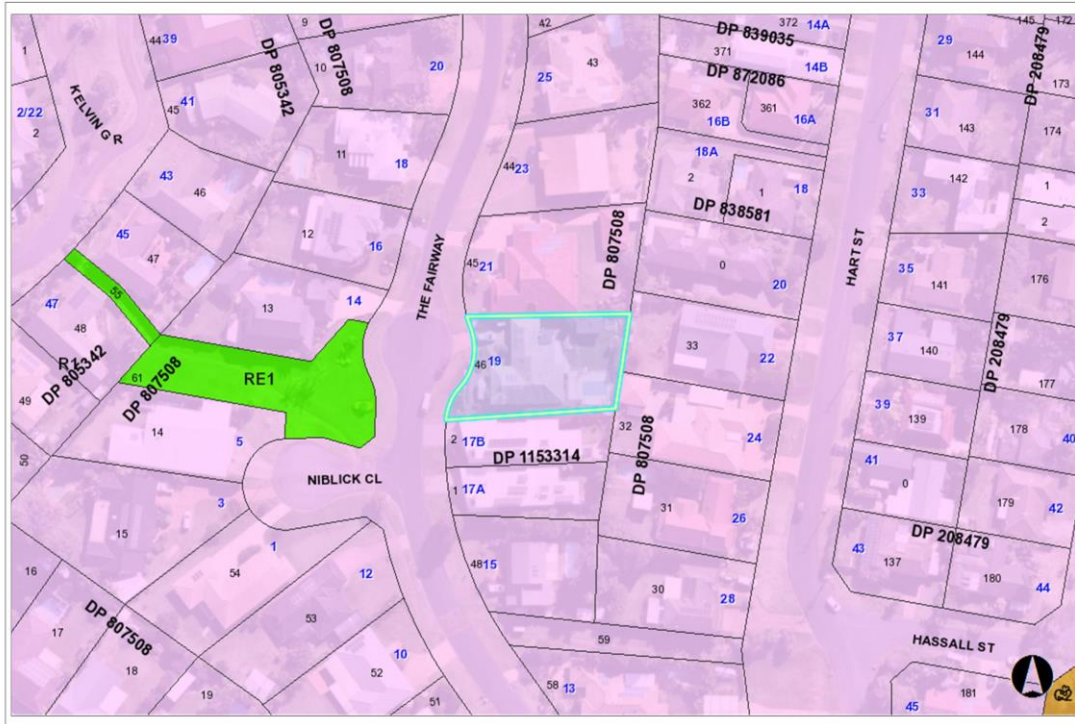
The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be granted consent subject to the conditions attached as 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 R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Alterations and additions to the dwelling in the form of a second storey addition and ground floor alterations and additions.

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

Application Chronology

- 11 April 2022 - Application lodged.
- 14 April 2022 - Referral to Essential Energy.
- 21 April to 5 May 2022 - Public exhibition via neighbour notification.
- 6 May 2022 - Essential Energy comments received.
- 11 May 2022 - Applicant response to issues raised within submissions.
- 10 June 2022 - Site inspection and additional information request to applicant.
- 21 June 2022 - Revised plans lodged.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

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

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

Clause 4.10 - 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 KPOM;
2. No vegetation removal is proposed; and
3. The site not considered to be core koala habitat.

Chapter 4 Remediation of Land

Clause 4.6 - Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

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

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - Development in proximity to electricity infrastructure - referral to Essential Energy has been undertaken. The following comments were received for consideration:

"Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
- *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

- *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”*

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

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The alterations and additions are to an existing dwelling house. Dwelling houses are a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it contributes to the range of housing options in the locality.
- Clause 2.7 - The part demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.14m which complies with the height limit of 11.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.41:1, which complies with the maximum 1:1 floor space ratio applying to the site.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	No cut or fill proposed.	N/A
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Extension of rock retaining wall at front proposed in north-western portion of the site. Suitable conditions applied.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and 	No fence and retaining wall combination proposed.	N/A

	<ul style="list-style-type: none"> – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 		
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	Double garage proposed.	Yes
Parking Layout			
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	The plans have been amended to provide for the garage to be 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.	Garage design consistent with standard.	Yes
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	Stormwater capable of being managed onsite.	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.	Stormwater to be connected to existing.	Yes

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			
DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. 	A curved slatted style pergola entry structure is proposed within the articulation zone setback 5.34m from the front boundary. The structure does not extend above the eave gutter line.	Yes

	b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.		
	c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	5.5m main front setback.	Yes
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	The plans were amended to incorporate the curved slatted style pergola entry structure so that the garage is now located 1m behind the building line. The garage is 5.5m from the front boundary.	Yes
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	5.4m wide garage door which equates to 25% of building width.	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	No change proposed or required to the existing driveway crossover.	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	No dual occupancy proposed. Not a corner lot.	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	14m rear setback to first floor upper deck.	Yes
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools	No shed or swimming pools proposed.	N/A

	subject to achieving minimum required private open space area.		
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.	N/A	N/A
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	North side setback = 1.5m South side setback = No change to existing.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	North side setback = 7.54m. South side setback = 7.48m.	Yes Yes
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	>3m side setbacks proposed.	N/A
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with:	Flat open space area >35m ² with directly accessible 4m x 4m area from living room.	Yes

	<ul style="list-style-type: none"> - a minimum dimension of 4m x 4m, and - a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and - direct accessibility from a ground floor living area and orientated to maximise use. 		
	b) Private open space may include clothes drying areas and garbage storage.	Noted.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	No front fencing proposed.	N/A
	b) Solid Front fences up to 1.2m high should be: <ul style="list-style-type: none"> - Setback 1.0m from the front boundary, and - Suitably landscaped to reduce visual impact, and - Provide a 3m x 3m splay for corner sites. 	No front fencing proposed.	N/A
	b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: <ul style="list-style-type: none"> - Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or - be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 	No front fencing proposed.	N/A
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	No front fencing proposed.	N/A

	d) provide a 3m x 3m splay for corner sites, and	No front fencing proposed.	N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	No front fencing proposed.	N/A
Bulk and Scale			
51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> Ground and first floor (and above) indoor living room windows are within a 9m radius. Direct views between principal private open space areas where within a 12m radius. Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	The main indoor living rooms and principle open space areas are located on the ground floor. Existing 1.8m high boundary fencing provides for adequate privacy protection to adjacent dwellings.	Yes
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	The first floor rear deck contains privacy screening to both ends as to maintain privacy to adjacent dwellings living rooms and principle open space areas. It should be noted that the plans were amended during assessment to provide for privacy screening to the southern end of the rear deck in response to the adjacent owner's privacy concerns. The southern side of first floor rear deck is setback 7.48m from the side boundary. The primary open space area at the rear of this dwelling is setback approximately 6m from the side	Yes

		boundary. Which equates to 13.48m separation distance which is beyond the 12m radius requiring privacy screening.	
	c) Privacy protection is not required for: <ul style="list-style-type: none"> - Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	North facing highlight windows (2.1m sill height) to the retreat room on the first floor.	Yes
	d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application): <ul style="list-style-type: none"> - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. - A window, the whole of which has translucent glass and is not able to be opened. 	The first floor rear deck contains privacy screening to both ends. A consent condition is recommended requiring specific details to be illustrated on the Construction Certificate plan satisfying the screening requirements.	Yes
Ancillary Development			
56	a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones: <ul style="list-style-type: none"> - The height of an outbuilding or the alterations and additions 	No ancillary development proposed.	N/A

	<p>to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing).</p> <ul style="list-style-type: none"> - The building should be single storey construction with a maximum roof pitch of 24 degrees. - The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 		
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(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601

Part demolition work on the existing dwelling is capable of compliance with this Australian Standard and is recommended to be conditioned.

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

Context and Setting

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Privacy screening provided to both ends of the first floor decks.

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, Traffic and Transport

No changes proposed or required to the existing driveway crossover. The development remains a single dwelling and will not result in any increase in traffic generation.

Water Supply Connection

Service available – details required with Section 68 application.
An appropriate standard condition is recommended in this regard.

Sewer Connection

Service available - details required with Section 68 application.

An appropriate standard condition is recommended in this regard.

Stormwater

It is proposed to connect stormwater to the existing stormwater arrangement via disposal to the street. Details required with Section 68 application.

An appropriate standard condition is recommended in this regard.

Other Utilities

Telecommunication and electricity services are existing and will remain unchanged.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

Four (4) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Privacy impacts upon dwelling at rear (24 Hart Street) from first floor rear deck.	Refer to comments within DCP assessment table. The first floor rear deck is setback approximately 13.8m from the rear boundary.
The plans show a salon for hairdressing and the application makes no mention of any home business. If a home business is proposed then further details should be provided.	The applicant has confirmed that a home business is not proposed under this application and the plans have been amended to remove any reference to a home business. The applicant did clarify that an exempt home business has been operating from the dwelling for over 2 years and the intent is to continue its operation in the form of exempt development.
Limited survey and site levels have been provided. The accuracy of the site plan and setbacks is questionable.	Sufficient details have been provided to inform the assessment.
Privacy impacts upon adjacent dwelling at 17B The Fairway from first floor rear deck.	Refer to comments within DCP assessment table. While not required under the planning controls, the plans were amended to provide privacy screening to the southern end of the deck in response to these privacy concerns.
Potential for further stormwater impacts upon 17B The Fairway primarily attributed to prior installation of swimming pool.	Stormwater is capable of being managed onsite for the additions to the dwelling proposed under this application. Details of connection to the existing system will be provided as part of the section 68 application.
Concerns over safety and security of the construction site. Request to erect security fencing.	Standard site management condition recommended, which includes site fencing requirement.
Impacts upon road and nature strip based on previous construction works. Request cleaning and restoration.	There is no work proposed or required in the road reservation under this application.
Traffic and parking impacts in the street from construction vehicles. Previously occurred with prior works on this site.	Standard site management condition recommended. The temporary inconvenience of additional construction traffic/parking in the street during construction is unavoidable. Standard traffic and parking rules equally apply to all vehicles.
Parking impacts in street from clients and deliveries associated with proposed hair salon.	The applicant has confirmed that a home business is not proposed under this application and the plans have

Submission Issue/Summary	Planning Comment/Response
	been amended to remove any reference to a home business. The applicant did clarify that an exempt home business has been operating from the dwelling for over 2 years and the intent is to continue its operation in the form of exempt development.
Unaware of the proposal, no notification to the owner of 16 The Fairway.	Council records indicate a development proposal notification letter was sent to the land owner of 16 The Fairway on 14 April 2022.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS

- The proposed development will comprise a single dwelling and does not involve the creation of any additional residential component. As a result, s7.11 contributions do not apply.
- The proposed development will comprise a single dwelling and does not contain any commercial/industrial component. As a result, s7.12 contributions do not apply.
- The proposed development will comprise a single dwelling and does not propose any additional residential component. As a result, s64 water supply and sewerage developer charges do not apply.

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   DA2022 - 304.1 Recommended Conditions
- 2   DA2022 - 304.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2022/304****DATE: 23/06/2022****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of 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	19 The Fairway	DLS Building Design	5 April 2022
Development Plans as stamped	Sheets 1, 4 to 16	DLS Building Design	20 June 2022
BASIX Certificate	A454863	DLS Building Design	6 April 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 work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

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

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - 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;
 - 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.

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Water meter location
- (2) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
 - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (3) The privacy screening to both ends of the first floor rear deck shall be a minimum 1.7m in height from the finished floor level, have 25% openings (maximum) with no individual opening more than 30mm wide, be permanently fixed and made of durable materials. Details of such shall be clearly notated on the construction certificate plans to the satisfaction of the certifying authority.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

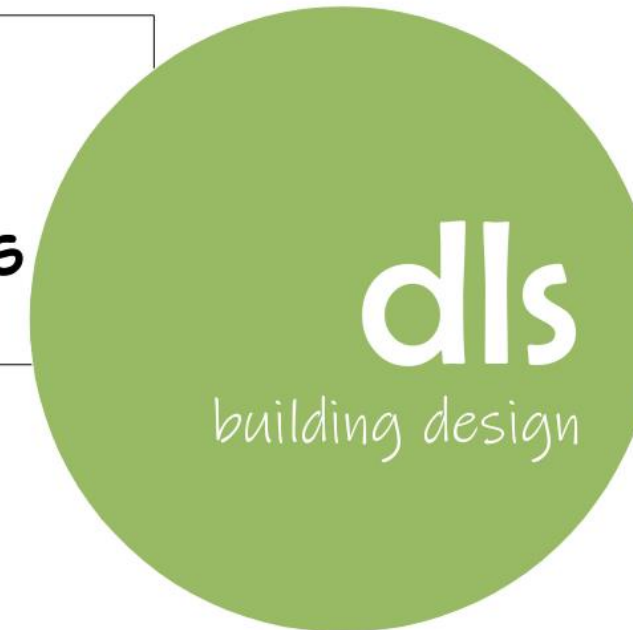
- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder),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

F – OCCUPATION OF THE SITE

- (1) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

DRAFT

CLIENT: PETE AND KRISTEN MITCHELL
ADDRESS: No.19 THE FAIRWAY
 PORT MACQUARIE 2444
PROJECT: PROPOSED ALTERATIONS AND ADDITIONS
DETAILS: LOT 46 DP 807508



BUILDING DESIGNERS
 ASSOCIATION OF AUSTRALIA

NOTE: ALL WORKS TO COMPLY WITH THE RELEVANT AUST. STANDARDS AND NCC
 NOTE: ALL DRAWINGS HAVE BEEN PREPARED WITH CLIENT SUPPLIED INFORMATION

CHECK ALL DIMENSIONS ONSITE PRIOR TO CONSTRUCTION, THESE
 DRAWING ARE TO BE READ IN CONJUNCTION WITH ALL RELEVANT
 CONTRACTS, STANDARDS, REPORTS, DRAWINGS, ENGINEERING,
 BASIX AND COUNCIL APPROVALS ETC...

Sheet #

1

Drawn By:

DEAN
SCHNEIDER

Date:

20/06/2022

Scale:

N/A

CLIENT: MITCHELL
 LOT 46 19 THE FAIRWAY (PM)
 ISSUE: DA_S68_PLANS

DLS Design

38 OCEAN DRIVE
 PORT MACQUARIE
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SAFETY NOTES

1. FALLS, SLIP, TRIPS

A) WORKING AT HEIGHTS
DURING CONSTRUCTION

A) WHEREVER POSSIBLE, COMPONENTS FOR THIS BUILDING SHOULD BE PREFABRICATED OFF-SITE OR AT GROUND LEVEL TO MINIMISE THE RISK OF WORKERS FALLING MORE THAN TWO METRES. HOWEVER, CONSTRUCTION OF THIS BUILDING WILL REQUIRE WORKERS TO BE WORKING AT HEIGHTS WHERE A FALL IN EXCESS OF TWO METRES IS POSSIBLE AND INJURY IS LIKELY TO RESULT FROM SUCH A FALL. THE BUILDER SHOULD PROVIDE A SUITABLE BARRIER WHEREVER A PERSON IS REQUIRED TO WORK IN A SITUATION WHERE FALLING MORE THAN TWO METRES IS A POSSIBILITY

DURING OPERATION OR MAINTENANCE

FOR HOUSES OR OTHER LOW-RISE BUILDINGS WHERE SCAFFOLDING IS APPROPRIATE: CLEANING AND MAINTENANCE OF WINDOWS, WALLS, ROOF OR OTHER COMPONENTS OF THIS BUILDING WILL REQUIRE PERSONS TO BE SITUATED WHERE A FALL FROM A HEIGHT IN EXCESS OF TWO METRES IS POSSIBLE. WHERE THIS TYPE OF ACTIVITY IS REQUIRED, SCAFFOLDING, LADDERS OR TRESTLES SHOULD BE USED IN ACCORDANCE WITH RELEVANT CODES OF PRACTICE, REGULATIONS OR LEGISLATION. FOR BUILDINGS WHERE SCAFFOLD, LADDERS, TRESTLES ARE NOT APPROPRIATE: CLEANING AND MAINTENANCE OF WINDOWS, WALLS, ROOF OR OTHER COMPONENTS OF THIS BUILDING WILL REQUIRE PERSONS TO BE SITUATED WHERE A FALL FROM A HEIGHT IN EXCESS OF TWO METRES IS POSSIBLE. WHERE THIS TYPE OF ACTIVITY IS REQUIRED, SCAFFOLDING, FALL BARRIERS OR PERSONAL PROTECTIVE EQUIPMENT (PPE) SHOULD BE USED IN ACCORDANCE WITH RELEVANT CODES OF PRACTICE, REGULATIONS OR LEGISLATION

ANCHORAGE POINTS

ANCHORAGE POINTS FOR PORTABLE SCAFFOLD OR FALL ARREST DEVICES HAVE BEEN INCLUDED IN THE DESIGN FOR USE BY MAINTENANCE WORKERS. ANY PERSONS ENGAGED TO WORK ON THE BUILDING AFTER COMPLETION OF CONSTRUCTION WORK SHOULD BE INFORMED ABOUT THE ANCHORAGE POINTS

B) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES SPECIFIED IF FINISHES HAVE BEEN SPECIFIED BY DESIGNER, THESE HAVE BEEN SELECTED TO MINIMISE THE RISK OF FLOORS AND PAVED AREAS BECOMING SLIPPERY WHEN WET OR WHEN WALKED ON WITH WET SHOES/FEET. ANY CHANGES TO THE SPECIFIED FINISH SHOULD BE MADE IN CONSULTATION WITH THE DESIGNER OR, IF THIS IS NOT PRACTICAL, SURFACES WITH AN EQUIVALENT OR BETTER SLIP RESISTANCE SHOULD BE CHOSEN. FLOOR FINISHES BY OWNER IF DESIGNER HAS NOT NOT BEEN INVOLVED IN THE SELECTION OF SURFACE FINISHES, THE OWNER IS RESPONSIBLE FOR THE SELECTION OF SURFACE FINISHES IN THE PEDESTRIAN TRAFFICABLE AREAS OF THIS BUILDING. SURFACES SHOULD BE SELECTED IN ACCORDANCE WITH AS HB 197:1999 AND AS/ NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

DUE TO DESIGN RESTRICTIONS FOR THIS BUILDING, STEPS AND/OR RAMPS ARE INCLUDED IN THE BUILDING WHICH MAY BE A HAZARD TO WORKERS CARRYING OBJECTS OR OTHERWISE OCCUPIED. STEPS SHOULD BE CLEARLY MARKED WITH BOTH VISUAL AND TACTILE WARNING DURING CONSTRUCTION, MAINTENANCE, DEMOLITION AND AT ALL TIMES WHEN THE BUILDING OPERATES AS A WORKPLACE. BUILDING OWNERS AND OCCUPIERS SHOULD MONITOR THE PEDESTRIAN ACCESS WAYS AND IN PARTICULAR ACCESS TO AREAS WHERE MAINTENANCE IS ROUTINELY CARRIED OUT TO ENSURE THAT SURFACES HAVE NOT MOVED OR CRACKED SO THAT THEY BECOME UNEVEN AND PRESENT A TRIP HAZARD. SPILLS, LOOSE MATERIAL, STRAY OBJECTS OR ANY OTHER MATTER THAT MAY CAUSE A SLIP OR TRIP HAZARD SHOULD BE CLEANED OR REMOVED FROM ACCESS WAYS. CONTRACTORS SHOULD BE REQUIRED TO MAINTAIN A TIDY WORK SITE DURING CONSTRUCTION, MAINTENANCE OR DEMOLITION TO REDUCE THE RISK OF TRIPS AND FALLS IN THE WORKPLACE. MATERIALS FOR CONSTRUCTION OR MAINTENANCE SHOULD BE STORED IN DESIGNATED AREAS AWAY FROM ACCESS

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

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

2. FALLING OBJECTS

LOOSE MATERIAL OR FALLING OBJECTS

CONSTRUCTION, MAINTENANCE OR DEMOLITION WORK ON OR AROUND THIS BUILDING IS LIKELY TO INVOLVE PERSONS WORKING ABOVE GROUND LEVEL OR ABOVE FLOOR LEVELS. WHERE THIS OCCURS ONE OR MORE OF THE FOLLOWING MEASURES SHOULD BE TAKEN TO AVOID OBJECTS FALLING FROM THE AREA WHERE THE WORK IS BEING CARRIED OUT ONTO PERSONS BELOW

1. PREVENT OR RESTRICT ACCESS TO AREAS BELOW WHERE THE WORK IS BEING CARRIED OUT
2. PROVIDE TOE BOARDS TO SCAFFOLDING OR WORK PLATFORMS
3. PROVIDE PROTECTIVE STRUCTURE BELOW THE WORK AREA
4. ENSURE ALL PERSONS BELOW WORK AREA HAVE PERSONAL PROTECTIVE EQUIPMENT (PPE)

BUILDING COMPONENTS

DURING CONSTRUCTION, RENOVATION OR DEMOLITION OF THIS BUILDING, PARTS OF THE STRUCTURE INCLUDING FABRICATED STEELWORK, HEAVY PANELS AND MANY OTHER COMPONENTS WILL REMAIN STANDING PRIOR TO OR AFTER SUPPORTING PARTS ARE IN PLACE. CONTRACTORS SHOULD ENSURE THAT TEMPORARY BRACING OR OTHER REQUIRED SUPPORT IS IN PLACE AT ALL TIMES WHEN COLLAPSE WHICH MAY INJURE PERSON IN THE AREA IS A POSSIBILITY.

MECHANICAL LIFTING OF MATERIALS AND COMPONENTS DURING CONSTRUCTION, MAINTENANCE OR DEMOLITION PRESENTS A RISK OF FALLING OBJECTS. CONTRACTORS SHOULD ENSURE THAT APPROPRIATE LIFTING DEVICES ARE USED, THAT LOADS ARE PROPERLY SECURED AND THAT ACCESS TO AREAS BELOW THE LOAD IS PREVENTED OR RESTRICTED.

3. TRAFFIC MANAGEMENT

FOR BUILDING ON A MAJOR ROAD, NARROW ROAD OR STEEPLY SLOPING ROAD: PARKING OF VEHICLES OR LOADING/UNLOADING OF VEHICLES ON THIS ROADWAY MAY CAUSE A TRAFFIC HAZARD. DURING CONSTRUCTION, MAINTENANCE OR DEMOLITION OF THIS BUILDING DESIGNATED PARKING FOR WORKERS AND LOADING AREAS SHOULD BE PROVIDED. TRAINED TRAFFIC MANAGEMENT PERSONNEL SHOULD BE RESPONSIBLE FOR THE SUPERVISION OF THESE AREAS. FOR BUILDING WHERE ON-SITE LOADING/UNLOADING IS RESTRICTED: CONSTRUCTION OF THIS BUILDING WILL REQUIRE LOADING AND UNLOADING OF MATERIALS ON THE ROADWAY. DELIVERIES SHOULD BE WELL PLANNED TO AVOID CONGESTION OF LOADING AREAS AND TRAINED TRAFFIC MANAGEMENT PERSONNEL SHOULD BE USED TO SUPERVISE LOADING/UNLOADING AREAS. FOR ALL BUILDINGS: BUSY CONSTRUCTION AND DEMOLITION SITES PRESENT A RISK OF COLLISION WHERE DELIVERIES AND OTHER TRAFFIC ARE MOVING WITHIN THE SITE. A TRAFFIC MANAGEMENT PLAN SUPERVISED BY TRAINED TRAFFIC MANAGEMENT PERSONNEL SHOULD BE ADOPTED FOR THE WORK SITE.

4. SERVICES

GENERAL RUPTURE OF SERVICES DURING EXCAVATION OR OTHER ACTIVITY CREATES A VARIETY OF RISKS INCLUDING RELEASE OF HAZARDOUS MATERIAL. EXISTING SERVICES ARE LOCATED ON OR AROUND THIS SITE. WHERE KNOWN, THESE ARE IDENTIFIED ON THE PLANS BUT THE EXACT LOCATION AND EXTENT OF SERVICES MAY VARY FROM THAT INDICATED. SERVICES SHOULD BE LOCATED USING AN APPROPRIATE SERVICE (SUCH AS DIAL BEFORE YOU DIG), APPROPRIATE EXCAVATION PRACTICE SHOULD BE USED AND, WHERE NECESSARY, SPECIALIST CONTRACTORS SHOULD BE USED. LOCATIONS WITH UNDERGROUND POWER: UNDERGROUND POWER LINES MAY BE LOCATED IN OR AROUND THIS SITE. ALL UNDERGROUND POWER LINES MUST BE DISCONNECTED OR CAREFULLY LOCATED AND ADEQUATE WARNING SIGNS USED PRIOR TO ANY CONSTRUCTION, MAINTENANCE OR DEMOLITION COMMENCING. LOCATIONS WITH OVERHEAD POWER LINES: OVERHEAD POWER LINES MAY BE NEAR OR ON THIS SITE. THESE POSE A RISK OF ELECTROCUTION IF STRUCK OR APPROACHED BY LIFTING DEVICES OR OTHER PLANT AND PERSONS WORKING ABOVE GROUND LEVEL. WHERE THERE IS A DANGER OF THIS OCCURRING, POWER LINES SHOULD BE, WHERE PRACTICAL, DISCONNECTED OR RELOCATED. WHERE THIS IS NOT PRACTICAL ADEQUATE WARNING IN THE FORM OF BRIGHT COLOURED TAPE OR SIGNAGE SHOULD BE USED OR A PROTECTIVE BARRIER PROVIDED.

5. MANUAL TASKS

COMPONENTS WITHIN THIS DESIGN WITH A MASS IN EXCESS OF 25KG SHOULD BE LIFTED BY TWO OR MORE WORKERS OR BY MECHANICAL LIFTING DEVICE. WHERE THIS IS NOT PRACTICAL, SUPPLIERS OR FABRICATORS SHOULD BE REQUIRED TO LIMIT THE COMPONENT MASS. ALL MATERIAL PACKAGING, BUILDING AND MAINTENANCE COMPONENTS SHOULD CLEARLY SHOW THE TOTAL MASS OF PACKAGES AND WHERE PRACTICAL ALL ITEMS SHOULD BE STORED ON SITE IN A WAY WHICH MINIMISES BENDING BEFORE LIFTING. ADVICE SHOULD BE PROVIDED ON SAFE LIFTING METHODS IN ALL AREAS WHERE LIFTING MAY OCCUR. CONSTRUCTION, MAINTENANCE AND DEMOLITION OF THIS BUILDING WILL REQUIRE THE USE OF PORTABLE TOOLS AND EQUIPMENT. THESE SHOULD BE FULLY MAINTAINED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND NOT USED WHERE FAULTY OR (IN THE CASE OF ELECTRICAL EQUIPMENT) NOT CARRYING A CURRENT ELECTRICAL SAFETY TAG. ALL SAFETY GUARDS OR DEVICES SHOULD BE REGULARLY CHECKED AND PERSONAL PROTECTIVE EQUIPMENT SHOULD BE USED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATION.

6. HAZARDOUS SUBSTANCES

ASBESTOS

FOR ALTERATIONS TO A BUILDING CONSTRUCTED PRIOR TO 1990: IF THIS EXISTING BUILDING WAS CONSTRUCTED PRIOR TO: 1990 - IT THEREFORE MAY CONTAIN ASBESTOS 1986 - IT THEREFORE IS LIKELY TO CONTAIN ASBESTOS EITHER IN CLADDING MATERIAL OR IN FIRE RETARDANT INSULATION MATERIAL. IN EITHER CASE, THE BUILDER SHOULD CHECK AND, IF NECESSARY, TAKE APPROPRIATE ACTION BEFORE DEMOLISHING, CUTTING, SANDING, DRILLING OR OTHERWISE DISTURBING THE EXISTING STRUCTURE.

POWDERED MATERIAL

MANY MATERIALS USED IN THE CONSTRUCTION OF THIS BUILDING CAN CAUSE HARM IF INHALED IN POWDERED FORM. PERSONS WORKING ON OR IN THE BUILDING DURING CONSTRUCTION, OPERATIONAL MAINTENANCE OR DEMOLITION SHOULD ENSURE GOOD VENTILATION AND WEAR PERSONAL PROTECTIVE EQUIPMENT INCLUDING PROTECTION AGAINST INHALATION WHILE USING POWDERED MATERIAL OR WHEN SANDING, DRILLING, CUTTING OR OTHERWISE DISTURBING OR CREATING POWDERED MATERIAL.

TREATED TIMBER

THE DESIGN OF THIS BUILDING MAY INCLUDE PROVISION FOR THE INCLUSION OF TREATED TIMBER WITHIN THE STRUCTURE. DUST OR FUMES FROM THIS MATERIAL CAN BE HARMFUL. PERSONS WORKING ON OR IN THE BUILDING DURING CONSTRUCTION, OPERATIONAL MAINTENANCE OR DEMOLITION SHOULD ENSURE GOOD VENTILATION AND WEAR PERSONAL PROTECTIVE EQUIPMENT INCLUDING PROTECTION AGAINST INHALATION OF HARMFUL MATERIAL WHEN SANDING, DRILLING, CUTTING OR USING TREATED TIMBER IN ANY WAY THAT MAY CAUSE HARMFUL MATERIAL TO BE RELEASED. DO NOT BURN TREATED TIMBER.

VOLATILE ORGANIC COMPOUNDS

MANY TYPES OF GLUE, SOLVENTS, SPRAY PACKS, PAINTS, VARNISHES AND SOME CLEANING MATERIALS AND DISINFECTANTS HAVE DANGEROUS EMISSIONS. AREAS WHERE THESE ARE USED SHOULD BE KEPT WELL VENTILATED WHILE THE MATERIAL IS BEING USED AND FOR A PERIOD AFTER INSTALLATION. PERSONAL PROTECTIVE EQUIPMENT MAY ALSO BE REQUIRED. THE MANUFACTURER'S RECOMMENDATIONS FOR USE MUST BE CAREFULLY CONSIDERED AT ALL TIMES.

SYNTHETIC MINERAL FIBRE

FIBREGLASS, ROCKWOOL, CERAMIC AND OTHER MATERIAL USED FOR THERMAL OR SOUND INSULATION MAY CONTAIN SYNTHETIC MINERAL FIBRE WHICH MAY BE HARMFUL IF INHALED OR IF IT COMES IN CONTACT WITH THE SKIN, EYES OR OTHER SENSITIVE PARTS OR THE BODY. PERSONAL PROTECTIVE EQUIPMENT INCLUDING PROTECTION AGAINST INHALATION OF HARMFUL MATERIAL SHOULD BE USED WHEN INSTALLING, REMOVING OR WORKING NEAR BULK INSULATION MATERIAL

TIMBER FLOORS

THIS BUILDING MAY CONTAIN TIMBER FLOORS WHICH HAVE AN APPLIED FINISH. AREAS WHERE FINISHES ARE APPLIED SHOULD BE KEPT WELL VENTILATED DURING SANDING AND APPLICATION AND FOR A PERIOD AFTER INSTALLATION. PERSONAL PROTECTIVE EQUIPMENT MAY ALSO BE REQUIRED. THE MANUFACTURER'S RECOMMENDATIONS FOR USE MUST BE CAREFULLY CONSIDERED AT ALL TIMES.

7. CONFINED SPACES

EXCAVATION

CONSTRUCTION OF THIS BUILDING AND SOME MAINTENANCE ON THE BUILDING WILL REQUIRE EXCAVATION AND INSTALLATION OF ITEMS WITHIN EXCAVATIONS. WHERE PRACTICAL, INSTALLATION SHOULD BE CARRIED OUT USING METHODS WHICH DO NOT REQUIRE WORKERS TO ENTER THE EXCAVATION. WHERE THIS IS NOT PRACTICAL, ADEQUATE SUPPORT FOR THE EXCAVATED AREA SHOULD BE PROVIDED TO PREVENT COLLAPSE. WARNING SIGNS AND BARRIERS TO PREVENT ACCIDENTAL OR UNAUTHORISED ACCESS TO ALL EXCAVATIONS SHOULD BE PROVIDED.

ENCLOSED SPACES

FOR BUILDINGS WITH ENCLOSED SPACES WHERE MAINTENANCE OR OTHER ACCESS MAY BE REQUIRED: ENCLOSED SPACES WITHIN THIS BUILDING MAY PRESENT A RISK TO PERSONS ENTERING FOR CONSTRUCTION, MAINTENANCE OR ANY OTHER PURPOSE. THE DESIGN DOCUMENTATION CALLS FOR WARNING SIGNS AND BARRIERS TO UNAUTHORISED ACCESS. THESE SHOULD BE MAINTAINED THROUGHOUT THE LIFE OF THE BUILDING. WHERE WORKERS ARE REQUIRED TO ENTER ENCLOSED SPACES, AIR TESTING EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT SHOULD BE PROVIDED.

SMALL SPACES

FOR BUILDINGS WITH SMALL SPACES WHERE MAINTENANCE OR OTHER ACCESS MAY BE REQUIRED: SOME SMALL SPACES WITHIN THIS BUILDING WILL REQUIRE ACCESS BY CONSTRUCTION OR MAINTENANCE WORKERS. THE DESIGN DOCUMENTATION CALLS FOR WARNING SIGNS AND BARRIERS TO UNAUTHORISED ACCESS. THESE SHOULD BE MAINTAINED THROUGHOUT THE LIFE OF THE BUILDING. WHERE WORKERS ARE REQUIRED TO ENTER SMALL SPACES THEY SHOULD BE SCHEDULED SO THAT ACCESS IS FOR SHORT PERIODS. MANUAL LIFTING AND OTHER MANUAL ACTIVITY SHOULD BE RESTRICTED IN SMALL SPACES

8. PUBLIC ACCESS

PUBLIC ACCESS TO CONSTRUCTION AND DEMOLITION SITES AND TO AREAS UNDER MAINTENANCE CAUSES RISK TO WORKERS AND PUBLIC. WARNING SIGNS AND SECURE BARRIERS TO UNAUTHORISED ACCESS SHOULD BE PROVIDED. WHERE ELECTRICAL INSTALLATIONS, EXCAVATIONS, PLANT OR LOOSE MATERIALS ARE PRESENT THEY SHOULD BE SECURED WHEN NOT FULLY SUPERVISED.

9. OPERATIONAL USE OF BUILDINGS

RESIDENTIAL BUILDING

THIS BUILDING HAS BEEN DESIGNED AS A RESIDENTIAL BUILDING. IF IT, AT A LATER DATE, IT IS USED OR INTENDED TO BE USED AS A WORKPLACE, THE PROVISIONS OF THE WORK HEALTH AND SAFETY ACT 2011 OR SUBSEQUENT. FOR NON-RESIDENTIAL BUILDINGS WHERE THE END-USE IS KNOWN: REPLACEMENT ACT SHOULD BE APPLIED TO THE NEW USE.

NON RESIDENTIAL BUILDINGS

THIS BUILDING HAS BEEN DESIGNED FOR THE SPECIFIC USE AS IDENTIFIED ON THE DRAWINGS. WHERE A CHANGE OF USE OCCURS AT A LATER DATE A FURTHER ASSESSMENT OF THE WORKPLACE HEALTH AND SAFETY ISSUES SHOULD BE UNDERTAKEN.

10. OTHER HIGH RISK ACTIVITY

ALL ELECTRICAL WORK SHOULD BE CARRIED OUT IN ACCORDANCE WITH CODE OF PRACTICE: MANAGING ELECTRICAL RISKS AT THE WORKPLACE, AS/NZ 3012 AND ALL LICENSING REQUIREMENTS. ALL WORK USING PLANT SHOULD BE CARRIED OUT IN ACCORDANCE WITH CODE OF PRACTICE: MANAGING RISKS OF PLANT AT THE WORKPLACE. ALL WORK SHOULD BE CARRIED OUT IN ACCORDANCE WITH CODE OF PRACTICE: MANAGING NOISE AND PREVENTING HEARING LOSS AT WORK. DUE TO THE HISTORY OF SERIOUS INCIDENTS IT IS RECOMMENDED THAT PARTICULAR CARE BE EXERCISED WHEN UNDERTAKING WORK INVOLVING STEEL CONSTRUCTION AND CONCRETE PLACEMENT. ALL THE ABOVE APPLIES.

Sheet #

2

Drawn By:

DEAN
SCHNEIDER

Date:

20/06/2022

Scale:

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GENERAL
SPECIFICATION

TIMBER WALL FRAMING

IN ACCORDANCE WITH AS 1684.2 TIMBER FRAMING
GENERALLY 70/90*35 MGP10 PINE WITH 70/90*45 TOP
PLATES TO LOADBEARING WALLS AND STUDS @600MM
CENTRES WITH ONE ROW OF NOGGINGS.

NON LOAD BEARING WALLS 70*35 MGP10 PINE WITH
STUDS @600MM CENTRES WITH ONE ROW OF NOGGINGS

WALL AND CEILING LININGS

WALL AND CEILING LINING 10MM PLASTERBOARD FIXED
AND FINISHED TO MANUFACTURERS RECOMMENDATIONS.

WET AREA WALL LININGS TO BE VILLABOARD OR WIR
PLASTERBOARD FIXED AND FINISHED TO
MANUFACTURERS INSTRUCTIONS.

WET AREA WATERPROOFING IN ACCORDANCE WITH BCA
3.8.1 & AS3740 AND COMPLETED BY AN APPROVED
INSTALLER.

SITE

ALL SITE CONTOURS AND FINISHED LEVELS TO BE
VERIFIED BY BUILDER ON SITE

BOUNDARY DIMENSIONS BORDERING ON MINIMAL LOCAL
COUNCIL SETBACKS TO BE VERIFIED BY SURVEYOR ON
INITIAL SETOUT STAGE.

ALL CUT AND FILL BATTERS WHERE NOT RETAINED TO BE
NO GREATER GRADIENT WHERE PRACTICAL OF 1:4
BATTERED EMBANKMENT.

WHERE RETAINING IS REQUIRED ANY WALL EXCEEDING
1.0m IN HEIGHT ARE TO BE DESIGNED BY A CERTIFIED
ENGINEER

INSULATION

THERMAL PERFORMANCE TO EQUAL R1.5 TO WALLS AND
R2.5 TO CEILINGS INSULATION SHOULD MEET THE LEVELS
SPECIFIED IN AS 2627.1 FOR BULK INSULATIONS & AS
4200.2 FOR FLIABLE BUILDING MEMBRANES

FIBREGLASS BATTS TO COMPLY WITH AS 3742
INSTALLATION OF INSULATION MATERIALS TO COMPLY
WITH AS/NZS 4859.1

(BASIX REPORT THERMAL PERFORMANCE REQUIREMENT
WILL SUPERCEED THIS)

TERMITE PROTECTION

THE PROTECTION OF BUILDINGS FROM TERMITES AS
REQUIRED BY AS 3660.1 TERMITE MANAGEMENT IN NEW
BUILDING WORKS.

BCA / NCC 3.1.4 ACCEPTABLE CONSTRUCTION PRACTICES
REQUIRES COMPLIANCE TO SATISFY THE PERFORMANCE
REQUIREMENT P2.1 A DURABLE NOTICE IS TO BE
PERMANLTLY FIXED TO THE BUILDING TO BCA 3.1.4.4

THE INTENT IS TO PROVIDE FOR A TERMITE BARRIER THAT
WILL ENSURE THAT TERMITE WILL NOT ENTER A BUILDING
BY A CONCEALED ROUTE REFER TO TABLE 3.1.3.1
ACCEPTABLE TERMITE SOLUTION TABLE

TERMIMESH SYSTEMS BY APPROVED INSTALLER TO
CONCRETE SLAB TERMIGUARD CHEMICAL SYSTEM BY
APPROVED INSTALLER CONTINOUS ANTCAP TO FLOOR
FRAME PERIMETRE WALLS, ISOLATED ANTCAPS TO PIERS

BALCONY ROOFING

ROOFING TO COMPLY WITH BCA PART 3.5.1 ROOF
CLADDING

COLORBOND/METAL ROOFING FIXED TO TIMBER
BATTERNS 900 END SPAN 1200 INTERMEDIATE SPAN
REFER TO 'USING LYSAGHT ROOFING & WALLS FOR
DETAILED INSTALLATION RECOMMENDATIONS

GUTTERS AND DOWNPIPES

FASCIA AND GUTTERS TO BE COLORBOND FIXED TO
MANUFACTURERS INSTRUCTION & IN ACCORDANCE WITH
BCA 3.5.3 & AS2179

REFER TO 'USING LYSAGHT ROOFING AND WALLING FOR
DETAILED INSTALLATION RECOMMENDATIONS

BCA 3.5.3 REQUIRES THE DOWNPIPES TO BE BASED ON
ROOF CATCHMENT AREAS AND 5 MINUTE RAINFALL
INTENSITIES/20YEAR AVERAGE

GUTTERS TO BE SLOTTED TO ALLOW OVERFLOW
100*75mm DOWNPIPES TO COMPLY WITH BCA 3.5.3

GUTTERS AND DOWNPIPES TO BE COLORBOND TO
MANUFACTURERS INSTRUCTIONS AND IN ACCORDANCE
WITH BCA PART 3.5.3 & AS 2179 REFER TO 'USING LYSAGHT
ROOFING AND WALLING' FOR DETAILED INSTALLATION
INSTRUCTIONS

EAVE LINING

EAVE LINING 4.5mm HARDI-FLEX OR SIMILAR FIXED (BAL
rating dependant)

ROOF FRAMING

ENGINEERED TIMBER ROOF TRUSSES DESIGNED USING
STRUCTURAL SOFTWARE MEETING THE 'ABCD' PROTOCOL
FOR STRUCTURAL SOFTWARE AND TO AS 1720.1 REFER
MANUFACTURERS DETAILS AND SPECIFICATION
CONVENTIONAL ROOFS TO TFC

ELECTRICAL

SMOKE ALARMS FIXED TO CEILINGS AND CONNECTED TO
MAINS POWER TO BCA 3.7.5 & AS 3786 -ALARMS TO BE
INTERCONNECTED WHERE MORE THAN 1

STORMWATER DRAINAGE

STORMWATER DRAINAGE TO BE IN ACCORDANCE WITH
AS3500 BCA 3.1.3 REQUIRES MIN COVER TO PIPES
*100mm UNDER SOIL
*PAVED AREAS 50mm
*TRAFFIC LIGHT REINF. CONC. 75mm
*LIGHT TRAFFIC PAVED AREAS 100mm
MEASURED FROM THE UNDERSIDE OF CONCRETE OR
PAVING

SANITARY DRAINAGE

SANITARY DRAINAGE TO BE IN ACCORDANCE WITH
AS3500

BRICKWORK

BRICKWORK/MASONARY TO BE ARTICULATED IN
ACCORDANCE WITH AS3700 and AS 4773 MASONARY IN
SMALL BUILDINGS

WET AREAS AND EXTERNAL WATERPROOFING

WET AREAS TO COMPLY WITH THE BCA / NCC PART 3.8.1
INC TABLE 3.8.1.1 AND THE AUSTRALIAN STANDARD 3740

ROOFING

ROOFING TO COMPLY WITH BCA PART 3.5.1 ROOF
CLADDING

TERRACOTTA ROOF TILES FIXED IN ACCORDANCE WITH
MUNUFACTURERS INSTRUCTIONS AND TO COMPLY WITH
BCA 3.5.1.2

ROOF TILE BATTERNS 38*50mm UNSEASONED FIXED TO
AUSTRALIAN STANDARD AS 1684 SARKING LOCATED
DIRECTLY UNDER BATTERNS WITH A FLAMMABILITY INDEX
OF NOT MORE THAN 5.

SLAB FOOTING CONSTRUCTION NOTES

CONCRETE SLAB AND FOOTINGS TO ENGINEERS DETAILS
REFER TO BCA 3.2.3 CONCRETE & REINFORCEMENT
REFER TO BCA 3.2 FOOTINGS AND SLABS FOOTINGS AND
SLABS TO BE IN ACCORDANCE WITH AS 2870

STRIP UNDERSLAB AREA OF ALL TOPSOIL, DEBRIS &
ORGANIC MATTER. IF EARTHWORKS REVEAL GROUND
ABNORMALITIES INCLUDING ROCK OR QUESTIONABLE
MATERIAL, AN ENGINEER INSPECTION MUST BE CARRIED
OUT.

LINTELS

TRUSS MANUFACTURER TO CHECK ALL LINTELS SIZES

SANITARY COMPARTMENTS

BCA 3.8.3.3 REQUIRES THE DOOR TO A FULLY CLOSED
SANITARY COMPARTMENT (WC) TO:
(A) OPEN OUTWARDS
(B) SLIDE OR
(C) BE READILY REMOVABLE FROM THE OUTSIDE UNLESS
THERE IS A CLEAR SPACE OF AT LEAST 1.2m BETWEEN
THE PAN AND THE NEAREST PART OF THE DOORWAY

EXHAUST FANS / INTERNAL VENTILATION

EXHAUST FANS TO BE DUCTED EXTERNALLY IN
ACCORDANCE WITH BCA 3.8.7 AND AS 1668

EXTERNAL WALL CLADDING

SELECTED WALL CLADDING FIXED TO STUD FRAME TO
MANUFACTURERS INSTRUCTIONS AND BCA PART 3.5.3

WINDOWS

WINDOW TO BE ALUMINIUM POWDERCOAT FINISH
MANUFACTURED & INSTALLED IN ACCORDANCE WITH:
*AS2047 WINDOWS IN BUILDINGS
– SELECTION AND INSTALLATION
*AS4055 WIND LOADS FOR HOUSING
*AS1288 GLASS IN BUILDINGS

– SELECTION AND INSTALLATION WINDOWS IN A BEDROOM
WITH A FFL ABOVE 2000 AND A SILL HEIGHT LESS THAN
1700 MUST HAVE EITHER A BARRIER SCREEN TO
WITHSTAND 250N OF OUTWARDS FORCE OR A
RESTRICTED OPENING UP TO 125MM ABLE TO WITHSTAND
A FORCE OF 250N

STAIRS AND BALUSTRADES

RISER AND GOING TO COMPLY WITH BCA TABLE 3.9.1.2
BALUSTARDES TO BCA PART 3.9.2
HEIGHT OF BALUSTRADE TO BE MIN. 1000mm TO LANDINGS
AND BALCONIES AND 865mm ABOVE THE NOSING OF THE
STAIR TREADS
NOTE: A TRANSITION ZONE IS ALLOWED WHERE THE
BALUSTRADE HEIGHT CHANGES.
A SUITABLE SLIP RESISTANCE LEVEL IS TO BE ACHIEVED
AS PER AS 4586
HANDRAILS PROVIDED AS PER BCA/NCC PART 3.9.2.4

Sheet #

3

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Date:

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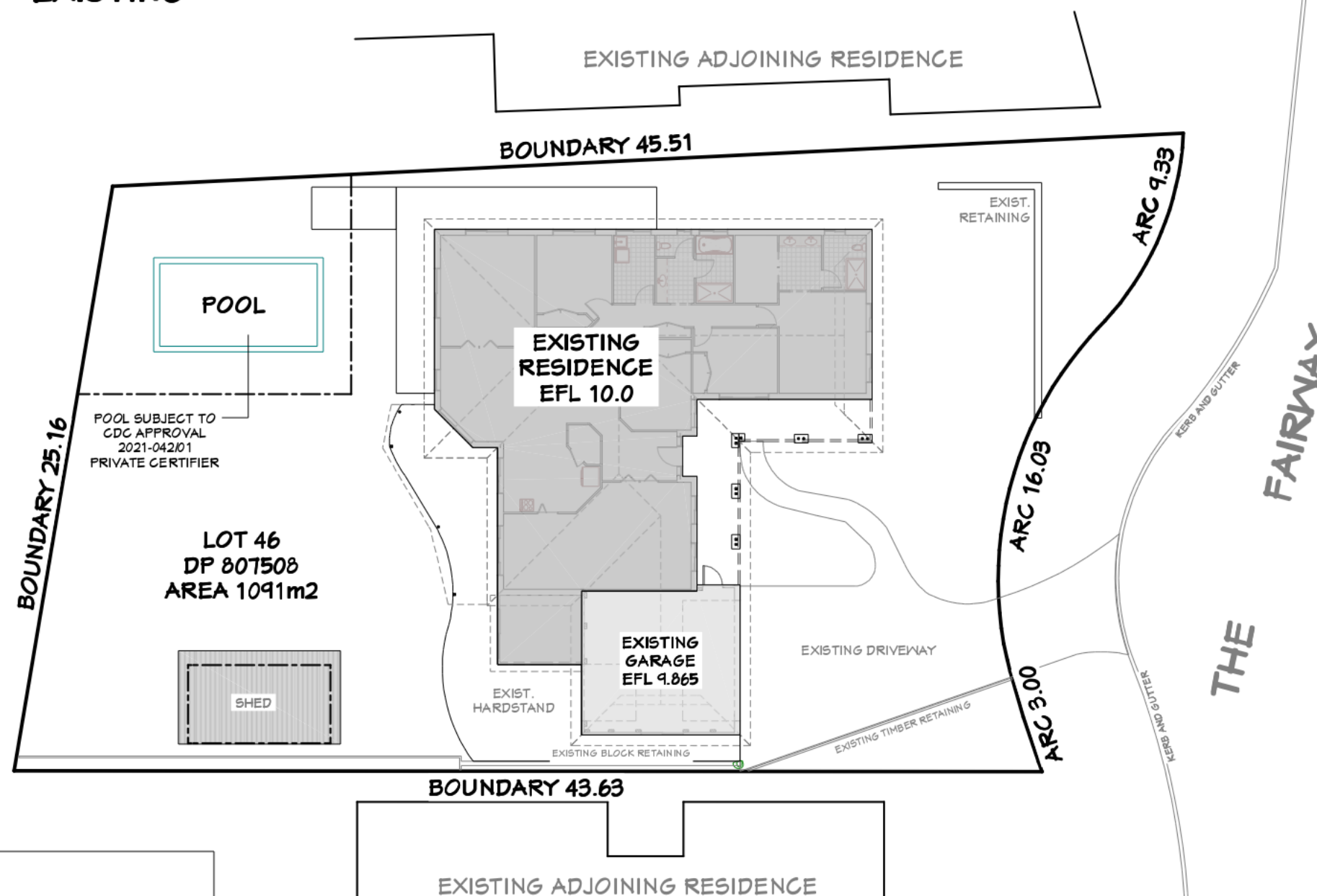
N/A

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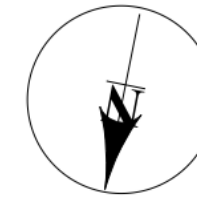
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SITE PLAN - EXISTING



AREAS:	
LIVING:	206.7m2
GARAGE:	41.7m2
PATIO:	25.4m2
ALFRESCO:	22.0m2
DECKS (UNCOVERED):	37.5m2
TOTAL AREA:	333.33m2

NOTE: ALL WORKS TO COMPLY WITH THE RELEVANT AUST. STANDARDS AND NCC
NOTE: ALL DRAWINGS HAVE BEEN PREPARED WITH CLIENT SUPPLIED INFORMATION



Sheet #

4

Drawn By:

DEAN
SCHNEIDER

Date:

20/06/2022

Scale:

1:200
@A3

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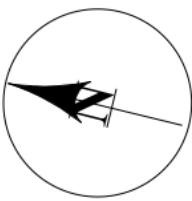
FLOOR PLAN - EXISTING



AREAS:

LIVING:	206.7m2
GARAGE:	41.7m2
PATIO:	25.4m2
ALFRESCO:	22.0m2
DECKS (UNCOVERED):	37.5m2
TOTAL AREA:	333.33m2

NOTE: ALL WORKS TO COMPLY WITH THE RELEVANT AUST. STANDARDS AND NCC
NOTE: ALL DRAWINGS HAVE BEEN PREPARED WITH CLIENT SUPPLIED INFORMATION



Sheet #
5

Drawn By:
DEAN SCHNEIDER

Date:
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PERSPECTIVES - EXISTING



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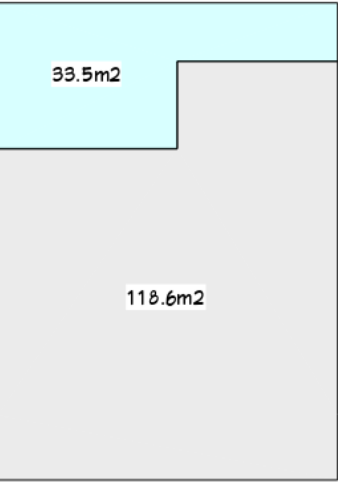
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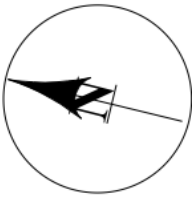
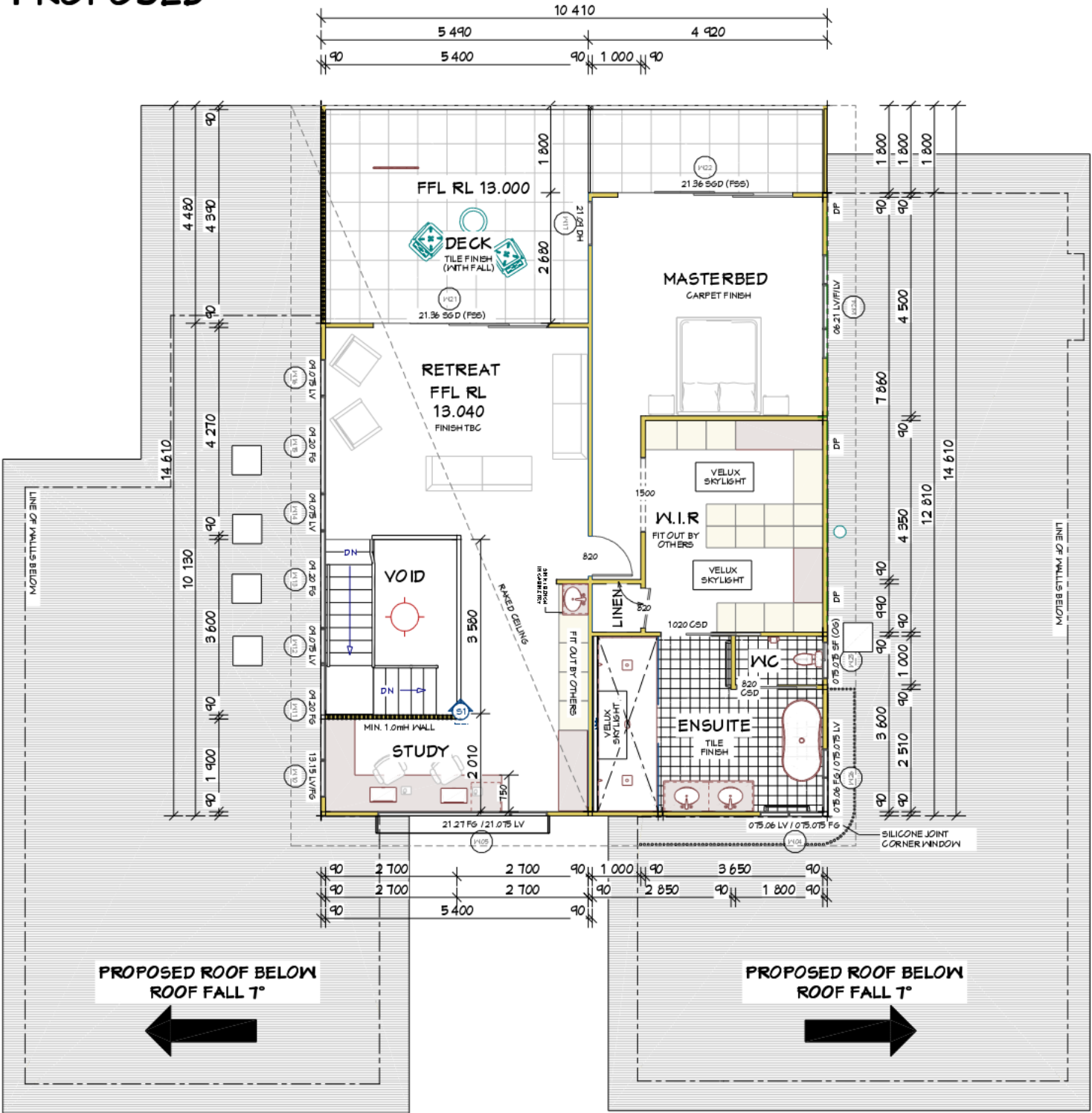
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UPPER FLOOR PLAN - PROPOSED
AREA'S



AREAS:	
EXISTING	
LIVING:	206.7m2
GARAGE:	41.7m2
PATIO:	25.4m2
ALFRESCO:	22.0m2
DECKS (UNCOVERED):	37.5m2
SUB-TOTAL:	333.33m2
PROPOSED	
LOWER	
GARAGE:	40.2m2
LIVING:	12.0m2
UPPER	
LIVING:	118.6m2
DECK:	33.5m2
TOTAL:	452.7m2
SITE:	1091m2
FSR:	0.41:1



Sheet #
9

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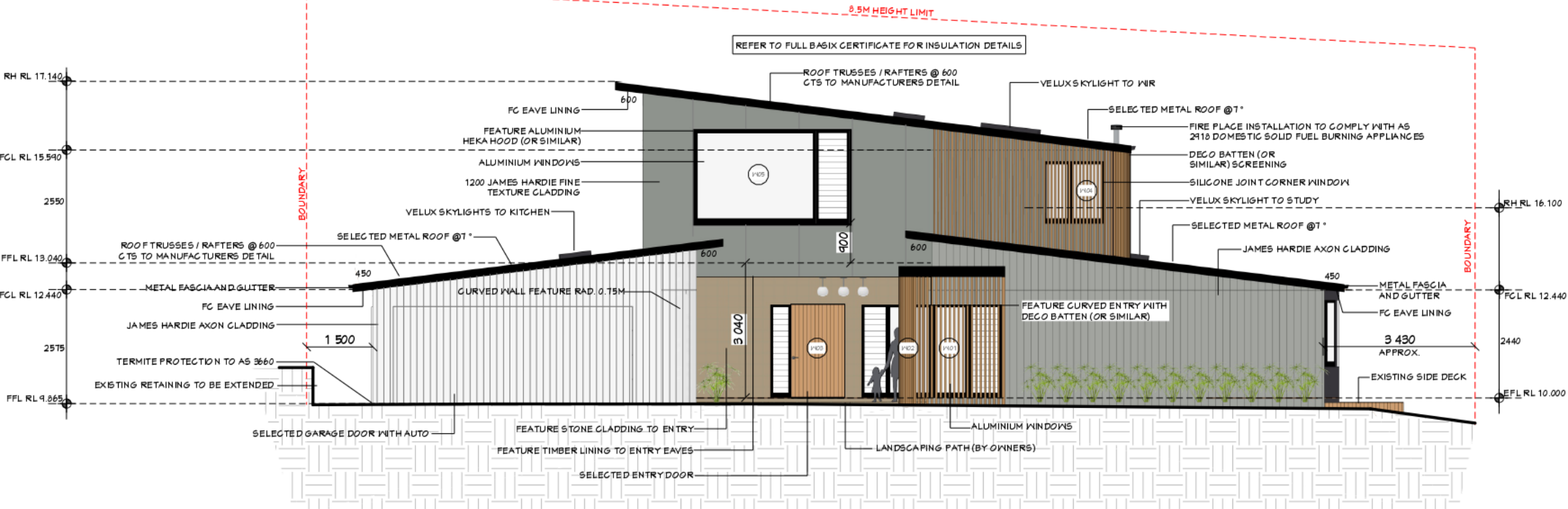
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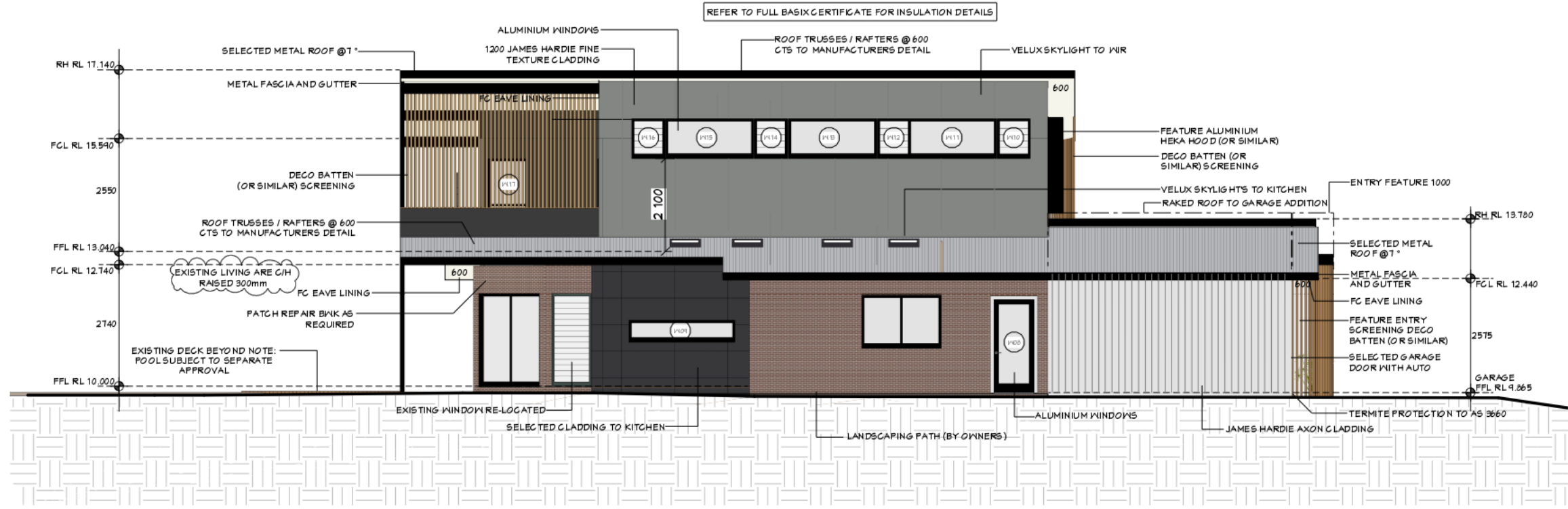
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WEST ELEVATION



NORTH ELEVATION



Sheet #

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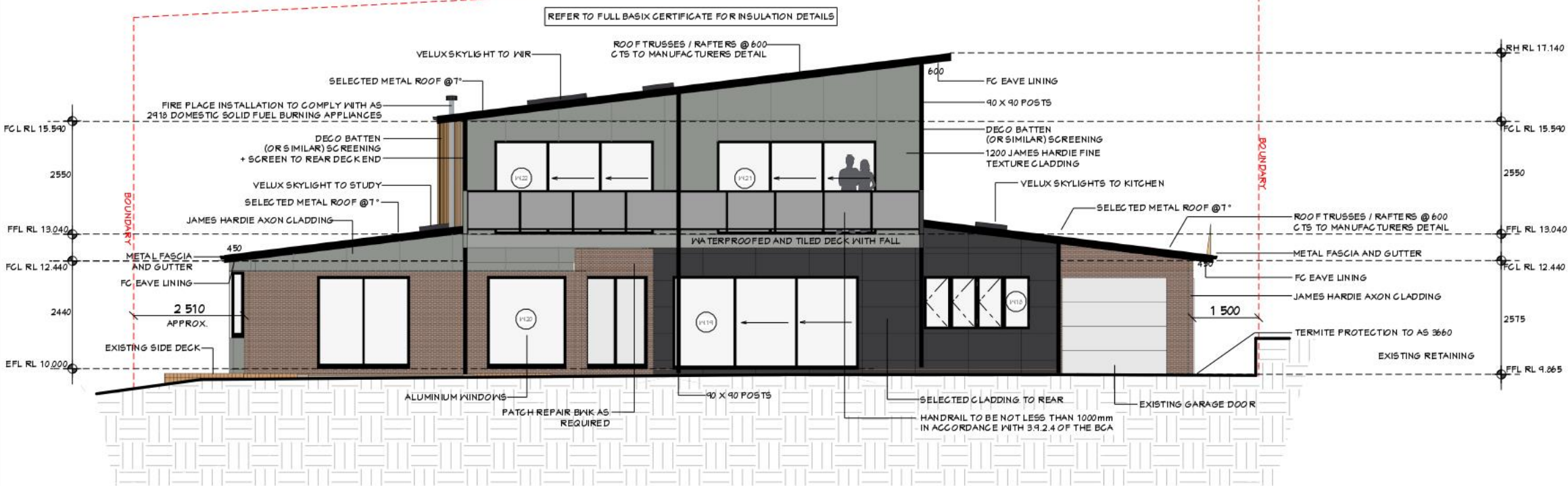
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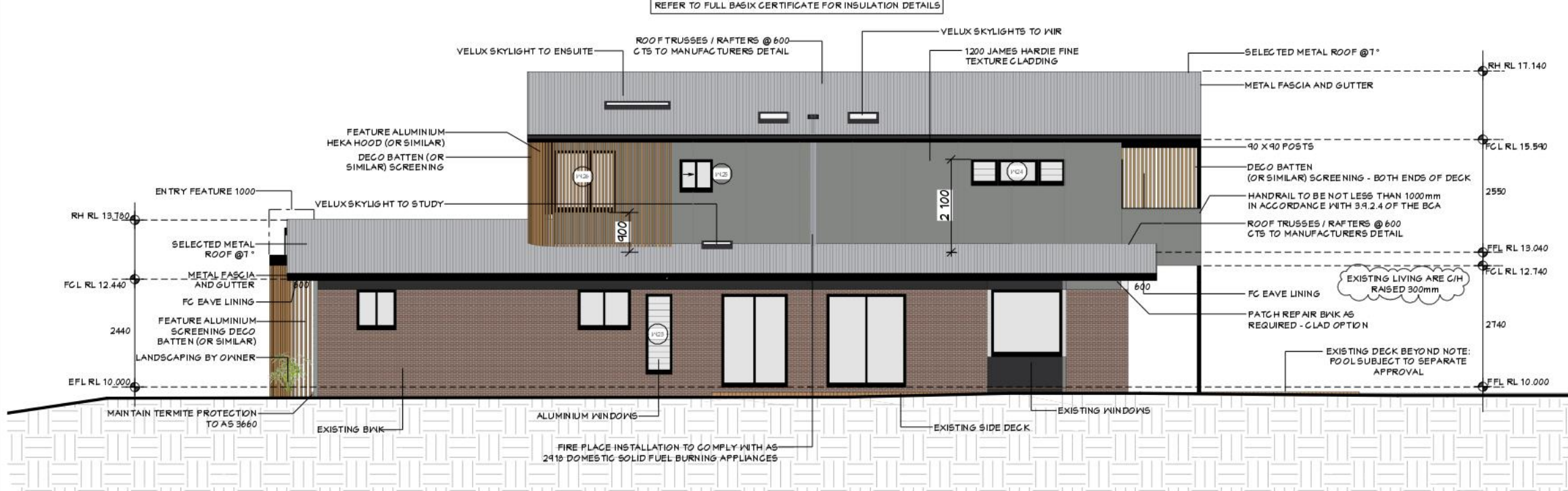
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EAST ELEVATION



SOUTH ELEVATION



Sheet #

11

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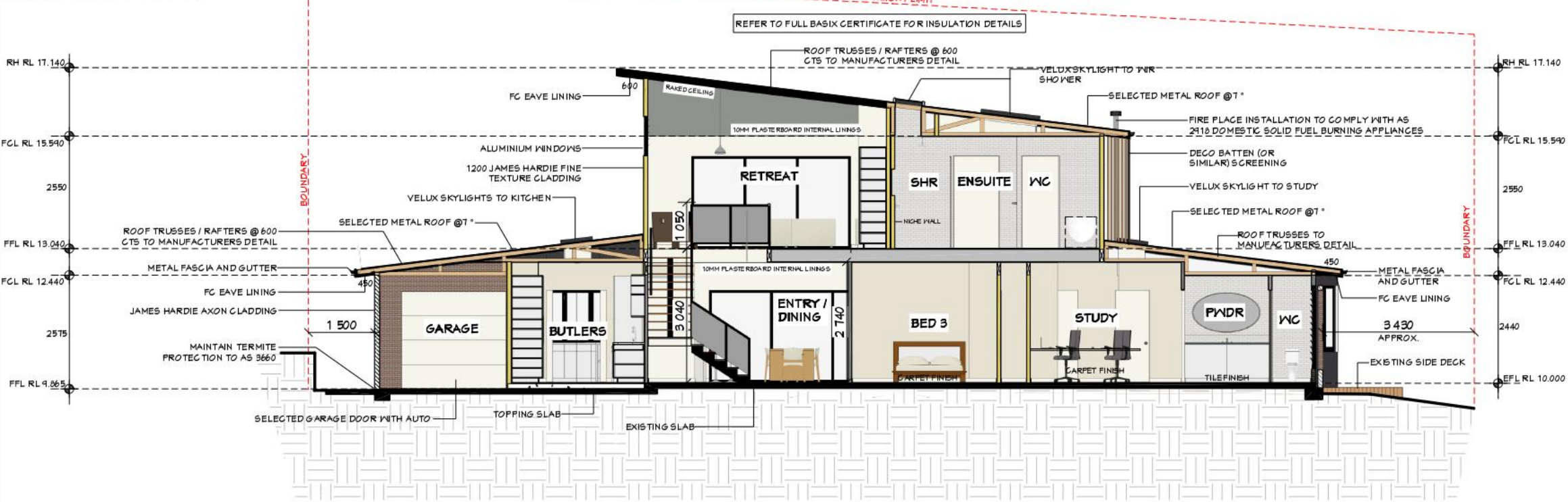
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SECTION A-A



Sheet #

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SUMMARY OF BASIX COMMITMENTS

This information is a summary of the BASIX commitments for this project - MITCHELL. Refer to the certificate for full definitions and details.

WATER COMMITMENTS:	
LANDSCAPING	
Use of Indigenous or low water use vegetation to	N/A/m2

FIXTURES	
Rating of Showerheads	3 STAR
Rating of cisterns	3 STAR
Rating of Kitchen taps	3 STAR
Rating of Basin taps	3 STAR

ALTERNATIVE WATER	
Rainwater Tank capacity	N/A
Connect tank to	N/A

THERMAL PERFORMANCE	
Insulation:-	
CONSTRUCTION	
Floor Slab On Ground	N/A
Sub-floor suspended (enclosed)	N/A
Floor suspended above garage	N/A
External Brick Veneer	N/A
External wall (Clad)	R1.30 (or R1.70 inc. construction)
Int. wall shared with garage	N/A
Ceiling (flat roof)	R1.74 up + 55mm Foil Blanket
Ceiling (pitched roof)	R1.45 up + 55mm Foil Blanket
Roof Colour	Dark solar absorbance > 0.70

WINDOWS AND GLAZING	
refer to full cert, for individual windows	
Glazing	Single Low-E, Obscure (tint)
Framing	Aluminium

ENERGY COMMITMENTS	
Hot Water	Existing
Cooling System	N/A
Heating System	N/A
Ventilation:-	
Bathroom	Individual fan ducted to roof or facade
Kitchen	Individual fan ducted to roof or facade
Laundry	Natural vent.
Lighting- dedicated LED/CFL	MIN. 40% NEW FITTING TO BE LED, CFL
Natural Lighting-	3 bathrooms/toilets

ALTERNATIVE ENERGY	N/A
--------------------	-----

COOKING:	N/A
----------	-----

CLOTHESLINE:	Yes Outdoor - Existing
--------------	------------------------

BASIX®Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A454863

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Wednesday, 06, April 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Windows and glazed doors glazing requirements					
Window / door no.	Orientation	Area of glass inc. frame (m2)	Height (m)	Distance (m)	Shading device
W1	W	3.15	0	0	eave/verandah/pergola/balcony >=900 mm
W2	W	3.36	0	0	eave/verandah/pergola/balcony >=900 mm
W3	W	3.46	0	0	eave/verandah/pergola/balcony >=900 mm
W4	W	1.01	0	0	external louvre/blind (fixed)
W5	W	7.24	0	0	eave/verandah/pergola/balcony >=900 mm
W6	N	1.57	0	0	eave/verandah/pergola/balcony >=900 mm
W7	N	3.78	0	0	eave/verandah/pergola/balcony >=900 mm
W8	N	1.89	0	0	eave/verandah/pergola/balcony >=900 mm
W9	N	1.2	0	0	eave/verandah/pergola/balcony >=900 mm
W10	N	0.67	0	0	eave/verandah/pergola/balcony >=900 mm
W11	N	1.8	0	0	eave/verandah/pergola/balcony >=900 mm
W12	N	0.67	0	0	eave/verandah/pergola/balcony >=900 mm
W13	N	1.8	0	0	eave/verandah/pergola/balcony >=900 mm
W14	N	0.67	0	0	eave/verandah/pergola/balcony >=900 mm
W15	N	1.8	0	0	eave/verandah/pergola/balcony >=900 mm
W16	N	0.67	0	0	eave/verandah/pergola/balcony >=900 mm
W17	N	8.82	0	0	eave/verandah/pergola/balcony >=900 mm
W18	E	2.88	0	0	eave/verandah/pergola/balcony >=900 mm
W19	E	8.82	0	0	eave/verandah/pergola/balcony >=900 mm
W20	E	3.78	0	0	eave/verandah/pergola/balcony >=900 mm
W21	E	7.56	0	0	eave/verandah/pergola/balcony >=900 mm
W22	E	7.56	0	0	eave/verandah/pergola/balcony >=900 mm
W23	S	1.08	0	0	eave/verandah/pergola/balcony >=900 mm
W24	S	1.26	0	0	eave/verandah/pergola/balcony >=900 mm
W25	S	0.56	0	0	eave/verandah/pergola/balcony >=900 mm
W26	S	1.01	0	0	external louvre/blind (fixed)

Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.632	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S2	0.632	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S3	0.632	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)

Description of project

Project address	
Project name	Mitchell
Street address	19 The Fairway Port Macquarie 2444
Local Government Area	Port Macquarie-Hastings Council
Plan type and number	Deposited Plan 807508
Lot number	46
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name: DLS Building Design

ABN (if applicable): 95457172492

WINDOWS AND GLAZING MUST COMPLY WITH THE FOLLOWING:
AS 4055-2012: STANDARD WIND LOADS FOR HOUSING
AS 1288-2006: GUIDES FOR GLASS IN BUILDING
AS 2047-2014: AUSTRALIAN WINDOW CODE
AS 1170-Part 2: WIND ACTIONS
AS 2048: AUSTRALIAN INSTALLATION STANDARDS
AS 3959-2009: CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS
BEDROOM WINDOWS TO COMPLY WITH VOL 2 OF THE BCA PART 3.9.2.5
(WHEN A BEDROOM FLOOR LEVEL IS 2m OR MORE ABOVE THE BELOW SURFACE).



Sheet #

13

Drawn By:

DEAN SCHNEIDER

Date:

20/06/2022

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PERSPECTIVES - INDICATIVE ONLY



Sheet #

14

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DEAN
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Date:

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PERSPECTIVES - INDICATIVE ONLY



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Drawn By:

DEAN
SCHNEIDER

Date:

20/06/2022

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Item: 06**Subject: DA2022 - 294.1 MULTI DWELLING HOUSING AND STRATA
SUBDIVISION RESULTING IN 2 SEMI-DETACHED DWELLINGS AND
A DWELLING HOUSE AT LOT 183 DP 1063157, NO 30 ERICSON
PLACE, PORT MACQUARIE****Report Author: Development Assessment Planner, Chris Gardiner**

Applicant:	Pycon Homes and Constructions Pty Ltd
Owner:	L S Donaldson
Estimated Cost:	\$1,295,191
Parcel no:	43247

Alignment with Delivery Program

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

RECOMMENDATION

That DA2022 - 294.1 for Multi Dwelling Housing and Strata Subdivision resulting in 2 Semi-detached dwellings and a dwelling house at Lot 183, DP 1063157, No. 30 Ericson Place, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for multi dwelling housing and strata subdivision resulting in 2 semi-detached dwellings and a dwelling house at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, eight (8) submissions were received.

The proposal has been amended through the assessment process including additional privacy screening, improvements to landscaping and the architectural treatment of the western elevation of Dwelling 1, and improvements to driveway access and stacked parking.

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

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

1. BACKGROUND

The site has an area of 749m² and is the last remaining vacant block in the estate. Existing development in the locality is dwelling houses, with a mix of single and two storey dwellings. The immediately adjoining lots to the north and east contain two storey dwelling houses.

[illegible]

PORT MACQUARIE
HASTINGS
COUNCIL



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of three (3) dwellings;
- Three (3) lot strata subdivision to create 2 x semi-detached dwellings and 1 x dwelling house.

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

Application Chronology

- 13 April 2022 - Application accepted for lodgement.
- 19 April 2022 to 3 May 2022 - Neighbour notification.
- 4 May 2022 - Essential Energy comments received.
- 2 June 2022 - Additional information requested from Applicant.
- 21 June 2022 - Additional information and amended plans submitted by Applicant.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

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

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

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

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

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

Clause 4.6 - Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

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

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - The application has been referred to Essential Energy in accordance with this clause (CNR-38237). 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.

State Environmental Planning Policy (Primary Production) 2021

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 1.9A - For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. In this case the site is subject to a restriction on the use of land, which restricts development to a single private dwelling on each lot. This restriction is inconsistent with the LEP noting that the R1 zone objectives seek to provide a variety of housing types and densities, and multi dwelling housing is a permissible land use in the zone. Accordingly, the restriction does not apply.
- Clause 2.2 - The subject site is zoned R1 General Residential.

- Clause 2.3(1) and the R1 zone landuse table - The multi dwelling housing is a permissible landuse with consent. Following subdivision, two lots will contain semi-detached dwellings and the other lot would contain a dwelling house.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as the development will contribute to the variety of housing types and densities to meet the housing needs of the community.
- Clause 4.1(4) - The minimum 450m² lot size does not apply to the development as it proposes a strata subdivision.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 8.23m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.62:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Strata Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. The site would retain adequate street frontage clear of driveways for kerbside waste collection. Standard condition recommended for	Yes

		construction waste management.	
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Proposal includes excavation of up to 1.4m high in some locations along the eastern boundary of the site.	No*
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Condition recommended requiring certification of retaining walls.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	No front fence and retaining wall combination proposed.	N/A

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

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a	No APZ proposed in asset protection zone.	Yes
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	residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.		
--	--	--	--

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

DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>1 parking space per each dwelling for dwelling-houses/dual occupancies/semi-detached dwellings.</p>	<p>The final development will comprise 2 semi-detached dwellings and a dwelling house. These will require a minimum of 1 parking space each (3 spaces total).</p> <p>The development will provide a total of 6 parking spaces in garages and exceeds the minimum requirements of this provision.</p> <p>Visitor parking will also be provided in the driveway forward of the garage of each dwelling.</p>	Yes

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

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

	<ul style="list-style-type: none"> - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 		
--	---	--	--

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

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	Proposal includes balconies and portico in the articulation zone to 3m setback.	Yes
	<p>c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m</p>	<p>Dwelling 1 - 4.5m setback to southern frontage and 3.0m setback to western frontage.</p> <p>Dwellings 2 & 3 - 4.5m setback to western frontage.</p>	Yes
45	<p>a) A garage, carport or car parking space should:</p> <ul style="list-style-type: none"> - be at least 1m behind the building line, where 	Dwelling 1 - 5.89m setback and more than 1m behind front of building when viewed from the	No*

	<p>the dwelling(s) has a setback from a front boundary of 4.5m or more, or</p> <p>—be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.</p>	<p>south, where the garage opening is oriented. The western wall of the garage is setback 3m from the front boundary and is forward of the building line on the western frontage.</p> <p>Dwelling 2 - 5.5m setback and more than 1m behind the first floor building and balcony.</p> <p>Dwelling 3 - 5.5m setback and more than 1m behind the first floor building and balcony.</p>	<p>Yes</p> <p>Yes</p>
	<p>b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.</p>	<p>Dwelling 1 - 4.8m wide and 29% of building width.</p> <p>Dwelling 2 - 4.8m wide and 58% of building width.</p> <p>Dwelling 3 - 4.8m wide and 58% of building width.</p>	<p>Yes</p> <p>No*</p> <p>No*</p>
	<p>c) Driveway crossovers are no greater than 5.0m in width.</p>	<p>Dwelling 1 & 3 driveways 5m wide and Dwelling 2 driveway 3m wide.</p>	<p>Yes</p>
	<p>d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.</p>	<p>Development includes driveways to both the southern and western frontage.</p>	<p>Yes</p>
Side and Rear Setbacks			
46	<p>a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).</p>	<p>Site is a corner lot and does not have a rear boundary.</p>	<p>N/A</p>
	<p>b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.</p>	<p>N/A</p>	<p>N/A</p>
	<p>c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the</p>	<p>N/A</p>	<p>N/A</p>

	side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.		
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	Minimum 0.95m side setback to ground floors.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	0.95m first floor setback for Dwelling 3 to northern side boundary. Dwelling 1 first floor setback to eastern boundary between 1.36m and 2.5m. The Applicant has submitted satisfactory shadow diagrams demonstrating that the adjoining property's primary living rooms and principal private open space areas will not be adversely overshadowed for more than 3 hours between 9am - 3pm on 21 June.	Yes
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	No first floor walls proposed exceeding 12m long.	N/A
Private Open Space			
48.	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of 	Dwelling 1 - 37.5m ² . Dwelling 2 - 40.24m ² . Dwelling 3 - 54.4m ² . All private open space areas include a 4m x 4m area at appropriate grade and accessible from a living area.	Yes

	the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use.		
	b) Private open space may include clothes drying areas and garbage storage.	Noted.	
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	No front fences proposed.	N/A
	b) Solid Front fences up to 1.2m high should be: – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites.	N/A	N/A
	b) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage,	N/A	N/A
	c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	N/A	N/A
	d) provide a 3m x 3m splay for corner sites, and	N/A	N/A
	e) provide a 900mm x 900mm splay for vehicle driveway entrances.	N/A	N/A

50	a) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.	N/A	N/A
	b) Solid fences enclosing these facilities should not be permitted over 1.8m.	N/A	N/A
Bulk and Scale			
51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> – Ground and first floor (and above) indoor living room windows are within a 9m radius. – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	All living rooms are located at ground floor level with the exception of the Dwelling 2 & 3 first floor multi-purpose rooms. The multi-purpose rooms have openings oriented towards the street and would not have any privacy impacts. The principal private open space areas for all dwellings are also located at ground floor level. Boundary fencing to 1.8m high will be sufficient to screen these views.	Yes
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or – Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	The first floor front balcony of Dwelling 3 is located within a 9m radius of a balcony and living room window of the existing dwelling at No. 32 Ericson Place. The plans have been amended to include a privacy screen at the northern end of the balcony.	Yes

	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> - Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	None of the living area windows are proposed to be treated in this manner for privacy purposes.	N/A
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. - A window, the whole of which has translucent glass and is not able to be opened. 	<p>Relevant views at ground floor level obscured by 1.8m high fencing.</p> <p>A 1.8m high privacy screen with maximum 25% openings is proposed on the northern end of the Dwelling 3 balcony.</p>	Yes
Ancillary Development			
56	<p>a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:</p> <ul style="list-style-type: none"> - The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). 	Proposed rainwater tanks are located behind the building line.	Yes

	<ul style="list-style-type: none"> - The building should be single storey construction with a maximum roof pitch of 24 degrees. - The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 		
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The proposal seeks to vary Development Provision 4 relating to the maximum extent of cut and fill outside the building footprint. The proposal includes excavation of up to 1.4m adjacent to the eastern boundary.

The relevant objectives are to:

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

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

- A condition has been recommended requiring engineering certification of the retaining walls to ensure that there is no damage or instability caused to neighbouring properties.
- The variation relates to excavation below the existing surface level and would not alter drainage patterns on adjoining properties.
- The excavation will be below existing ground level on the neighbouring properties and will result in improved privacy.
- Adequate stormwater drainage is still capable of being provided around the perimeter of the buildings.

The proposal also seeks to vary Development Provision 45(a) and (b) relating to the Dwelling 1 garage setback to the western boundary and the width of the Dwelling 2 and 3 garages as a proportion of the building width.

The relevant objectives are:

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

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

- Both dwellings are two storeys and the design includes a significant first floor overhang forward of the garage for a multi-purpose room and a balcony. These elements would ensure that the garages are not dominant in the streetscape.
- The western wall of the Dwelling 1 garage does not contain any driveway or vehicle openings and has been provided with a window and landscaping to ensure a suitable residential presentation to the street.
- The western elevation of Dwelling 1 would increase the proportion of building viewed from the western frontage that does not contain garage openings. The proportion of garage to building to the western frontage would comply if the entire development was included in the calculation.
- The additional garage space for each dwelling would improve off street parking and would reduce the reliance on street parking on a bend in a narrow street.

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

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

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

(iv) Any matters prescribed by the Regulations

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 is located in an established residential area that is predominantly characterised by single dwellings on larger residential lots.

While the development is for a different type of housing to the current stock in the area, it is still considered to be sufficiently compatible with other residential development in the locality in terms of built form, scale and density having regard to the planning controls for the area. The proposal will not have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, Traffic and Transport

In accordance with the traffic generation rates in the *Guide to Traffic Generating Developments*, the proposal is expected on average to generate between 15 and 20 trips per day, including 2 trips in the weekday peak hour. The existing road network will satisfactorily cater for the increase in traffic generation as a result of the development.

Site Frontage and Access

Vehicle access to the site is proposed through three individual driveways, each with direct frontage to Ericson Place being a Council-owned, public road. 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 6 parking spaces have been provided on-site within garages with additional parking provided available within the driveways. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm sealed water service from the existing 100mm PVC water main on the same side of Ericson Place. Each unit is to be separately metered for water. Water meters for each unit may either be located at the road frontage or internally with a master meter at the boundary. Where water meters are located within 1.0m of driveways, a bollard or similar will be required to protect the water meters. Any water main fittings (hydrants, stop valves etc.) shall be moved clear of driveways if required at no cost to Council.

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

Appropriate conditions are recommended in this regard.

Sewer Connection

Council records indicate that the development site is connected to sewer via a junction to the existing 150mm PVC sewer main, which runs inside the western and southern boundaries of the development site. The proposed development may discharge all sewage to the existing point of connection to Council's sewer system.

The proposed development works are clear of the existing sewer main, but construction works have the potential to be located within the zone of influence of the main. As such, appropriate protection to the sewer pipe shall be provided during construction and footings are to be designed so that no load is transferred to the sewer main.

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

Appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the street frontage, which contains two existing kerb inlet pits. The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit(s) at the site frontage.

On the basis that the development involves the construction of three dwellings, on-site stormwater detention facilities are required to be incorporated into the design. 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.

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to the development will be required prior to the issue of a Strata Certificate.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Construction of the proposed 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. The site has adequate street frontage to accommodate a Council kerbside waste collection for the 3 dwellings.

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

The site is not subject to any hazards or constraints that would make it unsuitable for the proposed development.

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

Eight (8) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
<p>The development is not consistent with the title restrictions imposed by the original developer.</p> <ul style="list-style-type: none"> • Only one main building permitted per lot; • Asbestos cement cladding must not exceed 30% of the external wall area. <p>Approval has not been granted by Dahlsford Pty Ltd to release, vary or modify these restrictions.</p> <p>It is not in the public interest to allow the covenants to be varied when other property owners have bought in good faith with an expectation about the type and quality of development on the lot.</p>	<p>As discussed earlier in this report, Clause 1.9A of the LEP provides that these restrictions have no effect where they would prevent development being carried out in accordance with the Plan. Particularly, the restrictions are inconsistent with the R1 General Residential zone objectives and land use table. The zone objectives encourage a variety of housing types and densities, and multi dwelling housing is a permissible land use in the zone.</p> <p>It is noted that the completed development would result in a single dwelling on each strata lot, and the buildings would not include any asbestos cement cladding (as asbestos building products are banned).</p> <p>It is open to the original developer of the subdivision or other property owners to investigate civil action if they believe that there is any breach of covenants, but they have no weight in the consideration of the development application.</p>
<p>The development will increase traffic and create problems with on-street parking.</p>	<p>It is estimated that the development would generate 15 to 20 vehicle trips per day. Single dwellings are typically assumed to generate 10 trips per day, and the proposal represent only a small increase in vehicle movements having regard to the total traffic generation for the street. The traffic volumes are within the capacity of the street network.</p> <p>The proposal includes off-street parking in excess of the minimum requirements of the DCP and has been amended to provide more useable stacked visitor parking in driveways. The development is not anticipated to generate a significant demand for street parking.</p>
<p>The development will detract from the streetscape.</p>	<p>The development will provide an acceptable residential presentation to the street.</p>

Submission Issue/Summary	Planning Comment/Response
	The proposal has been amended through the assessment process to improve the presentation of the western garage wall and rainwater tank of Dwelling 1, with the introduction of a window in the western elevation and additional landscaping.
The development would reduce property values in the area.	Impacts on property value are not a relevant planning consideration under the Environmental Planning and Assessment Act 1979.
The development will have adverse noise impacts.	The proposal is a residential use and complies with the DCP setback controls for acoustic privacy.
Loss of privacy to adjoining dwellings.	<p>The development has been designed with the majority of living areas at ground level and the principal areas of private open space adjacent to the eastern boundary. The building and private open space areas are proposed to be cut into the site by up to 1.4m in this location, with a 1.8m high boundary fence. The screening provided by the boundary fence satisfies the DCP privacy requirements for the ground level areas.</p> <p>Dwellings 2 & 3 also contain a first floor multi-purpose room with access to a front balcony. The multi-purpose rooms do not have any windows oriented towards neighbouring property. The northern side of the Dwelling 3 balcony has been provided with a privacy screen due to its proximity to living area windows and the front balcony of the adjoining dwelling at 32 Ericson Place.</p>
<p>Loss of solar access to adjoining dwellings.</p> <p>Insufficient evidence that adjoining property's living rooms and principal private open space would not be adversely overshadowed between 9am and 3pm on 21 June.</p> <p>Unit 1 appears likely to overshadow windows in the adjoining residence at No. 28 Ericson Place and may not comply with Council's DCP. A greater setback appears necessary and desirable.</p>	<p>The Applicant has submitted satisfactory shadow diagrams, which demonstrate that the proposed development would not adversely overshadow living area windows or principal private open space areas of neighbouring dwellings for more than 3 hours between 9am and 3pm on 21 June.</p>

Submission Issue/Summary	Planning Comment/Response
<p>The development is out of character with the area as the neighbourhood consists of single dwellings only.</p>	<p>It is acknowledged that the proposed development is a different form of housing to the established single dwellings in the locality. However, the development does not necessarily have to be the 'same' in order to be considered compatible with the streetscape character of the area.</p> <p>The proposal satisfactorily responds to the essential elements that make up the urban character of the existing built environment in this locality. The essential elements that make up the character of the area include building height, setbacks, and landscaped areas. The height of the proposed dwellings complies with the LEP height controls and will be similar in scale to the two storey dwellings on the neighbouring properties, noting that the subject site is downslope from the neighbouring properties. The side setbacks are compliant with the DCP and maintain a suitable rhythm of building to void spaces when viewing properties along Ericson Place. The development will address both street frontages and proposed Dwelling 1 would present as a single dwelling from the south. The existing streetscape in the locality does not contain significant canopy trees. The majority of dwellings contain some low to mid-level landscaping in the site frontage between buildings and the street, with no front fencing. The submitted landscape plan identifies adequate landscaping forward of the buildings and no front fencing.</p> <p>Having regard to the above elements, it is considered that the proposed development is sufficiently compatible with the character of the area.</p>
<p>The subdivision component of the application is not clear in the documents.</p>	<p>The submitted plan set includes a subdivision plan detailing the dimensions and areas of the proposed lots.</p>
<p>The garage dimensions are small and they include laundries. It is not realistic that they would accommodate 2 cars.</p>	<p>The garages have been increased in length to accommodate the proposed laundries. The Dwelling 1 garage has a minimum internal length of 5.81m</p>

Submission Issue/Summary	Planning Comment/Response
	clear of the laundry. The Dwelling 2 & 3 garages have a minimum internal length of 5.71m clear of the laundries. All garages satisfy the minimum dimensions in AS2890 and will be capable of accommodating two average sized vehicles.
The development would result in traffic safety issues as it would obstruct the views of drivers around the corner.	<p>Adequate safe sight distance around the corner has been accommodated in the original subdivision and road design. The site has a substantial road reserve in its frontage, ranging from 5.5m to 8.5m wide and the lot has a 3m x 3m splay at the corner.</p> <p>The proposal would not result in any greater loss of sight distance than a single dwelling built to the allowable setbacks.</p>
Impact on community relationships and standard of maintenance if the properties are tenanted.	The development assessment process does not fix the tenure of the proposed dwellings. Any dwelling can potentially be tenanted or owner-occupied.
Inaccuracies in the Statement of Environmental Effects in relation to overshadowing, privacy, views, character and traffic.	Noted. These impacts have been carefully considered in the assessment of the application as discussed in this report.
The development will increase strain on local utilities such as internet.	<p>The capacity of relevant Council utilities including water supply, sewerage, and stormwater drainage have been considered in this assessment. With the recommended conditions, the existing infrastructure has capacity to service the development.</p> <p>A condition has also been recommended requiring the developer to provide certification of satisfactory arrangements from the electricity and telecommunications authorities.</p>
Unit 1 has a rainwater tank located right on the street boundary. This should be relocated out of sight of the street.	The DCP requires ancillary development, including rainwater tanks, to be located behind the building line and the proposed Dwelling 1 rainwater tank satisfies this requirement. Noting that the rainwater tank would be visible in the streetscape, the Applicant has amended the plans to include additional landscaping to screen the tank location.

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**Section 7.11 Contributions**

In assessing s7.11 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Contribution Plans.

The site has been provided contribution credit based on the existing vacant residential lot with area between 450m² and 2000m².

The proposed development will comprise 1 x 3 bedroom dwelling (Dwelling 1) and 2 x 4 bedroom dwellings (Dwellings 2 & 3) and contributions have been charged accordingly. The multi-purpose rooms in Dwellings 2 and 3 have been assessed as bedrooms in accordance with the DCAP.

Having considered the above, the proposed development will increase the demand for public amenities/services as listed under the following Contribution Plans:

1. Port Macquarie-Hastings Administration Building Contributions Plan 2007
2. Hastings S94 Administration Levy Contributions Plan
3. Port Macquarie-Hastings Open Space Contributions Plan 2018
4. Hastings S94 Major Roads Contributions Plan
5. Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

As a result, s7.11 contributions apply and a condition of consent has been recommended to ensure payment.- Attachment 3.

Section 7.12 Contributions

The proposed development does not contain any commercial/industrial component. As a result, s7.12 contributions do not apply.

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 vacant residential lot with area between 450m² and 2000m².

The proposed development will comprise 1 x 3 bedroom dwelling (Dwelling 1) and 2 x 4 bedroom dwellings (Dwellings 2 & 3) and contributions have been charged accordingly. The multi-purpose rooms in Dwellings 2 and 3 have been assessed as bedrooms in accordance with the DCAP.

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

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




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.  DA2022 - 294.1 Recommended Conditions
2.  DA2022 - 294.1 Plans
3.  DA2022 - 294.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2022/294****DATE: 23/06/2022****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Plans	82665M Sheet 1 - 18 Issue DA.B	I Want That Design	15 June 2022
BASIX Certificate	1281073M	10 Star Building Assessments	22 February 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 or has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Strata Certificate for Council certification with all relevant documentation.
- (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:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work

adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public 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) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (8) (A046) Provision to each unit of a separate metered water connection to Council's main, with the meters being located on the road frontage. The design shall be in accordance with Council's Water Supply for Development Procedure.
- (9) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (10) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of the development. For Ericson Place a 1.5 metre wide

footpath (unless varied in writing by Council) 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.

- (11) (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.

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) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (B010) Payment to Council, prior to the issue of the Construction Certificate or Strata Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

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

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Strata Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

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

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

- (5) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (6) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (7) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
 - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (8) (B054) Driveway longitudinal sections shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The sections shall

demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.

- (9) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as a direct connection the existing stormwater pit(s) adjacent to the site.
 - 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 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - d) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) 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) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) 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.
- (4) (C017) A CCTV inspection to assess the condition of Council's sewer mains shall be undertaken prior to construction work commencing and at the completion of all construction work in accordance with the Conduit Inspection Reporting Code of Australia WSA 05, at no cost to Council. Any damage to Council's sewer mains as a result of the construction work shall be rectified using a method approved by Council, at no cost to Council.

D – DURING WORK

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

- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- b. prior to the pouring of concrete for sewerage works and/or works on public property;

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.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (5) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (6) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation or Strata Certificate. Certification that the construction of footings and piers adjacent to the sewer lines has been carried out in accordance with the approved drawings and specifications, shall be provided by a practising chartered professional civil and/or structural engineer to Council with the application for the Section 307 - Certificate of Compliance.
- (7) (E068) Prior to the issue of an Occupation or Strata Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development (including street lighting and fibre optic cabling where required).
- (8) (E195) The Strata Certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

F – OCCUPATION OF THE SITE

Nil

Development Application Drawings - B**Sheet Index**

- | | |
|-----------------------------------|------------------------------------|
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| 2 Existing Site Plan | 11 Elevations 1 of 3 |
| 3 Proposed Sub-division Site Plan | 12 Elevations 2 of 3 |
| 4 Proposed Site Setback Plan | 13 Elevations 3 of 3 |
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| 7 Dwelling 1 Lower Floor Plan | 16 Shadow Diagrams 2 of 2 |
| 8 Dwelling 1 Upper Floor Plan | 17 Basix / Schedules |
| 9 Dwelling 2 & 3 Lower Floor Plan | 18 3D Perspectives |



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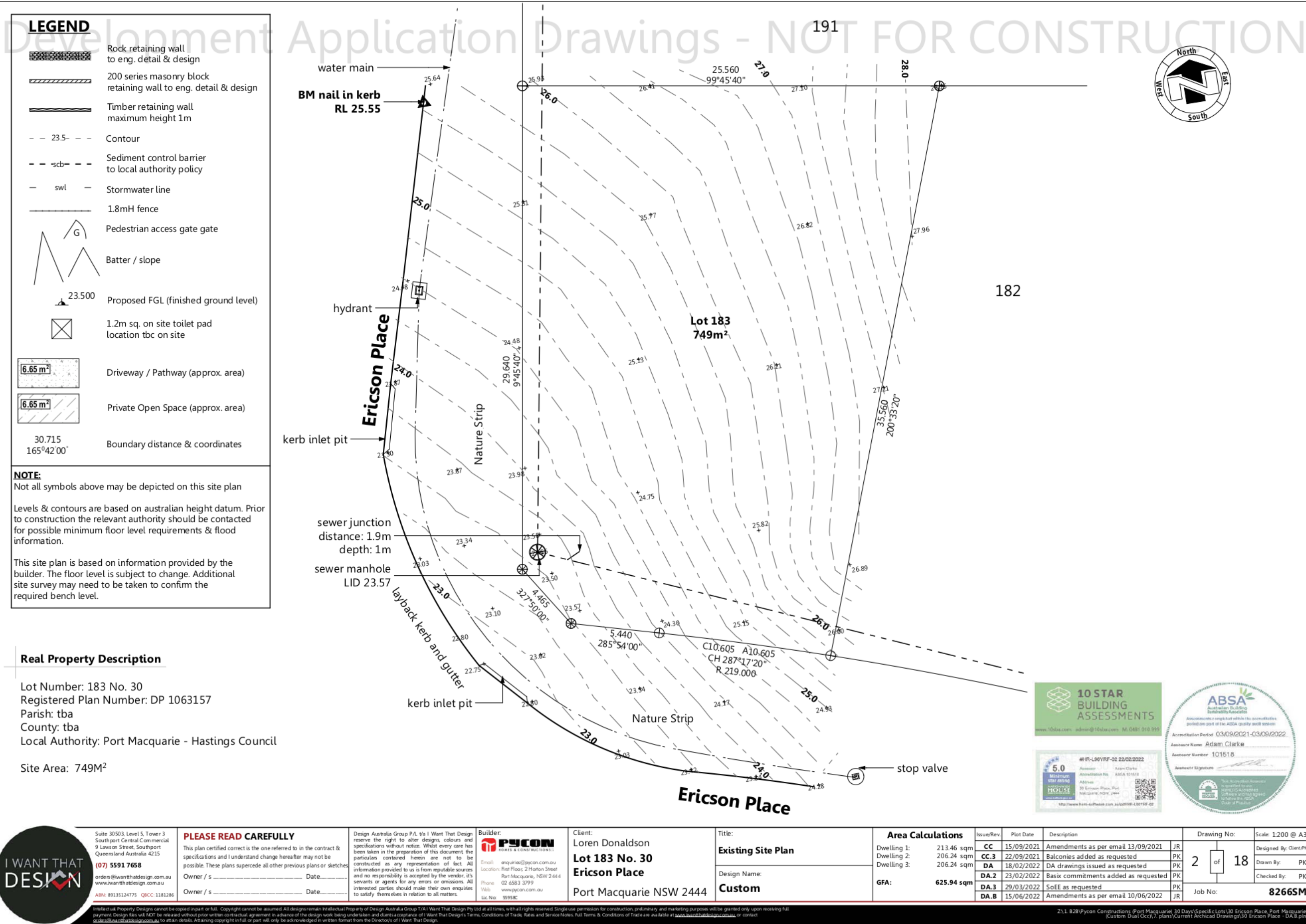
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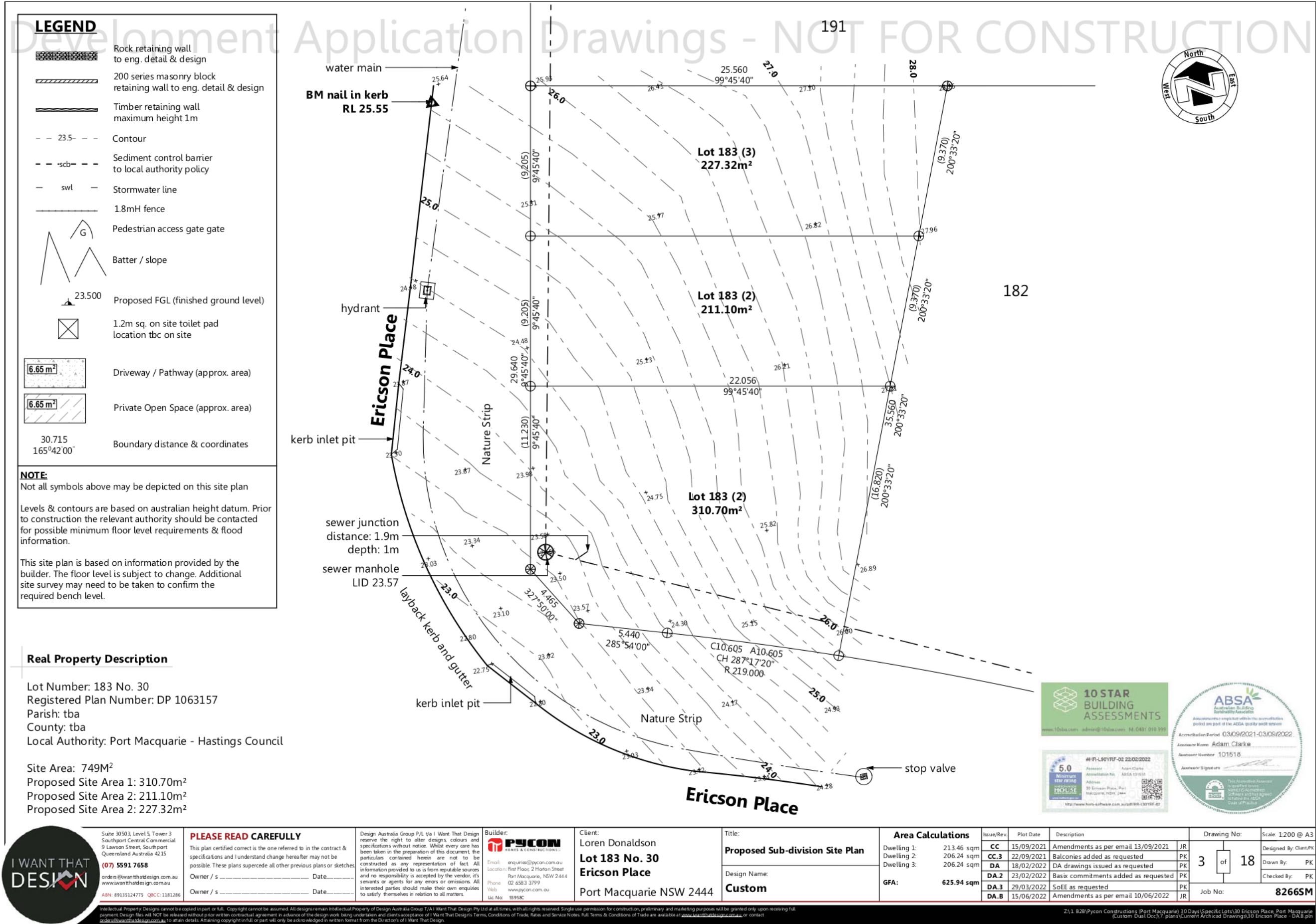
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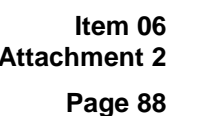


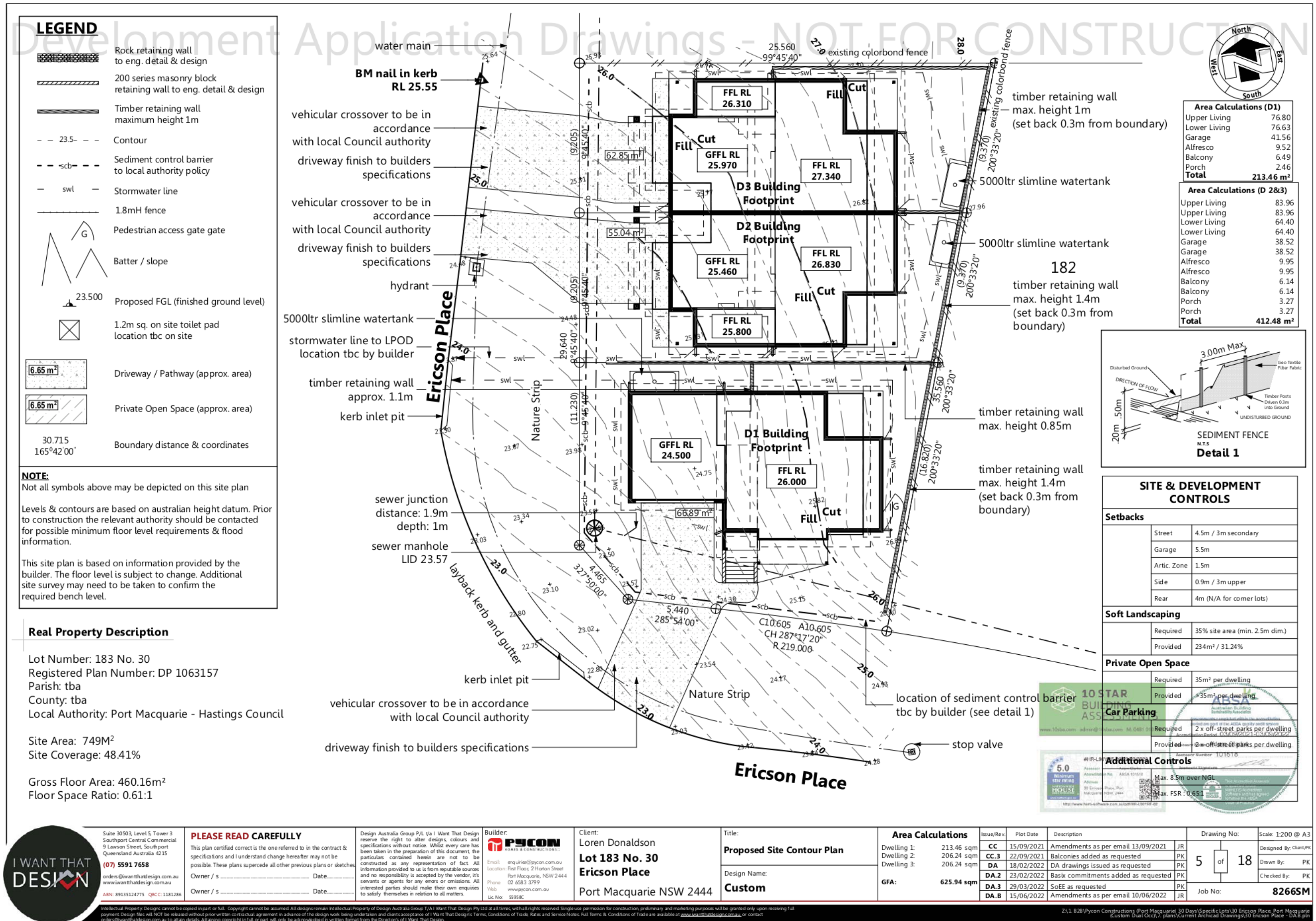
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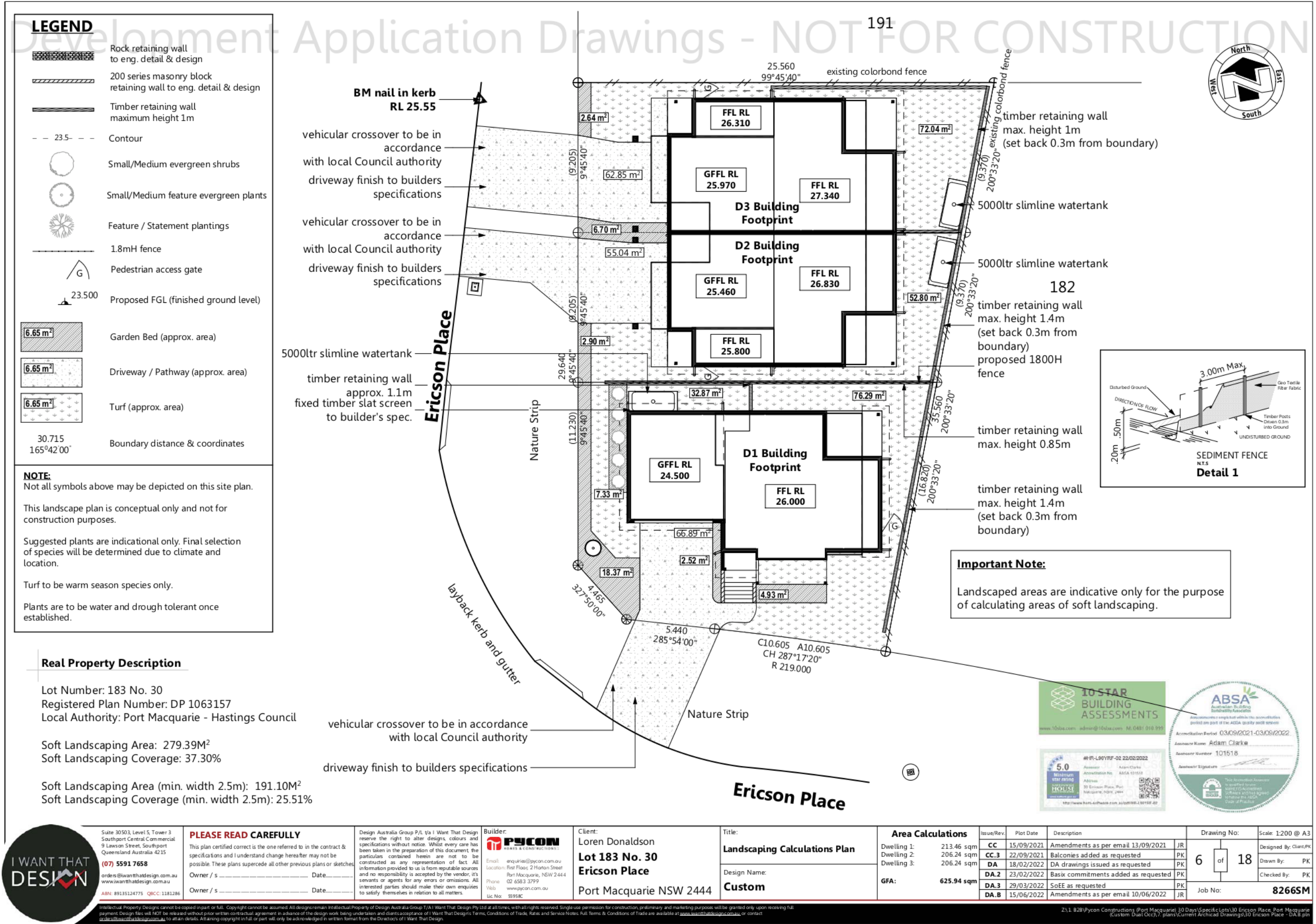
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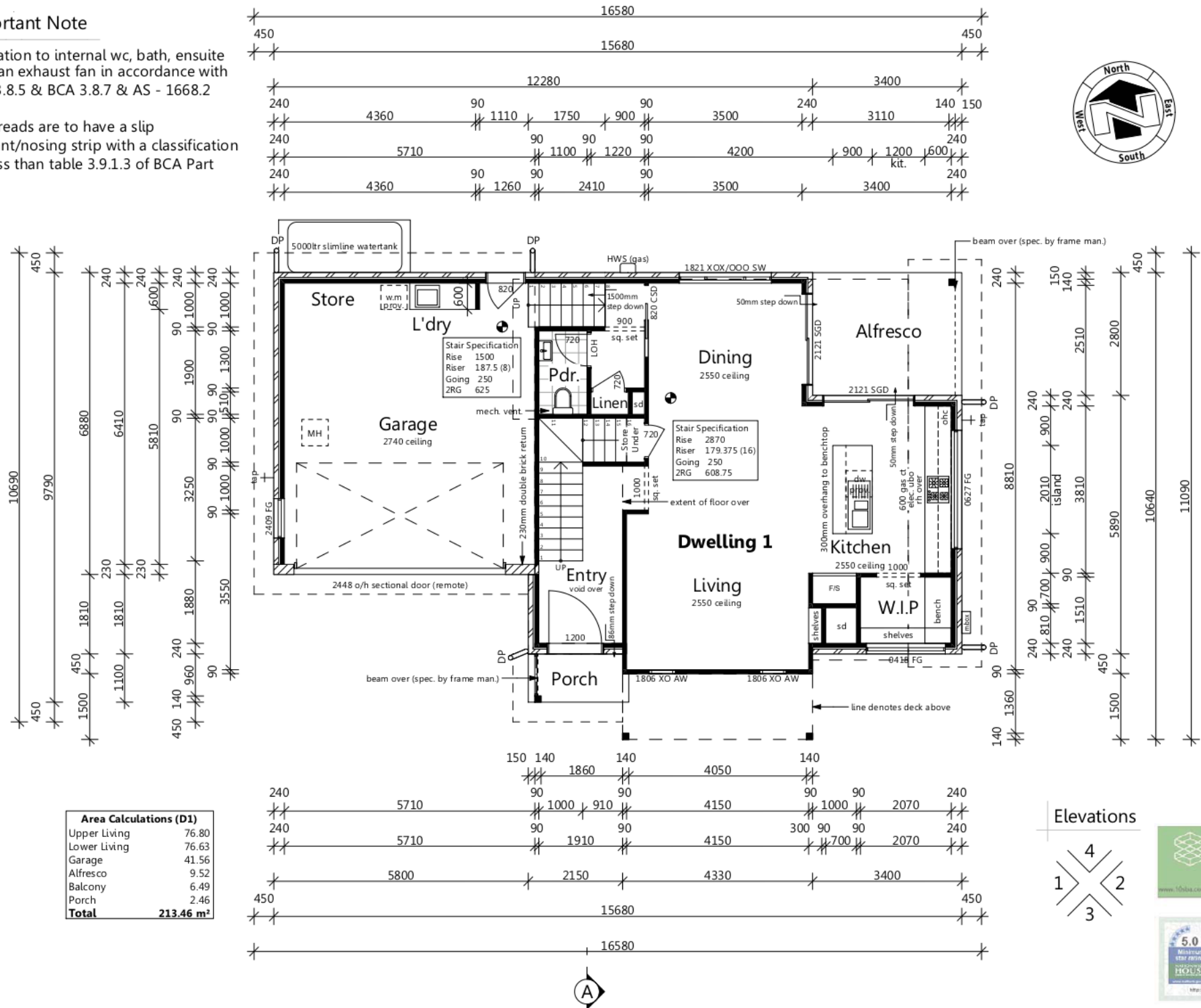


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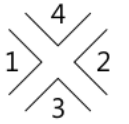
Important Note

Ventilation to internal wc, bath, ensuite to be an exhaust fan in accordance with BCA 3.8.5 & BCA 3.8.7 & AS - 1668.2

Stair treads are to have a slip resistant/nosing strip with a classification not less than table 3.9.1.3 of BCA Part 3.9.1



Elevations



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Port Macquarie NSW 2444

Title:
Dwelling 1 Lower Floor Plan
Design Name:
Custom

Area Calculations		Issue/Rev	Plot Date	Description	
Dwelling 1:	213.46 sqm	CC	15/09/2021	Amendments as per email 13/09/2021	JR
Dwelling 2:	206.24 sqm	CC.3	22/09/2021	Balconies added as requested	PK
Dwelling 3:	206.24 sqm	DA	18/02/2022	DA drawings issued as requested	PK
GFA:	625.94 sqm	DA.2	23/02/2022	Basic commitments added as requested	PK
		DA.3	29/03/2022	SoEE as requested	PK
		DA.8	15/06/2022	Amendments as per email 10/06/2022	JR

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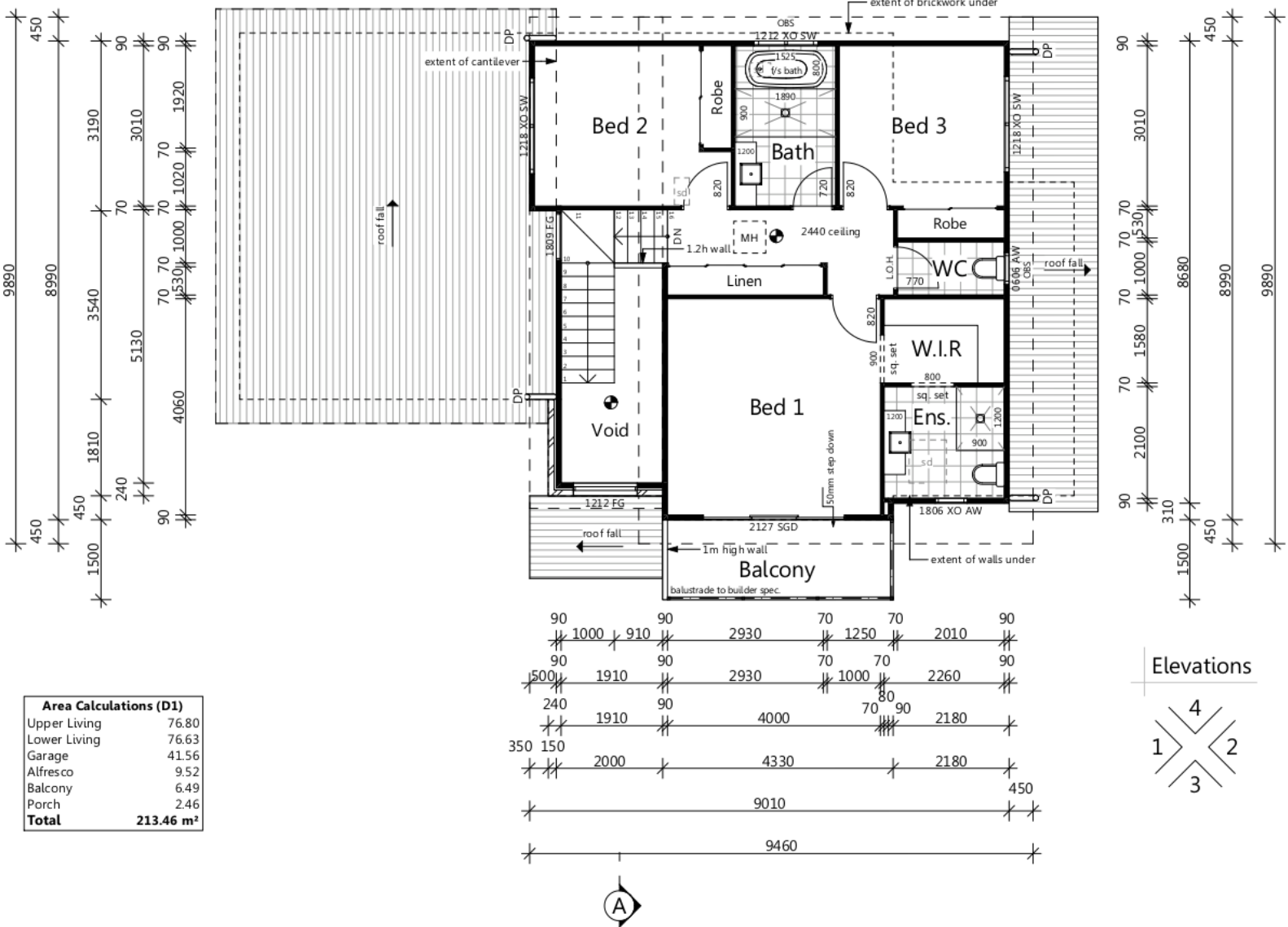
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Development Application Drawings - NOT FOR CONSTRUCTION

Important Note

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Stair treads are to have a slip resistant/nosing strip with a classification not less than table 3.9.1.3 of BCA Part 3.9.1



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Lot 183 No. 30
Ericson Place
Port Macquarie NSW 2444

Title:
Dwelling 1 Upper Floor Plan
Design Name:
Custom

Area Calculations

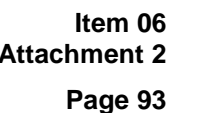
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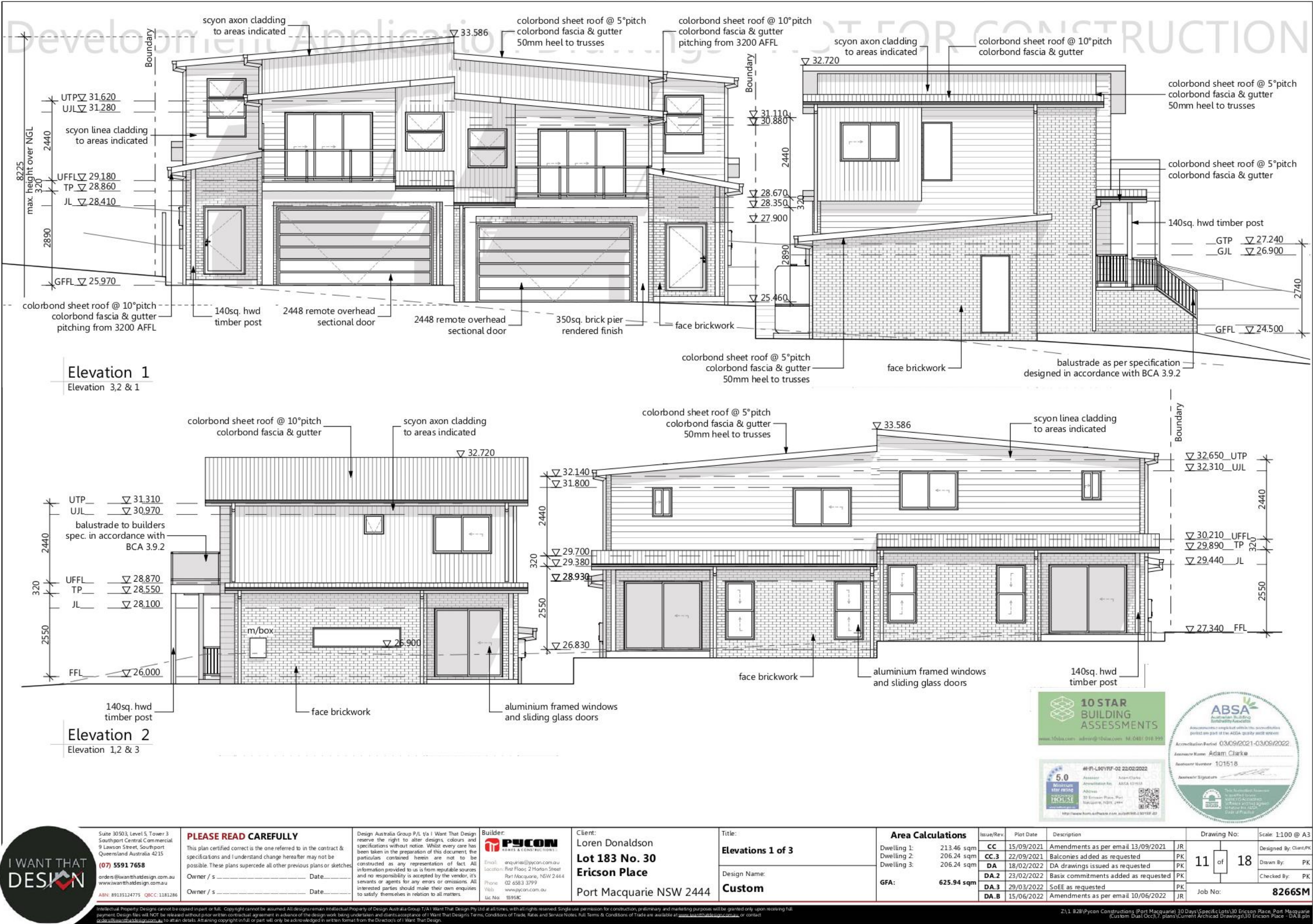
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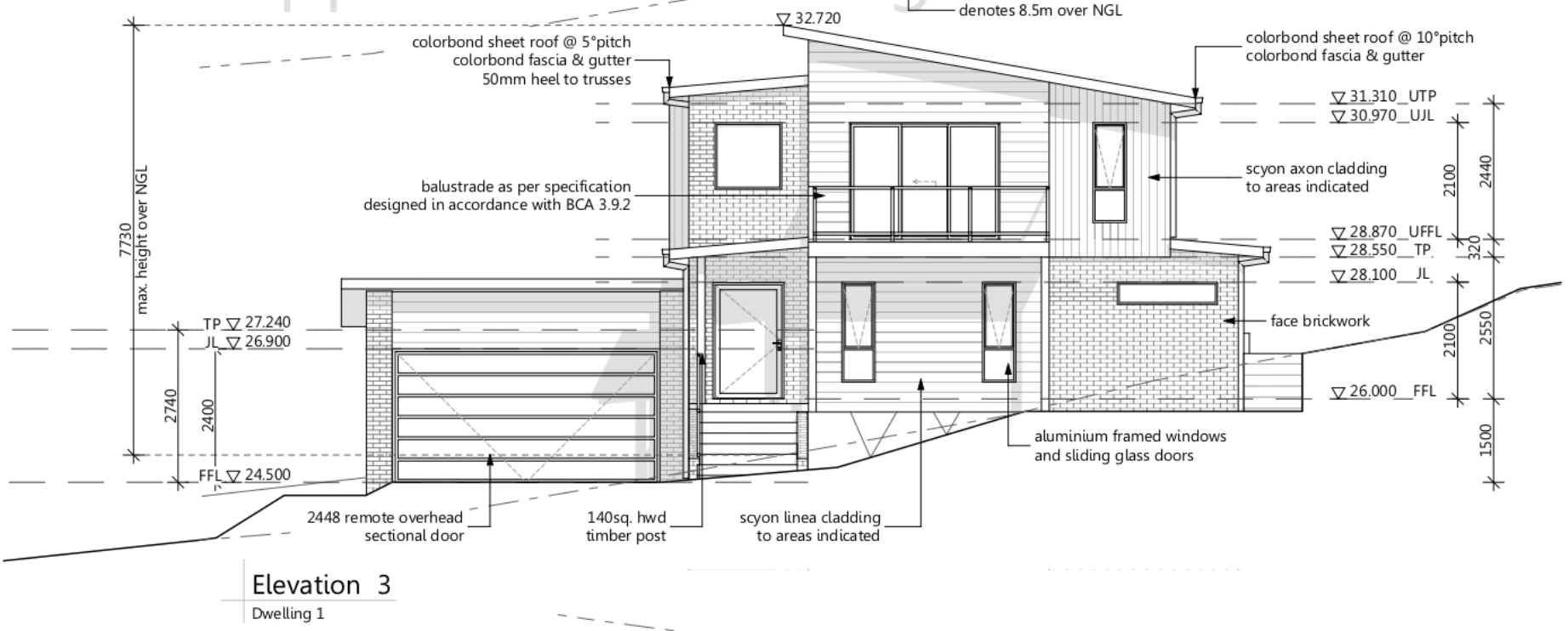


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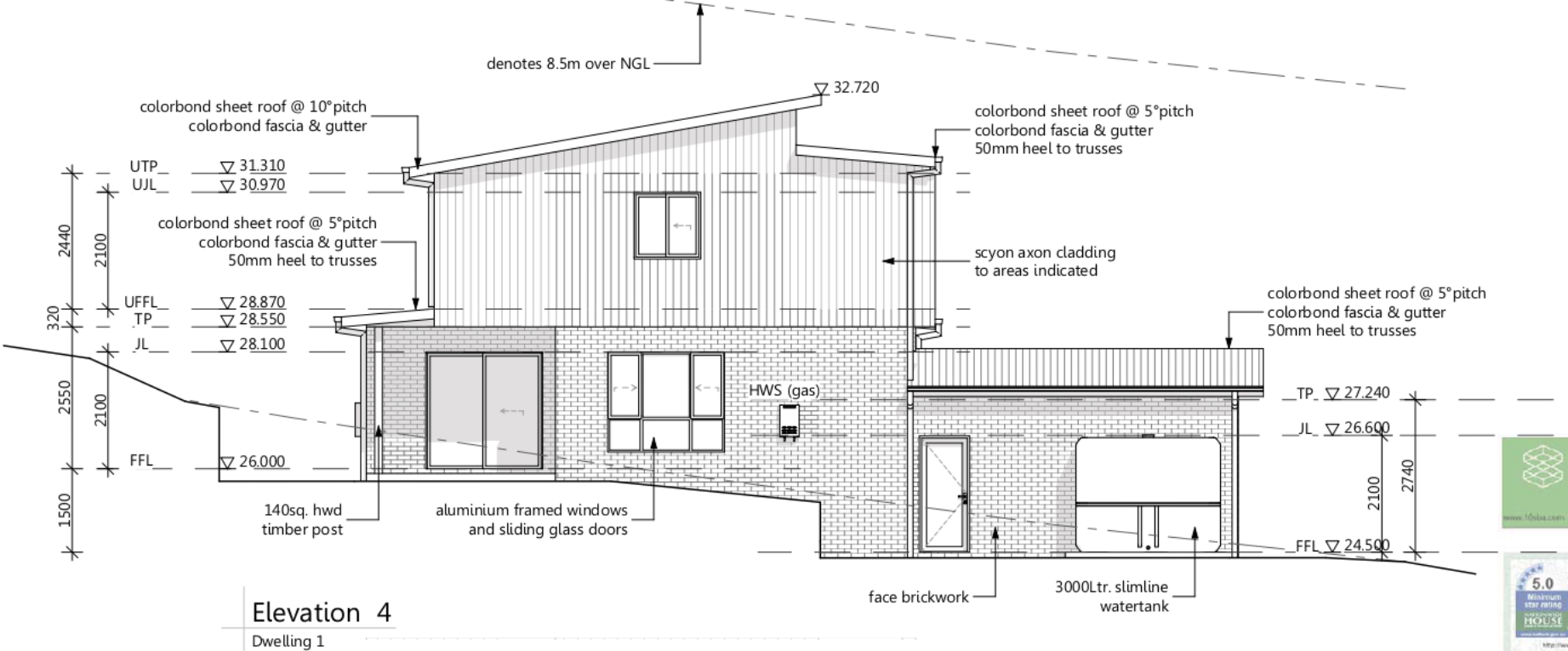




Development Application Drawings - NOT FOR CONSTRUCTION



Elevation 3
Dwelling 1



Elevation 4
Dwelling 1



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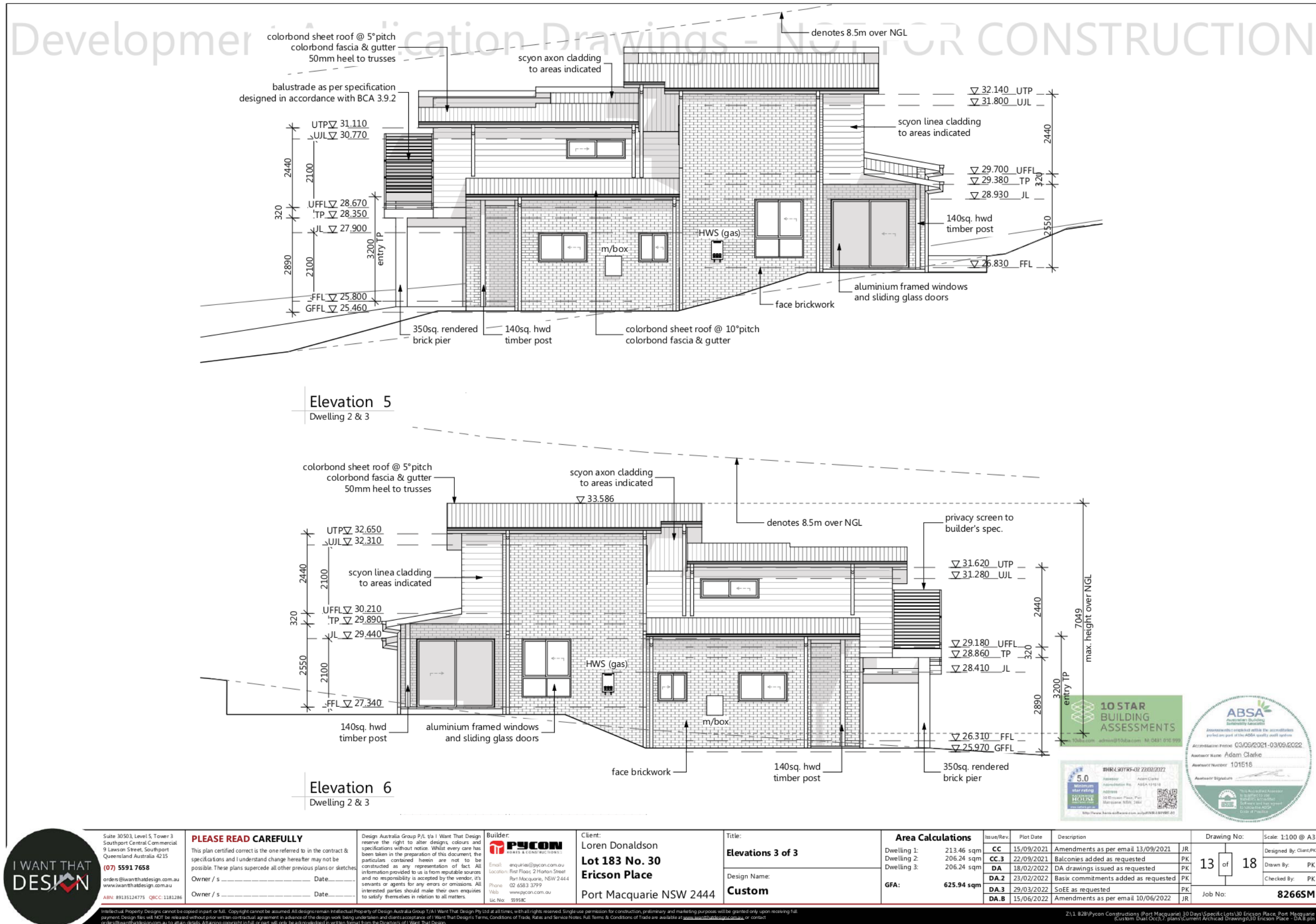
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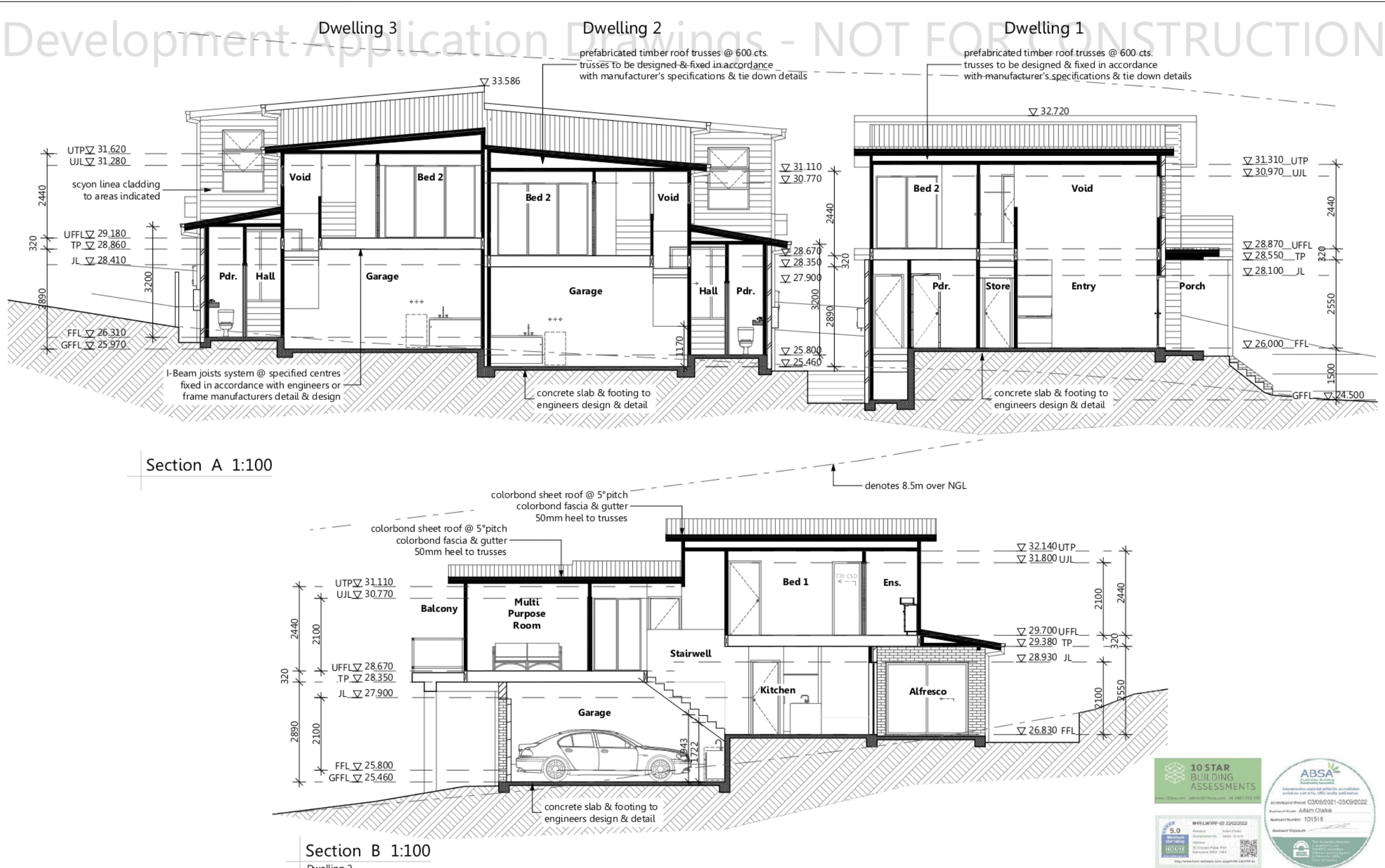
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Client:
Loren Donaldson
Lot 183 No. 30
Ericson Place
Port Macquarie NSW 2444

Title:
Section A & B
Design Name:
Custom

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The image displays two aerial photographs of a building complex at Ericson Place, showing building footprints and shadows at different times of day.

Left Photograph:

- Time:** June 21st, 9am
- Orientation:** Ericson Place is labeled on the left and bottom edges. A north arrow is located in the top right corner.
- Building Footprints:** Three building footprints are labeled: D1 Building Footprint (bottom center), D2 Building Footprint (top center), and D3 Building Footprint (top right).
- Shadows:** Long shadows are cast from the buildings towards the bottom left, indicating the low sun position at 9am.

Right Photograph:

- Time:** June 21st, 11am
- Orientation:** Ericson Place is labeled on the left and bottom edges. A north arrow is located in the top right corner.
- Building Footprints:** Three building footprints are labeled: D1 Building Footprint (bottom center), D2 Building Footprint (top center), and D3 Building Footprint (top right).
- Shadows:** Shorter shadows are cast from the buildings towards the bottom left, indicating the higher sun position at 11am.

10 STAR BUILDING ASSESSMENTS

June 21st
11am



Suite 30503, Level 5, Tower 3
Southport Central Commercial
9 Lawson Street, Southport
Queensland Australia 4215

(07) 5591 7658

orders@iwanthatdesign.com.au
www.iwanthatdesign.com.au

ABN: 89135124775 QBC: 118128

This plan certified correct is the one referred to in the contract & specifications and I understand change hereafter may not be possible. These plans supercede all other previous plans or sketches

Owner / s _____ Date _____

Owner / s _____ Date _____

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Client:
Loren Donaldson
Lot 183 No. 30
Ericson Place
Port Macquarie NSW 2444

Title: **Shadow Diagrams 1 of 2**

Design Name: **Custom**

Dwelling 1:	213.46 sqm
Dwelling 2:	206.24 sqm
Dwelling 3:	206.24 sqm
GFA:	625.94 sqm

Issue/Rev	Plot Date	Description	
CC	15/09/2021	Amendments as per email 13/09/2021	J
CC.3	22/09/2021	Balconies added as requested	P
DA	18/02/2022	DA drawings issued as requested	P
DA.2	23/02/2022	Basic commitments added as requested	P
DA.3	29/03/2022	SoE as requested	P
DA.8	15/06/2022	Amendments as per email 10/06/2022	P

Drawing No:	Scale: 1:200 @ A3
<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin: 0 10px;">15</div> <div style="font-size: 24px; margin: 0 10px;">of</div> <div style="border: 1px solid black; padding: 5px; margin: 0 10px;">18</div> </div>	Designed By: Client/PK
	Drawn By: PK
	Checked By: PK
Job No:	8266SM

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Z:\1. B2B\Pycon Constructions (Port Macquarie) 30 Days\Specific Lots\30 Ericson Place, Port Macquarie

Item 06
Attachment 2
Page 100

Development Application Drawings - NOT FOR CONSTRUCTION

BASIX®Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1281073M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled 'BASIX Definitions' dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 22 February 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary		
Project name	Loren Donaldson	
Street address	30 Erroscun Place Port Macquarie 2444	
Local Government Area	Port Macquarie-Hastings Council	
Plan type and plan number	deposited 1063157	
Lot no.	183	
Section no.	-	
No. of residential flat buildings	0	
No. of units in residential flat buildings	0	
No. of multi-dwelling houses	3	
No. of single dwelling houses	0	
Project score		
Water	✔ 49	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 57	Target 50

Certificate Prepared by	
Name / Company Name:	10 Star Building Assessments
ABN (if applicable):	27565318273

NATHERS REQUIREMENTS			
EXTERNAL WALLS		ADDED INSULATION	
Ground retaining walls Dwelling 2 Dwelling 2	Brick Veneer – Reflective cavity	R2.5	
	Sycon Linear – direct fixed	R2.5	
	Concrete block – PB lined	R1.5	
	Brick Veneer – Reflective cavity	R2.7	
	Sycon Linear – direct fixed	R2.7	
	Double brick		
INTERNAL WALLS		ADDED INSULATION	
Bath, Wc, Laun, Pwdr	Timber framed PB each side	R1.5	
Common wall garage			
Bath, Wc, Laun, Pwdr	Timber framed PB each side	R2.0 Dwelling 2	
Common wall garage			
Roof space walls	Timber framed one side	R3.5	
	Boral Partiwall 60.1C	R4.0	
FLOOR CONSTRUCTION		ADDED INSULATION	
Ground floor	Waffle pod slab	300 thick pods	
	Timber suspended (enclosed subfloor)	R1.3	
1 st floor elevated	Suspended timber – lined under		
Over garages	Suspended timber – lined under	R2.5	
Dwelling 2	Suspended timber – lined under	R2.5	
Dwelling 2	Suspended timber – lined under	R2.5	
FLOOR FINISHES			
	Wet areas	Tiled	
	Bedrooms	Carpet	
	All other areas	Timber	
	Garages	Exposed	
ROOF			
Dwelling 2-3	Metal	55mm Anticon blanket	
	Metal	65mm Anticon blanket	
CEILING			
Trussed roof		R4.0	
Trussed roof		R6.0	
Ceiling fans	Bedrooms, Living room, multi purpose	1x1200 dia ea	
SOLAR ABSORBANCE			
Walls	Various	0.5 (medium)	
Roof	Metal	0.5 (medium)	
Internal (general)	Walls	0.5 (medium)	
Windows	Aluminium	0.5 (medium)	
LIGHTING			
	IC rated lights used throughout to allow for uninterrupted flow of insulation		
WINDOWS		U Value	SHGC
Dwelling 1			
Sliding windows	Aluminium single glazed lowE	4.70	0.54
Sliding doors	Aluminium single glazed lowE	4.54	0.54
Awning	Aluminium single glazed lowE	5.06	0.49
Fixed	Aluminium single glazed lowE	3.93	0.63
Dwelling 2			
Sliding windows	Aluminium Double glazed lowE argon filled	3.57	0.33
Sliding doors	Aluminium Double glazed lowE argon filled	3.39	0.44
S-Door multipurpose		3.20	0.57
Awning	Aluminium Double glazed lowE argon filled	3.76	0.40
Fixed	Aluminium Double glazed lowE argon filled	2.55	0.17
Double Hung	Aluminium Double glazed lowE argon filled	4.01	0.37
Dwelling 3			
Sliding windows	Aluminium single glazed lowE	4.70	0.54
Sliding doors	Aluminium single glazed lowE	4.54	0.54
Awning	Aluminium single glazed lowE	5.06	0.49
Fixed	Aluminium single glazed lowE	3.93	0.63

SCHEDULE OF "BASIX" COMMITMENTS	
Rating of showerheads	3A (>7.5 but <= 9L/min)
Rating of toilet flushing system	3A
Rating of kitchen taps	3A
Rating of basin taps	3A
Alternative water system	5000ltr watertank collecting from 152.6m²
To be connected to:	All toilets
	At least (1) outdoor tap
	cold water tap to clothes washer
Floor insulation required:	As per NatHERs Certificate
External walls: brick veneer walls insulation required	As per NatHERs Certificate
External walls: framed wall insulation required	As per NatHERs Certificate
Internal walls shared with garage: insulation required	As per NatHERs Certificate
Ceiling insulation required	As per NatHERs Certificate
Roof insulation required	As per NatHERs Certificate
Roof ventilation	As per NatHERs Certificate
Solar absorbancy	As per NatHERs Certificate
Glazing as per window schedule	As per NatHERs Certificate
Type of hot water system to be installed	gas instantaneous
Star rating	5.5 stars
Type and rating of cooling system to at least 1 living area	1 phase air conditioning EER 3.0 - 3.5
Type and rating of cooling system to at least 1 bedroom	1 phase air conditioning EER 3.0 - 3.5
Type and rating of heating system to at least 1 living area	1 phase air conditioning EER 3.5 - 4.0
Type and rating of heating system to at least 1 bedroom	1 phase air conditioning EER 3.5 - 4.0
Type of exhaust system to bathroom at least 1	Individual fan, ducted. Manual On/Off switch
Type of exhaust system to kitchen	Individual fan, ducted. Manual On/Off switch
Type of exhaust system to laundry	Natural ventilation
Artificial Lighting	
Kitchen to be fitted with	Dedicated
Bedrooms to be fitted with	Dedicated
Living areas to be fitted with	Dedicated
Bathrooms/toilets to be fitted with	Dedicated
Laundry to be fitted with	Dedicated
Hallways to be fitted with:	Dedicated
Natural lighting	
Kitchen is to be fitted with a window	N/A
Bathroom/toilets	Windows and/or skylight for natural lighting
Refrigerator space	Well ventilated
Kitchen appliances	Gas Cooktop & Electric Oven
Install fixed outdoor clothes line	Yes
Install fixed indoor clothes line	Nil



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Builder:
pycon
Email: enquiries@pycon.com.au
Location: First Floor, 2 Horton Street
Port Macquarie, NSW 2444
Phone: 02 6583 3799
Web: www.pycon.com.au
Lic No: 55958C

Client:
Loren Donaldson
Lot 183 No. 30
Ericson Place
Port Macquarie NSW 2444

Title:
Basix / Schedules
Design Name:
Custom

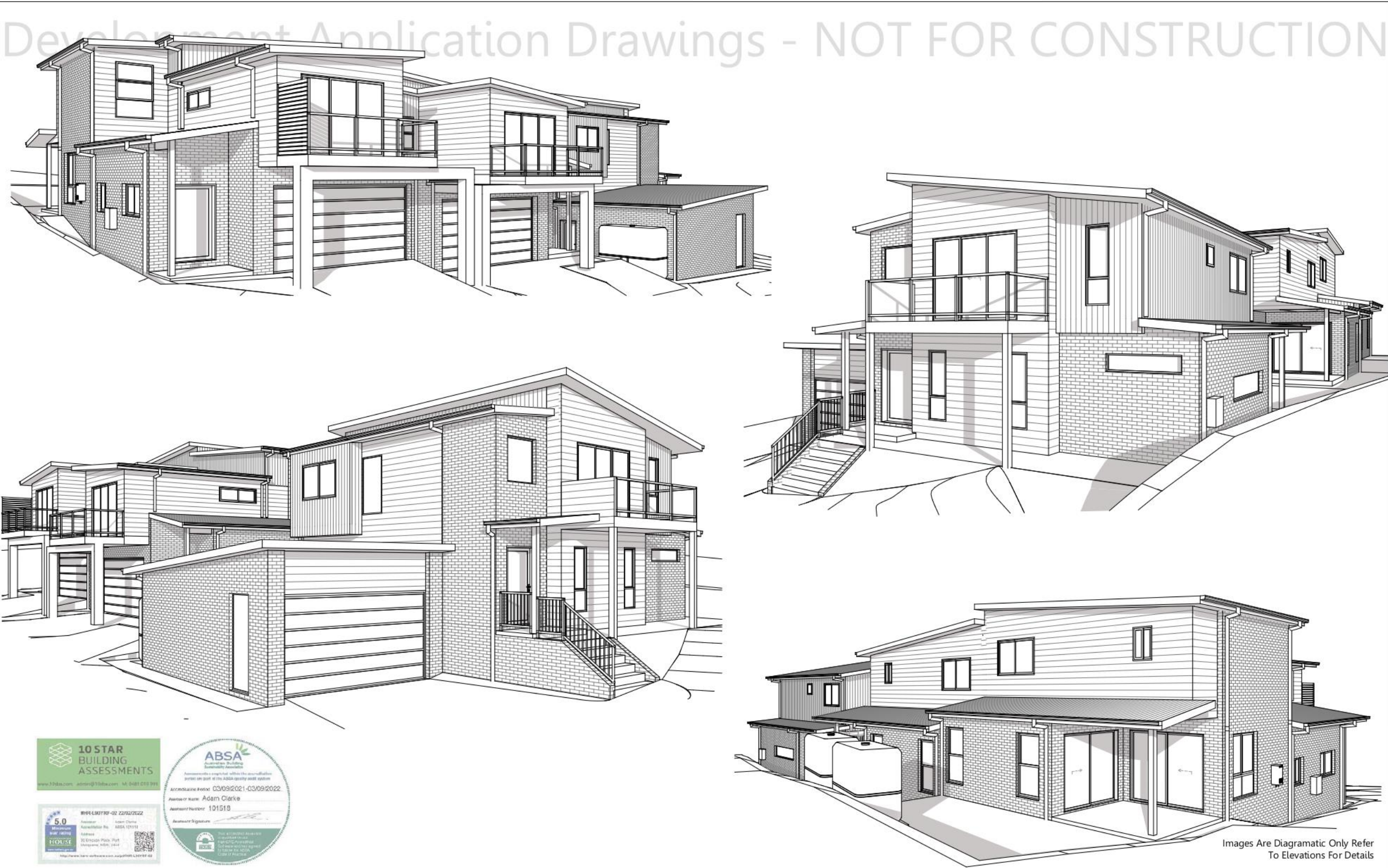
Area Calculations	
Dwelling 1:	213.46 sqm
Dwelling 2:	206.24 sqm
Dwelling 3:	206.24 sqm
GFA:	625.94 sqm

Issue/Rev	Plot Date	Description	
CC	15/09/2021	Amendments as per email 13/09/2021	JR
CC.3	22/09/2021	Balconies added as requested	PK
DA	18/02/2022	DA drawings issued as requested	PK
DA.2	23/02/2022	Basix commitments added as requested	PK
DA.3	29/03/2022	SoEE as requested	PK
DA.8	15/06/2022	Amendments as per email 10/06/2022	JR

Drawing No:	Scale:	N/A
17 of 18	Designed By:	Client/PR
	Drawn By:	PK
	Checked By:	PK
Job No:	8266SM	

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Images Are Diagrammatic Only Refer To Elevations For Details



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Builder:
PYCON
Email: enquiries@pycon.com.au
Location: First Floor, 2 Horton Street
Port Macquarie, NSW 2444
Phone: 02 6583 3799
Web: www.pycon.com.au
Lic No: 55958C

Client:
Loren Donaldson
Lot 183 No. 30
Ericson Place
Port Macquarie NSW 2444

Title:
3D Perspectives
Design Name:
Custom

Area Calculations
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Developer Charges - Estimate

Applicants Name: Pycon Homes & Constructions Pty Ltd
 Property Address: 30 Ericson Place, Port Macquarie
 Lot & Dp: Lot(s):183,DP(s):1063157
 Development: DA 2022/294 - Multi Dwelling Housing and Strata Subdivision



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	1.4	\$10,876.00 Per ET	\$15,226.40
2 Sewerage Scheme Port Macquarie	2	\$4,126.00 Per ET	\$8,252.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1.9	\$8,153.00 Per ET	\$15,490.70
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1.9	\$6,006.00 Per ET	\$11,411.40
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1.9	\$4,932.00 Per ET	\$9,370.80
6 Com 1.3.07 - Administration Building - All areas	1.9	\$971.00 Per ET	\$1,844.90
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$838.50
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$62,434.70

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:

27-Jun-2022

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

& Constructions Pty Ltd, 30 Ericson Place, Port Macquarie, 27-Jun-2022.xls

PORT MACQUARIE-HASTINGS COUNCIL