



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

date of meeting: Wednesday 7 February 2024

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

time: 2:00 PM

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

# DEVELOPMENT ASSESSMENT PANEL SUB COMMITTEE CHARTER

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Adopted: Ordinary Council 2022 09 15

## 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 (approve or refuse) 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 being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy (Biodiversity and Conservation) 2021 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

- 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 Services (alternate - Director Community, Planning and Environment or Development Assessment Planning Coordinator).
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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 media.

### **3.4 Member Tenure**

The independent external members will be appointed for the term of 4 years or until such time as an expression of interest process to source panel members is completed for the proceeding 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 Wednesday each month at 2.00pm at the Port Macquarie offices of Council. Meetings may be conducted on-line or a combination of in person and on-line.
- Special Meetings of the Panel may be convened by the Director Community, Planning and Environment Services with 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 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**

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 Community, Planning 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 3 days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within 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 of the DAP and how each member votes for each item before the Panel. Meetings may be recorded via an on-line platform where practical.

## **6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS**

Not applicable.

## **7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST**

- Members of the Panel must comply with 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 i.e. not disrupt the conduct of the meeting, 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	15/03/23	05/04/23	19/04/23	17/05/23	07/06/23	05/07/23	19/07/23	15/08/23	20/09/23	18/10/23	15/11/23
David Crofts (Independent Chair)		✓	✓		✓	✓	✓	✓		✓	✓
Chris Gee (Independent Member)	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Michael Mason (Independent Member)	✓	✓	✓		✓		✓	✓	✓	✓	
Dan Croft (Group Manager Development Services)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tony McNamara (Independent Member)	✓			✓		✓			✓		✓
<b>Other attendees</b>											
Mayor Peta Pinson	✓	✓									
Melissa Watkins (Director Community, Planning and Environment)							✓				
Grant Burge (Development Engineering Coordinator)	✓	✓	✓			✓	✓	✓	✓		
Kerrod Franklin (Acting Development Engineering Coordinator)											
Patrick Galbraith-Robertson (Development Planning Coordinator)					✓						
Steven Ford (Development Assessment Planner)	✓	✓	✓		✓				✓		
Chris Gardiner (Development Assessment Planner)		✓		✓					✓		
Vanessa Penfold (Development Assessment Planner)	✓										
Clinton Tink (Development Assessment Planner)		✓	✓						✓		
Jon Power (Act Development Engineer Coordinator)				✓	✓						
Beau Spry (Development Assessment Planner)											
Ben Roberts (Development Assessment Planner)							✓				✓
Councillor Josh Slade											
Councillor Sharon Griffiths											
Kate Kennedy (Building Surveyor)											
Warren Wisemantel											
Deputy Mayor Adam Roberts											
Bob Slater (Development Assessment Planner)											
Alton Dick (Stormwater Engineer)											
Fiona Tierney (Development Assessment Planner)								✓		✓	

**Key:**      ✓ = Present, **A** = Absent With Apology **X** = Absent Without Apology

## Development Assessment Panel

### Meeting Dates for 2024

7 February	Function Room	2.00pm
21 February	Function Room	2.00pm
6 March	Function Room	2.00pm
20 March	Function Room	2.00pm
3 April	Function Room	2.00pm
17 April	Function Room	2.00pm
1 May	Function Room	2.00pm
15 May	Function Room	2.00pm
5 June	Function Room	2.00pm
19 June	Function Room	2.00pm
3 July	Function Room	2.00pm
17 July	Function Room	2.00pm
7 August	Function Room	2.00pm
21 August	Function Room	2.00pm
4 September	Function Room	2.00pm
18 September	Function Room	2.00pm
2 October	Function Room	2.00pm
16 October	Function Room	2.00pm
6 November	Function Room	2.00pm
20 November	Function Room	2.00pm
4 December	Function Room	2.00pm



# Development Assessment Panel Meeting

Wednesday 7 February 2024

## Items of Business

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05	DA2023 - 268.1 Mixed Use Development Comprising Residential Flat Building, Commercial Premises and Shop-Top Housing with Strata Subdivision at LOT 102 DP 1293926 Surfers Drive, Lake Cathie. ....	<u>17</u>
06	General Business	

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

07/02/2024

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**Item: 01**

**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"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."

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**Item: 02**

**Subject: APOLOGIES**

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### RECOMMENDATION

That the apologies received be accepted.

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**Item: 03**

**Subject: CONFIRMATION OF PREVIOUS MINUTES**

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### RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 15 November 2023 be confirmed.

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**PRESENT**

***Members:***

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

***Other Attendees:***

Ben Roberts (Senior Development Assessment Planner)

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 18 October 2023 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2023 - 561.1 DEMOLITION OF DWELLING AND CONSTRUCTION OF DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION AT LOT 9 DP 237704 NO 16 TAMARINGA AVENUE, PORT MACQUARIE**

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Speakers:

Margaret Smith (Opposing the application)  
Rosalind Smith (Opposing the application)  
Shane Whitehouse (applicant)

CONSENSUS:

That DA2023 - 561.1 for Demolition of Dwelling and Construction of Dual Occupancy and Torrens Title Subdivision at Lot 9, DP 237704, No. 16 Tamaranga Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions.

- Under 'Building Work - Before Release of Construction Certificate' make the following changes:
  - Delete condition 6.
  - Add the following condition: 'Prior to release of a construction certificate, an enhanced landscaping and external detail plan is to be submitted to and approved by Council. The plan is to address:
    1. Access to the rear yard areas.
    2. Usability and maintenance of private open space areas.
    3. Visual landscape screening between the private open space areas of residence 1 and residence 2.
    4. Landscape relief to the front block retaining wall.
    5. Fencing detail (including type and colour).

Reason: To ensure the development is functional, well landscaped and manages privacy impacts.'

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**06 GENERAL BUSINESS**

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Nil

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The meeting closed at 2.46pm.

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"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> 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.

## AGENDA

### DEVELOPMENT ASSESSMENT PANEL

07/02/2024

- 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.

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

07/02/2024

### 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.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <b>(the <i>identified land</i>)</b>	
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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <b>(the <i>subject land</i><sup>2</sup>)</b> <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.

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<sup>1</sup> 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.

<sup>2</sup> 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

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Item: 05

Subject: DA2023 - 268.1 MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL FLAT BUILDING, COMMERCIAL PREMISES AND SHOP-TOP HOUSING WITH STRATA SUBDIVISION AT LOT 102 DP 1293926 SURFERS DRIVE, LAKE CATHIE.

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

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<b>Applicant:</b>	Catarina Village Pty Ltd c/o Land Dynamics Pty Ltd
<b>Owner:</b>	Catarina Village Pty Ltd
<b>Estimated Cost:</b>	\$21,592,113
<b>Parcel no:</b>	72262

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

**That DA 2023 - 268.1 for mixed use development comprising residential flat building, commercial premises and shop top housing with strata subdivision at Lot 102, DP 1293926, Surfers Drive, Lake Cathie, be determined by granting consent subject to the recommended conditions.**

#### Executive Summary

This report considers a development application for 5 x 5 storey buildings, comprising basement parking, ground floor commercial with residential units above and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following public exhibition of the application 26 submissions have been received.

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

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

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



**1. EXISTING SITES FEATURES AND SURROUNDING DEVELOPMENT**

The site forms part of an overall development site subject to a Part 3A Concept Approval (07\_0010) issued by the Minister for Planning and Infrastructure on 28 November 2011. The site is located within the planned Hilltop Village precinct identified as providing for a mixture of commercial and higher density development.

The site is proposed over a lot approved under DA2012/381 being the underlying subdivision which provides the lot and road layout.

The development is proposed over Lot 102 DP 1293926 but relies upon vehicular access over adjoining Lot 101 DP 1293926 to Whitewater Terrace. Upon lodgement of this application the subject land was recognised as Lot 300 DP 1277057. Lot 102 DP 1293926 was registered during assessment. The property details have been updated for the purposes of this application.

The surrounding locality is characterised by a mix of residential development comprising predominantly single and double storey dwellings. Photos of the site and surrounds are provided below for context:



Photo from the site looking south toward Whitewater Terrace.



Photo from the site looking north toward Summer Circuit.



Photo looking west over Seaside Drive.





Photo from the site looking east to the ocean.

To the north of the site is vacant mixed use zone land identified at the Hilltop Village with a future main street.

To the west of the site is vacant mixed use zoned land with development consent granted on 13 December 2017 for a five (5) storey residential flat building comprising 41 units and ground floor café with basement carparking. Beyond is Seaside Drive with an established childcare centre and residential development comprising a mixture of single and two storey dwellings beyond.



Photo of adjoining land to the west with consent for a residential flat building.

To the south of the site is vacant R3 medium density zoned land with development consent granted on 20 July 2023 for 5 x 4 storey residential flat buildings with basement parking and strata subdivision, Whitewater Terrace and general residential zoned land beyond. The land immediately located on the southern side of Whitewater Terrace has an active development consent for multi dwelling houses comprising 30 two storey dwellings. Twelve (12) of these dwellings, located on the eastern end of Whitewater Terrace, were constructed at the time of preparing this report with the remainder of the land to the east of these dwelling currently vacant. See site photo below of constructed terrace houses. A mixture of lower density single and two storey dwellings exist beyond to the south.

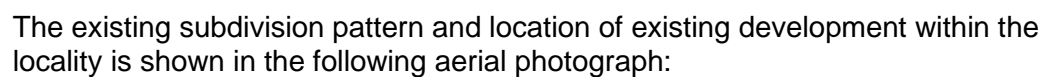


Site photo of two storey terrace houses adjoining the site to the south.

To the east of the site is vacant MU1 and R3 medium density residential zoned land with Surfers Drive, littoral rainforest vegetation, beach and then ocean beyond.

The site is zoned MU1 Mixed Use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:





Key aspects of the proposal include the following:

- Construction of 5 x 5 storey buildings. Each building comprising ground floor commercial with residential units above. Total of 99 residential units comprising a mixture of 22 x 1 bedroom units, 56 x 2 bedroom units and 21 x 3 bedroom units.
- Construction of one and partially two levels of basement level parking comprising 151 car parking spaces accessed via connection to the basement on the adjoining site to the south which provides for two vehicular access points onto Whitewater Terrace at each end (DA2022/1067).
- Landscaping, associated facilities and services.
- Strata subdivision.

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

### **Application Chronology**

- 27 April 2023 - Application lodged.
- 5 May 2023 - External referral to NSW Rural Fire Service and Essential Energy.
- 11 May to 9 June 2023 - Public exhibition via neighbour notification.
- 19 May 2023 - Essential Energy comment seeking additional information.
- 26 May 2023 - Additional information request to applicant.
- 29 May 2023 - Additional information responding to Essential Energy request.
- 29 May 2023 - Additional information referred to Essential Energy.
- 31 May 2023 - Additional information response from applicant.
- 19 June 2023 - Bushfire Safety Authority received from NSW Rural Fire Service.
- 28 July 2023 - Additional information request to applicant.
- 28 August 2023 - Part additional information response from applicant.
- 5 September 2023 - Additional information request.
- 23 November 2023 - Additional information response from applicant.
- 7 December 2023 - Additional information request.
- 8 December 2023 - Additional information request.
- 13 December 2023 - Additional information response from applicant.
- 15 December 2023 - Additional information request.
- 19 December 2023 - Additional information request.
- 21 December 2023 - Additional information response from applicant.
- 5 January 2024 - Additional information request.
- 8 January 2024 - Additional information response from applicant.
- 19 January 2024 - Additional information request.
- 25 January 2024 - Additional information provided from 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 4.8 - The approved Lake Cathie - Bonny Hills (Area 14) Koala Plan of Management applies to the site. Having considered the requirements of the KPOM, the development is consistent with the KPOM for the following reasons:

1. There are no trees or vegetation located on the site.
2. The site is not identified as potential or core Koala habitat.

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

The proposed development does not include any proposed advertising signage. This policy does not apply. Consent condition has been applied advising of further consent requirements for signage.

### **State Environmental Planning Policy (Housing) 2021 Chapter 4 - Design of residential apartment development**

This policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) *the development consists of any of the following:*
  - (i) *the erection of a new building, or*
  - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building, or*
  - (iii) *the conversion of an existing building, and*
- (b) *the building is at least 3 storeys, not including underground car parking storeys, and*
- (c) *the building contains at least 4 dwellings.*

Based on the above, the proposal is greater than 3 storeys in height and contains more than 4 dwellings, therefore the requirements of this SEPP are required to be considered. The following assessment comments provide consideration of applicable requirements of this SEPP.

Clause 149 - This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

It is noted that if the Council's Development Control Plan (DCP) contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

Clause 147(a) - The proposal has adequately addressed the Design Quality Principles contained in Schedule 9. The following table provides an assessment against the design quality principles:

Requirement	Proposed
<p><b>Principle 1: Context and neighbourhood character</b> Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The immediate existing locality is characterised by a mix of residential development comprising predominantly single and double storey dwellings.</p> <p>The proposal is located on the envisaged Hilltop Village precinct. The land has a mixed-use zone with higher density planning controls. The proposed buildings are of a quality design that respond to the key planning controls of maximum building height and floor space ratio in providing the envisaged higher density. The proposal is compatible with the desired character of the precinct.</p> <p>The buildings are well designed, and the layout incorporates a public pedestrian connection from the main street (i.e. Ocean Blue Boulevard) to the adjoining medium density site adjoining to the south.</p>
<p><b>Principle 2: Built form and scale</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions,</p>	<p>The proposal is considered to be a quality design that is consistent with the desired character of the site and surrounding streets.</p> <p>The proposal is consistent with the mixed-use zoning objectives and adopted building height and floor space controls.</p> <p>The setbacks, built form and building elements provide appropriate articulation which presents an attractive streetscape appearance and passive surveillance of the street.</p>

<p>building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	
<p><b>Principle 3: Density</b> Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed density is considered appropriate for the site. The building separation and landscaped areas will provide a high level of amenity for the future occupants of the building.</p> <p>The density is considered appropriate and consistent with the future character envisaged for the hilltop precinct.</p> <p>The proposed density is considered to be sustainable having regard to availability of infrastructure, and public transport, proximity to services and community facilities and the environmental amenity of the area.</p>
<p><b>Principle 4: Sustainability</b> Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency measures.</p> <p>The buildings have been designed to achieve good solar access and natural ventilation. Living areas are orientated to maximise sunlight access during winter and natural ventilation during the hotter months.</p> <p>All units contain appropriately orientated balconies/aspect and opportunities for natural ventilation.</p> <p>Suitable ground floor landscaping areas are proposed.</p> <p>Recycling and waste separation will be encouraged with sufficient waste storage facilities in the basement and private garbage collection arrangements.</p>

<p><b>Principle 5: Landscape</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Appropriate open space and landscaped areas are proposed on the ground floor. Landscape elements are also integrated into the design, such as the grassed terraces and sculptural play area and integrated pedestrian connections.</p> <p>The landscaped elements are well integrated into the main street master planned landscaping.</p>
<p><b>Principle 6: Amenity</b> Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor</p>	<p>The building incorporates generous unit layouts and design which optimise views and outlooks, ventilation, privacy, open space etc.</p> <p>The buildings provide 2.7m floor to ceiling heights throughout all habitable areas.</p> <p>The design and layout will provide a high level of resident amenity. All units include a sufficient amount of private open space with generous communal open space also available at ground level.</p> <p>Adequate storage and outdoor space provided throughout the building and site.</p>

space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	<p>Accessibility is possible via a mixture of ramps, stairs and lifts.</p> <p>Building depth is satisfactory.</p>
<p><b>Principle 7: Safety</b> Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The balconies throughout the buildings provide for casual surveillance of the site and street/public domain.</p> <p>The proposal provides well defined pedestrian access points to Ocean Blue Boulevard.</p> <p>The interface between public and private/communal space is clearly at the street frontage and further defined with appropriate landscaping and fencing/gated access arrangements for the public pedestrian connections through the site.</p> <p>The proposal adequately addresses the principles of Crime Prevention Through Environmental Design (CPTED).</p>
<p><b>Principle 8: Housing diversity and social interaction</b> Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal includes a mixture of apartment sizes and bedrooms numbers to suit a variety of budgets and housing needs.</p> <p>The proposal adequately addresses social mix/ opportunities and housing affordability.</p> <p>The proposal provides opportunity for social interaction in the communal internal and external areas of the proposed development.</p>



<p><b>Principle 9: Aesthetics</b> Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The plans provide examples of the colours, textures and finishes.</p> <p>The wrapped curves on the balconies and roofs provide a variable form throughout the building's façade.</p> <p>The colours and materials provided indicate a contemporary quality design and finish. It is considered that the aesthetics of the building will respond appropriately to the surrounding environment and context of the desired character of the locality.</p>
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Clause 147(b), the proposal has adequately addressed the Apartment Design Guide. The following table provides an assessment against the Apartment Design Guide with assessment comments considering the design criteria and design objectives where applicable:

<b>Apartment Design Guide (ADG) Objective</b>	<b>Design Guidance/Design Criteria (<i>Italics</i>)</b>	<b>Proposed</b>
3A - 1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG)	A satisfactory site analysis plan has been submitted in the architectural plans set.
3B - 1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	<p>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).</p> <p>Where the street frontage is to the east or west, rear buildings should be orientated to the north.</p> <p>Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).</p>	<p>The buildings have been designed to face Ocean Blue Boulevard.</p> <p>Vehicular access to the basement parking is from the rear via the adjoining integrated basement.</p> <p>Pedestrian access is directly off Ocean Blue Boulevard.</p> <p>While street frontage is to the north, the generous front setback separation to adjoining buildings to the south results no adverse overshadowing to neighbouring properties</p>



		<p>as demonstrated in the supporting shadow plans.</p> <p>Buildings have been placed and designed to maximise the north aspect where possible.</p>
<p>3B - 2 Overshadowing of neighbouring properties is minimised during mid-winter.</p>	<p>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p> <p>Solar access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.</p> <p>Overshadowing should be minimised to the south or down hill by increased upper level setbacks.</p> <p>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.</p>	<p>The buildings have been orientated and positioned to maximise the northern solar access and cross ventilation.</p> <p>All buildings satisfy the minimum 70% daylight access to living rooms and private open space between 9.00am and 3.00pm in mid-winter.</p> <p>The orientation of the development and setbacks also ensure no identifiable adverse overshadowing of adjoining properties.</p>

	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	
<b>3C Public domain interface</b>		
3C - 1 Transition between private and public domain is achieved without compromising safety and security	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</p> <p>Length of solid walls should be limited along street frontages.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p> <p>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</p>	<p>The ground floor for buildings 1 to 3 have direct at grade street level access. Buildings 4 and 5 have raised ground floor paved and courtyard areas and provided stepped access to the main street. The terracing incorporates retaining, landscaping and appropriate height fencing which provide improved street surveillance.</p> <p>Residential balconies and windows overlook the main street and public domain.</p> <p>In front of proposed buildings 4 and 5 solid retaining wall to a maximum of 2m in height proposed along the street frontage with transparent 1m high fencing atop to address the change in levels. The walls are of a high-quality design and finish and incorporate curves and landscaping elements.</p> <p>Generous ground floor communal open space and landscaped areas with seating and pergolas are proposed that will facilitate casual interaction between residents. Direct pedestrian access is provided to the main street from the side of the buildings via the</p>

	<ul style="list-style-type: none"> <li>- architectural detailing</li> <li>- changes in materials</li> <li>- plant species</li> <li>- colours</li> </ul> <p>Opportunities for people to be concealed should be minimised</p>	<p>residential entry and lift foyer. Public pedestrian connection proposed to adjoin approved adjoining development to the south will provide opportunity for further interaction.</p> <p>The private and public pedestrian entry points are well defined by the landscaping elements.</p>
3C - 2 Amenity of the public domain is retained and enhanced.	<p>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p> <p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:</p>	<p>Satisfactory landscaping is proposed on the site including the deep soil areas between and behind buildings and landscaping incorporated into the main street landscaping works.</p> <p>The design of the development will enhance the amenity of the area whilst retaining privacy and security for the residential occupants of the building.</p> <p>Mailboxes located in lobby.</p> <p>A substation easement is indicatively shown at ground level adjoining the western most building on the landscaping plan. A condition has been applied requiring screening/landscaping to ensure no adverse visual impact. Pump rooms, garbage storage areas and other service requirements are located in basement car park.</p> <p>Ramping for accessibility has been minimised and one has been incorporated into the retaining wall and landscaping elements</p>

	<ul style="list-style-type: none"> <li>- street access, pedestrian paths and building entries which are clearly defined</li> <li>- paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space</li> <li>- minimal use of blank walls, fences and ground level parking.</li> <li>- On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</li> </ul>	<p>between buildings 4 and 5.</p> <p>The intended treatment between the private and public interface of the main street is of a high-quality design and finish.</p> <p>Buildings 4 and 5 have stepped down the site to minimise protrusion of underground parking areas.</p>
<b>3D Communal and public open space</b>		
<p>3D - 1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p>	<p><u><i>Design Criteria</i></u></p> <p><i>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</i></p> <p><i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i></p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space</p>	<p>Total of 4,022m<sup>2</sup> of hard and soft ground level landscaped communal open space area, which equates to 72% of the site area.</p> <p>The communal open space areas are easily accessible, well defined, usable, collocated with deep soil areas on the ground floor and contains a mixture of light and shade areas.</p>

	<p>areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> <li>- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</li> <li>- provide larger balconies or increased private open space for apartments</li> <li>- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space</li> </ul>	
<p>3D - 2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> <li>- seating for individuals or groups</li> <li>- barbecue areas</li> <li>- play equipment or play areas</li> <li>- swimming pools, gyms, tennis courts or common rooms.</li> </ul> <p>The location of facilities responds to microclimate</p>	<p>The proposed common areas are regular in shape and will be usable, with pedestrian pathways, seating and pergolas. The generous building separation allows the common open space area to experience good solar access.</p>



	<p>and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks</p>	
<p>3D - 3 Communal open space is designed to maximise safety</p>	<p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- bay windows</li> <li>- corner windows</li> <li>- balconies.</li> </ul> <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained</p>	<p>The location of the communal open space behind and between the buildings is visible from the units and balconies. The north and east facing units provide for casual surveillance of the main street and main entry points.</p> <p>A Crime Prevention Through Environmental Design (CPTED) Report supports the application. It is a recommendation of this report that appropriate lighting be incorporated. A consent condition has been recommended to ensure the recommendations of the report are incorporated.</p>
<p>3D - 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along</p>	<p>The proposal adequately addresses the main street and public domain interface.</p> <p>Foot paving and integration with the planned main street landscaping and design element is proposed along the entire frontage of the site which will provide for future connectivity.</p> <p>Public pedestrian connectivity is proposed through the site for approved adjoining</p>

	<p>with protection from strong winds.</p> <p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas</p>	<p>development to the south.</p>
<p>3E - 1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p><u><i>Design Criteria</i></u></p> <p><i>1. Deep soil zones are to meet the following minimum requirements:</i></p> <p><i>a) &lt; 650m<sup>2</sup>, no min dimension, 7% site area deep soil zone.</i></p> <p><i>b) 650-1500m<sup>2</sup>, 3m dimension, 7% site area deep soil zone.</i></p> <p><i>c) &gt;1500m<sup>2</sup>, 6m dimension, 7% site area deep soil zone.</i></p> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> <li>- 10% of the site as deep soil on sites with an area of 650m<sup>2</sup> - 1,500m<sup>2</sup></li> <li>- 15% of the site as deep soil on sites greater than 1,500m<sup>2</sup>.</li> </ul> <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- basement and sub-basement car park</li> </ul>	<p>The site is &gt;1500m<sup>2</sup>. Noting the high density controls and ground floor commercial with basement below no specific deep soil zone is proposed. However landscaped areas comprising 1292m<sup>2</sup> is proposed which equates to 23% of the site area.</p> <p>Dimensions of the landscaped area vary across the site with a minimum width of 6m provided.</p> <p>The podium style landscaping integrates with the immediately adjoining approved development to the south and streetscape work along the main street frontage.</p>

	<p>design that is consolidated beneath building footprints</p> <ul style="list-style-type: none"> <li>- use of increased front and side setbacks</li> <li>- adequate clearance around trees to ensure long term health</li> <li>- co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.</li> </ul> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> <li>- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)</li> <li>- there is 100% site coverage or non-residential uses at ground floor level.</li> </ul> <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>	
3F - 1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<p><u><i>Design Criteria</i></u></p> <p><i>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <p><i>a) Building height up to 12m (4 storey) need 6m setback to</i></p>	<p>Minimum of 8.7m separation to western side boundary.</p> <p>Minimum of 12m separation internally between buildings.</p> <p>No adjoining buildings currently exist to the east.</p>



	<p><i>habitable and 3m to non-habitable.</i></p> <p><i>b) Buildings up to 25m (5-8 storeys) need 9m to habitable and 4.5m to non-habitable.</i></p> <p><i>c) Buildings over 25m (9+ storeys) need 12m to habitable and 6m to non-habitable.</i></p> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</i></p> <p>Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.</p> <p>For residential buildings next to commercial buildings, separation distances should be measured as follows:</p> <ul style="list-style-type: none"> <li>- for retail, office spaces and commercial balconies use the habitable room distances</li> <li>- for service and plant areas use the non-habitable room distances.</li> </ul> <p>New development should be located and oriented to</p>	
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	<p>maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> <li>- site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)</li> <li>- on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4).</li> </ul> <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>No separation is required between blank walls</p>	
3F - 2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	<p>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- setbacks</li> <li>- solid or partially solid balustrades to balconies at lower levels</li> <li>- fencing and/or trees and vegetation to separate spaces</li> <li>- screening devices</li> </ul>	<p>The ground floor communal open space is appropriately separated from private balconies of each residential unit and that of the commercial landscape areas with solid retaining, fencing and gates.</p> <p>Balconies are located in front of living rooms to increase internal privacy.</p>

	<ul style="list-style-type: none"> <li>- bay windows or pop out windows to provide privacy in one direction and outlook in another</li> <li>- raising apartments/private open space above the public domain or communal open space</li> <li>- planter boxes incorporated into walls and balustrades to increase visual separation</li> <li>- pergolas or shading devices to limit overlooking of lower apartments or private open space</li> <li>- on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies.</li> </ul> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies and/or vertical fins should be used between adjacent balconies</p>	
3G - 1 Building entries and pedestrian access connects to and addresses the public domain	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	Building entries and pedestrian access points connect to and addresses the public domain.

	<p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.</p>	<p>Multiple pedestrian entry points are provided to activate the street edge.</p> <p>Building entries points are clearly identifiable and residential entries are distinguishable from commercial and public entries.</p>
3G - 2 Access, entries and pathways are accessible and easy to identify	<p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).</p> <p>For large developments electronic access and audio/video intercom should be provided to manage access</p>	<p>Access, entries and pathways are accessible and easy to identify.</p> <p>Steps and ramps have been incorporated into the overall building and landscaping design.</p>
3G - 3 Large sites provide pedestrian links for access to streets and connection to destinations	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private</p>	<p>Pedestrian access and links are provided from the main street to the ground floor commercial and adjoining grassed terrace areas and sculptural play area. A public pedestrian thoroughfare is proposed</p>

	open spaces of dwellings, be well lit and contain active uses, where appropriate	through the site to provide access from adjoining development to the south. This connection is well defined from the private/resident communal areas and the buildings overlook and provide casual surveillance of the thoroughfare. Consistent with the recommendations of the CPTED report a consent condition has been recommended to ensure appropriate lighting is incorporated into the construction plans.
3H - 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- the materials and colour palette to minimise visibility from the street</li> <li>- security doors or gates at entries that minimise voids in the facade</li> <li>- where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.</li> </ul> <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p>	<p>Vehicular access is proposed via the immediately adjoining development to the site within the integrated basement. No vehicular access points from the main street proposed or required.</p> <p>Garbage storage and collection is integrated within the basement and will not be visible from the street.</p>

	<p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- changes in surface materials</li> <li>- level changes</li> <li>- the use of landscaping for separation</li> </ul>	
3J - 1 Car parking is provided based on proximity to public transport in	<p><u>Design Criteria</u></p> <p><i>1. For development in the following locations:</i></p>	<p>The site is zoned B4 mixed use zoned land (now MU1 zone). Buildings 1 to 4 comprise</p>



<p>metropolitan Sydney and centres in regional areas</p> <p><u>Notes</u></p> <p>Port Macquarie is a nominated regional centre.</p> <p>In terms of using Guide to Traffic Generating Developments, Port Macquarie is a “sub-regional centre” as by definition it does not have access to rail.</p> <p>Medium density is 2 - &lt;20 dwellings.</p> <p>High Density is 20 or more dwellings</p>	<p>a) <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></p> <p>b) <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p> <p><u>Guide to Traffic Generating Developments</u></p> <p>Medium density residential flat buildings require:</p> <ul style="list-style-type: none"> <li>- 1 space per unit +</li> <li>- 1 space for every 5 x 2 bedroom unit +</li> <li>- 1 space for every 2 x 3 bedroom unit +</li> <li>- 1 space for 5 units (visitor parking).</li> </ul>	<p>20 units and are best defined as high density residential flat buildings under the guide. Building 5 comprises 19 units and is best defined as medium density residential flat building under the guide. The minimum parking requirements are calculated as follows:</p> <p>High density residential flat buildings 1 to 4:</p> <p>0.6 x 16 (1 bedroom units) = 9.6 or 10 spaces</p> <p>0.9 x 47 (2 bedroom units) = 42.3 or 43 spaces</p> <p>1.4 x 17 (3 bedroom units) = 23.8 or 24 spaces.</p> <p>Total for buildings 1 to 4 = 77 spaces.</p> <p>Medium density residential flat building 5:</p> <p>1 x 19 = 19 spaces</p> <p>9/5 = 1.8 spaces</p> <p>4/2 = 2 spaces</p> <p>Total for building 5 = 22.8 or 23 spaces.</p> <p>Visitor spaces require 99 / 5 = 19.8 or 20 visitor spaces.</p> <p>Total of 120 spaces required for residential component.</p> <p>Commercial component incorporates 5 x 100m<sup>2</sup> of Gross Leasable Floor Area (GLFA).</p> <p>Commercial parking rate is 6.1 spaces per 100m<sup>2</sup> of GLFA under the guide. 6.1 x 5 = 30.5 or 31 spaces required.</p>
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	<p>High density residential flat buildings for metropolitan sub-regional centres require:</p> <ul style="list-style-type: none"> <li>- 0.6 spaces per 1 bedroom unit</li> <li>- 0.9 spaces per 2 bedroom unit</li> <li>- 1.40 spaces per 3 bedroom unit +</li> <li>- 1 space per 5 units (visitor parking)</li> </ul>	<p>A total minimum of 151 spaces are required under the RMS guide.</p> <p>Under the Port Macquarie-Hastings Development Control Plan 2013 the following parking is required:</p> <ul style="list-style-type: none"> <li>• 1 per 1 or 2 bedroom unit + 1 visitors space per 4 units.</li> <li>• 1.5 per 3-4 bedroom unit + 1 visitors space per 4 4 units.</li> <li>• Commercial 1 per 30m<sup>2</sup> of GLFA.</li> </ul> <p>78 (1 and 2 bed) units = 78 spaces.</p> <p>21 (3 bed units) x 1.5 = 31.5 or 32 spaces.</p> <p>Visitor 99 units /4 = 24.75 or 25 spaces.</p> <p>Commercial of 500m<sup>2</sup>/30 = 16.67 = 17 spaces.</p> <p>A total minimum of 152 spaces required under the DCP.</p> <p>The proposal incorporates a total of 151 spaces which is consistent with the lesser requirement of the RMS guide as calculated above.</p>
3J - 2 Parking and facilities are provided for other modes of transport	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Conveniently located charging stations are</p>	<p>The basement car park allows for vehicle/storage spaces to be used for motorbikes etc. There is generous residential storage and bicycle store at ground level floor.</p>



	provided for electric vehicles, where desirable	
3J - 3 Car park design and access is safe and secure	<p>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</p> <p>Direct, clearly visible and well lit access should be provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</p> <p>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards</p>	<p>Car park design and access is safe and secure.</p> <p>The garbage storage and collection area is separated and clear of the defined parking areas.</p> <p>Access to the lift and stairwells is clearly delineated and defined.</p>
3J - 4 Visual and environmental impacts of underground car parking are minimised	<p>Excavation should be minimised through efficient car park layouts and ramp design.</p> <p>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p> <p>Natural ventilation should be provided to basement and sub-basement car parking areas.</p> <p>Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design</p>	<p>The basement car parking layout is logical in design and layout.</p> <p>Visual and environmental impacts of underground car parking are minimised with no protrusion proposed.</p>
3J - 5 Visual and environmental impacts	On-grade car parking should be avoided.	No at grade parking proposed. All parking is

of on-grade car parking are minimised	<p>Where on-grade car parking is unavoidable, the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- parking is located on the side or rear of the lot away from the primary street frontage</li> <li>- cars are screened from view of streets, buildings, communal and private open space areas</li> <li>- safe and direct access to building entry points is provided</li> <li>- parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space</li> <li>- stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate</li> <li>- light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving</li> </ul>	confined to the basement.
3J - 6 Visual and environmental impacts of above ground enclosed car parking are minimised	<p>Exposed parking should not be located along primary street frontages</p> <p>Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:</p>	There is no exposed parking and the linkage with access to the basement parking via Whitewater Terrace requires no vehicle points along the main street frontage. Visual impacts of underground car parking are minimised with limited

	<ul style="list-style-type: none"> <li>- car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)</li> <li>- car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9).</li> </ul> <p>Positive street address and active frontages should be provided at ground level</p>	protrusion and podium landscaping proposed.
4A - 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p><u><i>Design Criteria</i></u></p> <p><i>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours' direct sunlight between 9 am and 3 pm at mid winter.</i></p> <p><i>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</i></p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</p>	The design maximises the northern solar access and 69 of the 99 units (70%) achieve 3 hours of solar access between 9am and 3pm mid-winter.

	<p>Single aspect, single storey apartments should have a northerly or easterly aspect.</p> <p>Living areas are best located to the north and service areas to the south and west of apartments.</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> <li>- dual aspect apartments</li> <li>- shallow apartment layouts</li> <li>- two storey and mezzanine level apartments</li> <li>- bay windows</li> </ul> <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p> <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> <li>- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source</li> <li>- on south facing sloping sites</li> <li>- where significant views are oriented away from the desired aspect for direct sunlight</li> </ul> <p>Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the</p>	
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	development meets the objective.	
4A - 2 Daylight access is maximised where sunlight is limited	<p>Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</p> <p>Where courtyards are used:</p> <ul style="list-style-type: none"> <li>- use is restricted to kitchens, bathrooms and service areas</li> <li>- building services are concealed with appropriate detailing and materials to visible walls</li> <li>- courtyards are fully open to the sky</li> <li>- access is provided to the light well from a communal area for cleaning and maintenance</li> <li>- acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved.</li> </ul> <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> <li>- reflective exterior surfaces on buildings opposite south facing windows</li> <li>- positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light</li> <li>- integrating light shelves into the design</li> <li>- light coloured internal finishes</li> </ul>	Adequate daylight access is available to each of the proposed units and sufficient external spaces are provided.
4A - 3 Design incorporates shading	A number of the following design features are used:	Design incorporates deep awnings for sun

and glare control, particularly for warmer months	<ul style="list-style-type: none"> <li>- balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas</li> <li>- shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting</li> <li>- horizontal shading to north facing windows</li> <li>- vertical shading to east and particularly west facing windows</li> <li>- operable shading to allow adjustment and choice</li> <li>- high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)</li> </ul>	shading and appropriate vertical shading elements to east and west facing balconies.
4B - 1 All habitable rooms are naturally ventilated	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> <li>- adjustable windows with large effective openable areas</li> </ul>	The north south orientation and building design maximises and provides all units with adequate cross ventilation.



	<ul style="list-style-type: none"> <li>- a variety of window types that provide safety and flexibility such as awnings and louvres</li> <li>- windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors</li> </ul>	
4B - 2 The layout and design of single aspect apartments maximises natural ventilation	<p>Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> <li>- primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)</li> <li>- stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries</li> <li>- courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells</li> </ul>	Apartment depth is limited to provide sufficient cross ventilation and sunlight.
4B - 3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p><u>Design Criteria</u></p> <p><i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation</i></p>	<p>81% of units provided with natural cross ventilation.</p> <p>Overall depth of crossover or cross-through apartments do not exceed 18m.</p>

	<p><i>and cannot be fully enclosed.</i></p> <p><i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4).</p> <p>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow</p>	
4C - 1 Ceiling height achieves sufficient natural ventilation and daylight access	<p><u>Design Criteria</u></p> <p><i>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <p><i>Minimum ceiling height for apartment and mixed use buildings</i></p> <p><i>Habitable rooms = 2.7m</i></p> <p><i>Non-habitable = 2.4m</i></p> <p><i>For 2 storey apartments = 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area</i></p> <p><i>Attic spaces = 1.8m at edge of room with a 30-degree minimum ceiling slope</i></p>	<p>All residential (habitable) units have 2.7m ceiling heights.</p> <p>A minimum of 2.4m ceiling height to non-habitable rooms to provide for services.</p> <p>3m ceiling heights are proposed to the ground floor commercial. 2.7m ceiling height proposed to first floor. This is considered reasonable and will provide for appropriate commercial uses on the ground floor.</p> <p>Ceiling heights can accommodate use of ceiling fans for cooling and heat distribution.</p>

	<p><i>If located in mixed use areas = 3.3m for ground and first floor to promote future flexibility of use</i></p> <p><i>These minimums do not preclude higher ceilings if desired.</i></p> <p>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</p>	
4C - 2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	<p>A number of the following design solutions can be used:</p> <ul style="list-style-type: none"> <li>- the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces</li> <li>- well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings</li> <li>- ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist</li> </ul>	The 2.7m ceiling heights throughout residential component will provide an increased sense of space within each apartment.
4C - 3 Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	The 3m ceiling heights throughout the ground floor commercial level only is considered reasonable and will provide for commercial and non-residential uses.
4D - 1 The layout of rooms within an apartment is functional, well organised and	<p><u><i>Design Criteria</i></u></p> <p><i>1. Apartments are required to have the following minimum internal areas:</i></p>	The minimum internal areas for each type of unit are provided as follows:

provides a high standard of amenity	<p><i>Studio = 35m<sup>2</sup></i></p> <p><i>1 bedroom = 50m<sup>2</sup></i></p> <p><i>2 bedroom = 70m<sup>2</sup></i></p> <p><i>3 bedroom = 90m<sup>2</sup></i></p> <p><i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</i></p> <p><i>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i></p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</p> <p>A window should be visible from any point in a habitable room.</p> <p>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits</p>	<p>1 bed = 50m<sup>2</sup></p> <p>2 bed = 77 - 82m<sup>2</sup></p> <p>3 bed = 106m<sup>2</sup></p> <p>Every habitable room has access to a window with compliant glass area.</p> <p>Kitchens are not part of hallways.</p>
4D - 2 Environmental performance of the apartment is maximised	<p><u><i>Design Criteria</i></u></p> <p><i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i></p> <p><i>2. In open plan layouts (where the living, dining and kitchen are combined) the</i></p>	<p>Habitable room depths do not exceed 2.5 x the ceiling height.</p> <p>The open plan areas do not exceed 8m.</p>

	<p><i>maximum habitable room depth is 8m from a window.</i></p> <p>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</p> <p>All living areas and bedrooms should be located on the external face of the building.</p> <p>Where possible:</p> <ul style="list-style-type: none"> <li>- bathrooms and laundries should have an external openable window.</li> <li>- main living spaces should be oriented toward the primary outlook and aspect and away from noise sources</li> </ul>	<p>Living areas and bedrooms are located on the external face of the building.</p>
<p>4D - 3 Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p><u><i>Design Criteria</i></u></p> <ol style="list-style-type: none"> <li><i>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</i></li> <li><i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i></li> <li><i>3. Living rooms or combined living/dining rooms have a minimum width of:</i> <ul style="list-style-type: none"> <li><i>• 3.6m for studio and 1 bedroom apartments</i></li> <li><i>• 4m for 2 and 3 bedroom apartments</i></li> </ul> </li> <li><i>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></li> </ol> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings</p>	<p>Master bedrooms are between 10m<sup>2</sup> to 16m<sup>2</sup> plus WIR and comply with the 10m<sup>2</sup> minimum standard.</p> <p>Other bedrooms are between 9m<sup>2</sup> to 13m<sup>2</sup> plus robes and comply with the 9m<sup>2</sup> minimum standard.</p> <p>Bedrooms comply with 3m minimum dimension.</p> <p>Living rooms comply with 3.6m and 4m minimum dimension.</p> <p>Suitable separation of rooms exist via use of doors, walls etc</p> <p>Robes in bedrooms considered acceptable.</p> <p>Layouts contain flexibility.</p>

	<p>between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p> <p>Apartment layouts allow flexibility over time, design solutions may include:</p> <ul style="list-style-type: none"> <li>- dimensions that facilitate a variety of furniture arrangements and removal</li> <li>- spaces for a range of activities and privacy levels between different spaces within the apartment</li> <li>- dual master apartments</li> <li>- dual key apartments Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments</li> <li>- room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))</li> <li>- efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms</li> </ul>	
4E - 1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	<p><u><i>Design Criteria</i></u></p> <p><i>1. All apartments are required to have primary balconies as follows:</i></p> <p><i>a) Studio apartments = 4m<sup>2</sup></i></p>	<p>1 bed units balconies provided with 8m<sup>2</sup> and 2m in depth.</p> <p>2 bed units balconies provided with 10m<sup>2</sup> to 12m<sup>2</sup> and 2m in depth.</p>



	<p>b) 1 bedroom apartments = 8m<sup>2</sup> and 2m min depth.</p> <p>c) 2 bedroom apartments = 10m<sup>2</sup> and 2m min depth.</p> <p>d) 3+ bedroom apartments = 12m<sup>2</sup> and 2.4m min depth.</p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i></p> <p><i>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</i></p> <p>Increased communal open space should be provided where the number or size of balconies are reduced.</p> <p>Storage areas on balconies is additional to the minimum balcony size.</p> <p>Balcony use may be limited in some proposals by:</p> <ul style="list-style-type: none"> <li>- consistently high wind speeds at 10 storeys and above</li> <li>- close proximity to road, rail or other noise sources</li> <li>- exposure to significant levels of aircraft noise</li> <li>- heritage and adaptive reuse of existing buildings</li> </ul> <p>In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be</p>	<p>3 bed units balconies provided with 12m<sup>2</sup> and 3.4m in depth.</p> <p>Minimum 2.4m balcony depth to each unit.</p> <p>Minimum 12m<sup>2</sup> balcony area to each unit.</p> <p>No ground floor units proposed.</p>
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	provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated	
4E - 2 Primary private open space and balconies are appropriately located to enhance liveability for residents	<p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</p> <p>Private open spaces and balconies predominantly face north, east or west.</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.</p>	Private open space areas adjoin living areas and balconies are of a suitable useable size.
4E - 3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	<p>Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</p> <p>Full width full height glass balustrades alone are generally not desirable.</p> <p>Projecting balconies should be integrated into the building design and the design of soffits considered.</p> <p>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</p> <p>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</p> <p>Downpipes and balcony drainage are integrated with</p>	<p>The balcony and partial solid balustrade with vertical corner slatting design provides opportunity for views, passive surveillance of the communal open space and street while maintaining a reasonable level of visual privacy for occupants and providing a positive contribution to architectural form.</p> <p>Balconies suitably comply with requirements.</p>

	<p>the overall facade and building design.</p> <p>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p> <p>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</p> <p>Ceilings of apartments below terraces should be insulated to avoid heat loss.</p> <p>Water and gas outlets should be provided for primary balconies and private open space</p>	
4E - 4 Private open space and balcony design maximises safety.	<p>Changes in ground levels or landscaping are minimised.</p> <p>Design and detailing of balconies avoids opportunities for climbing and falls.</p>	Balustrades provide a design compliance and are not considered to provide opportunities for climbing or falls.
4F - 1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p><u><i>Design Criteria</i></u></p> <p><i>1. The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p><i>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p> <p>Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</p> <p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</p>	<p>Maximum of 5 units off circulation core on each level.</p> <p>Natural light and potential for ventilation provided to common circulation areas. Window and open style vertical slatting to south side of lobby area on each level.</p> <p>No long corridors are proposed to service the units on each level of the building.</p> <p>Living areas do not directly access core area.</p>

	<p>Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</p> <p>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- a series of foyer areas with windows and spaces for seating</li> <li>- wider areas at apartment entry doors and varied ceiling heights</li> </ul> <p>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</p> <p>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> <li>- sunlight and natural cross ventilation in apartments</li> <li>- access to ample daylight and natural ventilation in common circulation spaces</li> <li>- common areas for seating and gathering</li> <li>- generous corridors with greater than minimum ceiling heights</li> </ul>	
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	<ul style="list-style-type: none"> <li>- other innovative design solutions that provide high levels of amenity</li> </ul> <p>Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled</p>	
4F - 2 Common circulation spaces promote safety and provide for social interaction between residents	<p>Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces should be well lit at night.</p> <p>Legible signage should be provided for apartment numbers, common areas and general wayfinding.</p> <p>Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.</p> <p>In larger developments, community rooms for activities such as owner's corporation meetings or resident use should be provided and are ideally co-located with communal open space.</p> <p>Where external galleries are provided, they are more open than closed above the</p>	<p>Direct and legible access is provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces are capable of being well lit at night and provided with appropriate signage.</p>

	balustrade along their length.	
4G - 1 Adequate, well designed storage is provided in each apartment	<p><u>Design Criteria</u></p> <p><i>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <p>a) Studio apartments = <math>4m^3</math>.</p> <p>b) 1 bedroom apartments = <math>6m^3</math>.</p> <p>c) 2 bedroom apartments <math>8m^3</math>.</p> <p>d) 3+ bedroom apartments = <math>10m^3</math>.</p> <p><i>At least 50% of the required storage is to be located within the apartment.</i></p> <p>Storage is accessible from either circulation or living areas.</p> <p>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p> <p>Left over space such as under stairs is used for storage</p>	<p>Satisfactory storage spaces are available within each unit via the provision of storage cupboard, robes and linen cupboards.</p> <p>Residential storage is also provided within a ground level storage cage.</p>
4G - 2 Additional storage is conveniently located, accessible and nominated for individual apartments	<p>Storage not located in apartments is secure and clearly allocated to specific apartments.</p> <p>Storage is provided for larger and less frequently accessed items.</p> <p>Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.</p> <p>If communal storage rooms are provided they should be accessible from common</p>	<p>Additional residential storage is provided within a ground level storage cage and within the basement.</p>



	<p>circulation areas of the building.</p> <p>Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.</p>	
4H - 1 Noise transfer is minimised through the siting of buildings and building layout	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>	<p>The internal layout of the units has been designed to maximise acoustic privacy between apartments.</p> <p>Entries to each unit are next to and above each other.</p>
4H - 2 Noise impacts are mitigated within apartments through layout and acoustic treatments	<p>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</p>	<p>Internal apartment layouts satisfactorily separate noisy spaces from quiet spaces.</p>

	<ul style="list-style-type: none"> <li>- rooms with similar noise requirements are grouped together</li> <li>- doors separate different use zones</li> <li>- wardrobes in bedrooms are co-located to act as sound buffers</li> </ul> <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none"> <li>- double or acoustic glazing</li> <li>- acoustic seals • use of materials with low noise penetration properties</li> <li>- continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements</li> </ul>	
4J - 1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> <li>- physical separation between buildings and the noise or pollution source</li> <li>- residential uses are located perpendicular to the noise source and where possible buffered by other uses</li> <li>- non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces</li> <li>- non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source.</li> </ul>	<p>The subject site is not considered to be located within a noisy or hostile environment.</p> <p>However, the site is located approximately 250m from Ocean Drive and the application is supported by a traffic noise assessment which addresses the potential road traffic noise impacts. The report provides a number of recommended noise controls treatments surrounding floor finishes, glazing, roof/ceiling, walls and locating mechanical plant to the buildings. Appropriate consent conditions are recommended to ensure they are incorporated</p>

	<p>Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources</p> <ul style="list-style-type: none"> <li>- buildings should respond to both solar access and noise. Where solar access is away from the noise source, nonhabitable rooms can provide a buffer</li> <li>- where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4)</li> <li>- landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.</li> </ul> <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> <li>- solar and daylight access</li> <li>- private open space and balconies</li> <li>- natural cross ventilation</li> </ul>	<p>into the construction plans.</p>
<p>4J - 2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> <li>- limiting the number and size of openings facing noise sources</li> <li>- providing seals to prevent noise transfer through gaps</li> </ul>	<p>Development design has implemented and had regard for ADG requirements.</p> <p>The application is supported by a traffic noise assessment which addresses the potential road traffic noise impacts</p>

	<ul style="list-style-type: none"> <li>- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>- using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits</li> </ul>	<p>from the proximity of the site to Ocean Drive. The report provides a number of recommended noise controls treatments surrounding floor finishes, glazing, roof/ceiling, walls and locating mechanical plant to the buildings. Appropriate consent conditions are recommended to ensure they are incorporated into the construction plans.</p>
4K - 1 A range of apartment types and sizes is provided to cater for different household types now and into the future	<p>A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> <li>- the distance to public transport, employment and education centres</li> <li>- the current market demands and projected future demographic trends</li> <li>- the demand for social and affordable housing</li> <li>- different cultural and socioeconomic groups</li> </ul> <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>	<p>The proposal provides for a mixture of apartments comprising 23 x 3 bed, 56 x 2 bed and 22 x 1 bed units providing for variety in layout and sizing.</p> <p>The units could provide for singles, couples and small families.</p> <p>The proposal will provide for the desired housing needs of the future community.</p>
4K - 2 The apartment mix is distributed to suitable locations within the building	<p>Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners</p>	<p>The apartment types are generally consistent throughout the development.</p> <p>Location of apartments provides acceptable compliance with ADG.</p>

	where more building frontage is available.	
4L - 1 Street frontage activity is maximised where ground floor apartments are located	<p>Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- both street, foyer and other common internal circulation entrances to ground floor apartments</li> <li>- private open space is next to the street</li> <li>- doors and windows face the street</li> </ul> <p>Retail or home office spaces should be located along street frontages.</p> <p>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</p>	<p>No ground floor apartments proposed.</p> <p>Ground floor commercial provided along entire street frontage.</p>
4L - 2 Design of ground floor apartments delivers amenity and safety for residents	<p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4)</li> <li>- landscaping and private courtyards</li> <li>- window sill heights that minimise sight lines into apartments</li> </ul>	<p>No ground floor apartments proposed.</p>

	<ul style="list-style-type: none"> <li>- integrating balustrades, safety bars or screens with the exterior design</li> </ul> <p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> <li>- high ceilings and tall windows</li> <li>- trees and shrubs that allow solar access in winter and shade in summer</li> </ul>	
<p>4M - 1 Building facades provide visual interest along the street while respecting the character of the local area</p>	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> <li>- a composition of varied building elements</li> <li>- a defined base, middle and top of buildings</li> <li>- revealing and concealing certain elements</li> <li>- changes in texture, material, detail and colour to modify the prominence of elements</li> </ul> <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- well composed horizontal and vertical elements</li> <li>- variation in floor heights to enhance the human scale</li> <li>- elements that are proportional and arranged in patterns</li> <li>- public artwork or treatments to exterior blank walls</li> </ul>	<p>The proposed design provides a composition of curved elements to ensure that the building unique from provides visual interest from the street.</p> <p>The building façade contains suitable elements that comply with ADG requirements.</p>



	<ul style="list-style-type: none"> <li>- grouping of floors or elements such as balconies and windows on taller buildings</li> </ul> <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</p>	
4M - 2 Building functions are expressed by the facade	<p>Building entries should be clearly defined.</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	<p>The buildings pedestrian entry points are well defined.</p> <p>The building design provides suitable articulation, materials, colours and roof design.</p>
4N - 1 Roof treatments are integrated into the building design and positively respond to the street	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- special roof features and strong corners</li> <li>- use of skillion or very low pitch hipped roofs</li> <li>- breaking down the massing of the roof by using smaller elements to avoid bulk</li> <li>- using materials or a pitched form complementary to adjacent buildings</li> </ul> <p>Roof treatments should be integrated with the building design. Design solutions may include:</p>	<p>The flat roof and curved design is acceptable.</p> <p>Bulk of the roof has been minimised with the lift overrun screened form the low parapet.</p>

	<ul style="list-style-type: none"> <li>- roof design proportionate to the overall building size, scale and form</li> <li>- roof materials compliment the building</li> <li>- service elements are integrated</li> </ul>	
4N - 2 Opportunities to use roof space for residential accommodation and open space are maximised	<p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- penthouse apartments</li> <li>- dormer or clerestory windows</li> <li>- openable skylights</li> </ul> <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	No habitable roof space is proposed.
4N - 3 Roof design incorporates sustainability features	<p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- the roof lifts to the north</li> <li>- eaves and overhangs shade walls and windows from summer sun.</li> </ul> <p>Skylights and ventilation systems should be integrated into the roof design</p>	Roof design provides suitable shading and solar access. Balcony and balcony roof areas provide additional shading to lower areas.
4O - 1 Landscape design is viable and sustainable	<p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> <li>- diverse and appropriate planting</li> <li>- bio-filtration gardens</li> </ul>	A landscape plan is provided. The proposed landscape design and plantings provide a range of species and sizes which are considered acceptable.

	<ul style="list-style-type: none"> <li>- appropriately planted shading trees</li> <li>- areas for residents to plant vegetables and herbs</li> <li>- composting</li> <li>- green roofs or walls</li> </ul> <p>Ongoing maintenance plans should be prepared.</p> <p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> <li>- appropriately scaled trees near the eastern and western elevations for shade</li> <li>- a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter</li> <li>- shade structures such as pergolas for balconies and courtyards</li> </ul> <p>Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)</p> <p>Table 4 requires</p> <ul style="list-style-type: none"> <li>- For site area up to 850m<sup>2</sup> = 1 medium tree per 50m<sup>2</sup> of deep soil zone</li> <li>- Between 850 - 1,500m<sup>2</sup> = 1 large tree or 2 medium trees per 90m<sup>2</sup> of deep soil zone</li> <li>- Greater than 1,500m<sup>2</sup> = 1 large tree or 2 medium trees per 80m<sup>2</sup> of deep soil zone</li> </ul>	
40 - 2 Landscape design contributes to the streetscape and amenity	<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> <li>- changes of levels</li> <li>- views</li> </ul>	Suitable landscaping plan provided that responds to the site and building elements.

	<ul style="list-style-type: none"> <li>- significant landscape features including trees and rock outcrops</li> </ul> <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> <li>- tree protection zones (see figure 4O.5)</li> <li>- appropriate signage and fencing during construction</li> </ul> <p>Plants selected should be endemic to the region and reflect the local ecology</p>	
4P - 1 Appropriate soil profiles are provided	<p>Structures are reinforced for additional saturated soil weight</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> <li>- modifying depths and widths according to the planting mix and irrigation frequency</li> <li>- free draining and long soil life span</li> <li>- tree anchorage</li> </ul> <p>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</p> <p>Table 5 requires</p> <ul style="list-style-type: none"> <li>- Large trees 12-18m high, up to 16m crown spread at maturity = need 150m<sup>3</sup> of soil at a depth of 1,200mm and area of 10m x 10m or equivalent.</li> <li>- Medium trees 8-12m high, up to 8m crown spread at maturity = need 35m<sup>3</sup> of soil at a depth of 1,000mm and area of 6m x 6m or equivalent.</li> </ul>	The proposed landscaped area can be provided with appropriate soil profile to meet the design criteria.

	<ul style="list-style-type: none"> <li>- Small trees 6-8m high, up to 4m crown spread at maturity = need 9m<sup>3</sup> of soil at a depth of 800mm and area of 3.5m x 3.5m or equivalent.</li> <li>- Shrubs need soil depth of 500-600mm</li> <li>- Ground cover needs soil depth of 300-450mm</li> <li>- Turf needs soil depth of 200mm</li> </ul>	
4P - 2 Plant growth is optimised with appropriate selection and maintenance	<p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> <li>- drought and wind tolerance</li> <li>- seasonal changes in solar access</li> <li>- modified substrate depths for a diverse range of plants</li> <li>- plant longevity</li> </ul> <p>A landscape maintenance plan is prepared.</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> <li>- changing site conditions</li> <li>- soil profile and the planting regime</li> <li>- whether rainwater, stormwater or recycled grey water is used</li> </ul>	The plant species identified within the landscape planting schedule are considered suitable for the local environment and tolerance to the existing and proposed site conditions. The proposal is considered compliant with the design criteria.
4P - 3 Planting on structures contributes to the quality and amenity of communal and public open spaces	<p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- green walls with specialised lighting for indoor green walls</li> <li>- wall design that incorporates planting</li> </ul>	Building design incorporates landscape planting on podium and retained terraced areas. This will positively contribute to the quality and amenity of the area's streetscape. The proposal is considered compliant with the design criteria.

	<ul style="list-style-type: none"> <li>- green roofs, particularly where roofs are visible from the public domain</li> <li>- planter boxes</li> </ul> <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p>	
4Q - 1 Universal design features are included in apartment design to promote flexible housing for all community members	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	The applicant has acknowledged that the development is to achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.
4Q - 2 A variety of apartments with adaptable designs are provided	<p>Adaptable housing should be provided in accordance with the relevant council policy Design solutions for adaptable apartments include:</p> <ul style="list-style-type: none"> <li>- convenient access to communal and public areas</li> <li>- high level of solar access</li> <li>- minimal structural change and residential amenity loss when adapted</li> <li>- larger car parking spaces for accessibility</li> <li>- parking titled separately from apartments or shared car parking arrangements</li> </ul>	<p>The proposed apartments are considered generous in size and provide a layout that can be adaptable.</p> <p>All apartments have a high level of solar access.</p>
4Q - 3 Apartment layouts are flexible and accommodate a range of lifestyle needs	<p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> <li>- rooms with multiple functions</li> </ul>	Apartment design allows for flexible room usage.



	<ul style="list-style-type: none"> <li>- dual master bedroom apartments with separate bathrooms</li> <li>- larger apartments with various living space options</li> <li>- open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom</li> </ul>	
4S - 1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p>Mixed use development should be concentrated around public transport and centres</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• development addresses the street</li> <li>• active frontages are provided</li> <li>• diverse activities and uses</li> <li>• avoiding blank walls at the ground level</li> <li>• live/work apartments on the ground floor level, rather than commercial</li> </ul>	<p>The proposal is for a mixed use development with ground floor commercial proposed.</p> <p>The ground level landscaping and street frontage works are well integrated into the streetscape works and will provide active and attractive communal spaces.</p>
4S - 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• residential entries are separated from commercial entries and directly accessible from the street</li> <li>• commercial service areas are separated from residential components</li> <li>• residential car parking and communal facilities are separated or secured</li> <li>• security at entries and safe pedestrian routes are provided</li> <li>• concealment opportunities are avoided</li> </ul>	<p>The residential entry and circulation areas are well defined and separate from the commercial entries and service areas.</p>

	Landscaped communal open space should be provided at podium or roof levels.	
4T - 1 Awnings are well located and complement and integrate with the building design	<p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- continuous awnings are maintained and provided in areas with an existing pattern</li> <li>- height, depth, material and form complements the existing street character</li> <li>- protection from the sun and rain is provided</li> <li>- awnings are wrapped around the secondary frontages of corner sites</li> <li>- awnings are retractable in areas without an established pattern</li> </ul> <p>Awnings should be located over building entries for building address and public domain amenity.</p> <p>Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.</p> <p>Gutters and down pipes should be integrated and concealed.</p> <p>Lighting under awnings should be provided for pedestrian safety.</p>	<p>Hard curved and continuous awnings wrap the buildings.</p> <p>The awnings will provide weather protection and are located over building entries for building address and public domain amenity.</p>
4T - 2 Signage responds to the context and desired streetscape character	Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	No signage proposed.

	<p>Legible and discrete way finding should be provided for larger developments.</p> <p>Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.</p>	
4U - 1 Development incorporates passive environmental design	<p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p>	The proposal is considered to contain a design which achieves adequate natural light and ventilation to the internal areas of each apartment. The proposal is considered compliant with the design criteria and will comply with BASIX requirements.
4U - 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- the use of smart glass or other technologies on north and west elevations</li> <li>- thermal mass in the floors and walls of north facing rooms is maximised</li> <li>- polished concrete floors, tiles or timber rather than carpet</li> <li>- insulated roofs, walls and floors and seals on window and door openings</li> <li>- overhangs and shading devices such as awnings, blinds and screens</li> </ul> <p>Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</p>	The proposal is considered to provide adequate passive solar design.
4U - 3 Adequate natural ventilation minimises the need for mechanical ventilation	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- rooms with similar usage are grouped together</li> </ul>	The proposal is considered to provide adequate natural ventilation.

	<ul style="list-style-type: none"> <li>- natural cross ventilation for apartments is optimised</li> <li>- natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible</li> </ul>	
4V - 1 Potable water use is minimised	<p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered.</p> <p>Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas</p>	Satisfactory BASIX Certificate submitted which includes requirements for water efficient fittings and appliances.
4V - 3 Flood management systems are integrated into site design	<p>Detention tanks should be located under paved areas, driveways or in basement car parks.</p> <p>On large sites parks or open spaces are designed to provide temporary on site detention basins.</p>	<p>Refer to the stormwater comments later in this report.</p> <p>The proposal is considered compliant with the design criteria.</p> <p>The subject site is not identified as flood prone land.</p>
4W - 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p>	<p>A waste management plan supports the application.</p> <p>Waste storage and collection areas are proposed within the basement in a location suitable for collection via a private contractor.</p> <p>Separate waste storage rooms are provided for residential and commercial users.</p>

	A waste management plan should be prepared	
4W - 2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p> <p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p> <p>Alternative waste disposal methods such as composting should be provided</p>	<p>Specific dedicated areas are available within the basement floor level for storage of waste bins prior to collection.</p> <p>Separate waste storage rooms are provided for residential and commercial users. Although the commercial bin storage area is accessed via the same lift used by residential users, the commercial tenancies are not large and is unlikely to create any adverse impact.</p> <p>Collection from the proposed building can occur via private collection. Appropriate condition recommended for private waste collection arrangements.</p>
4X - 1 Building design detail provides protection from weathering	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- roof overhangs to protect walls</li> <li>- hoods over windows and doors to protect openings</li> <li>- detailing horizontal edges with drip lines to avoid staining of surfaces</li> <li>- methods to eliminate or reduce planter box leaching</li> <li>- appropriate design and material selection for hostile locations</li> </ul>	The proposed design is considered to provide design solutions compliant with these weather protection criteria.
4X - 2 Systems and access enable ease of maintenance	<p>Window design enables cleaning from the inside of the building.</p> <p>Building maintenance systems should be incorporated and integrated</p>	Long-term maintenance requirements have been considered by the applicant including suitable materials with limited mechanical

	<p>into the design of the building form, roof and façade.</p> <p>Design solutions do not require external scaffolding for maintenance access.</p> <p>Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.</p> <p>Centralised maintenance, services and storage should be provided for communal open space areas within the building.</p>	<p>systems. Most windows and doors are accessible from external terraces.</p>
4X - 3 Material selection reduces ongoing maintenance costs	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>- sensors to control artificial lighting in common circulation and spaces</li> <li>- natural materials that weather well and improve with time such as face brickwork</li> <li>- easily cleaned surfaces that are graffiti resistant</li> <li>- robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors</li> </ul>	<p>The materials chosen for the proposed building are appropriate for the locality, robust and durable.</p> <p>Appropriate lighting will be provided to all common circulation areas.</p>

Further to the above, Clause 148 prevents the consent authority from requiring more onerous standards on the following matters:

- (a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) *if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*



Comments: As noted in the above assessment, the proposed development satisfies the relevant design criteria for car parking, internal area and ceiling heights and consent could not be refused on any of these grounds.

Clause 147(1) - Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) *the design quality principles,*
- (b) *the Apartment Design Guide.*

Comments: In accordance with Clause 15 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, a certifying authority must not issue a Construction Certificate for the development unless the certifying authority has received the statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

In accordance with Clause 43 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, a certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received the statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

Conditions have been recommended requiring the design verification statements noted above.

The above assessment tables demonstrate that adequate regard has been given to the design principles and the Apartment Design Guide required by the provisions of this policy.

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

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

Having regard to clause 2.8 (proximity to littoral rainforest) of this SEPP, the proposed development is not considered likely to result in any of the following:

- (a) identifiable adverse impacts on the biophysical, hydrological and ecological integrity of the nearby littoral rainforest; and
- (b) identifiable impacts to water flows to the nearby littoral rainforest.

The site is located within a coastal use area.

Having regard to clause 2.11 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;

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

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment and specifically with that envisaged when the zoning, height and floor space controls were adopted. The site is predominately cleared and located within an area zoned for mixed use with higher density.

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

#### **Chapter 4 Remediation of Land**

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

#### **State Environmental Planning Policy (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 and the following comments were provided on 19 May 2023 for Council's consideration:

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

- *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 2M from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. Underground Cables*
- *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 4.2m X 7M from the nearest part of the development to*

*Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. Pad Substation*

- *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*

*Information relating to developments near electrical infrastructure is available on our website Development Applications ([essentialenergy.com.au](http://essentialenergy.com.au)). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments ([essentialenergy.com.au](http://essentialenergy.com.au)) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.*

*Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.*

*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;*
- *Any activities in proximity to electrical infrastructure 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](http://essentialenergy.com.au/lookupandlive).*

The applicant was requested to provide a preliminary/draft electrical servicing plan in response to these comments. A preliminary/draft electrical servicing plan was provided by a qualified electrical designer which advises that the minimum required clearances will be achieved. This plan was referred to Essential Energy on 29 May 2023 seeking further comment. At the time of preparing this report no further comment from Essential Energy had been provided. It is assumed that the response satisfied their original potential safety concerns.

The development does not trigger any of the traffic generating development thresholds of Clause 2.122. Referral to the NSW Roads and Maritime Services (RMS) is not required.

**State Environmental Planning Policy (Planning Systems) 2021**

The proposal is not recognised as Regionally Significant Development as listed in Schedule 6 of this policy. Notably the development has a capital investment value of less than \$30 million.

**State Environmental Planning Policy (Primary Production) 2021**

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

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

- Clause 2.2 - The subject site is zoned R3 Medium Density Residential and MU1 Mixed Use. The proposed buildings are located within the MU1 zone.
- Clause 2.3(1) and the R3 and MU1 zones landuse table - The proposed development is best characterised as a mixed-use development comprising residential flat buildings, commercial premises and shop-top housing which are permissible with consent in the MU1 zone. Vehicular access via the basement of the adjoining residential development to the south is within the R3 zone. While commercial premises are prohibited in the R3 zone, roads (including private roads via definition) are permissible with consent. A road is defined as follows:

***road** means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.*

A review of relevant case law and in particular Ballina Shire Council v Palm Lake Works [2020] NSWLEC 41 and Botany Bay City Council v Pet Carriers International Pty Ltd (2013) 201 LGERA 116 suggest that the correct characterisation of the access way as a road as opposed to a commercial premises is appropriate in this circumstance and is therefore permissible with consent. Some key points being:

- The primary function of the accessway is to permit the pass and repass of vehicles to access for the whole development i.e. not just the commercial component.
- The accessway is over private land and is the fundamental vehicular access to the property.

Residential flat buildings, commercial premises and shop-top housing are defined as follows:

***residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.*

*Note—*

*Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary.*

***commercial premises** means any of the following—*

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*



**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—

*Shop top housing is a type of residential accommodation—see the definition of that term in this Dictionary.*

The objectives of the MU1 zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

The objectives of the R3 zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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

- The proposal is a permissible land use;
- The proposal will provide an active street frontage and opportunity for ground floor commercial use and increased employment opportunities;
- The proposal will contribute to the variety in housing density and type to meet the housing needs of the community.

- Clause 4.1 - The minimum lot size of 1000m<sup>2</sup> applies to the site. The minimum lot size for subdivision does not apply to the proposal as it proposes a strata subdivision and no Torrens title.
- Clause 4.3 - This clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean *“the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”*. The term “ground level (existing)” is also defined in the LEP to mean *“the existing level of a site at any point”*. A land survey has been provided confirming the existing ground levels on the site.

The building height limit for the site is identified on the Height of Buildings Map as being 14.5m. The maximum overall height of the buildings above ground level (existing) complies with the standard height limit of 14.5m applying to the site. An extract of the height of buildings map and legend is provided below for context with the immediate area.

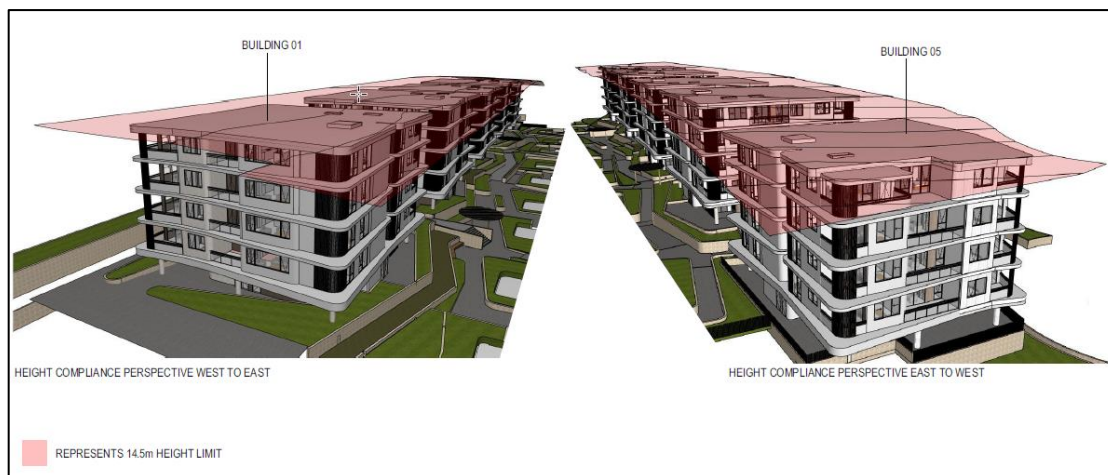


☒ HOB Height of Buildings

- C 5.4
- I 8.5
- K 10.0
- L 11.5
- N1 13.0
- N2 14.5
- O 16.0
- P 17.5
- Q 19.0
- R 22.0
- T 26.5









A building height plane plan supports the application which demonstrates the proposal buildings does not exceed the 14.5m height limit. Extract of the plan is provided below.





- Clause 4.4 - The floor space ratio of the proposal has been calculated at 1.48:1. The maximum floor space ratio standard applicable to the site is 1.50:1 as illustrated on the floor space ratio map. An extract of the map and legend is provided below for context with the immediate area.



<input type="checkbox"/> FSR Floor Spatio Ratio
 G 0.65
 N 1.00
 S1 1.50
 S2 1.80
 T 2.00
 U 2.50
 V 3.00
 W 3.50

- Clause 4.5 - A review of the calculations and floor space ratio plan provided has been undertaken.

On the ground floor the bicycle storage areas and parts of the residential storage areas and letter box/parcel rooms have been excluded from gross floor area.

The definition of gross floor area is provided below:

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

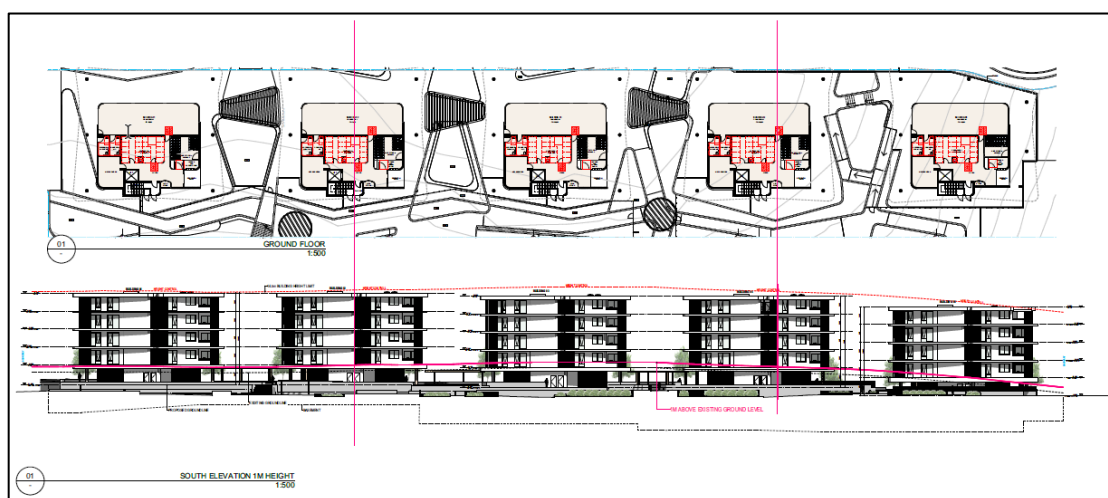
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
  - (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

The car parking requirements of Port Macquarie-Hastings Development Control Plan 2013 specify the provision of bicycle parking (provision 30) and therefore the area identified for bicycle parking may be excluded.

The parts of the storage areas and letter box/parcel rooms in buildings 2, 3 and 4 have been excluded from gross floor area based on the areas being defined as basement storage and service areas. The definition of basement is provided below:

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

Drawing No DA019 of the plan set illustrates the location of 1m above existing ground level showing that the floor area of these spaces is below ground level (existing) and that the floor level of the storey immediately above is less than 1 metre above ground level (existing). An extract of the plan is provided below:



The calculations and areas included and excluded from the gross floor area are consistent with this clause and the definitions of both gross floor area and basement of this plan.

- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 6.1 - Previous satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the lot.
- Clause 6.2 - Satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development within an urban release area.
- Clause 6.3 - Development Control Plan 2013 is in place and specifically locality and precinct specific provisions for Rainbow Beach in Lake Cathie - Bonny Hills.
- Clause 7.7 - A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS) for the Port Macquarie Airport. To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage. An appropriate condition is recommended in this regard.



- Clause 7.9 - The land is identified on the acoustic controls map for the reason of potential road traffic noise impacts from Ocean Drive. The application is supported by a traffic noise assessment prepared Rodney Stevens, Revision 0, and dated 18 April 2023. The report provides a number of recommended noise controls treatments surrounding floor finishes, glazing, roof/ceiling, walls and locating mechanical plant to the buildings. The report has been assessed by Council's technical staff and agree with the findings subject to the implementation of the recommended noise control treatments. Appropriate consent conditions are recommended to ensure implementation of the noise control treatments.
- 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 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**

<b>DCP 2013: Part B - General Provisions - B1: Advertising and Signage</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
1	a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	No signage is proposed. Standard consent condition recommended for any signage to require consent if otherwise not exempt development.	N/A

<b>DCP 2013: Part B - General Provisions - B2: Environmental Management</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	The proposed building includes a waste collection zone within the basement car parking area to maximise source separation of general waste, recycling and food and garden organics. Private garbage collection arrangements are proposed and suitable conditions recommended to reinforce this and that strata management arrangements are in place.	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).	Variable height retaining walls proposed through the site which would exceed 1m in places.	No*
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Condition recommended to require engineering as part of construction certificate for 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"> <li>– be a maximum combined height of 1.8m above existing property boundary level;</li> <li>– be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less;</li> <li>– the fence component has openings which make it not less than 25% transparent; and</li> <li>– provide a 3m x 3m splay for corner sites, and</li> <li>– provide a 900mm x 900mm splay for vehicle driveway entrances.</li> </ul>	Front fencing and retaining wall combination is proposed out the front of buildings 4 and 5. The retaining walls are approximately a maximum of 2m in height with 1m high fencing. i.e. combined 3m.  The 1m high fencing is vertical slatted fencing is of open style.	No*
6	a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m <sup>3</sup> per ha shall: <ul style="list-style-type: none"> <li>– identify the impact of the proposed land reforming on the environment, landscape,</li> </ul>	The proposal will result in change to >10% gross site area with change to existing surface levels by more than 5m.  The design has regard to the existing landform and provides levels to ensure that the proposed built form integrates with the main street level and the interface to adjoining	Yes

	<ul style="list-style-type: none"> <li>– visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure;</li> <li>– demonstrate compliance with the provisions of Council's AUS-SPEC design specification;</li> <li>– assess the impacts and benefits of the proposal to all impacted persons and the general public;</li> <li>– provide measures to compensate for and minimise any net adverse impacts.</li> </ul>	<p>development on the southern side.</p> <p>No adverse visual character or amenity impacts are identified from the proposed earthworks. The earthworks are capable of being managed and suitable consent condition recommended.</p>	
	b) The use of high earthworks batters should be avoided.	No batters proposed.	N/A
	c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application.	The plans provided indicated the final finished landform.	Yes
	d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.	Strata subdivision only.	N/A

The proposal seeks to vary Development Provision 4 which requires the extent of cut and fill be limited to 1m. The proposal incorporates retaining walls that will support fill greater than 1m.

The relevant objectives are:

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

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

- The majority of the retaining walls are between and behind the buildings and provide for the definition of pedestrian and access pathways and or landscaping elements.
- Stormwater is capable of being managed in the design of the retaining walls.
- The retaining walls will be engineer designed to ensure stability. Appropriate conditions are recommended.



The proposal seeks to vary Development Provision 5 which requires a combination of a fence and a wall greater than 1.2m high to be a maximum combined height of 1.8m above existing property boundary level. The proposal incorporates front retaining walls and fencing combination up to approximately 3m in height.

The relevant objectives are:

- To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape.

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

- The retaining walls are of a high-quality design and finish and provide terracing to meet variance in the ground floor level to street level.
- The fencing is vertically slatted open style which is of high-quality design finish that compliments the landscaping treatment and positively contributes to the streetscape.

<b>DCP 2013: Part B - General Provision - B3: Hazards Management</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Airspace Protection</b>			
15	a) Development shall not result in land use or activities that attract flying vertebrates such as birds and bats within proximity of flight paths associated with airport operations.	The proposal will not attract flying vertebrates.	Yes
16	a) Development shall not result in emission of airborne particulate or produce a gaseous plume with a velocity exceeding 4.3m per second that penetrates operational airspace. Refer Manual of Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	The proposal will not result in emission of airborne particulate or produce a gaseous plume to the airspace.	Yes
17	a) Lighting to comply with Section 9.21 of the Manual of Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	The site is not located within proximity of the airport. No adverse impacts identified.	Yes
<b>Bushfire Hazard Management</b>			
18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land	APZs confined to the site.	Yes

	use within environment protection zones.		
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	N/A
<b>Flooding</b>			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	The site is not mapped as flood prone land.	N/A

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

DCP Objective	Development Provisions	Proposed	Complies
<b>Road Hierarchy</b>			
22	a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.	No new roads proposed.	N/A
	b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	No new roads proposed.	N/A
	c) All new roads are designed in accordance with Council's AUS-SPEC design specification documents.	No new roads proposed.	N/A
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	No access proposed to arterial or distributor road. Access via Whitewater Terrace only.	N/A
	b) Existing direct accesses from a development to arterial and distributor roads are	No access proposed to arterial or distributor road. Access via	N/A

	rationalised or removed where practical.	Whitewater Terrace only.	
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> <li>– to avoid driveways near intersections and road bends, and</li> <li>– to minimise streetscapes dominated by driveways and garage doors, and</li> <li>– to maximise on-street parking.</li> </ul>	No new crossovers proposed. The proposal is reliant upon the approved two vehicular driveway crossings at each end of the adjoining property to the south accessed via the connected basement.	Yes
<b>Parking Provision</b>			
24	a) Off-street Parking is provided in accordance with Table 3. <ul style="list-style-type: none"> <li>• 1 per 1 or 2 bedroom unit + 1 visitors space per 4 units.</li> <li>• 1.5 per 3-4 bedroom unit + 1 visitors space per 4 4 units.</li> <li>• Commercial 1 per 30m<sup>2</sup> of GLFA.</li> </ul>	<p>The following parking is required:</p> <p>78 (1 and 2 bed) units = 78 spaces.</p> <p>21 (3 bed units) x 1.5 = 31.5 or 32 spaces.</p> <p>Visitor 99 units /4 = 24.75 or 25 spaces.</p> <p>Commercial of 500m<sup>2</sup>/30 = 16.67 = 17 spaces.</p> <p>A total minimum of 152 spaces required under the DCP.</p> <p>The proposal incorporates a total of 151 spaces.</p>	No, however the proposal is consistent with the lesser requirement of the RMS as established by the overriding SEPP (Housing) 2021.
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	N/A	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	As calculated above.	Yes
25	a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the	The proposal does not seek consent for the redevelopment of an existing building.	N/A

	total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.		
26	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>- there is adequate on street space to accommodate peak and acute parking demands of the area;</li> <li>- parking can be provided without compromising road safety or garbage collection accessibility;</li> <li>- parking can be provided without jeopardising road function; and</li> <li>- that streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape.</li> </ul>	The proposal does not rely on any on street to serve the development.	N/A
	b) On street parking is provided in accordance with AS2890.5.	The proposal does not rely on any on street to serve the development.	N/A
27	<p>a) On street parking will not be permitted unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>- parking does not detract from the streetscape; and</li> <li>- that streetscape improvement works, such as landscaped bays and street trees are provided.</li> </ul>	The proposal does not rely on any on street to serve the development.	N/A
<b>Parking Layout</b>			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	All parking is located in the basement which is directly accessible from the lifts off main street level and the driveways to Whitewater Terrace.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors	The parking spaces are sought to be allocated to the	Yes

	to find parking and circulate efficiently and safely through a car park.	proposed residential units and commercial tenancies and will therefore include appropriate signage and markings.	
	<p>c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:</p> <ul style="list-style-type: none"> <li>- it is stacked parking in the driveway; or</li> <li>- it can be demonstrated that improvements to the open space provided will result; and</li> <li>- 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.</li> </ul>	All parking is within the basement below the building.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS 2890.6 - Off-street parking for individuals with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	The parking design and layout is capable of compliance with AS2890.1. An appropriate standard condition is recommended to address compliance on the construction certificate plans.	Yes
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> <li>- the spaces are surplus to that required;</li> <li>- in motor showrooms;</li> <li>- for home business;</li> <li>- for exhibition homes;</li> <li>- in car repair stations;</li> <li>- staff parking spaces are separately identified and delineated;</li> <li>- it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the</li> </ul>	No stacked or tandem spaces proposed.	N/A

	garage with a minimum depth of 5.5m.		
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	The parking design and layout is capable of compliance with AS2890.1. An appropriate standard condition is recommended to address compliance during construction.	Yes
30	a) Bicycle and motorcycle parking shall be considered for all developments.	The proposed design includes storage in the basement parking levels which is considered capable of accommodating motorcycles and specific bicycle storage area at ground level to facilitate bicycles.	Yes
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	Specific bicycle parking storage areas nominated on ground level.	Yes
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	No specific motorcycle parking spaces are proposed however can be provided within the storage areas nominated.	Yes
<b>Redevelopment of Heritage Items - Conservation Incentives</b>			
31	a) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site. This will be considered in line with clause 5.10 of PMH LEP 2011, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is satisfied that the conservation of the heritage item is dependent upon	The site is not identified as containing any heritage items or buildings.	N/A



	Council making that exclusion. If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.		
<b>Section 7.11 Development Contributions</b>			
32	a) Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking facilities on the site of the proposed development. Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton, North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended. Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application should a contribution for parking be proposed.	The proposal provides car parking in accordance with the numerical requirements of the overriding SEPP (Housing) 2021. The proposal therefore does not impose an additional liability on the community with respect to parking.	N/A
<b>Landscaping of Parking Areas</b>			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	All parking is located below and behind the built form of the building and will be obscured from view.	Yes
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	N/A	N/A
	c) Garden beds shall be a minimum of 3m in width	N/A	N/A

	between car parking areas and street boundaries.		
34	a) All plantings on public lands are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	N/A	N/A
	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's AUS-SPEC design specifications.	N/A	N/A
	<b>Surface Finishes</b>		
35	a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers.  Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.	The proposed parking levels and vehicular access will be a concrete surface.	Yes
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	N/A	N/A
	<b>Drainage</b>		
36	a) All parking and manoeuvring spaces must be designed to avoid	The proposal was supported by concept stormwater management plans	Yes

	concentrations of water runoff on the surface.	which is considered acceptable. Appropriate consent conditions are recommended requiring specific details prior to the issue of any construction certificate.	
	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 is proposed to be disposed of via stormwater infrastructure to be constructed in Ocean Blue Boulevard to connect into existing infrastructure in Surfers Way.	Yes
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	No at grade parking proposed.	N/A
	<b>Loading Bays</b>		
38	a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	No off-street loading bays are proposed.	No however considered acceptable as loading zones are indicated on either side of the main street plans to facilitate serving of the ground floor commercial.
<b>Traffic Generating Development</b>			
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	The proposal is not a traffic generating development with reference to traffic generation triggers in the SEPP.	N/A

<b>DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Social Impact Assessment</b>			
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	The proposal is not listed within the Council's Social Impact Assessment Policy as being of a type requiring a social impact assessment.	N/A
<b>Crime Prevention</b>			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> <li>– Casual surveillance and sightlines;</li> <li>– Land use mix and activity generators;</li> <li>– Definition of use and ownership;</li> <li>– Basic exterior building design;</li> <li>– Lighting;</li> <li>– Way-finding; and</li> <li>– Predictable routes and entrapment locations;</li> <li>– as described in the Crime Prevention Through Environmental Design (CPTED) principles.</li> </ul>	A Crime Prevention Through Environmental Design (CPTED) Report supports the application which concludes the design meets the CPTED principles . The report provides some recommendations (including a lighting plan) and consent conditions have been recommended to ensure the recommendations of the report are incorporated into the construction plans.	Yes

<b>DCP 2013: PART C - Development Specific Provisions - C2: Residential Flat Development, Tourist and Visitor Accommodation, and Mixed Use Development</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Site Design and Analysis</b>			
57	a) A site analysis plan is required for all development and should illustrate: <ul style="list-style-type: none"> <li>– microclimate including the movement of the sun and prevailing winds</li> <li>– lot dimensions</li> <li>– north point</li> <li>– existing contours and levels to AHD</li> <li>– flood affected areas</li> </ul>	Satisfactory site analysis plans submitted.	Yes

	<ul style="list-style-type: none"> <li>– overland flow patterns, drainage and services</li> <li>– any contaminated soils or filled areas, or areas of unstable land</li> <li>– easements and/or connections for drainage and utility services</li> <li>– any existing trees and other significant vegetation, including major and significant trees on adjacent properties, particularly those within 9 m of the site</li> <li>– the location, height and use of buildings surrounding the site, and those across any road adjacent to the site, including their setback distances</li> <li>– heritage and archaeological features</li> <li>– the built form, scale and character of surrounding and nearby development, including fencing, boundaries and landscaping</li> <li>– pedestrian and vehicle access</li> <li>– views and solar access to surrounding residents</li> <li>– private open space and windows of habitable rooms of nearby properties which have an outlook to the site</li> <li>– difference in levels between the site and adjacent properties at their boundaries</li> <li>– street frontage features including poles, trees, kerb crossovers, bus stops and other services</li> <li>– heritage features and buildings of the surrounding locality and landscape</li> <li>– direction and distance to local facilities including local shops, schools, public transport and recreation and community facilities</li> <li>– characteristics of, and distance to any nearby public open space</li> </ul>		
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	<ul style="list-style-type: none"> <li>– any nearby bushland or environmentally sensitive land</li> <li>– any significant local noise, odour or pollution sources</li> <li>– any other notable features or characteristics of the site</li> </ul>		
<b>Site Layout</b>			
58	<p>a) All applications are to include a site plan, which annotates the manner in which site attributes and constraints have been considered, as follows:</p> <ul style="list-style-type: none"> <li>– appropriateness of built form and landscape in relation to the site context, topography and urban character</li> <li>– building arrangement and relationship to streets and open space</li> <li>– access ways within and beyond the site</li> <li>– location, function and opportunities for casual surveillance of open space</li> <li>– ongoing site management considerations (i.e. garbage, mail collection, stormwater etc)</li> <li>– location of existing and proposed stormwater and sewer pipes</li> <li>– private open space and security</li> <li>– parking arrangements and reduced dominance of driveways</li> <li>– heritage and conservation opportunities and constraints (where relevant)</li> <li>– energy efficiency in building design and siting</li> <li>– solar access to subject development and adjoining residences</li> </ul>	<p>The proposal provides detailed site and landscaping plans which illustrate the built form, its location and correlation with adjoining future development and the planned the main street. Pedestrian linkages, access and parking arrangements are well defined. The proposal is consistent with development envisaged for the hilltop village.</p>	Yes
<b>Streetscape and Front Setback</b>			
59	<p>a) In an established street, the primary setback should be within 20% of the average setback of the adjoining buildings in a R1 General Residential zone.</p>	<p>There are no adjoining buildings or an established street. The site is zoned MU1</p>	<p>N/A as the site is within a commercial zone. The zero front setback to the</p>



		(previously B4) mixed use. Consistent with later provisions for commercial zoned land (including MU1 zone) a zero metre setback is preferred. The proposal incorporates a zero setback to the front boundary and future main street.	main street is consistent with that approved on the immediately adjoining corner site to the west.
	b) A minimum setback of 3.0m is required from all street frontages in a R3 Medium Density Residential and R4 High-Density Residential zone.	The site is zoned MU1 (previously B4) mixed use.	N/A
	c) Where tourist accommodation is proposed a maximum setback of 9 metres is permitted to allow for a swimming pool within the front setback.	No tourist accommodation proposed.	N/A
60	a) Balconies and other building extrusions may encroach up to 600mm into the required front setback.	N/A	N/A
	b) Buildings should generally be aligned to the street boundary.	Buildings are aligned to the future main street boundary .	Yes
	c) Primary openings on all developments are aligned to the street boundary or to the rear of the site.	Balconies are orientated to the front corners of each building and centralised articulated glazing aligned to the main street.	Yes
<b>Side and Rear Setbacks</b>			
61	a) The following setbacks (Refer Figure 7) apply to all sites, except where the side boundary is a secondary street frontage: – Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth.	West side setback minimum 6.077m setback predominately setback 8.7146m.  East side setback 5.564m.	Yes  Yes

	<ul style="list-style-type: none"> <li>– Windows in side walls should be set back 3m from side boundaries.</li> <li>– Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries.</li> </ul>	<p>Windows setback greater than 3m from side boundaries.</p> <p>No adjoining buildings currently in place. Greater than 3m setback proposed to western boundary with regard to the approved residential flat building on the adjoining site to the west.</p>	<p>Yes</p> <p>Yes</p>
	b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Adequate articulation and modulation provided to western buildings wall with regard to the approved residential flat building on the adjoining site to the west.	Yes
	c) A minimum rear setback of 6.0m from the building and sub basements is required.	>6m rear setbacks proposed.	Yes
62	a) A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	No site amalgamation or party wall proposed or required.	N/A
63	a) Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes	No party wall proposed or required.	N/A
64	a) Corner sites should be consolidated with adjacent sites, so that the building turns the corner.	Not a corner site.	N/A
	b) If this is not possible, a minimum setback of 6.0m should extend to the secondary street. Refer Figure 8 and Figure 9.	Not a corner site.	N/A
65	Where sites adjacent to open space are to be developed, the	The site adjoins the main street	Yes

	edge of the open space should be defined with a public road and buildings should address the open space.	with defined public open space areas. The buildings and landscaping address the street frontage.	
<b>Fences and Walls</b>			
77	<p>a) Solid front fences built on or near boundaries should be:</p> <ul style="list-style-type: none"> <li>– setback 1.0m from the front boundary;</li> <li>– suitably landscaped to reduce visual impact, and.</li> <li>– provide a 3m x 3m splay for corner sites.</li> </ul>	No solid front fencing is proposed.	Yes
	<p>b) Front fences proposed to be more than 1.2m high should:</p> <ul style="list-style-type: none"> <li>– be a maximum of 1.8m in height, above existing front property boundary level and either: <ul style="list-style-type: none"> <li>○ 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</li> <li>○ be erected up to the front boundary for maximum lengths of 6.0m or 50% of the street frontage, whichever is less; and</li> <li>○ have openings which make it not less than 25% transparent;</li> <li>○ provide a 3m x 3m splay for corner sites, and</li> <li>○ provide a 900mm x 900mm splay for vehicle driveway entrances.</li> </ul> </li> </ul>	No front fencing more than 1.2m in height proposed. Not a corner lot.	Yes
78	a) Fences constructed of chain wire, solid timber or masonry and solid steel are not permitted along the primary road frontage even if it is consistent with the existing streetscape.	None proposed.	N/A
	b) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.	None proposed.	N/A

	c) Solid fences enclosing these facilities should not be permitted over 1.8m.	None proposed.	N/A
<b>Acoustic Privacy</b>			
79	a) Buildings are designed so that: <ul style="list-style-type: none"> <li>– busy noisy areas within the apartment face the street; and</li> <li>– quiet areas face the rear or side of the lot</li> <li>– bedrooms have line of sight separation of minimum 3m from parking areas, streets and shared driveways.</li> </ul>	The building has been designed to optimise unit mix, solar access and where possible orientates living area towards the street. Bedrooms in the units located at the upper levels are all to be acoustically treated as per the road traffic noise impact assessment report. Suitable consent conditions are recommended.	Yes
	b) Openings of adjacent dwellings should be separated by a distance of at least 6m.	No existing dwellings within 6m of the proposed buildings. Greater than 6m separation is proposed between buildings within the development.	Yes
80	a) Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. Refer to Figure 11.	The proposed design couples internally and noisy internal spaces together centrally within the units.	Yes
<b>Accessibility</b>			
82	a) Developments should be designed in accordance with Australian Standard AS1428.	Accessible ramps are proposed from the street to the ground floor podium and entry to buildings with access to all units via lifts which	Yes

		extend to the basement. The application was supported by an access report which considers the plans generally comply with the current statutory requirements.	
83	a) Barrier free access to at least 20% of dwellings in the development is provided.	Barrier free access to all buildings and units proposed.	Yes
<b>Social Dimensions and Housing Affordability</b>			
84	a) Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.	The proposal adjoins the main street with direct access and integration with public spaces. The proposal provides for ground floor commercial to activate this space.	Yes
	b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.	Maximum 1.5:1 FSR applies and is achieved.	Yes
85	a) A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.	A mixture of 1, 2 and 3 bedroom apartments are proposed.	Yes
	b) Studios and 1-bedroom apartments are not to exceed 20% of the total number of apartments within the development.	1 bedroom units comprises 22% of the total number of apartments proposed.	No. However the composition of 1 bedroom apartments is considered appropriate and will provide for more affordability.
	c) A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.	No apartments are proposed on the ground level.	No. However activation of the ground floor in the mixed use



			zone as envisaged will provide for a better development outcome. All units are accessible via the ground floor.
86	a) Developments should consider the principles of the Council's Affordable Housing Strategy in any application for a residential flat building.	The proposed unit/bedroom choices provided within the residential flat buildings is considered appropriate for the site.	Yes
<b>Roof Form</b>			
87	a) Lift over-runs and service plants should be integrated within roof structures.	Lift overruns extend beyond the roof lines however they are located to the rear of the buildings. Having regard to the change in level from the street and extension of the flat roof toward the street they will not be visible from the public domain.	Yes
	b) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.	No rooftop outdoor recreation areas proposed.	N/A
	c) Outdoor roof areas should be oriented to the street.	No rooftop outdoor recreation areas proposed.	N/A
	d) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.	A flat roof design with curved edging is proposed which is considered acceptable.	Yes

Facade Composition and Articulation			
88	a) Facade composition should: <ul style="list-style-type: none"> <li>– be designed with a balance of horizontal and vertical elements;</li> <li>– respond to environmental and energy needs, such as sun shading, light shelves and bay windows;</li> <li>– incorporate wind mitigation;</li> <li>– reflect the uses within the buildings.</li> <li>– include a combination of the following design elements:               <ul style="list-style-type: none"> <li>○ defined base, middle and top levels;</li> <li>○ a mixture of window types;</li> <li>○ variation in floor height (particularly at lower levels);</li> <li>○ balustrade detail that reflects the type and location of the balcony;</li> <li>○ setting back the top levels of the building;</li> <li>○ street level features that reinforce the human scale; and</li> <li>○ balconies, awnings and recesses that create shadowing.</li> </ul> </li> </ul>	The building designs incorporate a mix of articulation and façade treatments which utilises a range of colours and materials to achieve visual interest and variety.	Yes
Laundries and Clothes Drying Facilities			
92	a) Secure open air clothes drying facilities that: <ul style="list-style-type: none"> <li>– are easily accessible;</li> <li>– are screened from the public domain and communal open spaces; and</li> <li>– have a high degree of solar access.</li> </ul>	The size of the proposed balconies are considered to provide secure open air clothes drying opportunities if required.	Yes
Mailboxes			
93	a) Mailboxes should be integrated into building design and sighted to ensure accessibility and security.	Mailboxes are located in a designated area at ground level residential entry point.	Yes
Safety and Security			

94	a) Developments should establish a hierarchy of space and clearly define the transition from public through to private space.	The private and public interface at the street frontage is well defined.	Yes
	b) Entrances should: <ul style="list-style-type: none"> <li>– be orientated towards the public street and encourage visibility between entrances, foyers and the street.</li> <li>– provide direct and well-lit access between car parks and dwellings, between car parks and lift lobbies, and to all unit entrances.</li> <li>– optimise security by grouping clusters to a maximum of eight, around a common lobby.</li> </ul>	Commercial entry is oriented directly toward the street with residential entry is located down the side of each building. The accesses are provided with good casual surveillance from units above and will be well lit.	Yes
	c) Surveillance is to be facilitated by: <ul style="list-style-type: none"> <li>– views over public open spaces from living areas where possible.</li> <li>– casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas, and car parks.</li> <li>– the provisions of windows and balconies.</li> <li>– separate entries to ground level apartments</li> </ul>	Casual surveillance is enjoyed from the units above and adjoining of the entrances and public domain interface at the street.	Yes
	d) Concealment should be avoided by: <ul style="list-style-type: none"> <li>– preventing blind or dark alcoves which might conceal intruders particularly near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways.</li> <li>– providing appropriate levels of illumination for all common areas.</li> <li>– providing graded car park illumination, with the lighting of entrances higher than the minimum acceptable standard.</li> </ul>	A Crime Prevention Through Environmental Design (CPTED) Report supports the application. It is a recommendation of this report that appropriate lighting be incorporated. A consent condition has been recommended to ensure the recommendations of the report are incorporated.	Yes

	e) Access to all parts of the building (including, apartments, different floors, balconies, common areas) is to be controlled.	Gated and card controlled access is proposed to private resident areas.	Yes
<b>Utilities</b>			
96	a) Compatible public utility services are to be co-ordinated in common trenching in order to minimise excavations for underground services.	Services capable of being provided to proposal all underground.	Yes
	b) Above ground utility infrastructure such as substations, inspection cabinets are to be integrated into the design of the building or complementary to the building design in terms of colour, materials and design.	Above ground utility infrastructure required to be integrated with building design. Substation location details are to be provided with the application for construction certificate.	Yes
	c) The site and the individual dwellings are to be numbered for easy identification by visitors and emergency personnel.	Site and individual units can be appropriately numbered.	Yes
	d) Common aerials and satellite dishes, with signal amplifiers are provided as appropriate.	Common aerials and satellite dishes are not proposed however can be appropriately provided.	Yes

**DCP 2013: Part C - Development Specific Provisions - C3: Business and Commercial Development**

DCP Objective	Development Provisions	Proposed	Complies
97	<b>Setbacks</b> a) A zero metre setback to ground floor is preferred for B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre and B4 Mixed Use zone developments.	MU1 (previous B4) mixed use zone. Zero setback proposed.	Yes
	b) Any front setback for other commercial zones to be considered on merit, having regard to existing streetscape.	N/A	N/A

98	a) Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3 metre pedestrian setback is provided between the edge of the car park and the building.	N/A	N/A
	b) The 3 metre pedestrian setback: <ul style="list-style-type: none"> <li>- is open and accessible for pedestrians for its entire length and width;</li> <li>- is clear of columns (other than awning posts where provided) and other obstructions;</li> <li>- has a pavement matching the gradient of the adjoining footpath; and connects pedestrian areas on neighbouring sites; and</li> <li>- connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.</li> </ul>	N/A	N/A
	c) Where steps, escalators, ramps or lifts are set back, a further 1.2m should be provided to maximise pedestrian flow and safety and allow for adequate waiting space.	Lifts, ramps and stairs are adequately setback and located to provide unimpeded pedestrian flow.	Yes
	d) Any automatic teller machine does not protrude onto the footpath.	None proposed.	N/A
99	<b>Roof Form</b> a) Variations in roof form including the use of skillions, gables and hips are to be provided in the development.	Flat roof form with curved edges proposed.	Yes
	b) Variations in roof materials shall be used.		
	c) Parapets and flat roofs should be avoided.	The flat roof incorporates a curve form which provides interesting roof line.	No but considered acceptable.
	d) In an established street, roof form and materials shall be consistent or complementary to those developments in that street.	The street is yet to be established however the roof form and materials are consistent with adjoining approved	Yes

		development to the west and south.	
	e) Lift over-runs and service plant shall be concealed within roof structures.	Lift overruns extend beyond the roof lines however they are located to the rear of the buildings. Having regard to the change in level from the street and extension of the flat roof toward the street they will not be visible from the public domain.	Yes
	f) All roof plant must be represented on plans and elevations.	Roof and elevation plans show solar panels and lift overruns.	Yes
	g) Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	No outdoor recreation area on rooftop.	N/A
	h) Roof design shall generate an interesting skyline and be visually interesting when viewed from adjoining developments.	The flat roof incorporates a curve form which provides interesting roof line.	Yes
100	a) Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street	Colours, construction and materials provide for an interesting character which is consistent with adjoining approved development.	Yes
101	a) Shopfront widths are to be between 15 and 20 m.	Commercial shopfronts are approximately 18m wide.	Yes
	b) Widths up to a maximum of 30 may be considered where the building achieves superior built design and streetscape outcomes.	N/A	N/A
	c) The maximum length of any similar façade treatment is 22m.	<22m	Yes
	d) Side and rear facades are to be treated with equivalent materials and finishes to the front façade.	Side and rear facades continuous material and finish to front façade.	Yes
	e) Building facades should be designed to reflect the orientation of the site	The ground floor commercial component is	Yes



	incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.	recessed under the integrated curved first floor awning.	
	f) An articulation zone of between 1.8-4.0m is provided for the front façade of all floors containing residential and tourist uses.	The residential floors above provide an articulated front façade with predominate 1m front setback with minimum 0.5m setback.	No but considered acceptable.
102	a) Any security grilles shall be provided inside the building, behind glazing and designed to ensure transparency to the interior.	No security grilles proposed or shown.	N/A
103	a) Infill development or alterations should respect the form, scale and massing of existing traditional buildings.	Not infill development.	N/A
	b) Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.	Not infill development.	N/A
104	<b>Active Frontages</b> a) Ground floor levels should not be used for residential purposes in zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial core and B4 Mixed use.	The site is within a MU1 zone (previous B4). Ground floor commercial proposed.	Yes
105	a) Active frontages should consist of one or more of the following: <ul style="list-style-type: none"> <li>- A shop front.</li> <li>- Commercial and residential lobbies.</li> <li>- Café or restaurant if accompanied by an entry from the street.</li> <li>- Public building if accompanied by an entry from the street.</li> </ul>	Shop fronts proposed.	Yes

	b) A minimum of 50% of the ground floor level front facade should be clear glazed.	>50% of the ground level front façade glazed.	Yes
	c) Active ground floor uses are to be accessible and at the same level as the footpath.	Direct access and integration with public main street foot paving.	Yes
	d) Restaurants, cafés and the like shall provide openable shop fronts to the footpath but must not encroach into footpath.	No restaurants or cafes proposed under this application however capable of future use without encroaching onto public footpath.	Yes
	e) Colonnade structures shall not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.	No colonnade structures proposed.	N/A
106	<b>Arcades</b> a) Arcades are to; <ul style="list-style-type: none"> <li>- House active uses (e.g. shop, commercial, public building and residential lobbies, cafés or restaurants.</li> <li>- Be obvious and direct through-ways for pedestrians.</li> <li>- Have a minimum width of 3m clear of all obstructions.</li> <li>- Provide public access from at least 7am-9pm daily.</li> <li>- Where practical, have access to natural light for part of their length and at openings at each end.</li> <li>- Where air-conditioned, have clear glazed entry doors at least 50% of the entrance.</li> <li>- Have signage at the entry indicating public accessibility and to where the arcade leads.</li> <li>- Have clear sight lines and no opportunities for concealment.</li> </ul>	No arcade proposed.	N/A

	b) Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.	No arcade proposed.	N/A
	c) Non slip pavements are provided throughout arcades.	No arcade proposed.	N/A
107	<b>Awnings</b> a) Continuous shelter from the weather is to be provided for the full extent of the active street frontage.	The ground floor commercial activated area is recessed and covered by the integrated curved first floor awning.	Yes
108	a) Any awnings are to be horizontal or near horizontal (maximum pitch of 10%).	Horizontal proposed.	Yes
	b) Awnings are to be between 3.2m and 4.2m from the finished front property boundary level at the building edge to the underside of the awning.	3m height to underside of awning.	No but considered acceptable.
	c) A minimum awning width of 2.5m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.	Awnings extend full width of the building.	Yes
	d) New awnings shall be set back at least 1.0m from the kerb line.	Awnings are >1m from the kerb line.	Yes
	e) Awnings along sloping streets shall step down in horizontal steps (a maximum of 700mm per step) to follow the slope of the street.	Awnings are not continuous and are separate to each building. Building and associated awning of building 5 is stepped down to accommodate slope of land.	Yes
	f) All contiguous awnings must be of consistent height and depth and of complementary design and materials.	Awnings are not continuous and are separate to each building however have a consistent design and material finish.	Yes
	g) Awnings and/or canopies shall be provided elsewhere to define public entrances to buildings, including residential flat buildings.	Pergola structures are provided in the space and pedestrian connection between buildings.	Yes

	h) Awning shall wrap around street corners and contribute to the articulation and focal design of corner buildings.	The awnings wrap around each building. The site is not a corner lot.	Yes
	i) Materials shall ensure high quality design and amenity in the public domain.	The awning material is of a high-quality design and finish that will compliant the public domain.	Yes
	j) New awning fascias must be coordinated with adjacent awning fascias where they exist. In all other instances fascias are to be solid, flat and between 300mm and 700mm in height.	No existing awning fascias exist. The solid curved awning is consistent with the curved awning theme approved on the adjoining development to the west.	Yes
109	a) Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.	No skylights proposed.	Yes
	b) Under awning lighting shall comply with AS/NZS1158.	It is envisaged that under awning lighting will be provided.	Yes
110	a) Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.	The awnings will provide appropriate coverage for future pavement dining along the main street frontage.	Yes
111	<b>Landscaping</b> a) A landscape plan shall be submitted with the development application and include: <ul style="list-style-type: none"> <li>- Existing vegetation; and</li> <li>- Existing vegetation proposed to be removed; and</li> <li>- Proposed general planting and landscape treatment; and</li> <li>- Design details of hard landscaping elements and major earth cuts, fills and any mounding; and</li> <li>- Street trees; and</li> <li>- Existing and proposed street furniture including proposed signage.</li> </ul>	Detailed landscaping plan submitted indicating landscaping treatments with design of hard and soft elements.	Yes
	b) Vegetation is provided on top of podium levels, on tops of car parks, and on balconies	Hard and soft landscaping and plantings atop	Yes

	and verandas fronting the street below podium level.	podium of basement parking areas.	
112	a) All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	Public landscaping will be subject to meeting Council's planting list.	Yes
113	a) Large trees and spreading ground covers are provided in all landscape areas within the site.	Appropriately sized trees and landscaping selected by qualified landscape architect as indicated on landscape plan.	Yes
	b) Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.	Appropriately sized trees and landscaping sited and selected by qualified landscape architect as indicated on landscape plan.	Yes
	c) Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	Underground basement car parking proposed.	N/A
114	a) At grade car parking incorporate water sensitive urban design principles to drain pavement areas.	Underground basement car parking proposed.	N/A
115	a) Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	Open vertical style fencing to maximum of 1m proposed to facilitate change in grade along the main street.	No but considered acceptable.
116	a) Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	Hard and soft landscaping elements are proposed to provide an attractive streetscape appearance in response to change in grade down the site.	Yes
117	a) Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle	Indicatively shown on plans for future main	N/A

	racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.	street. No part of this application.	
118	a) Any ramps are to be integrated into the overall building and landscape design.	Ramps have been incorporated into the overall landscape and development design.	Yes
119	<b>Gateways &amp; Landmark Sites</b> a) The design of buildings on corner sites or at the ends of business or commercial zones, shall emphasise the importance of the corner as a focal point.	Not a corner landmark site.	N/A
	b) Corner sites or at the ends of business or commercial zones shall be constructed to boundary or with a minimal setback with no car parking or servicing between the site boundary and the building.	Not a corner landmark site.	N/A
	c) Design devices such as; - increased wall heights, splayed corner details, expression of junction of building planes, contrasting building materials; and other architectural features; should be used to reinforce the way finding attributes and significance of focal points.	Not a corner landmark site.	N/A
	d) Shopfronts shall wrap around corners and entrances located centrally to the corner.	Not a corner landmark site.	N/A
	e) The tallest portion of the building shall be on the corner.	Not a corner landmark site.	N/A
120	<b>Vehicular Access Location and Design</b> a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.	No vehicular access proposed to the active main street frontage. Access is via Whitewater Terrace and the integrated basement with the adjoining approved development to the south.	Yes
	b) The number of vehicular crossovers shall be kept to a minimum and appropriate	As above.	Yes



	sight lines provided to ensure safe integration of pedestrian and vehicular movement.		
	c) Any car park ramps are located largely within the building footprint.	As above.	Yes
	d) Underground car parks must be designed to enable all vehicles to access and egress in a forward direction.	As above. The approved arrangement provides for access and egress in a forward manner.	Yes
	e) Vehicular entrances to underground car parks are to be; <ul style="list-style-type: none"> <li>- Located on minor streets;</li> <li>- Have a maximum crossover of 6.0m;</li> <li>- Shall be signed and lit appropriately;</li> <li>- Shall be designed so that exiting vehicles have clear sight of pedestrians and cyclists.</li> </ul>	Access is via Whitewater Terrace and the integrated basement with the adjoining approved development to the south.	Yes
	f) At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	Underground basement parking only. No at grade parking proposed.	N/A
	g) All stairs and elevators in the parking structure are clearly visible.	Lifts and stairwells in the basement levels are suitably located and would be clearly visible.	
121	a) The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry.	Carparking is underground within the basement. An active frontage is provided to the main street with steeping of buildings 3, 4 and 5 to facilitate change in grade and suitable hard and soft landscaping treatments to minimise protrusion of the basement levels.	Yes
122	a) Internal finishes of underground car parks are to be consistent with the external	The underground basement parking will not be visible from the public domain	N/A

	materials where they are visible from the public realm.		
	b) Underground car parks shall generally be designed for natural ventilation. Ventilation ducts/grilles shall integrate with the streetscape, be unobtrusive and/or appropriately screened.	Adequate ventilation is capable of being provided to the underground basement parking.	Yes
	c) Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.	No vehicular access or entries/garage doors facing the main street.	N/A
123	<b>Pedestrian Entries &amp; Access</b> a) Pedestrian and vehicle movement areas are separated to minimise conflict.	No vehicular access proposed to the active main street frontage. Vehicular access is via Whitewater Terrace and the integrated basement with the adjoining approved development to the south. Pedestrian access is directly off the main street and completely separate to the vehicular access.	Yes
	b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	Vehicular and pedestrian access completely separated. No conflict.	N/A
124	a) Pedestrian and vehicle movement areas are separated to minimise conflict.	As above.	Yes
	b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways	As above.	N/A
	c) Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open.	Underground basement parking will be adequately lit.	Yes
	d) Signage is provided at the entries to the development detailing the services available	Not considered necessary for this type of development.	N/A

	within the centre and where they are located.	Rather for large shopping complexes.	
	e) Signage to key public spaces accessible from the centre such as car parks, food courts must be provided within the centre.	Not considered necessary for this type of development. Rather for large shopping complexes.	N/A
	f) Signage to key facilities such as rest rooms, Centre Management, baby change rooms must be provided within the centre.	Not considered necessary for this type of development. Rather for large shopping complexes.	N/A
	g) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	Areas exists around and between the buildings at ground floor level to accommodate bicycle racking/parking for commercial customers. Bike racking is indicatively shown in the public domain adjoining the site on the landscaping plans.	Yes
125	a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	As above.	Yes
126	<b>Outdoor Dining</b> a) A minimum footpath clearance width (Note: Footpath clearance measurements are taken from the edge of the building (shoreline) or property boundary to the back of the chair (at a distance out from the table to equate with someone seated in the chair). An outdoor dining area includes all items such as umbrellas, tables and chairs, planter boxes associated with the use) of: <ul style="list-style-type: none"> <li>– 1.8m for high volume pedestrian areas; or</li> <li>– 1.5m in all other circumstances;</li> </ul> is to be maintained between the immediate front of the building (shoreline) and the proposed outdoor dining area.	No outdoor dining proposed.	N/A

	b) A risk assessment must accompany any application for footpath dining that considers the risk of conflict between vehicles and diners. The assessment must recommend adequate measures to minimise any risk identified.	No outdoor dining proposed.	N/A
	c) The suitability of the footpath for outdoor dining is at Council's discretion.	No outdoor dining proposed.	N/A
127	<b>Commercial Development Adjoining Residential Land Uses</b> a) The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	The proposal adjoins residential land. Vehicular access is via Whitewater Terrace and the integrated basement with the adjoining approved residential development to the south.	No but considered acceptable having regard to the preferred activation of the main street. The ground floor commercial can be served from the loading areas in the street. No adverse impacts to adjoining residential areas would result from the shared vehicular access arrangement.
	b) Where this cannot be achieved visual and acoustic treatment of the interface is required.	No adverse visual or acoustic impacts will result from the shared vehicular access arrangement. The access and parking is underground basement and adequate building separation exists to the vehicular access points.	Yes
	c) The building elevation adjoining the residential area must be;	Adequate building articulation and separation is proposed to the	Yes

	<ul style="list-style-type: none"> <li>- Articulated, with changes in setback at intervals no greater than 10m;</li> <li>- Use a variety of materials and treatments;</li> <li>- Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater.</li> </ul>	southern side of the buildings in response to the immediately adjoining approved residential development to the south.	
	d) Waste areas are located and managed to minimise pests, noise and odour.	Waste collection and storage areas are located within the basement.	Yes
128	<b>Mixed Use Development</b> a) For the purpose of mixed use development, 'place' is defined as being on the same lot or within those lots that are the subject of a single development application for 'mixed use development'.	The proposal is for mixed use development.	Yes
129	a) Mixed use developments are located in areas close to key business, commercial and employment centres with good public transport accessibility.	The proposal is located in the planned hilltop village to provide for a mixture of commercial and higher density residential development.	Yes
130	a) The development must be designed so that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from residential areas.	The waste storage and collection areas are located within the basement and adequately separated from the residential areas.	Yes
	b) Vehicular circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and residential access.	Loading of the ground floor commercial would be via the public road and loading bays indicatively shown on the mains street plans.	Yes
	c) Residential entries are located directly from the public street and clearly demarcated from entries to commercial premises.	Residential access is directly from the main street and clearly defined and demarcated from the ground floor commercial areas and entry.	Yes

	d) Security entries are to be provided to all entrances into private areas, including car parks and internal courtyards.	Appropriate key/card security access will be provided to parking and residential entry, lobbies and lift wells.	Yes
	e) Where possible acoustic separation between loud commercial uses (such as cafés and restaurants) and residential uses is achieved by utilising an intermediate quiet-use barrier, such as offices.	No loud commercial uses proposed.	N/A
	f) Plant is located on the roof or visually and acoustically isolated from the residential uses.	Plant to be located on roof.	Yes
131	a) Buildings are to have a simple and efficient structural grid.	Building design is of a simple and effective layout.	Yes
	b) The number of internal structural apartment walls are minimised.	Number of internal apartment walls acceptable.	Yes
	c) Ceiling heights for the ground and first floors are to be 3.6m.	3m ceiling heights are proposed to the ground floor commercial. 2.7m ceiling height proposed to first floor.	No, however this is considered reasonable and will provide for appropriate commercial uses on the ground floor.
132	<b>Public Art - Additional Requirements for Land Zoned for Business and Tourism</b> a) Development proposed on land zoned Business or Tourist on sites over 5,000sqm, or where the total project capital costs exceed \$5M, is to provide a Public Art Strategy for consideration as part of a Development Application.	The site is over 5000m <sup>2</sup> in area and over \$5 million in cost. The provision applies. Public art/sculpture has been indicatively shown on the landscape plans. Consent condition have been recommended to ensure a public art strategy is developed and implemented as part of the development.	Yes, subject to consent conditions.
	b) The Strategy is to make provision for quality artwork(s) within the development in publicly accessible location(s)	As above.	Yes, subject to consent conditions.



	and take into account the links and connections between the development and the area's natural and cultural heritage.		
	c) The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain.	Noted. Details to be provide din the strategy.	Yes

The site is also located within an area subject to locality specific provisions under Part D: Lake Cathie - Bonny Hills of the Development Control Plan 2013. Specifically, the land is subject to section D9.1 and within Precinct B. The following relevant general and specific provisions are addressed as follows:

<b>DCP 2013: Part D - Locality Specific Provisions - D9 Lake Cathie - Bonny Hills</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Urban Structure and Lot Layout</b>			
342	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>Road layout, open space and location of commercial and residential uses are generally in accordance with Figure 220 to Figure 222.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Site layout is consistent with a current Part 3A approval.</li> <li>The first development application in each precinct provides an indicative precinct staging plan to the satisfaction of Council. The proposed precinct staging plan should indicate the extent of Ocean Drive road intersection upgrades required at each stage and is provided in addition to the Infrastructure Servicing Plan required at DP3.1.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Development stages are in accordance with a current Part 3A approval.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Where an indicative stage plan is approved, development is consistent with this plan.</li> <li>Dwelling yields are achieved by: <ul style="list-style-type: none"> <li>A minimum site density of 15 dwellings per hectare in the R1 General Residential Zone</li> <li>A minimum site density of 30 dwellings per hectare in the</li> </ul> </li> </ul>	<p>No change to existing and approved road layouts proposed.</p> <p>The proposal is consistent with the Part 3A concept plan.</p> <p>While this is not the first application in Precinct B the capacity of the Ocean Drive intersection and infrastructure serving have been considered. Refer to detailed comment under traffic and service headings of this report.</p> <p>The site is not located within a residential zone to which the minimum dwelling yields apply.</p> <p>The proposal incorporates shop top housing with residential component above the commercial</p>	Yes

	<p>R3 Medium Density Residential Zone</p> <ul style="list-style-type: none"> <li>– Lot layout provides opportunities for housing choice by considering future provision of: <ul style="list-style-type: none"> <li>○ Duplex or triplex dwelling forms by providing larger corner lots throughout the R1 General Residential Zone</li> <li>○ Shop top housing in the business zone by considering future residential access and parking location</li> <li>○ Low rise, medium density dwelling types such as attached dwellings, multi-dwelling housing, manor homes or row apartments in the R3 Medium Density Residential Zone by providing lot shapes and dimensions suitable for these building types</li> <li>○ Creation of smaller lots under clause 4.1A of the Port Macquarie-Hastings LEP in the R1 General Residential Zone by providing lot shapes and dimensions suitable for future subdivision.</li> </ul> </li> <li>– Housing choice is encouraged through: <ul style="list-style-type: none"> <li>○ Provision of low rise, medium density housing types as referred to above in or adjacent to the R3 Medium Density Residential Zone or in the R1 General Residential Zone where fronting open space</li> <li>○ Incorporation of a residential component to commercial development in the business zones.</li> </ul> </li> </ul>	development in the business zone.	
<b>Infrastructure and Service Provision</b>			
343	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>– Development applications that include staging must include an Infrastructure Servicing Plan prepared by a suitably qualified person that identifies servicing requirements necessary for the development and upgrades</li> </ul>	<p>Appropriate preliminary servicing plans support the application.</p> <p>The proposal is consistent with the applicable planning</p>	Yes

	<p>proposed to the existing system. <b>OR</b></p> <ul style="list-style-type: none"> <li>Development is consistent with an endorsed planning agreement.</li> </ul>	<p>agreements. A condition has been recommended reinforcing the obligations and commitments of the VPAs.</p>	
<b>Road Design and Construction</b>			
344	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>Signalised and roundabout intersections are to be provided in accordance with 220 and the Area 14 Paramics Modelling Report P0483v001 (Roadnet Pty Ltd June 2009).</li> <li>Any variations to the modelling report are to be approved by Council on the basis of a traffic report prepared by a person with suitable traffic engineering qualifications and experience.</li> <li>Ocean Drive is to be designed in accordance with Figure X 0-78. Elements such as road carriageways, median islands and shared cycleway/walkways shall be provided generally in accordance with the dimensions shown in the typical cross section shown in Figure X 0-79.</li> </ul>	No intersections proposed or required.	N/A
	<p><b>b) Precinct B</b></p> <ul style="list-style-type: none"> <li>Road layout is consistent with Figure 220 and provides: <ul style="list-style-type: none"> <li>an east west main street road as part of the Hilltop Village,</li> <li>a public perimeter road, incorporating walking and cycle park for the full frontage of the rainforest,</li> <li>a public car park and local park adjoining the beach access path,</li> <li>a shared pathway link to the existing formed pathway along Ocean Drive, and</li> <li>a road connection to Precinct C.</li> </ul> </li> </ul>	No change to existing road layout.	N/A
	<p><b>c) Precinct C</b></p> <ul style="list-style-type: none"> <li>For village centre, sites on the corner of Main Street and Ocean Drive: <ul style="list-style-type: none"> <li>Access is not provided from Ocean Drive</li> </ul> </li> </ul>	The site is located within precinct B	N/A

	<ul style="list-style-type: none"> <li>No parking spaces are provided on Ocean Drive or Main Street where adjacent to village entry corner sites</li> </ul>		
<b>Parking Provision</b>			
345	<p><b>a) Precinct C</b></p> <ul style="list-style-type: none"> <li>Short and medium term car parking, bicycle parking and disabled parking spaces are provided in the main street.</li> <li>Parking for the village centre is provided in a centre parking configuration (parking in middle of street and parallel parking on street edges) in the main street or otherwise sleeved behind shops.</li> <li>Shade is to be provided to the longer term parking area using shade trees or shade structures. Shade tree species are to be selected from Council's Indigenous Species Planting List.</li> <li>The central parking area is connected to the Main Street Activity Area by a minimum 4.5 metre wide pedestrian walkway provided mid-block.</li> <li>Where enclosed by buildings, this walkway is to be activated by commercial frontages along at least 50% of its enclosed length.</li> <li>Where the walkway is open to the sky, shade is provided for at least 70% of its exposed length.</li> <li>Where car parking for commercial uses cannot be provided on street, parking areas are to be sleeved behind buildings and not have direct frontage to a road.</li> </ul>	The site is located within precinct B	N/A
<b>Pedestrians and Cycleways</b>			
346	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>Cycleways, shareways and other pedestrian facilities shall be provided generally in accordance with Figure 224.</li> </ul>	No pedestrian facilities identified for this site in the figure. However, concrete foot paving is proposed across the full street frontage and a public pedestrian connect through to the	Yes

		adjoining site to the south.	
	<b>b) Precinct C</b> <ul style="list-style-type: none"> <li>– Provide a pedestrian link path generally in the location shown on Figure 224. The pedestrian link is to: <ul style="list-style-type: none"> <li>○ Provide a connection between Rainbow Beach Drive and the new shareway network</li> <li>○ Only accommodate cyclists, pedestrians and mobility scooters</li> <li>○ Be constructed at or above the 20 year Annual Recurrence Interval</li> <li>○ Be lit in accordance with AS 1158 Road Lighting.</li> </ul> </li> </ul>	The site is located within precinct B	N/A
<b>Koala Habitat</b>			
347	<b>a) Precinct A</b> <ul style="list-style-type: none"> <li>– Any development in the E4 Environmental Living zone must demonstrate the implementation of the Management Provisions of the Area 14 KPoM and have regard to Australian Standard 4970-2009 Protection of trees on development sites (AS4970-2009).</li> <li>– Any application to subdivide land in the E4 Environmental Living Zone or part thereof must include a plan showing building envelopes of sufficient size to accommodate a dwelling, its associated outbuildings, and structures and parking areas that avoid the removal of koala food and habitat trees.</li> <li>– Development applications must demonstrate site design, including layout of services, has been carried out having regard to AS4970-2009. In particular: <ul style="list-style-type: none"> <li>○ showing a development layout that has been influenced by a preliminary arboricultural report, and</li> <li>○ providing an arboricultural impact assessment report and tree protection plan.</li> </ul> </li> </ul>	The site is located within precinct B	N/A

	<ul style="list-style-type: none"> <li>– North south oriented streets are to be provided generally in accordance with Figure 224.</li> <li>– A minimum 20 metre wide habitat link is to be provided generally in accordance with Figure 224. The habitat link is to be planted with Forest Red Gum Eucalyptus Tereticornis, Swamp Mahogany E. Robusta or Tallowwood E. Microcorys.</li> <li>– A habitat link in the form of a 30 metre road reserve, planted with street trees at a density of 1 per 20 metres and of the species Forest Red Gum Eucalyptus Tereticornis, Swamp Mahogany E. Robusta or Tallowwood E. Microcorys is to be provided through Lot 1 DP255923 and Lot 2 DP706357 as shown in Figure 224.</li> <li>– Site analysis for subdivision has regard to the existing rural residential area and the associated KPoM requirement to establish a minor linkage between Lake Innes Nature Reserve and Houston Mitchell Drive.</li> <li>– Subdivision adjoining the R2 Low Density Residential and E4 Environmental Living zones is designed to avoid adverse amenity impacts by measures including landscaping with koala food trees to buffer areas of differing density.</li> </ul>		
<b>Environmental Management Areas and Buffers - Littoral Rainforest</b>			
348	<p><b>a) Precincts B and C</b></p> <ul style="list-style-type: none"> <li>– Provide elevated pedestrian access boardwalks to Rainbow Beach designed generally in accordance with Figure 225 and at the locations shown on Figure 227.</li> <li>– An appropriate fence generally consistent with Figure 226 must be provided along the full length of the littoral rainforest, incorporating educational signage at suitable locations. Note: where an alternative fence</li> </ul>	The elevated pedestrian access boardwalk and fencing in Precinct B is already in place.	Yes



	<p>design is approved under Part 3A, that design prevails.</p> <ul style="list-style-type: none"> <li>– Detail design for the fence, beach access boardwalks and educational signage must be to satisfaction of Council's ecologist. General design principles are to be submitted with the development application, and detailed design with the Construction Certificate application. The constructed fence or boardwalk is to be inspected and endorsed by Council's ecologist prior to release of the Subdivision Certificate.</li> <li>– Development applications that include the fence or boardwalk adjacent to or through the SEPP (Coastal Management) 2018 must be accompanied by a Construction Management Plan demonstrating all affected trees within the rainforest are to be suitably protected during construction of the project.</li> </ul>		
<b>Environmental Management Areas and Buffers - Duchess Creek</b>			
349	<p><b>a) Precinct B</b></p> <ul style="list-style-type: none"> <li>– Subdivision applications adjoining Duchess Creek shall include a detailed Vegetation Management Plan (VMP) prepared by a suitably qualified person(s). The VMP is to: <ul style="list-style-type: none"> <li>○ Be generally in accordance with Figure 227 to Figure 230.</li> <li>○ Demonstrate to council's satisfaction that the development objectives can be achieved</li> <li>○ Have regard to the Stormwater Quality Criteria for Area 14 set out in the Area 14 Integrated Water Cycle Management Plan 2006.</li> </ul> </li> </ul>	No conventional Torrens title subdivision is proposed.	N/A
<b>Development Subject to Acoustic Controls in the Port Macquarie-Hastings LEP</b>			
350	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>– Development subject to acoustic controls as identified in the Port</li> </ul>	The application is supported by a traffic noise assessment	Yes

	<p>Macquarie-Hasting LEP 2011 is to comply with AS3671 Acoustics - Road traffic noise intrusion - Building siting and construction. In particular,</p> <ul style="list-style-type: none"> <li>○ Minimising the number of windows and openings which directly face the potential noise source</li> <li>○ Locating noise insensitive areas such as kitchens, storage areas, laundry and garage, toward potential noise sources</li> <li>○ Incorporating courtyard walls and boundary fences as barriers to potential noise sources</li> </ul> <p>– Subdivision layout avoids the need for acoustic fencing or noise barriers and is designed to minimise noise impacts by:</p> <ul style="list-style-type: none"> <li>○ Using natural topography to prevent line of sight</li> <li>○ Locating non-sensitive activities as a buffer to residential areas</li> <li>○ Orienting dwellings away from noise sources</li> <li>○ Identifying areas where new dwellings will need to incorporate noise mitigation measures</li> </ul> <p>– Acoustic fencing shall generally be constructed only for the areas adjacent to Ocean Drive and shall:</p> <ul style="list-style-type: none"> <li>○ Be continuous for their full length, with a nominal mass not less than 15 kilograms per square metre</li> <li>○ Incorporate wildlife exclusion fencing for areas adjoining Core Koala Habitat</li> <li>○ Be located within or on the boundary of private property</li> </ul> <p>– Acoustic fences or noise barriers are not used on significant corner sites with noise attenuation achieved through building design measures.</p> <p>– The first subdivision application adjoining Ocean Drive must provide a plan for an integrated</p>	<p>prepared by Rodney Stevens Acoustics and dated 18 April 2023. The report provides a number of recommended noise controls treatments surrounding floor finishes, glazing, roof/ceiling, walls and locating mechanical plant to the buildings. The report has been assessed by Council's technical staff and agree with the findings subject to the implementation of the recommended noise control treatments. Appropriate consent conditions are recommended to ensure implementation of the noise control treatments.</p>	
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	<p>fence solution for residential and noise attenuation fencing along the entire precinct boundary to Ocean Drive for the relevant precinct (precinct fencing plan).</p> <ul style="list-style-type: none"> <li>– Subsequent subdivision applications demonstrate compliance with the approved precinct fencing plan.</li> <li>– Fences and associated landscaping adjoining Ocean Drive, other than in the Special Treatment Area or on Significant Corner Lots: <ul style="list-style-type: none"> <li>○ Are designed and assessed at subdivision stage</li> <li>○ Are constructed prior to issuing the subdivision certificate</li> <li>○ Provide a consistent and unobtrusive design within the Ocean Drive corridor</li> <li>○ Are located only on private property</li> <li>○ Are a maximum height of 1.8 metres above ground level (finished).</li> </ul> </li> <li>– A landscape buffer of 10 metres depth is provided in the areas indicated on Figure 221 to provide visual screening to the rear of residential and commercial property from Ocean Drive.</li> </ul>		
<b>Flooding</b>			
351	<p><b>a) Precinct A</b></p> <ul style="list-style-type: none"> <li>– Development in the Flood Planning Area shown on the Flood Planning Map of the Port Macquarie-Hastings LEP 2011 must achieve a Flood Planning Level of 4.0 metres AHD.</li> <li>– Variation of the Flood Planning Level will only be considered where supported by a comprehensive, updated flood study for the Lake Cathie Lake Innes System.</li> </ul>	The site is located within precinct B	N/A
<b>Water Cycle Management</b>			
352	<p><b>a) Precinct B</b></p> <ul style="list-style-type: none"> <li>– A groundwater management and monitoring plan shall be prepared</li> </ul>	An appropriate consent condition is recommended	Yes

	<p>to the satisfaction of Council having regard to Council's Area 14 Integrated Water Cycle Management Plan (Storm Consulting 2006) or later studies as approved by Council.</p> <ul style="list-style-type: none"> <li>– In particular, monitoring and assessment is required where works potentially affect groundwater levels or are proposed below the groundwater table.</li> <li>– The management plan should also identify areas where plant roots have potential to intersect with groundwater tables and prepare a planting schedule of salt tolerant plants for these areas.</li> </ul>	<p>requiring the groundwater management plan be prepared and recommendations of the report be incorporated into the construction plans.</p>	
<b>Stormwater Management</b>			
353	<p><b>a) Precinct B</b></p> <ul style="list-style-type: none"> <li>– Development applications for each stage shall include a detailed Stormwater Management Plan that: <ul style="list-style-type: none"> <li>○ Is generally in accordance with Figure 228.</li> <li>○ Addresses impacts on the surrounding environment, ground water and water quality controls for the relevant sub-catchment at construction, maintenance and operational stages</li> <li>○ Uses MUSIC modelling, or equivalent to demonstrate water quality targets set out in Council's Area 14 Integrated Water Cycle Management Plan 2006 will be achieved</li> </ul> </li> <li>– includes a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system</li> <li>– North-western sub-catchment (Lake Cathie): <ul style="list-style-type: none"> <li>○ The stormwater bio filtration and detention basin for the NW sub catchment is to be located generally in accordance with Figure 228</li> </ul> </li> </ul>	<p>The preliminary stormwater concept plan supports the application which is generally consistent with these provisions. A consent condition is recommended requiring a detailed stormwater management plan be provided to and approved by Council prior to the issue of the construction certificate.</p>	Yes

	<ul style="list-style-type: none"> <li>○ Detailed modelling and design shall be undertaken in accordance with the aims of the Area 14 Integrated Water Cycle Management Plan (Storm Consulting 2006) and Council's AUS-SPEC-1 D07-Stormwater Management.</li> <li>○ The facility shall be designed with sufficient capacity to ensure post development flows are attenuated to pre-development levels for all storm events up to and including the 100 year ARI flood event, and</li> <li>○ The top of water level within the basin is located below the road surface level in Ocean Drive (with allowance for freeboard).</li> <li>– South-western sub-catchment (Duchess Creek): <ul style="list-style-type: none"> <li>○ A groundwater management plan and monitoring plan for the proposal must be prepared to the satisfaction of DPI Water.</li> <li>○ The bio filtration basin, erosion controls and riparian revegetation for the SW sub-catchment is to be located generally in accordance with Figure 228</li> <li>○ Detailed modelling and design of the bio filtration basin shall be undertaken in accordance with the aims of the Area 14 Integrated Water Catchment Management Plan (Storm Consulting 2006) and Council's AUS-SPEC 1 D07-Stormwater Management.</li> <li>○ The riparian revegetation works shall be undertaken in the areas specified on Figure 228.</li> </ul> </li> <li>– All stormwater and groundwater works are to be undertaken in accordance with the recommendations in the Total Water Cycle Management Plan dated July 2012 prepared by King and Campbell</li> </ul>		
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Urban Design			
354	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>– Development applications that include the first stage of development in either business zone (that is the Village Centre or Hilltop Village) must be accompanied by a Streetscape Strategy that establishes a suitable theme relevant to the locality.</li> <li>– The Streetscape Strategy should address but is not limited to, elements such as; <ul style="list-style-type: none"> <li>○ Pedestrian pavement details</li> <li>○ Landscape planting</li> <li>○ Public artwork</li> <li>○ Seating</li> <li>○ Lighting and signage</li> <li>○ Bus shelters</li> <li>○ Bike racks</li> </ul> </li> <li>– Where an approved streetscape strategy exists, development must provide streetscape elements in accordance with that strategy.</li> <li>– Development on significant corners identified in Figure 221, other than Houston Mitchell Drive, must address Ocean Drive as well as the primary street. Including: <ul style="list-style-type: none"> <li>○ having consistent materials, finishes and fencing to both frontages</li> <li>○ providing verandahs, balconies, awnings and other building articulation to both frontages (see Figure 235 and Figure 236).</li> <li>○ where in a residential zone, fences are in accordance with Figure 235.</li> </ul> </li> <li>– Landscaping is provided on and in the road reserve adjacent to significant corner lots. Landscape treatment should: <ul style="list-style-type: none"> <li>○ be designed to reduce the visual impact of the road infrastructure at these locations</li> </ul> </li> </ul>	<p>The site is located within the mixed use (i.e. business zone) Although not the first development within the business zone the proposal is accompanied by a landscape plan that details the proposed theme and public streetscape works in the main street (Ocean Blue Boulevard).</p> <p>The site is not a significant corner lot.</p>	Yes



	<ul style="list-style-type: none"> <li>o facilitate pedestrian movement between Ocean Drive and the secondary street network</li> <li>o incorporate gateway signage</li> <li>o clearly delineate the entrances to each area.</li> </ul>		
	<b>b) Precinct A</b> <ul style="list-style-type: none"> <li>– The Houston Mitchell Drive interface shall be treated generally in accordance with Figure 232.</li> <li>– Fencing along Houston Mitchell Drive must be consistent in material and design and be fully screened by vegetation. Solid steel panel fencing is not supported.</li> <li>– A 2.1 metre wide, sealed, shareway is to be provided along Houston Mitchell Drive between Ocean Drive and Forest Parkway.</li> </ul>	The site is located within precinct B	N/A
	<b>c) Precinct B</b> <ul style="list-style-type: none"> <li>– A 'village' square is to be provided generally in accordance with Figure 233 and be:               <ul style="list-style-type: none"> <li>o Approximately 2750 square metres in area</li> <li>o incorporate street furniture in accordance with an approved Streetscape Strategy.</li> </ul> </li> <li>– A pocket park of a minimum 900 square metres shall be provided generally in accordance with Figure 234.</li> <li>– Land uses are mixed either vertically within the same building or horizontally on adjacent sites.</li> </ul>	The site does not adjoin the identified pocket park or Village square.	N/A
<b>Urban Design - Village Centre</b>			
355	<b>a) Precinct C</b> <ul style="list-style-type: none"> <li>– Building design, landscaping, public art and fencing of village entry corner sites create a high quality landscaped entrance to the village</li> <li>– Entry signage is provided to identify the village centre from Ocean Drive</li> <li>– Setbacks to Main Street on village entry corner sites are 6 metres</li> </ul>	The site is located within precinct B	N/A

	<ul style="list-style-type: none"> <li>– Fencing is not provided to the Ocean Drive or Main Street frontage of village entry corner sites</li> <li>– Landscaping on the Ocean Drive and Main Street frontage of village entry corner sites does not obscure views to the village and Main Street from Ocean Drive</li> <li>– In the main street business zone: <ul style="list-style-type: none"> <li>○ Land uses which generate higher visitation rates and provide surveillance to the street are encouraged</li> <li>○ Buildings are built to the front and side boundaries.</li> <li>○ Blank walls longer than 5 metres are avoided</li> <li>○ Footpaths are a minimum of 4.5m wide and encourage outdoor eating areas to be established. Avenue trees can be located in the footpath adjacent to the parallel parking.</li> <li>○ Cantilevered awnings are provided to all premises.</li> </ul> </li> <li>– Development of the commercial centre is designed to ensure 'back of house' operations such as servicing and waste bins are not predominantly visible from public roads.</li> <li>– Development, including orientation of parking spaces, provides passive surveillance to the open space reserve.</li> <li>– Development design of the western side of the main street business zone, incorporates a suitably sized area of paved open space, ideally located mid block and with direct frontage to Main Street. The open space may also incorporate entry to the community facilities.</li> <li>– A landscape concept plan to Council's satisfaction for the open space is to be provided and should address: <ul style="list-style-type: none"> <li>○ Shaded seating areas, both formal and informal</li> <li>○ Play space/public art</li> </ul> </li> </ul>		
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	<ul style="list-style-type: none"> <li>○ Varied pavement types that reduce reflection and heat</li> <li>○ Interpretive signage and wayfinding assistance</li> <li>○ An uncluttered open space area suitable for a variety of public activities</li> <li>○ Opportunity for a small cafe on premises adjacent to the open space</li> <li>– Mid block pedestrian connections are provided east-west between the adjoining residential areas to the west, the central open space, the central parking area and the open space reserve to the east.</li> <li>– Bicycle parking structures are provided in at least two locations in the main street activity area.</li> <li>– At least one of each inbound and outbound public transport stops are provided within 50 metres of the Main Street Activity Area.</li> <li>– Shade is provided to all public transport stops either by awning from an adjacent building, a specific shade structure or shade tree planting.</li> </ul>		
<b>Urban Design - Ocean Drive Special Treatment Area</b>			
356	<p><b>a) General</b></p> <ul style="list-style-type: none"> <li>– Where in the Special Treatment Area in Figure 221, development provides formal tree planting along a central traffic median and formal landscaping in the road verge to create a boulevard along Ocean Drive associated with the village centre. Development within the Special Treatment Area in Figure 221 with a primary or secondary frontage to Ocean Drive: <ul style="list-style-type: none"> <li>○ has a maximum setback from Ocean Drive of 6 metres if residential or is built to boundary if non-residential</li> <li>○ does not provide lot access for vehicles directly from Ocean Drive</li> <li>○ residential development provides fences that: <ul style="list-style-type: none"> <li>▪ are not greater than 1.2 metres high</li> </ul> </li> </ul> </li> </ul>	The site is located within precinct B	N/A

	<ul style="list-style-type: none"> <li>▪ include variation in alignment and materials</li> <li>– provides a minimum of one window from a habitable room in each dwelling or tenancy that overlooks the adjacent Ocean Drive footpath.</li> </ul>		
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Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact of a significance that would justify refusal of the application.

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

The following Voluntary Planning Agreement's (VPAs) apply to the land:

- Milland Area 14 Stage 1B Planning Agreement as executed 14 September 2011.
- Ocean Drive, Lake Cathie Planning Agreement as executed 17 February 2015.

The landowners agreed to make development contributions in accordance with the VPAs in connection with carrying out of development permitted by the LEP.

The VPAs provide for the carrying out of works by the landowners including establishing and maintaining environmental lands, road works, local park embellishment, pedestrian beach access and dedication of land to Council. The agreements also include arrangements for payment of development contributions towards management of environmental lands, administration levy contribution, open space and roads contributions.

**(iv) Any matters prescribed by the Regulations**

No matters prescribed by the regulations apply.

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

**Context and Setting**

The site is currently vacant land and located on the southern side of the planned hilltop village in the recently established master planned area commonly referred to as Lake Cathie - Bonny Hills Area 14.

The site has direct street frontage to the future Ocean Blue Boulevard (main street).

The surrounding locality is currently characterised by a mix of residential development comprising predominantly single and double storey dwellings.

To the north of the site is vacant mixed use zone land identified at the Hilltop Village with a future main street.

To the west of the site is vacant mixed use zoned land with development consent for a 5-storey residential flat building comprising 41 units and ground floor café with basement carparking.

Adjoining the site immediately to the south is vacant land with development consent for 5 x 4-storey residential flat buildings comprising 35 units and basement carparking.

The land located on the southern side of Whitewater terrace has development consent for multi dwelling houses comprising 30 two storey dwellings. 12 of these dwellings, located on the eastern end of Whitewater Terrace, were constructed at the time of preparing this report with the remainder of the land to the east of these dwelling currently vacant. A mixture of lower density single and two storey dwellings exist beyond to the south.

To the east of the site is vacant R3 medium density residential zoned land with Surfers Drive, littoral rainforest vegetation, beach and then ocean beyond.

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

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

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

The proposal does not have significant adverse lighting impacts.

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

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

### **Access, Traffic and Transport**

The development has direct frontage to Ocean Blue Boulevard. Vehicular access to the proposed development is via Whitewater Terrace through the adjoining lot and basement connection of approved development (DA2022/0167). Whitewater Terrace is a local street with a carriageway width of 7m within a 16m road reserve. Whitewater Terrace has existing concrete foot paving along the southern side of the road. Local streets are considered adequate to cater for 2000 vehicles per day. The submitted Traffic Impact Assessment advises that the traffic generation by this and currently approved developments within Whitewater Terrace would total 1330 Traffic Movements per day. This is within the determined capacity for this road.

Council's transport engineering staff in consultation with the community infrastructure planning and design staff provided the following comments with regard to the intersection capacity at Ocean Drive, Seaside Drive and Abel Tasman Drive:

*"With regards to this intersection, the performance capacity of this intersection was reviewed most recently in the MR538 (Hastings River Drive) and MR600 (Ocean Drive) Corridor Strategy. This document was practically completed in April 2022, however, is currently not adopted. Nevertheless, the findings and technical aspects of this report are still accurate and can be relied upon for our planning purposes.*



*For background, the performance of all key intersections along this 54km route, including this intersection were assessed for their performance and Level of Service (LoS) determined based on recorded volumes and midblock lane capacities as detailed in Austroads Guide to Traffic Management Part 3: Transport Study and Analysis Methods (AGTM03). The compounding growth rates determined from the model were applied to the 2020 survey volumes to establish the 2030 and 2040 future year traffic scenarios. A growth factor of 3% was applied to 2020 counts with regards to the Rainbow Beach, Catarina and Seaside areas, whilst a 1.28-1.4% assumed growth rate was applied to other legs of this roundabout.*

*The intersection was assessed with the current traffic counts (2020) and was found to perform at an adequate LoS. It was then assumed that the intersection would be in its current layout and upgraded to the signalised intersection between 2026 and by 2030. Following this upgrade, the intersection was found to still provide adequate LoS in 2030 and 2040 scenarios. Also, as part of the assessment an overall audit of existing conditions was undertaken to consider factors other than growth. Site inspections were undertaken along the entire corridor length to assess existing conditions and review road safety issues, as well as crash analysis.*

*No specific issues were identified with regards to the current and proposed intersection. As such it was determined that the intersection should be upgraded by 2030.*

*Council will continue to monitor this intersection and determine if any consideration warrants upgrade prior to 2030 however is satisfied with the current proposed timing for upgrade to the signalised intersection, as well as any amendments required to the upgrade design.”*

### **Site Frontage and Access**

Vehicle access to the site is proposed through access driveways to Whitewater Terrace that will access the basement carpark and exit to Whitewater Terrace via the adjoining property.

The vehicular access and connection through the adjoining lot will require the creation of suitable rights of access to enable traversing and carparking within the proposed basement carpark of the adjoining site. Suitable consent conditions have been recommended.

### **Parking and Manoeuvring**

A total of 151 parking spaces (including 3 disabled spaces) are proposed on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Car park design enables circulation for vehicles to enter and exit the site in a forward manner.

### **Water Supply Connection**

Council records indicate that the development site is serviced by from a 200mm diameter reticulation water mains on the near side of Seaside Drive in the North West, and from a 150mm diameter main on the near side of Surfers Drive to the South East. Further Modelling of water supply mains will be required to ascertain which infrastructure augmentation may be required for the proposed development. Final water main and service sizing will need to be determined by a suitably qualified hydraulic engineering consultant to ensure the domestic and commercial



components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

Detailed plans are required to be submitted for assessment to the water supply authority and requirements satisfied prior to issue of the construction certificate.

Appropriate conditions are recommended in this regard.

**Sewer Connection**

Council records indicate that the development site is serviced to existing 150mm diameter sewer mains on the southeastern and northwestern boundaries via 150mm diameter reticulation sewers and manholes. The proposed development may discharge all sewage to the existing points of connection to Council's sewer system, however as the development is complex and will include servicing approximately 100 residences, hydraulic modelling by a suitably qualified hydraulic engineering consultant of existing and proposed sewer mains will be required to ascertain the extent of augmentation may be required to the network. Detailed design of connections and of internal works by a hydraulic engineer will also be required.

Detailed plans are required to be submitted for assessment to the water supply authority and requirements satisfied prior to issue of the construction certificate.

Appropriate conditions are recommended in this regard.

**Stormwater**

The development site is located within an established and recently constructed subdivision that conceptually contains stormwater infrastructure that has been sized to cater for stormwater runoff from a multi-unit residential development of the scale proposed. As a result, subject to the connection of the proposed development to the existing adjoining piped drainage network and the submission of modelling/calculations demonstrating that the total site impervious area is consistent with the design allowances within the surrounding subdivision, no on-site water quality controls or detention facilities are required.

A stormwater report submitted in support of the development application has confirmed that the design meets the above requirements, however further analysis will be required at detailed design phase.

With regard to the internal drainage of the development, a detailed design will be required to be submitted in support of a future s68 application and will need to include detail of the following:

- Detailed site stormwater system layout and characteristics,
- Details of method of drainage the proposed basement carpark. Note - drainage of subsoil around the basement is only permitted where supported by a geotechnical investigation/report that demonstrates that groundwater flows will be minimal.
- Provision of an inter-allotment drainage system to drain that part of the remnant lot to the north of the development site that will naturally drain to Whitewater Terrace. A total site stormwater drainage strategy is recommended in this regard.

Appropriate conditions are recommended in this regard.

**Other Utilities**

Telecommunication and electricity services are available to the site and can be augmented/extended to service the proposed development. Suitable consent conditions have been recommended to ensure arrangements are in place for extension and provision of these services.

**Heritage**

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

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

**Other land resources**

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

**Water cycle**

An issue raised during the original Part 3A Concept Approval MP07\_0010 and subsequent DA 2012/381 for the precinct surrounded the potential impacts of excavation below natural surface level on subsurface aquifers. Specifically, there is the potential that one or more aquifers supplies the Littoral Rainforest adjacent to the shoreline, and that excavation may compromise this water supply leading to long term decline of the SEPP 26 protected ecological community. Several specialist Ground Water Management studies and plans by Martens Consulting Engineers (July 2007, July 2010 and July 2012) have explored this potential, although their scope was in relation to the broader precinct, with a caveat that further investigation may be required when specific building designs are proposed (i.e. at DA). Some relevant excerpts include:

(Martens, July 2012)

**3.1 Proposed Works Likely to Intersect Groundwater****3.1.1 Roads and Dwellings**

It is understood that proposed dwellings and roads shall be built on grade or on fill and therefore will not intersect groundwater.

(Martens, July 2010)

6. Other than the deep infiltration pits / trenches, care should be taken within the development areas that groundwater is not significantly intersected and hence groundwater flow impeded or redirected. On the hillslopes, we suggest that excavations should preferably not exceed 2.5 m below ground level. If deeper excavations are required, then suitable mitigation measures should be included to ensure that groundwater flow is not redirected or permanently lowered. We do not believe that this will compromise future development, particularly given the likely lowering of groundwater tables in the urban zone.

There is not sufficient data to understand the implications of excavation deeper than

2.5m below natural surface level, as the existing reports have expressly excluded this from their scope. Further testing (bore logs) and a specialist report are therefore required prior to Construction Certificate, given this proposal includes significant excavation and basement, to ensure that the basement design and construction preserves existing aquifer flows and integrity through and/or around the site.

It should be noted that an approval under the Water Management Act may also be required and it will be up to the applicant to obtain this approval.

Refer to relevant conditions of consent.

**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**

A waste management plan prepared by Elephants Foot Company and dated 23 November 2023 supports the application. The plan has been reviewed by Council's waste officer and it is considered that satisfactory arrangements are in place for operational storage and collection of waste and recyclables. Private garbage collection arrangements are proposed and required. The commercial and residential waste storage areas are separated and located within the basement. Waste and recycle bins are provided in the lobby to each residential floor. Suitable conditions have been recommended to ensure the ongoing management of the private waste collection arrangement. No adverse impacts anticipated.

Standard precautionary construction site management condition recommended.

**Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

**Noise and vibration**

The application is supported by a traffic noise assessment prepared by Rodney Stevens Acoustics and dated 18 April 2023. The report addresses the potential road traffic noise impacts from the proximity of the site to Ocean Drive and provides a number of recommended noise control treatments surrounding floor finishes, glazing, roof/ceiling, walls and locating mechanical plant to the buildings. The report has been assessed by Council's technical staff and agree with the findings subject to the implementation of the recommended noise control treatments. Appropriate consent conditions are recommended to ensure implementation of the noise control treatments.

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. Any noise generated during construction is likely to be short term and conditions are recommended to restrict work to standard construction hours. Standard precautionary site management condition recommended.

**Bushfire**

The site is identified as being bushfire prone.

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

**Safety, security and crime prevention**

The application was supported by a Crime Prevention Through Environmental Design (CPTED) Report prepared by CCEP, dated 29 March 2023. The report suggests that the proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Adequate casual surveillance is available.

The report provides a couple of recommendations surrounding access control for separation between commercial and residential premises and a lighting plan. Appropriate consent conditions are recommended to ensure details are provided on the construction drawings.

**Social impacts in the locality**

The proposed development is considered to have the following positive social impacts:

- Increase in housing and commercial/business opportunities;
- Increase mix of accommodation in the area catering for various markets;
- Employment opportunities during constructions of the facility;
- Development compatible with the transitioning nature of the area (i.e. higher density accommodation).

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 and investment in the local economy.

**Site design and internal design**

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

**Construction**

Prescribed conditions require that the developer protect and support adjoining structures if excavation extends below the footings of the structure, building or work.

A condition is also recommended requiring dilapidation reports to be prepared for

adjoining properties, to allow for monitoring and rectification works (if necessary) of any damage caused by construction activities.

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

**Cumulative impacts**

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

**(c) The suitability of the site for the development**

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

Site constraints of bushfire and potential ground water interference, road traffic noise have been adequately addressed and appropriate conditions of consent recommended.

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

At the time of preparing this report 26 written submissions had been received. 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:

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Insufficient capacity with existing infrastructure (sewer/water/stormwater/electricity) and roads to accommodate the proposed development.	Refer to detailed comments under relevant service headings of this report. It is considered that the infrastructure can either accommodate the proposed development or be upgraded/augmented to facilitate. In this regard appropriate consent conditions are recommended.
The Ocean Drive intersection requires upgrading now and this proposed development will compound current traffic congestion and road safety to not just this intersection but all others along Ocean Drive.	Refer to detailed comments under the access, traffic and transport heading of this report. No upgrading of this intersection is triggered for the proposed development.
The height, bulk and scale of the proposed development is not consistent with the character and amenity of the area and 'small village' feel of Lake Cathie.	The proposal is compliant with the maximum building height (14.5m) and floor space ratio (1.50:1) controls applicable to the mixed use zoned site. These controls have established the character envisaged for the site and immediate area. Refusal of an application that meets Council's adopted planning controls is not in the public interest.
The height limits should be lowered and	The application can only be assessed



Submission Issue/Summary	Planning Comment/Response
consistent with surrounding dwellings and the general residential area. This was identified in the Lake Cathie Community Plan 2020 (action 4.1.1).	against the adopted planning controls within the relevant Port Macquarie-Hastings Local Environmental Plan 2011.
More affordable development should be proposed to accommodate the current housing and affordability crisis.	The site is within a precinct undergoing transition with emphasis on providing higher density development. The proposal provides a suitable mix of units (i.e. mixture of 22 x 1 bedroom units, 56 x 2 bedroom units and 21 x 3 bedroom units) which will provide for future housing needs in the precinct.
Insufficient ancillary services like schools, medical facilities, supermarkets, sporting facilities, police etc to accommodate the proposed development.	The part 3A concept plan and subsequent zoning and planning controls adopted in LEP 2011 identify commercial land, future school site and sporting fields within the wider area 14 urban release area.
Potential impacts of basement excavation on littoral rainforest aquifer.	Refer to detailed comment under water cycle heading of this report.
Insufficient parking is proposed which will flow over onto adjoining streets.	Refer to off-street parking calculations within the table to DCP 2013 of this report. Off-street parking proposed meets that required by Council's controls. Adequate off-street parking is proposed to service the development.
The applications were not exhibited for long enough and are not published in the local newspaper which provides limited capacity for residents to become aware of proposed development and its impacts.	The application has been publicly exhibited in accordance with the Community Participation Plan.
Overlooking and privacy impacts upon immediate development to the south of the site.	No adverse overlooking or privacy impacts identified with assessment against the relevant privacy controls considered throughout this report. Adequate separation exists between the proposed buildings and approved buildings adjoining immediately to the south.
Height poles should be erected onsite to inform the community of the scale and building heights proposed.	There is no requirement for erection of height poles. The proposed development is compliant with maximum height control of 14.5m applicable to the site.
Lack of private and common open space areas within the development.	The proposed development provides generous private and communal open space areas beyond that required of the relevant planning controls.
Lack of sunlight to small private balconies.	Sufficient solar access will be provided to all units consistent with that require under the relevant planning controls.
The buildings will be visually prominent when viewed from the beach and detract	The proposed development is compliant with maximum height control



Submission Issue/Summary	Planning Comment/Response
from the hinterland skyline.	of 14.5m applicable to the site.

**(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**

- The proposed development will increase the demand on water and sewer services. Developer charges will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- The proposed development will increase the demand for public amenities/services and development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- It is also noted that the Area 14 Section 94 Local Roads Contributions Plan has come into effect since the original subdivision under DA2012 – 381 was approved.
- A copy of the contributions estimate is included (Attachment 3).




**5. CONCLUSION AND STATEMENT OF REASON**

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

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

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development is consistent with the provisions and objectives of the relevant planning controls and will have an acceptable impact on the surrounding natural and built environment. Approval of the application is considered to be in the public interest as it achieves the LEP objectives for development in the zone. No significant adverse environmental, social or economic impacts on the locality have been identified. Accordingly, the proposal is considered to be in the public interest.

**Attachments**

- 1.  Attachment 1 - Recommended Conditions
- 2.  Attachment 2 - Plans
- 3.  Attachment 3 - Contributions Estimate

**DRAFT CONSENT CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2023/268****DATE: 30/01/2024****Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**GENERAL CONDITIONS**

	Condition				
<b>1</b>	<b>Approved plans and supporting documentation</b>				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	<b>Plan number</b>	<b>Revision number</b>	<b>Plan title</b>	<b>Drawn by</b>	<b>Date of plan</b>
	DA000	B	Cover Page	Elk Designs	12 April 2023
	DA010	B	Lake Cathie History	Elk Designs	12 April 2023
	DA011	B	Indigenous Australian History	Elk Designs	12 April 2023
	DA012	B	Site Analysis Sheet 01	Elk Designs	12 April 2023
	DA013	B	Site Analysis Sheet 02	Elk Designs	12 April 2023
	DA014	B	Visual Impact First Floor	Elk Designs	12 April 2023
	DA017	B	Diagrams, Form, Design Development	Elk Designs	12 April 2023
	DA018	B	Façade Development - Precedents	Elk Designs	12 April 2023
	DA019	B	ReParts meeting the LEP definition of "Basement"	Elk Designs	12 April 2023
	DA020	B	FSR Calculation Diagrams	Elk Designs	12 April 2023

DA021	B	FSR Calculation Diagrams	Elk Designs	12 April 2023
DA030	C	Site Plan	Elk Designs	23 August 2023
DA035	C	Site Coverage Plan	Elk Designs	23 August 2023
DA040	B	Perspectives	Elk Designs	12 April 2023
DA041	B	Perspectives	Elk Designs	12 April 2023
DA042	B	Perspectives	Elk Designs	12 April 2023
DA101	G	Lower Basement Floor Plan	Elk Designs	19 December 2023
DA102	G	Lower Basement Floor Plan	Elk Designs	19 December 2023
DA110	D	Ground and First Floor Overall	Elk Designs	12 September 2023
DA120	C	Second and Third Floor Overall	Elk Designs	12 September 2023
DA130	C	Fourth Floor and Roof Plan Overall	Elk Designs	12 September 2023
DA150	D	Typical Ground Floor	Elk Designs	12 September 2023
DA160	C	Typical First Floor	Elk Designs	12 September 2023
DA170	C	Typical Second, Third and Fourth Floor	Elk Designs	12 September 2023
DA180	B	Typical Roof	Elk Designs	12 April 2023
DA190	D	Building 05 Ground Floor	Elk Designs	12 September 2023
DA200	C	Building 05 First Floor	Elk Designs	12 September 2023
DA210	C	Building 05 Second and Third	Elk Designs	12 September 2023
DA220	C	Building 05 Fourth Floor	Elk Designs	12 September 2023
DA230	B	Building 05	Elk Designs	12 April

		Roof Plan		2023
DA240	B	Adaptable Apartments	Elk Designs	12 April 2023
DA250	B	LHA Silver Level Apartments	Elk Designs	12 April 2023
DA300	B	Elevations North-South Overall	Elk Designs	12 April 2023
DA301	B	Elevations 1	Elk Designs	12 April 2023
DA302	B	Elevations 2	Elk Designs	12 April 2023
DA303	B	Elevations 3	Elk Designs	12 April 2023
DA304	B	Building 05 Elevations	Elk Designs	12 April 2023
DA370	B	Building 01	Elk Designs	12 April 2023
DA371	B	Building 02	Elk Designs	12 April 2023
DA372	B	Building 03	Elk Designs	12 April 2023
DA373	B	Building 04	Elk Designs	12 April 2023
DA374	B	Building 05	Elk Designs	12 April 2023
DA400	C	Sections	Elk Designs	8 January 2024
DA900	B	External Shadow Diagrams 09:00-10:00	Elk Designs	12 April 2023
DA901	B	External Shadow Diagrams 11:00-12:00	Elk Designs	12 April 2023
DA902	B	External Shadow Diagrams 13:00-14:00	Elk Designs	12 April 2023
DA903	B	External Shadow Diagrams 15:00	Elk Designs	12 April 2023
DA912	B	First Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA913	B	First Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA914	B	Second Floor Internal Solar	Elk Designs	12 April 2023

		Diagrams		
DA915	B	Second Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA916	B	Third Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA917	B	Third Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA918	B	Fourth Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA919	B	Fourth Floor Internal Solar Diagrams	Elk Designs	12 April 2023
DA950	B	Cross Ventilation Diagrams Sheet 01	Elk Designs	12 April 2023
DA951	B	Cross Ventilation Diagrams Sheet 02	Elk Designs	12 April 2023
DA952	A	Height Compliance	Elk Designs	12 August 2023
DA960	B	Sediment Control	Elk Designs	12 April 2023
5105S_201	Sheets 1 to 8	Draft Strata Plans	No author	Undated
Sheets P1 to P7	A	Landscape Plans	Myrtle Studio	3 April 2023
Sheet 1	A	Services Concept Plan	Land Dynamics Australia	5 April 2023

## Approved documents

Document title	Version number	Prepared by	Date of document
Statement of Environmental Effects	-	Land Dynamics Australia	December 2023
BASIX Certificate	1373326M	Building Sustainability Assessments	31 March 2023
Traffic Impact Assessment	Revision 6	Streetwise Road Safety and Traffic Services Pty Ltd	20 January 2024
Bushfire Hazard Assessment		David Pensini	8 February 2023
Design Verification	Issue B	Daniel Hadley	Undated



	Statement			
	Crime Prevention Through Environmental Design (CPTED) Report	230312	CCEP	29 March 2023
	Traffic Noise Assessment	R230091R2	Rodney Stevens Acoustics	18 April 2023
	Preliminary Electrical Reticulation Plan	-FPLAN Sheet 1	Revision C	29 March 2023
	Operational Waste Management Plan	5313 Revision B	Elephants Foot Company	23 November 2023
In the event of any inconsistency between the approved plans and documents, the approved plans/documents prevail.				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
2	<b>Certificates</b> The following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 shall be obtained at the respective stages: <ul style="list-style-type: none"> <li>• Construction Certificate;</li> <li>• Occupation Certificate;</li> <li>• Strata Certificate.</li> </ul> Condition Reason: To ensure that appropriate building certification is obtained.			
3	<b>Notification of Home Building Act 1989 requirements</b> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed—               <ul style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii the name of the insurer of the work under the <i>Home Building Act 1989</i>, Part 6,</li> </ul> </li> <li>b. for work to be carried out by an owner-builder—               <ul style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>ii. if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i>—                   <ul style="list-style-type: none"> <li>— the number of the owner-builder permit.</li> </ul> </li> </ul> </li> </ul> 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to			

	<p>comply with the <i>Building Code of Australia</i> under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>4</b>	<p><b>Shoring and adequacy of adjoining property</b></p> <p>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -</p> <ol style="list-style-type: none"> <li>protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</li> <li>if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</li> </ol> <p>3. This section does not apply if -</p> <ol style="list-style-type: none"> <li>the person having the benefit of the development consent owns the adjoining land, or</li> <li>the owner of the adjoining land gives written consent to the condition not applying.</li> </ol> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>5</b>	<p><b>Erection of signs</b></p> <p>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -</p> <ol style="list-style-type: none"> <li>showing the name, address and telephone number of the principal certifier for the work, and</li> <li>showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>stating that unauthorised entry to the work site is prohibited.</li> </ol> <p>3. The sign must be -</p> <ol style="list-style-type: none"> <li>maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>removed when the work has been completed.</li> </ol> <p>4. This section does not apply in relation to -</p> <ol style="list-style-type: none"> <li>building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</li> </ol> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>6</b>	<p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -</p>

	<p>1. BASIX development,</p> <p>2. BASIX optional development, if the development application was accompanied by a BASIX certificate.</p> <p>Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>7</b>	<p><b>Construction site management</b></p> <p>The development site is to be managed for the entirety of work in the following manner:</p> <ol style="list-style-type: none"> <li>1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;</li> <li>2. Appropriate dust control measures;</li> <li>3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;</li> <li>4. Building waste is to be managed via appropriate receptacles into separate waste streams;</li> <li>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.</li> <li>6. Building work being limited to the following hours, unless otherwise permitted by Council; <ul style="list-style-type: none"> <li>- Monday to Saturday from 7.00am to 6.00pm</li> <li>- No work to be carried out on Sunday or public holidays</li> </ul> <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> <p>All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority.</p> </li> </ol> <p>Condition Reason: To ensure that construction site is appropriately managed to prevent impacts to adjoining properties, the public domain and to ensure waste is disposed of in a practical and sustainable manner.</p>
<b>8</b>	<p><b>Public works and utility services alterations</b></p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p>Condition reason: To confirm that the developer is responsible for all public utility costs and alterations.</p>
<b>9</b>	<p><b>AUSPEC Specifications</b></p> <p>The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.</p> <p>Condition reason: To ensure public infrastructure works meet appropriate industry standards.</p>
<b>10</b>	<p><b>Access and facilities for disabled</b></p> <p>This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.</p> <p>Condition reason: To ensure there is awareness of access and facility requirements for people with disabilities.</p>
<b>11</b>	<p><b>Advertising signage</b></p> <p>Separate development consent is required for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be obtained prior to the erection or display of any such signs.</p>

	Condition reason: To advise that any advertising signage may require separate development consent.
<b>12</b>	<p><b>Bonds</b></p> <p>The applicant shall provide security to the Council for the payment of the cost of the following:</p> <ol style="list-style-type: none"> <li>making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,</li> <li>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,</li> <li>remedying any defects in any such public work that arise within twelve (12) months after the work is completed.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>deposit with the Council, or</li> <li>an unconditional bank guarantee in favour of the Council.</li> </ol> <p>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.</p> <p>Condition reason: To specify the monetary bond required to be paid to protect public infrastructure from damage or defects.</p>
<b>13</b>	<p><b>Trade waste</b></p> <p>The disposal of wastewater from a commercial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999. In this regard, whilst you have indicated that trade waste will not be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
<b>14</b>	<p><b>General Terms of Approval (State Authority)</b></p> <p>The General Terms of Approval (GTAs) from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.</p> <ul style="list-style-type: none"> <li>NSW Rural Fire Service - The General Terms of Approval, Reference DA20230505001935-Original-1 and dated 19 June 2023, are attached and form part of this consent.</li> </ul> <p>Condition reason: To ensure that external State agency requirements are satisfied.</p>
<b>15</b>	<p><b>Excavated material</b></p> <p>Any excavated material to be removed from the site is to be assessed, classified,</p>

	transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'waste classification guidelines part 1: classifying waste'.
	Condition reason: To ensure the appropriate management removed from the site.
<b>16</b>	<p><b>Voluntary Planning Agreements</b></p> <p>The requirements and obligations of the applicable voluntary planning agreements, as per below, form part of this consent and shall be undertaken or fulfilled at the respective stages throughout the development:</p> <ul style="list-style-type: none"> <li>• Milland Area 14 Stage 1B Planning Agreement as executed 14 September 2011.</li> <li>• Ocean Drive, Lake Cathie Planning Agreement as executed 17 February 2015.</li> </ul> <p>Condition reason: To ensure relevant obligations of Voluntary Planning Agreements are undertaken as part of the development.</p>
<b>17</b>	<p><b>Trade waste</b></p> <p>The disposal of wastewater from a commercial business to Port Macquarie-Hastings Council's sewage system requires specific approval under the Local Government Act, 1993. In this regard, whilst you have indicated that trade waste will not be discharged from the proposed development, should you wish to discharge liquid trade wastes to Council's sewer in the future, further approval will be required.</p> <p>Condition reason: To ensure appropriate provision of infrastructure and management of trade waste.</p>
<b>18</b>	<p><b>First use of commercial</b></p> <p>Further development consent is required for the first use and fit out of the ground floor commercial tenancies.</p> <p>Condition reason: To ensure appropriate assessment and consideration of intended future uses.</p>
<b>19</b>	<p><b>Staging</b></p> <p>The development shall proceed in accordance with the approved stages as set out below:</p> <ul style="list-style-type: none"> <li>• Stage 1: Bulk earthworks comprising basement excavation and piling.</li> <li>• Stage 2: Construction of buildings and basement, associated landscaping, infrastructure, servicing arrangements and strata subdivision.</li> </ul> <p>Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions any contributions payable.</p> <p>Condition reason: To set out how the development can be staged.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
<b>1</b>	<p><b>B002 - Plumbing permit</b></p> <p>Prior to release of the Construction Certificate for stage 2, 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:</p> <ul style="list-style-type: none"> <li>• Position and depth of the sewer (including junction)</li> <li>• Stormwater drainage termination point</li> </ul>

	<ul style="list-style-type: none"> <li>• Easements</li> <li>• Water main</li> <li>• Proposed water meter location</li> </ul> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2	<p><b>B005 - Works in road reserve permit</b></p> <p>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.</p> <p>Such works include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Civil works</li> <li>• Traffic management</li> <li>• Work zone areas</li> <li>• Hoardings</li> <li>• Concrete foot paving</li> <li>• Footway and gutter crossing</li> <li>• Functional vehicular access</li> <li>• Restoration of any redundant vehicle accesses.</li> <li>• Line marking of newly created public parking spaces.</li> </ul> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
3	<p><b>Section 7.11 Contributions</b></p> <p>Payment to Council, prior to the issue of the Construction Certificate for stage 2 of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with either the provisions of the following plans (as amended) or a Planning Agreement:</p> <ul style="list-style-type: none"> <li>• Port Macquarie-Hastings Administration Building Contributions Plan 2007</li> <li>• Hastings S94 Administration Levy Contributions Plan 2003</li> <li>• Port Macquarie-Hastings Open Space Contributions Plan 2018</li> <li>• Hastings S94 Major Roads Contributions Plan 2004</li> <li>• Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005</li> <li>• Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15.</li> </ul> <p>The plans may be viewed on Council's website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.</p> <p>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.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.</p>



4	<p><b>Retaining walls</b></p> <p>Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:</p> <ul style="list-style-type: none"> <li>i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or</li> <li>ii. earthworks that are more than 1m above or below ground level (existing) in any other location;</li> </ul> <p>are to be submitted to the Principal Certifier with the application for Construction Certificate.</p> <p>Condition reason: To ensure retaining walls have structural integrity.</p>
5	<p><b>Car parking and access certification</b></p> <p>The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifier prior to release of the Construction Certificate for stage 2.</p> <p>Condition reason: To ensure that safe and practical accessibility/functionality is provided.</p>
6	<p><b>Stormwater drainage design</b></p> <p>A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:</p> <ul style="list-style-type: none"> <li>a) The legal point of discharge for the proposed development is defined as a direct connection to Council's existing piped drainage system adjacent to the site. Connection shall be made to existing (or newly proposed) pits as per design allowances for approved / existing Council stormwater infrastructure. Any increase to existing subdivision design allowances for the development lot discharge will require demonstrated via hydrological modelling that existing infrastructure has adequate capacity and meet AUSPEC D5 requirements and specifications. Direct pipe-to-pipe connections are not permitted.</li> <li>b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.</li> <li>c) Detailed design plans shall confirm that the total developed site impervious area is less than or equal to the design allowances made within the original approved stormwater design of the surrounding subdivision. Where site impervious area is above design allowances, on-site stormwater detention and water quality controls will be required to be provided to limit discharge and pollutant loads to existing infrastructure capacity meeting AUSPEC D5 and D7 requirements and specifications.</li> <li>d) The Stormwater Plan must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted. Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/ intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.</li> <li>e) Long sections on detailed plans shall confirm that driveway entrances into basement carparking areas provide adequate freeboard above top water levels in the road reserve / kerb and gutter.</li> <li>f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage.</li> </ul>

	<p>Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.</p> <p>g) 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.</p> <p>h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
7	<p><b>Substation location and appearance</b></p> <p>The location of any required electricity substation(s) and fire hydrant(s) shall be clearly illustrated on the Construction Certificate plans for stage 2. The substation(s) and hydrant(s) shall be located on private property. If visible from the street the substation(s) and hydrant(s) shall be visually screened and/or landscaped so as to provide an attractive streetscape appearance. Details shall be clearly illustrated on the construction certificate plans to satisfaction of the certifying authority.</p> <p>Condition reason: To ensure that required essential infrastructure supports an attractive streetscape and development.</p>
8	<p><b>Design certification for residential apartment development</b></p> <p>In accordance with clause 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 a statement shall be submitted to the Principal Certifier from a qualified designer that the plans and specifications achieve or improve the design quality of the development having regard to the design quality principles for residential apartment development for stage 2.</p> <p>Condition reason: To ensure that the construction meets the design requirements of SEPP (Housing) 2021 for residential flat buildings.</p>
9	<p><b>Utilities and services including Water and Sewer</b></p> <p>Before the issue of the relevant Construction Certificate for stage 2, written evidence of the following service provider requirements must be provided:</p> <ul style="list-style-type: none"> <li>• A letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.</li> <li>• A response from Council as a Water Authority as to whether plans accompanying the application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.</li> </ul> <p>Condition reason: To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.</p>
10	<p><b>Haulage of fill</b></p> <p>Prior to release of the Construction Certificate for stage 1 the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;</li> <li>• Recommended load limits for haulage vehicles and;</li> <li>• A procedure for monitoring the condition of the pavement during the haulage;</li> </ul>

	<ul style="list-style-type: none"> <li>Bond to guarantee public infrastructure is not damaged as a result of construction activity, and;</li> </ul> <p>Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.</p> <p>Condition reason: To protect public infrastructure.</p>
<b>11</b>	<p><b>Dilapidation reports</b></p> <p>Prior to the issue of the Construction Certificate, a dilapidation report shall be prepared by a professional engineer for any buildings on adjoining. Such report shall be furnished to the Principal Certifying Authority.</p> <p>Condition reason: To protect and prevent damage to adjoining buildings.</p>
<b>12</b>	<p><b>Construction site management plan</b></p> <p>Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier with a copy also provided to Port Macquarie-Hastings Council. The plan must include the following matters:</p> <ol style="list-style-type: none"> <li>The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>Provisions for public safety;</li> <li>Pedestrian and vehicular site access points and construction activity zones;</li> <li>Details of construction traffic management including: <ol style="list-style-type: none"> <li>Proposed truck movements to and from the site;</li> <li>Estimated frequency of truck movements; and</li> <li>Measures to ensure pedestrian safety near the site;</li> </ol> </li> <li>Details of bulk earthworks to be carried out;</li> <li>The location of site storage areas and sheds;</li> <li>The equipment used to carry out works;</li> <li>The location of a garbage container with a tight-fitting lid;</li> <li>Dust, noise and vibration control measures;</li> <li>The location of temporary toilets;</li> <li>The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> <li>AS 4970 – Protection of trees on development sites;</li> <li>An applicable Development Control Plan;</li> </ol> </li> </ol> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To protect public safety and minimise construction impacts upon the adjoining neighbourhood.</p>
<b>13</b>	<p><b>Private waste collection arrangements</b></p> <p>Prior to issue of the Construction Certificate for stage 2, evidence shall be provided to the Principal Certifying Authority that satisfactory arrangements can be put in place for collection of waste from the premises by a private waste contractor.</p> <p>Condition reason: To ensure appropriate waste collection is in place to serve the development.</p>
<b>14</b>	<p><b>Concept approval commitments</b></p> <p>As referenced at CP12 in the Statement of Commitments for the Part 3A Concept Approval MP 07_0010 that applies to the site, Geotechnical tests and an assessment of slope stability shall be undertaken. Any recommendations of the assessment shall be incorporated into the structural foundation design. Prior to the issue of the relevant Construction Certificate a copy of the assessment report shall be provided to the Principal Certifying Authority and construction plans to</p>

	<p>clearly illustrate any recommendations of the report.</p> <p>Condition reason: To ensure appropriate structural design is provided in response to the slope of the site and to satisfy state government concept approval commitments.</p>
15	<p><b>Concept approval commitments</b></p> <p>Prior to issue of the relevant Construction Certificate, a Groundwater Management Plan shall be prepared in relation to the building foundation design by an experienced specialist groundwater engineer to address the following:</p> <p>a) All relevant recommendations made in the previous groundwater studies and plans (by Martens Consulting Engineers, dated July 2012 under DA 2012/381, July 2010 and July 2007 under Part 3A Concept Approval MP 07_0010);</p> <p>b) All potential significant impacts by the development on subsurface flows shall be fully mitigated to the satisfaction of Council, including (without limitation) all impacts on the SEPP 26 Littoral Rainforest; and</p> <p>c) The report shall be provided to Council's Director of Development &amp; Environment for review and concurrence.</p> <p>Prior to the issue of any Construction Certificate a copy of the plan shall be provided to the Principal Certifying Authority and construction plans to clearly illustrate any recommendations of the report.</p> <p>Condition reason: To ensure appropriate management of groundwater.</p>
16	<p><b>Erosion and sediment control plan</b></p> <p>Before the issue of the relevant construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier with a copy also provided to Port Macquarie-Hastings Council:</p> <p>a) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To minimise and manage construction impacts.</p>
17	<p><b>Ocean Blue Boulevard (main street)</b></p> <p>Prior to the issue of any construction certificate, the main street (Ocean Blue Boulevard) design plans shall be approved by Port Macquarie-Hastings Council from Seaside Drive through to Surfers Drive as per DA2012/381. A copy of the stamped approved design plans shall be provided to the certifying authority.</p> <p>Condition reason: To ensure the development provides a smooth transition from the main street and public domain to private land interface.</p>
18	<p><b>Public Art</b></p> <p>Prior to the issue of a Construction Certificate for stage 2 a Public Art Strategy shall be provided to the satisfaction of Port Macquarie-Hastings Council. The Strategy is to make provision for quality artwork(s) within the development in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage. The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain.</p> <p>Condition reason: To ensure the development provides a positive contribution to the built environment.</p>
19	<p><b>Road traffic noise construction</b></p> <p>The construction plans shall clearly demonstrate compliance with the construction and installation requirements detailed in the Traffic Noise Assessment Report, prepared Rodney Stevens, Revision 0, and dated 18 April 2023. Prior to the issuing of the Construction Certificate for stage 2, evidence demonstrating compliance with this condition shall be notated on the plans to the satisfaction of the certifying authority.</p>

	Condition reason: To ensure internal noise levels within the apartments meet acceptable amenity criteria.
<b>20</b>	<p><b>Mechanical Plant Noise</b></p> <p>Prior to the issue of the Construction Certificate for stage 2, a suitably qualified and practising acoustic consultant shall submit certification to the satisfaction of the certifying authority which demonstrates that all mechanical plant and equipment to be installed in the buildings will comply with the nominated Project Specific Noise Levels as detailed in the Traffic Noise Assessment Report, prepared Rodney Stevens, Revision 0, and dated 18 April 2023. The certification shall clearly state the nominated noise levels achieved.</p> <p>Condition reason: To ensure internal noise levels within the apartments meet acceptable amenity criteria.</p>
<b>21</b>	<p><b>Crime Prevention Through Environmental Design (CPTED)</b></p> <p>Prior to the issue of the Construction Certificate for stage 2, certification from a suitably qualified professional must be provided to the principal certifier confirming that the Construction plans incorporate and address the recommendations of the Crime Prevention Through Environmental Design (CPTED) Report prepared by CCEP, dated 29 March 2023.</p> <p>Condition reason: To ensure the design of the development provides for a safe and secure environment.</p>
<b>22</b>	<p><b>Proposed lot creation</b></p> <p>Prior to the issue of any construction certificate, proposed lot 201 is either to be either created under development consent DA2012/381 and registered with the NSW Land Registry with evidence of lot registration shall be provided to the certifying authority; or a set out survey be undertaken by a registered land surveyor confirming the siting of the development is in accordance with the approved plans with regard to the proposed lot 201 property boundaries.</p> <p>Condition reason: To ensure the development is appropriately sited and setback within the approved boundaries of the allotment.</p>

**BEFORE WORK COMMENCES**

	Condition
<b>1</b>	<p><b>Service provider arrangements</b></p> <p>Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
<b>2</b>	<p><b>Notice of works commencement</b></p> <p>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.</p> <p>Condition reason: To ensure that the development commences in an orderly manner and to protect public safety and the integrity of public infrastructure.</p>
<b>3</b>	<p><b>Airport obstacle limitation surface</b></p> <p>A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.</p>

	Condition reason: To protect public health and safety, building assets and the environment.
<b>4</b>	<b>Erosion and sediment control measures in place</b> Before any site work commences for each stage, the principle certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time). Condition reason: To ensure appropriate site management and protection of the environment.

**DURING BUILDING WORK**

	Condition
<b>1</b>	<b>Support of adjoining property</b> Provision being made for support of adjoining properties and roadways during construction. Condition reason: To protect adjoining properties and public assets.
<b>2</b>	<b>E003 - Copy of construction plans</b> 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 Certifier or an officer of the Council. Condition reason: To ensure that the development proceeds in accordance with the approved plans.
<b>3</b>	<b>Aboriginal objects</b> Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act 1974 may be required before work resumes. Condition reason: To protect and manage aboriginal cultural heritage.
<b>4</b>	<b>Construction site management measures</b> While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request. Condition reason: To ensure appropriate site management and protection of the environment.
<b>5</b>	<b>Soil management</b> While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principle certifier. b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the



	Protection of the Environment Operations Act 1997.
	Condition reason: To ensure appropriate classification and management of soil entering and leaving the site.

**BEFORE ISSUE OF AN OCCUPATION / STRATA CERTIFICATE**

	Condition
<b>1</b>	<b>F020 - Completion of works within the road reserve</b> Prior to occupation or the issuing of the Occupation, Certificate provision to the Principal Certifier 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. Condition reason: To ensure that appropriate infrastructure is provided to service the development.
<b>2</b>	<b>F031 - Completion of plumbing works</b> Prior to occupation or the issuing of any Occupation Certificate for stage 2 a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council. Condition reason: To ensure that appropriate infrastructure is provided to service the development.
<b>3</b>	<b>F035 - Certification of BASIX commitments</b> Written confirmation being provided to the Principal Certifier 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 (stage 2). Condition reason: To ensure that BASIX commitments have been provided and the development achieves acceptable operating efficiencies.
<b>4</b>	<b>Bond securities release</b> Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount. Condition reason: To protect public infrastructure.
<b>5</b>	<b>Section 307 certificate for building works</b> 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. Condition reason: To ensure that appropriate infrastructure is provided to service the development.
<b>6</b>	<b>Completion of landscaped areas</b> Landscaped areas being completed prior to occupation or issue of the Occupation Certificate for stage 2. Public landscaping may be bonded as agreed to by Council. Condition reason: To ensure that the development positively contributes to the aesthetics and biodiversity values of the area.
<b>7</b>	<b>Private waste collection arrangements</b> Prior to occupation or the issue of any Occupation Certificate for stage 2, evidence must be provided to the Principal Certifier that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams. Condition reason: To ensure waste is managed appropriately so as it does not adversely impact on public health and the environment.
<b>8</b>	<b>Satisfactory services certification</b>

	<p>Prior to the issue of an Occupation Certificate for stage 2 evidence to the satisfaction of the Principal Certifier from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).</p> <p>Condition reason: To ensure necessary services are installed to serve occupants of the development.</p>
<b>10</b>	<p><b>Design verification statement</b></p> <p>In accordance with clause 43 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and prior to the issue of an Occupation Certificate for occupation or use of residential apartment development (stage 2), a design statement from a qualified designer shall be provided to the certifier.</p> <p>Condition reason: To ensure that the construction meets the design requirements of SEPP (Housing) 2021 for residential flat buildings.</p>
<b>11</b>	<p><b>Right of access</b></p> <p>Prior to occupation or issuing of any occupation certificate for stage 2 a legal right of access shall be established over 102 DP 1293926 benefiting adjoining Lot 167 DP 1229250 for the purpose of providing the approved vehicular access to the basement parking areas under DA 2017/336. Details demonstrating compliance shall be provided to the satisfaction of the certifying authority. This right of access must have consideration of the proposed construction over site.</p> <p>Condition reason: To ensure legal right of access is provided for adjoining approved development.</p>
<b>12</b>	<p><b>Right of access</b></p> <p>Prior to occupation or issuing of any Occupation Certificate for stage 2 legal reciprocal rights of access shall be established over Lots 101 and 102 DP1293926 for the purpose of vehicular access to the basement parking and waste collection area. Details demonstrating compliance shall be provided to the satisfaction of the certifying authority. This right of access must have consideration of the proposed construction over site.</p> <p>Condition reason: To ensure legal rights of access over adjoining land are established to serve the development.</p>
<b>13</b>	<p><b>Right of public pedestrian access</b></p> <p>Prior to occupation or issuing of any Occupation Certificate for stage 2 legal rights of public pedestrian access shall be established through the nominated public pedestrian connection point. Details demonstrating compliance shall be provided to the satisfaction of the certifying authority.</p> <p>Condition reason: To provide legal means of pedestrian public access across private in the nominated location.</p>
<b>14</b>	<p><b>Public art completion</b></p> <p>Prior to the issue of any occupation certificate for stage 2 the public art identified in the Public Art Strategy shall be installed to the satisfaction of Port Macquarie-Hastings Council.</p> <p>Condition reason: To ensure the development provides a positive contribution to the built environment in meeting applicable development provisions.</p>
<b>15</b>	<p><b>Bushfire construction</b></p> <p>Prior to occupation or issue of the Occupation Certificate for stage 2, details of compliance with the Bushfire Safety Authority is to be provided to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure that external State agency requirements are satisfied.</p>
<b>16</b>	<p><b>Occupation Certificate</b></p> <p>The buildings shall not be occupied or used in whole or in part until an Occupation</p>


	<p>Certificate has been issued by the Principal Certifying Authority (stage 2).</p> <p>Condition reason: To ensure the development has been completed in accordance with the development consent.</p>
17	<p><b>Ocean Blue Boulevard (main street) construction</b></p> <p>Prior to the issue of any occupation or strata certificate (whichever occurs first) for stage 2, Ocean Blue Boulevard (main street) shall be constructed and dedicated to Port Macquarie-Hastings Council for its full length from Seaside Drive to Surfers Drive.</p> <p>Condition reason: To ensure public infrastructure and connections are in place to serve the development.</p>
18	<p><b>Completion of parking areas</b></p> <p>Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate (stage 2) or commencement of the approved land use.</p> <p>Condition Reason: To ensure that the development provides for practical and safe access and to protect the environment.</p>
19	<p><b>CCTV inspection of new stormwater infrastructure</b></p> <p>Prior to the issue of an Occupation Certificate, CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.</p> <p>A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
20	<p><b>Stormwater certification</b></p> <p>At the completion of works on private property certification is to be provided to Port Macquarie-Hastings Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
21	<p><b>Onsite stormwater detention management</b></p> <p>On completion of any required on-site stormwater detention system (OSD), the owner of the property is responsible for:</p> <ol style="list-style-type: none"> <li>Maintaining and keeping clear all pits, pipelines, screens, orifice and other structures associated with the on-site stormwater detention facilities ("OSD").</li> <li>Having the OSD inspected annually by a competent person.</li> </ol> <p>The Council shall have the right to enter the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order any structures or components in or upon the land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the landowner.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided and maintained to service the development.</p>
22	<p><b>Stormwater quality control maintenance</b></p> <p>On completion of any required stormwater water quality control device (SQID), the owner of the property is responsible for:</p> <ol style="list-style-type: none"> <li>Maintaining and keeping clear all components of and structures associated with the SQID in accordance with the maintenance plan so as to ensure the system achieves the nominated performance targets.</li> <li>Having the SQID inspected annually by a competent person.</li> </ol>

	The Council shall have the right to enter upon the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the landowner.
	Condition reason: To ensure that appropriate infrastructure is provided and maintained to service the development.

**OCCUPATION AND ONGOING USE**

<b>1</b>	<b>On-site carparking</b> On site car parking in accordance with the approved plans shall be provided at all times during the operations of development. Condition reason: To ensure that the development provides for practical and safe accessibility/functionality.
<b>2</b>	<b>Exterior lighting installation</b> Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site. Condition reason: To ensure that the development does not result in unacceptable lighting impacts.
<b>3</b>	<b>Waste collection times</b> Garbage and waste collection service is restricted to the following hours: <ul style="list-style-type: none"> <li>7am to 6pm – Mondays to Fridays (including public holidays falling on a weekday).</li> <li>No collections are to be carried out on weekends.</li> </ul> Condition reason: To ensure the operations of the development do not result in unacceptable noise impacts.

LOT 201, DP- 1278057  
 WHITEWATER TERRACE LAKE CATHIE NSW 2445  
 Mixed Use Buildings - LOT 201, Lake Cathie  
 PROJECT NUMBER: 22102  
 CLIENT: JUSTICE FOX PROPERTY GROUP



**6.6**  
Average  
star rating

**NATIONWIDE  
HOUSE**  
Housing Accreditation

[www.nathers.gov.au](http://www.nathers.gov.au)

**SEDIMENT CONTROL**

**0008535430 31 Mar 2023**

**Assessor** Gavin Chambers  
**Accreditation No.** DMN/13/1491  
**Address**  
 Whitewater Terrace, Lake  
 Cathie, NSW, 2445



**hstar.com.au**

PERSPECTIVE

**ELK**  
designs

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Issue	Description	Date																		
P2	Consultant Issue	19/12/2022																		
P3	BASIX Issue	13/02/2023																		
A	FOR DA APPLICATION	5/04/2023																		
B	FOR DA APPLICATION	12/04/2023																		





# History of Lake Cathie

- Lake Cathie is located 15 minutes south of Port Macquarie and used as an isolated fishing spot until 1945.
- Sally and Bob Pead were the first to deem the village 'Cati' which then was changed to 'Cati Creek' and then to Lake Cathie as a more prestige name.
- Scrub and cedar trees were extrmley abundant, the land was timbered and used to build the village.
- In 1933 a channel was dug between Lake Innes and Cathie creek and then connected to Lake Cathie in 1949, marking the opening of Lake Cathie. Now days the channel has been filled in for rehabilitation purposes.
- The opening of lake Cathie Bridge was seen as a Modern Historic moment using modern construction techniques to create a connection to Port Macquarie

History can help guide a design, inspire materiality and form. Ideas stemming from the bushland of cedar and scrub, brought to a building in the form of battens and a large array of landscaping. The bridge and its form from, old to new, still incooperating its historic form into a modern design can be adapted into the design of this project.

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# Indigenous Australian History around Lake Cathie

- The area around Lake Cathie was home to the Birapai people which held extensive pre-historic camps from the stone age between Tracking Point Light House and Cathie Creek.
- The area was well populated with Kangaroos and other animals and was abundant in fish in the surrounding rivers and lakes.
- The area was well inhabited with camps, with Kitchen Middens, pipis and stone age relics found across the whole area.
- In 1821 The Port Macquarie European settlement was established

It's important to recognise the land in which we are proposing our design on. Understanding indigenous techniques, culture and history can guide and influence a design.

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Issue	Description	Date																
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B	FOR DA APPLICATION	12/04/2023																
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**Item 05**  
**Attachment 2**  
**Page 179**



SITE ANALYSIS LEGEND

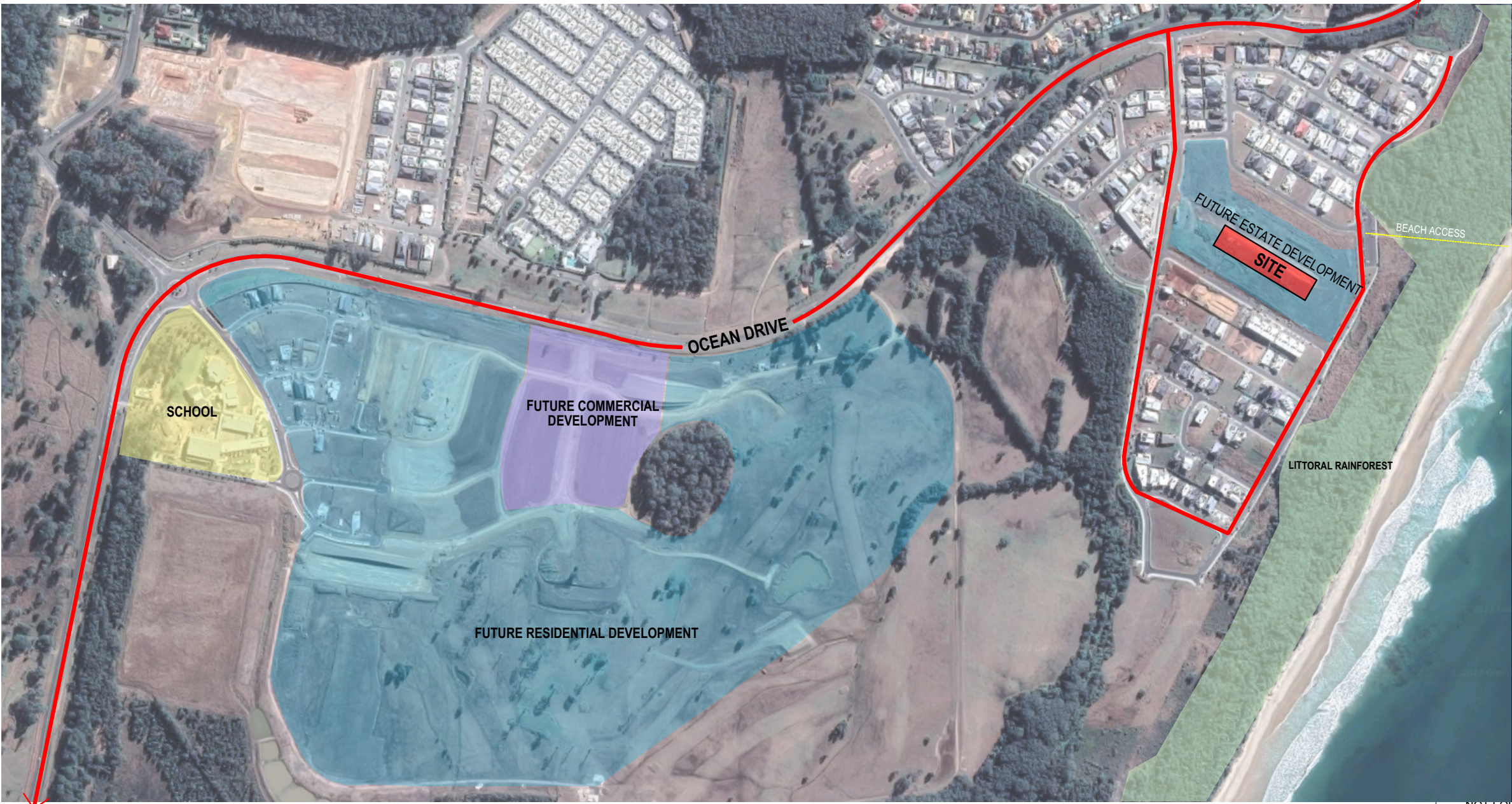
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FUTURE COMMERCIAL DEVELOPMENT

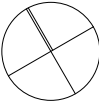
SCHOOL

PRIMARY ROAD



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e: craig@streetwisersa.com.au

Issue	Description	Date
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B	FOR DA APPLICATION	12/04/2023

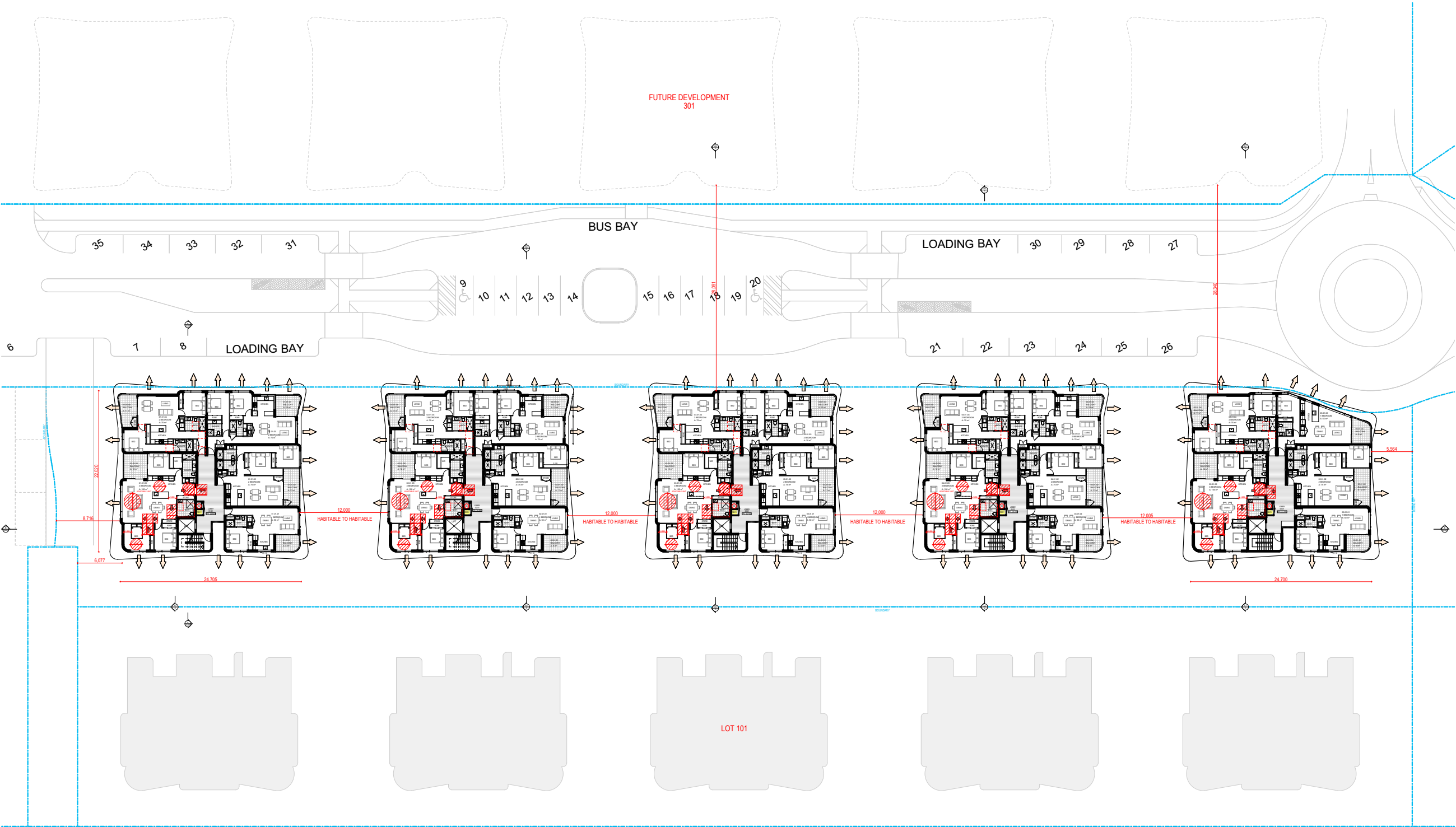
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**Location**  
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**Client**  
**Justice Fox**

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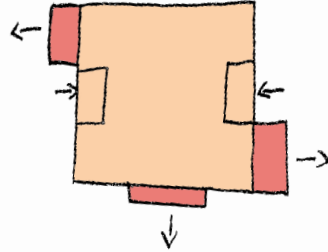
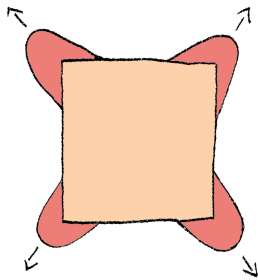
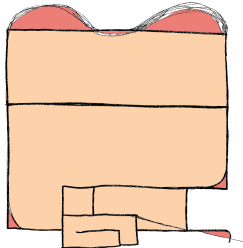
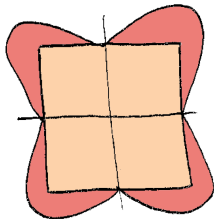
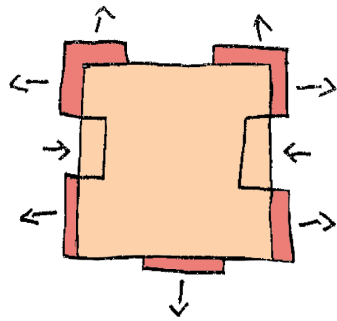




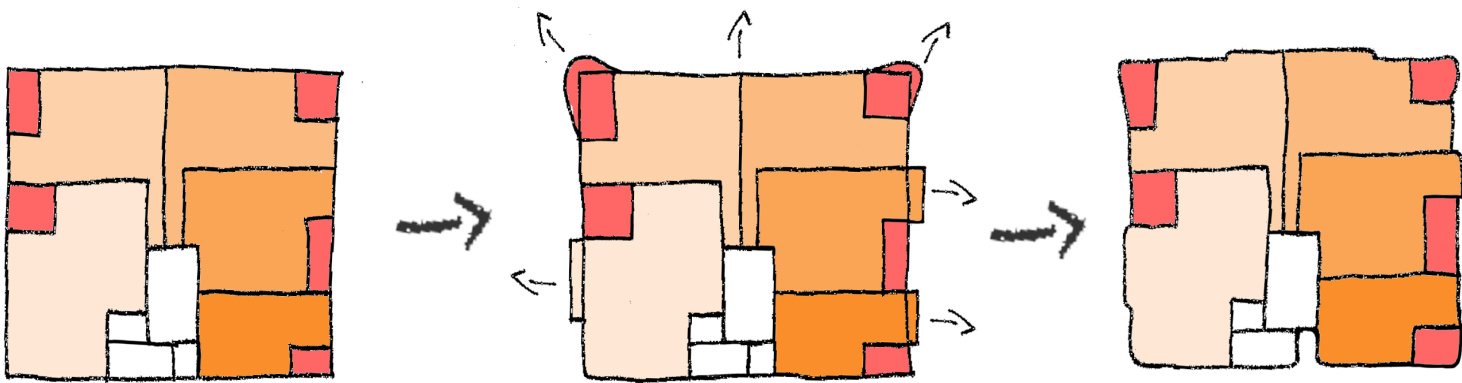


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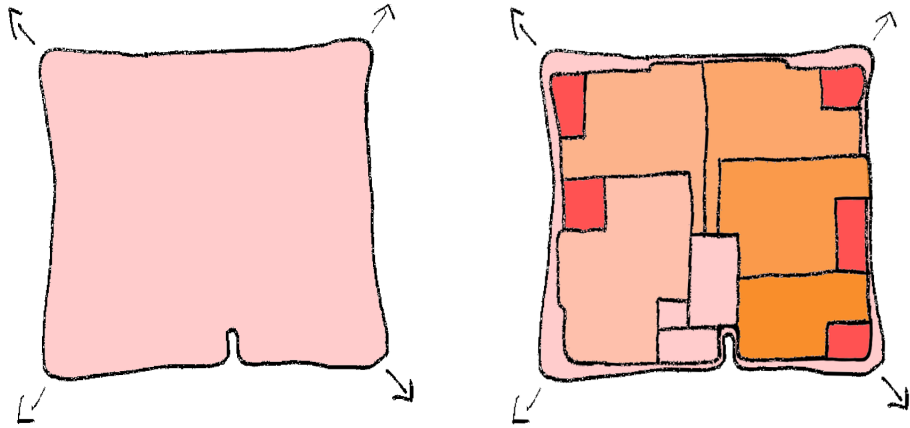
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PRIVACY CONNECTION FUNCTION



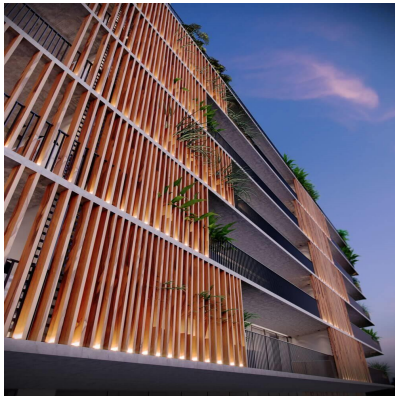
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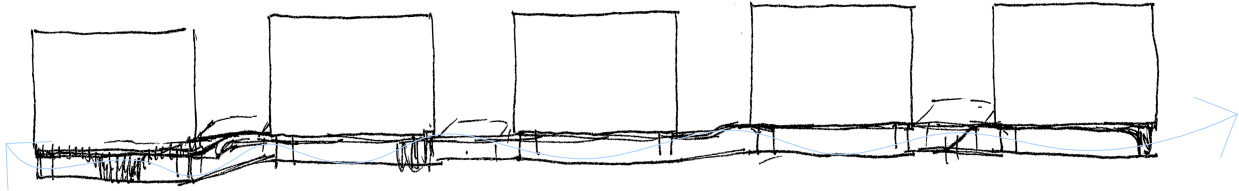
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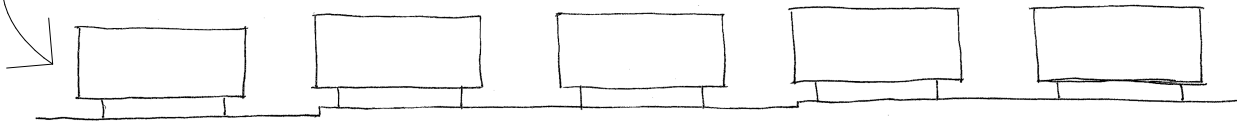
<div>PO Box 601 Kotara NSW 2289 Ph 49524425 Nominated Architect: Daniel Hadley 8209</div> <div>The information contained in the document is copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed "For Construction" and authorised for issue.</div>		<div><b>Consultants</b></div> <div><div><div>Surveyor Land Dynamics Australia p: 02 6583 2677 e: andrew.constance@ldynamics.com.au</div><div>Planner Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au</div></div><div><div>Access Consultant Lindsay Perry Access p: 0418 908 180 e: lindsay@paccess.com.au</div><div>Energy Assessor Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au</div></div><div><div>Landscape Consultant Myrtle Studio p: 0408005904 e: rebeccadoblo@bigpond.com</div><div>Traffic Consultant Streetwise Road safety &amp; Traffic services p: 0412 009 558 e: craig@streetwisesa.com.au</div></div></div>	<table><tr><td>Issue</td><td>Description</td><td>Date</td></tr><tr><td>A</td><td>FOR DA APPLICATION</td><td>5/04/2023</td></tr><tr><td>B</td><td>FOR DA APPLICATION</td><td>12/04/2023</td></tr></table>	Issue	Description	Date	A	FOR DA APPLICATION	5/04/2023	B	FOR DA APPLICATION	12/04/2023	<div>Project <b>Mixed Use Building</b></div> <div>Location <b>LOT 201</b></div> <div><b>Catarina Estate</b></div> <div>Client <b>Justice Fox</b></div>	<div>Drawing <b>DIAGRAMS, FORM, DESIGN DEVELOPMENT</b></div> <div>Scale @ A3</div> <div>DRAWN <b>NE</b></div> <div>QA CHECKED <b>WF</b></div>	<div>Drawing Number <b>DA017</b></div> <div>Issue B</div> <div>Project Number <b>22102</b></div>	
Issue	Description	Date														
A	FOR DA APPLICATION	5/04/2023														
B	FOR DA APPLICATION	12/04/2023														



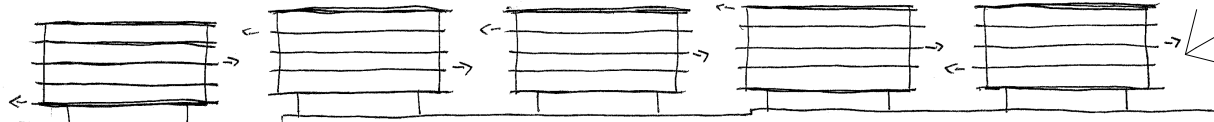
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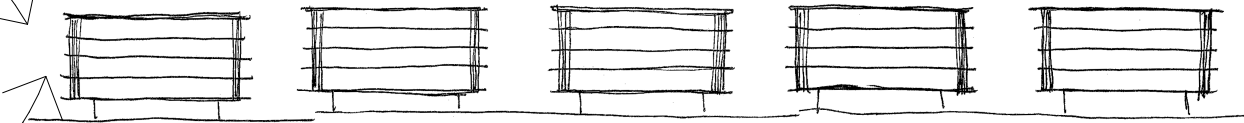
PUBLIC VS PRIVATE



FORM



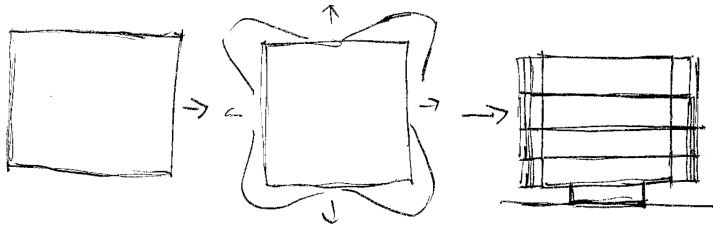
EXPAND



PRIVACY



Catarina Lot 101



BASE

EXTEND

SHAPE

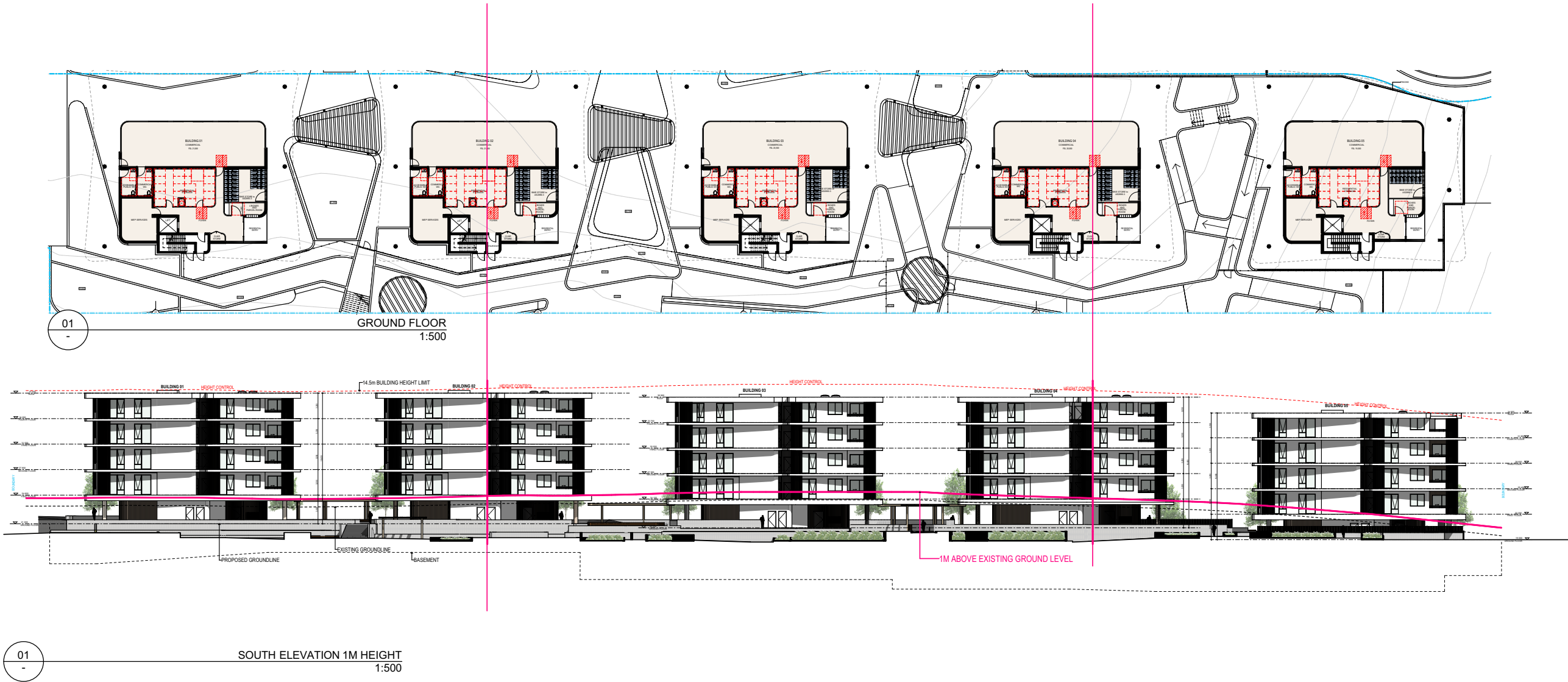


Village Palm Beach

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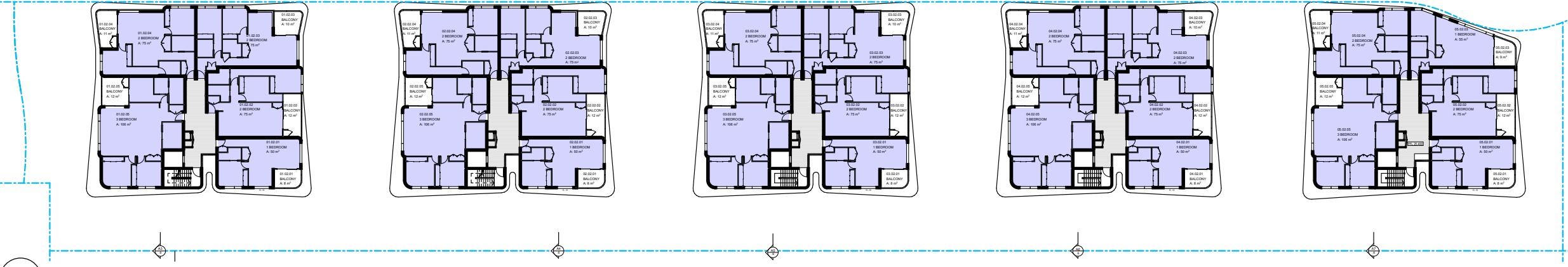
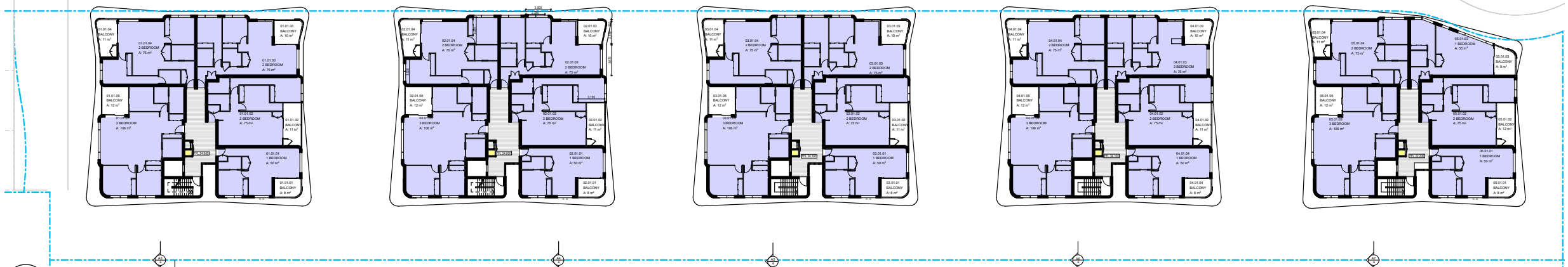
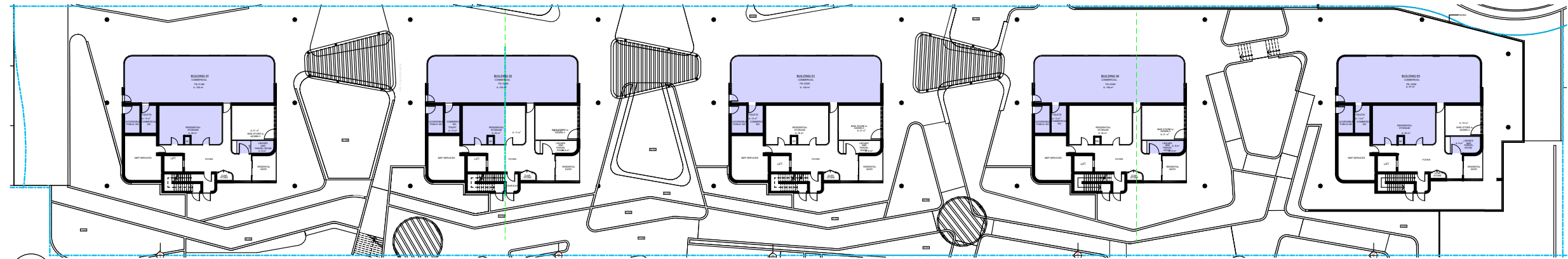


NOTES  
DIAGRAM SHOWING 1M CUT ABOVE NATURAL GROUND LINE

LEP DEFINITION:  
BASEMENT MEANS THE SPACE OF A BUILDING WHERE THE FLOOR LEVEL OF THAT SPACE IS  
PREDOMINATELY BELOW GROUND LEVEL (EXISTING) AND WHERE THE FLOOR LEVEL OF  
THE STOREY IMMEDIATELY ABOVE IS LESS THAN 1 M ABOVE GROUND LEVEL (EXISTING)

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COUNTED IN FSR

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Issue  
A  
B

Description  
FOR DA APPLICATION  
FOR DA APPLICATION

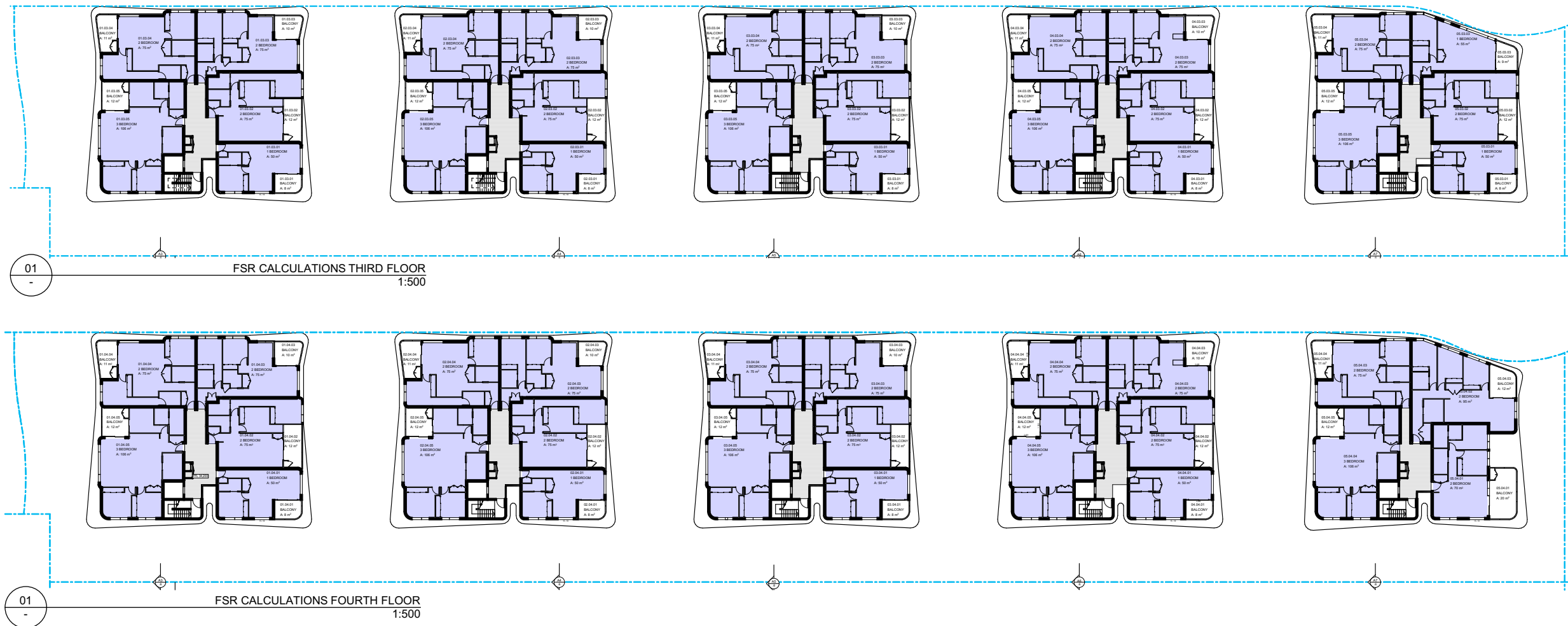
Date  
5/04/2023  
12/04/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**FSR Calculation Diagrams**  
Scale  
1:500 @ A3  
DRAWN  
NE  
QA CHECKED  
WF

Drawing Number  
**DA020**  
Issue  
B  
Project Number  
**22102**





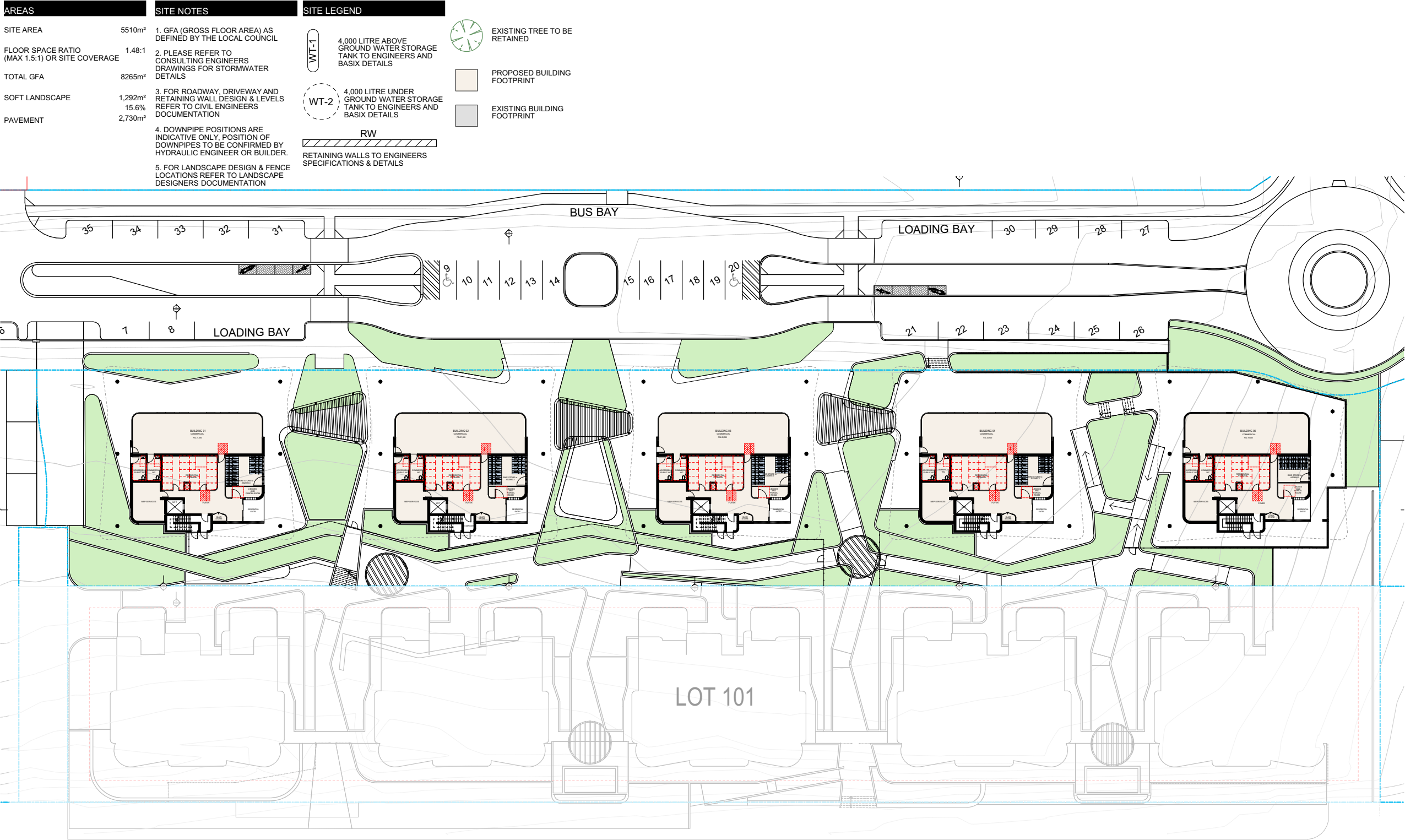
FSR CALCULATIONS LOT 201 FSR= 1.5:1 TOTAL LOT AREA= 5510m <sup>2</sup> GFA= 8265m <sup>2</sup> 8265/5= 1653m <sup>2</sup> PER BUILDING 1653/5= 330.6m <sup>2</sup> PER LEVEL	BUILDING 01 GF= 157m <sup>2</sup> 1ST, 2ND, 3RD AND 4TH FLOOR= 381 381 x 4= 1524m <sup>2</sup>  TOTAL= 157+1524= 1681m <sup>2</sup>	BUILDING 02 GF= 138m <sup>2</sup> 1ST, 2ND, 3RD AND 4TH FLOOR= 381 381 x 4= 1524m <sup>2</sup>  TOTAL= 138+1524= 1662m <sup>2</sup>	BUILDING 03 GF= 113m <sup>2</sup> 1ST, 2ND, 3RD AND 4TH FLOOR= 381 381 x 4= 1524m <sup>2</sup>  TOTAL= 113+1524= 1637m <sup>2</sup>	BUILDING 04 GF= 121m <sup>2</sup> 1ST, 2ND, 3RD AND 4TH FLOOR= 381 381 x 4= 1524m <sup>2</sup>  TOTAL= 121+1524= 1645m <sup>2</sup>	BUILDING 05 GF= 155m <sup>2</sup> 1ST, 2ND, 3RD= 361x 3 =1083 4TH FLOOR=346 346+1083 = 1429m <sup>2</sup>  TOTAL= 155+1429= 1584m <sup>2</sup>
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TOTAL FSR  
1681+1662+1637+1645+1584=8209

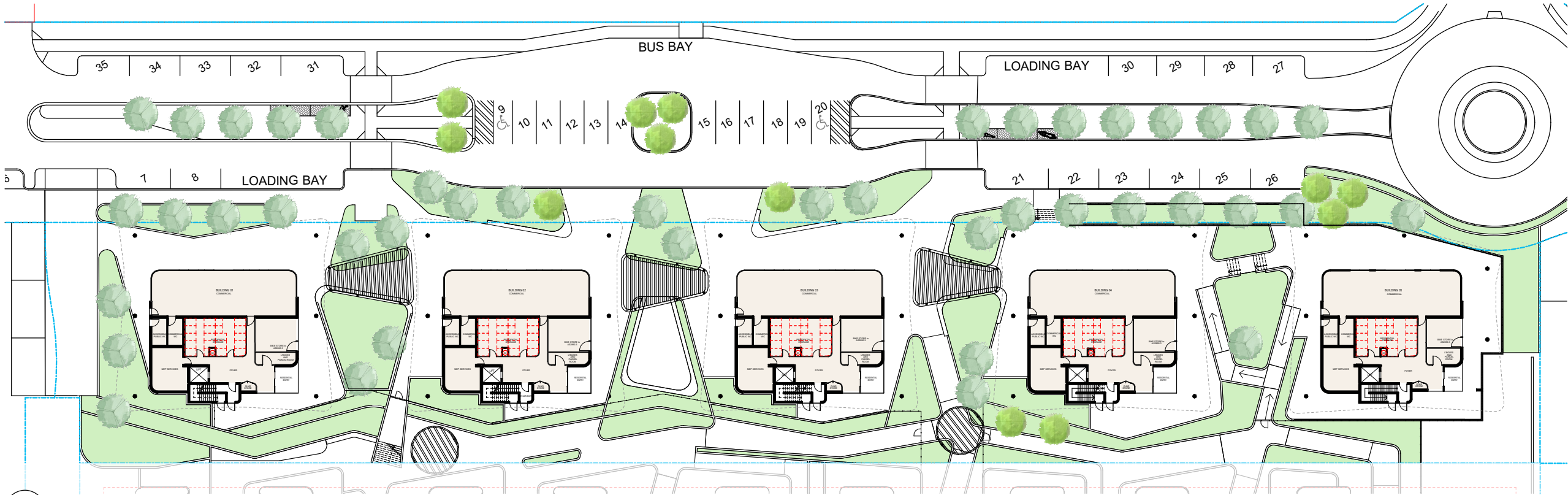
8265-8209= 56m<sup>2</sup> UNDER  
= 99.3%  
FSR= 1.48:1

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01  
-

SITE COVERAGE PLAN  
1:500

SITE COVERAGE LEGEND

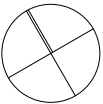
- PROPOSED BUILDING FOOTPRINT
- EXISTING BUILDING FOOTPRINT
- CALCULATED LANDSCAPED AREAS
- DEEP SOIL AREAS
- PRIVATE OPEN SPACE
- INDICATIVE PLANTING

SITE COVERAGE NOTES

- PLEASE REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS
- FOR ROADWAY, DRIVEWAY AND RETAINING WALL DESIGN & LEVELS REFER TO CIVIL ENGINEERS DOCUMENTATION
- FOR LANDSCAPE DESIGN & FENCE LOCATIONS REFER TO LANDSCAPE DESIGNERS DOCUMENTATION

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Nominated Architect: Daniel Hadley 8209  
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**Traffic Consultant**  
Streetwise Road safety & Traffic services  
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e: craig@streetwisesa.com.au

Issue	Description	Date
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	23/08/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**SITE COVERAGE PLAN**  
**Scale**  
1:500 @ A3  
**DRAWN**  
NE  
**QA CHECKED**  
WF

**Drawing Number**  
**DA035**  
**Issue**  
C  
**Project Number**  
**22102**







SOUTH FACADES



NORTH FACADES LOOKING DOWN OCEAN BLUE BOULEVARD



SOUTH FACADES



LOOKING UP OCEAN BLUE BOULEVARD

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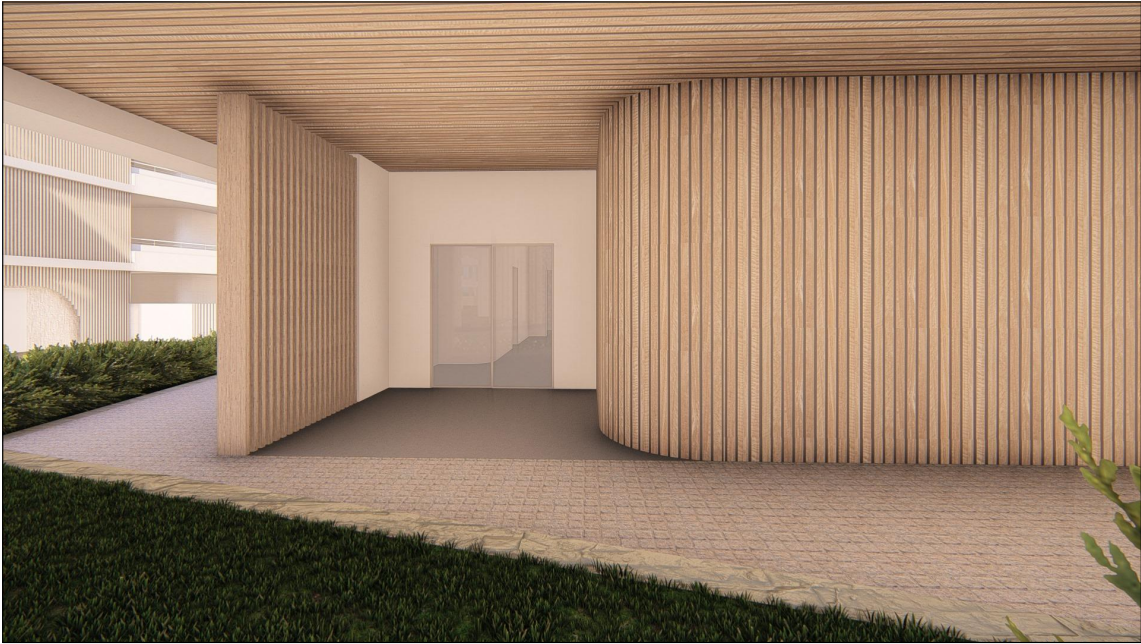




INBETWEEN STREETSCAPE



PUBLIC SPACES



PRIVATE ENTRY



CONNECTION

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ACTIVATED STREETSCAPE



STREET FACADE



INBETWEEN SPACES

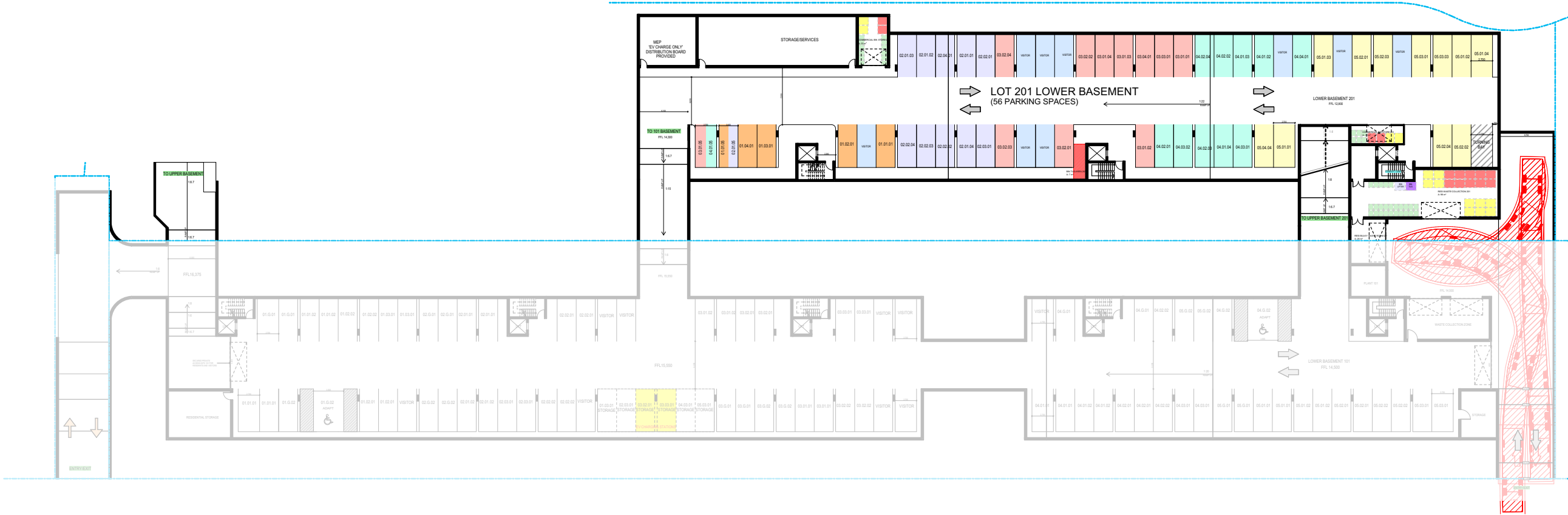


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1.  
-

BASEMENT LOWER  
1:500

LOT 201 PARKING	
RESIDENTIAL	110
VISITOR	25
COMMERCIAL	16
TOTAL req	151
TOTAL BASEMENT	151

NOTES
'EV CHARGE ONLY' DISTRIBUTION BOARD TO BE PROVIDED FOR FUTURE RESIDENTS
PARKING SPACES READ AS BUILDING NO.FLOOR LVL.UNIT NO 00.00.00

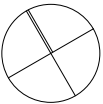
CARPARK ALLOCATION KEY
VISITOR
COMMERCIAL
BUILDING 01
BUILDING 02
BUILDING 03
BUILDING 04
BUILDING 05

WASTE STORAGE	BIN KEY
DISCHARGE ROOM 201	RESI BULKY WASTE ROOM 201
BUILDING 1	25
BUILDING 2	12
BUILDING 3	12
BUILDING 4	17
BUILDING 5	13
BIN TUG AREA 201	14
	98

GENERAL WASTE
RECYCLING
FOGO
SERVICE BIN

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NSW 2289 Ph 49524425  
Nominated Architect: Daniel Hadley 8209  
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e: craig@streetwisesa.com.au

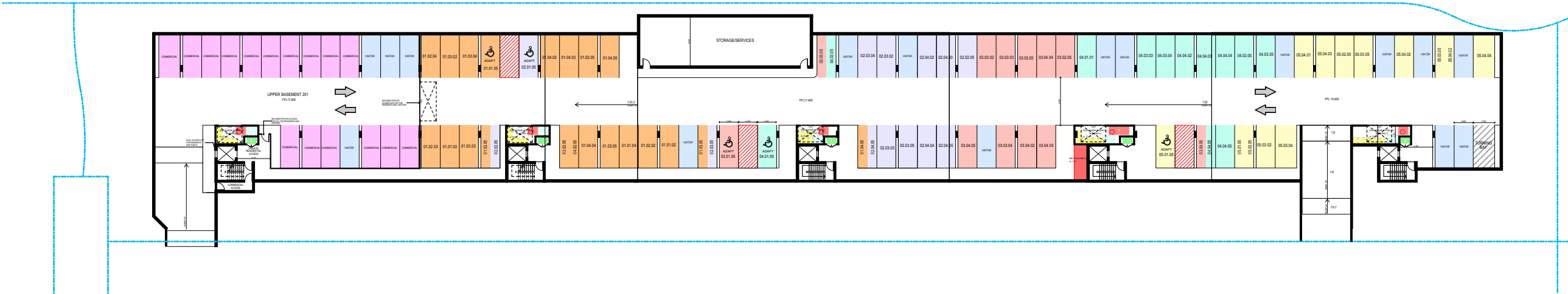
Issue	Description	Date
P5	FOR REVIEW	7/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	17/05/2023
D	FOR DA APPLICATION	17/08/2023
E	FOR DA APPLICATION	12/09/2023
F	RFI- DA SUBMISSION	12/12/2023
G	RFI- DA SUBMISSION	19/12/2023

Project  
Mixed Use Building  
Location  
LOT 201  
Catarina Estate  
Client  
Justice Fox

Drawing  
LOWER BASEMENT FLOOR  
PLAN  
Scale  
1:500, 1:1 @ A3  
DRAWN  
NE  
QA CHECKED  
WF

Drawing Number  
DA101  
Issue  
G  
Project Number  
22102





2. BASEMENT UPPER  
1:500

LOT 201 PARKING	
RESIDENTIAL	110
VISITOR	25
COMMERCIAL	16
TOTAL req	151
TOTAL BASEMENT	151

NOTES
'EV CHARGE ONLY' DISTRIBUTION BOARD TO BE PROVIDED FOR FUTURE RESIDENTS
PARKING SPACES READ AS BUILDING NO.FLOOR LVL.UNIT NO 00.00.00

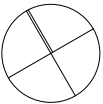
CARPARK ALLOCATION KEY
VISITOR
COMMERCIAL
BUILDING 01
BUILDING 02
BUILDING 03
BUILDING 04
BUILDING 05

WASTE STORAGE	BIN KEY
DISCHARGE ROOM 201	RESI BULKY WASTE ROOM 201
BUILDING 1 12	25
BUILDING 2 12	COMMERCIAL BIN STORE 201
BUILDING 3 12	39
BUILDING 4 17	RESI WASTE COLLECTION 201
BUILDING 5 13	98
BIN TUG AREA 201	14

GENERAL WASTE
RECYCLING
FOGO
SERVICE BIN

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Planner Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au	Energy Assessor Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au	Traffic Consultant Streetwise Road safety & Traffic services p: 0412 009 558 e: craig@streetwisersa.com.au

Issue	Description	Date
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D	FOR DA APPLICATION	17/08/2023
E	FOR DA APPLICATION	12/09/2023
F	RFI- DA SUBMISSION	12/12/2023
G	RFI- DA SUBMISSION	19/12/2023

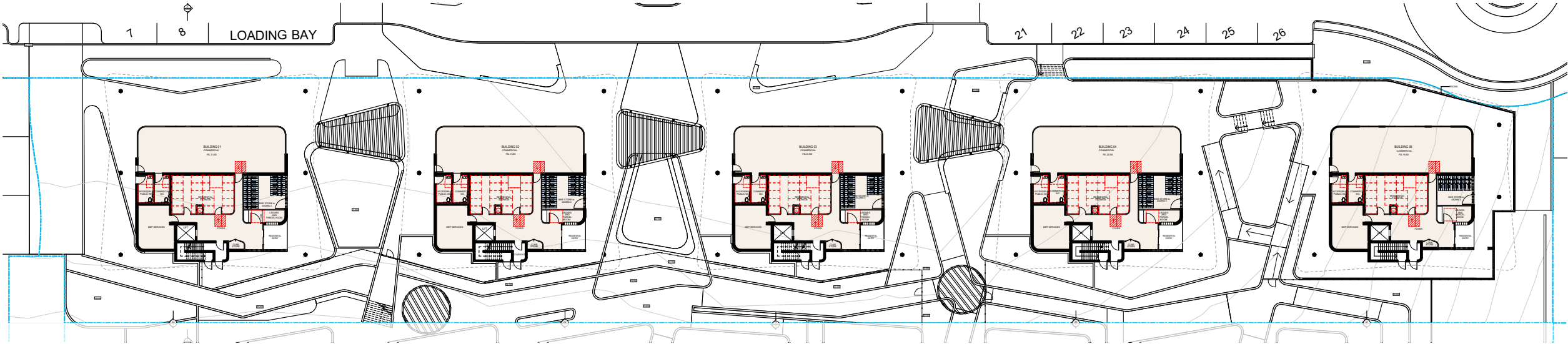
Project Mixed Use Building Location LOT 201 Catarina Estate Client Justice Fox
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Drawing UPPER BASEMENT FLOOR PLAN Scale 1:500, 1:1 @ A3 DRAWN NE QA CHECKED WF
--

Drawing Number DA102 Issue G Project Number 22102
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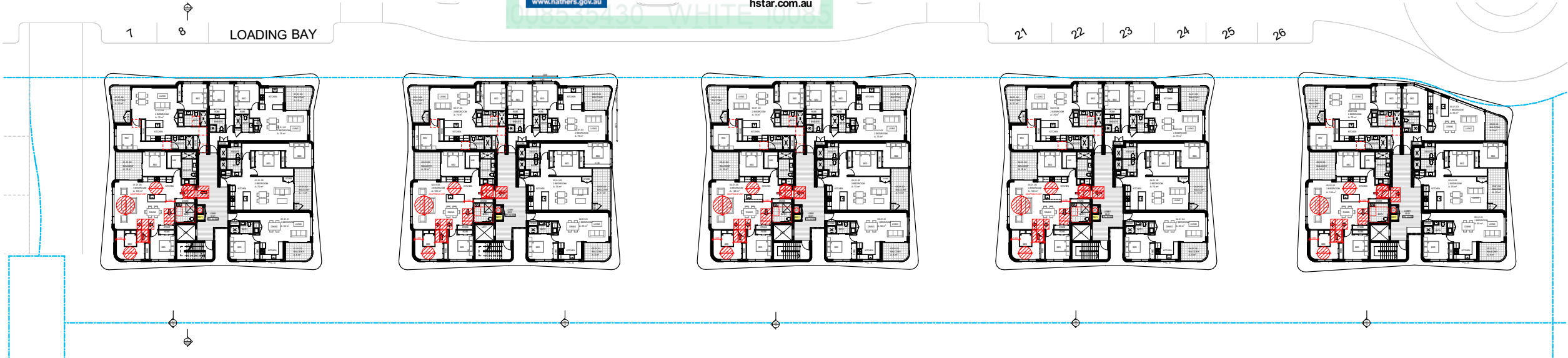
GROUND FLOOR  
1:500



0008535430 31 Mar 2023

Assessor Gavin Chambers  
Accreditation No. DMN13/1491  
Address  
Whitewater Terrace, Lake  
Cathie, NSW, 2445

hstar.com.au

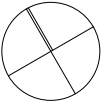


FIRST FLOOR  
1:500

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Issue	Description	Date
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR REVIEW	7/03/2023
P6	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	23/08/2023
D	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**GROUND AND FIRST FLOOR**  
**OVERALL**  
Scale  
1:500 @ A3  
DRAWN  
**NE**

QA CHECKED  
**WF**

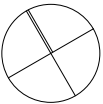
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**DA110**  
Issue  
**D**  
Project Number  
**22102**





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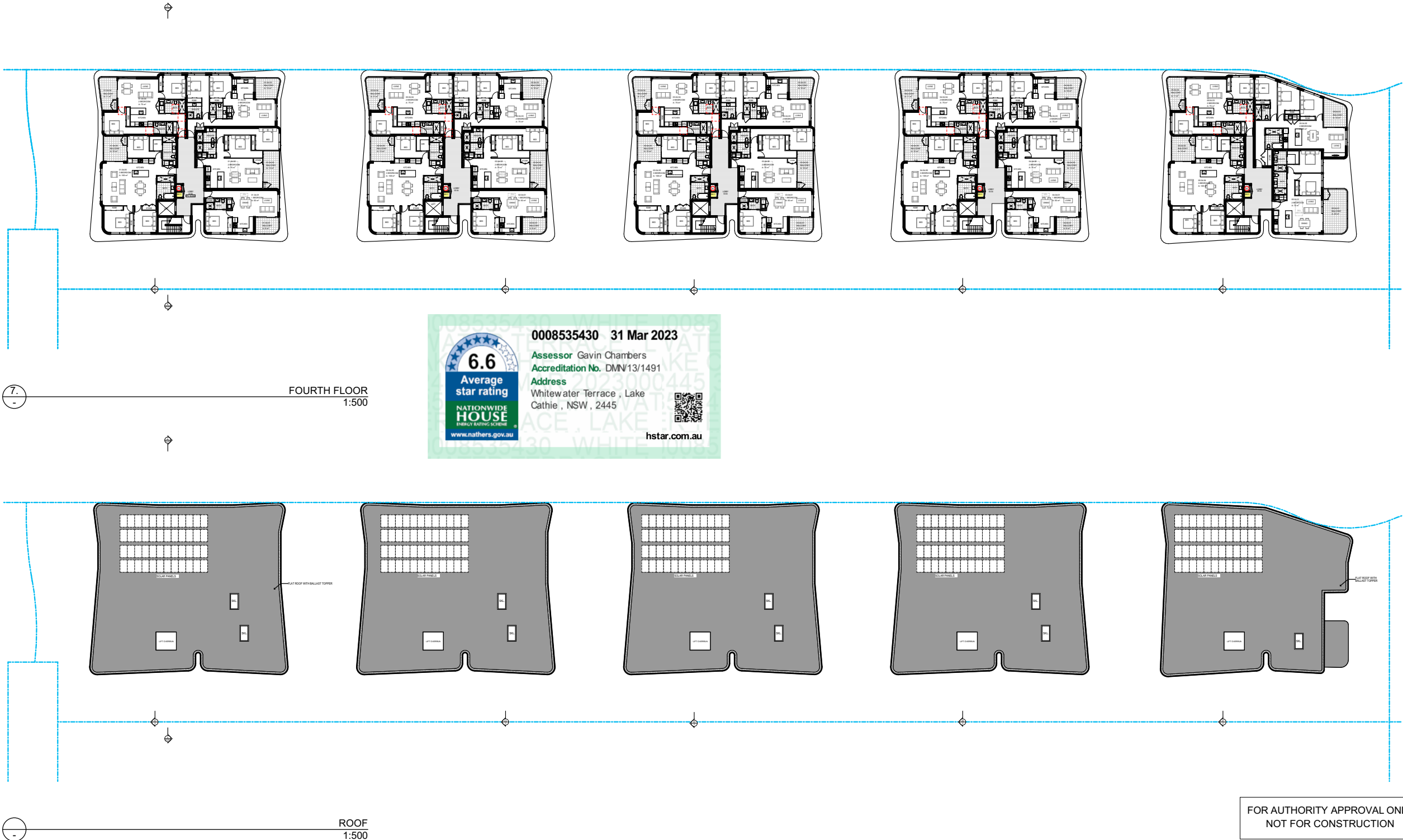
Issue	Description	Date
P1	For Planner's Review	21/10/2022
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	12/09/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**SECOND AND THIRD FLOOR**  
**OVERALL**  
**Scale**  
1:500 @ A3  
**DRAWN**  
NE  
**QA CHECKED**  
WF

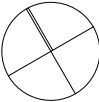
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**DA120**  
**Issue**  
C  
**Project Number**  
**22102**





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Issue	Description	Date
P1	For Planner's Review	21/10/2022
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**

Location  
**LOT 201**

**Catarina Estate**

Client  
**Justice Fox**

Drawing  
**FOURTH FLOOR AND ROOF  
PLAN OVERALL**

Scale  
1:500 @ A3

DRAWN  
**NE**

QA CHECKED  
**WF**

Drawing Number  
**DA130**

Issue  
**C**

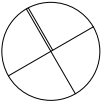
Project Number  
**22102**





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P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	23/08/2023
D	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**TYPICAL GROUND FLOOR**  
Scale  
1:100 @ A3  
DRAWN  
**NE**  
QA CHECKED  
**WF**

Drawing Number  
**DA150**  
Issue  
**D**  
Project Number  
**22102**





6.6

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

0008535430

31 Mar 2023

Assessor Gavin Chambers

Accreditation No. DMV13/1491

Address Whitewater Terrace, Lake Cathie, NSW, 2445

hstar.com.au

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C	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

BUILDINGS 1-4

Drawing  
**TYPICAL FIRST FLOOR**  
Scale  
1:100 @ A3  
DRAWN  
**NE**

QA CHECKED  
**WF**

Drawing Number  
**DA160**  
Issue  
**C**  
Project Number  
**22102**

Item 05  
Attachment 2  
Page 198



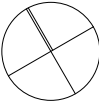




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**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

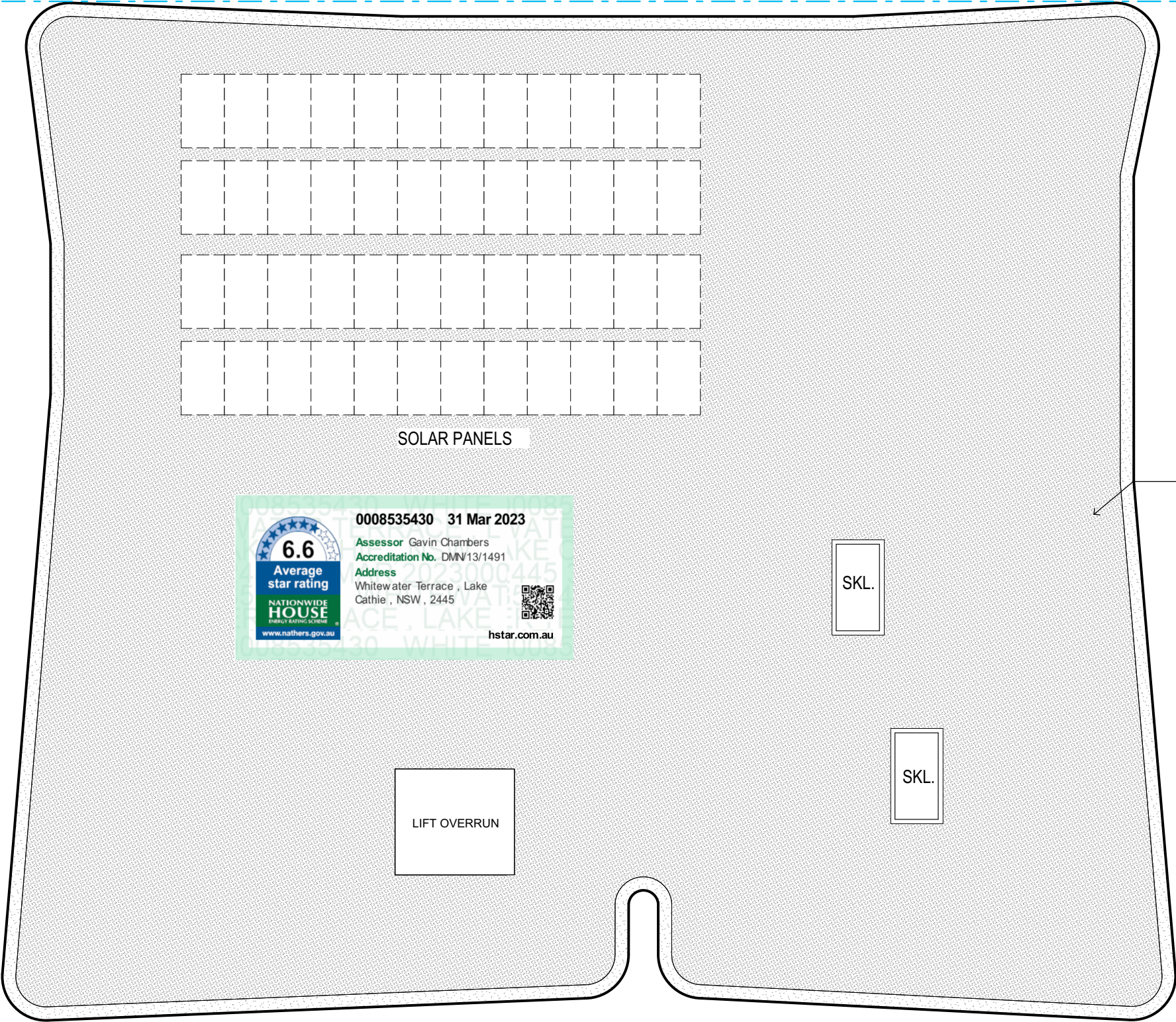
BUILDINGS 1-4

**Drawing**  
**TYPICAL SECOND, THIRD AND FOURTH FLOOR**  
**Scale**  
1:100 @ A3  
**DRAWN**  
NE  
**QA CHECKED**  
WF

**Drawing Number**  
**DA170**  
**Issue**  
C  
**Project Number**  
**22102**







6.6

Average star rating

NATIONWIDE HOUSE ENERGY RATING SCHEME

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0008535430 31 Mar 2023

Assessor Gavin Chambers

Accreditation No. DMV13/1491

Address

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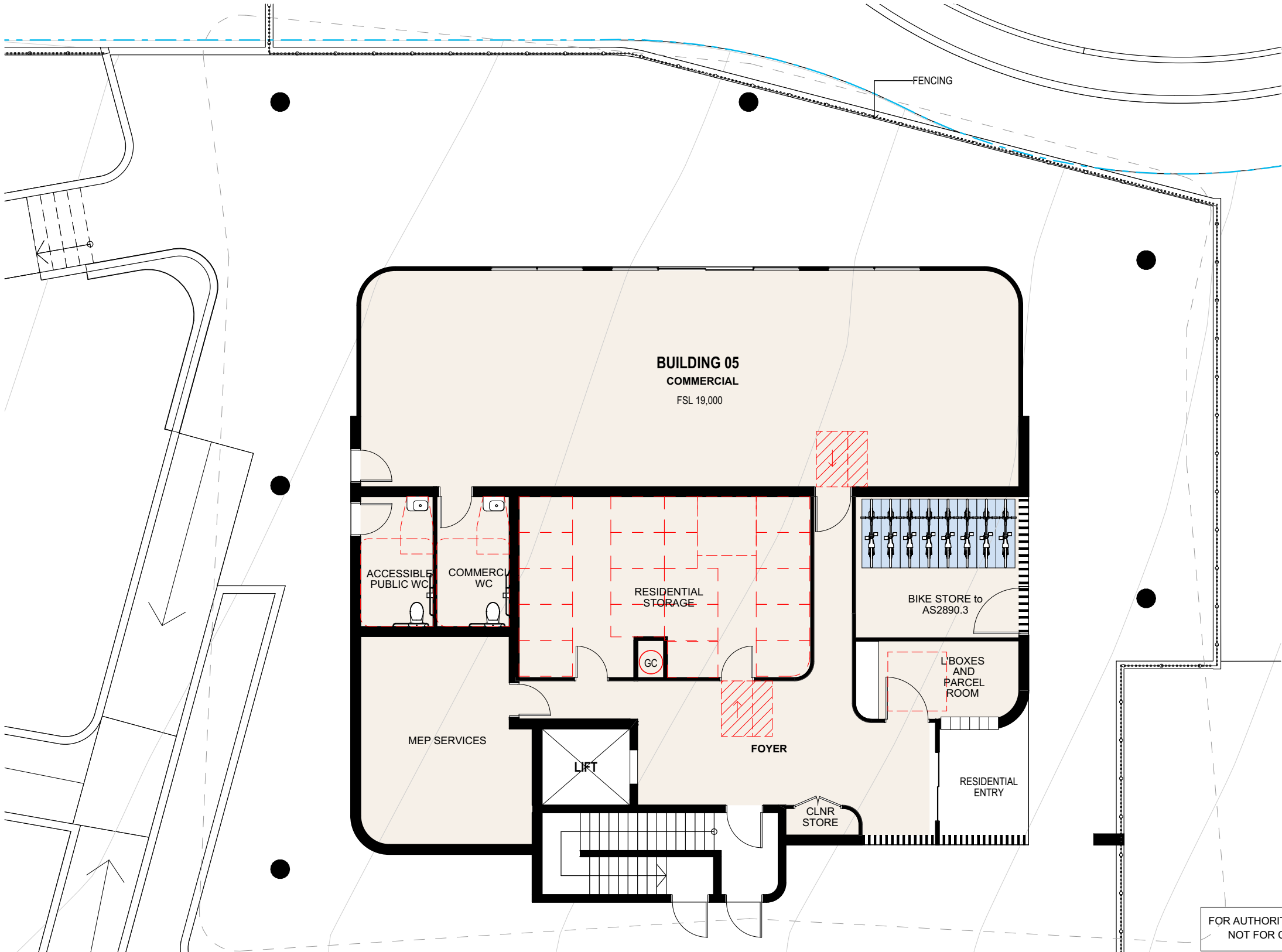


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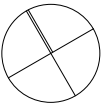




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Issue	Description	Date
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	23/08/2023
D	FOR DA APPLICATION	12/09/2023

**Project**  
**Mixed Use Building**

**Location**  
**LOT 201**  
**Catarina Estate**

**Client**  
**Justice Fox**

**Drawing**  
**BUILDING 05 GROUND FLOOR**

Scale  
1:100 @ A3

**DRAWN**  
**NE**

**QA CHECKED**  
**WF**

**Drawing Number**  
**DA190**

**Issue**  
**D**

**Project Number**  
**22102**



6.6

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

0008535430 31 Mar 2023

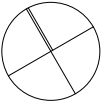
Assessor Gavin Chambers  
Accreditation No. DMV13/1491  
Address  
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e: craig@streetsidesa.com.au

Issue	Description	Date
P3	Consultant Issue	19/12/2022
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P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	12/09/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**BUILDING 05 FIRST FLOOR**  
**Scale**  
1:100 @ A3  
**DRAWN**  
NE  
**QA CHECKED**  
WF

**Drawing Number**  
**DA200**  
**Issue**  
C  
**Project Number**  
**22102**





6.6  
Average  
star rating

NATIONWIDE  
HOUSE  
ENERGY RATING SCHEME

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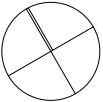


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P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**BUILDING 05 SECOND AND THIRD**  
Scale  
1:100 @ A3  
DRAWN  
NE  
QA CHECKED  
WF

Drawing Number  
**DA210**  
Issue  
C  
Project Number  
**22102**







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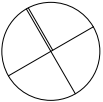
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P1	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	FOR DA APPLICATION	12/09/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**BUILDING 05 FOURTH FLOOR**  
Scale  
1:100 @ A3  
DRAWN  
**NE**  
QA CHECKED  
**WF**

Drawing Number  
**DA220**  
Issue  
**C**  
Project Number  
**22102**





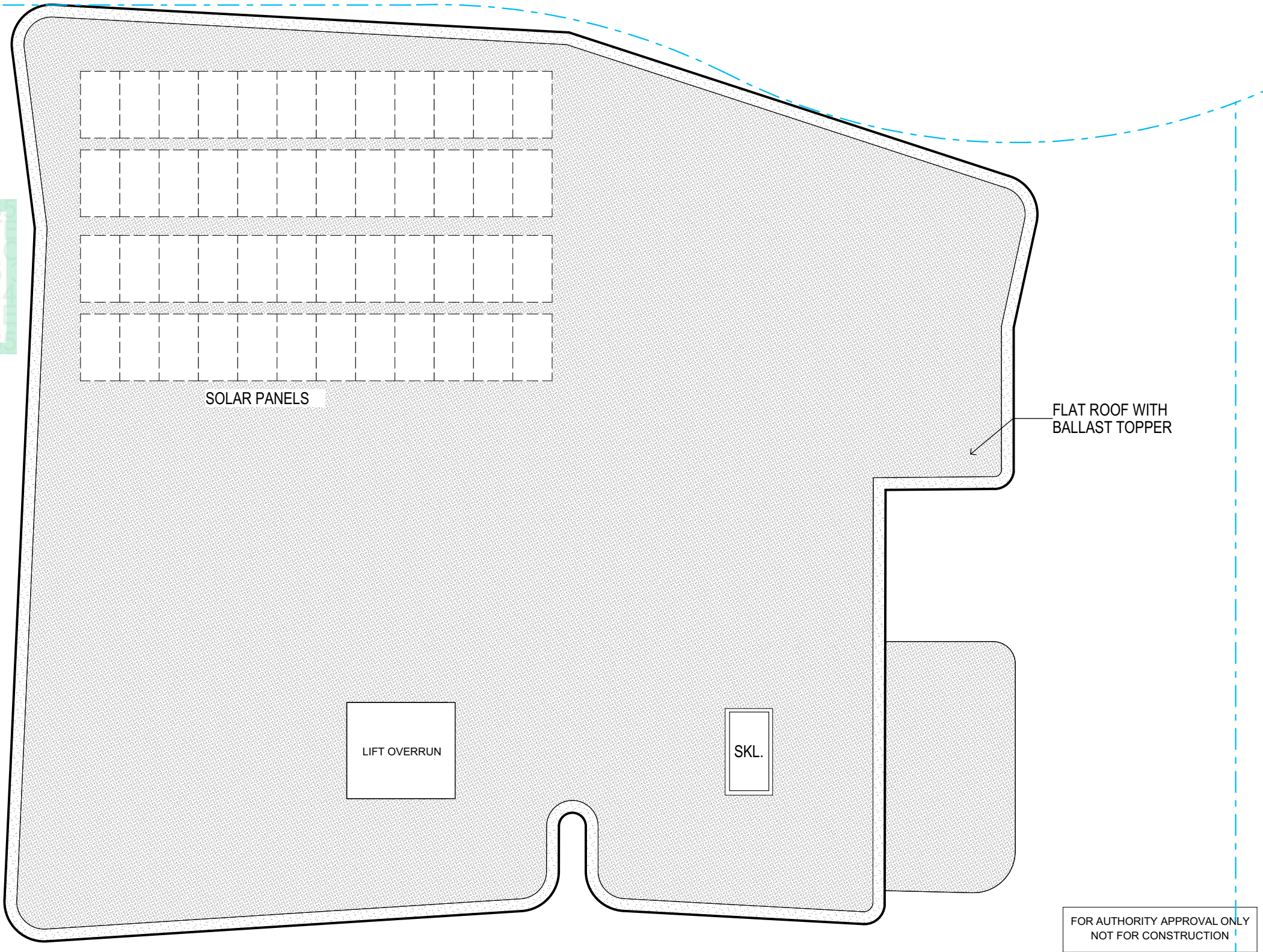


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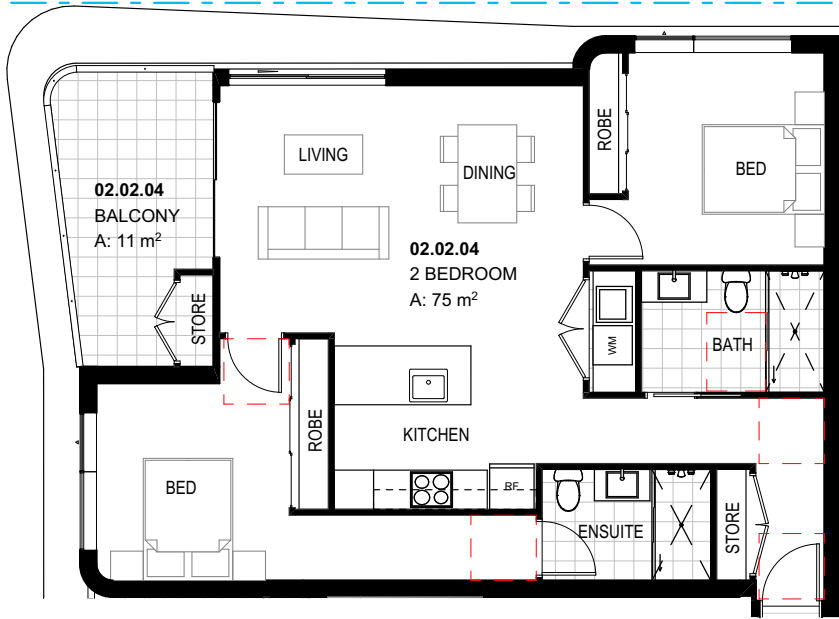
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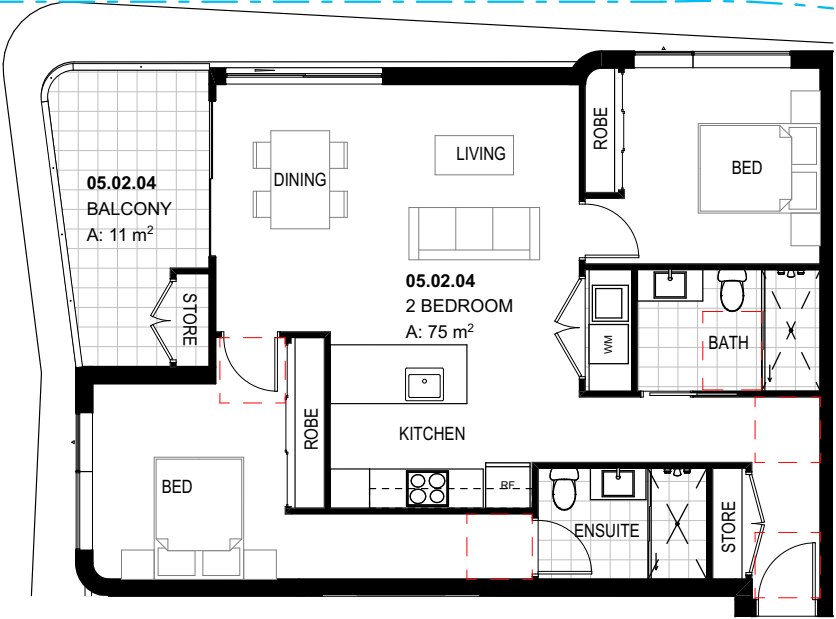
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BUILDINGS 1-4 LHA APARTMENTS



BUILDINGS 05 LHA APARTMENTS

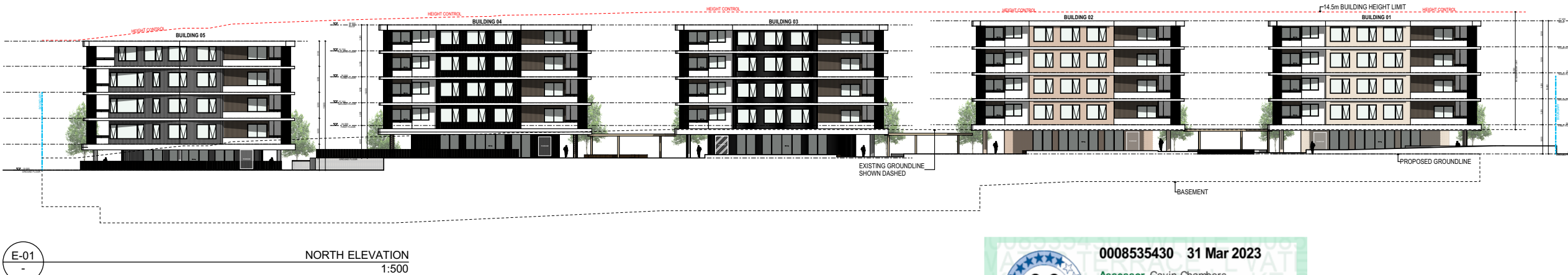
TOTAL: 20/100 APARTMENTS

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ELEVATION NOTES

- 1. REFER TO EXTERNAL FINISHES FOR SELECTED MATERIALS AND COLOURS
- 2. REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS
- 3. FOR ROADWAY, DRIVEWAY AND RETAINING WALL DESIGN & LEVELS REFER TO CIVIL ENGINEERS DOCUMENTATION
- 4. DOWNPIPE POSITIONS ARE INDICATIVE ONLY. POSITION OF DOWNPIPES TO BE CONFIRMED BY BUILDER.
- 5. FOR LANDSCAPE DESIGN & FENCE LOCATIONS REFER TO LANDSCAPE DESIGNERS DOCUMENTATION



6.6

Average star rating

NATIONWIDE HOUSE ENERGY RATING SCHEME

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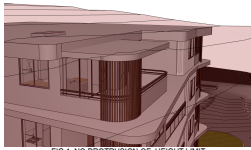
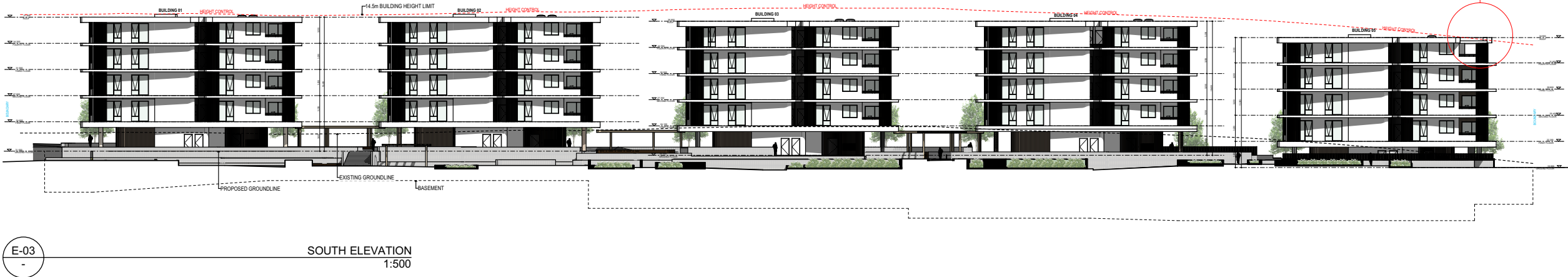


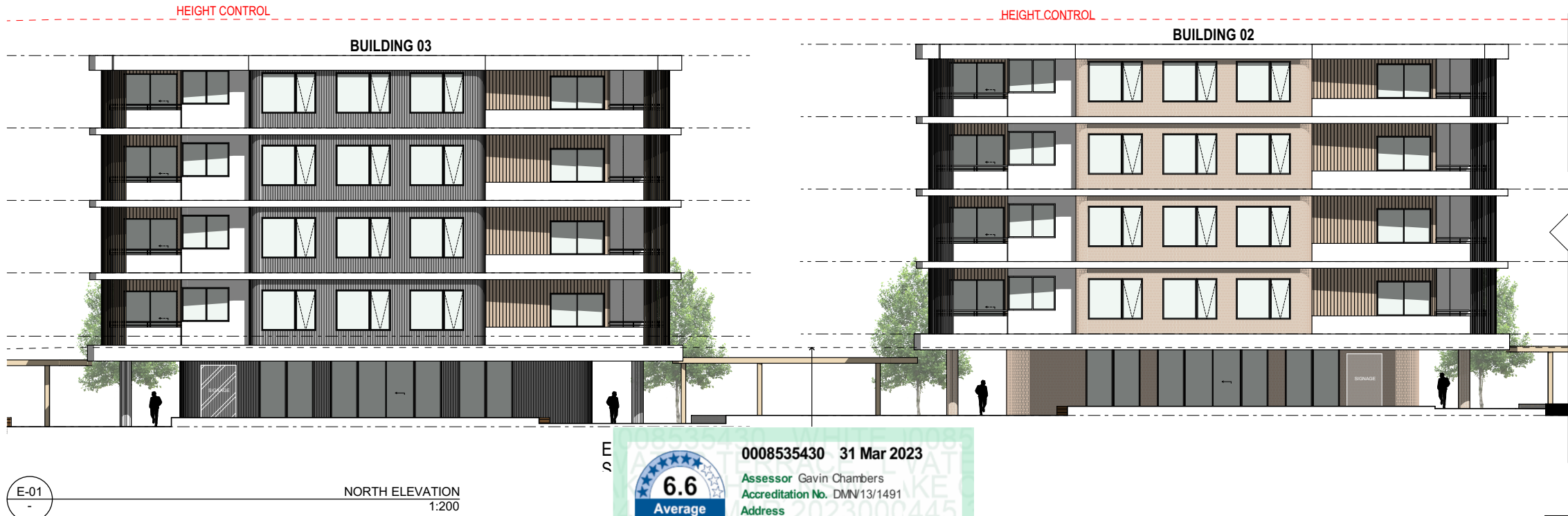
FIG 1. NO PROTRUSION OF HEIGHT LIMIT



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6.6  
Average  
star rating

0008535430 31 Mar 2023  
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Streetwise Road safety & Traffic services  
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e: craig@streetwisesa.com.au

Description	Date
For Planner's Review	21/10/2022
Consultant Issue	19/12/2022
BASIX Issue	13/02/2023
FOR CONSULTANT	8/03/2023
FOR DA APPLICATION	5/04/2023
FOR DA APPLICATION	12/04/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**ELEVATIONS 1**  
**Scale**  
1:200 @ A3  
**DRAWN**  
NE

**QA CHECKED**  
WF

**Drawing Number**  
**DA301**  
**Issue**  
B  
**Project Number**  
**22102**





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NSW 2289 Ph 49524425  
Nominated Architect: Daniel Hadley 8209  
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**Energy Assessor**  
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**Traffic Consultant**  
Streetwise Road safety & Traffic services  
p: 0412 009 558  
e: craig@streetwisesa.com.au

Issue	Description	Date
P1	For Planner's Review	21/10/2022
P3	Consistent Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**ELEVATIONS 2**  
**Scale**  
1:200 @ A3  
**DRAWN**  
NE  
**QA CHECKED**  
WF

**Drawing Number**  
**DA302**  
**Issue**  
B  
**Project Number**  
**22102**





02  
-

SOUTH ELEVATION  
1:200

6.6  
Average  
star rating

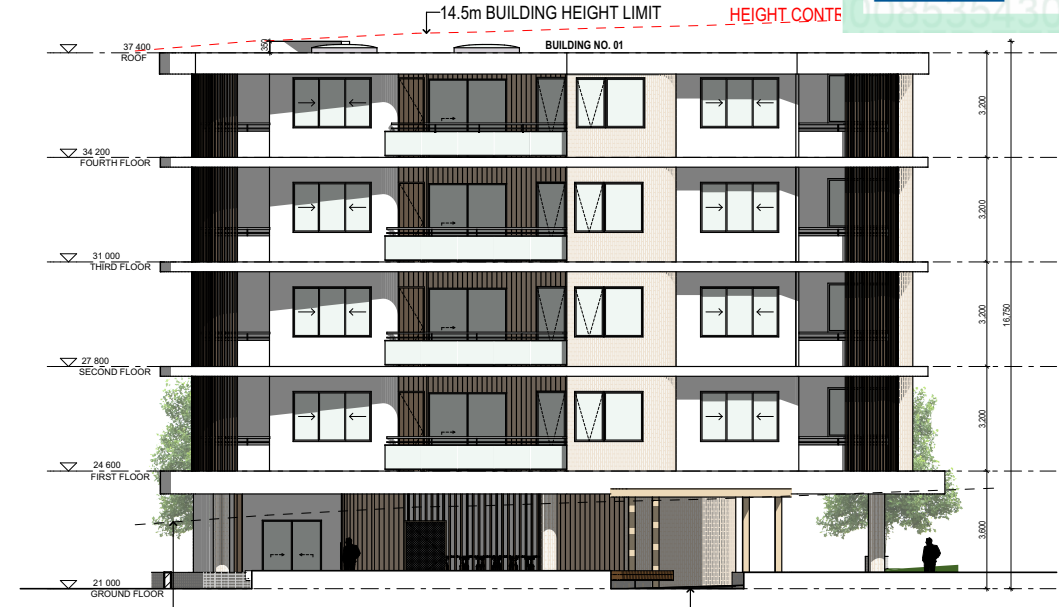
NATIONWIDE  
HOUSE  
ENERGY RATING SCHEME

www.nathers.gov.au

0008535430 31 Mar 2023

Assessor Gavin Chambers  
Accreditation No. DMV13/1491  
Address  
Whitewater Terrace, Lake  
Cathie, NSW, 2445

hstar.com.au



02  
-

EAST ELEVATION  
1:200



02  
-

WEST ELEVATION  
1:200

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e: craig@streetwisersa.com.au

Issue	Description	Date
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**ELEVATIONS 3**  
**Scale**  
1:200 @ A3  
**DRAWN**  
NE

**QA CHECKED**  
WF

**Drawing Number**  
**DA303**  
**Issue**  
B  
**Project Number**  
**22102**







ELEVATION NOTES

1. REFER TO EXTERNAL FINISHES FOR SELECTED MATERIALS AND COLOURS
2. REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS
3. FOR ROADWAY, DRIVEWAY AND RETAINING WALL DESIGN & LEVELS REFER TO CIVIL ENGINEERS DOCUMENTATION
4. DOWNPIPE POSITIONS ARE INDICATIVE ONLY. POSITION OF DOWNPIPES TO BE CONFIRMED BY BUILDER.
5. FOR LANDSCAPE DESIGN & FENCE LOCATIONS REFER TO LANDSCAPE DESIGNERS DOCUMENTATION

0008535430 31 Mar 2023

Assessor Gavin Chambers  
Accreditation No. DMN/13/1491  
Address  
Whitewater Terrace, Lake Cathie, NSW, 2445

6.6  
Average star rating  
NATIONWIDE HOUSE  
ENERGY RATING SCHEME  
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Issue	Description	Date
P3	Consultant Issue	19/12/2022
P4	BASIX Issue	13/02/2023
P5	FOR CONSULTANT	8/03/2023
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023

Project  
Mixed Use Building  
Location  
LOT 201  
Catarina Estate  
Client  
Justice Fox

Drawing  
BUILDING 05 ELEVATIONS  
Scale  
1:200 @ A3  
DRAWN  
NE  
QA CHECKED  
WF

Drawing Number  
DA304  
Issue  
B  
Project Number  
22102

ELK  
designs



CURLY BIRCH DECO BATTEN



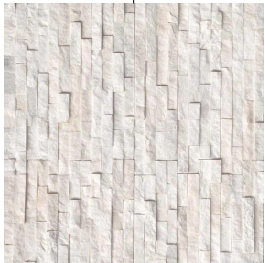
CASPER WHITE



SURFMIST



CURLY BIRCH DECO BATTEN



SNOW WHITE STACKED STONE



CASPER WHITE

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CURLY BIRCH DECO BATTEN



CASPER WHITE



SUREMIST



CASPER WHITE



SAWN FACE IN PORCELAIN



CASPER WHITE

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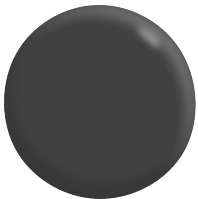




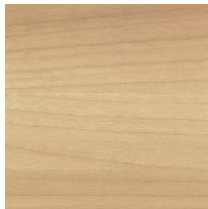
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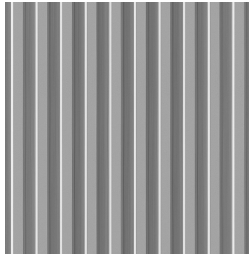
CASPER WHITE



MONUMENT



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CURLY BIRCH DECO BATTEN



CASPER WHITE



SURFMIST



CASPER WHITE



SCALA LINEAR

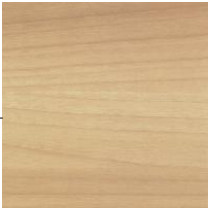


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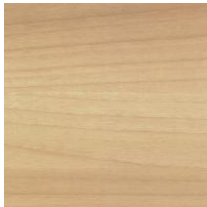
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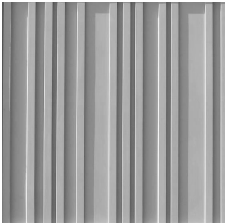
CASPER WHITE



MONUMENT



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FORMLINE CONCRETE 1/254 NEVADA



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A  
-

SECTION AA  
1:200



6.6  
Average  
star rating  
NATIONWIDE  
HOUSE  
ENERGY RATING SCHEME  
www.nabers.gov.au

0008535430 31 Mar 2023

Assessor Gavin Chambers  
Accreditation No. DMN/13/1491  
Address  
Whitewater Terrace, Lake  
Cathie, NSW, 2445



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B  
-

SECTION BB  
1:500

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Issue	Description	Date
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023
C	RFI- DA SUBMISSION	8/01/2024

**Project**  
**Mixed Use Building**  
**Location**  
**LOT 201**  
**Catarina Estate**  
**Client**  
**Justice Fox**

**Drawing**  
**SECTIONS**  
**Scale**  
1:200, 1:500 @ A3  
**DRAWN**  
NE

**QA CHECKED**  
WF

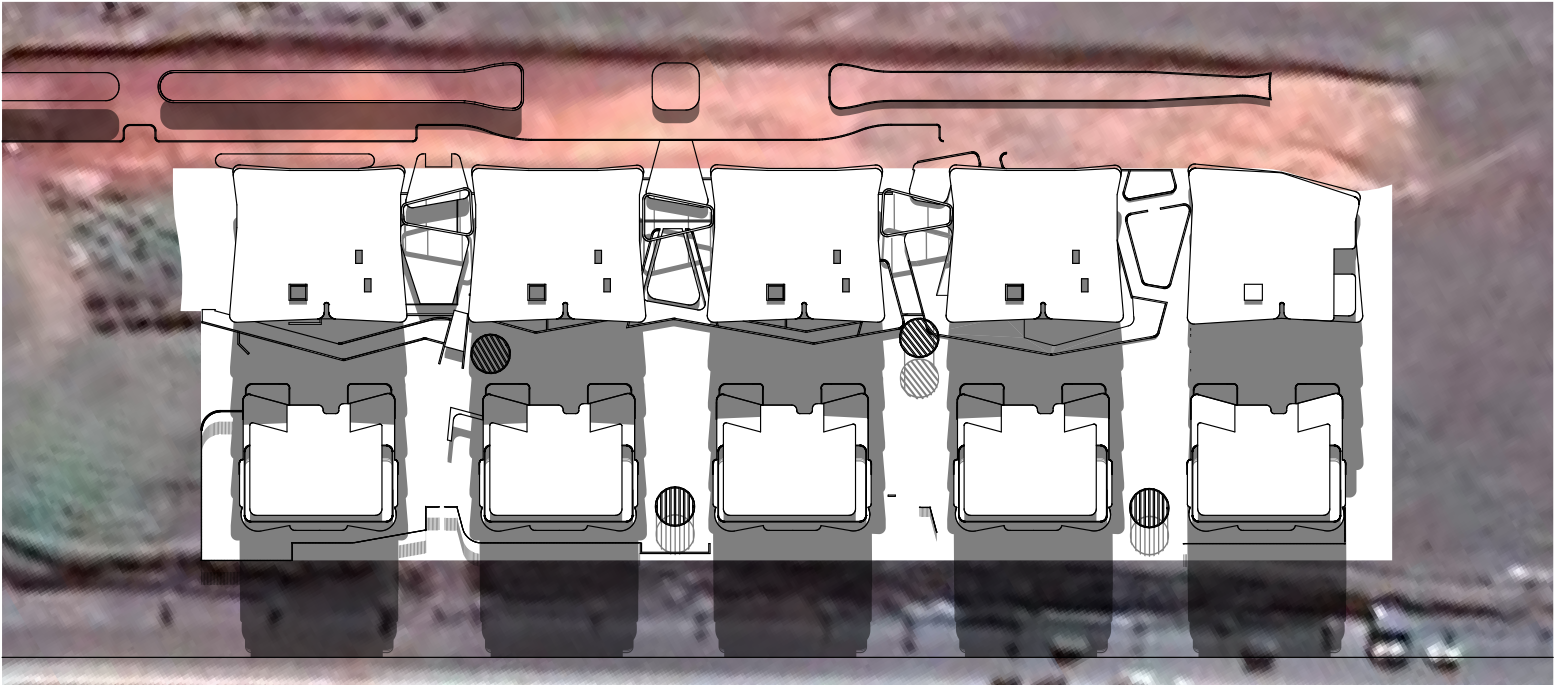
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**DA400**  
**Issue**  
C  
**Project Number**  
**22102**







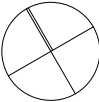
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1:1000



21 JUN at 10:00  
1:1000

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Traffic Consultant  
Streetwise Road safety & Traffic services  
p: 0412 009 558  
e: craig@streetwisersa.com.au

Issue  
A  
B

Description  
FOR DA APPLICATION  
FOR DA APPLICATION

Date  
5/04/2023  
12/04/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

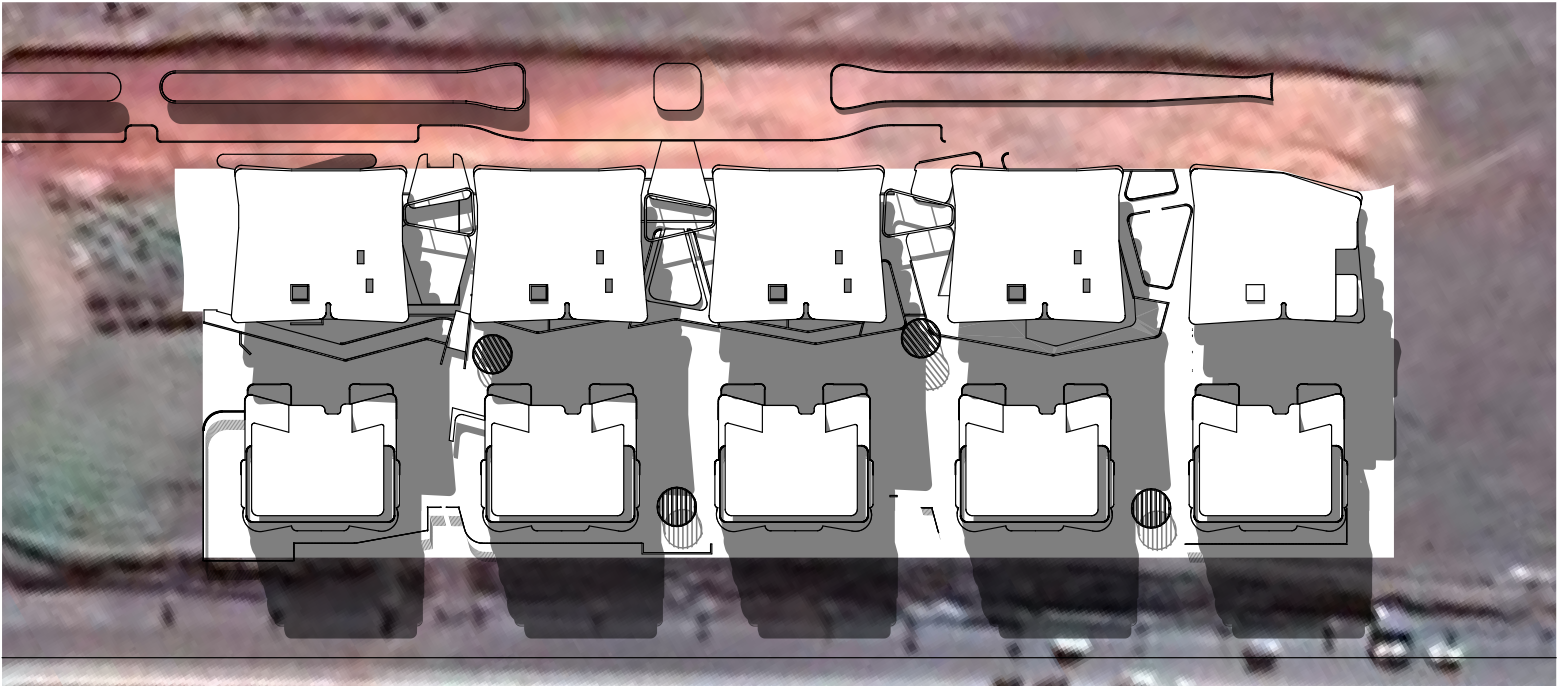
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Scale  
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DRAWN  
**NE**

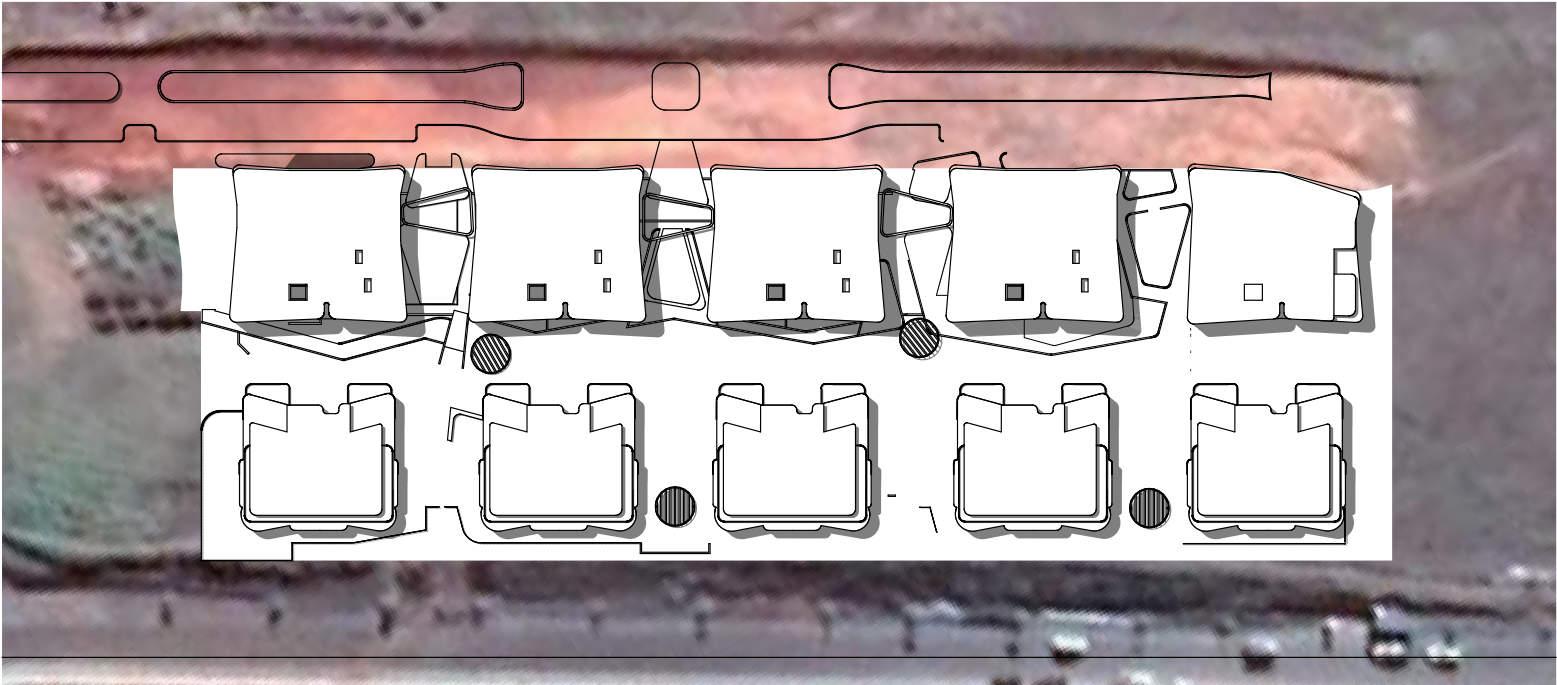
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Drawing Number  
**DA900**  
Issue  
**B**  
Project Number  
**22102**





21 JUN at 11:00  
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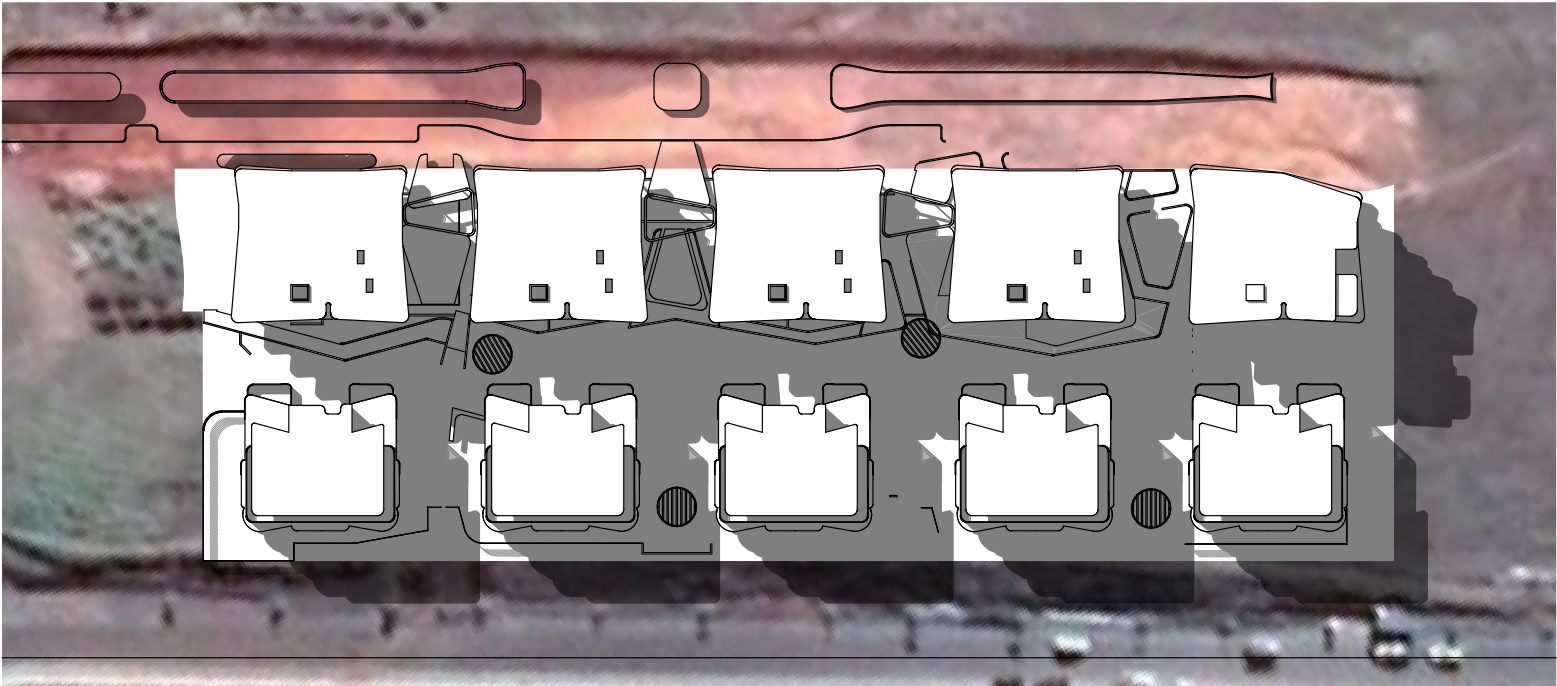


21 JUN at 12:00  
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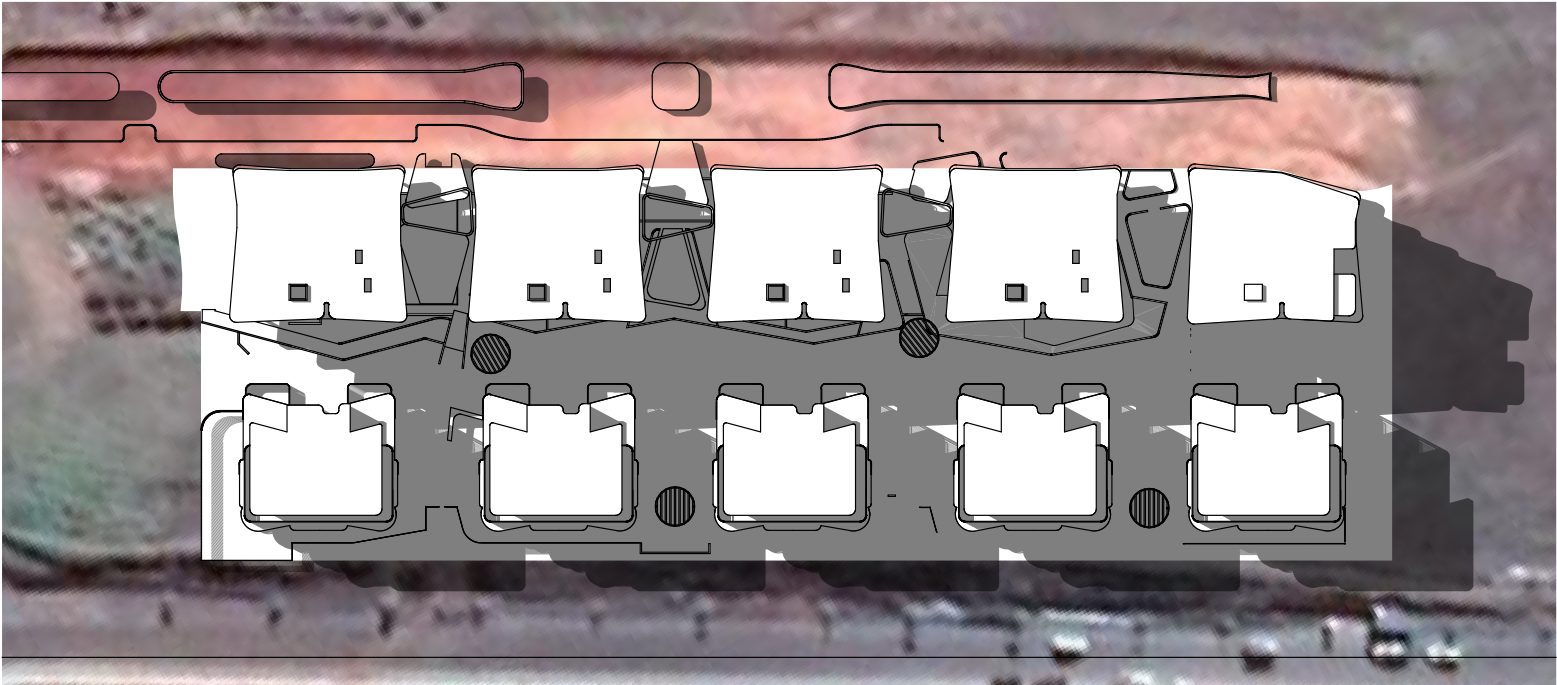
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<div>PO Box 601 Kotara NSW 2289 Ph 49524425 Nominated Architect: Daniel Hadley 8209</div> <div>The information contained in the document is copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed "For Construction" and authorised for issue.</div>		<div><b>Consultants</b></div> <div><div>Surveyor Land Dynamics Australia p: 02 6583 2677 e: andrew.constance@ldynamics.com.au</div><div>Planner Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au</div></div> <div><div>Access Consultant Lindsay Perry Access p: 0418 909 180 e: lindsay@lpaccess.com.au</div><div>Energy Assessor Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au</div></div> <div><div>Landscape Consultant Myrtle Studio p: 0408005904 e: rebeccadoblo@bigpond.com</div><div>Traffic Consultant Streetwise Road safety &amp; Traffic services p: 0412 009 558 e: craig@streetwisesa.com.au</div></div>	<table><tr><td>Issue</td><td>Description</td><td>Date</td></tr><tr><td>A</td><td>FOR DA APPLICATION</td><td>5/04/2023</td></tr><tr><td>B</td><td>FOR DA APPLICATION</td><td>12/04/2023</td></tr></table>	Issue	Description	Date	A	FOR DA APPLICATION	5/04/2023	B	FOR DA APPLICATION	12/04/2023	<div>Project <b>Mixed Use Building</b></div> <div>Location <b>LOT 201</b></div> <div><b>Catarina Estate</b></div> <div>Client <b>Justice Fox</b></div>	<div>Drawing <b>EXTERNAL SHADOW</b></div> <div><b>DIAGRAMS 11:00-12:00</b></div> <div>Scale 1:1000 @ A3</div> <div>DRAWN <b>NE</b></div> <div>QA CHECKED <b>WF</b></div>	<div>Drawing Number <b>DA901</b></div> <div>Issue <b>B</b></div> <div>Project Number <b>22102</b></div>	
Issue	Description	Date														
A	FOR DA APPLICATION	5/04/2023														
B	FOR DA APPLICATION	12/04/2023														





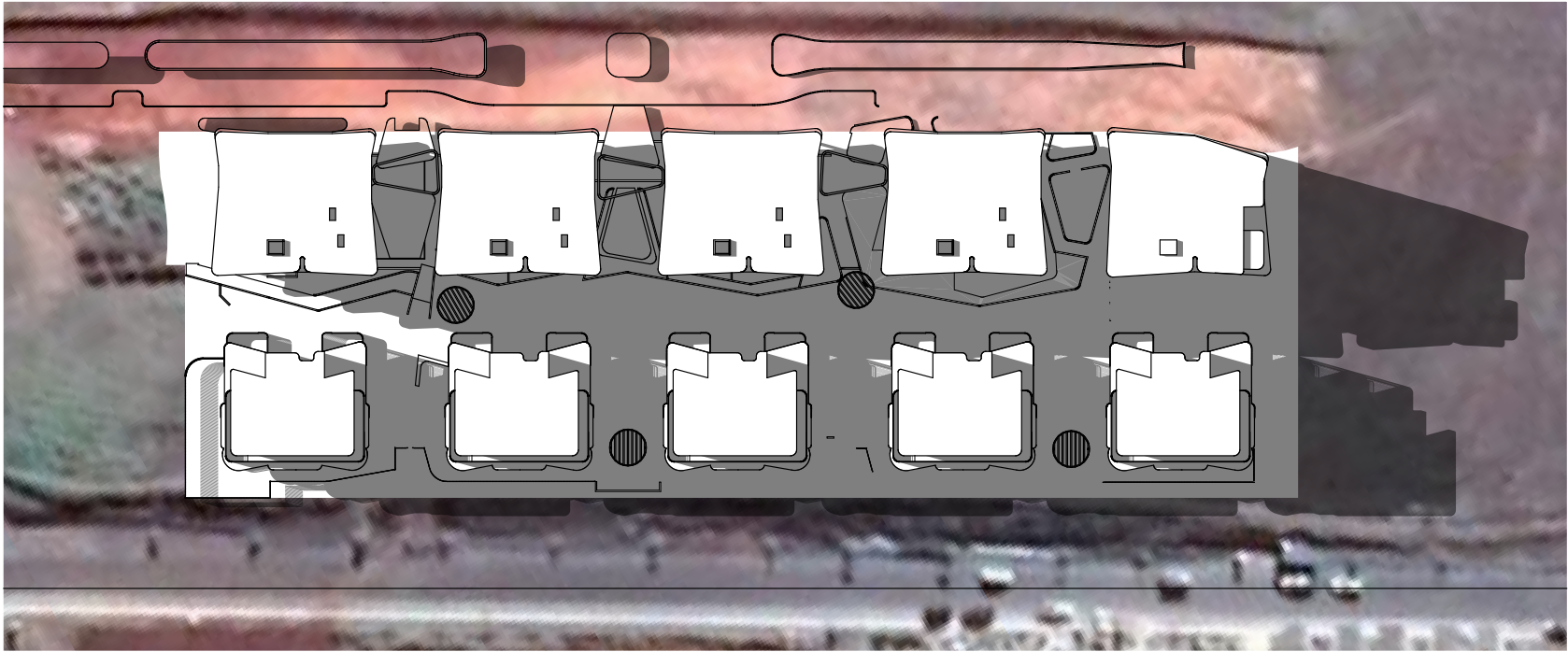
21 JUN at 13:00  
1:1000



21 JUN at 14:00  
1:1000

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Drawing Number	DA902																																									
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Project Number	22102																																									
<table><tr><td><b>Surveyor</b> Land Dynamics Australia p: 02 6583 2677 e: andrew.constance@ldynamics.com.au</td><td><b>Access Consultant</b> Lindsay Perry Access p: 0418 908 180 e: lindsay@paccess.com.au</td><td><b>Landscape Consultant</b> Myrtle Studio p: 0408005904 e: rebeccadoblo@bigpond.com</td></tr><tr><td><b>Planner</b> Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au</td><td><b>Energy Assessor</b> Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au</td><td><b>Traffic Consultant</b> Streetwise Road safety &amp; Traffic services p: 0412 009 558 e: craig@streetwisesa.com.au</td></tr></table>					<b>Surveyor</b> Land Dynamics Australia p: 02 6583 2677 e: andrew.constance@ldynamics.com.au	<b>Access Consultant</b> Lindsay Perry Access p: 0418 908 180 e: lindsay@paccess.com.au	<b>Landscape Consultant</b> Myrtle Studio p: 0408005904 e: rebeccadoblo@bigpond.com	<b>Planner</b> Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au	<b>Energy Assessor</b> Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au	<b>Traffic Consultant</b> Streetwise Road safety & Traffic services p: 0412 009 558 e: craig@streetwisesa.com.au																																
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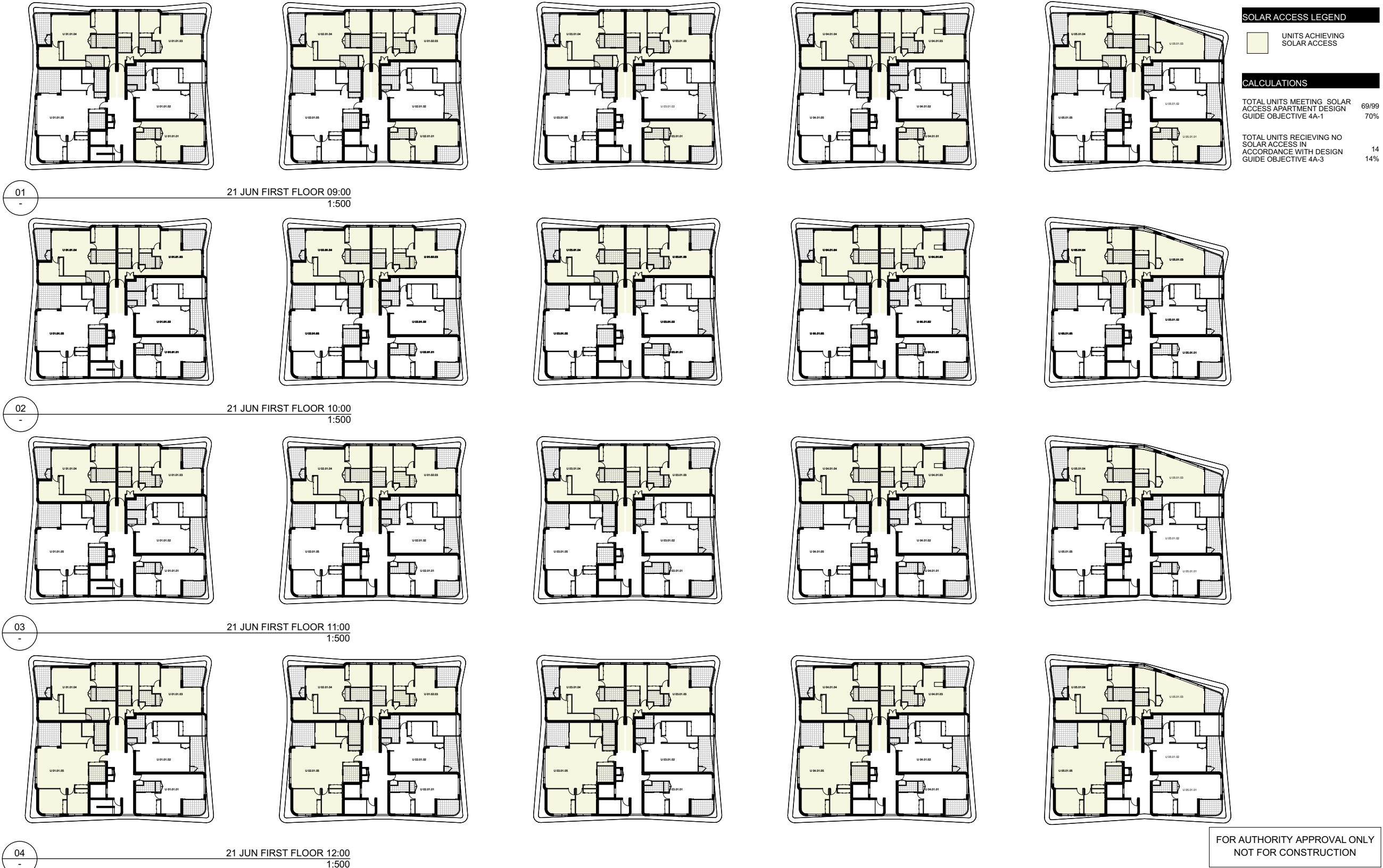


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Issue	Description	Date																																							
A	FOR DA APPLICATION	5/04/2023																																							
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NSW 2289 Ph 49524425  
Nominated Architect: Daniel Hadley 8209

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**Consultants**

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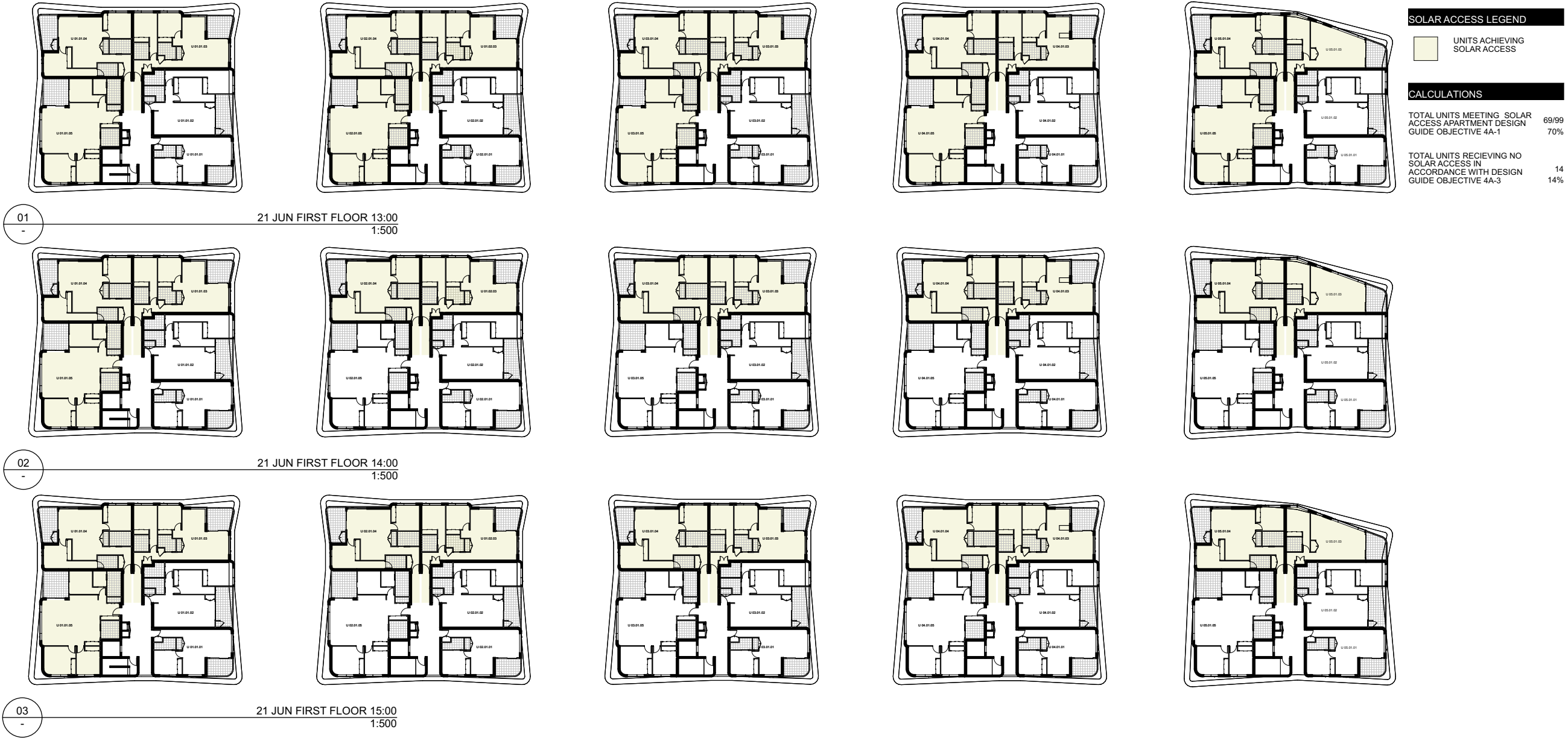
Issue	Description	Date
A	FOR DA APPLICATION	5/04/2023
B	FOR DA APPLICATION	12/04/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**FIRST FLOOR INTERNAL SOLAR DIAGRAMS**  
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DRAWN  
**NE**  
  
QA CHECKED  
**WF**

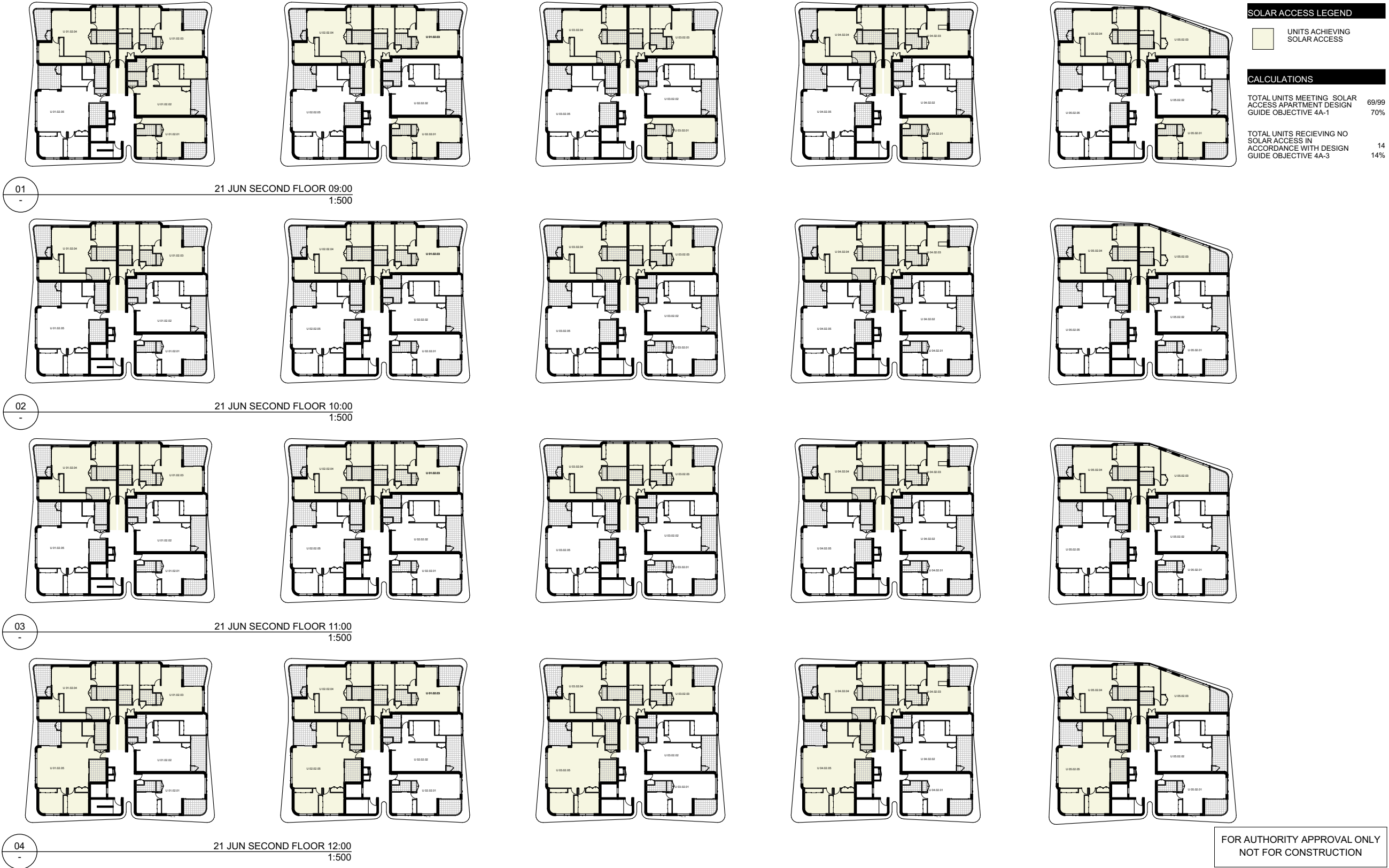
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Issue  
**B**  
  
Project Number  
**22102**





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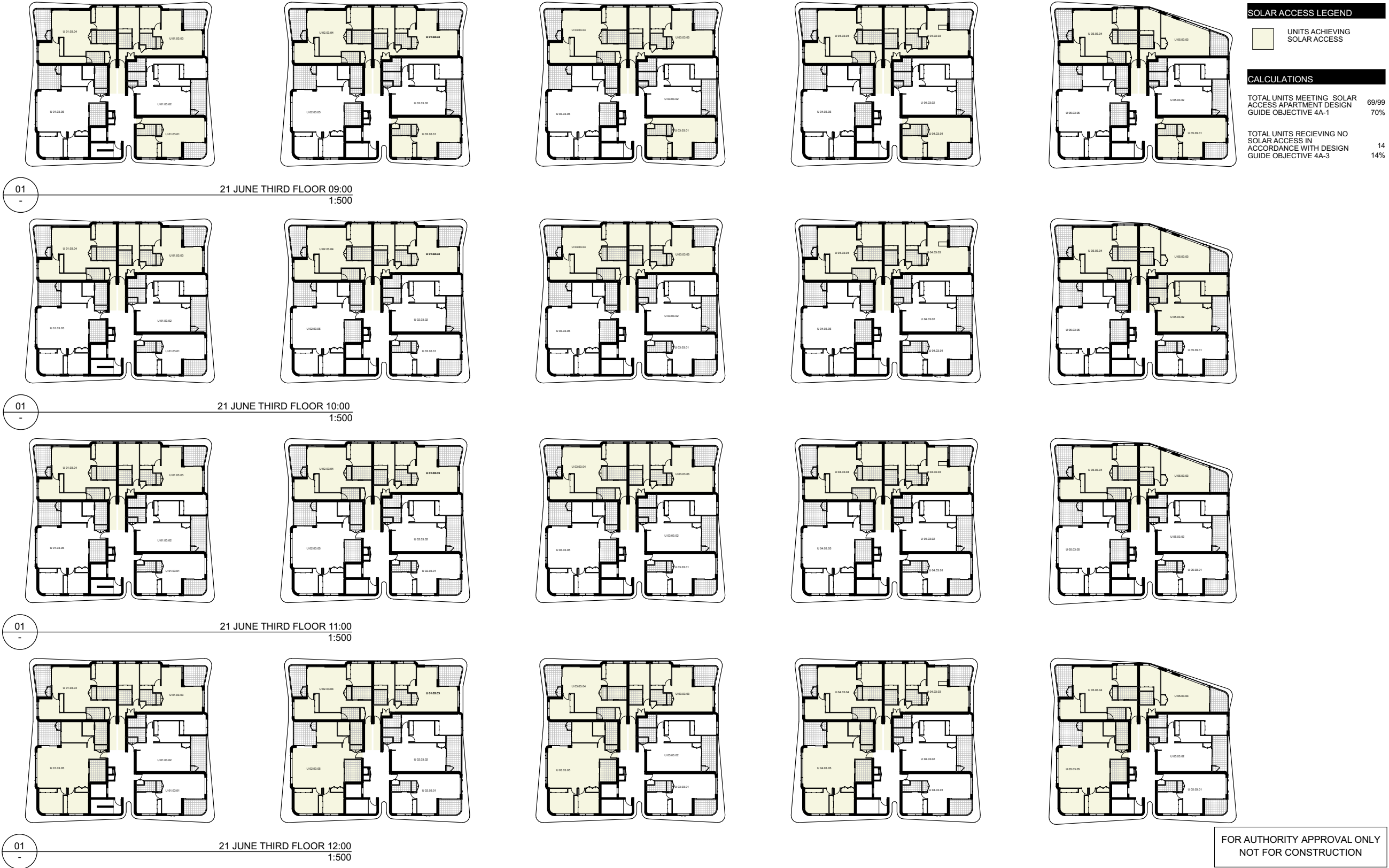
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				B	FOR DA APPLICATION	12/04/2023	Location <b>LOT 201</b> <b>Catarina Estate</b> Client <b>Justice Fox</b>	Scale 1:500 @ A3  DRAWN NE	Issue B  Project Number <b>22102</b>
								QA CHECKED WF	





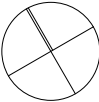
<p>PO Box 601 Kotara NSW 2289 Ph 49524425 Nominated Architect: Daniel Hadley 8209</p> <p><b>Notes</b> The information contained in the document is copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed "For Construction" and authorised for issue.</p> 	<p><b>Consultants</b></p> <p>Surveyor Land Dynamics Australia p: 0418 693 2677 e: andrew.constance@ldynamics.com.au</p> <p>Planner Land Dynamics Australia p: 0418 693 2677 e: susan.biak@ldynamics.com.au</p> <p>Access Consultant Lindsay Perry Access p: 0418 693 180 e: lindsay@laccess.com.au</p> <p>Energy Assessor Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au</p> <p>Landscape Consultant Myrtle Studio p: 0408050504 e: rebecca.dobbs@bigpond.com</p> <p>Traffic Consultant Building Sustainability Assessments p: 02 4962 3439 e: craig@streetswiersa.com.au</p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Description FOR DA APPLICATION FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>	<p>Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b></p>	<p>Client <b>Justice Fox</b></p>	<p>Issue A FOR DA APPLICATION B FOR DA APPLICATION</p>	<p>Date 5/04/2023 12/04/2023</p>
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Nominated Architect: Daniel Hadley 8209

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Issue  
A  
B

Description  
FOR DA APPLICATION  
FOR DA APPLICATION

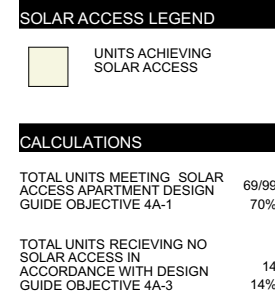
Date  
5/04/2023  
12/04/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**THIRD FLOOR INTERNAL  
SOLAR DIAGRAMS**  
Scale  
1:500 @ A3  
DRAWN  
**NE**  
QA CHECKED  
**WF**

Drawing Number  
**DA916**  
Issue  
**B**  
Project Number  
**22102**



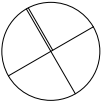


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Issue  
A  
B

Description  
FOR DA APPLICATION  
FOR DA APPLICATION

Date  
5/04/2023  
12/04/2023

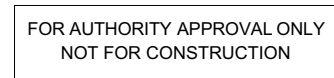
Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**FOURTH FLOOR INTERNAL SOLAR DIAGRAMS**  
Scale  
1:500 @ A3  
  
DRAWN  
**NE**  
  
QA CHECKED  
**WF**

Drawing Number  
**DA918**  
  
Issue  
**B**  
  
Project Number  
**22102**







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Issue	Description	Date															
A	FOR DA APPLICATION	5/04/2023															
B	FOR DA APPLICATION	12/04/2023															



CROSS VENTILATION LEGEND

- UNITS ACHIEVING FULL CROSS VENTILATION
- SINGLE ASPECT UNITS
- DIRECTION OF VENTILATION

CALCULATIONS

SINGLE ASPECT

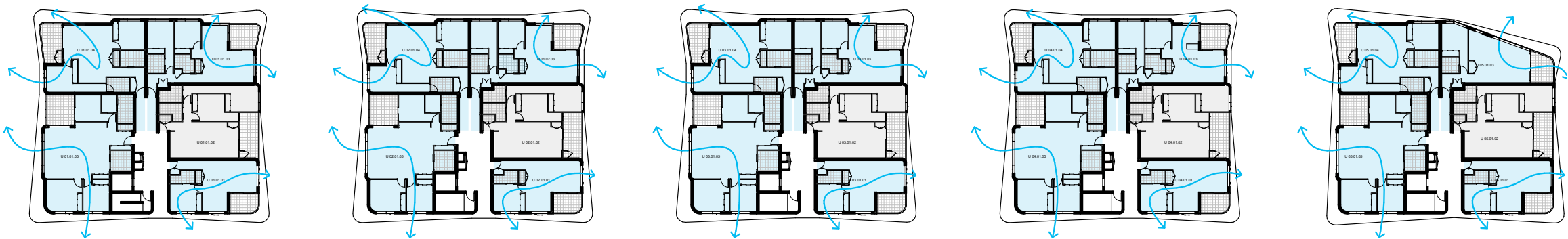
19/99 Units

FULL CROSS VENTILATION

80/99 Units

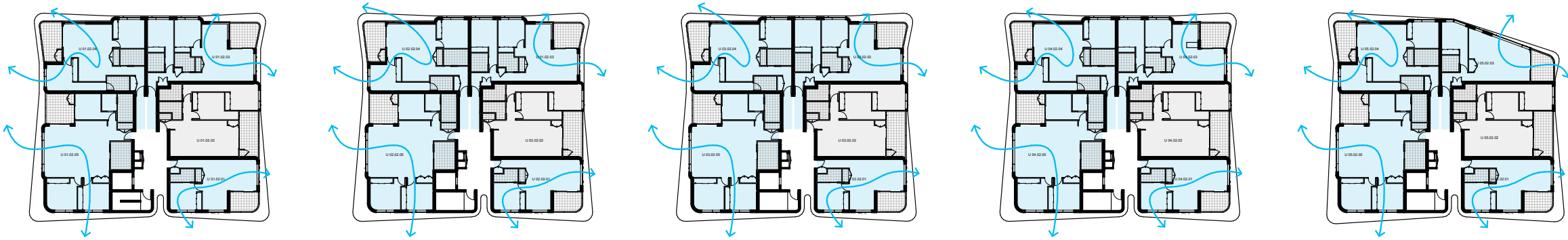
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80  
81%



02  
-

FIRST FLOOR  
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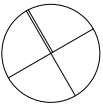


03  
-

SECOND FLOOR  
1:500

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Issue  
A  
B  
Description  
FOR DA APPLICATION  
FOR DA APPLICATION  
Date  
5/04/2023  
12/04/2023

Project  
**Mixed Use Building**  
Location  
**LOT 201**  
**Catarina Estate**  
Client  
**Justice Fox**

Drawing  
**CROSS VENTILATION**  
**DIAGRAMS SHEET 01**  
Scale  
1:500 @ A3  
DRAWN  
NE  
QA CHECKED  
WF

Drawing Number  
**DA950**  
Issue  
B  
Project Number  
**22102**

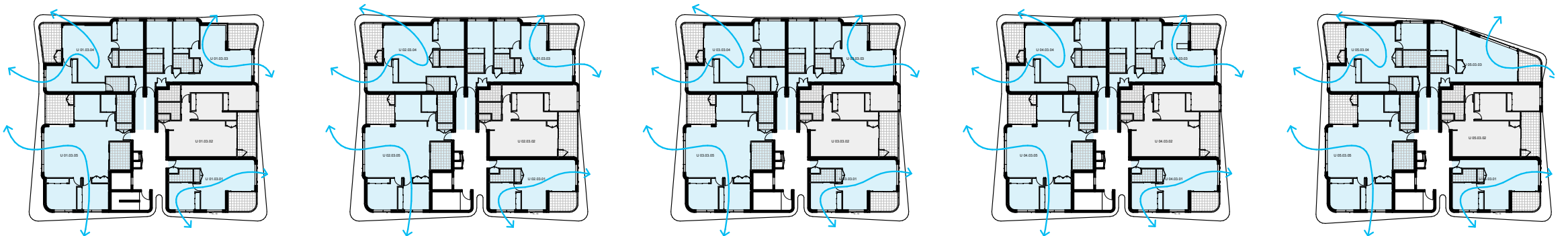


CROSS VENTILATION LEGEND

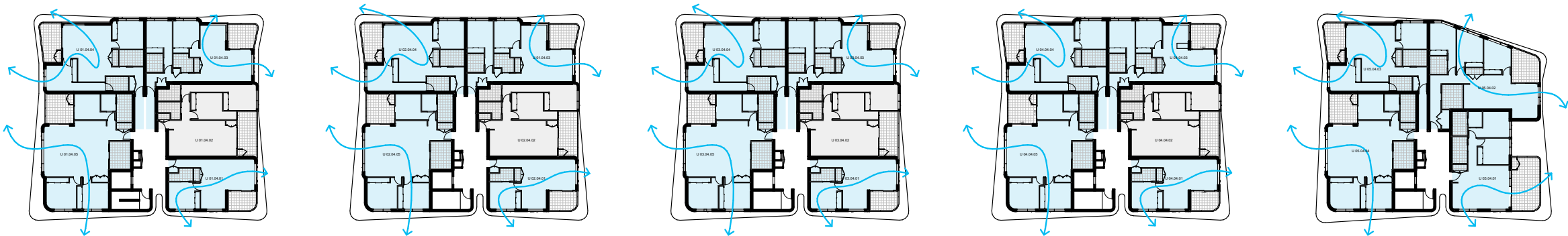
- UNITS ACHIEVING FULL CROSS VENTILATION
- SINGLE ASPECT UNITS
- DIRECTION OF VENTILATION

CALCULATIONS

SINGLE ASPECT 19/99 Units  
FULL CROSS VENTILATION 80/99 Units  
  
TOTAL UNITS MEETING NATURAL VENTILATION APERTMENT DESIGN GUIDE OBJECTIVE 4B-3 80 81%



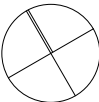
THIRD FLOOR  
1:500



FOURTH FLOOR  
1:500

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Issue A  
Description FOR DA APPLICATION  
Date 5/04/2023  
12/04/2023

Project **Mixed Use Building**  
Location **LOT 201**  
**Catarina Estate**  
Client **Justice Fox**

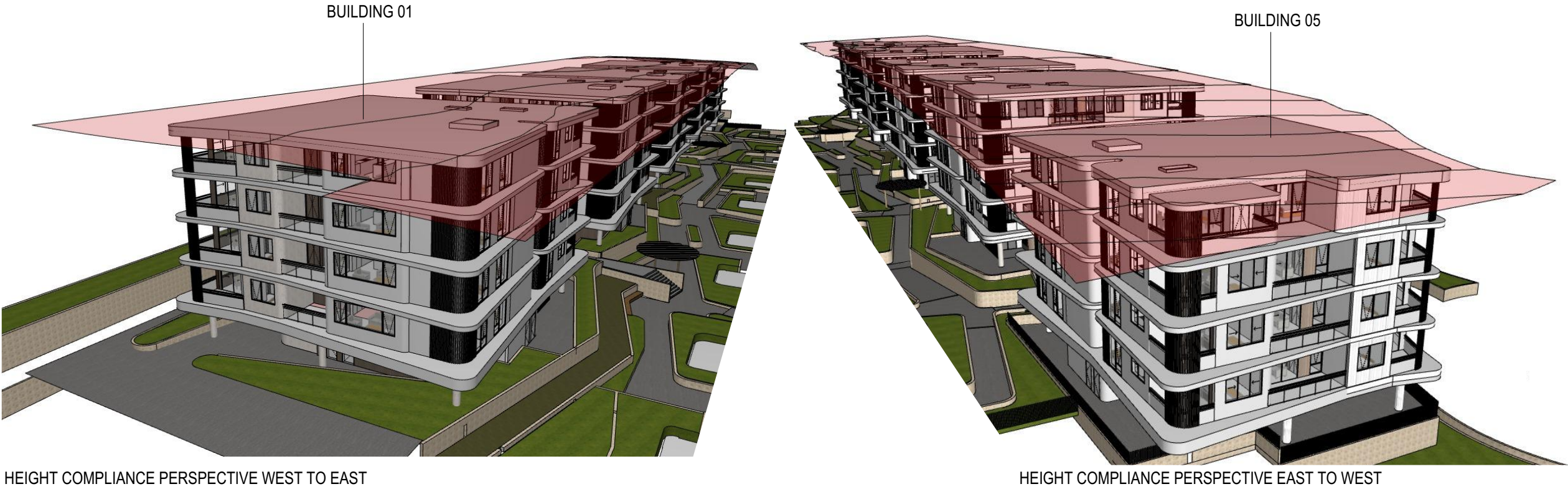
Drawing **CROSS VENTILATION**  
**DIAGRAMS SHEET 02**  
Scale 1:500 @ A3


DRAWN  
NE

QA CHECKED  
WF

Drawing Number **DA951**  
Issue B  
Project Number **22102**





 REPRESENTS 14.5m HEIGHT LIMIT

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Sediment and erosion control

All erosion and sediment control measures to be installed prior to site disturbance.

The project manager to inform all contractors and sub-contractors of their obligations under the erosion and sediment control plan.

Topsoil from all areas that will be disturbed to be stripped and stockpiled at the nominated site.

All sediment control structures to be inspected by site supervisor after each rainfall event for structural damage and all trapped sediment to be removed to a nominated stockpile site.

Sediment and erosion control shall be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the superintendent's satisfaction.

A single all weather access way will be provided at the front of the property consisting of 50-75 aggregate or similar material at a minimum thickness of 150 laid over needle-punched geotextile fabric and constructed prior to commencement of works.

The contractor shall ensure that no spoil or fill encroaches upon adjacent areas for the duration of works.

The contractor shall ensure that kerb inlets and drains receiving stormwater shall be protected at all times during development. Kerb inlet sediment traps shall be installed along the immediate vicinity along the street frontage.

Sediment fencing shall be secured by post (where metal star pickets are used plastic safety caps shall be used) at 3000 intervals with geotextile fabric embedded 200 in soil.

All topsoil stripped from the site and stockpiled does not interfere with drainage lines and stormwater inlets and will be suitably covered with an impervious membrane material and screened by sediment fencing.

Soil conservation

Prior to commencement of construction provide 'sediment fence,' 'sediment trap' and washout area to ensure the capture of water borne material generated from the site.

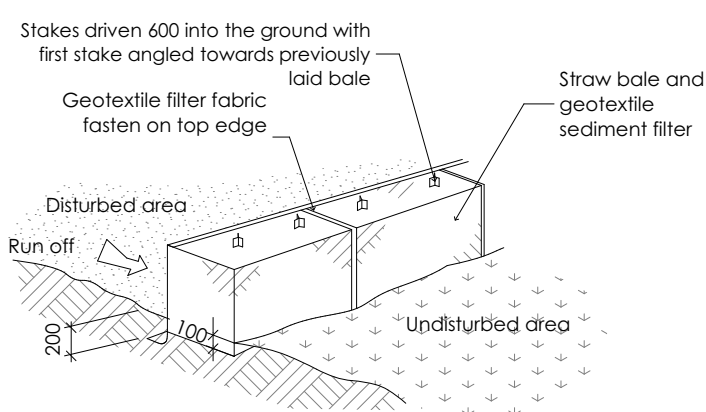
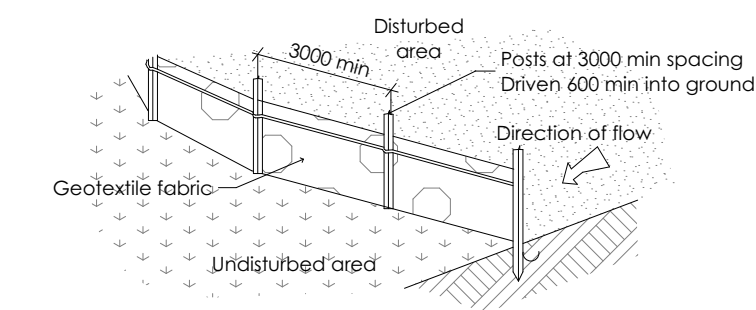
Maintain the above during the course of construction, and clear the 'sediment trap after each storm.

Sediment trap

1000 x 1000 wide 500 deep pit, located at the lowest point to the trap sediment.

Sediment fence

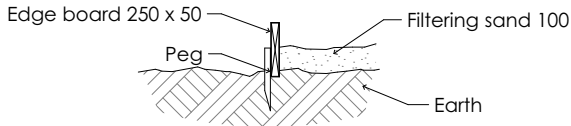
Provide sediment fence on down slope boundary as shown on plan. Fabric to be buried below ground at lower edge.



Drainage area 0.5 ha. max. slope gradient 1:2  
max. slope length 50m.

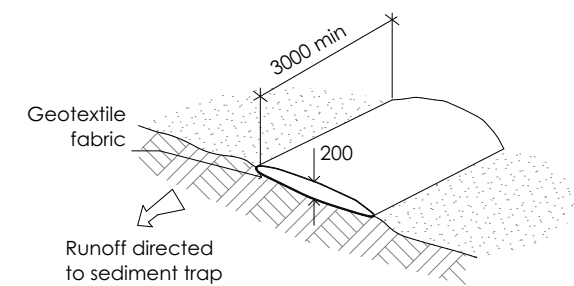
Washout area

to be 1800 x 1800 allocated for the washing of tool and equipment



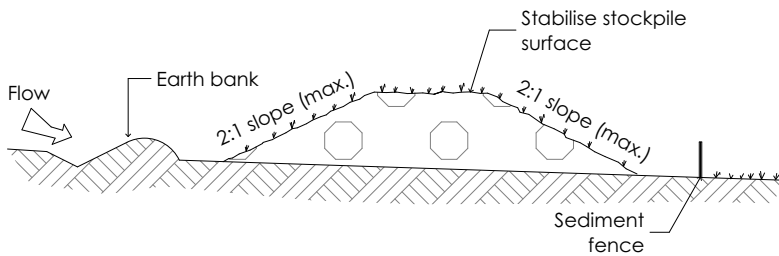
Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.



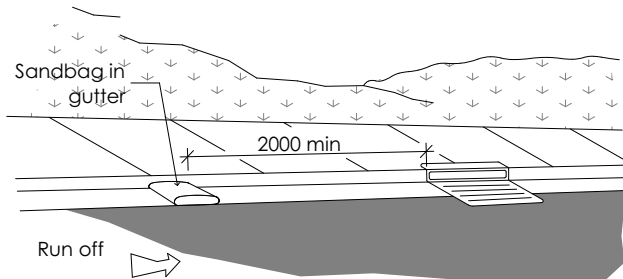
Building material stockpiles

All stockpiles of building material such as sand and soil must be protected to prevent scour and erosion. they should never be placed in the street gutter where they will wash away with the first rainstorm.



Sandbag kerb sediment trap

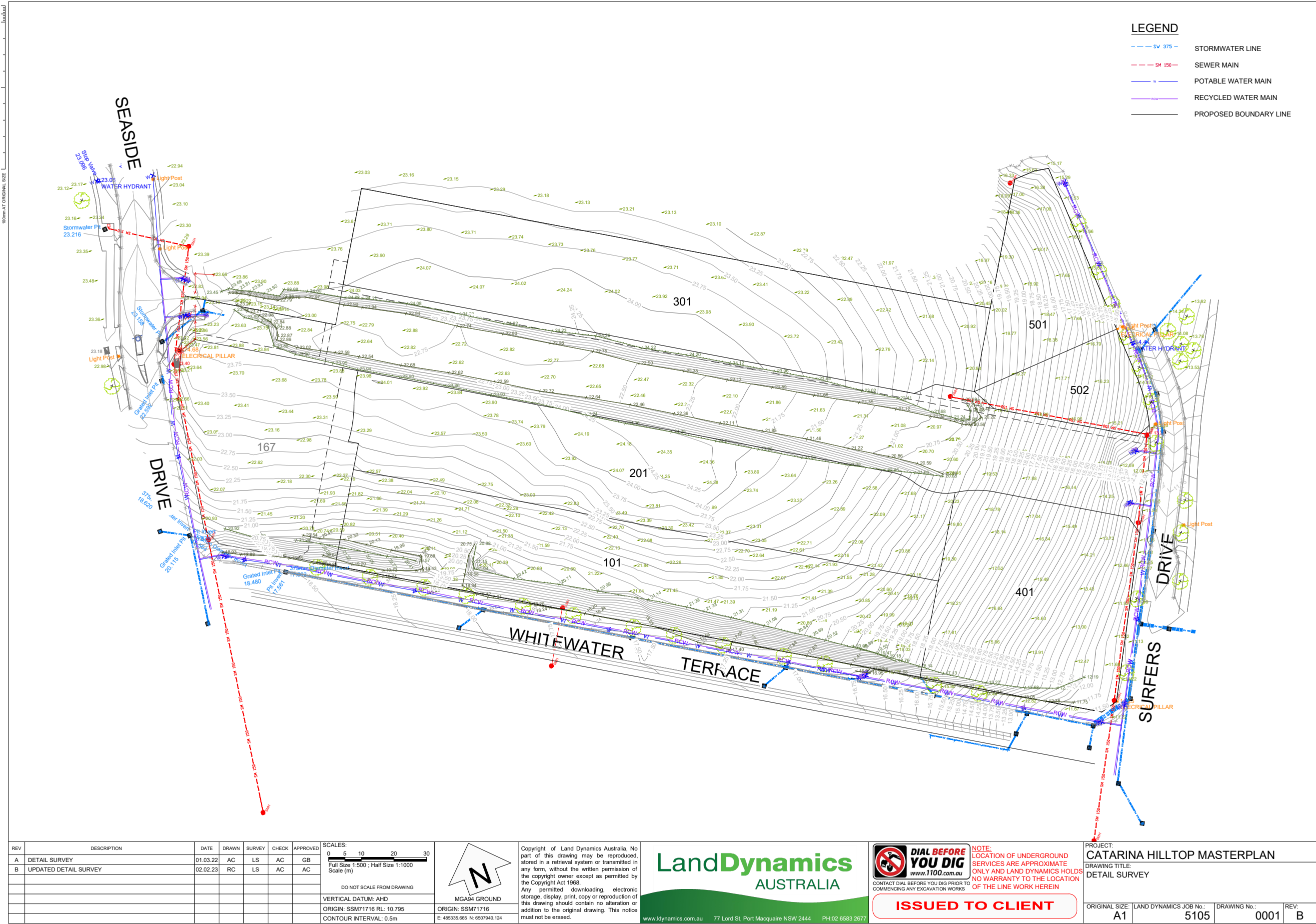
In certain circumstances extra sediment trapping may be needed in the street gutter.



FOR AUTHORITY APPROVAL ONLY  
NOT FOR CONSTRUCTION

PO Box 601 Kotara NSW 2289 Ph 49524425 Nominated Architect: Daniel Hadley 8209 <b>Notes</b> The information contained in the document is copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is conformation of the status of the drawing. The drawing shall not be used for construction unless endorsed "For Construction" and authorised for issue.	<b>Consultants</b>  Surveyor Land Dynamics Australia p: 02 6583 2677 e: andrew.constance@ldynamics.com.au  Planner Land Dynamics Australia p: 02 6583 2677 e: susan.blake@ldynamics.com.au	Access Consultant Lindsay Penny Access p: 0418 908 180 e: lindsay@paccess.com.au  Energy Assessor Building Sustainability Assessments p: 02 4962 3439 e: enquiries@buildingsustainability.net.au	Landscape Consultant Myrtle Studio p: 0408005904 e: rebeccadoblo@bigpond.com  Traffic Consultant Streetwise Road safety & Traffic services p: 0412 009 558 e: craig@streetwisesa.com.au	Issue A B Description FOR DA APPLICATION FOR DA APPLICATION Date 5/04/2023 12/04/2023	Project <b>Mixed Use Building</b> Location <b>LOT 201</b> <b>Catarina Estate</b> Client <b>Justice Fox</b>	Drawing <b>SEDIMENT CONTROL</b> Scale 1:84.42 @ A3 DRAWN NE QA CHECKED WF	Drawing Number <b>DA960</b> Issue B Project Number <b>22102</b>	<b>ELK</b> designs
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CATARINA  
HILLTOP VILLAGE  
PROPOSED LOT 201 (Existing Lot 3 DP 1247192)  
LANDSCAPE PLANS

DRAWING SCHEDULE

- P1 COVER PAGE
- P2 VISION AND OBJECTIVES
- P3 LANDSCAPE MASTER PLAN
- P4 LANDSCAPE PLAN 1
- P5 LANDSCAPE PLAN 2
- P6 MATERIALS PALETTE
- P7 PLANT PALETTE

PROJECT	PLAN	ISSUE	DESCRIPTION	DATE	CLIENT	LANDSCAPE ARCHITECT
CATARINA ESTATE HILLTOP VILLAGE	COVER PAGE	A	LANDSCAPE CONCEPT	03.04.2023	JUSTICE FOX	Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION						
PROPOSED LOT 201 CATARINA ESTATE						





1.0 Landscape Vision

Catarina Hilltop Village is a vibrant beachside community where residents are drawn to its contemporary and comfortable tree-lined streets and spaces.

2.0 Materials Selection

Objective

Catarina should have a carefully selected materials and colour palette that reflects its unique location and character. Materials should be high quality and robust in a front-line coastal environment. Strategic use of materials on the site will create spaces that are differentiated but connected. Selective use of pops of colours will also aid wayfinding. Lighting should be provided to meet Australian Standards but to also provide ambiance and highlight architectural and landscape features.

Landscape Response

Paving and other materials will be of neutral sandy tones to reflect the beachside location. Textures are organic and natural. Some elements such as bollards are 316 stainless steel providing a high quality finish that will withstand the coastal processes. Other elements are made of robust materials such as concrete, stone or hardwood timber. Lighting includes high quality pole lighting with LED luminaires and feature lighting such wall uplighting at key locations such as entries.

3.0 Universal Design

Objective

All pedestrian circulation routes shall comply with AS1428 Design for Access and Mobility and the Access to Premises Standards.

Landscape Response

All internal paths traversing level changes will be designed to ensure maximum 1:14 gradient. 1:20 walkways will be preferred to avoid excessive structures such as handrails, kick rails and balustrades. Wide paths and flush access will be included to all internal spaces as required. The requirements for continuous accessible path of travel will be met including minimum unobstructed path widths of 1m, adequate turning spaces and slip resistance surfaces. Tactile Ground Surface Indicators will be installed to meet standards.

4.0 Micro-climate

Objective

Provide shady spaces for summer heat relief. Consider tree locations around passive recreation areas such as seating so that it receives sun in winter and shade in summer.

Landscape Response

Trees will be planted on the eastern and western elevations of spaces where possible to give shade in summer. The northern edges will be kept clear of large trees to ensure penetration of sun in winter. Pergolas will be included in public and resident communal spaces to provide shaded and protected seating areas.

5.0 Species Selection

Objective

To select species that are suited to the site conditions. Most species should be locally endemic. Street trees should be consistent with Part 3A approval Exhibit 06A: Landscape Concept Plan.

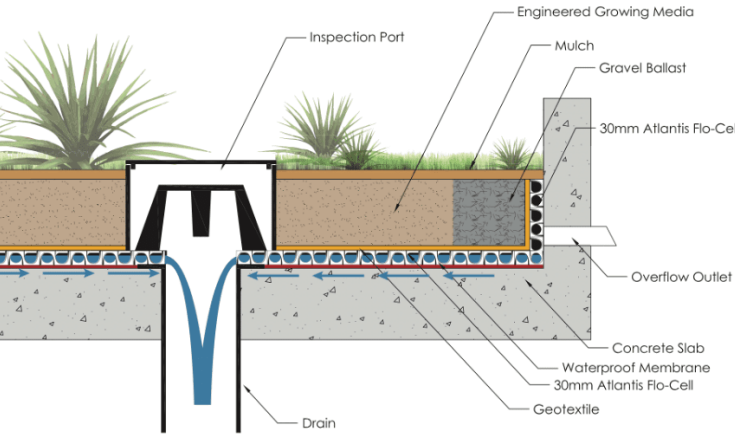
Landscape Response

Species have been chosen from the adjacent littoral rainforest community to extend the habitat and protect the littoral rainforest from weed or non-endemic incursions. A small number of plants selected are native plants that while not endemic provide other characteristics such as colour or form to meet amenity objectives. Areas of turf in the road reserve is a low maintenance treatment that also contributes to a cooler micro-climate. All plants are hardy to coastal conditions including drought and salt laden wind.

Street Trees for Ocean Blue Boulevard are selected from Part 3A approval and include the addition of Bangalow Palms in feature areas:

- Melaleuca quinquenervia
- Broad Leaved Paperbark
- Tristaniopsis laurina 'Luscious'
- Water Gum
- Archontophoenix cunninghamiana
- Bangalow Palm

See attached Plant Palette.



Typical Detail: Garden Beds on Podium  
(Source atlantiscorporation.com.au)

6.0 Planting Techniques

Objective

Ensure that plants have the best growing environment in order for them to thrive and create an attractive green environment in this high density development.

Landscape Response

Planting areas can be divided into 3 different conditions:

Planting Type 1 Podium:  
Where planting on a podium (car park), soil mix is to be free draining and light. Garden beds in this zone are dominated by hardy grasses and groundcovers that require minimal soil depth. Soil depth of 600mm will be provided for small shrubs, groundcovers and grasses and 300mm for turf areas. These podium gardens will require an irrigation and drainage system. Refer to typical detail below.

Planting Type 2 Deep Soil Zone:  
Deep soil zones provide a comfortable environment for a wide range of planting. Trees are concentrated here and will thrive in these conditions. Plants chosen are hardy and can survive on Lake Cathie annual average rainfall of 1320mm with no additional irrigation. A minimum 1 large tree or 2 medium trees per 80m2 of deep soil zone has been included (Apartment Design Guide, NSW Planning and Environment, 2015). Street trees are planted in large beds to allow for generous root runs and healthy and rapid establishment.

Planting Type 3 Street Tree:  
Street trees are to be planted in accprdance with PMHC standard detail ASD808 including addition of Terracottem soil improver and stakes.

7.0 Activation

Objective

Provide a main street that is activated with opportunities to dwell and interact.

Landscape Response

A balance of hard and soft landscape has been provided to provide a shady and welcoming streetscape. Planting beds are edged with long seating to provide generous public seating opportunities. A sculptural playground sits at the centre of the space to attract and retain families. Commercial frontages have flexible open paved areas with planters that can be moved to areas that aren't used for alresco dining to avoid vacant expanses of pavement. Spaces are articulated around angled edges to encourage meandering exploration of the commercial tenancies.

8.0 Planting Maintenance

Objective

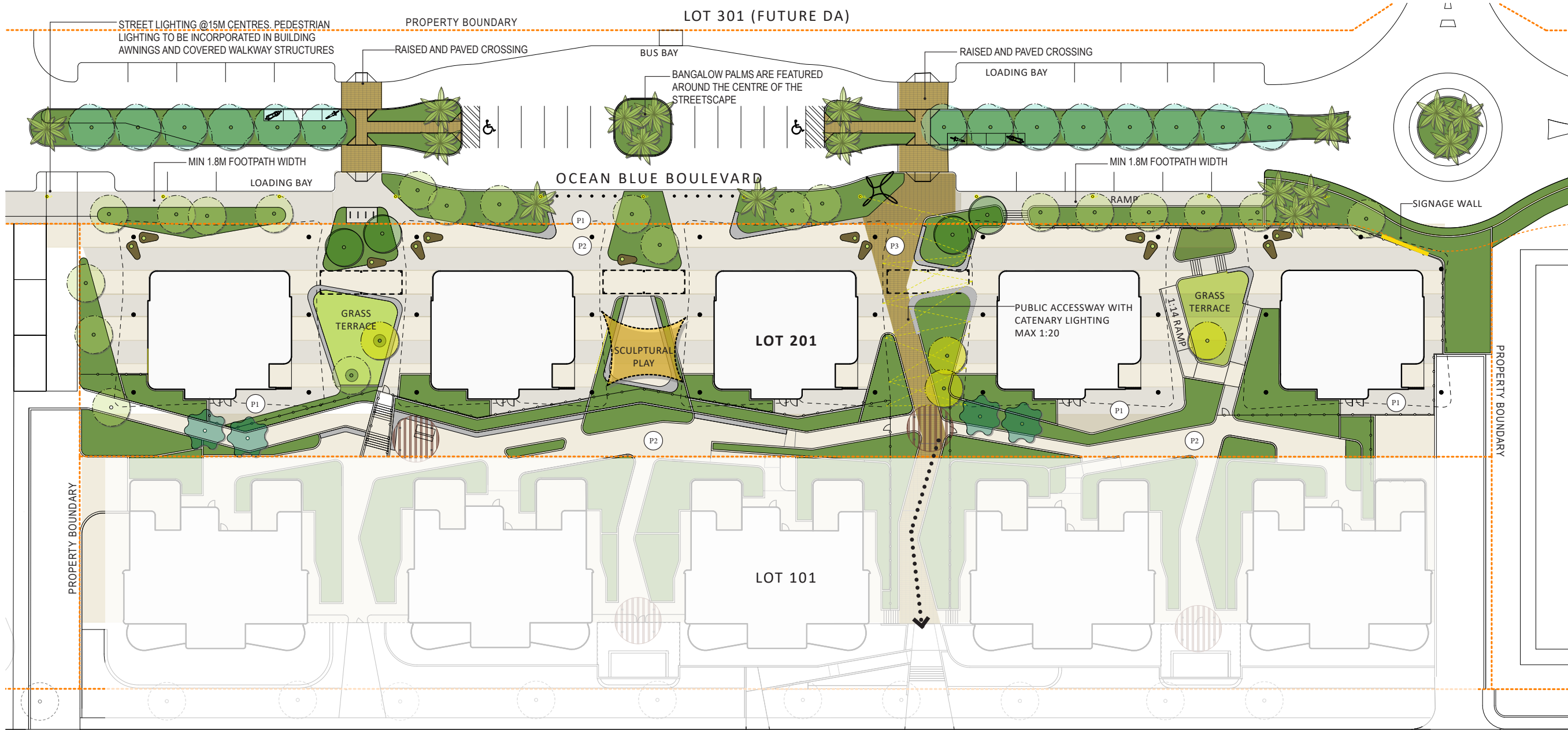
Ensure that plantings are well established so that they thrive into the future.

Landscape Response

A maintenance period of 12 months will be required of all landscape contracts. This maintenance period will include tasks such as watering, mowing, weeding, replacement of dead or dying plants, stake replacement/ removal, pest and disease control, mulching and rubbish removal.

PROJECT	PLAN	ISSUE	DESCRIPTION	DATE	CLIENT	LANDSCAPE ARCHITECT
CATARINA ESTATE HILLTOP VILLAGE	VISION AND OBJECTIVES	A	LANDSCAPE CONCEPT	03.04.2023	JUSTICE FOX	Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION	SCALE					
PROPOSED LOT 201 CATARINA ESTATE	NTS					

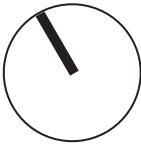




LEGEND

- TURF
- GARDEN BED
- PAVEMENT TYPE 1  
EXPOSED AGGREGATE CONCRETE
- PAVEMENT TYPE 2  
HONED EXPOSED AGGREGATE
- PAVEMENT TYPE 3  
ENGINEERED COMMERCIAL PAVER
- SEATING EDGE
- DELTA SEAT/ PLANTER
- PUBLIC ART/ SCULPTURE
- SHADE PERGOLA
- COVERED WALKWAY
- LIGHTPOLE
- BIKE RACKS
- Tristaniopsis laurina* 'Luscious'  
Water Gum
- Hymenosporum flavum*  
Native Frangipani
- Cupaniopsis anacardioides*  
Tuckeroo
- Archontophoenix cunninghamiana*  
Bangalow Palm
- Waterhousea floribunda*  
Weeping Lilly Pilly
- Melaleuca quinquenervia*  
Broad Leaved Paperbark

PROJECT CATARINA ESTATE HILLTOP VILLAGE	PLAN LANDSCAPE MASTER PLAN	ISSUE A	DESCRIPTION LANDSCAPE CONCEPT	DATE 03.04.2023	CLIENT JUSTICE FOX	LANDSCAPE ARCHITECT Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION PROPOSED LOT 201 CATARINA ESTATE	SCALE 1:500@A3					







4



PROJECT CATARINA ESTATE HILLTOP VILLAGE	PLAN LANDSCAPE DETAIL PLAN 2	ISSUE A	DESCRIPTION LANDSCAPE CONCEPT	DATE 03.04.2023	CLIENT JUSTICE FOX	LANDSCAPE ARCHITECT Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION PROPOSED LOT 201 CATARINA ESTATE	SCALE					





MATERIALS PALETTE

Item	Category	Materials	Location	Dimensions/ Details	Supplier
Retaining wall 1	Fence/ Wall	Blockwork -clad in limestone split face	Feature Streetscape/ Courtyard	Random Ashlar 'Newport'	Eco Outdoor
Retaining Wall 2	Fence/ Wall	Blockwork -honed	Terraced gardens	GB Honed in Colour Pebble	Austral Masonry
Retaining Wall 3	Fence/ Wall	Off form concrete	Curved walls/ seating edges	Class 1/ White cement	As contracted
Bike Racks	Furniture	Stainless Steel	As Shown	Citistyle stainless steel surface mount	Grillex
Bollards	Furniture	Stainless Steel	As Shown	Wide Bollard- B2 Flat	Street Furniture Australia
Drinking Fountain	Furniture	Aluminium	As Shown	Reviva Dog bowl & refill option. Colour: Navy	Grillex
Rubbish Bin Enclosure	Furniture	Stainless Steel and Hardwood Timber	As Shown	Frame: 304 Stainless Steel, Battens: Class 1 HW	Commercial Systems Australia
Seating	Furniture	GRC and Timber	Moveable items	Delta Seat / Planter	Quatro
Steel Garden Edge	Garden Edge	Mild Steel	Garden Bed General	150mm H x 3mm	As contracted
Light Pole and luminaire	Lighting	Powdercoated Aluminium	Street lighting	We-ef Model RFL 500	WE-Ef
Mulch Type 1	Mulch	Tea Tree	Garden Bed General	Mi Organics or equiv	Mi Organics
Mulch Type 2	Mulch	Tumbled Sandstone	Garden Bed Feature	Mi Organics or equiv	Mi Organics
Paving Type 1	Paving	Exposed Aggregate Concrete	Streetscape	Warm Sandy tones	As contracted
Paving Type 2	Paving	Exposed Aggregate Concrete	Streetscape	Warm Sandy tones Lightly Honed	As contracted
Paving Type 3	Paving	Engineered Commercial Paver	Public Accessway	Warm Sandy tones eg Urbanstone Fleece	Urbanstone
Paving Type 4	Paving	Plain Grey Concrete	Back of House/ Utility areas	GP grey broom finished concrete	As contracted
Paving Type 5	Paving	Limestone Cobble	Feature/ High End Area	Eco Outdoor Bokara or equiv	Eco Outdoor
Tactile Indicator	Paving	Concrete	As required	Warning Integrated Tactive Paver in Ivory	Tactile Systems Aust
Pergola	Structure	Class 1 Hardwood	Key Nodes and Pools	Dulux Weathershield Vivid White	As contracted



EXPOSED AGGREGATE



HONED EXPOSED AGGREGATE



URBANSTONE SHOTBLAST PAVER



LIMESTONE COBBLE



SPLITSTONE WALL CLADDING



HONED BLOCKWORK



SS BOLLARD, BOLLARD LIGHT AND BIKE RACK



POLE LIGHTING AND LANEWAY SS CATENARY



SEATING EDGE



DELTA SEAT/ PLANTER



PROJECT	PLAN	ISSUE	DESCRIPTION	DATE	CLIENT	LANDSCAPE ARCHITECT
CATARINA ESTATE HILLTOP VILLAGE	MATERIALS PALETTE	A	LANDSCAPE CONCEPT	03.04.2023	JUSTICE FOX	Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION	SCALE					
PROPOSED LOT 201 CATARINA ESTATE	NTS					





PLANT PALETTE

Botanical Name	Common name	Cultivar	TYPE	Pot Size	Mature Height	Mature Width	Density
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm		tree	200L	15m	4m	as shown
<i>Cupaniopsis anacardioides</i>	Tuckeroo		tree	200L	10m	5m	as shown
<i>Hymenosporum flavum</i>	Native Frangipani		tree	200L	10m	5m	as shown
<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark		tree	200L	18m	6m	as shown
<i>Tristaniopsis laurina</i>	Water Gum	Luscious	tree	200L	12m	6m	as shown
<i>Waterhousea floribunda</i>	Weeping Lilly Pilly		tree	25L	15m	8m	as shown
<i>Acmena smithii</i>	Lilly Pilly	Sublime	shrub	25L	5m	2-3m	1/m <sup>2</sup>
<i>Alpinia caerulea</i>	Native Ginger		shrub	300mm	1.5m	1.5m	1/m <sup>2</sup>
<i>Banksia spinulosa</i>	Hairpin Banksia		shrub	140mm	2m	1m	1/m <sup>2</sup>
<i>Syzygium australe</i>	Brush Cherry		shrub	140mm	5m	1.5m	1/m <sup>2</sup>
<i>Westringia fruticosa</i>	Coastal Rosemary	Various	shrub	140mm	1.5m	1m	2/m <sup>2</sup>
<i>Banksia integrifolia</i>	Coastal Banksia	Prostrate	groundcover	140mm	800mm	2m	1/m <sup>2</sup>
<i>Carpobrotus glaucescens</i>	Pigface	Aussie Rambler	groundcover	140mm	300mm	800mm	2/m <sup>2</sup>
<i>Casuarina glauca</i>	Cousin It	Cousin It	groundcover	140mm	400mm	500mm	4/m <sup>2</sup>
<i>Chrysocephalum apiculatum</i>	Yellow Buttons		groundcover	140mm	300mm	500mm	4/m <sup>2</sup>
<i>Crinum pedunculatum</i>	Swamp Lily		groundcover	140mm	1m	1m	3/m <sup>2</sup>
<i>Dicondra repens</i>	Kidney Weed	Silver Falls	groundcover	tubestock	200mm	1m	3/m <sup>2</sup>
<i>Myoporum parvifolium</i>	Creeping Boobialla	Yareena	groundcover	140mm	300mm	3m	3/m <sup>2</sup>
<i>Tetragonia tetragonioides</i>	Native Spinach		groundcover	140mm	400mm	1m	3/m <sup>2</sup>
<i>Hardenbergia violacea</i>	False Sarsaparilla	Meema	groundcover	140mm	600mm	600mm	3/m <sup>2</sup>
<i>Anigozanthos sp</i>	Kangaroo Paw	Various	grass	140mm	1m	1m	4/m <sup>2</sup>
<i>Lomandra sp.</i>	Mat Rush	Various	grass	140mm	600mm	600mm	4/m <sup>2</sup>
<i>Poa labillardierei</i>	Common Tussock Grass	Eskdale	grass	tubestock	800mm	600mm	4/m <sup>2</sup>



*Melaleuca quinquenervia*  
Broad Leaved Paperbark



*Archontophoenix cunninghamiana*  
Bangalow Palm



*Tristaniopsis laurina* 'Luscious'  
Water Gum



*Cupaniopsis anacardioides*  
Tuckeroo



*Waterhousea floribunda*  
Weeping Lilly Pilly



*Hymenosporum flavum*  
Native Frangipani


PROJECT	PLAN	ISSUE	DESCRIPTION	DATE	CLIENT	LANDSCAPE ARCHITECT
CATARINA ESTATE HILLTOP VILLAGE	PLANT PALETTE	A	LANDSCAPE CONCEPT	03.04.2023	JUSTICE FOX	Rebecca Doblo Myrtle Street Dorrigo 2453
LOCATION PROPOSED LOT 201 CATARINA ESTATE	SCALE NTS					





Developer Charges - Estimate

**Applicants Name:** Catarina Village  
**Property Address:** Whitewater Terrace, Lake Cathie  
**Lot & Dp:** Lot(s):102,DP(s):1293926  
**Development:** Mixed Use Development Comprising Residential Flat Building, Commercial Premises & Shop-Top Housing with Strata Subdivision



PORT MACQUARIE  
HASTINGS  
154 2023 0059 01

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

Levy Area	Units	Cost	Estimate
1 Water Supply	49.38	\$11,940.00 Per ET	\$589,597.20
2 Sewerage Scheme Lake Cathie/Bonny Hills	74.25	\$4,530.00 Per ET	\$336,352.50
3 Since 13.6.14 - Local Roads - Lake Cathie/Bonny Hills - Area 14	66.42	\$15,526.00 Per ET	\$1,031,236.90
4 Since 31.1.18 - Open Space - Lake Cathie/Bonny Hills - Per ET	66.42	\$7,896.00 Per ET	\$524,452.30
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Lake Cathie / Bonny Hills	66.42	\$6,165.00 Per ET	\$409,479.30
6 Com 1.3.07 - Administration Building - All areas	66.42	\$1,066.00 Per ET	\$70,803.70
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	66.42	\$591.00 Per ET	\$39,254.20
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 <b>approved after 11/2/03</b>		2.2% S94 Contribution	\$45,654.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$3,046,831.00

NOTES: These contribution rates apply to new development and should be used as a guide only.  
Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).  
DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.  
Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:15-Jan-2024

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

arina Village , Whitewater Terrace, Lake Cathie, 15-Jan-2024.xls

PORT MACQUARIE-HASTINGS COUNCIL