

Development Assessment Panel

Business Paper

date of meeting:	Wednesday 6 March 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

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

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

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

3.2 Non-Voting Members

Not applicable.

3.3 Obligations of members

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to 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	19/07/23	15/08/23	20/09/23	18/10/23	15/11/23	7/02/24
David Crofts		1		~	~	^
	•	•		•	•	А
(Independent Chair)				./		
Chris Gee		v	v	v	v	v
(Independent Member)	· /					
Michael Mason	v	v	v	v		v
(Independent Member)		,	,	,		
Dan Croft	✓	~	✓	✓	✓	✓
(Group Manager						
Development Services)			,			
Tony McNamara			✓		✓	✓
(Independent Member)						
Other attendees						
Mayor Peta Pinson						
Melissa Watkins (Director	✓					
Community, Planning and						
Environment)						
Grant Burge	✓	✓	√			✓
(Development Engineering						
Coordinator)						
Kerrod Franklin	1					
(Acting Development						
Engineering Coordinator)						
Patrick Galbraith-Robertson						
(Development Planning						
Coordinator)						
Steven Ford						
			•			
(Development Assessment						
Planner)						
Chris Gardiner			v			
(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	✓				\checkmark	\checkmark
(Development Assessment						
Planner)						
Councillor Josh Slade						
Councillor Sharon Griffiths						
Kate Kennedy	1	İ	İ			
(Building Surveyor)						
Warren Wisemantel	t	1	1			
Deputy Mayor Adam	1					
Roberts						
Bob Slater						
(Development Assessment						
Planner)						
Alton Dick						
(Stormwater Engineer)						
Fiene Tierrey		./		~		
Fiona Tierney		× I		, v		
(Development Assessment						
Planner)						

Key:

 \checkmark = Present, A = Absent With Apology X = Absent Without Apology



Development Assessment Panel

Meeting Dates for 2024

r	1	
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 6 March 2024

Items of Business

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06	DA2022 - 931.1 School (Stage 1 & 2) and Concept Application for Stage 3 Expansion of School at Lot 10 DP 1223845, No. 456 John Oxley Drive, Thrumster	<u>64</u>
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08	General Business	



Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

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

Item: 02

Subject: APOLOGIES

RECOMMENDATION

That the apologies received be accepted.

Item: 03

Subject: CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 7 February 2024 be confirmed.





PRESENT

Members:

Tony McNamara (Independent Chair) Michael Mason (Independent Member) Chris Gee (Independent Member) Dan Croft (Group Manager Development Services)

Other Attendees:

Grant Burge (Development Engineering Coordinator) Ben Roberts (Senior Development Assessment Planner)

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from David Crofts be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

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

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.



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.

Speakers: Daniel Hadley (applicant) Brad Lane (applicant)

CONSENSUS:

That DA 2023 - 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, be determined by granting consent subject to the recommended conditions noting the Panel emphasises the importance of enhancing the landscaping and communal space detail as part of the construction documentation and delivery of the development.

06	GENERAL	BUSINESS
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Nil

The meeting closed at 2.40pm

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

Item: 04

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name o	of Meeting:	
Meeting	g Date:	
Item Nu	umber:	
Subjec	t:	
l, the u	ndersigned, hereby declare the following interest:	
_	Pecuniary:	
	Take no part in the consideration and voting and be out of simeeting.	ight of the
_	Non-Pecuniary – Significant Interest:	
	Take no part in the consideration and voting and be out of simeeting.	ight of the
	Non-Pecuniary – Less than Significant Interest:	
	May participate in consideration and voting.	
For the	e reason that:	
Name:		Date:
Signed	:	
Please	submit to the Governance Support Officer at the Council	Meeting.

(Refer to next page and the Code of Conduct)

4.4

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

Pecuniary Interest

- A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable 4.1 financial gain or loss to you or a person referred to in clause 4.3.
- You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be 4.2 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.
- For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is: 4.3 your interest, or (a)
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member. (c)
 - 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 your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or ii) adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
 - "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987. (b)
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
 - if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or (a) other body, or
 - 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 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. (c)

Non-Pecuniary

- Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as 5.1 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.
- A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be 5.2 influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 5.4 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2. Non-peculary 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

- 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 nonpecuniary 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 relationship between a council official and another person who is affected by a decision or a matter under a) 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
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such b) 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.
 - 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. C) 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.
 - membership, as the council's representative, of the board or management committee of an organisation that is affected by a d) 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
 - 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 e) clause 4.1
 - 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 f) people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - by not participating in consideration of, or decision making in relation to, the matter in which you have the significant nona) 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
- If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require 5.11 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.
- 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 5.12 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. 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. 5.13
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.



SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

By	
[insert full name of councillor]	
In the matter of	
[insert name of environmental	
planning instrument]	
Which is to be considered	
at a meeting of the	
[insert name of meeting]	
Held on	
[insert date of meeting]	
PECUNIARY INTEREST	
Address of the affected principal place	
of residence of the councillor or an	
associated person, company or body	
(the identified land)	
Relationship of identified land to	The councillor has interest in the land
councillor	(e.g. is owner or has other interest
[Tick or cross one box.]	arising out of a mortgage, lease, trust,
	option or contract, or otherwise).
	An associated person of the councillor has an interest in the land.
	□ An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIAR	
Nature of land that is subject to a	The identified land.
change	Land that adjoins or is adjacent to or is
in zone/planning control by proposed	in proximity to the identified land.
LEP (the subject land ²	
[Tick or cross one box]	
Current zone/planning control	
[Insert name of current planning instrument	
and identify relevant zone/planning control	
applying to the subject land]	
Proposed change of zone/planning	
control	
[Insert name of proposed LEP and identify	
proposed change of zone/planning control	
applying to the subject land]	
Effect of proposed change of	□ Appreciable financial gain.
zone/planning control on councillor or	□ Appreciable financial loss.
associated person	
[Tick or cross one box]	

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

Councillor's Signature: Date:

This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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



¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct. ² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to

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

Item: 05

Subject: DA2023 - 700.1 DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT: 1 DP: 1227144, NO. 5A TREETOP CRESCENT PORT MACQUARIE.

Report Author: Development Assessment Planner, Beau Spry

Applicant:	Kristy Roberts c/o Pycon Homes & constructions
Owner:	Stephen and Treena Heslop
Estimated Cost:	\$1,077,358.00
Parcel no:	65897

Alignment with Delivery Program

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

RECOMMENDATION

That DA2023 - 700.1 for a Dual Occupancy and Strata Title Subdivision at Lot 1, DP1227144, No. 5A Treetop Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Dual Occupancy 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 exhibition of the application, 3 submissions were received.

The proposed design has been amended during assessment to include reorientation of Dwelling #1 to minimise overshadowing impacts, incorporation of privacy screening and landscaping treatments.

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.

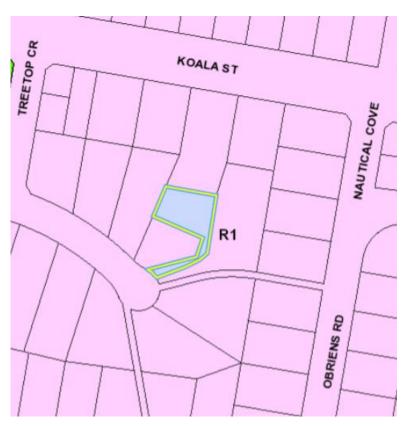
DEVELOPMENT ASSESSMENT PANEL 06/03/2024

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 914.13m2.

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

• 2 x 3-bedroom Dual Occupancy Dwellings and Strata Subdivision.

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

Application Chronology

- 27/10/2023 Application lodged with Council.
- 02/11/2023 15/11/2023 Notification period.
- 22/11/2023 Council staff requested additional information.
- 08/12/2023 Applicant responded to submissions and request for additional information and provide updated plans.
- 19/01/2024 Council staff requested additional information.
- 16/02/2024 Applicant provide updated plans.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

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

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

- 1. The property is not subject to a KPOM;
- 2. The site has a land area less than 1 hectare; and
- 3. The site not considered to be core koala habitat.

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, 2.10 and 2.11, the proposed development is not located in proximity to coastal wetlands or littoral rainforest of this SEPP. Additionally, the site is not located within a coastal use area or a coastal environment area. Therefore, the provisions of the SEPP do not apply to the site.

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 complete. The following advice has been provided:

"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. THE LOW VOLTAGE SERVICE CABLE WILL NEED TO BE LOOKED AT BY A LEVEL 2 ELECTRICIAN TO MAKE SURE IT IS IN LINE WITH THE SERVICE AND INSTALATION RULES AND AS3000
- 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 <u>Request for Safety Advice</u> if works cannot maintain the safe working clearances set out in the <u>Working Near Overhead Powerlines Code</u>



of Practice, or <u>CEOP8041 - Work Near Essential Energy's Underground</u> <u>Assets</u>.

Information relating to developments near electrical infrastructure is available on our website <u>Development Applications (essentialenergy.com.au)</u>. 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 <u>Encroachments</u> (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 <u>essentialenergy.com.au/lookupandlive</u>."

The advice received from Essential Energy has been forwarded the Applicant for consideration.

Clause 2.118 refers to development with frontage to a classified road. In this case, the development does not create any additional crossovers onto the classified road or substantial increase in traffic. Therefore, no adverse impact on the road network will occur.

The development does not trigger any of the traffic generating development thresholds of Clause 2.121. Referral to the NSW Roads and Maritime Services (RMS) is not required.

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

State Environmental Planning Policy (Primary Production) 2021

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

• Clause 2.2 - The subject site is zoned R1 General Residential.

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• Clause 2.3(1) and the R1 zone landuse table - The proposal is best characterised as dual occupancy and strata subdivision and is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Clause 2.3(2) The proposal is consistent with the zone objectives as the development will contribute to the variety of housing types and densities to meet the housing needs of the community.
- Clause 4.1 The minimum lot size for subdivision is 450m². However, pursuant to Clause 4.1(4) this control does not apply to the proposal as strata subdivision is sought. The existing residential lot has an area of 914.13m²
- Clause 4.3 The maximum overall height of the building above ground level (existing) is 6.5m which complies with the standard height limit of 8.5 m applying to the site. Refer to plans for compliance.
- Clause 4.4 The floor space ratio of the proposal is less that 0.45:1, which complies with the maximum 0.65:1 floor space ratio applying to the site. Refer to plans for compliance.
- Clause 5.10 The site does not contain or adjoin any known heritage items or sites of significance. The site is also disturbed from past activities/works on-site.
- Clause 7.13 Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to construction as recommended by a condition of consent.

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

No relevant draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013:	DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies	
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes	
Cut and Fill Regrading				

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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).	A max 1.2m cut is proposed for a small portion of the north- eastern corner, principally to realign an existing retaining wall.	Yes
5	 a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m. b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: be a maximum combined height of 1.8m above existing property boundary level; be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; the fence component has openings which make it not less than 25% transparent; and provide a 3m x 3m splay for corner sites, and provide a 900mm x 	The height of proposed retaining walls vary from 600mm to 1.2m. Condition recommended for all retaining walls to be engineered. N/A	Yes N/A
	900mm splay for vehicle driveway entrances.		

DCP 2013:	DCP 2013: Part B - General Provision - B3: Hazards Management			
Bushfire Ha	azard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land	Site is not identified as bushfire prone.	N/A	



	use within environment protection zones.		
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Site is not identified as flood prone.	N/A

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hiera	archy		
23	Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: - to avoid driveways near intersections and road bends, and - to minimise streetscapes dominated by driveways and garage doors, and - to maximise on-street parking.	No change to existing driveway crossover.	N/A
Parking Pr	ovision		
24	 a) Off-street Parking is provided in accordance with Table 3. 1 parking space per each 1 or 2-bedroom unit + 1 visitor's space per 4 units. 1.5 spaces per each 3 or 4- bedroom unit + 1 visitor's space per 4 units. 	Dual occupancy proposed. <u>Required:</u> 1x parking space for each dwelling required. <u>Proposed:</u> Attached double garage proposed for each dwelling + opportunity for stacked parking within the driveway. Proposal exceeds the minimum requirements.	Yes
Parking La	ayout		
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:	Dwelling parking spaces are contained within attached garages.	Yes

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	 it is stacked parking in the driveway; or it can be demonstrated that improvements to the open space provided will result; and the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car 	Garage dimensions are capable of complying.	Yes
34	parking.a) All parking andmanoeuvring spaces must bedesigned to avoidconcentrations of water runoffon the surface.	Residential driveway only. No adverse impacts identifiable.	Yes
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	The proposed development will drain to an OSD system before being discharged to the street. Details of the stormwater system are to be provided to Council for review prior to the issue of the construction certificate.	Yes

DCP 2013:	DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and		
Crime Pre		•	
DCP Objective	Development Provisions	Proposed	Complies
Crime Prev	vention		
43	 a) The development addresses the generic principles of crime prevention: Casual surveillance and sightlines; Land use mix and activity generators; Definition of use and ownership; Basic exterior building design; Lighting; Way-finding; and 	The proposed development will be unlikely to create any adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The development will also provide a level of natural surveillance within the locality.	Yes

 Predictable routes and entrapment locations; as described in the Crime Prevention Through Environmental Design (CPTED) principles. Lighting and CCTV can be installed retrospectively by the owner, should they wish to have further security in the future.

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			ensity
DCP Objective	Development Provisions	Proposed	Complies
Front Setb	acks		
44	 a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone: an entry feature or portico; a balcony, deck, patio, pergola, terrace or verandah; a window box treatment; a bay window or similar feature; an awning or other feature over a window; a sun shading feature. b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house. 	Being a battleaxe lot, the development does not have an articulation zone	N/A
	c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	Being a battleaxe lot, the development does not have a front setback.	N/A
45	a) A garage, carport or car parking space should:	Being a battleaxe lot, the development does not	N/A

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	 be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	have a front setback, therefore the garage setback is not relevant.	
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	Not relevant battleaxe block.	N/A
Side and	c) Driveway crossovers are no greater than 5.0m in width. Rear Setbacks	Existing shared driveway crossover no greater than 5.0m in width	Yes
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	The proposal is provided with a 4m setback to rear setback. The applicant has provided an equivalent 4m setback on other frontages to allow natural light and ventilation. Useable yard areas and open space are also achieved.	Yes
	 b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area. 	N/A	N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and	N/A	N/A

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	the rear setback may be reduced to 900mm.		
47	a) Ground floors (being <1m above existing ground level) should be setback a	Ground floors minimum side setbacks:	Yes
	minimum of 900mm from side boundaries.	Dwelling 1: 3.55m to western boundary	
		Unit 2: 1.82m to eastern boundary;	
	b) First floors and above (including single storey with floor level >1m) should be	Second storey minimum side setbacks:	Yes
	setback a minimum of 3m from the side boundary, or	Dwelling 1: 3.55m to western boundary;	
	reduced down to 900mm where it can be demonstrated that the adjoining property's primary	Unit 2: 1.82m to eastern boundary;	
	living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	The proposal has been modified during assessment and updated shadow diagrams demonstrate that the adjoining property's primary living rooms and principal private open space areas, principally	
		at No. 4 Treetop Crescent, are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	N/A	N/A
Private O	pen Space		
48.	 a) All dwellings should have a minimum area of private open space of 35m2, which includes a principal private open space area with: a minimum dimension of 4m x 4m, and a maximum grade of 5% for minimum 4m x 	Both units are provided with private open space compliant with the minimum 35m ² area inclusive of useable 4m x 4m area directly accessible from ground floor living area.	Yes

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	 4m of the total open space requirement, and direct accessibility from a ground floor living area and orientated to maximise use. 		
	b) Private open space may include clothes drying areas and garbage storage.	Drying areas noted on site plans.	Yes
Public Dor	main and Fencing		
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	No front fence proposed.	Yes
	 b) Solid Front fences up to 1.2m high should be: Setback 1.0m from the front boundary, and Suitably landscaped to reduce visual impact, and Provide a 3m x 3m splay for corner sites. 	N/A	N/A
	 c) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either: Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 	N/A	N/A
	d) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);	N/A	N/A
	e) provide a 3m x 3m splay for corner sites, and	N/A	N/A

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	f) provide a 900mm x	N/A	N/A	
	900mm splay for vehicle			
	driveway entrances.			
Bulk and S	Bulk and Scale			
51	 a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where: Ground and first floor (and above) indoor living room windows are within a 9m radius. Direct views between principal private open space areas where within a 12m radius. Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	 Direct views between indoor living rooms and principal private open space of adjacent dwellings are sufficiently obscured in regard to: Ground and first floor indoor living room windows within a 9m radius of existing dwellings. Direct views between principal private open space areas within a 12m radius. Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. The proposal has been revised during assessment to increase setbacks in some cases and/or provide for privacy screening. 	Yes	
	 b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of: Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	Direct views from al- fresco/patio areas will be obscured by boundary fencing.	Yes	

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	 c) Privacy protection is not required for: Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non- openable translucent glass is installed to the same height. 	No additional privacy protection required.	Yes
	 d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application): 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. A window, the whole of which has translucent glass and is not able to be opened. 	Direct views will be obscured by a combination of side boundary fencing and additional screening.	Yes
Ancillary D	Development		
56	 a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones: The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). 	Water tanks appropriately located.	Yes

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 The building should be single storey construction with a maximum roof pitch of 24 degrees. The maximum area of the building should be 60m2 for lots less than 900m² and maximum of 100m² for larger lots. Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 	

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

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

(iv) Any matters prescribed by the Regulations

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

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

Context and Setting

The site is a battleaxe block with access from Treetop Crescent. The site is a vacant block within an established urban locality. Adjoining the site to all sides is further R1 residential. The locality is a mix of single- and two-storey dwellings, multi-dwellings and tourist accommodation.

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

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

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Access, Traffic and Transport

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

Water Supply Connection

Council's records indicate that there is an existing 20mm sealed water service from the 100mm main in Treetop Crescent. Each unit or lot is to be provided with a separate metered water connection to Council's main, with the meters being located on the road frontage. The design shall be in accordance with Council's Water Supply Services Policy.

A minimum 25mm water service or a water service conduit is to be provided for the full length of the access handle of battle axe lots within a minimum verge, 1.0m wide adjacent to the paved surface.

Detailed plans will be required to be submitted for assessment with the Section 68 application. Appropriate conditions are recommended in this regard.

Sewer Connection

Council's records indicate that the development site is connected to sewer via a junction out of the existing manhole located within the access handle for the lot. The proponent is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

Appropriate conditions are recommended in this regard.

Stormwater

The development site naturally grades in a north to south direction towards private property at 4 Treetop Crescent and onward to Treetop Crescent public road. As there is no public stormwater piped infrastructure servicing the frontage of the development lot the legal point of discharge, considering the scope of the development, is kerb and guttering to Treetop Crescent.

The submitted plans demonstrate stormwater management is via discharge to kerb and guttering, which is in line with Council requirements and approved Infrastructure CC (CI2015 - 663.1) plans. This has been added as a condition in the consent document for the legal point of discharge.

Lot 1 was created under DA2015 - 663.1, which included what is now 5b Treetop Crecent (Lot 2),and was assessed from a stormwater management perspective taking in consideration already existing structures and hardstand areas to determine future stormwater controls for future development.

A covenant on Lot 1 (and Lot 2) is listed on the 88b instrument for DP1227144 burdening both lots regarding on-site detention (OSD). The requirement for OSD is typically triggered when a development scope is greater than dual occupancy, however, this development is required to provide OSD due to the prior DA2015 - 663.1 consent conditions requiring OSD, and the existence of the positive covenant currently applied on Lot 1.

OSD will be required to limit total site discharge to the lesser of the following:

- 1) 55L/s maximum discharge via single suitably sized kerb adapter
- 2) Pre-development flow rates for a range of storm event up to and including the 1% AEP event. Pre-development site condition is greenfield.

The plans indicate above ground rainwater tanks for each proposed dwelling containing 2000L of storage for each dwelling to treat roof areas only. It is noted that driveway areas do not appear to be directed to OSD, therefore further demonstration on plans, including associated calculations will need to be provided to Council prior to release of S68 / CC. Council stormwater engineering staff do not see difficulties in providing additional OSD storage (i.e. combination of above and below ground systems with orifice control) to treat additional areas (in order to meet the above total site discharge requirements) such as driveway area within the lot 1, outside of the right of access easement. A condition has been listed on the draft consent document to cover this requirements.

All impervious areas within the development lot shall be managed within the development property without concentrating or diverting stormwater to other properties. Details shall be provided on stormwater plans prior to CC/S68 demonstrating how impervious area stormwater runoff i.e driveway will be managed to the legal point of discharge. Typical controls for example may include shaping, kerb, dish drains, and/or stormwater pits / grated drains. Any runoff to adjoining properties must be demonstrated to mimic natural behaviour (unconcentrated and no increase).

An existing drainage easement 1m wide is located along the western boundary of the development lot, which burdens Lot 1. It is unclear if a pipe exists within this easement, however, the terms of the easement do not benefit Lot 1. Therefore, construction of any interallotment drainage will not be required for this proposed development. The drainage easement has been shown on submitted plans and all enclosed structures are clear of the easement, which meets Council requirements.

Other Utilities

Telecommunication and electricity services are available to the site. Service requirements to be addressed during construction.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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



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Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation, does not trigger the thresholds and is also not located within a mapped Biodiversity Values area. The site is also heavily disturbed from past activities onsite and unlikely to contain or impact on any threatened species. The development is also achieving the intent of the original subdivision that created the lot. Based on the above, the development is considered to be compliant with the Biodiversity Conservation Act 2016.

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The development will also provide a level of natural surveillance within the locality.

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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



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Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

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

Submission	Comment
 Stormwater and drainage concerns - the proposal will exacerbate existing stormwater issues from 5B Treetops. 	The stormwater implications have been reviewed by Councils Stormwater Engineers who have deemed the proposal acceptable subject to conditions of consent. A detailed stormwater management plan will be required prior to issue of the Construction Certificate (CC), notably requiring onsite-detention (OSD) and ensuring no increase or concentration to the downstream neighbouring properties.
Overshadowing - • Overshadowing concerns onto 4 Treetops Crescent	There is a moderately precipitous drop of approximately 2m along the southern boundary of the subject site at Lot 1 down to #4 Treetop Crescent to the south. The proposed design has been amended during assessment, including to reorient the two storey elements further north and away from #4 Treetops Crescent to the south, significantly reducing the shadow impacts into the primary living/private open space areas of #4 Treetop Crescent. Additionally, given the nature of the drop off, modelled shadow diagrams for a hypothetical single storey proposal

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

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	indicate some overshadowing onto #4 Treetop Crescent.
 Traffic - Concerns around traffic volumes and noise implications. 	The proposal is for residential use and the development does not include any commercial of industrial activities anticipated to generate significant noise.
	The proposal has been reviewed by Council's Development Engineers. Traffic and Transport has been detailed elsewhere in this report but in particular, notes that the proposal will not have any significant adverse impacts in terms of access, transport and traffic. The suggested speed hump is not supported given the pathway is sufficiently clear of the driveway and the installation of a speed hump could create noise issues in itself.
	Noise from the proposed dual occupancy housing would be restricted to the expected typical activities of the residents and guests, and vehicles entering and exiting the site (as is the case for neighbouring residential uses). The proposal for dual occupancy housing is permissible in the zoning.
 Privacy - Concerns around proximity of Dwelling 1 al-fresco area and overlooking into #3 Treetops Crescent to the west. 	The subject site sits naturally higher than Lot 25 (#3 Treetops Crescent). There is a drop of approximately 2m along the western boundary of the subject site at Lot 1 down to #3 Treetop Crescent to the west. The proposed al- fresco areas has a minimum setback of 3.55m. Revised plans have incorporated privacy screening and landscaping along the western aspect of the al-fresco.

(e) The Public Interest

The proposed development will be in the wider public interest with provision of appropriate additional housing.

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.



AGENDA

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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 manmade 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 site has been provided contribution credit based on one residential lot with area between 450m² and 2000m².

The proposed development will comprise 2 x 3-bedroom dwellings on strata title lots and contributions have been charged accordingly.

As a result, s7.11 contributions apply and a condition of consent has been imposed to ensure payment.

Section 7.12 Contributions

The proposed development is for residential purposes only and s7.12 contributions do not apply.

Section 64 Water and Sewer Contributions

Water and sewer contributions will be determined as part of the Notice of Requirements under Section 306 of the Water Management Act 2000.

An estimate of the applicable contributions 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 and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The 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



AGENDA

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

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: 2023/700

DATE: 6/03/2024

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

		C	Conditi	on			
A001 - Approved plans and supporting documentation							
•						owing approved pla	
documents, ex	cept where the	e condition	ns of th	nis consent	expi	ressly require other	wise.
Approved plan	Revision	Plan tit	itle Drawn by		Date of plan	1	
number	number					Dute of plan	
Job: TBA	Rev: D;	Archited	ctural	I Want Tha	at	21 January 2024	
		Plans		Design,		-	
				Pycon			
Approved docu				·. 1	_		l
Document tit	Document title Version		Prepar	ed by Date		te of document	
Statement of	number		D diahalla La		Cantanahan 2022		
Environmenta			Michell Love Pr		Set	otember 2023	
Effects			Management				
BASIX	1353817		10 Star		21 July 2023		
Certificate			Assessments				
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 support documentation that applies to the development.						oportin	
A002 - Cortific	ates		A002 - Certificates				

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Item 05 Attachment 1

2	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:
	Construction Certificate;
	Occupation Certificate
	Strata Certificate;
	Condition Reason: To ensure that appropriate building and subdivision certification is
	obtained.
	obtailleu.
3	A003 - Notification of Home Building Act 1989 requirements
-	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—
	a. for work that requires a principal contractor to be appointed—
	i. the name and licence number of the principal contractor, and
	ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
	b. for work to be carried out by an owner-builder—
	i. the name of the owner-builder, and
	ii. if the owner-builder is required to hold an owner-builder permit under the Home
	Building Act 1989 - the number of the owner-builder permit.
	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 comply with
	the Building Code of Australia under the Act, Part 6.
	Condition Reason: Prescribed condition under section 71 of the Environmental Planning and
	Assessment Regulation 2021.
4	A004 - Shoring and adequacy of adjoining property
	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.
	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 -
	a. protect and support the building, structure or work on adjoining land from possible
	damage from the excavation, and
	b. if necessary, underpin the building, structure or work on adjoining land to prevent
	damage from the excavation.
	3. This section does not apply if -
	a. the person having the benefit of the development consent owns the adjoining land,
	or
	b. the owner of the adjoining land gives written consent to the condition not applying.
	Condition Reason: Prescribed condition under section 74 of the Environmental Planning and
<u> </u>	Assessment Regulation 2021.
5	A005 - Erection of signs
	1. This section applies to a development consent for development involving building work,
	subdivision work or demolition work.

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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 a. showing the name, address and telephone number of the principal certifier for the work, and b. 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 c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be a. maintained while the building work, subdivision work or demolition work is being carried out. and b. removed when the work has been completed. 4. This section does not apply in relation to a. 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 b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021. A006 - Fulfilment of BASIX commitments 6 It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021. A008 - Public works and utility services alterations 7 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. Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations. 8 A009 - Construction site management The development site is to be managed for the entirety of work in the following manner: 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation; 2. Appropriate dust control measures; 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site; 4. Building waste is to be managed via appropriate receptacles into separate waste steams; 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. 6. Building work being limited to the following hours, unless otherwise permitted by Council; Monday to Saturday from 7.00am to 6.00pm

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	 No work to be carried out on Sunday or public holidays
	The builder to be responsible to instruct and control his sub-contractors regarding the
	hours of work.
	7. All works within proximity of electrical infrastructure shall be carried out in accordance
	with the requirements of the relevant electricity authority.
	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.
10	A010 - AUSPEC Specifications
	The design and construction of all public infrastructure works shall be in accordance with
	Council's adopted AUSPEC Specifications.
	Condition Reason: To ensure public infrastructure works meet appropriate industry
	standards.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition			
1	1 B002 - Plumbing permit			
	Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Loca			
	Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be			
	obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on			
	the site plan to accompany the application for Section 68 approval:			
	 Position and depth of the sewer (including junction) 			
	Stormwater drainage termination point			
	Easements			
	Water main			
	Proposed water meter location			
	Condition Reason: To ensure that appropriate infrastructure is provided to service the			
	development and to protect public health and safety.			
2	B005 - Works in road reserve permit			
	An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by			
	the Development Consent on or within public road is to be submitted to and obtained from			
	Port Macquarie-Hastings Council prior to release of the Construction Certificate.			
	Such works include, but not be limited to: • Civil works			
	Condition Reason: To ensure that appropriate infrastructure is provided to service the			
	development and to protect public health and safety.			
3	B008 - Section 7.11 Contributions			
	Payment to Council, prior to the issue of a Construction Certificate, of the Section 7.11			
contributions set out in the "Notice of Payment – Developer Charges" schedule attached				
	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:				
LI				

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	Dort Macquaria Hastings Administration Building Contributions Blan 2007				
	 Port Macquarie-Hastings Administration Building Contributions Plan 2007 Hastings S94 Administration Levy Contributions Plan 				
	 Port Macquarie-Hastings Open Space Contributions Plan 2018 				
	 Hastings S94 Major Roads Contributions Plan 				
	 Port Macquarie-Hastings Community Cultural and Emergency Services 				
	Contributions Plan 2005				
	The plans may be viewed on Council's website.				
	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.				
	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.				
4	B019 - Retaining walls				
	Detailed drawings and specifications prepared by a professional engineer for all				
	retaining walls supporting:				
	i. earthworks that are more than 600mm above or below ground level (existing); and				
	located within 1m of the property boundaries; or				
	ii. earthworks that are more than 1m above or below ground level (existing) in any other				
	location; are to be submitted to the Principal Certifier with the application for Construction Certificate.				
	Condition Reason: To ensure retaining walls have structural integrity.				
8	B051 - Utilities and services including Water and Sewer				
0	Before the issue of the relevant Construction Certificate, written evidence of the following				
	service provider requirements must be provided:				
	A response from Council as a Water Authority as to whether plans accompanying the application for Construction Costiliants would affect any Water Authority				
	application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.				
	Condition Reason: To ensure relevant utility and service provider's requirements are				
	provided to the certifier and Water Management Act requirements are met.				
9	B030 - Stormwater drainage design				
5	A stormwater drainage design is to be submitted and approved by Council prior to the issue				
	of a Construction Certificate. The design must be prepared in accordance with Council's				
	AUSPEC Specifications and the requirements of Relevant Australian Standards and make				
	provision for the following:				
	provision for the following.				
	a) The legal point of discharge for the proposed development is defined as the kerb and gutter				
	of Treetop Crescent.				
	b) The design shall incorporate on-site stormwater detention facilities to limit site				
	stormwater discharge to the lesser of either of the following:				
	אטוווישמנפו עוגנוומוצפ נט נוופ ופגצפו טו פונוופו טו נוופ וטווטשוווצ:				
a. 55 L/s maximum discharge rate out letting from single suitably sized kerb adapte					
1					

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b. Pre-development flow rates for all storm events up to and including the 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum). Alternative is to submit an electronic model in DRAINS format for electronic review. The pre-development site impervious area conditions shall be assumed that the site is 'greenfield' development as per AUSPE requirements.

c) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.

d) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.

g) Stormwater plans shall demonstrate how impervious area stormwater runoff will be managed within the lot to the legal point of discharge i.e. driveway areas, whilst ensuring total site discharge rates meet the requirements in above condition B072b), and ensuring any runoff towards neighboring private properties mimics natural behaviour and flow rates. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.

BEFORE BUILDING WORK COMMENCES

	Condition		
1	1 D004 - Service provider arrangements		
	Prior to works commencing an application being made to the electricity and		
	telecommunications service providers. Services are required to be underground.		
	Condition Reason: To ensure that appropriate infrastructure is provided to service the		
	development.		

DURING BUILDING WORK

Condition

	-
1	E003 - Copy of construction plans
	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.

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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
1	F020 - Completion of Section 138 works for building works
	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.
2	F031 - Completion of Section 68 works
	Prior to occupation or the issuing of any Occupation Certificate 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
2	development.
3	F035 - Certification of BASIX commitments Written confirmation being provided to the Principal Certifier from any properly qualified
	person (e.g. the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
	Condition reason: To ensure that BASIX commitments have been provided and the
	development achieves acceptable operating efficiencies.
4	F033 - Section 307 certificate for building works
	A Certificate of Compliance under the provisions of Section 307 of the Water Management
	Act must be obtained prior to the issue of any Occupation Certificate.
	Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
5	F009 - Driveway and parking area construction standard
•	Driveways, access aisles and parking areas shall be provided with an approved surface. Such
	a surface shall be on a suitable pavement, constructed and maintained in accordance with
	Council's Development, Design and Construction Manuals (as amended).
	Condition Reason: To ensure that the development provides for practical and safe
	accessibility/functionality and to protect the environment.
6	F036 - Completion of landscaped areas
	Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. 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.
7	F195 - Stormwater Onsite Detention
	Each onsite detention system is to be marked by a plate in a prominent position which states:
	"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin
	or interfere with any part of the structure that controls the outflow".
	This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate
	Condition Reason: To ensure that appropriate infrastructure is provided to service the
	development.
8	F024 - Drainage certification
	An appropriately qualified and practising consultant is required to certify the following:
	a. all drainage lines have been located within the respective easements, and

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- b. any other drainage structures are located in accordance with the Construction Certificate.
- c. all stormwater has been directed to a Council approved drainage system

d. all conditions of consent/ construction certificate approval have been complied with. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.

Condition reason: To ensure that appropriate infrastructure is provided to service the development.

	9	9 F196 - Subdivision			
		The Strata Certificate shall not be issued until such time that the dwellings associated with			
this development are substantially commenced (as determined by Council) or where a		this development are substantially commenced (as determined by Council) or where a strata			
management statement, or restriction as to user, prohibits any dwelling on each lot oth		management statement, or restriction as to user, prohibits any dwelling on each lot other			
than the dwelling approved as part of this consent.		than the dwelling approved as part of this consent.			
		Condition Reason: To ensure development proceeds in accordance with the approved plans.			

OCCUPATION AND ONGOING USE

	Condition			
1	1 Onsite stormwater detention management			
	On completion of the on-site stormwater detention system (OSD), the owner of the property is responsible for:			
	a. Maintaining and keeping clear all pits, pipelines, screens, orifice and other structures associated with the on-site stormwater detention facilities ("OSD").			
	b. Having the OSD inspected annually by a competent person.			
	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.			
	Condition Reason: To ensure that appropriate infrastructure is provided and maintained to			
	service the development.			
2	2 G004 - Single dwelling use only			
	The consent only permits the use of the buildings as a single dwelling on each strata lot and			
	does not permit the adaption or use of the building so as to create a second occupancy.			
	Condition reason: Condition reason: To protect public health and safety and to ensure the			
	development proceeds in accordance with the approval.			

LAND SUBDIVISION

BEFORE ISSUE OF A STRATA CERTIFICATE

	Condition	
1	Section 307 certificate for strata subdivision	
	A Certificate of Compliance under the provisions of Section 307 of the Water Management	
	Act must be obtained prior to the issue of any Strata Certificate.	
	Condition Reason: To ensure that appropriate infrastructure is provided to service the	
	development.	

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Item 05 Attachment 1

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Development Application Drawings - D

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- 1 Cover Sheet
- 2 Existing Site Plan 1:250
- 3 Proposed Sub-Division Site Plan 1:250
- 4 Proposed Site Plan 1:250
- 5 Site Plan 1:200
- 6 Landscaping & Calculations Plan
- 7 Lower Floor Plan
- 8 Upper Floor Plan
- 9 Elevations 1 of 2
- 10 Elevations 2 of 2

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A

- 11 Section A
- 12 Shadow Diagrams Winter
- 13 Shadow Diagrams Summer
- 14 Shadow Diagrams Single Storey Dual Occupancy
- 15 Basix / Schedules
- 16 3D Perspectives



PROPOSED STRATA TITLE SUBDIVISION & RESIDENCES FOR:

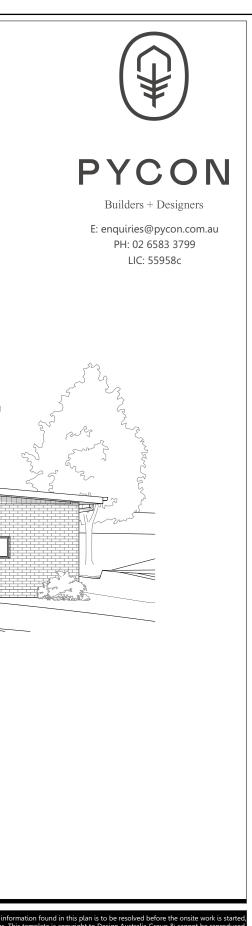
Steve & Treena Heslop Lot 1 No. 5a Treetop Crescent Port Macquarie NSW 2444

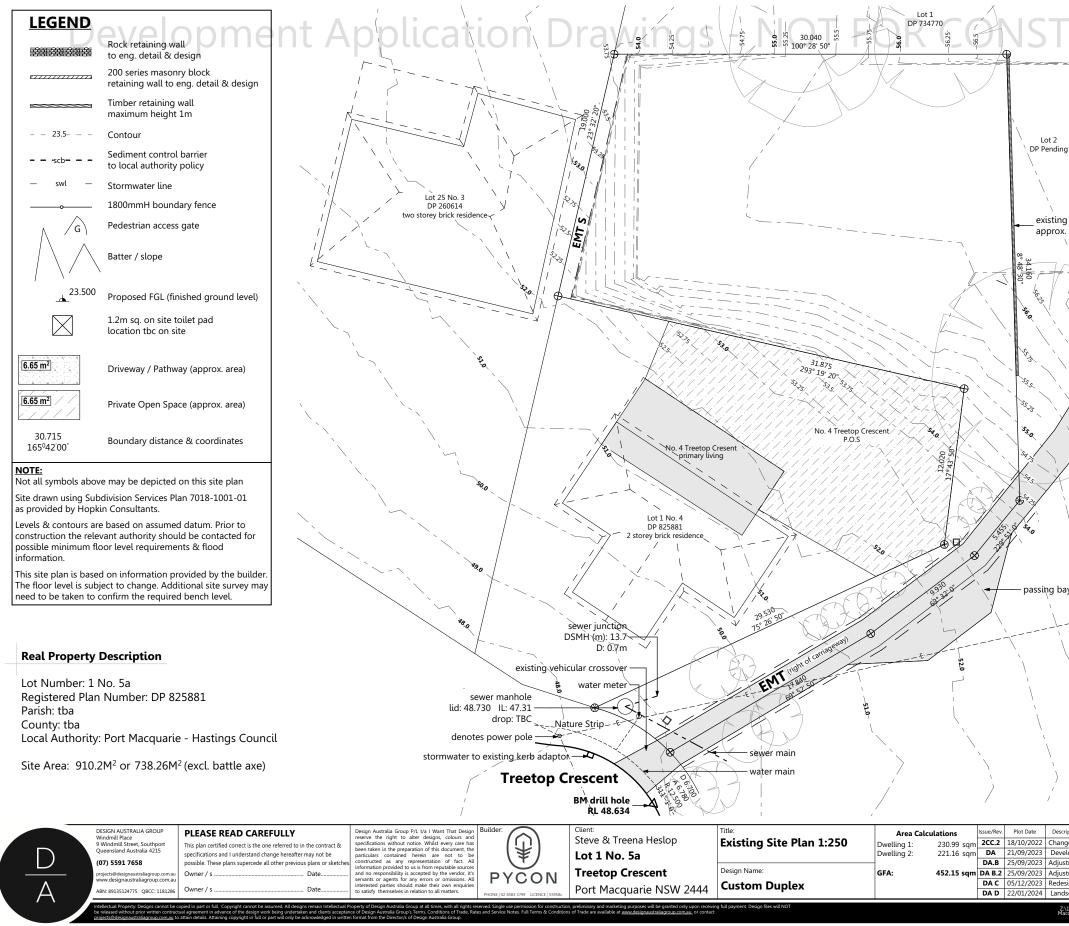
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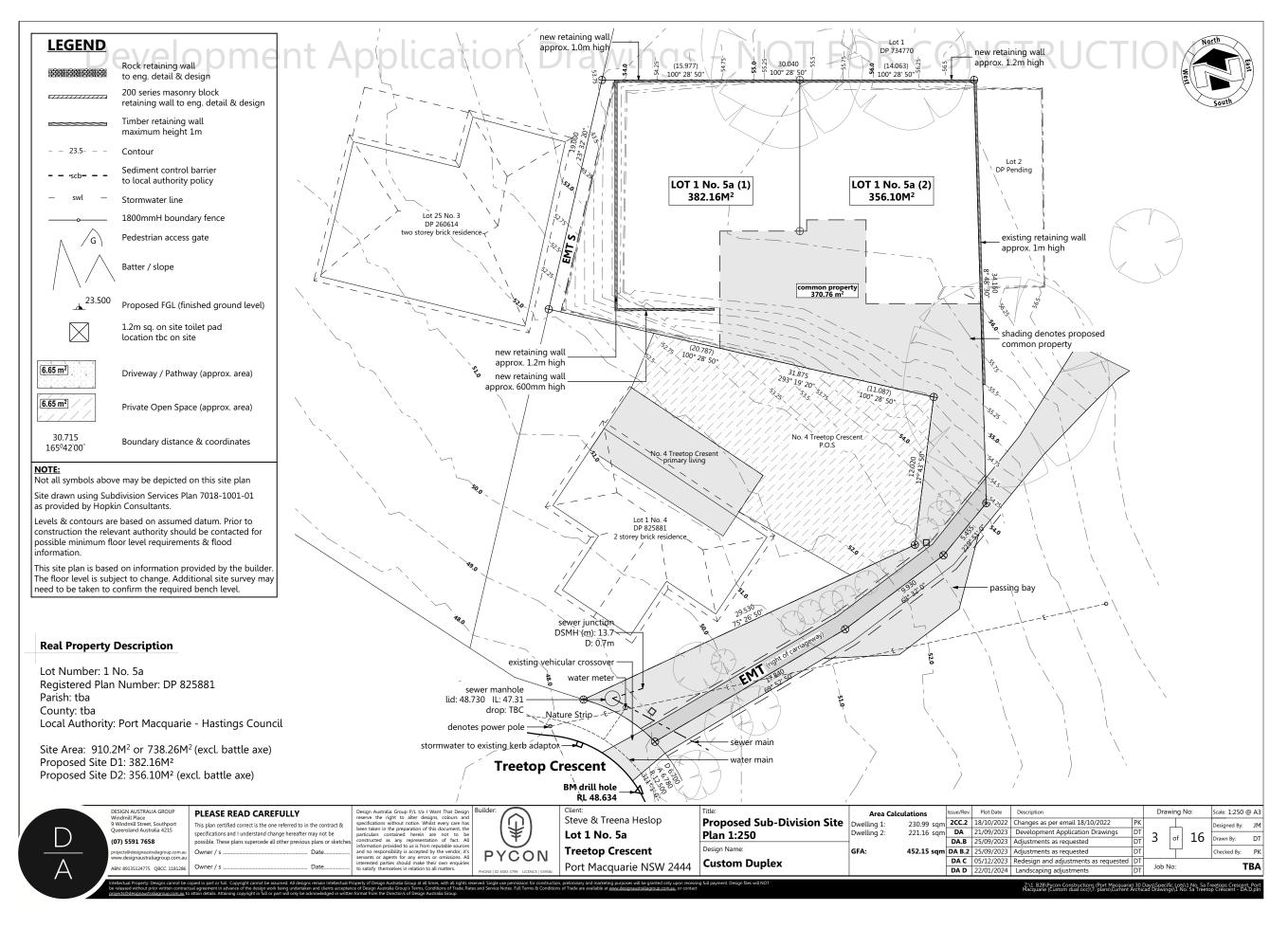
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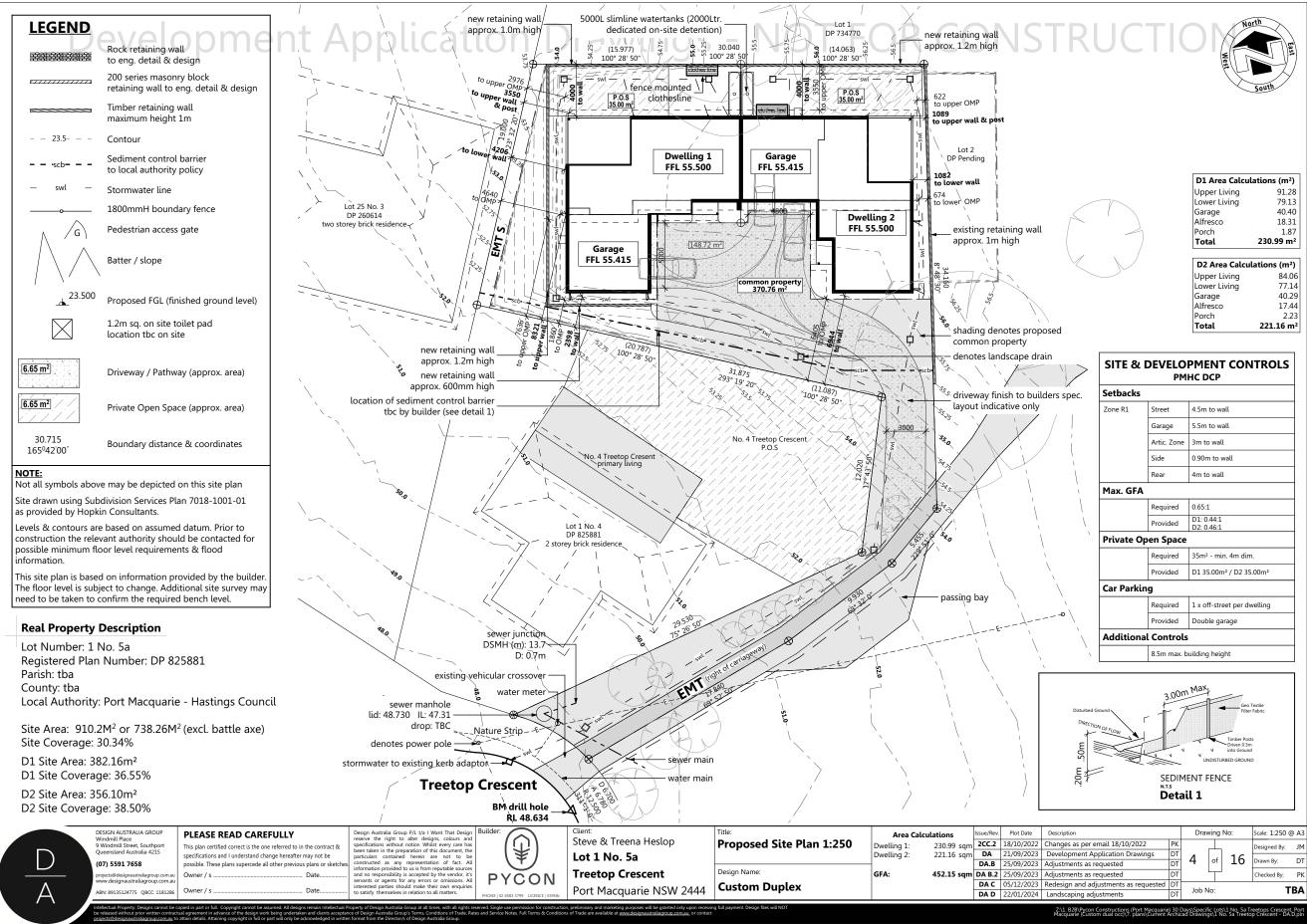
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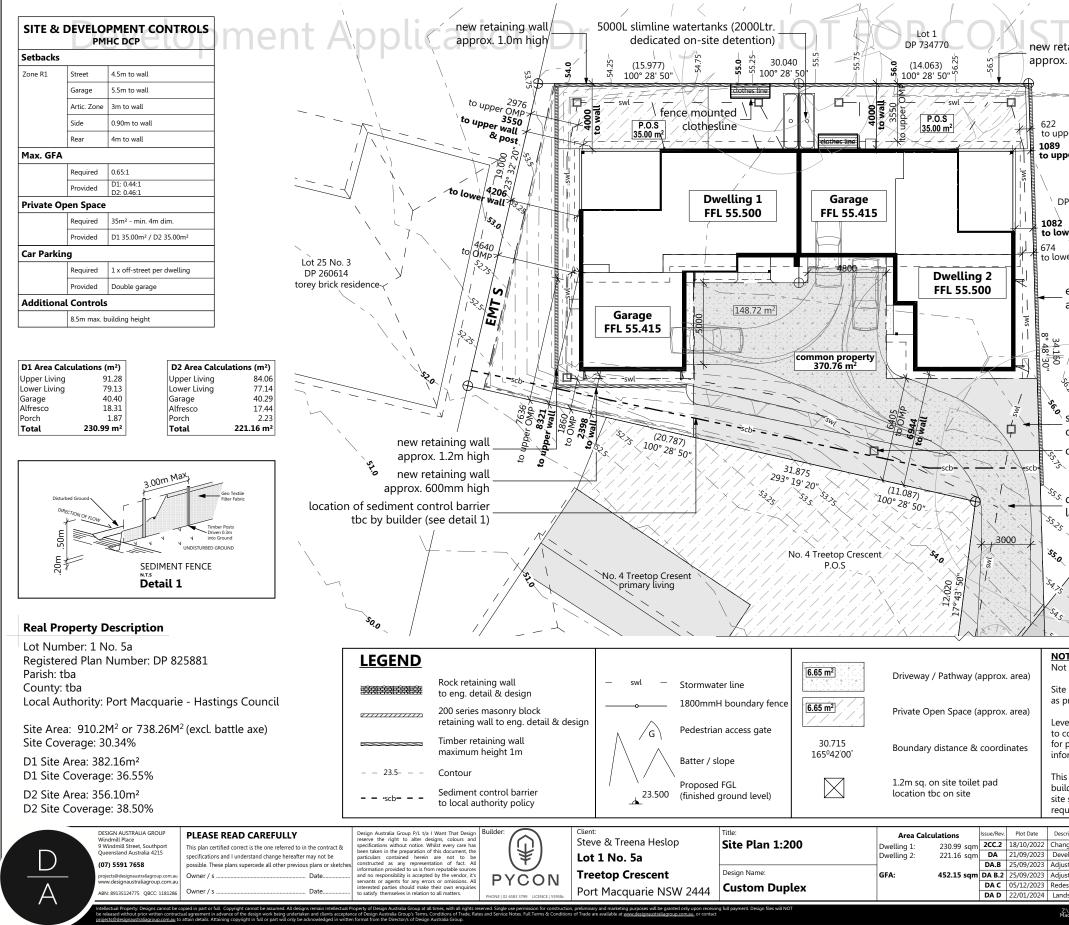




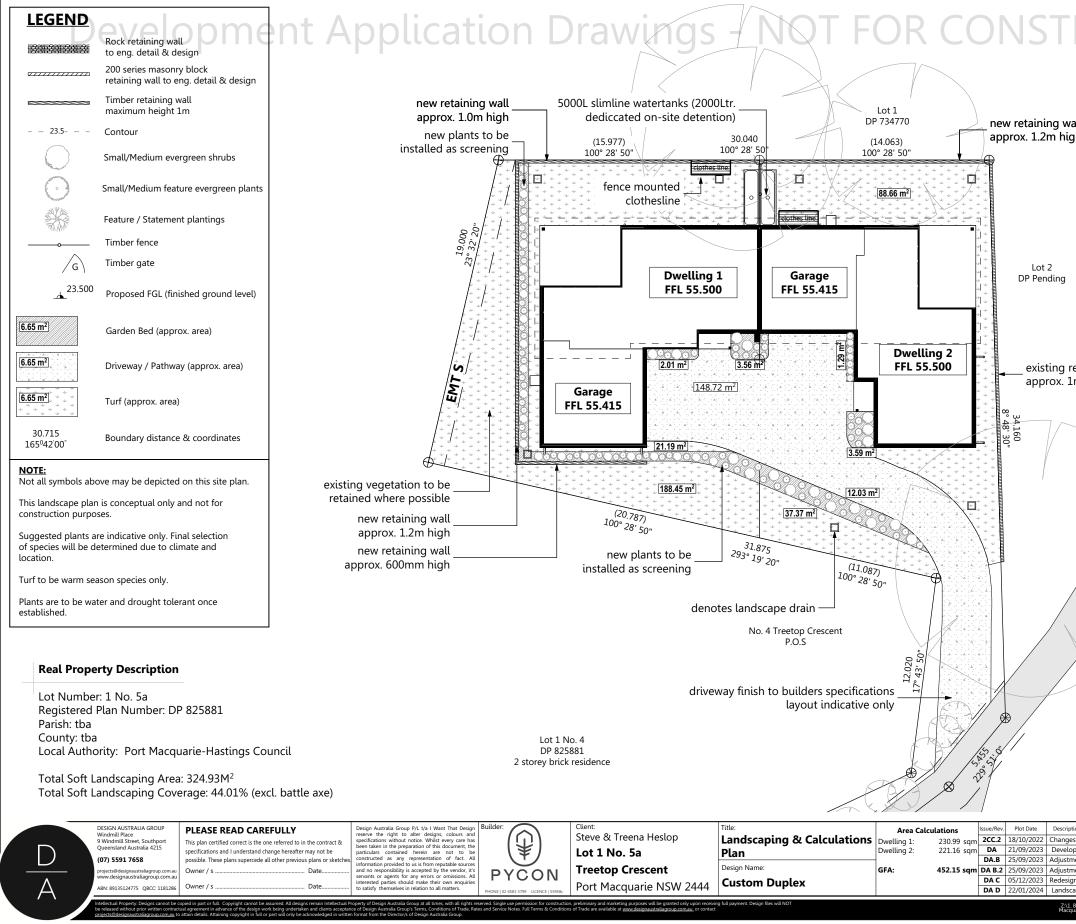
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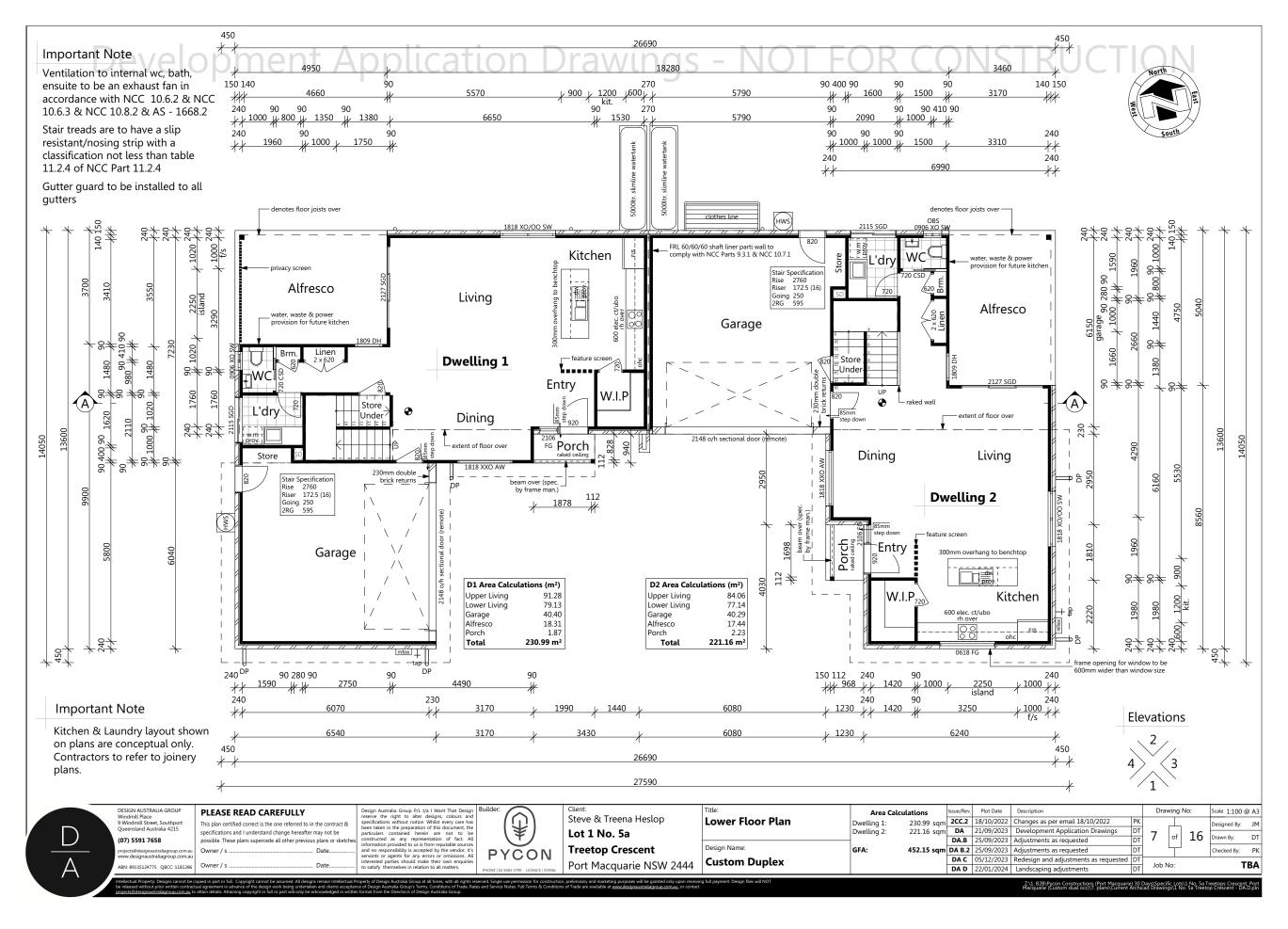




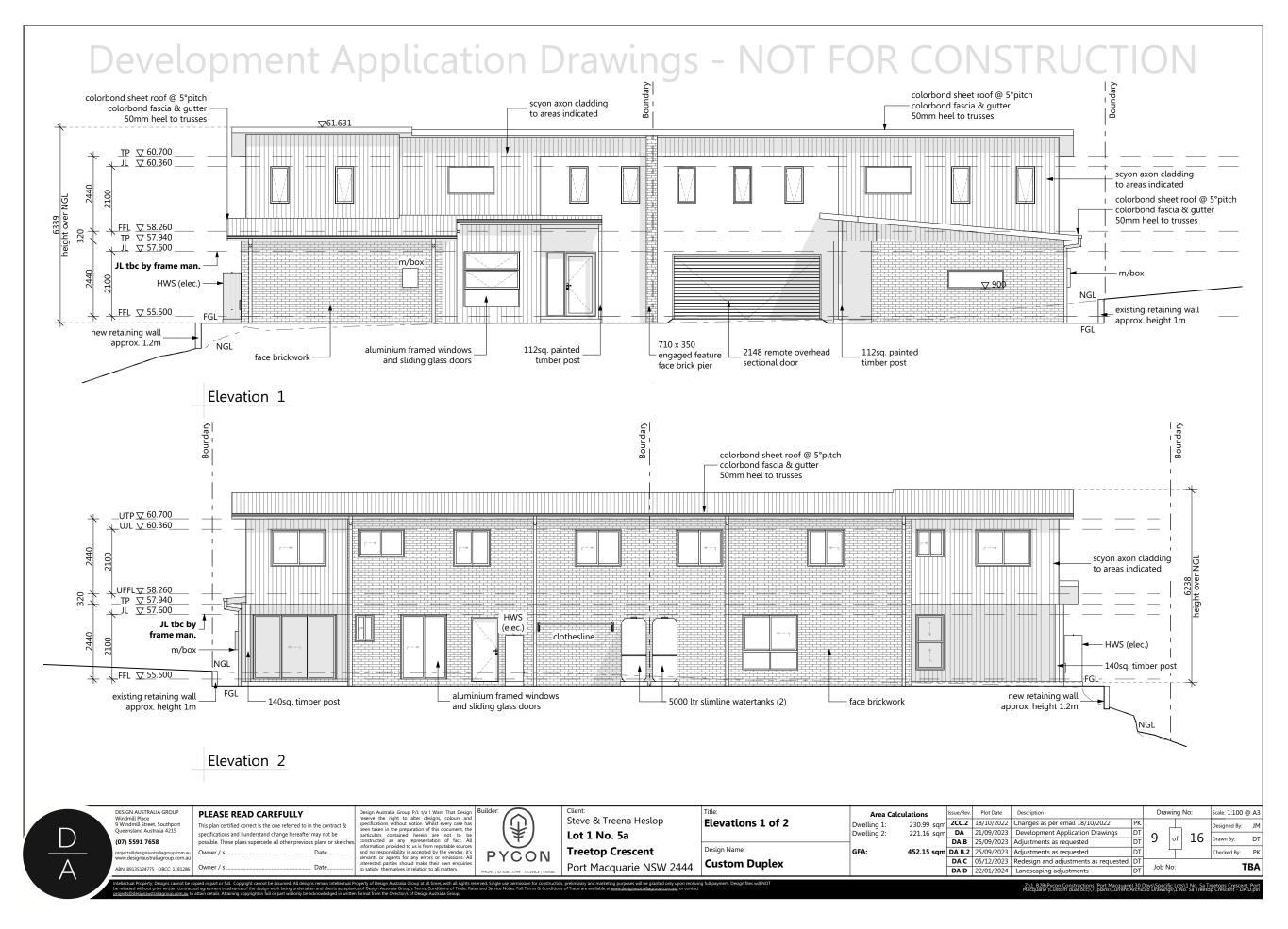
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denotes landscape drain	
driveway finish to builders spec.	
layout indicative only	
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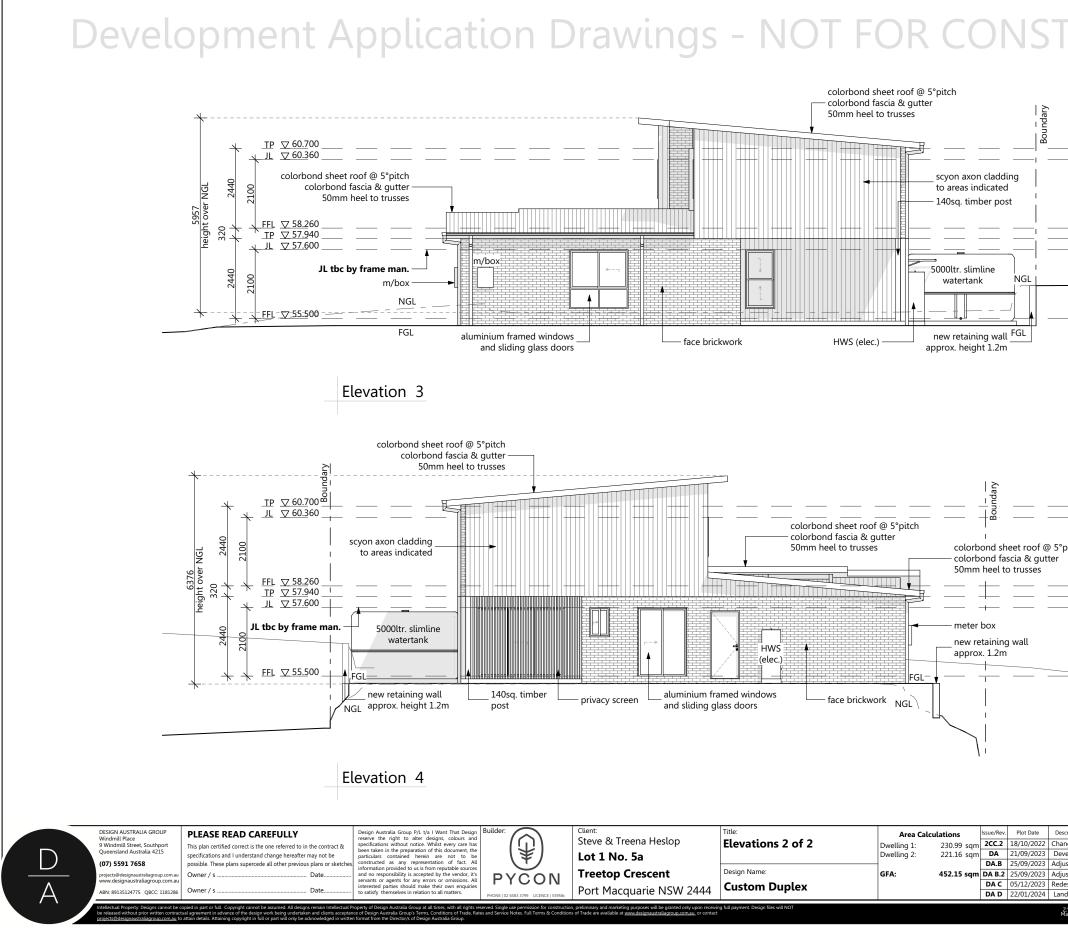


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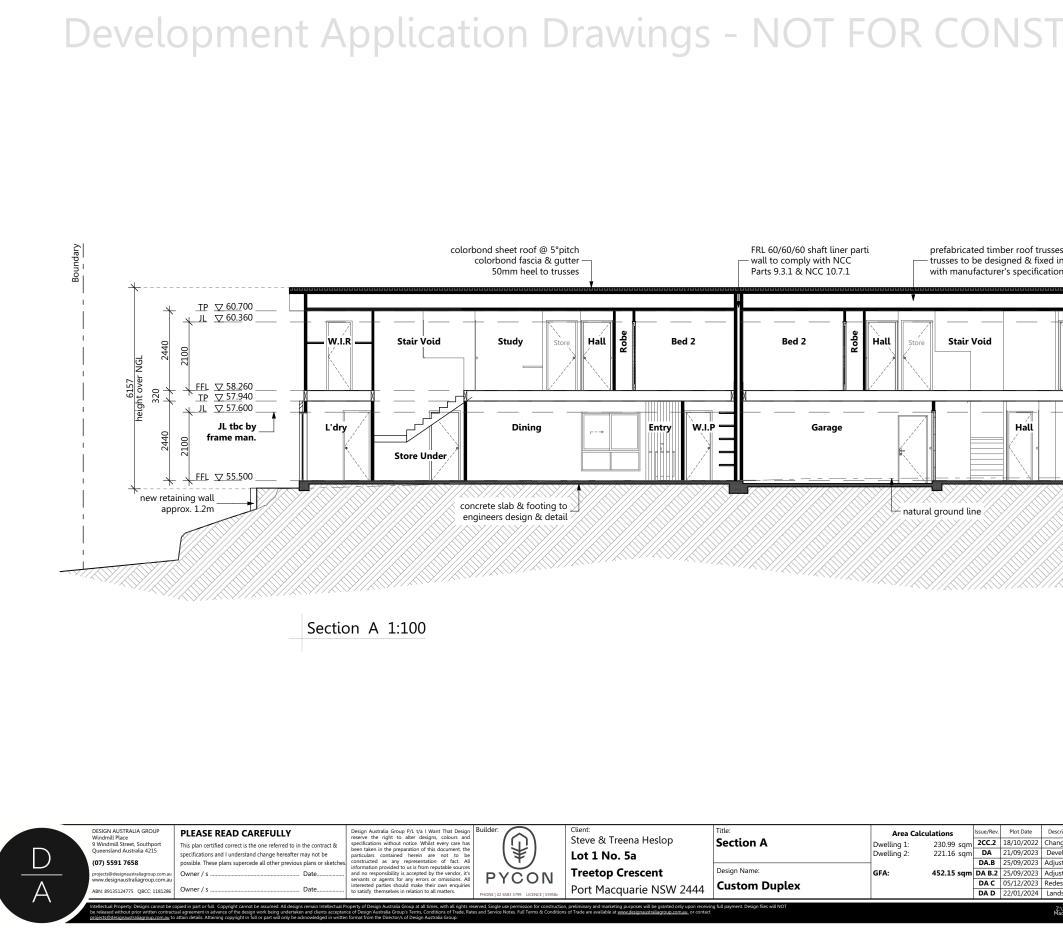




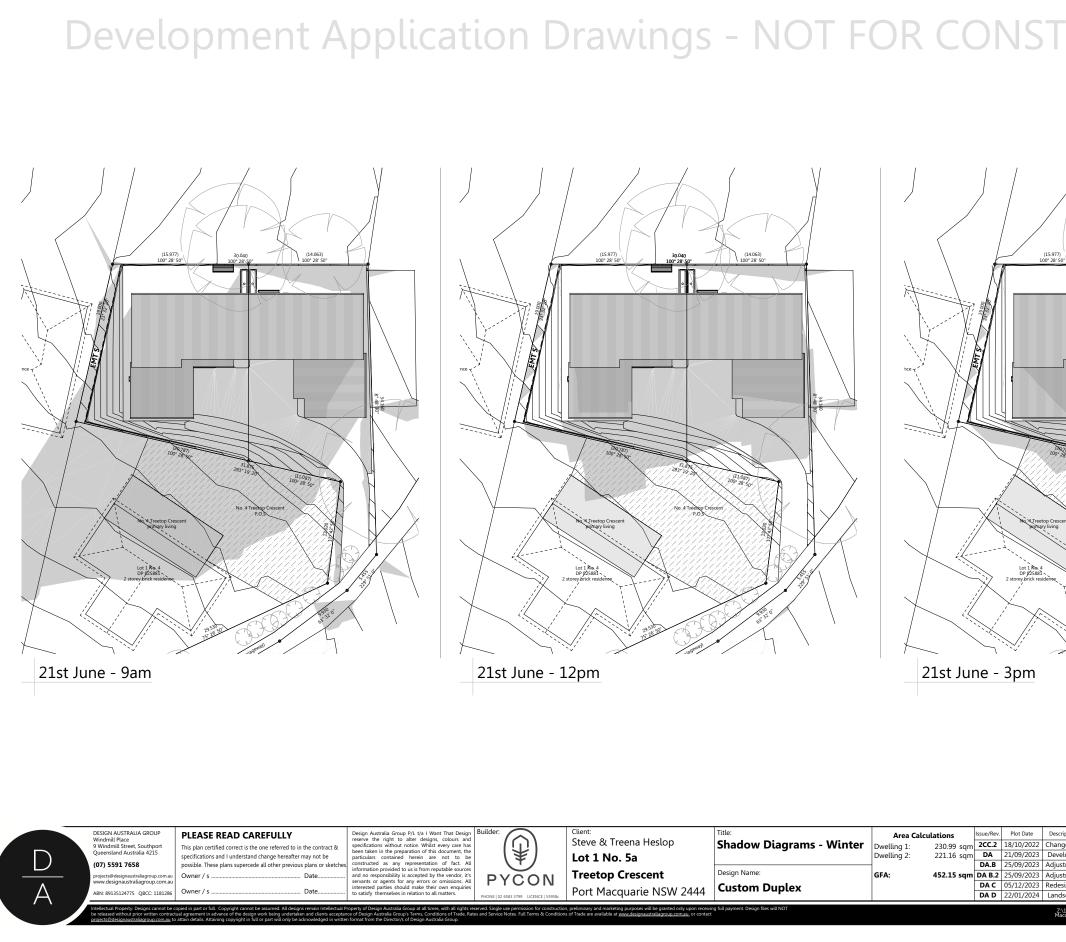




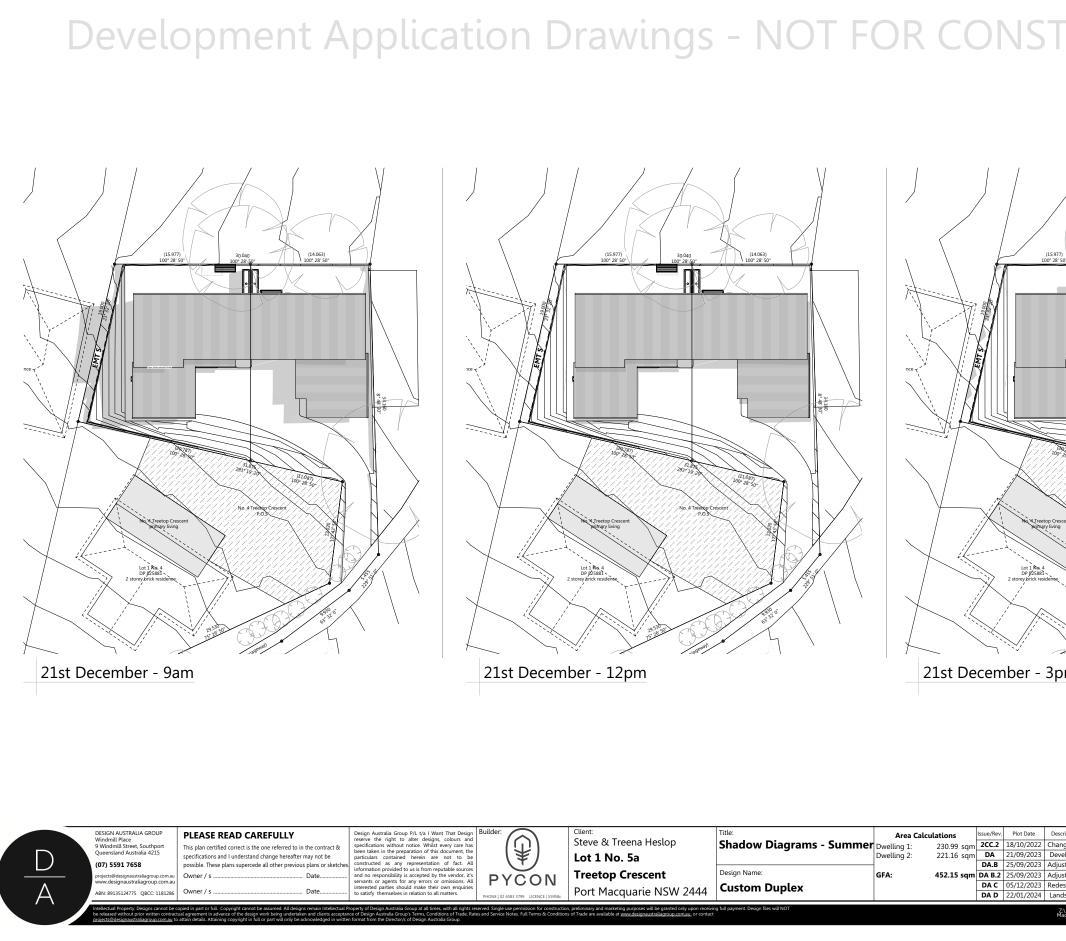
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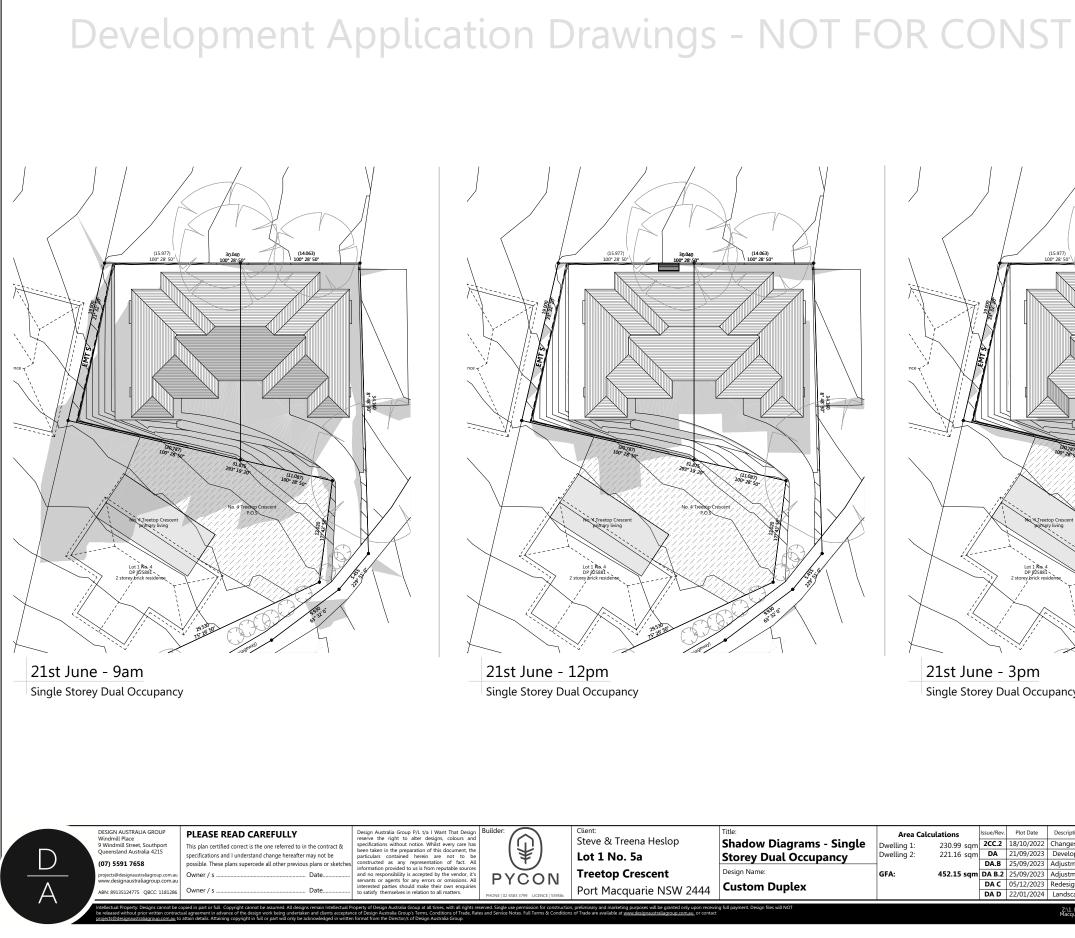
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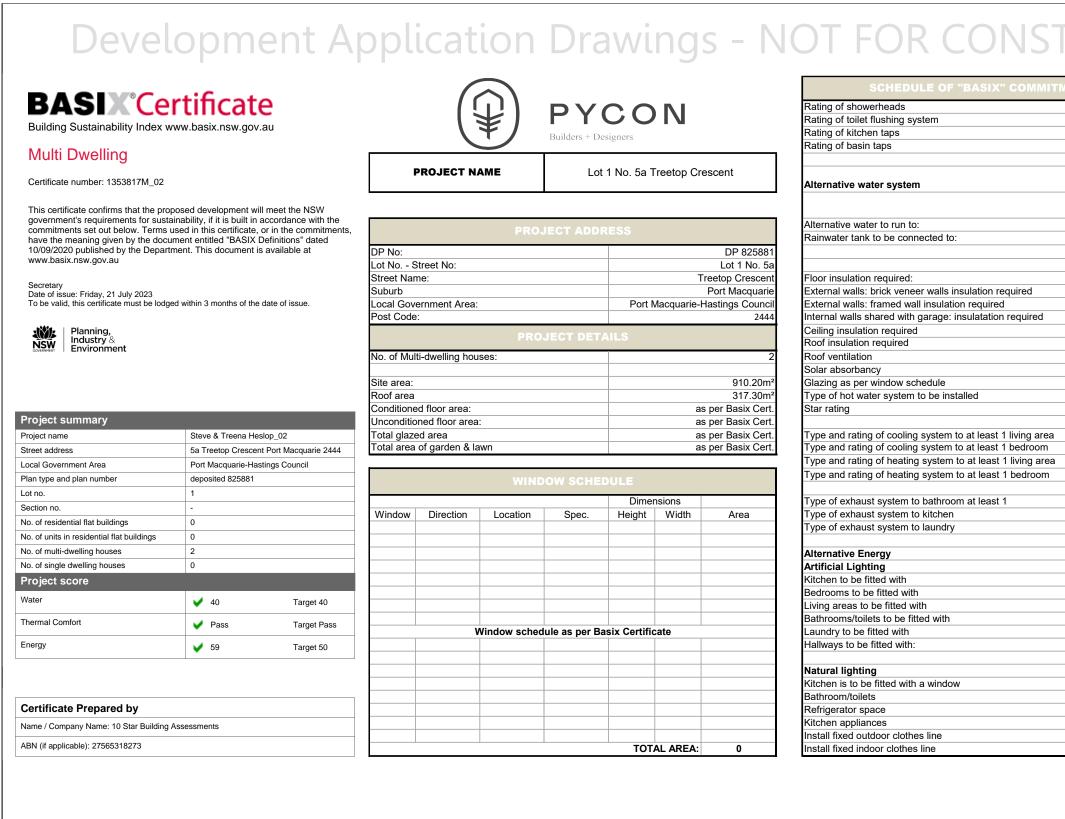
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Design Australia Group P/L t/a I Want That Design reserve the right to alter designs, colours and specifications without notice. Whilst every care has been taken in the preparation of this document, the particulars contained herein are not to be constructed as any representation of fact. All information provided to us it form resultable courses Ŷ PYCON own end

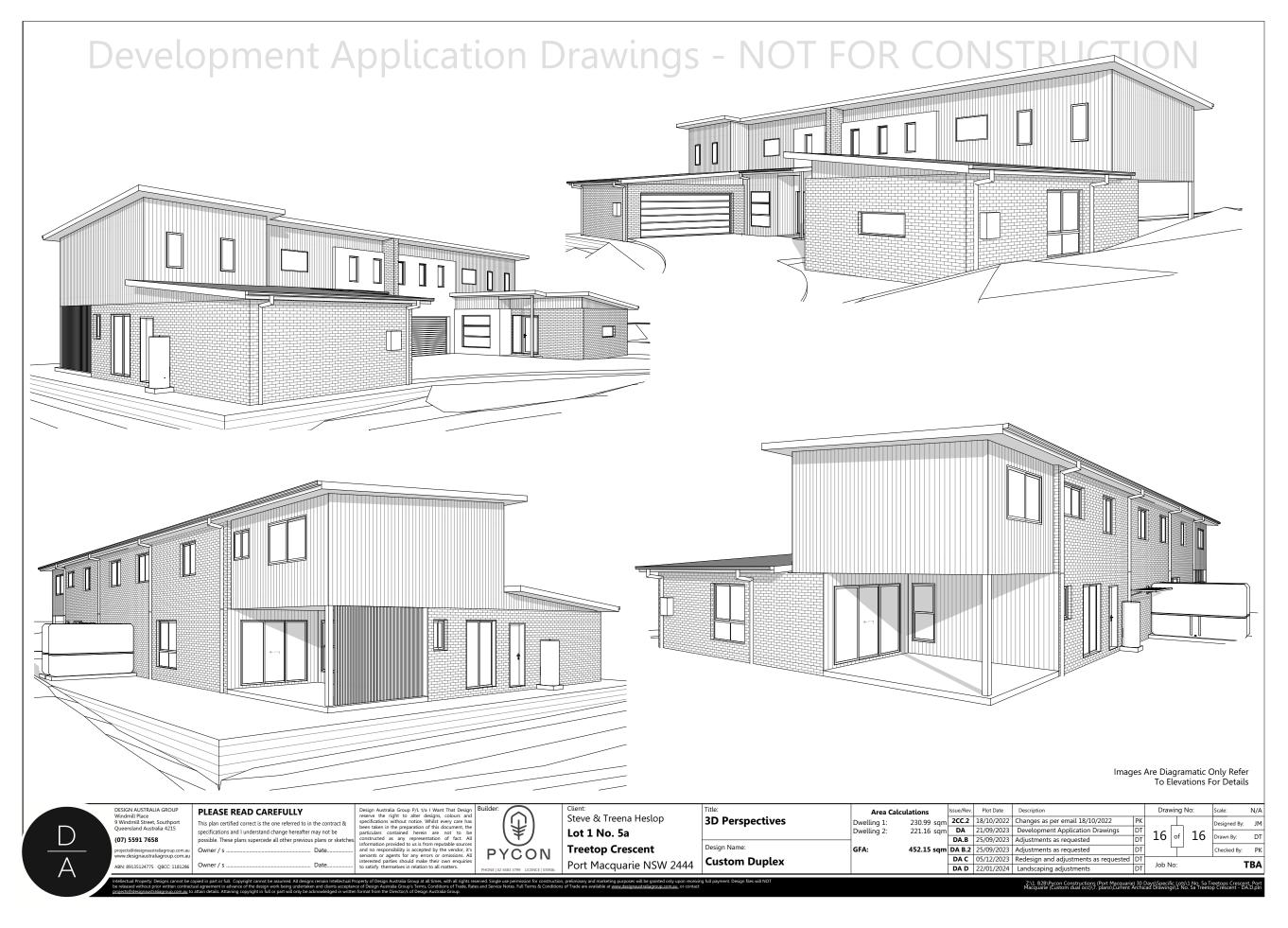
Steve & Treena Heslop Lot 1 No. 5a **Treetop Crescent** Port Macquarie NSW

	Title:	Area Calcu	lations	Issue/Rev.	Plot Date	Descri
р	Basix / Schedules	Dwelling 1:	230.99 sqm	2CC.2	18/10/2022	Chang
		Dwelling 2:	221.16 sqm	DA	21/09/2023	Devel
				DA.B	25/09/2023	Adjust
	Design Name:	GFA:	452.15 sqm	DA B.2	25/09/2023	Adjust
N 2444	Custom Duplex			DA C	05/12/2023	Redes
W 2444				DA D	22/01/2024	Lands
ted only upon receivin	g full payment. Design files will NOT					Z:\

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

J	S FOR BOTH DWELLINGS
	3A (> 7.5 but <= 9 L/min)
	4A
;	3A
•	3A
	5000 ltr. Watertank (both dwellings)
	with 2000 ltr. dedicated to on-site detention
	D1 - 162.05m ² (roof area redirected)
	D2 - 155.00m ² (roof area redirected)
•	Garden & Lawn (at least one outdoor tap)
	Cold water tap to clothes washer
4	All toilets
	As per NatHERs Certificate
	·
	Electric Storage
	Nil
	Ceiling fans
	Ceiling fans
	No active heating system
	No active heating system
	Individual fan, ducted. Manual On/Off switch Individual fan, ducted. Manual On/Off switch
-	Natural ventilation
1	2.0kW PV system per dwelling
	Dedicated
,	Voo
	Yes Windows and/or skylight for natural lighting
	Well ventilated
_	Electric Cooktop & Electric Oven
	Yes
Ī	N/A

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Developer Charges - Estimate

 Applicants Name:
 Kristy Roberts

 Property Address:
 5A Treetop Crescent PORT MACQUARIE

 Lot & Dp:
 Lot(s):1,DP(s):1227144

 Development:
 Dual Occupancy and Strata Subdivision



	Levy Area	Units	Cost		Estimate
	Water Supply	0.6	\$11,993.00	Per ET	\$7,195.80
	Sewerage Scheme Port Macquarie	1	\$4,550.00	Per ET	\$4,550.00
	Since 1.7.04 - Major Roads - Port Macquarie - Per ET	0.8	\$8,990.00	Per ET	\$7,192.00
	Since 31.7.18 - Open Space - Port Macquarie - Per ET	0.8	\$6,623.00	Per ET	\$5,298.40
;	Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	0.8	\$5,438.00	Per ET	\$4,350.40
6	Com 1.3.07 - Administration Building - All areas	0.8	\$1,070.00	Per ET	\$856.00
7	N/A				
3	N/A			170	oses
Ð	NA NA Not for Payme	ent	<u>-</u>		
0	N/A N/A				
2	N/A				
3	N/A				
4	N/A				
5	Admin General Levy - Applicable to Consents approved after 11/2/03	2.:	2% S94 Contribu	ution	\$389.30
6					
7					
8					
	Total Amount of Estimate (Not for Payment Purposes)				\$29,831.90

DATE OF ESTIMATE:

27-Feb-2024

Estimate Prepared By Beau Spry

This is an ESTIMATE ONLY - NOT for Payment Purposes

toberts, 5A Treetop Crescent PORT MACQUARIE, 27-Feb-2024.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06

Subject: DA2022 - 931.1 SCHOOL (STAGE 1 & 2) AND CONCEPT APPLICATION FOR STAGE 3 EXPANSION OF SCHOOL AT LOT 10 DP 1223845, NO. 456 JOHN OXLEY DRIVE, THRUMSTER

Report Author: Development Assessment Planner, Chris Gardiner

Applicant:	Port Macquarie Steiner Limited
Owner:	Port Macquarie Steiner Limited
Estimated Cost:	\$3,390,000
Parcel no:	65716

Alignment with Delivery Program

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

RECOMMENDATION

That DA2022 - 931.1 for a School (Stage 1 & 2) and Concept Application for Stage 3 Expansion of School at Lot 10, DP 1223845, No. 456 John Oxley Drive, Thrumster, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a school (Stage 1 & 2) and concept application for Stage 3 expansion of the school at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 9 submissions were received.

The proposal has been amended through the assessment process, including access and parking arrangements, fencing, and tree protection measures.

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 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.

AGENDA

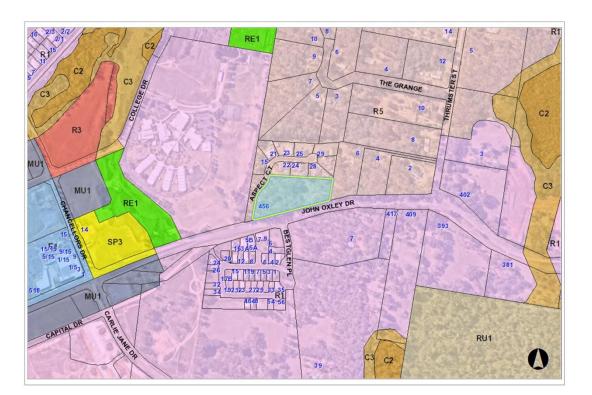
DEVELOPMENT ASSESSMENT PANEL 06/03/2024

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 16,640m² (1.664 hectares).

The site is zoned R5 Large Lot Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Staged construction of a school including:
 - Stage 1 to provide for up to 30 students and 4 staff and comprising one single storey classroom and amenities building, vehicular entry and exit from Aspect Court, parking, an acoustic barrier, associated landscaping, and the extension of services.
 - Stage 2A to provide for up to 65 students and 7 staff and comprising one additional single storey classroom building, conversion of the Stage 1 classrooms to administration offices, completion of the kiss-and-drop area and loop road, additional parking, and associated landscaping, including formation of courtyard and amphitheatre.
 - Stage 2B to provide for up to 72 students and 8 staff and comprising one single storey classroom building; and the extension of stormwater services.
 - Stage 2C to provide for up to 80 students and 9 staff and comprising an additional two storey classroom and amenities building.
 - Stage 2D to provide for up to 95 students and 11 staff and comprising 2 single storey specialty classrooms;
- Concept application for a Stage 3 expansion of the school to include up to 170 students and 14 staff, construction of an additional two storey building containing ground floor library and hall, and first floor classrooms. Stage 3 will be subject to a separate development application.

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



AGENDA

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

Application Chronology

- 27 October 2022 Application lodged.
- 10 November 2022 to 9 December 2022 Application advertised and notified to neighbours.
- 24 November 2024 Referral comments received from Essential Energy.
- 3 February 2023 Bush Fire Safety Authority issued by NSW Rural Fire Service.
- 15 February 2023 Referral comments received from Transport for NSW.
- 24 February 2023 Additional information requested from Applicant.
- 6 November 2023 Additional information and amended plans submitted by Applicant.
- 14 November 2023 to 27 November 2023 Application re-notified.
- 16 November 2023 Referral comments received from Transport for NSW.

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 land is subject to the Area 13 (Thrumster) Koala Plan of Management, and is identified as high use core koala habitat in that plan (see below).





The following comments are provided in relation to the working provisions in Part 3 and Part 6 of the KPoM:

Provision	Comment
3(C) Clearing of native vegetation	A condition is recommended requiring a suitably qualified koala specialist to inspect all trees on the day that the clearing is proposed and provided written clearance before clearing commences.
3(D) Protection of Koalas from undue disturbance	A condition is recommended requiring clearing and/or earthworks to be suspended within 25m of any tree occupied by a koala until the koala has moved on of its own volition.
3(E) Swimming pools	The proposal does not include a swimming pool.
3(F) Habitat Linkages and Buffers	No habitat linkages or buffers traverse the site.
3(G) Habitat restoration	No habitat linkages or buffers traverse the site. Habitat restoration is not applicable.
3(H) Koala Release Area	Not applicable. The koala release area is not associated with the subject site.
3(I) Roading	No roads are proposed for the development.
3(J) Community Education	Noted, but not applicable to the proposal.
5 Design Principles	Design principles relate only to residential subdivisions and are not applicable to the proposed school.
6(A) Road design standards	No roads are proposed for the development.

PORT MACQUARIE HASTINGS c o u n c i l

	06/03/2024
6(B) Keeping of domestic dogs	Having regard to the proposed use as a school, it is not considered likely that dogs would be kept on the premises. As a precaution, a condition is recommended confirming this restriction.
6(C) Protection of preferred koala food trees	The proposal does not include any residential allotments and this provision does not apply.
6(D) Fencing	While the subject site is not technically a residential allotment, it is recommended that site fencing be designed to not inhibit the movement of koalas.
	The proposed new fencing to the northern and eastern boundaries of the site will be lapped and capped timber fences. The acoustic barrier located 0.5m inside the northern boundary will also include koala bridges every 40m.
	Fencing to the John Oxley Drive frontage will be 1.2m high floppy top koala exclusion fencing.
	The proposed fencing is consistent with the KPoM.
6(E) Development in "High Use" areas	This provision of the KPoM is not applicable to the proposal as it is not for the purpose of high density residential subdivision.
6(G) Landscaping	This provision of the KPoM is not applicable to the proposal as it is not for the purpose of residential subdivision.
6(H) Variations	The proposal does not seek any variation to 6(E) or 6(F) and this provision is not applicable to the proposal.
	However, confirmation has been provided that the school has arranged for planting and ongoing maintenance of at least 12 koala food trees on a property located off Tall Timber Road, Lake Innes (Lot 2 DP 875785).

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

The proposed development does not include any signage and the policy is not applicable.



State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Clause 4.6 - A Stage 1 Site Contamination Assessment prepared by Regional Geotechnical Solutions Pty Ltd has been submitted with the application. The report reviewed the site conditions and history and identified three areas of environmental concern requiring further investigation. These included soils near the previous dwelling and buildings, soils in stockpiles, and surface areas subject to pesticide use.

Relevant soil sampling identified the following results:

- Concentrations of heavy metals did not exceed the calculated EILs;
- Elevated concentrations of Total Chromium were present in several samples. Speciation analysis of (TP6, 0 – 0.1m) was undertaken and revealed Chromium III only and Chromium VI concentrations were below the laboratory limit of reporting (LOR). There is no HIL for Chromium III;
- Concentrations of remaining heavy metals were above the laboratory LOR, but were below adopted health investigation criteria for a residential site; Concentrations of Total Recoverable Hydrocarbon (TRH) were below LOR in all samples analysed;
- Concentrations of PAH hydrocarbons were below LOR in all samples analysed;
- Concentrations of BTEX and PCB contaminants were below LOR in all samples analysed;
- Concentrations of pesticide contaminants were above the laboratory limit of reporting (LOR) in one sample (TP11, 0-0.2m) from the eastern part of the site, but were below adopted health investigation criteria for a residential site. Concentrations of pesticide contaminants were below LOR in all other samples analysed; and
- Asbestos was below LOR in all samples analysed. This includes a trace fragment of fibre cement sheeting (30mm x 20mm x 5mm) containing chrysotile that was present in TP22, in the vicinity of the previous dwelling in the western part of the site, but was less than 0.001% by weight.

The report concludes that the site is suitable for use as a primary school subject to the advice and recommendations in the report being adopted. Appropriate conditions are recommended in this regard.

State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 Infrastructure

Clause 2.48 - The proposal has been referred to Essential Energy in accordance with this clause. Essential Energy made the following comments as to potential safety risks arising from the proposed concept only development:

- 1. Essential Energy has existing high voltage underground cables located across the Aspect Court street frontage of the property:
 - a. Prior to carrying out any works in this location and/or within 1.0 metre either side of the cables, 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) to locate the cables.
 - b. Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cables integrity protected. Any works over these cables must meet all Essential Energy design and construction requirements.

- c. Any excavation works in this area for the proposed new driveway/s must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- d. The cables should be in conduit under any proposed new driveway/s and the driveway/s should not be placed over the top of any joints and spare conduit should be available refer Essential Energy's policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway/s are proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- e. Any proposed driveway/s access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- f. The cables are to maintain a minimum clearance of 1.0 metre to any activity.
- g. Any landscaping, tree planting, gardens in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- 2. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
- 3. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to development in accordance with industry standards. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

The Applicant has been advised of the general requirements for works in proximity to electricity cables and will be responsible for locating and protecting this infrastructure during construction.

The existing streetlight impacted by the proposed northern driveway will be relocated to a safe location clear of the driveway, as noted on the plans.

A condition is recommended requiring the proponent to provide evidence of satisfactory arrangements for electricity servicing.

Chapter 3 Educational Establishments and Child Care Facilities

Clause 3.35 - The proposal does not include any campus student accommodation.

Clause 3.36(1) - Development for the purpose of a school is permitted with consent as the subject site is in a prescribed zone (R5 Large Lot Residential).

Clause 3.36(6)(a) - The relevant design quality principles in Schedule 8 are considered in the below table.



	06/03/2024
Design quality principle	Comment
Principle 1—context, built form and landscape Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate. Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites. School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.	The site is located in a vegetated setting. The design of the school buildings, access and parking areas has sought to retain as much of the established vegetation as possible, with the school buildings being located in existing cleared areas of the site. New landscaping will complement and protect the retained mature trees on the site. The design comprises a combination of separate one and two storey buildings, accompanied by circulation decks, configured around a central courtyard and amphitheatre. Separation of the buildings enhance opportunities to benefit from prevailing breezes and solar access.
Principle 2—sustainable, efficient and durable Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling. Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	The proposed school buildings have been designed and configured to maximise opportunities to benefit from passive heating and cooling. The buildings are capable of being connected to rainwater tanks for use within the site. The school also currently has its own waste minimisation and recycling policies at its current campus. These policies will be continued at the new school site. The school is proposed to be constructed with durable and resilient materials. The spaces are flexible and capable of adapting over time.
Principle 3—accessible and inclusive School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities. Note— Wayfinding refers to information systems that guide people through a	The school buildings are accessible and well-connected with pathways and decks. Appropriate wayfinding is capable of being provided. The application indicates that the school intends to actively seek opportunities to share facilities with the community.

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physical environment and enhance their understanding and experience of the space. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours. Principle 4—health and safety Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.	The school has been designed with regard to CPTED principles. The curved layout of the buildings will provide good passive surveillance and access control is capable of being implemented with appropriate fencing. The school will present as a welcoming environment to Aspect Court, with no fencing at the street frontage.
Principle 5—amenity Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood. Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants. Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.	The buildings will provide pleasant and engaging learning spaces and the vegetated setting will provide for further informal learning opportunities in the outdoor spaces. The proposed school adjoins John Oxley Drive on its southern boundary. Road Traffic Noise has been considered in the Noise Impact Assessment for the development. The assessment concludes that internal noise levels will be achievable with light frame construction and standard single glazing for the Stage 3 hall, library, and classrooms, which are closest to John Oxley Drive. The Stage 1 and 2 buildings are a greater distance from John Oxley Drive and will also meet the internal noise levels with standard construction.
Principle 6—whole of life, flexible and adaptive School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities. Principle 7—aesthetics School buildings and their landscape	The proposal includes a concept application for a Stage 3 future expansion of the school. The spatial planning has considered the overall masterplan for the site. The buildings and spaces are flexible and capable of adapting to future needs. The buildings have been designed to complement the landscape setting in
setting should be aesthetically pleasing by achieving a built form that has good	terms of their form, scale, materials and location. The majority of the existing

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proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	mature trees on the site will be retained. The scale of the proposed buildings will be compatible with the adjoining large lot residential properties to the north.

Clause 3.36(6)(b) - The development does not include any recreational facilities, but the future Stage 3 hall would be capable of having shared use with the community. The school has indicated that they will explore opportunities for shared use of facilities.

Clause 3.58(1) - The proposal is traffic generating development.

Clause 3.58(2) - The application has been referred to Transport for NSW (TfNSW) on two occasions. The initial response from TfNSW highlighted some concerns with the original Traffic Impact Assessment submitted with the application. The Applicant has reviewed these comments and provided an updated Traffic Impact Assessment for the development. TfNSW were consulted a second time with the updated Traffic Impact Assessment and plans, and provided the following comments for Council's consideration on 16 November 2023.

- Traffic Impact Assessment (TIA) The development application still does not include a TIA identifying baseline conditions and addressing the traffic and transport impacts of the proposed development upon the State Road network. In the absence of a quantitative and qualitative assessment, TfNSW has insufficient information to comment on the traffic and transport impacts of the proposed development.
- Accessibility The potential to minimise the need for travel by car has only been justified through carpooling. Other active transport measure should also be considered as well as the preparation of a Green Travel Plan.
- All other considerations raised in a previous correspondence dated 15 February 2023 are for the attention of Council. This includes the turning warrants assessment undertaken on the Local Road network only.

Clause 3.58(3)(a) - The overall traffic impacts of the development are discussed in more detail later in this report. In relation to the TfNSW response, the following comments are provided.

- The traffic generated by the proposed development is minimal having regard to the existing and projected future traffic volumes at the intersection of John Oxley Drive and the Oxley Highway. A full SIDRA analysis of this intersection is not considered to be warranted.
- The proposal includes a private bus service from Stage 2A of the development. Appropriate pedestrian and cycle links to the site will also be created with future upgrades to John Oxley Drive and Thrumster Street.
- The Traffic Impact Assessment includes appropriate modelling for the intersection of Aspect Court and John Oxley Drive.

Clause 3.58(3)(b) - The site has frontage to John Oxley Drive, which is a public transport route and carries freight movements in the locality. The site is accessible from existing and planned residential areas in Thrumster. Appropriate pedestrian and cycle links to the site will also be created with future upgrades to John Oxley Drive and Thrumster Street.

Clause 3.58(3)(c) - Potential traffic safety, road congestion and parking implications of the development are discussed in more detail later in this report.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 The subject site is zoned R5 Large Lot Residential.
- Clause 2.3(1) and the R5 zone landuse table The proposed development for a school is a permissible landuse with consent.

The objectives of the R5 zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

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

- The proposal will provide an educational service to the community. The development will provide appropriate road access and utility services and would not create unreasonable demand for public provision of such services.
- Land use conflicts can be appropriately managed.
- Clause 5.10 The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.5 The land that is shown as "Koala Habitat area" on the Koala Habitat Map. As discussed earlier under SEPP (Biodiversity and Conservation) 2021, the proposal is considered to be consistent with the provisions of the KPoM.
- Clause 7.9 The subject site is mapped as being subject to acoustic controls. The Applicant has submitted a Noise Impact Assessment prepared by EMM, which includes consideration of the impacts of road traffic noise from John Oxley Drive. The report makes the following comments in relation to road noise impacts.

"Road traffic noise levels impacting the most affected areas impacted by road traffic noise from John Oxley Drive (Stage 3 - Hall, Library and Classrooms) are in the order of 57 dB LAeq, 15 hour which indicates that:

• The AS2107:2016 internal noise requirement for classrooms and teaching spaces of 45 dB LAeq will be achievable with windows closed using standard building construction (ie minimum 4mm float glass, no acoustic seals); and

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• The AS2107:2016 internal noise requirement for assembly hall (less than 250 people) of 40 dB LAeq will be achievable with windows closed using standard building construction (ie minimum 4mm float glass, no acoustic seals).

Given that all other classrooms and teaching areas are further away from John Oxley Drive, they are also expected to comply with the AS2107:2016 internal noise requirements.

It is noted that the above requires that operable building elements such as windows are closed. This often means that mechanical ventilation is required."

The report concludes that no additional acoustic treatment is necessary to achieve satisfactory internal noise levels for the classrooms and assembly hall.

 Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of an Occupation Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013:	OCP 2013: Part B - General Provisions - B2: Environmental Management		
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	The Statement of Environmental Effects indicates that the access and buildings have been designed to minimise waste generation and the site has substantial areas available for waste storage with appropriate source separation. Based on waste generation from the current Steiner School in Table Street, Port Macquarie and a similar school in Coffs Harbour, The Applicant has suggested that waste volumes can be managed with a	Yes

			06/03/2024
		standard red, yellow and green bin service with kerbside collection. The architectural plans show bin storage for 3 bins at Stage 1, which will increase to 6 bins at Stage 2. There is sufficient road frontage for the	
		collection of the anticipated number of bins without creating amenity impacts for nearby residents.	
Cut and Fi	II Regrading		
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	The plans indicate less than 1m of cut and fill proposed.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	No retaining walls greater than 1m proposed.	N/A
	 b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: be a maximum combined height of 1.8m above existing property boundary level; be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; the fence component has openings which make it not less than 25% transparent; and provide a 3m x 3m splay for corner sites, and 	No retaining wall and front fence combination proposed.	N/A

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	 provide a 900mm x 		
	900mm splay for vehicle		
	driveway entrances.		
Tree Mana	agement – Private Land		
11	c) Where a tree listed in Table 1 is approved for removal it must be compensated with 2 x koala habitat trees. Significant large-scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets AS2303:2015 Tree Stock for Landscape Use. The compensation tree is to be planted in a suitable location as determined by the Director of Development and Environment or their delegate.	A total of 15 trees are proposed to be removed for the development, including 3 locally preferred koala food trees. The DCP notes that the offsetting provision does not apply where the land has an adopted Koala Plan of Management.	N/A
Tree Mana	agement - Hollow Bearing Tree	S	
13	a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's Hollow-bearing tree assessment (HBT) protocol	The BDAR accurately locates and assesses each of the hollow bearing trees on the site	Yes
	b) Any tree that scores less than 8 using the HBT assessment protocol may be considered for removal subject to compensatory measures specified below.	No hollow bearing trees scoring less than 8 are proposed to be removed.	N/A
	c) Any tree that scores 8-12 using the HBT assessment protocol may be considered for removal if management measures are 'impractical to allow retention'	No hollow bearing trees scoring 8-12 are proposed to be removed.	N/A
	d) Any tree that scores more than 12 using the HBT assessment protocol the assessment must be retained and afforded a development exclusion buffer or located within environmental lands.	The Biodiversity Development Assessment Report identified 16 hollow bearing trees on the site. All trees scored greater than 12 in accordance with the HBT assessment protocol and	Yes

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	are required to be retained.		
	A further root mapping assessment has been carried out by The Tree MD Pty Ltd for 3 of the hollow bearing trees located in proximity to the proposed internal loop road, to ensure that practical measures are available to protect the trees during construction and ensure their long- term survival.		
	The root mapping for Tree 725, 734 and 742 found that no significant structural roots were present to the required depth of excavation and the proposed incursions into the tree protection zone would not adversely impact the health of the trees. The report recommends root protection during works to AS 4970 and ongoing improvement to soil conditions for root development by establishing mulched garden areas and reducing compaction from foot traffic.		
	Appropriate conditions are recommended in this regard.		
e) Where a development exclusion buffer is proposed it shall have a radius of 1.25 times the height of the tree measured from its base.	A full development exclusion buffer has not been provided for all retained hollow bearing trees on the site. The Arboriculture Impact Assessment Report has demonstrated that it is possible to safely retain all the existing hollow bearing trees during the construction phase with	No, but acceptable	PORT MA HAST c o u

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		appropriate tree and root protection measures.	
		The other objective of this provision is to ensure that retained trees are not later removed because they pose a risk of falling on buildings, access roads and parking areas. To minimise such safety risks, it is recommended that the hollow bearing trees be inspected annually by a minimum AQF Level 5 Arborist and appropriate management measures implemented. The report	
		particularly notes that Tree 742 requires a bracing system due to the tree structure and history of branch failure.	
		Appropriate conditions are recommended requiring annual inspection and management of the hollow bearing trees and proposed bracing system.	
14	a) A strategy for tree removal (timing and methodology) that minimises impacts on native wildlife shall accompany any development that proposes the removal of HBTs.	The submitted BDAR includes recommendations for tree removal methodology.	Yes
	 b) The removal of HBTs is to be offset by the retention of recruitment trees. Compensatory recruitment trees shall be provided at the rate of two for one for trees that scored 8-12, Development Control Plan 2013 page 25 and at the rate of one for one for trees that scored less than 8. A tree can be considered to be a compensatory recruitment 	No HBT's proposed to be removed.	N/A

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tree under the following criteria: - Does not have any major structural defects or is suffering from disease that would - lead to premature death; and - Is from the same vegetation community and same genus; and - Are to be located within environmental lands and managed in accordance with a VMP; and - Have a DBH of 50cm or greater and do not possess hollows. For Blackbutt Eucalyptus pilularis a DBH of 100cm or greater applies.		
c) The removal of HBTs are to be offset by the installation of nesting boxes of similar number and size as those to be removed.	N/A	N/A
d) Nesting boxes are to be installed like for like (both type and number, and host tree to genus level) and must be located within proposed open space or environmental lands.	N/A	N/A
e) Nesting Boxes are to be installed and maintained within environmental lands in accordance with a VMP.	N/A	N/A
 f) Nesting Boxes to be inspected and maintained by a qualified ecologist. 	N/A	N/A
g) Any HBT that will not afford protection via an exclusion buffer or within environmental lands will attract the same offsetting requirements as if it was to be removed.	An appropriate alternative management regime has been proposed for the HBT with compromised exclusion buffer. Additional nest box offsets are not considered necessary.	No, but acceptable

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

18	a) APZs are to be located	No APZ proposed on	Yes
	outside of environmental	environmental zoned	
	protection zones and wholly	land.	
	provided within private land.		
	Note perimeter roads		
	provided as part of a		
	residential subdivision are		
	classified as being part of the		
	subdivision and not a		
	separate permissible land		
	use within environment		
	protection zones.		
	b) Perimeter roads are to be	N/A	N/A
	provided to all urban areas		
	adjoining environmental		
	management areas and their		
	buffers. Refer to Figure 2.		

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hiera	archy		
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 to John Oxley Drive proposed.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	No existing accesses.	N/A
	 c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: to avoid driveways near intersections and road bends, and to minimise streetscapes dominated by driveways and garage doors, and to maximise on-street parking. 	The proposal includes two driveways to Aspect Court of sufficient width to accommodate the design vehicles. The driveways would not result in a significant reduction in street parking.	Yes
Parking Pr	ovision		

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24	a) Off-street Parking is provided in accordance with Table 3. <u>Educational establishments</u> (schools): 1 per staff member + 1 per 8 students [Year 12 students] + 1/30 students for visitors. Adequate bus pickup/set down area provided + delivery/service vehicle area. Where sporting fields are provided, which are used by the community, see Recreation Area for minimum requirements.	 The proposal is for a school, with the below numbers of staff and students at the relevant stages. Stage 1 - 30 students, 4 staff; Stage 2A - 65 students, 7 staff; Stage 2B - 72 students, 8 staff; Stage 2C - 80 students, 9 staff; Stage 2D - 95 students, 11 staff. At the parking rates in Table 3, the following minimum parking would be required at each stage of the development: Stage 1 - 5 spaces; Stage 2A - 10 spaces; 	Yes
		 Stage 2B - 11 spaces; Stage 2C - 12 spaces; Stage 2D - 15 spaces. The application proposes 11 spaces at Stage 1, increasing to 31 spaces at Stage 2A. The parking proposed satisfies the minimum DCP requirements.	
		The Stage 3 concept proposal would increase the school to 170 students and 14 staff, which would require a minimum of 20 spaces. The Stage 2 parking area would include adequate parking to meet this requirement. The stage 3 development will be subject to a separate application and the parking requirements	

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		could be appropriately considered at that time. The concept application indicates that adequate parking is achievable for a future expansion of the school.	
	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
Parking La	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	N/A	N/A
	ayout		
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Parking is conveniently located off the northern entry driveway.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	The architectural plans show conceptual line marking for the parking and kiss and drop areas.	Yes
	 c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: it is stacked parking in the driveway; or it can be demonstrated that improvements to the open space provided will result; and the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Parking spaces are located behind the building line to John Oxley Drive, but will be forward of the building line to Aspect Court. The parking area has a 17m setback to Aspect Court with landscaping including the retention of existing canopy trees.	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	Capable of complying. Condition recommended requiring certification at Construction Certificate	Yes

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	disability and AS/NZS 2890.2 -	and Occupation	
	Parking facilities - Off-street	Certificate stages.	
	commercial vehicle facilities.		
	e) Stack or tandem parking	N/A	N/A
	spaces will not be included in		
	assessment of parking		
	provision		
	except where:		
	 the spaces are surplus to 		
	that required;		
	 in motor showrooms; 		
	 for home business; 		
	 for exhibition homes; 		
	 in car repair stations; 		
	 staff parking spaces are 		
	separately identified and		
	delineated;		
	 it is visitor parking 		
	associated with a dual		
	occupancy multi dwelling		
	and/or terrace housing,		
	directly in front of the		
	garage with a minimum		
	depth of 5.5m.		
29	a) Parking is provided in	Capable of complying.	Yes
	accordance with AS/NZS	Condition	
	2890.1 - Parking facilities - Off-	recommended requiring	
	street car parking, AS/NZS	certification at	
	2890.2 - Parking facilities - Off- street commercial vehicle	Construction Certificate and Occupation	
	facilities, AS 1428 - Design for	Certificate stages.	
	access and mobility and AS	Certificate stages.	
	2890.6 - Off-street parking for		
	individuals with a disability.		
30	a) Bicycle and motorcycle	School layout capable	Yes
	parking shall be considered for	of providing bicycle	
	all developments.	parking.	
	b) Bicycle parking areas shall	Capable of complying.	Yes
	be designed generally in		
	accordance with the principles		
	of AS2890.3 - Parking facilities		
	- Bicycle parking facilities.		
	c) Motorcycle parking areas	None proposed.	N/A
	shall be 1.2m (wide) x 2.5m		
	(long).		
Landscap	bing of Parking Areas		
33	a) Landscaping areas shall be	Landscaping of parking	Yes
	provided in the form of large	area includes retention	
	tree planting, understorey	of existing canopy trees	
	plantings, mulch areas,	and new shrubs and	
	mounding, lawns and the like	groundcovers.	
			1

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	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	Landscaping proposed within the parking areas and between the parking area and the street frontage.	Yes
	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	Approximately 17m wide landscaped area.	Yes
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
Durfee F	b) Trees are to be grown and installed in accordance with AS 2303:2015 Tree Stock for Landscape Use and Council's AUS-SPEC design specifications.	N/A	N/A
Surface F	INISNES		
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. 	Sealed surface proposed.	Yes
	Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.		
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	N/A	N/A

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Drainage			
36	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	See comments under Stormwater later in this report.	Yes
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.		
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.		

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
Social Imp	act Assessment		
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	The proposal does not require social impact assessment in accordance with Council's Policy. The Applicant has considered the social impacts of the proposal in any case, and this is discussed in more detail later in this report.	N/A
Crime Prev	vention		
43	 a) The development addresses the generic principles of crime prevention: Casual surveillance and sightlines; Land use mix and activity generators; Definition of use and ownership; Basic exterior building design; Lighting; Way-finding; and Predictable routes and entrapment locations; as described in the Crime Prevention Through 	The proposal has appropriately considered the CPTED principles, as discussed later in this report.	Yes

Environmental Design	
(CPTED) principles.	

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

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

(iv) Any matters prescribed by the Regulations

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

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

Context and Setting

The site has a general southerly street frontage orientation to John Oxley Drive and a westerly frontage to Aspect Court.

Adjoining the site to the north is a large lot residential estate with access from Aspect Court.

Adjoining the site to the east are large lot residential dwellings with access from Thrumster Street.

Adjoining the site to the south a residential estate on the western side of Bestglen Place, and undeveloped residential land on the eastern side of Bestglen Place.

Adjoining the site to the west is a Catholic high school with access from College Drive.

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

Traffic and Transport

The proposal includes a Traffic Engineering Report from TPS Traffic & Parking Systems Pty Ltd, document no: TPS377Rep2, dated 1 November 2023. The report projects that the development up to the completion of Stage 2D (95 students and 11 staff) would have a peak hour traffic generation of 105 vehicle trips. The peak hour trips are expected to increase to 168 trips with future Stage 3 of the development.

The report suitably assesses the existing intersection of Aspect Court and John Oxley Drive for the development as proposed up to and including Stage 2D, and concludes that the existing intersection is adequate for the proposed development. Upgrades of this intersection would be subject to further review and assessment as part of any future Stage 3 application, noting that traffic conditions in the area may change with future upgrades to John Oxley Drive and/or closure of the intersection with Bestglen Place.

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



Site Frontage and Access

The site has frontages to both John Oxley Drive and Aspect Court, both being sealed public roads under the care and control of Council. John Oxley Drive, across the southern frontage of the site is a Sub Arterial road with an AUSPEC Classification of an Urban Distributor. The formation of John Oxley Drive is that of a rural standard with unsealed shoulders and speed limit varying between 60km/h (along the western half of the southern frontage) and 80km/h (along the eastern half of the southern frontage). Aspect Court across the western frontage of the site is a local road with an AUSPEC Classification of an Urban Access Place. Aspect Court has layback SE kerb across its extents with an approximate average carriageway width of 6.5m and a speed limit of 50km/h.

For Stage 1 of the development, vehicle access to the site is proposed though a combined access and egress driveway towards the northern end of the frontage to Aspect Court. For Stage 2 of the development, vehicle access changes to become a one-way loop road with entry via the north along Aspect Court and exit further south along Aspect Court closer to John Oxley Drive. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

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

- Concrete footpath paving (minimum 1.2m wide) along the full site frontage of the development to Aspect Court.
- Widening and upgrade of Aspect Court to a minimum standard of a Local Street in accordance with AUSPEC from John Oxley Drive to the loop road egress driveway location.

Parking and Manoeuvring

A total of 21 parking spaces (including 2 disabled spaces) are proposed in the northern parking area, with an additional 10 kiss-and-drop spaces along the internal loop road. 11 spaces will be provided at Stage 1 of the development, with the remaining 20 spaces proposed to be delivered as part of Stage 2A. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

The proposal includes for car parking spaces for staff, visitors and 'kiss & drop' arrangements within the site which is considered appropriate for the development.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been recommended to reflect these requirements.

Water Supply Connection

Council records indicate that the development site can be serviced with potable and reclaimed water services from the 100mm PVC potable and 100mm PVC reclaimed water mains on the same side of Aspect Court. There is an existing 25mm water meter located roughly centrally on the southern boundary on John Oxley Drive. Connection details of new upsized water services are to be shown on the engineering plans, together with any proposed private fire service details.

Appropriate conditions are recommended in this regard.

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Sewer Connection

Council records indicate that the development site is connected to sewer via a junction from an existing manhole off a 150mm PVC sewer main at the north western corner of the property. Design drawings, however, indicate that a new sewer junction will be constructed on the existing sewer on the far side of Aspect Court and crossing to the western boundary of the property approximately 40m from the intersection with John Oxley Drive.

Appropriate conditions are recommended in this regard.

Stormwater

The applicant has provided a stormwater management report outlining site conditions, proposed treatments, modelling (water quality and quantity) summaries, and points of discharge for all stages of the development.

The site naturally grades towards the Aspect Court and John Oxley Drive frontages and is currently serviced by a direct connection to the public piped drainage system located on Aspect Court, with two kerb inlet pits located along the Aspect Court frontage.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Aspect Court.

Stormwater from the proposed development is planned to be disposed via a combination of Councils pit and pipe network in Aspect Court, which is consistent with the above requirements. In addition, the roof areas for Stage 1 and stage 2A classroom roof areas are proposed to be managed on-site, which is an acceptable method of stormwater disposal noting the buffer zone between downstream properties and assets. Design by qualified industry professional will be required for the on-site system.

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

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

- The stormwater management report submitted demonstrates that on-site detention does not provide benefit to downstream catchments and infrastructure. On-site detention not required.
- Water quality controls as per submitted stormwater management report.
- Details of on-site stormwater disposal system for Stage 1 and 2A roof areas.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

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.



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Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

The proposed development will require the removal or modification of approximately 0.34 hectares of native vegetation with the remaining 0.28 hectares situated in areas previously cleared. The Biodiversity Offset Scheme applies due to the entire site being mapped on the Biodiversity Values Map.

The Applicant has submitted a Biodiversity Development Assessment Report prepared by an authorised person. The report has been reviewed and it is considered that adequate measures have been taken to avoid or minimise impacts, and the development would not result in serious and irreversible impacts on biodiversity. Particularly, the development layout has been designed to minimise the loss of koala food tree species, and to avoid any loss of hollow-bearing trees.

The development will require the retirement of the following ecosystem credits and/or species credits to offset the impacts of the development:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
690-Blackbutt - Tallowwood dry grassy open forest of the central parts NSW North Coast Bioregion	7	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100	Northern Hinterland Wet Sclerophyll Forests This includes PCT's: 3231, 3236, 3257, 3259, 3262

kilometres of the	
outer edge of the	
impacted site.	

Impacted species	Number of species credits	IBRA sub-region
Lathamus discolor / Swift Parrot	11	Anywhere in NSW

Conditions have been recommended requiring evidence of retirement of the relevant credits prior to the commencement of any clearing on the land.

The Biodiversity Development Assessment Report also includes a table of recommended management and mitigation measures for the construction and operational phases of the development. A condition is recommended requiring implementation of the measures at the relevant stages of the development.

Waste

The Statement of Environmental Effects indicates that the access and buildings have been designed to minimise waste generation and the site has substantial areas available for waste storage with appropriate source separation.

Based on waste generation from the current Steiner School in Table Street, Port Macquarie and a similar school in Coffs Harbour, The Applicant has suggested that waste volumes can be managed with a standard red, yellow and green bin service with kerbside collection. The architectural plans show bin storage for 3 bins at Stage 1, which will increase to 6 bins at Stage 2.

There is sufficient road frontage for the collection of the anticipated number of bins without creating amenity impacts for nearby residents.

A standard precautionary site management condition is recommended for the construction phase.

Energy

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

Noise and vibration

The Application includes a Noise Impact Assessment prepared by EMM Consulting. The report considers the likely noise impacts of the proposed school on nearby properties, and also the impacts of road traffic noise from John Oxley Drive on the amenity of the school buildings. The report makes the following comments in relation to road noise impacts.

"Road traffic noise levels impacting the most affected areas impacted by road traffic noise from John Oxley Drive (Stage 3 - Hall, Library and Classrooms) are in the order of 57 dB LAeq, 15 hour which indicates that:

• The AS2107:2016 internal noise requirement for classrooms and teaching spaces of 45 dB LAeq will be achievable with windows closed using standard building construction (ie minimum 4mm float glass, no acoustic seals); and



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• The AS2107:2016 internal noise requirement for assembly hall (less than 250 people) of 40 dB LAeq will be achievable with windows closed using standard building construction (ie minimum 4mm float glass, no acoustic seals).

Given that all other classrooms and teaching areas are further away from John Oxley Drive, they are also expected to comply with the AS2107:2016 internal noise requirements.

It is noted that the above requires that operable building elements such as windows are closed. This often means that mechanical ventilation is required."

The report concludes that no additional acoustic treatment is necessary to achieve satisfactory internal noise levels for the classrooms and assembly hall.

The noise modelling predicts significant exceedances of noise criteria during all stages of construction and operation if the northern boundary of the site remains unmitigated. The noise can be appropriately mitigated with a 1.8 m high noise barrier along the entire northern boundary of the site. The noise barrier should be constructed as early as possible during the construction phase of Stage 1 and will provide adequate mitigation to the residences located in Aspect Court during the construction and operation of the site throughout Stages 1 and 2. The noise barrier will need to be continuous and contain no gaps, and be constructed from an appropriate material, such as lapped and capped timber, sheet metal, masonry, or the like. Appropriate conditions have been recommended in this regard.

The increased intensity of the use at Stage 3 (concept application) will require the height of the barrier to be increased to 2.4m to achieve acceptable noise levels. It may be necessary to construct the initial barrier to this height, unless it is designed in a manner that can be easily upgraded in the future.

Bushfire

The site is identified as being bushfire prone. In accordance with Section 100B of the *Rural Fires Act 1997*, the application proposes development for a special fire protection purpose (school).

The application includes a Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd addressing the relevant provisions of Planning for Bush Fire Protection 2019. The proposal has been referred to the NSW Rural Fire Service (RFS) as integrated development. The RFS have issued a Bush Fire Safety Authority subject to conditions relating to asset protection zones, construction standards for new buildings, internal access roads, water and utility service, landscaping, and emergency planning and management. A condition has been recommended incorporating the requirements of the Bush Fire Safety Authority.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Appropriate access control can be established with fencing and the layout of the buildings around a central courtyard/amphitheatre will provide good passive surveillance within the school grounds.

Social impacts in the locality

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



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The establishment of a primary school in the urban release area will provide an additional educational option for families in the locality and for Port Macquarie generally. The school facilities have been designed to be accessible and inclusive.

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. Additional ongoing employment opportunities will also be created as the school expands over time.

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

Site constraints of bushfire, road traffic noise, and contamination have been adequately addressed and appropriate conditions of consent recommended.

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

9 written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Aspect Court was not designed for the	Aspect Court in the site frontage has
amount of traffic that would be generated	an AUSPEC classification of an Urban
by a school, or for large school buses.	Access Place. The Traffic Impact
	Assessment confirms that the traffic
	generated by the development up to
	Stage 2 would only exceed the design
	capacity of the road between the
	southern driveway and John Oxley
	Drive. A condition has been
	recommended requiring the southern
	extent of Aspect Court to be upgraded
	to an AUSPEC Local Street

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Submission Issue/Summary	Planning Comment/Response
	specification.
	The future Stage 3 expansion of the school shown on the concept plans (subject to a separate development application) will exceed the design capacity of Aspect Court up to the northern driveway and further upgrade to the AUSPEC Local Street specification would be required at that time.
	The school is proposed to be serviced with a private mini bus, and the road dimensions are appropriate for the size of the service vehicle.
Access to the development should be from John Oxley Drive.	John Oxley Drive is an Urban Distributor Road and carries significant volumes of traffic between Thrumster and Port Macquarie. The Development Control Plan for the urban release area restricts access to John Oxley Drive to a limited number of planned intersections to ensure the ongoing safety and efficiency of this road.
The parking facilities will not be adequate for school and weekend activities (assemblies, presentations, etc). Aspect Court is too narrow for overflow parking in the street and this will affect access and amenity for the existing residents in the street.	The proposal satisfies the minimum parking requirements in the DCP.
The application has only assessed the trees required to be removed for the access, parking areas and buildings. It is likely that once a school is operating many more trees will be deemed a safety risk and removed over time.	The consent authority can only consider the impacts of the proposed development in the assessment of the application. Any future proposals for tree removal once the school was operating would be subject to the relevant legislation applicable at that time.
	The recommended conditions of consent require annual inspections by an Arborist for trees likely to pose safety risks in the future, to ensure that management action is taken as necessary to avoid the need to remove trees. Where the safety risk can no longer be managed, the conditions also recommend offsetting requirements to maintain biodiversity on the site into the future.

06/03/202		
Submission Issue/Summary	Planning Comment/Response	
The development should be connected to	Council's Senior Stormwater Engineer	
Council's stormwater system at Stage 1	has reviewed the proposal and is	
and not deferred until Stage 2.	satisfied that the site has suitable area	
	and topography for an on-site	
	absorption system to manage	
	stormwater from the impervious areas	
	for Stage 1 of the development,	
	without any adverse impacts on	
	neighbouring properties. The system	
	will need to be designed by a	
	professional engineer and will be	
	reviewed by Council as part of the	
If the development is expressed the full loop	Section 68 application.	
If the development is approved the full loop	The Stage 1 development includes a maximum of 30 students and 4 staff.	
driveway and parking area should be provided at Stage 1.	The Stage 1 plans provide for 11 off-	
provided at Stage 1.	street parking spaces, which are	
	indicated to include 4 staff parking	
	spaces and 7 kiss-and-drop / visitor	
	spaces. The number of spaces	
	exceeds the minimum requirements in	
	the DCP.	
	Given the high turnover nature of the	
	spaces during the peak drop off and	
	pick up periods, the parking area is	
	considered to be adequate without the	
	additional 10 kiss-and-drop spaces	
	that would be provided with the	
	completion of the loop road.	
When neighbouring property was	The land is still zoned R5 Large Lot	
purchased in 2017, it was understood that	Residential (as it was in 2017).	
the land was zoned for large lot residential	Schools were a permissible land use in	
use. It should not be re-zoned for a commercial use.	the R5 zone is 2017.	
	The proposal does not include a re-	
	zoning.	
Both the entry and exit points are located	The proposed access and egress	
on bends with limited sight distance.	locations have been reviewed by	
	Council's Development Engineer and	
	are considered to have safe sight	
	distance having regard to the	
The traffic assessment is based on the	anticipated traffic volumes and speeds.	
	The updated traffic impact assessment includes SIDRA modelling for the	
completed Stage 2 development (95 students). It should consider the Stage 3	intersection of John Oxley Drive and	
concept application for 170 students. It is	Aspect Court up to the future Stage 3	
expected that modelling for the Stage 3	development. The assessment	
development would show significant	indicates that the Stage 3 development	
queuing at the intersection of John Oxley	would require an auxiliary left turn lane	
Drive and Aspect Court.	(AUL(s)) on the John Oxley approach	
	to Aspect Court from the west, and a	
	longer channelised right turn lane	
	isnger enamensed fight turn and	

06/03/202		
Submission Issue/Summary	Planning Comment/Response	
	(CHR).	
	Upgrades of this intersection would be subject to further review and assessment as part of any future Stage 3 application, noting that traffic conditions in the area may change with future upgrades to John Oxley Drive and/or closure of the intersection with Bestglen Place.	
While the proposal satisfies the DCP parking rates, it will be short of the parking demands indicated by RMS surveys.	The Traffic Impact Assessment includes parking calculations based on both the rates in Council's DCP, and the RMS traffic surveys. For the development up to Stage 2D (95 students and 11 staff) the DCP requires a minimum of 15 spaces, and the RMS rate requires a minimum of 19 spaces. The proposal provides 31 parking spaces, which significantly exceeds both parking rates.	
	For the future Stage 3 development, the Traffic Impact Assessment calculates that a minimum of 20 spaces would be required under the DCP rates, and a minimum of 34 spaces at the RMS rates. The concept proposal is capable of providing adequate parking for the future Stage 3 expansion.	
The traffic assessment identifies non-	The plans have been amended to	
compliant disabled parking spaces and	include compliant disabled parking and	
turning facilities.	turning facilities.	
A number of health care and emergency services staff who act as first responders reside in the street and cannot afford to have traffic movements blocked. The development will affect emergency vehicle access to the area.	The proposal includes adequate off- street parking in accordance with Council and State Government guidelines and will maximise the extent of the parking demand that can be accommodated within the school site. Any overflow parking in Aspect Court would be subject to NSW Road Rules and could not legally block access for local residents.	
Adverse noise impacts on neighbours.	A Noise Impact Assessment prepared by EMM Consulting has been submitted as part of the application and addresses the potential noise impacts from traffic and school activities on nearby residential uses. The report concludes that appropriate amenity noise levels can be maintained for adjoining residents in	

PORT MACQUARIE HASTINGS c o u n c i l

	06/03/2024
Submission Issue/Summary	Planning Comment/Response
	Aspect Court, subject to the provision
	of a minimum 1.8m high acoustic
	barrier along the northern boundary of
	the site. The barrier should be erected
	as early as possible in the construction
	phase to also reduce the impacts of
	construction noise on neighbours.
	Appropriate conditions have been
	recommended to ensure that the
	barrier has the required acoustic
	properties and for the timing of
	construction.
	The report notes that the barrier would
	need to be increased in height to 2.4m
	for the future Stage 3 expansion, and it
	may be practical to construct the
	barrier to 2.4m high at the initial stage.
The development will create another	The extent of any necessary 40km/h
section of 40km/h speed limit on John	school zone for the site would be
Oxley Drive and further slow the flow of	determined by Transport for NSW.
traffic.	dotomined by manoportion norm.
	It is noted that some other schools in
	the area with frontage to major roads
	don't have school zones on that road
	(eg Ocean Drive frontage of St Peters
	Primary School, MacKillop College,
	and Lake Cathie Public School).
	It is possible that a school zone would
	not be required on John Oxley Drive,
	as the development does not provide
	any access on this frontage.
Part of the site drains into the rear of	All new impervious areas for the
neighbouring property and the proposal will	development would be drained to an
increase stormwater impacts.	engineered absorption area for the
	Stage 1 development and connected
	to the piped drainage in Aspect Court
	at Stage 2. The natural overland flow
	in the north east corner of the site
	would not be altered by the
	development and no additional
	stormwater would be discharged to
	this part of the site.
Loss of property value for neighbouring	This is not a relevant planning
residents. Will owners be compensated?	consideration in the determination of
	the application. There is no
	mechanism in the planning legislation
	for compensation.
The parking area for the school is located	Noise from the access and parking
directly behind the dwelling at 22 Aspect	areas has been considered in the
Court and will result in noise, dust, and	Noise Impact Assessment and an
privacy impacts.	appropriate noise barrier along the
	appropriate noise burner diolig the



06/03/	
Submission Issue/Summary	Planning Comment/Response
	northern boundary (1.8m to 2.4m high) is proposed to mitigate the impact. The noise barrier is required to be constructed of materials that do not contain gaps and would also provide an effective privacy screen for neighbouring properties.
	The parking area is required to be constructed with a sealed surface and will not generate dust.
The kiss and drop zones will not be effective as parents typically arrive a lot earlier than school finishes in the afternoon and the parking spaces would not start turning over until the first children were collected. Where would vehicles queue while waiting for the kiss-and-drop spaces to vacate?	It is agreed that the kiss-and-drop spaces would not provide the expected turnover if parents arrive prior to school finishing in the afternoon. It is not anticipated that all vehicles would arrive early for pick up, particularly noting that the school is intending to stagger pick up times for different grades.
	The design of the loop road will allow vehicles to circulate back to Aspect Court if all spaces are occupied and re-enter at the northern end.
There is potential for increased theft in the area due to the increased traffic from the school.	Increase activity is generally considered to be a positive thing from a crime prevention perspective. Increased activity generally results in more passive surveillance and less opportunity for crime to be carried out unobserved.
What contribution will the school be making towards infrastructure to reduce its traffic impacts? Will there be a monetary contribution to improvements to the Oxley	The proposed development is not for residential purposes and Council cannot levy Section 7.11 contributions for major roads.
Highway, or appropriate infrastructure planning like the John Oxley Drive entry to 'The Sanctuary'.	The developer will be required to provide the relevant upgrades to the local road network necessary to accommodate the additional traffic generated by the development. This will include widening of aspect Court between John Oxley Drive and the southern driveway at Stage 2 of the development.
	The Traffic Impact Assessment indicates that additional widening of Aspect Court (up to the northern driveway) and improvements to the intersection with John Oxley Drive would be required with the future

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06/03/20		
Submission Issue/Summary	Planning Comment/Response	
	Stage 3 development.	
	The traffic volumes generated by the proposed school and existing development in Aspect Court do not warrant construction of a two-lane roundabout of the nature currently being constructed at the entry to 'The Sanctuary'.	
Is the school going to have a permanent cap for 170 students or will they just increase the numbers without the proper infrastructure further affecting the local residents? These figures also don't reflect after school programs and/or before and after school care which is growing in popularity within the school communities.	The recommended conditions include a restriction on student numbers for each stage of the development up to Stage 2D (maximum 95 students). The Stage 3 proposal for expansion to 170 students (and any expansion beyond that in the future) would be subject to separate development	
The development will generate dust and impact neighbouring properties and pools.	application/s. Standard conditions have been recommended for dust management during construction. Once construction is complete, the access roads and parking areas would have sealed surfaces and are not expected to generate dust.	
Will the property be kept weed and litter free? Playground rubbish has been a problem near the adjoining St Joseph's Regional College.	The Statement of Environmental Effects indicates that appropriate waste management has been planned for in the school design. It is expected that the extent of weed management and general maintenance of the site would increase	
The "Trip Generation Survey, School Analysis Report" was prepared for RMS in 2014 and is 9 years old.	with the proposed school use. This is the most recent traffic generation data published by Transport for NSW (formerly RMS) for schools. It is reasonable for the consultant to use this trip generation and parking data for the traffic impact assessment.	
Section 9 of the Traffic Impact Assessment indicates that the largest regular service vehicle will be a small bus. Does this mean that it would be under 7m in length? This doesn't seem correct.	The Traffic Impact Assessment has considered the small bus to be similar to a medium rigid vehicle (MRV) under AS2890.2, with a length of 8.5m. The RMS surveys suggest that for regional schools an average of 7% of students arrive by bus. For the current proposal (maximum of 95 students) it can be assumed that on average 7 students would arrive by bus. On this basis, a small bus is considered to be	

Submission Issue/Summary	Planning Comment/Response
	adequate.
Access to the school should be from Thrumster Street, not Aspect Court.	The site does not have frontage to Thrumster Street and cannot legally access this road.
Should Aspect Court residents have a 'Private Road Sign'?	Aspect Court is a dedicated public road under the care and control of Council. Private road signs are only used where the road is in private ownership (for example, in a community title development).

(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 manmade development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Section 7.11 Contributions

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

Section 7.12 Contributions

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

The proposed development will comprise a new school with cost of works exceeding \$100,000 and is deemed to increase the demand for public amenities/services. As a result, s7.12 contributions apply and a condition of consent has been recommended to ensure payment.





Section 64 Water and Sewer Contributions

Water and sewer contributions will be levied as part of the Notice of Requirements under Section 306 of the Water Management Act 2000. Having regard to the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans, following calculation is provided.

The site has contribution credit based on an existing serviced lot with area greater than 2000m².

The proposed development will comprise a school with a maximum of 95 students (at completion of Stage 2D) and contributions should be charged accordingly.

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

The 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
- 31. Attachment 3 Contributions Estimate



PROPOSED CONDITIONS

DA NO: 2022/931

PRESCRIBED CONDITIONS

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

A - GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Layout, Staging, and Servicing Plans	6478 Sheet 1 & 2 Rev E, Sheet 3 Rev B, and Sheet 5 Rev C	King & Campbell Pty Ltd	31 October 2023
Architectural Plans	Dwg 4 - 12	Bronwyn Bellemore	August 2022
Landscape Plans	1, 2, and 3 Issue A	Carolyn Tallents	31 August 2022
Landscape Plan - Central Area, Section, and Elevation	4, 6, and 7 Issue A	Carolyn Tallents	25 August 2022
Landscape Concept - Dry Creek Bed	5 Issue A	Carolyn Tallents	19 August 2022
Stormwater Management Plan	6478 Sheet 4 Rev A	King & Campbell Pty Ltd	26 August 2022
Biodiversity Development Assessment Report	00029982/BAAS1 7107/22/000311 16	Wolfpeak	19 January 2024
Noise impact Assessment	V3 - H210338 RP1	EMM Consulting	3 November 2023
Root Mapping and Aerial Assessment Report	-	The Tree MD Pty Ltd	27 June 2023
Traffic Engineering Report	TPS377Rep2	TPS Traffic & Parking Systems Pty Ltd	1 November 2023
Bushfire Protection Assessment	B203524 - 1	Australian Bushfire Protection Planners	26 August 2022
Arboricultural	-	Woodvale	4 July

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Impact Assessment			2022
Statement of Environmental Effects	6478	King & Campbell	October 2022

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

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

b. the date on which work will commence.

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

- (3) (A003) The developer shall obtain the following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979:
 - Construction Certificate;
 - Occupation Certificate.
- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1 to provide for up to 30 students and 4 staff and comprising one single storey classroom and amenities building, vehicular entry and exit from Aspect Court, parking, an acoustic barrier, associated landscaping, and the extension of services.

Stage 2A - to provide for up to 65 students and 7 staff and comprising one additional single storey classroom building, conversion of the Stage 1 classrooms to administration offices, completion of the kiss-and-drop area and loop road, additional parking, and associated landscaping, including formation of courtyard and amphitheatre.

- Stage 2B to provide for up to 72 students and 8 staff and comprising one single storey classroom building; and the extension of stormwater services.
- Stage 2C to provide for up to 80 students and 9 staff and comprising an additional two storey classroom and amenities building.
- Stage 2D to provide for up to 95 students and 11 staff and comprising 2 single storey specialty classrooms;

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

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

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- 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- 2. Appropriate dust control measures;
- 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
- 4. Building waste is to be managed via appropriate receptacles into separate waste steams;
- 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 6. Building work being limited to the following hours, unless otherwise permitted by Council;
- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

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

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - **NSW Rural Fire Service** The General Terms of Approval, Reference DA20221107011584-Original-1 and dated 3 February 2023, are attached and form part of this consent.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of the site along Aspect Court. A minimum 1.2metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act. The footpath is to be generally in accordance with the concept footpath shown on the drawing "Aspect Court Upgrade Works" Rev C by King & Campbell Dated 31.102023. The footpath shall be shown on the plans with the works proposed as part of any Stage 2 works.
- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (12) (A042) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
 - a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
- (13) (A045) Submission to Council of an application for water meter/s hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid. This application is also to include an application for the disconnection of any existing service not required.
- (14) (A195) The mitigation and management measures detailed in Table 26 (pages 93-99) of the Biodiversity Development Assessment Report, prepared by WolfPeak, dated 19 January 2024 form part of this consent and shall be implemented at the respective stages throughout the development.
- (15) (A196) This consent relates to Stages 1 to 2D only. A separate development application will be required for the Stage 3 concept proposal.
- (16) (A197) The maximum number of students enrolled at the school shall not exceed the following at the relevant stages of the development:
 - Stage 1 30 students;
 - Stage 2A 65 students;
 - Stage 2B 72 students;
 - Stage 2C 80 students;
 - Stage 2D 95 students.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

(1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings

> Item 06 Attachment 1

Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the development. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Road works along the frontage of the development.
 - 2. Earthworks, including filling of the land for flood protection.
 - 3. Public parking areas including; Driveways and access aisles, Parking bays, Delivery vehicle service bays & turning areas in accordance with AS2890.
 - 4. Stormwater systems.
 - 5. Erosion & Sedimentation controls.
 - 6. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 - 7. Landscaping/waste management facilities.
 - 8. Traffic management control plan.
 - 9. Detailed driveway profiles in accordance with Australian Standard 2890, AUSPEC D1, and Port Macquarie-Hastings Council current version standard drawings.
 - 10. Provision of a minimum 1.2m wide concrete footpath, along the full road frontage of Aspect Court as part of any Stage 2 works; including kerb ramps where necessary.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Stage 1 and Stage 2A Construction Certificate.

Such works include, but are not limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access
- (5) (B051) Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided:
 - 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.

- (6) (B030) Prior to issue of the Stage 2A Construction Certificate, a pavement design report for the widening of Aspect Court between John Oxley Drive and the egress driveway shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
 - a. 98% (modified) base layers Maximum Modified Dry Density test in accordance with AS1289.5.2.1.
 - b. 95% (modified) sub-base layers Maximum Modified Dry Density test in accordance with AS1289.5.2.1.
 - c. 100% (standard) subgrade/select layers Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (7) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current "Notice of Payment"

form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Stage 1 and Stage 2A Construction Certificate.
- (9) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (10) (B088) Prior to commencement of any vegetation clearing or issue of the Stage 1 Construction Certificate, whichever occurs first, the class and number of ecosystems credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any vegetation clearing or issue of the Stage 1 Construction Certificate, whichever occurs first.

> Item 06 Attachment 1

Impacted plant community type	Number of ecosystem credits	IBRA sub- region	Plant community type(s) that can be used to offset the impacts from development
690-Blackbutt -	7	Macleay	Northern
Tallowwood dry		Hastings,	Hinterland
grassy open		Carrai Plateau,	Wet Sclerophyll
forest of the		Coffs Coast	Forests
central parts		and	This includes
NSW North		Escarpment,	PCT's:
Coast Bioregion		Comboyne	3231, 3236,
		Plateau,	3257, 3259,
		Karuah	3262
		Manning,	
		Macleay	
		Gorges,	
		Mummel	
		Escarpment	
		and Upper	
		Manning.	
		or	
		Any IBRA	
		subregion that	
		is within 100	
		kilometers of	
		the outer edge	
· · · ·		of the	
		impacted site.	

¹Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

(11) (B089) Prior to commencement of any vegetation clearing or issue of the Stage 1 Construction Certificate, whichever occurs first, the class and number of species credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any vegetation clearing or issue of the Stage 1 Construction Certificate, whichever occurs first.

Impacted species credit species	Number of sp credits	ecies IBRA sub-region
Lathamus discolor / Swift Parrot	11	Any in NSW

¹Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

(12) (B195) Prior to the issuing of the Stage 1 Construction Certificate, details of the 1.8m to 2.4m high acoustic barrier to be installed along the full length of the northern boundary shall be submitted to the Principal Certifier for approval. The

plans shall be accompanied by certification from a suitably qualified and practising acoustic consultant that the materials and construction of the 1.8m to 2.4m acoustic barrier (as detailed) will be satisfactory to achieve the Project Trigger Noise Levels, from the cumulative onsite noise sources, at all residential receivers.

- (13) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as Council's piped drainage system, and on-site disposal for Stage 1 and 2A classroom roof areas.
 - b) The design is to be generally in accordance with the approved stormwater drainage concept plan.
 - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - d) Water quality controls shall be provided as per submitted Stormwater Management Report - section 4.2. Alternative systems may be used where demonstrated they provide equal or better treatment.
 - e) Hydrological modelling / calculations shall be submitted demonstrating postdevelopment discharge rates for critical durations in the 20%, 5%, and 1% AEP do not exceed pre-development rates. On-site detention shall be provided to limit post-development site discharge to pre-development rates if the abovementioned cannot be achieved.
 - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - g) The design 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.
 - h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - i) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - j) The onsite stormwater disposal system for Stage 1 and 2A roof areas shall be designed by suitably qualified professional and included on construction details / drawings.
- (14) (B196) Prior to the issue of the Stage 2A Construction Certificate a detailed design shall be submitted for the upgrade of Aspect Court from John Oxley Drive to the Loop Road egress to be a minimum 7m wide Local Street, generally in accordance with the concept drawing "Aspect Court Upgrade Works" Rev C by King & Campbell Dated 31 October 2023. Details and designs shall be provided with the application pursuant to Section 138 of the Roads Act 1993.
- (15) (B197) The secondary emergency access crossover to John Oxley Drive shall be sealed within the road reserve and generally be in accordance with ASD214. Details shall be provided with the application pursuant to Section 138 of the Roads Act 1993 prior to the issue of the Stage 1 Construction Certificate.

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C015) Tree protection fencing, compliant with AS 4970/2009 Protection of trees on development sites must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (4) (C195) Prior to works commencing, a Waste Management Plan including documented procedures for 'Unexpected Finds' shall be submitted to Council.

D – DURING WORK

- (1) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D023) During all phases of excavation and construction, it is the responsibility of the applicant and their contractors to:
 - a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

- (3) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (4) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

Item 06 Attachment 1

- (5) (D195) Any clay exported from the site requires an assessment in accordance with Clauses 91, 92 and 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (as applicable).
- (6) (D196) The 1.8m to 2.4m high acoustic barrier shall be constructed and completed at the outset of Stage 1, prior to any other civil works, earthworks, or building work commencing.
- (7) (D197) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - The relocation of underground services where required by civil works being carried out.
 - The relocation of above ground power and telephone services
 - The relocation of street lighting
 - The matching of new infrastructure into existing or future design infrastructure.
- (8) (D198) A suitably qualified koala specialist shall inspect all trees on the day that the clearing is proposed and provide written clearance before any vegetation removal commences. Clearing, building works or earthworks shall be suspended within 25m of any tree occupied by a koala until the koala has moved on of its own volition.
- (9) (D199) 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.

E - PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (2) (E034) Prior to the issuing of the Occupation Certificate for Stage 1 and Stage 2A, 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 for that stage.
- (3) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifier confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (4) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.

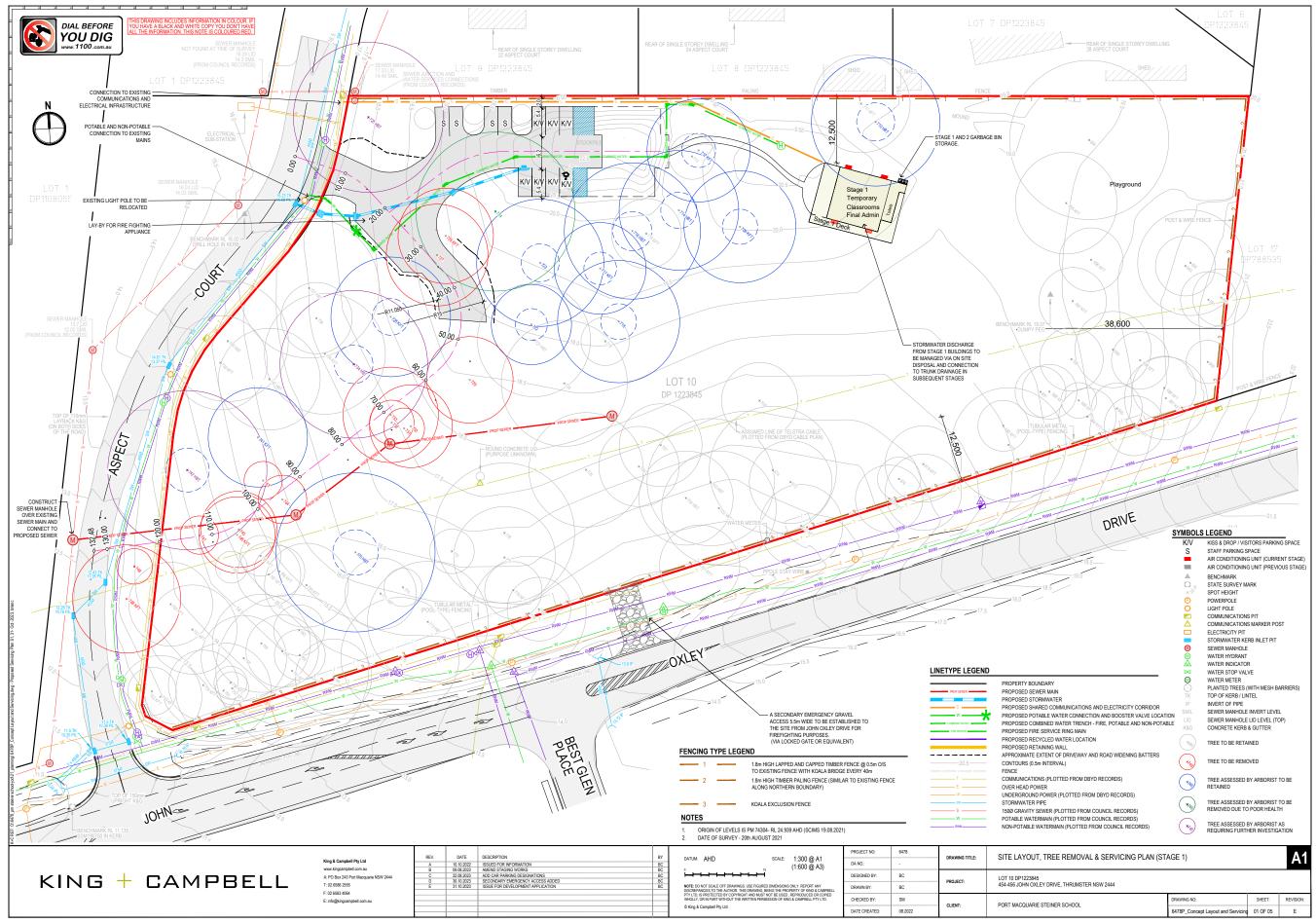
- e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (5) (E041) At the completion of works on private property certification is to be provided to Port Macquarie-Hastings Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.
- (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (7) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to the issue of the Occupation Certificate or release of the security bond, whichever is to occur first.
- (8) (E057) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any Occupation Certificate.
- (9) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (10) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (11) (E061) Landscaped areas for each stage shall be completed prior to the issue of the Occupation Certificate.
- (12) (E195) Prior to the Stage 1 Occupation Certificate being issued, a suitably qualified and practising acoustic consultant shall certify the suitability and effectiveness of the 1.8m to 2.4m high acoustic barrier along the full length of the northern boundary and confirm that the Project Trigger Noise Levels are achieved at the receiver locations for the development up to Stage 2D.
- (13) (E197) Prior to each Occupation Certificate being issued, a suitably qualified and practising acoustic consultant shall certify that the cumulative noise from all mechanical plant installed onsite does not exceed the Project Trigger Noise Levels at the receiver locations.
- (14) (E196) Prior to the issue of the Stage 2A Occupation Certificate, the upgrade of Aspect Court from John Oxley Drive to the Loop Road egress to a minimum 7m wide Local Street shall be completed to the satisfaction of the roads authority.
- (15) (E197) Prior to the issue of the Stage 2A Occupation Certificate a minimum AQF Level 5 Arborist shall install a bracing system for Tree 742. Certification is to be provided to the Certifier that the bracing system is fit for purpose.

F - OCCUPATION OF THE SITE

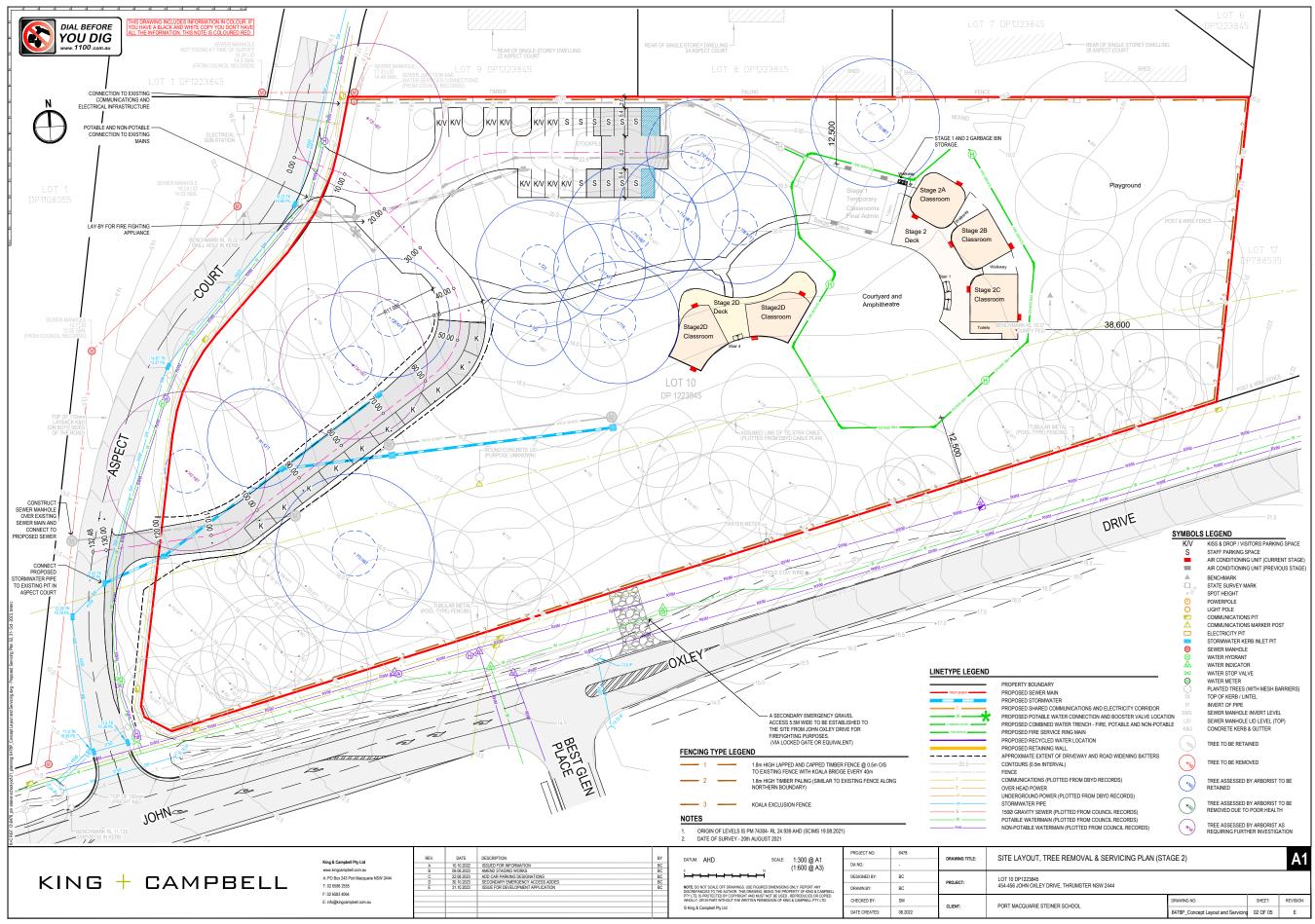
- (1) (F001) On site car parking in accordance with the approved plans shall be provided in an unrestricted manner at all times during the operations of development for use by staff, parents and visitors.
- (2) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

- (3) (F195) All trees retained or offset on the site shall be maintained in perpetuity and shall not be permitted for removal through provision of any mechanism such as the 10/50 code. Any tree removed with consent from Council shall require offset at a 2.1 ratio.
- (4) (F196) Domestic dogs shall not be permitted on the premises.
- (5) (F197) Mulched garden beds and measures to reduce foot traffic shall be maintained around hollow bearing trees 725, 734, and 742, in accordance with the recommendations of the Arboricultural Impact Assessment.
- (6) (F198) All hollow bearing trees scoring greater than 12 in accordance with Council's DCP protocol shall be inspected at least annually by a minimum AQF Level 5 Arborist and appropriate management measures implemented to ensure that they do not become a safety risk.
- (7) (F199) The bracing system for Tree 742 shall be inspected at least annually by a minimum AQF Level 5 Arborist and appropriate management measures implemented to ensure the effectiveness of the system.

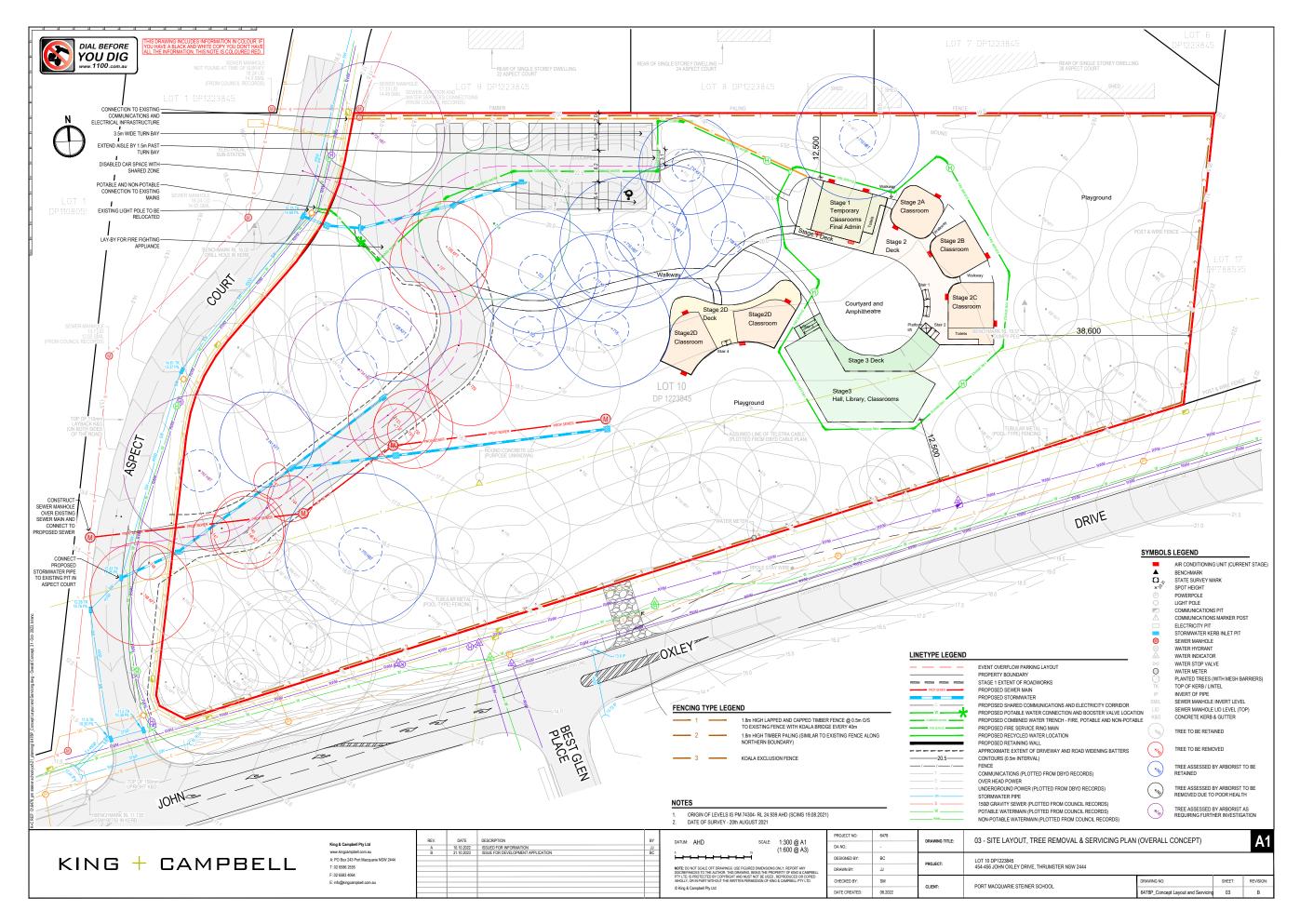
Item 06 Attachment 1

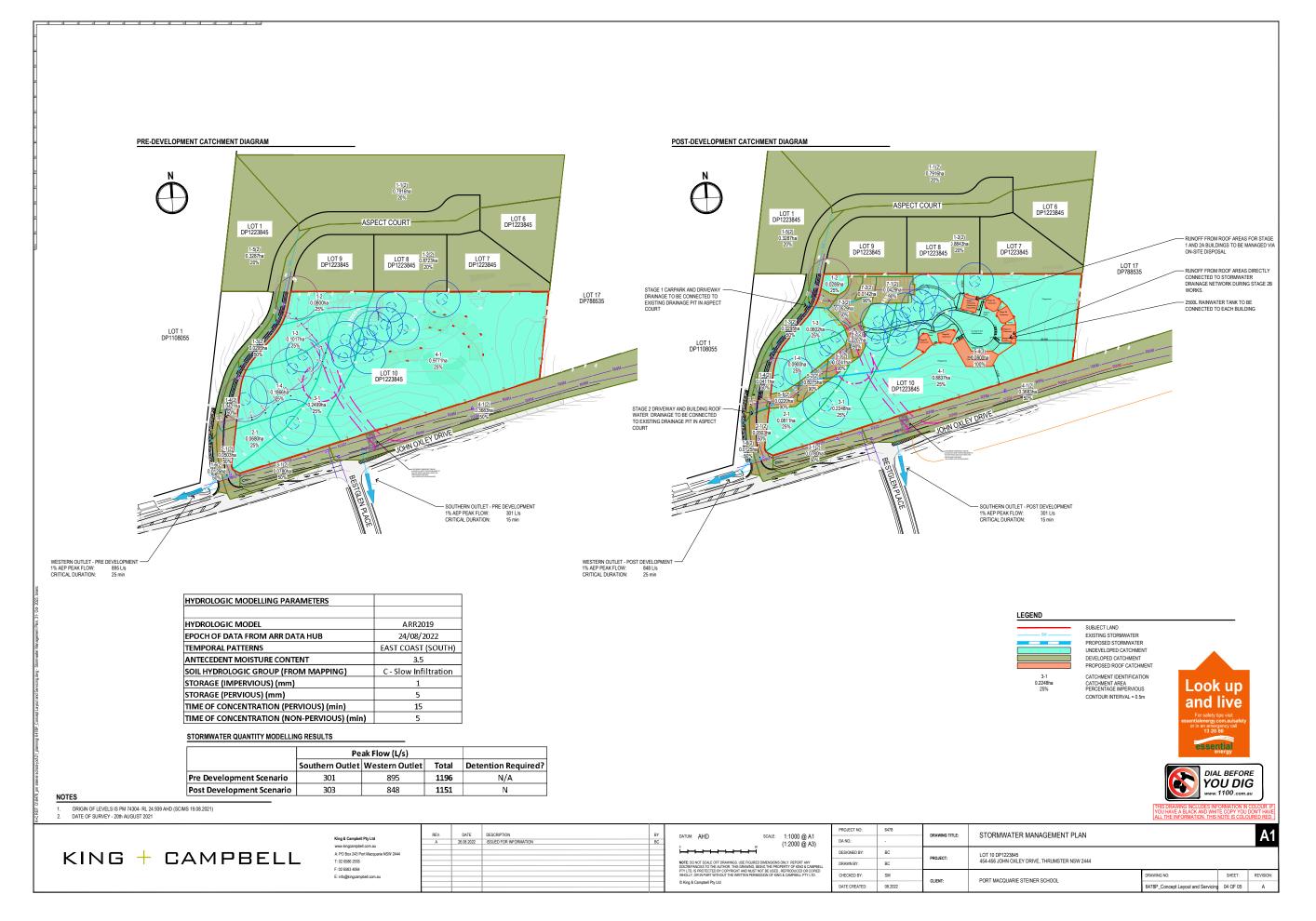


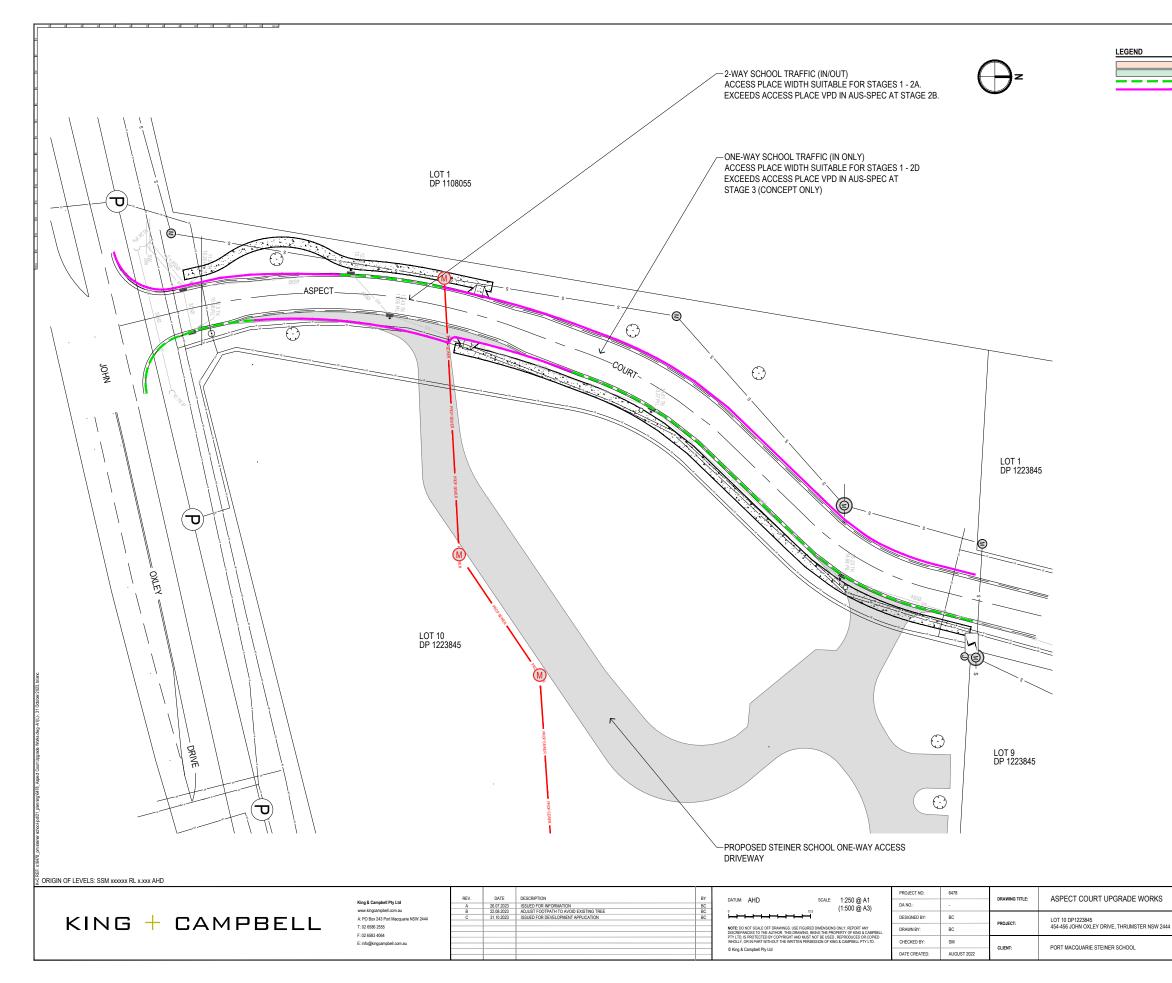
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NER SCHOOL	6478P_Concept Layout and Servicing	01 OF 05	E



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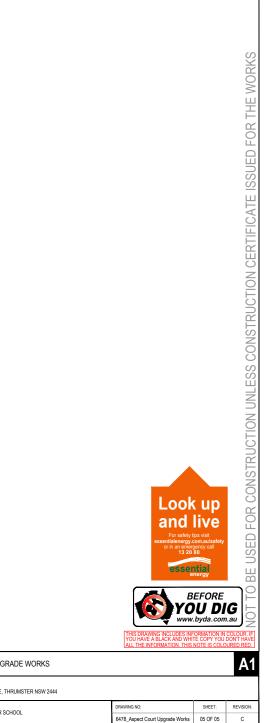


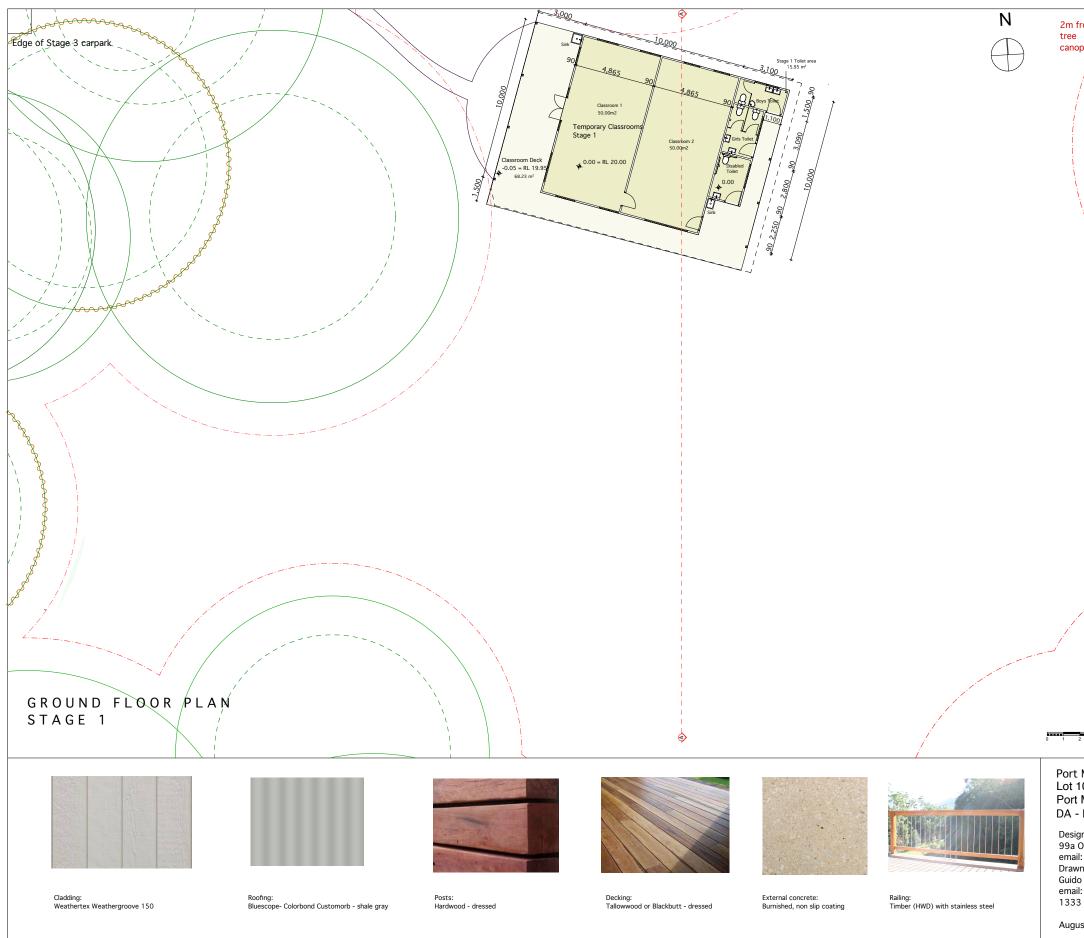




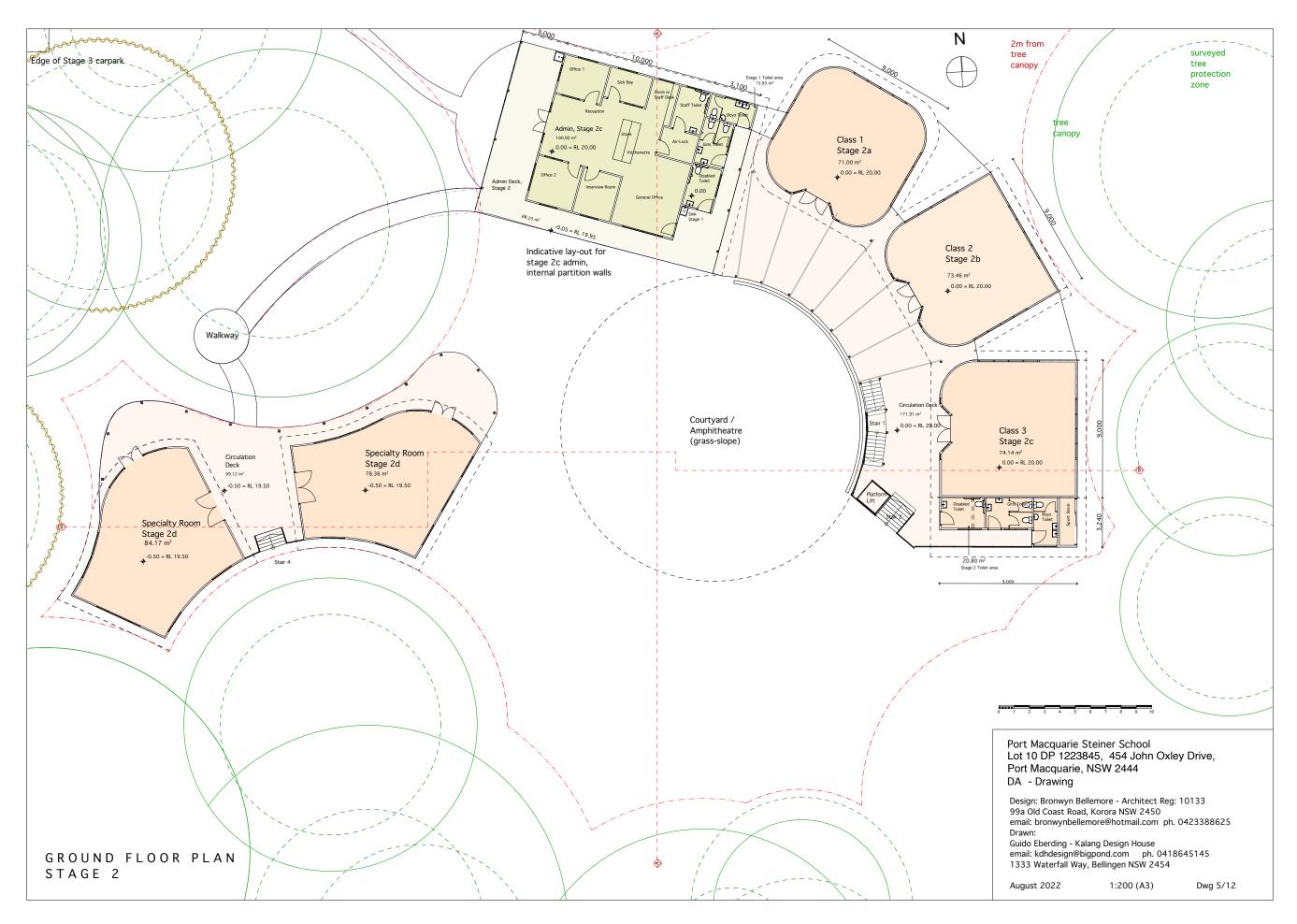
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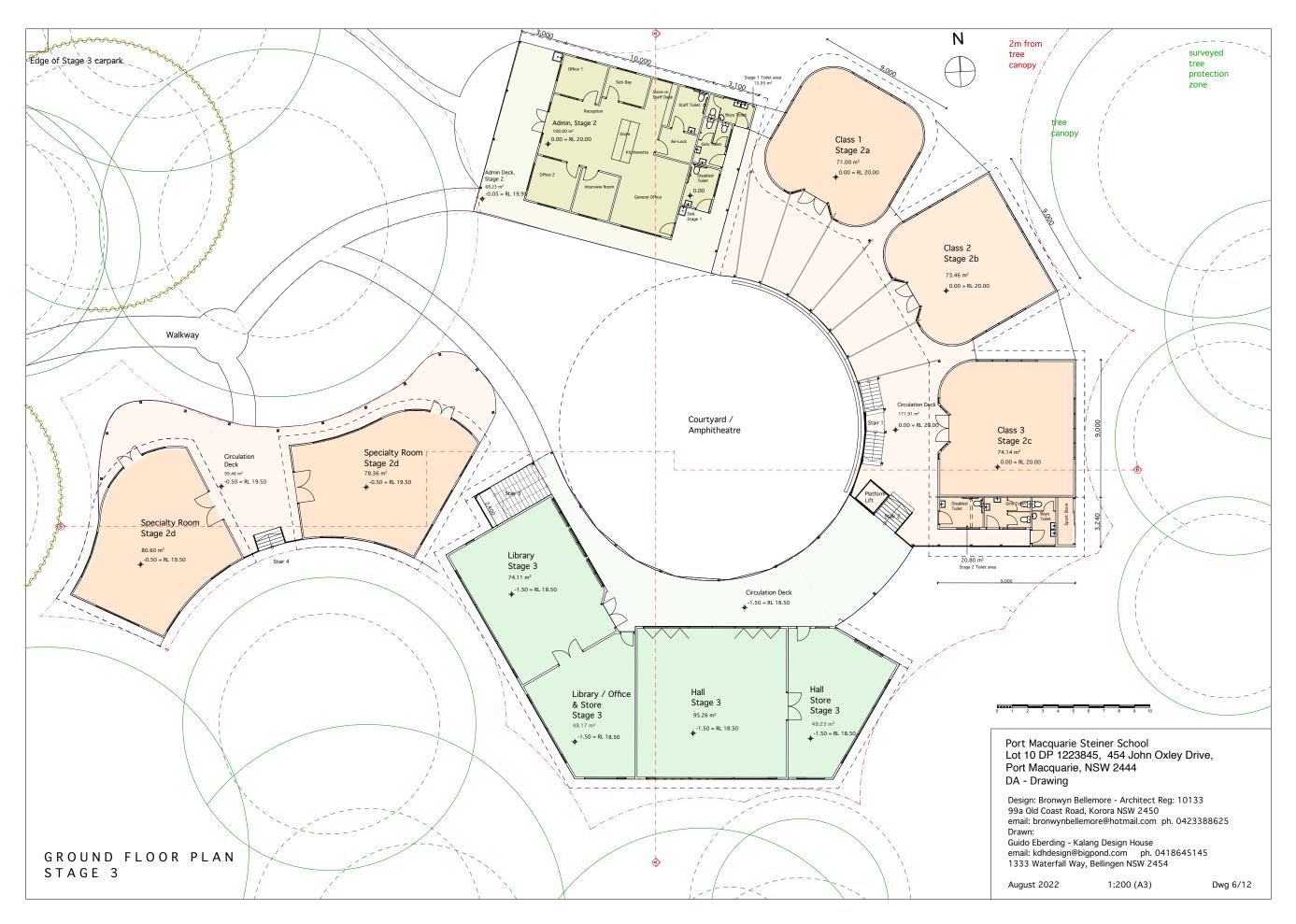
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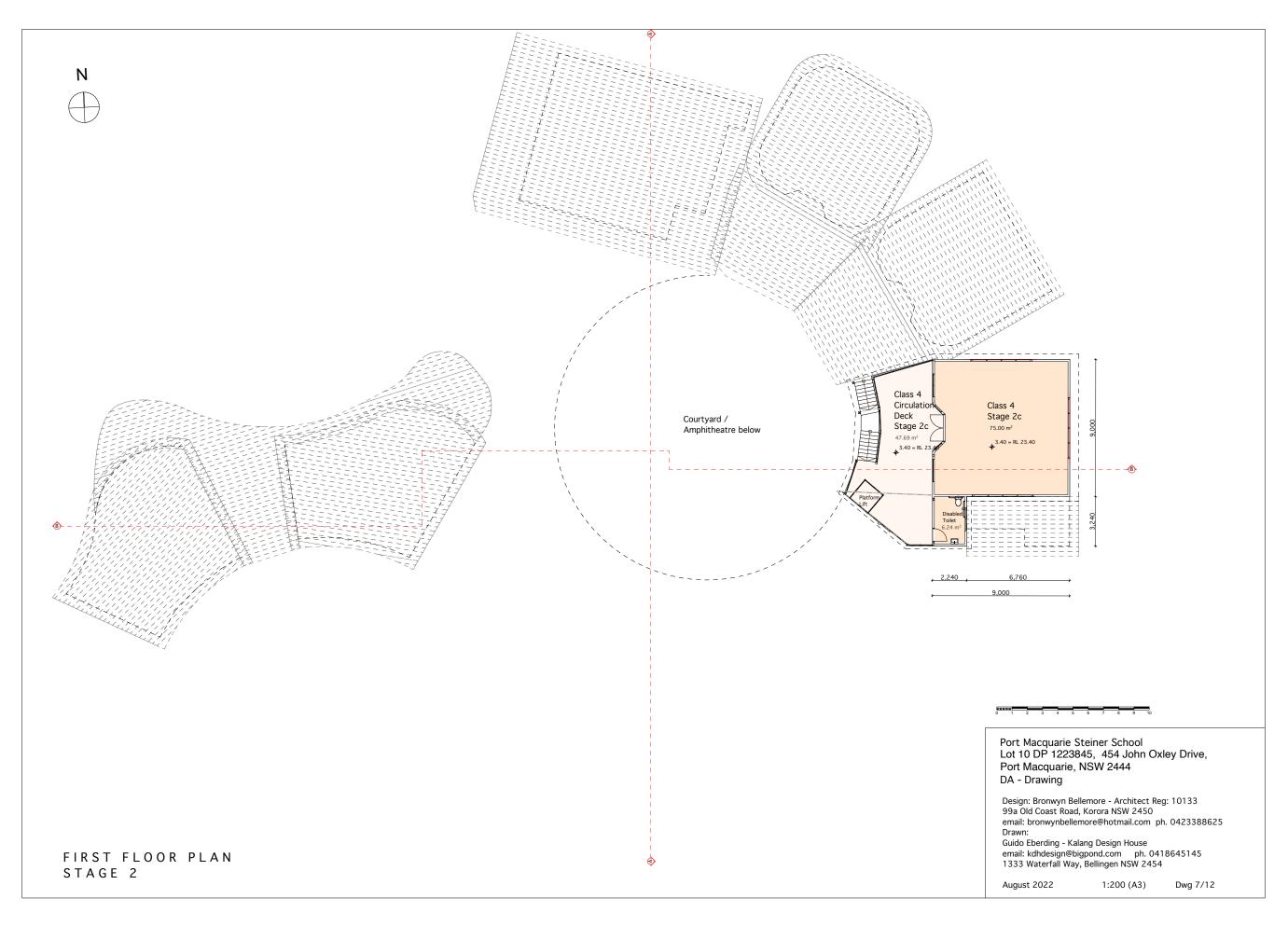


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	ad, Korora NSW 2450 lemore@hotmail.com p	h. 0423388625
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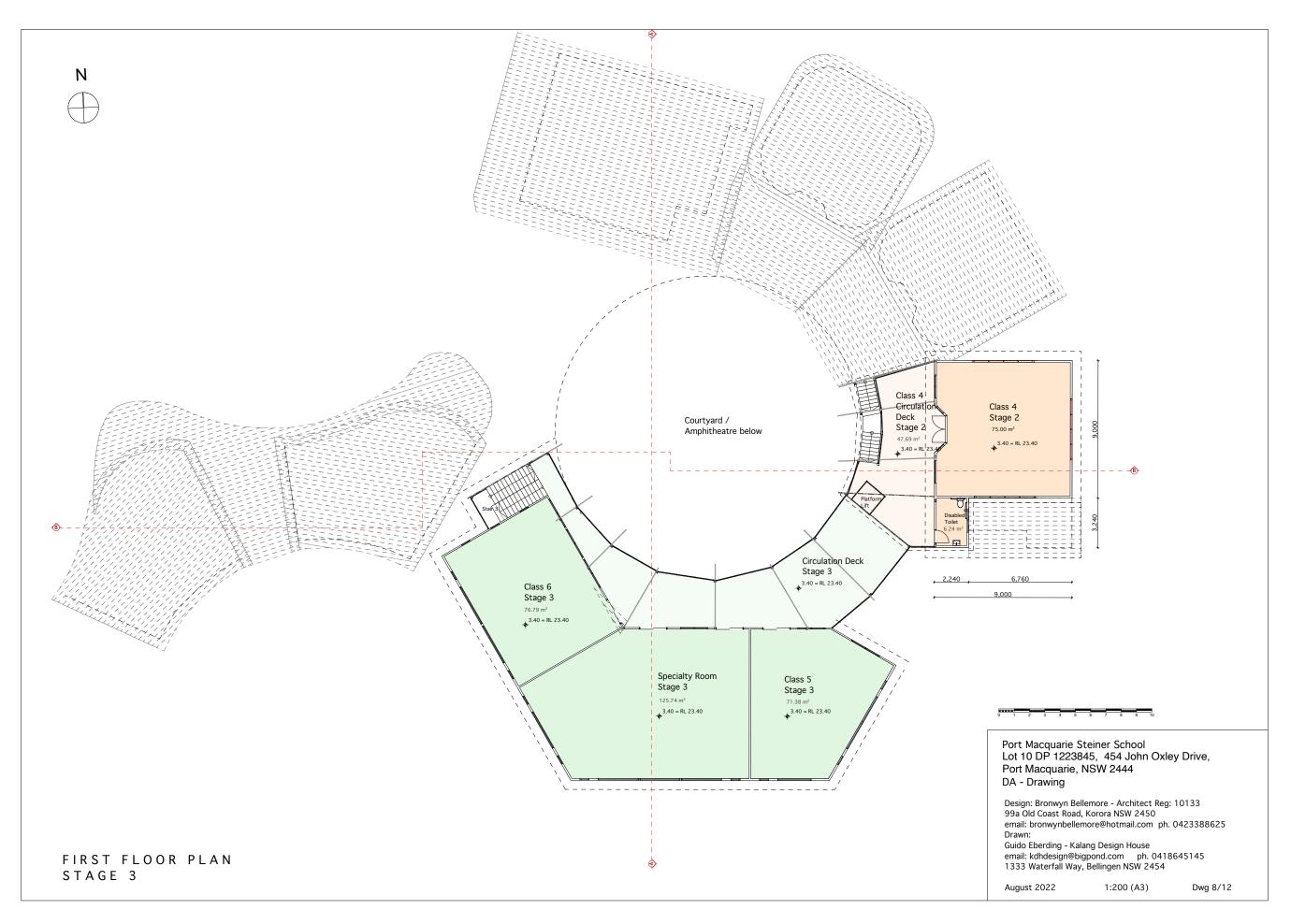


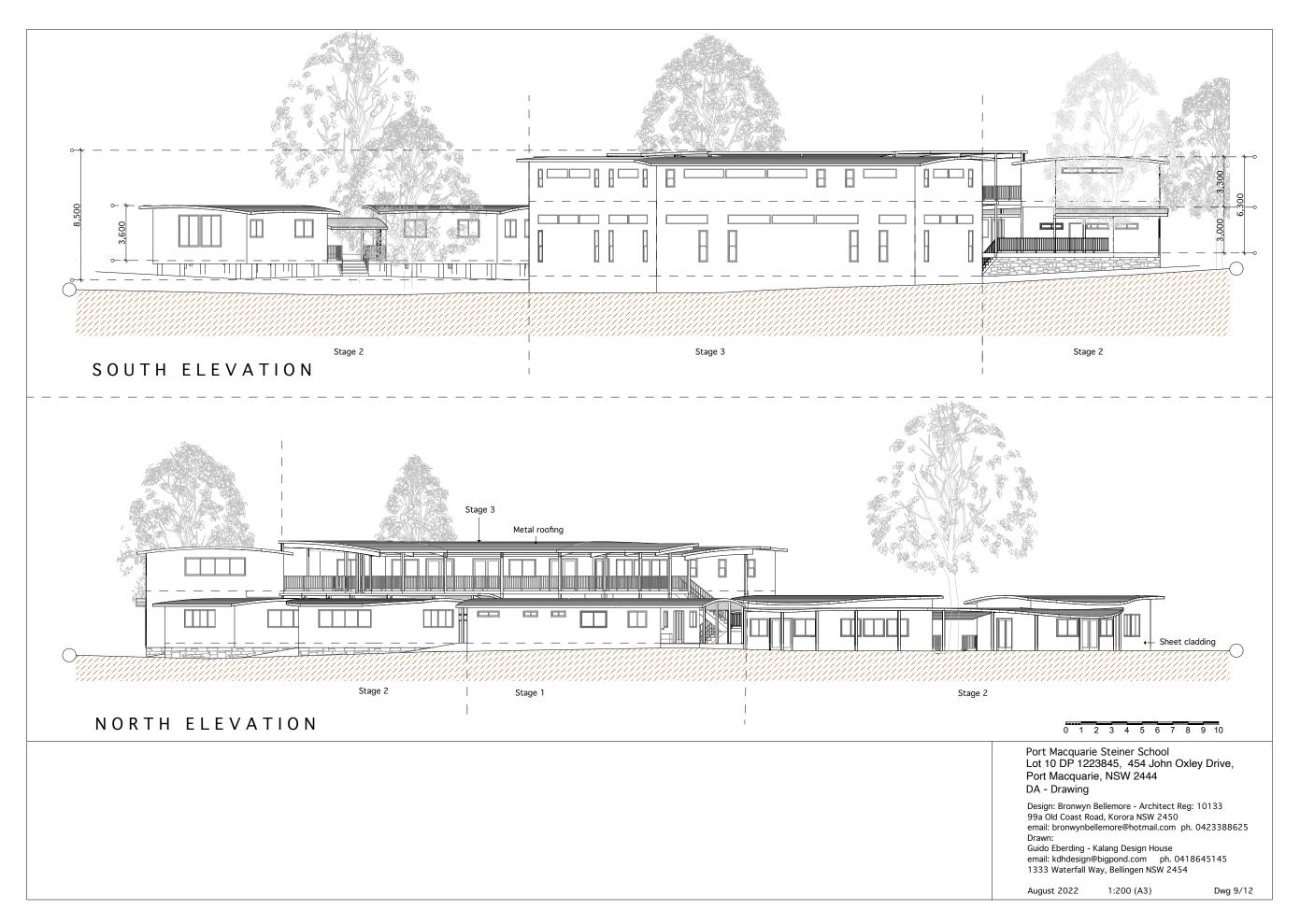




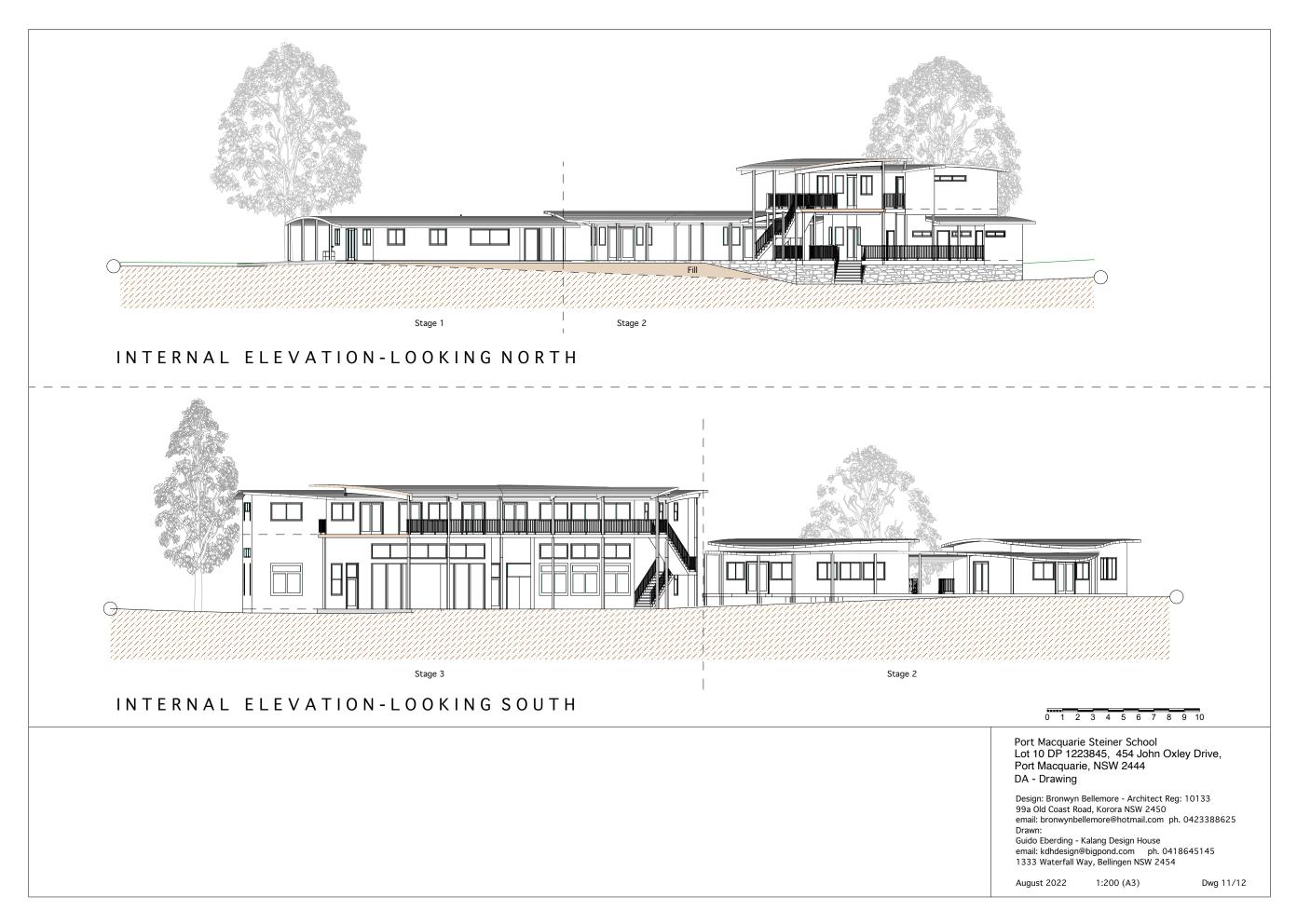


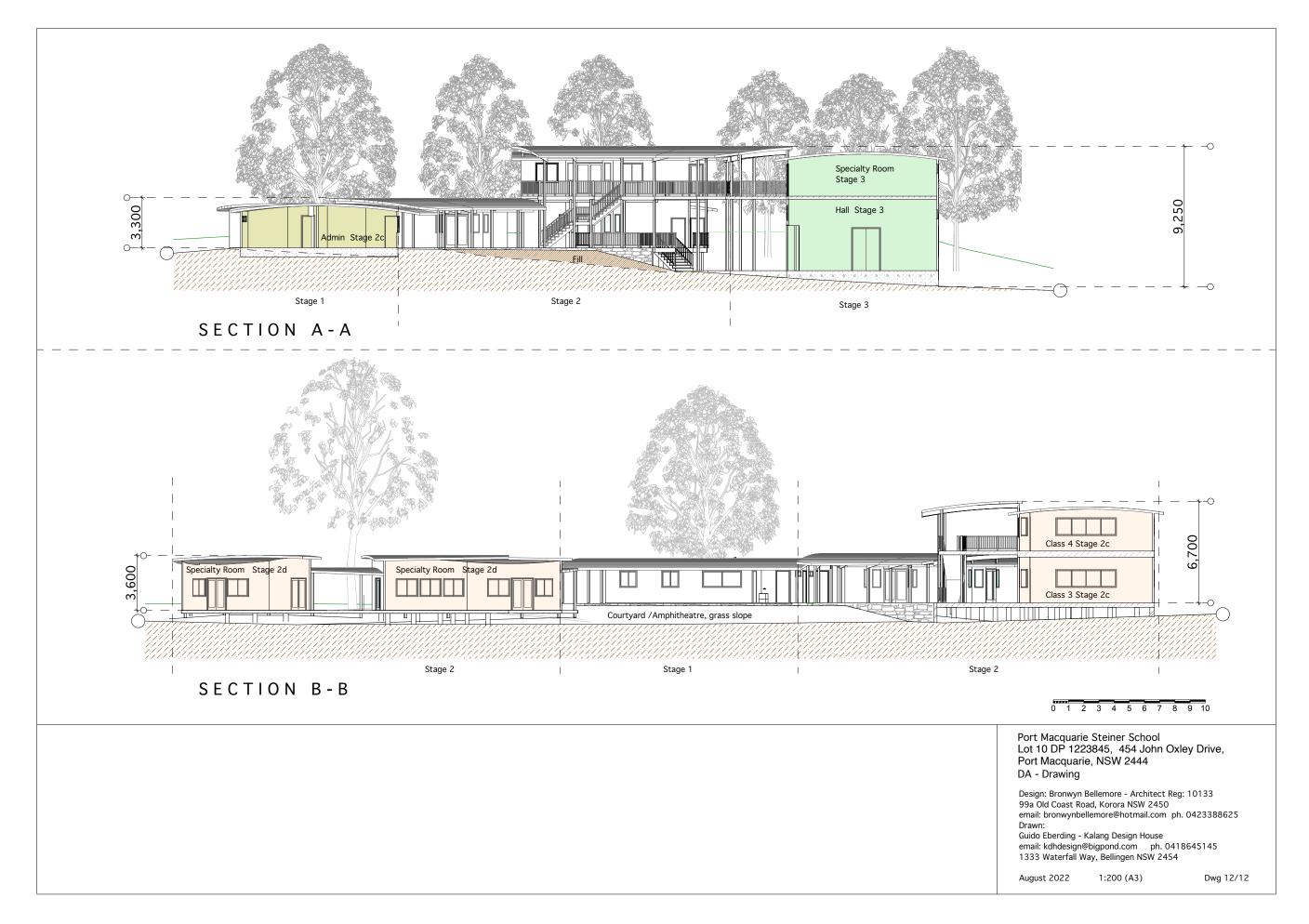


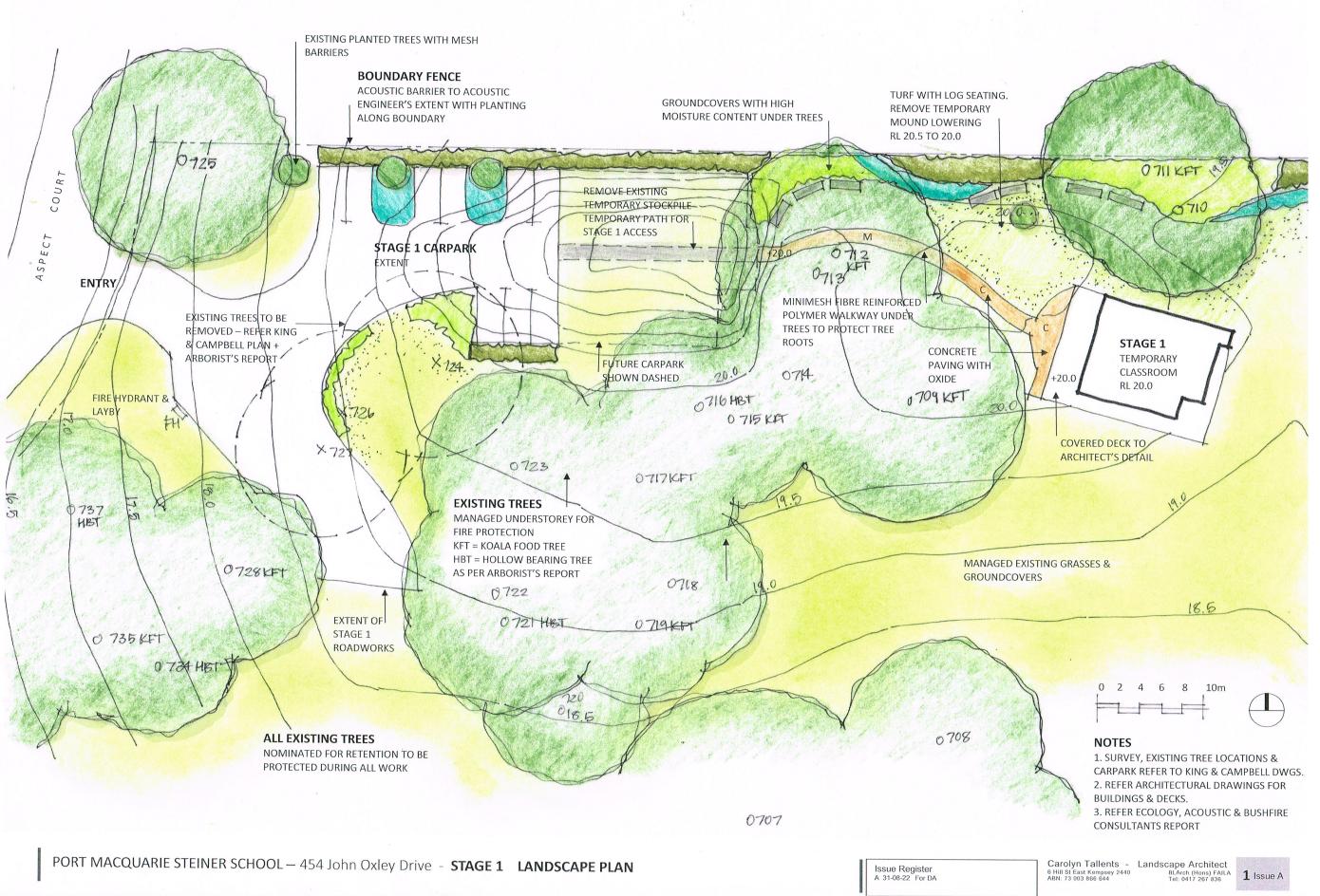


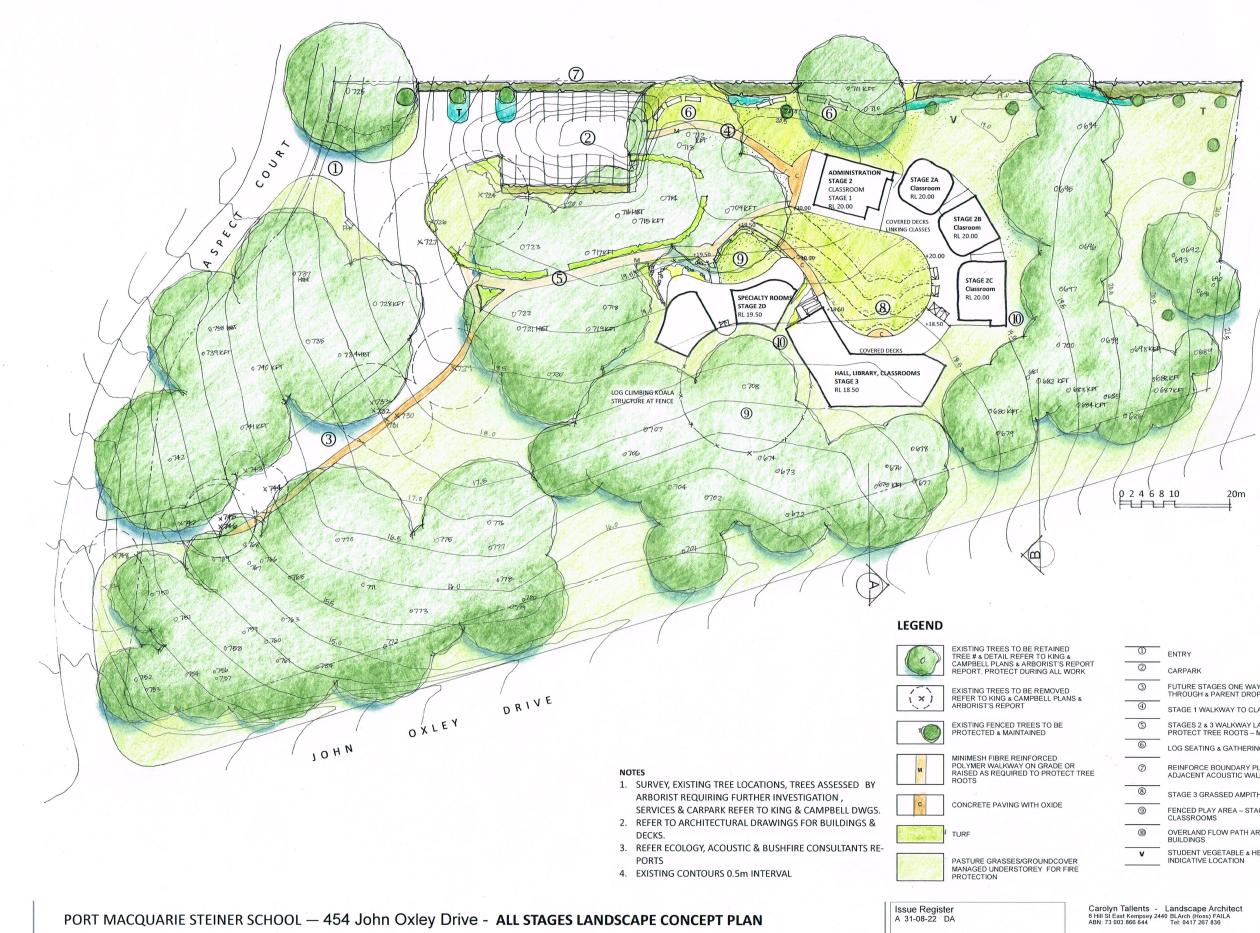














	0	ENTRY *
REPORT ORK	2	– CARPARK
IS &	3	- FUTURE STAGES ONE WAY DRIVE THROUGH & PARENT DROP OFF
io u	4	STAGE 1 WALKWAY TO CLASSROOM
	5	- STAGES 2 & 3 WALKWAY LAID TO PROTECT TREE ROOTS – MINIMESH
	6	LOG SEATING & GATHERING SPACE
R T TREE	0	- REINFORCE BOUNDARY PLANTING ADJACENT ACOUSTIC WALL- EXTENT TO ENG.
	8	- STAGE 3 GRASSED AMPITHEATRE
	9	– FENCED PLAY AREA – STAGE 3 CLASSROOMS
	10	- OVERLAND FLOW PATH AROUND BUILDINGS
ER	v	STUDENT VEGETABLE & HERB GARDENS INDICATIVE LOCATION
RE		



PLANT LIST - STEINER SCHOOL

		Height		
Botanic Name	Common Name	at	Container	Notes
		Maturity	Size	
TREES				
Eleaocarpus eumundii	Eumundi Quondong	5m	25 Litre	Fire retardant
Hymenosporum flavum	Native frangipanni	10m	5 Litre	Fire retardant
Podocarpus elatus	Plum Pine	8m	25 Litre	Fire retardant
Tristaniopsis laurina	Water Gum	7m	25 Litre	Fire retardant
SHRUBS & ACCENTS				
Austromyrtis dulcis	Midgen Berry	1.5m	5 Litre	Shade
Baeckia virgata (nana)	Baeckia	1m	5 Litre	Shrub beds
Cyathea cooperii	Tree fern	1.5m	25 Litre	Shade
Cordyline stricta	Palm Lily	1.5m	5 Litre	Shade
Doryanthes excelsa	Gymea Lily	2m	25 Litre	Entry
Hakea salicifolia	Pincushion hakea	3m	5 Litre	Screen
Leptospermum flavescens	s 'Cardwell"	2m	5 Litre	Screen
Melaleuca linarifolia 'Littl	'e Red'	1m	5 Litre	Shrub beds
Melaleuca thymifolia	Thyme Honey Myrtle	3m	5 Litre	Screen
Syzigium australe	Lilly Pilly	3-5m	5 Litre	Fire retardant
Westringia fruticosa "WE	SO4" PBR Grey Box TM	0.5-1m	5 Litre	Grey foliage

CLIMBERS AND GROUNDCOVERS

Alpinia caerulea	Native Ginger	1m	2.5 Litre	Dry creek bed
Asplenium nidus	Birds nest fern	0.6m	5 Litre	Shade
Brachyscombe multifida	Seaside daisy	0.5m	2.5 Litre	Flowering accent
Carex appressa	Tall Sedge	0.6m	Virotube	Dry creek bed
Dianella 'Little Jess'	Flax lily	0.4m	2.5 Litre	Edge plant
Dianella 'Silver streak'	Variegated flax	0.5m	2.5 Litre	Variegated
Ficinia nodosa	Club Rush	0.6m	Virotube	Dry creek bed
Hardenbergia 'Meema'	False Sarsparilla	0.4m	2.5 Litre	Ground cover
Hardenbergia violacea	False Sarsparilla	1m	2.5 Litre	Climber
Hibbertia scandens	Guinea flower	0.5-3m	2.5 Litre	Ground & Climber
Juncus usitatus	Common Rush	0.7m	Virotube	Dry creek bed
Lomandra 'Shara'	Lomandra	0.4m	Virotube	Edges
Lomandra longifolia 'Katrii	nus' PBR	0.8-1m	2.5 Litre	Edge to path
Lomandra hystrix	Lomandra	1-1.5m		Edges
Myoporum parvifolium	Yareema	0.1m	2.5 Litre	Groundcover
'PARV01'				
Viola hederacea	Native violet	0.1m	2.5 Litre	Shade

VEGETABLE AND HERB GARDENS

Select species to be planted by students and teachers in classroom outdoor activities. Areas to be contained in defined planting beds. Possible mobile planters to allow for adjustment for seasonal solar access, and as building stages develop. Plants selected from indicative species listed below Fruit trees: Such as finger lime, orange, mandarin, lemon

Herbs: eg. Rosemary, thyme, basil, mint

Vegetables: Pak choy, spinach, snow peas, cherry tomato, cucumber, lettuce varieties





MATERIALS

S Felled logs reused for seating, set in planting, for play & to reinforce habitat

O Indicative design for swings using log support frames $\bigodot{}$ Mobile timber planters- eg for vegetable/herb gardens for Stage 1





PORT MACQUARIE STEINER SCHOOL – 454 John Oxley Drive - LANDSCAPE FINISHES AND PLANT LIST

Issue Register 1 25-08-22 Preliminary A 31-08-22 DA

DEVELOPMENT ASSESSMENT PANEL 06/03/2024

All planting to be maintained & selected to ensure fire hazard is not increased

D² Minimesh fibre reinforced polymer walkways to protect tree roots. Lay on grade where possible over no fines aggregate on top of existing ground. Raise where necessary on low boardwalk.

3 Concrete oxided paving- eg of potential patterns



 Carolyn Tallents
 Landscape Architect

 6 Hill St East Kempsey 2440
 BLArch (Hons) FAILA

 ABN: 73 003 866 644
 Tel: 0417 267 836

 Tel: 0417 267 836
 Tel: 0417 267 836

3 Issue









Developer Charges - Estimate

	Applicants Name: Port Macquarie Steiner Limited Property Address: 456 John Oxley Drive, Thrumster Lot & Dp: Lot(s):10,DP(s):1223845 Development: School				PORT MACQUARIE HASTINGS 154 2022 262 01
	Water and Sewerage Headworks Levies are levied under S64 of the Other contributions are levied under Section 7.11 of the Environmental Plan				
	Levy Area	Units	Cost		Estimate
1	Water Supply	2.838	\$11,993.00	Per ET	\$34,036.10
2	Sewerage Scheme Port Macquarie	3.038	\$4,550.00	Per ET	\$13,822.90
3	N/A				
4	N/A				
5	N/A	\top			
6	N/A				
7	N/A				
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9	N/A N/A Not for Payme				
10	N/A				
11	N/A				
12	N/A				
13	N/A				
14	S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 3,678,568		\$36,785.00
15	Admin General Levy - Applicable to Consents approved after 11/2/03	Con	tribution Not App	plicable	
16					
17					
18					
	Total Amount of Estimate (Not for Payment Purposes)				\$84,644.00

DATE OF ESTIMATE:

26-Feb-2024

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

arie Steiner Limited, 456 John Oxley Drive, Thrumster, 26-Feb-2024.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item 06 Attachment 3 Item: 07

Subject: DA2019 - 917.2 SECTION 4.55 MODIFICATION TO ALTERATIONS AND ADDITIONS, CONSTRUCTION OF SECONDARY DWELLING, SWIMMING POOL AND TENNIS COURT TO INCLUDE TENNIS COURT LIGHTING AT LOT 12 DP707776, NO. 12/12A LINKS CRESCENT, PORT MACQUARIE

Report Author: Development Assessment Planner, Fiona Tierney

Applicant:	S J Ritchie & C A Sylow
Owner:	S J Ritchie & C A Sylow
Estimated Cost:	\$2000
Parcel no:	12488

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019 - 917.2 for a section 4.55 modification to alterations and additions, construction of secondary dwelling, swimming pool and tennis court to include tennis court lighting at Lot 12, DP 707776, No. 12/12A Links Crescent, Port Macquarie, be determined by granting consent subject to changes to the following conditions:

- Amend current condition F(7):Any court lighting shall not cause overspill of light (or be directed into) adjoining properties. Suitable light hoods are to be provided are to be installed which screen the LEDs so they are not visible from any adjoining habitable window and to ensure no nuisance is created. Lights are to be in operation only whilst the court is in use.
- 2. Add new condition E(9): Three (3) hedge type screening plantings (Lilli Pilli or similar with a minimum mature height of 4m) are to be planted are to be installed within 3 months of this modification consent and maintained adjoining the western boundary as marked on the approved site plan.
- 3. Amend condition A(1) to include reference to the modified plan to be approved.

Executive Summary

This report considers an application for a modification to alterations and additions, construction of secondary dwelling, swimming pool and tennis court to include tennis court lighting at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.



Following exhibition of the application, 5 submissions were received.

The site is considered to remain suitable for the modified 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 application be approved subject to the above recommended condition changes. The current approved Consent is attached (Attachment 1).

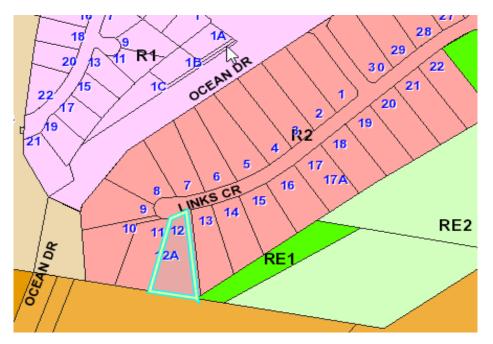
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because 3 or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 4404m².

The site is zoned R2 Low Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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





2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Existing approved tennis court, swimming pool, alterations and additions and secondary dwelling.
- Continued use of light poles and provision of lighting units. The lighting units have not yet been installed and are proposed to be installed at a future date.
- Re-siting of approved pergola beside tennis court (this is exempt size and not considered necessary to be part of this application)

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

Application Chronology

- 19 December 2023 Modification application lodged with Council.
- 27 December 2023 to 14 January 2024 Neighbour notification of original modification proposal.
- 2 January 2024 Additional information requested- modification form and SOEE.
- 10 January 2024 Additional week granted for submissions to 22 January 2024.
- 9 February 2024 additional information submitted lighting units and light spill details.
- 14 February 2024 Additional information submitted to address proposed additional landscaping.

3. STATUTORY ASSESSMENT

The application has been lodged pursuant to Section 4.55(1A) on the basis that it is substantially the same development to that which was originally lodged and consented and will have minimal environmental impact (Attachment 3).

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modifications into Section 4.55(1) for modifications involving minor error, mis-description or miscalculation, Section

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DEVELOPMENT ASSESSMENT PANEL 06/03/2024

4.55(1A) for modifications involving minimal environmental impact and Section 4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented.

In determining the modification 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 modification application relates:

Section 4.55(1A)(a) Satisfied that the proposed modification is of minimal environmental impact?

The proposal is sufficiently consistent with the original development consent. The modification does not radically transform the approved development as modified and is of minimal environmental impact.

Section 4.55(1A)(b) Is the proposal substantially the same?

The applicant has submitted details during assessment of the application that the modified proposal is substantially the same development to that originally approved for the following primary reasons:

- The overall development remains for residential additions, secondary dwelling, swimming pool and tennis court purposes;
- The development is still for the same use with no material element of change with no additional land use or varying component added;
- The modification does not radically transform the approved development and the key issues relating to the lot layout, acoustic and aesthetic impacts, ecological impacts, and bushfire remain satisfactory and manageable.

Having regard to guidance principles set out in NSW Land and Environment Court caselaw *Moto Projects (No 2) Pty Ltd v North Sydney Council 1999,* the above general justification details submitted are considered acceptable to be satisfied that the proposal is substantially the same development. A comparison of the qualitative and quantitative elements of the original approved proposal to the modified proposal (as amended) reveals the proposal will present materially and essentially as a residential and ancillary development in the same general building footprint and associated works.

Section 4.55(1A)(c) Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?

Neighbour notification has been undertaken in accordance with the regulations and Council's Development Control Plan 2013. Extensions of time have been granted to provide neighbours greater opportunity to review the information provided.

Section 4.55(1A)(d) Any submissions made concerning the modification

Five (5) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

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PORT MACQUARIE HASTINGS c o u n c i l

Not aware that secondary dwelling	There are 2 addresses allocated
creates two addresses.	automatically under Council's GIS
Misunderstanding that granny flat and	system. It does not alter the nature of
secondary dwelling are different types of building.	the development or the permissible use.

Section 4.55(3) Any matters referred to in section 4.15(1) relevant to the modification, and the reasons given by the consent authority for the grant of the consent sought to be modified.

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

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

- Clause 2.2 The subject site is zoned R2 Low Density Residential.
- The objectives of the R2 Zone is as follows:
 - To provide for the housing needs of the community within a low-density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of the land.
- In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - The provision of the tennis court and lighting will provide for efficient use of the site and provide facilities that support the needs of the residents.
- Clause 4.3 Light poles are below the 8.5m height limit applying to the area at 7m. Poles are sufficiently unobtrusive and given distances, dimensions and colour are not likely to impact adversely on surrounding occupied premises.
- Clause 5.10 The site does not contain or adjoin any known heritage items or sites of significance. The site is also disturbed from past activities/works on-site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

No additional specific items of the DCP apply to the provision of tennis court lighting.

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

Context and Setting

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

The site contains an existing approved tennis court. During construction, 4 light poles were provided. The certifier for the project issued a works order for non-compliance with the approved plans and the applicant has submitted a modification to seek



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DEVELOPMENT ASSESSMENT PANEL 06/03/2024

approval for continued use of the light poles and allow for future installation of lighting units if and when this is desired.

The modified 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 significant adverse lighting impacts subject to compliance with the approved conditions.

The precinct is characterised by larger lots that encourage greater use of the site for larger scale dwellings and associated recreational structures. It also enables significant landscape opportunities and ability for wider separation distance between neighbouring occupied dwellings. It is typical for allotments to have a dwelling and swimming pool. A significant number also have a secondary dwelling and a tennis court.

Tennis Court Guidelines

Tennis courts in large lot residential subdivisions are quite common and a review of the existing precinct indicates a significant percentage of the lots in the subject subdivision do have a tennis court.

See diagram below (applicant supplied) that generally indicates location of approved tennis courts in the precinct. (Noting one has been removed since this photo) Image 1: Google Maps with location of tennis courts identified



Council's Local Environmental Plan and DCP do not currently specifically stipulate requirements for tennis courts in relation to construction or lighting of courts.

A desktop review of a selection of existing tennis courts in the PMHC area indicates that the majority of assessments and consents apply a restriction on lighting that includes protective hoods to limit light overspill and shield glare when viewed from neighbouring occupied dwellings. Lighting is generally restricted to start 7.30/8am and cease 10/10.30 pm.





The existing consent limits operation 8am to 10pm, prohibits commercial use and offensive noise. Hoods have been recommended to be installed in any future lighting in the current conditions. It is recommended the condition be reworded to encompass the current proposal.

A number of published standards exist to provide relevant guidance for assessment purposes on merit. Extracts are provided below;

1. "CODE OF PRACTICE FOR ILLUMINATION OF RESIDENTIAL TENNIS COURTS Published by SAPIA)

Light Spillage and Glare The level of light emanating outside the property shall not exceed an illumination level of 12 lux nor an average of 10 lux when measured 3 metres outside the property boundary. The light fittings must be baffled to ensure that a light source is not directly visible from the habitable room window of an adjoining property. All light readings are to be taken in a horizontal plane at a height of 1000mm above ground level. Operating Hours Courts must not be illuminated after 10.30 p.m. nor before 7.30 a.m.

2. PRIVATE TENNIS COURT CODE OF PRACTICE (Published by Department of Infrastructure VIC 1999)

ELEMENT 5

ILLUMINATION

E5.1 Considerations

The provision of tennis court lighting increases the potential to affect the amenity of adjoining areas by glare, appearance and noise.

Lighting systems should achieve acceptable levels of spillage control and their use must not cause an unreasonable invasion of privacy.

Matters to be considered include:

- the height and placement of lighting fixtures;
- the proximity of adjoining dwellings and secluded private open spaces;
- the intensity of light and its reflection; and
- design and appearance of lighting fixtures.

E5.2 Objectives

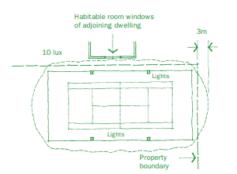
To prevent excessive light spillage and other effects from detrimentally affecting the amenity of dwellings on adjoining properties.

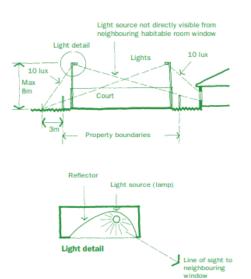
E5.3 Performance requirements

E5.3.1 Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.

E5.3.2 Any lighting system must:

- comply with the 'Residential Tennis Court Lighting Code' produced by the Tennis Court Builders Association of Australia;
- be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling;
- use light poles which are not more than 8 metres above the court surface; and
- be certified after installation by a qualified lighting engineer.





E6.3 Performance requirements The court must not be used for commercial purposes such as professional tennis coaching or court hire. The court must not be used between 10.30pm and 7.30am. No mechanical equipment such as ball throwing machines may be operated between 7pm and 8am"

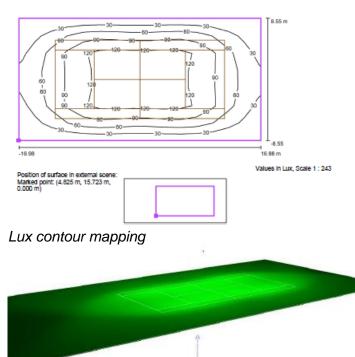
The original consent conditions comply with these recommended code of practice documents.

The applicant has also clarified the type of lighting proposed and have submitted a report to address potential light overspill to neighbouring properties.

The report has been prepared by DIALux (The lighting manufacturer). Given the substantial distances (approx. 65 metres) between the nearest habitable window, the lux levels will be well within the recommended limits. These levels are without hoods or baffles and the hoods will ensure the light source is not visible from any habitable area of the adjoining dwellings. See diagrams below.



Area: / Tennis Court / Isolines (E, Perpendicular)



Conceptual lighting image

Further discussions with the applicant and the neighbours have also identified that additional screen planting will also assist with visual screening. The applicant has agreed to reinforce the vegetation along the western boundary with Lilli Pilli species. It is also recommended that a condition be applied to require this to be installed and maintained.



Looking North West from tennis court

In consideration of the development the ancillary use is deemed as reasonable use of a standard residential allotment. In normal circumstances it is reasonable to consider construction of such elements as a swimming pool (or the like) and also associated activity (together with anticipated noise created by use and maintenance



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DEVELOPMENT ASSESSMENT PANEL 06/03/2024

of this element). In extrapolation of this concept it would also be reasonable to construct, on a larger allotment, a swimming pool and a tennis court for domestic residential use. It would also be considered acceptable to allow lighting of the court if it can be demonstrated that doing so would not impose a substantial or unreasonable impact to adjoining occupied premises.

Tennis courts have the potential to impact with lighting and noise (both playing and maintenance activities). Legislated noise restrictions are designed to limit loud (such as power tools) noises to cease around 8pm and general activity noises (such as music, air conditioners etc) to cease at 10pm. In this regard tennis courts are considered to fall into the general activity category. Discussions with Council's Environmental Health Officers indicate very few issues have occurred in the Council area relating to use of tennis courts, as neighbours are generally considerate, recreational times are limited, and conditions of consent relating to lighting and noise have effectively moderated the use.

The neighbours have raised significant concerns that the use will not be managed appropriately and have cited cases of suspected commercial use and consistent high levels of noise emanating from the property. Much of the noise described appears to be of an allowable domestic nature and possibly best dealt with through mediation channels and compliance subject to complying with the applicable conditions of consent. The applicant has reaffirmed the use of the court and lighting is for reasonable domestic purposes and suitable conditions have been applied to prevent commercial use.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation, does not trigger the thresholds and is also not located within a mapped Biodiversity Values area. Based on the above, the development is considered to be compliant with the Biodiversity Conservation Act 2016.

Noise and vibration

The application has been referred to Council's Environmental Health Officer who has concluded that the current conditions of consent impose reasonable limitations in term of illumination, use and hours of operation.

Bushfire

The site is identified as being bushfire prone however the proposed lighting will not result in any changes to asset protection zones or construction requirements.

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

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

Site constraints have been adequately addressed and appropriate conditions maintained and modified as recommended.

(e) The Public Interest

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

Section 4.55(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Noted.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979.

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

The modified 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 modified proposal is considered to be in the public interest.



Attachments

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DEVELOPMENT ASSESSMENT PANEL 06/03/2024

1. Attachment 1 - Current Consent for DA2019 - 917.1 2. Attachment 2 - Plans 3. Attachment 3 - Section 4.55 Supporting Information



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Port Macquarie-Hastings Council PO Box 84 Port Macquarie NSW Australia 2444 DX 7415 e council@pmhc.nsw.gov.au

ABN 11 236 901 601



Our ref: 2019/917 PN: 12488

Draftworx Designs 4 Tallong Drive LAKE CATHIE NSW 2445

Dear Sir/Madam

Notice to applicant of determination of a development application under Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 and Section 99 of the Local Government Act 1993

Subject Development	Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool
Property Description	LOT: 12 DP: 707776, 12 Links Crescent PORT MACQUARIE
Applicant	Draftworx Designs

Notice is hereby given of the determination by the consent authority of your development application by granting of consent subject to the conditions detailed on the schedule attached to this notice.

Approvals under the Local Government Act, 1993

Local Government Act 1993 approvals granted under Section 4.12 of the Environmental Planning & Assessment Act 1979 are as follows: Nil

Notes to this consent

- 1. The date of determination is 6 February 2020.
- 2. The date from which this consent operates is 6 February 2020 and will lapse unless building, engineering or construction work or a use related to this consent is physically commenced within five (5) years of this date.
- 3. The period for which this consent can operate may be limited by conditions of this consent.

Yours sincerely

Frener Jeney

F Tierney Development Assessment Planner

pmhc.nsw.gov.au

PORT MACQUARIE OFFICE

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Item 07 Attachment 1 Port Macquarie-Hastings Council Page 2 of 6 Development Consent - Development Application 010.2019.00000917.001 Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2019/917 are as follows:

PRESCRIBED CONDITIONS

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

A - GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
SOEE		Craig Maltman	22/11/2019
Architectural Plans and Specifications	Proj. 1115SYL	Draftworx Designs	8/1/2020
BASIX	A364601 1061500S	Craig Maltman	22 November 2019
Bushfire Report/BAL Certificate		Krisann Johnson	5 Novemebr 2019

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

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

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

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Development Consent - Development Application 010.2019.00000917.001 Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool

- Building waste is to be managed via an appropriate receptacles into separate waste streams;
- 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B195)The existing sewer manhole lid shall be raised to be made compliant with Council's Auspec Specifications Standard Drawing ASD504.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- i. Footway and gutter crossing
- ii. Functional vehicular access
- (4) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.

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

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Port Macquarie-Hastings Council Page 4 of 6 Development Consent - Development Application 010.2019.00000917.001 Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool

- 1. Sewerage reticulation.
- (6) Design specifications of the tennis court, including drainage, are to be provided with the application for the construction certificate. The court shall be designed as to not concentrate stormwater flows or discharge to adjoining properties.

C - PRIOR TO ANY WORK COMMENCING ON SITE

(1) (C013)Where a sewer manhole and/or Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D - DURING CONSTRUCTION

- (1) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (2) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (3) (D017) In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
 - Bears a notice containing the words "This swimming pool is not to be occupied or used", and
 - (b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
 - (c) Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.
- (4) (D000) Any excess fill is to be disposed of at an approved location or taken to an approved waste management facility.
- (5) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

E - PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

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

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Port Macquarie-Hastings Council

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Development Consent - Development Application 010.2019.00000917.001 Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool

- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed. (E051) Prior to occupation or the issuing of any Occupation Certificate a section (4)68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council. (5)(E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations. (6) (E021) The pool is to be fenced in accordance with the Swimming Pools Act, 1992. (E056) A Certificate of Compliance under the provisions of Section 307 of the (7)Water Management Act must be obtained prior to the issue of any occupation certificate. Two semi mature Eucalyptus pilularis (Blackbutt) are identified for removal. (8) Approval is granted subject to replacement offset planting on site of 4 Koala Food Trees (minimum 75 litre stock) prior to issue of the occupation certificate. F - OCCUPATION OF THE SITE (F004) The dwelling is approved for permanent residential use and not for (1)short term tourist and visitor accommodation. (F027) The swimming pool filtration motor shall be operated between the (2)following hours only: Monday to Friday (other than a public holiday) 7.00 am - 8.00 pm Saturday to Sunday and Public Holidays 8.00 am - 8.00 pm Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit. (F035) The consent only permits the use of the main building as a single (3) dwelling and does not permit the adaption or use of the building so as to create a second occupancy. The secondary dwelling is confined to the upper level above the existing (4)garage associated with the primary dwelling. The tennis court is not to be used for commercial purposes. (5)
 - (6) Offensive noise shall not be generated as a result of the operation of the development.
 - (7) Any court lighting shall not cause overspill of light (or be directed into) adjoining properties. Suitable light hoods are to be provided where necessary to ensure no nuisance is created and are to be in operation only whilst the court is in use.
 - (8) Hours of operation of the tennis court is restricted to the following hours:
 8.00 am to 10.00 pm Mondays to Sundays

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Port Macquarie-Hastings Council Page 6 of 6 Development Consent - Development Application 010.2019.00000917.001 Alterations and Additions to Dwelling, Construction of Secondary Dwelling, Tennis Court and Swimming Pool

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

Rights of Appeal

If you are dissatisfied with this decision:

- 1. A request for a review of the determination may be made to Council, under the provisions of Section 8.3 of the Environmental Planning and Assessment Act 1979.
- 2. Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

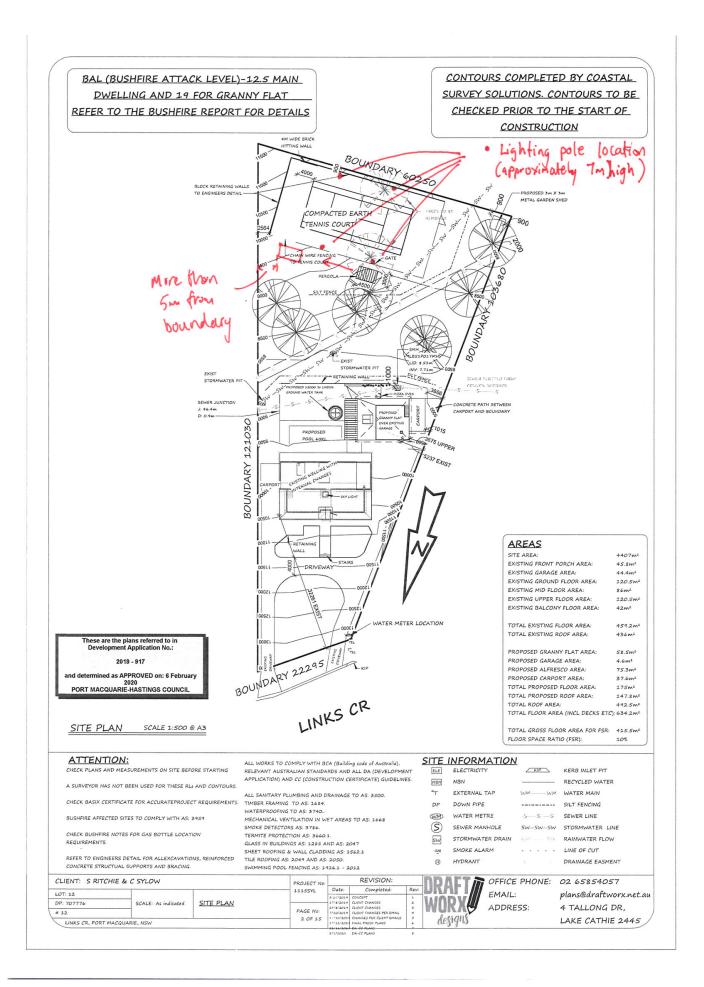
Yours sincerely

Franci Jeney

F Tierney Development Assessment Planner

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Item 07 Attachment 1



PORT MACQUARIE-HASTINGS

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Port Macquarie-Hastings Council PO Box 84 PORT MACQUARIE NSW 2444 **p** (02) 6581 8111 • council@pmhc.nsw.gov.au

Modification of Development Consent (Section 4.55) Supporting Information

NOTE: It is a requirement that this form is submitted with all modification applications under Section 4.55 of the *Environmental Planning and Assessment Act* 1979.

Please complete this supporting information document, and include this with your application documents when submitting your modification application via the Planning Portal.

Council cannot accept modification applications that relate to building works that have been finalised through the issue of an Occupation certificate.

Privacy

The personal information that Council is collecting from you on this application is personal information for the purposes of the Privacy and Personal Information Protection Act, 1998 (PPIPA). Council will use the information and materials provided for notification and advertising purposes, and materials provided with this development proposal will be made available to the public for inspection and copying at Council's Customer Service Centre's and on the website at: www.pmhc.nsw.gov.au/applicationtracker.

Copyright

The Government Information (Public Access) Act (GIPA) provides that anyone may inspect certain documents held by a council, including (among others) development applications and associated documents. It follows that anyone has a statutory right to inspect development application and associated documents, subject to GIPA, and to take away copies. A council complying with its obligation under GIPA does not breach copyright law.

However, a person who through this process obtains a copy of survey or other plans subject to copyright would be in breach of copyright law if those plans were later used in a way adverse to the interest of the holder of the copyright. For example, a person who obtains a copy of the plans and specifications for a building the subject of a development application would breach copyright law if those plans and specifications were used without the copyright holder's consent as the basis for another development proposal on a different parcel of land. Liability in such a case would rest with the person who committed the breach.

If you do copy, reproduce, republish, upload to a third party, transmit or distribute in any way plans, building specifications or other documents subject to copyright, contrary to the provisions of the Copyright Act 1968 (Cth) you will be taken to have indemnified Port Macquarie-Hastings Council against any claim or action in respect to breach of copyright.

1. PLANNING PORTAL APPLICATION INFORMATION

Please provide the planning portal application reference number and Council Development Application Reference number:

PAN-395394, PAN-395395, DA 2019/917

2. PLEASE CONFIRM THE PROPERTY DETAILS FOR THE PROPOSED DEVELOPMENT

Lot:	12	DP/SP:	DP 707776	Section:	
Property Ad	dress	12 Links (Crescent, Port Macquari	e, NSW, 24	144

DP = Deposited Plan

SP = Strata Plan

3. PLEASE PROVIDE JUSTIFICATION FOR THE TYPE OF MODIFICATION APPLICATION THAT HAS BEEN REQUESTED VIA THE PLANNING PORTAL (APPLICATION NUMBER REFERENCED ABOVE)

To add lights to the tennis court and move pergola slightly from location drawn on plans

NOTE: It is a requirement that all proposed modifications are clearly indicated on the plans (E.g. highlighted or overlayed).

Do the modifications relate to works that have been commenced or completed?

Yes	No 🖌
An application for a Building Information Certificate may also be required.	
We recommend that you contact Council's Duty Planner prior to submitting your modification application.	

4. SUBSTANTIALLY THE SAME TEST

Section 4.55 of the Environmental Planning and Assessment Act 1979 states that the consent authority must be satisfied that the development to which the consent as modified relates, is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

Will the modifications result in substantially the same development as approved?

If you answered no, Council cannot accept your application as a modification and a new development application is required. If you are unsure, you should discuss your proposal with the Duty Planner before lodging your modification application.

If yes, please describe, using dot points what the proposed changes are:

To add lights to the tennis court
To move pergola slightly Eastward (approximately 10m) from location drawn on plans to accommodate location of existing landscape. Size unchanged.

5. BASIX

A new BASIX certificate must be submitted if the current BASIX certificate is no longer consistent with the proposed development.

Please include an amended BASIX certificate with the application submitted in the planning portal?

Comments

N/A

6. BUSHFIRE

An amended Bushfire Risk Assessment must be submitted if the current Bushfire Risk Assessment is no longer consistent with the proposed development.

Please include an amended bushfire risk assessment with the application submitted in the planning portal.

Comments

N/A

7. OTHER INFOMRATION REQUIREMENTS

- If a Construction Certificate has already been issued, you will be required to modify your construction certificate also.
- An amended Statement of Environmental Effects or other specialist reports, such as Flora Fauna, Noise or Wastewater, may also be required.
- If you proposed any variations to development controls, other than those previously approved, you will be required to submit a written justification demonstrating that the proposal will meet the objectives of the DCP.
- Prior to submitting your modification application, please ensure you consider the requirements of Clause 115 of the *Environmental Planning and Assessment Regulation 2000*