

Development Assessment Panel

Business Paper

date of meeting: Wednesday 5 February 2025

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

time: 2:00 PM

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	6/03/24	5/06/24	17/07/24	16/10/24	20/11/24	11/12/24
David Crofts (Independent Chair)			✓	A	✓	✓
Chris Gee (Independent Member)	✓	✓		✓	✓	
Michael Mason (Independent Member)	✓	✓	✓	A	A	A
Dan Croft (Group Manager Development Services)	✓	✓		✓	✓	✓
Tony McNamara (Independent Member)	✓	✓	✓	✓		✓
Other attendees						
Melissa Watkins (Director Community, Planning and Environment)						
Grant Burge (Development Engineering Coordinator)	✓	✓	✓	✓	✓	✓
Kerrod Franklin (Acting Development Engineering Coordinator)						
Patrick Galbraith-Robertson (Development Planning Coordinator)		✓				✓
Steven Ford (Development Assessment Planner)					✓	
Chris Gardiner (Development Assessment Planner)	✓				✓	✓
Vanessa Penfold (Development Assessment Planner)		✓		✓		✓
Clinton Tink (Development Assessment Planner)						
Jon Power (Act Development Engineer Coordinator)						
Beau Spry (Development Assessment Planner)						
Ben Roberts (Development Assessment Planner)					✓	
Kate Kennedy (Building Surveyor)						
Warren Wisemantel						
Bob Slater (Development Assessment Planner)						
Alton Dick (Stormwater Engineer)						
Fiona Tierney (Development Assessment Planner)	✓		✓			
Nicholas Powers (Development Assessment Planner)	✓					

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

Development Assessment Panel

Meeting Dates for 2025

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

Development Assessment Panel Meeting

Wednesday 5 February 2025

Items of Business

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AGENDA

DEVELOPMENT ASSESSMENT PANEL 05/02/2025

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 11 December 2024 be confirmed.

PRESENT

Members:

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

Other Attendees:

Grant Burge (Development Engineering Coordinator)
Pat Galbraith-Robertson (Development Assessment Planning Coordinator)
Vanessa Penfold (Development Assessment Planner)
Chris Gardiner (Senior Development Assessment Planner)
Hamish Tubman (Councillor)

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Michael Mason be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 20 November 2024 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2018 - 58.2 - SECTION 4.55 MODIFICATION TO DESIGN OF PREVIOUS APPROVED RESIDENTIAL FLAT BUILDING INCLUDING SWIMMING POOLS AND STRATA SUBDIVISION AT LOT:6 SEC:60A DP:758842, NO. 4 CLARENCE STREET, PORT MACQUARIE

Speakers:

Greg Hollis (opposing the application)
Peter Tse (opposing the application)
Marcus Graham (applicant)

CONSENSUS:

That the Section 4.55 modification to DA2018 - 58.2 for a modification to design of previous approved residential flat building including swimming pools and strata subdivision at Lot 1, DP 1083291 & Lot 6 Section 60A DP 758852, No. 4 Clarence Street, Port Macquarie, be determined by granting consent subject to the changes to the following consent conditions:

1. Condition A(1) to reflect the modified plans, landscaping plan, strata subdivision, revised BASIX certificate
2. Additional condition prior to release of construction certificate to read:

Amended Plans

Prior to issue of the construction certificate amended plans are to be submitted to provide for an extension of the solid eastern balcony wall for the top 2 floors of the building for the length of the internal part of the planter box (i.e approximately 700mm extension). Privacy screening on the front balconies of the 2 eastern most units on the top 2 floors is to be reversed as the screening stacks to the eastern end of the balcony, not the western end.

Reason: To improve privacy between the adjoining building.

06 DA2023 - 716.1 RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO PORT MACQUARIE-HASTINGS LEP 2011 CLAUSE 4.3 (HEIGHT OF BUILDINGS) LOT:1 DP:230726, NO.7 SCHOOL STREET, PORT MACQUARIE, INCLUDING WORKS TO ADJOINING BUILDING AT NO.9 SCHOOL STREET, PORT MACQUARIE

Speakers:

Tony Thorne (opposing the application)
Wayne Ellis (applicant)
David Pensini (applicant)

CONSENSUS:

That Development Application 2023 - 716 for a Residential Flat Building and Strata Subdivision including Clause 4.6 Variation to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 230726, No. 7 School

Street, Port Macquarie, and works to the adjoining building at Lot 2 DP230726, No.9 School Street, Port Macquarie, be recommended to Council for consent subject to the recommended conditions.

Additional general condition to read:

Protection of adjoining buildings

The proponent is required to protect and support the existing party wall, garage and covered deck on No. 9 School Street whether or not the excavation on No. 7 extends below level of the base of the footings of those structures and that structural design details of the manner in which the existing structures on No. 9 School Street are to be protected and supported are to be provided to the owners of No. 9 School Street prior to the issue of a Construction Certificate.

Reason: To protect adjoining buildings.

Additional Condition under before demolition work:

Protection of adjoining buildings

The owner of No. 9 School Street is to be provided a minimum of 14 days' notice prior to the commencement of any demolition work approved by the development consent. The preconstruction dilapidation report and the structural engineering design advice containing details of the manner in which the existing party wall, garage and covered deck on No. 9 School Street will be protected and supported is to be provided to the owner of No. 9 School Street 14 days prior to the commencement of any demolition work involving the existing No. 7 garage attached to the party wall.

Reason: To protect adjoining buildings.

Additional Condition prior to release of construction certificate:

Structural engineering detail

Prior to Issue of a Construction Certificate structural engineering design advice containing details of the manner in which the existing party wall, garage and covered deck on No. 9 School Street will be protected and supported during works along and adjacent to the common boundary with No. 7 School Street is to be provided to the owner of No. 9 School Street prior to issue of the Construction Certificate. Note: landowner consent from No. 9 School Street is required prior to commencement of any work on the existing party wall or any of the structures on No. 9 School Street and their footings.

Reason: To protect adjoining buildings.

Amend condition 9 prior to release of construction certificate:

Dilapidation report

Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a professional registered engineer for buildings/structures on adjoining properties. Such report shall be furnished to the Principal Certifier. The preconstruction dilapidation report is also to be provided to the owners of 9 School Street prior to the issue of the Construction Certificate.

Condition Reason: To protect nearby building assets.

Additional condition during building work:

Protection of Adjoining buildings

Details of the provisions for the support of the structures on No. 9 to be provided to the owners of No. 9 School Street.

Reason: To protect adjoining buildings.

07 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

Speakers:

Seth Vagg (opposing the application)
Margaret Fettell (opposing the application)
Scott Marchant (applicant)

CONSENSUS:

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.

08 GENERAL BUSINESS

Nil

The meeting closed at 3.55pm.

Item: 04

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - 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.
- 4.4 For the purposes of clause 4.3:
- Your "relative" is any of the following:
 - 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 adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
 - "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or 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.

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

AGENDA

DEVELOPMENT ASSESSMENT PANEL

05/02/2025

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the <i>identified land</i>)	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the <i>subject land</i>)² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019



Important Information

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

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

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

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

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

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

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

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

Item: 05**Subject: DA2024 - 819.1 CONSTRUCTION OF A PRIMARY DWELLING AND SECONDARY DWELLING AND CHANGE THE USE OF THE EXISTING PLACE OF PUBLIC WORSHIP BUILDING TO FORM PART OF THE PROPOSED PRIMARY DWELLING FLOOR AREA AT LOT 30 DP 710309, NO. 30 BAIN STREET, WAUCHOPE****Report Author: Development Assessment Planner, Clint Tink**

Applicant:	O S Pisanu
Owner:	O S Pisanu
Estimated Cost:	\$806,973.00
Parcel no:	936

Alignment with Delivery Program

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

RECOMMENDATION

That DA2024 - 819.1 for the construction of a primary dwelling and secondary dwelling and change the use of the existing place of public worship building to form part of the proposed primary dwelling floor area at Lot 30 DP 710309, No. 30 Bain Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for the construction of a primary dwelling and secondary dwelling and change the use of the existing place of public worship building to form part of the proposed primary dwelling floor area at the subject site. The development application also includes the demolition of the existing older dwelling/component of the place of public worship onsite to make way for the above works. The report steps through the assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, three (3) submissions were received.

Overall, 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 / refused for the following reasons. (Attachment 1).

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

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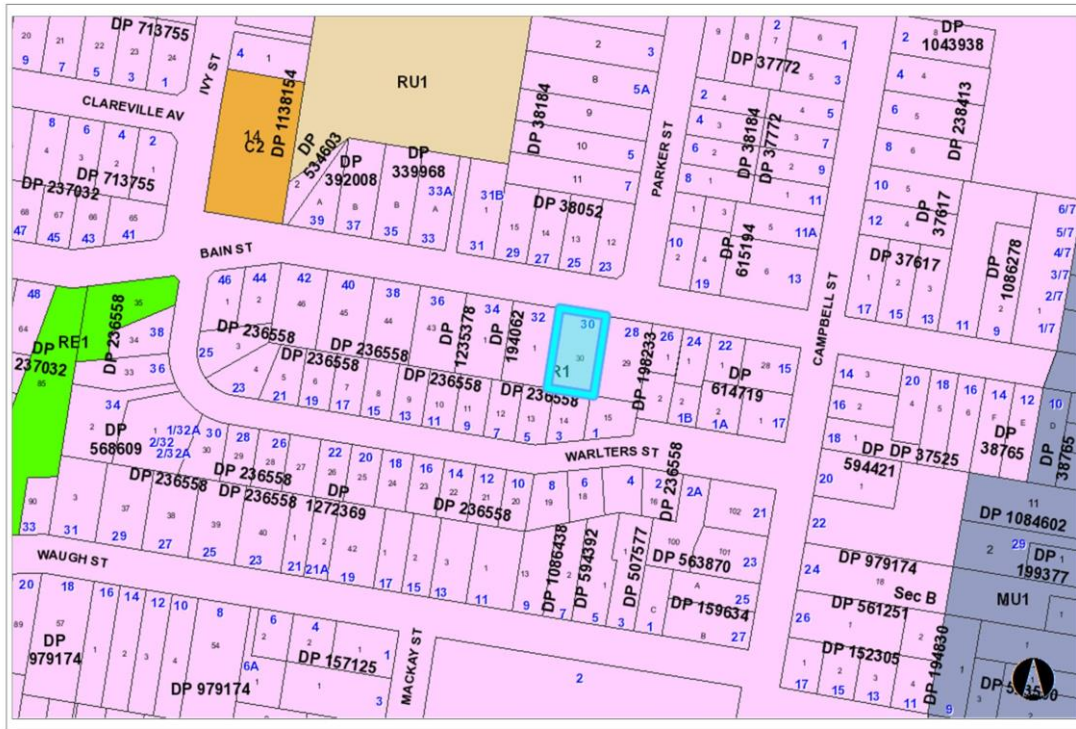
DEVELOPMENT ASSESSMENT PANEL 05/02/2025

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 1,066m².

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:

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 (Housing) 2021Chapter 3 Diverse Housing*Part 1 - Secondary Dwellings*

Clause 50 - The site is in a prescribed residential zone and secondary dwellings are permissible with consent pursuant to the SEPP and Port Macquarie-Hastings Local Environmental Plan 2011 (LEP).

Clause 51 - It is noted that the consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out. In this case, no subdivision is proposed so the development complies with such a clause.

Clause 52(2)(a) - As per the Clause, only a principal dwelling and secondary dwelling will result from the development on the land.

Clause 52(2)(b) - The total floor area does not exceed the maximum floor space ratio under the LEP. The proposal has a floor space ratio of approximately 0.33:1, whilst the LEP allows up to 0.65:1.

Clause 52(2)(c) - The proposed secondary dwelling would not have a floor area exceeding 60m² or that allowed under the LEP (see comments below under LEP).

Clause 53(2)(a) - It is noted that the site areas exceeds 450m² as per the non-discretionary development standard in the SEPP and Council is not imposing a more onerous site area requirement. Therefore, the Clause is complied with.

Clause 53(2)(b) - The number of parking spaces on the site will be less than that provided on the land before the development is carried out. This is due to the use onsite being downgraded from a place of public worship (higher parking demand) to a dwelling and secondary dwelling (lesser parking demand). In this case, the key is that the proposed parking (one space) meets the parking required by relevant planning controls for the new uses. As detailed later in this report, the proposed one (1) parking space achieves the required parking. Furthermore, the object of this Clause is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Therefore, the intent of the Clause is not being triggered or challenged.

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Based on the above, the requirements of this SEPP are therefore satisfied.

As a side note, some of the submissions questioned whether the development was proposed to be used as a group home for people with a disability. It is noted that this SEPP currently allows group homes as exempt and/or complying development in certain circumstances. However, at this stage the application before Council does not involve a group home, nor has the applicant applied for such a use. As Council cannot assess or determine an application based on suspicion, this report will focus on what has been applied for. Any future endeavour to use the premises as a group home will be subject to an assessment against the relevant planning controls in place at the time.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

Clause 4.4 - This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area. The site is zoned R1 General Residential so the SEPP requires consideration.

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 property is less than 1ha.
3. No significant vegetation removal proposed.
4. The site is not considered to be core koala habitat.
5. The development does not create any activities, structures or uses that would significantly conflict with koalas.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is located within a coastal environment area.

Having regard to clause 2.10 of the SEPP, the proposed development is not considered likely to result in any of the following:

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

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The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

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.

Standard conditions of consent will manage the removal of any asbestos material that may be found in the older dwelling structure being demolished.

State Environmental Planning Policy (Sustainable Buildings) 2022

Provision	Comment
Chapter 2 - Standards for residential development - BASIX	
2.1 Standards for BASIX development and BASIX optional development (1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021 . (2) Schedule 2 sets out the standards that apply to— (a) BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021 , and (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate. (3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021 . (4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage	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.

<p>conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.</p> <p>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. (Baseline standards to be published by the Department on the NSW Planning Portal before 1 October 2023).</p>	
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State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - Referral to Essential Energy is required for any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out:
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line,
- (c) installation of a swimming pool any part of which is:
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.

A referral to Essential Energy was carried out with no objection received. Standard advice about electricity infrastructure etc was provided, which was also forwarded to the applicant. SEPP considered to have been addressed.

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. The development does not contain any significant hazardous components and is well setback from the Hastings River.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R1 General Residential. In accordance with Clause 2.3(1) and the R1 zone landuse table, a dwelling and secondary dwelling are permissible landuses 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.*



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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

- The proposal is a permissible landuse;
 - The development will contribute to the variety of housing types and densities to meet the housing needs of the community.
 - Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
 - Clause 4.3 - The maximum overall height of the buildings above ground level (existing) is approximately 6m, which complies with the standard height limit of 8.5m applying to the site.
 - Clause 4.4 - The floor space ratio of the proposal is approximately 0.33:1, which complies with the maximum 0.65:1 floor space ratio applying to the site.
 - Clause 5.4 - The secondary dwelling does not to exceed 60m² or 33% of the floor area of the primary dwelling, whichever is the greater. In this case, the 60m² would be the greater and the secondary dwelling floor area equates to 55m².
 - Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance. There is an existing older building (past dwelling use) to be demolished as part of the application. The older dwelling contains some interesting elements. However, the following aspects negate the building having any significant heritage value:
 - Historic imagery suggests the building was relocated to the site around the 1950s.
 - The building contains a number of newer/add on type elements, which detract from the original built form/reduce the heritage value of the building.
 - Parts of the building are in need of repair. The costs associated with bringing the building back up to a habitable standard are likely to be cost prohibitive.
 - There are other examples of similar aged housing stock in Wauchope.
 - The building is located behind a newer place of public worship building. Therefore, any heritage context with the lot or surrounding area has been significantly compromised.
- In addition to the above, Council referred the application to Council's Heritage Advisor for comment. Noting some of the above aspects, no objection was raised to the demolition of the dwelling.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No relevant draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies

3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	There is no significant cut or fill proposed. In particular, a minor 600mm cut is proposed in the southwest corner, which will create no adverse impacts. The cut will actually help manage privacy to the neighbours in that corner.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	There are no retaining walls greater than 1m and to be reinforced by conditions.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> - be a maximum combined height of 1.8m above existing property boundary level; - be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; - the fence component has openings which make it not less than 25% transparent; and - provide a 3m x 3m splay for corner sites, and - provide a 900mm x 900mm splay for vehicle driveway entrances. 	The retaining wall fence combinations are acceptable, do not create any significant adverse impact and meet the objectives of the DCP. In particular, there is no retaining wall fence combination where the site has been filled/retained along the southern boundary, which would lead to adverse overshadowing.	Yes
Environmental Management Areas, Buffers and Tree Management			
7-14	Environmental management, buffer and tree management provisions.	The site does not adjoin any environmental management areas or Endangered Ecological Communities (EECs).	Yes

		<p>No buffer requirements triggered.</p> <p>No significant tree removal proposed.</p> <p>Based on the above, the proposal is consistent with the relevant provisions/objectives of the DCP.</p>	
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3:</p> <ul style="list-style-type: none"> - 1 parking space per each dwelling for dwelling-house (Note; Council does not require parking for secondary dwellings). 	<p>A compliant parking space has been provided within a garage onsite with an appropriate turning circle to allow vehicles to enter and exit in a forward direction. The long driveway would also allow for stacked parking if required.</p>	Yes

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

DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; as described in the Crime Prevention Through Environmental 	<p>The proposed development will be unlikely to create any adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The development will also provide a level of natural surveillance within the locality.</p> <p>Lighting and CCTV can be installed retrospectively by the owner, should they wish to have further security in the future.</p>	Yes

	Design (CPTED) principles.		
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DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	Articulation provisions not utilised.	N/A
	<p>c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m</p>	The front setback is already established by the existing place of public worship building, which will be retained as an ancillary dwelling use. Nonetheless, the building is also noted as being setback a compliant 6m.	Yes
45	<p>a) A garage, carport or car parking space should:</p> <ul style="list-style-type: none"> - be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or 	The garage is setback over 5.5m and 1m behind the front building line.	Yes

	- be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.		
	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.	The garage openings do not exceed 6m or 50% of the width of the building.	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	Driveway crossover is existing and does not exceed 5m.	Yes
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	Not a dual occupancy or corner lot.	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	<p>Whilst a 4m rear setback has not been provided to the rear boundary, a minimum 4m setback has been provided for an equivalent length between the place of public worship building (which will become an ancillary residential space) and the dwelling/secondary dwelling buildings. This setback will provide a better arrangement for the use of open space between the dwelling, secondary dwelling and front place of public worship building (which will become an ancillary residential space for the dwelling). The arrangement meets the objectives of the DCP for the following reasons:</p> <ul style="list-style-type: none"> - The development will not adversely overshadow neighbouring properties by virtue of the proposed single storey design. - The design still allows adequate light and ventilation between 	No, but acceptable.

		<p>buildings/private open space.</p> <ul style="list-style-type: none"> - The design provides a more useable open space by creating a shared/linked space between the buildings onsite. Whilst the design creates a shared space, it could also be fenced to still provide connections and individual spaces in the future. - Council has previously accepted the 4m rear setback between buildings such as this application, rather than on a side boundary. 	
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.	Provision not utilised.	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 the rear setback may be reduced to 900mm.	<p>Provision not utilised.</p> <p>Refer to comment on Clause 46(a) above, which provides a similar outcome/approach, albeit central to the site.</p>	N/A
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	The proposed side setbacks are acceptable/comply and meets the objectives of the DCP.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the	No first floor proposed.	N/A

	adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.		
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	No first floor proposed.	N/A
Private Open Space			
48	a) All dwellings should have a minimum area of private open space of 35m ² , which includes a principal private open space area with: <ul style="list-style-type: none"> - a minimum dimension of 4m x 4m, and - a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and - direct accessibility from a ground floor living area and orientated to maximise use. 	The development is provided with a 35m ² open space, including a 4m x 4m area directly accessible from a living area. The site also contains sufficient area to allow the dwelling and secondary dwelling to have their own 35m ² open space, including a 4m x 4m area directly accessible from a living area, should the need arise in the future. Fencing could also be installed to reinforce privacy.	Yes
	b) Private open space may include clothes drying areas and garbage storage.	The open space is capable of accommodating clothes drying areas and garbage storage.	Yes
Public Domain and Fencing			
49	Front fence provisions.	None proposed.	N/A
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: <ul style="list-style-type: none"> - Ground and first floor (and above) indoor living 	The development will not compromise privacy in the area due to a combination of lack of windows on relevant boundaries, high sill/obscure windows, limiting living areas that face adjoining living areas/open space, compliant separation and use of fencing. Overall, the development is acceptable	Yes

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	<p>room windows are within a 9m radius.</p> <ul style="list-style-type: none"> - 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. 	<p>and meets the objectives of the DCP.</p>	
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> - Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or - Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	<p>Refer to comments on 51(a) above.</p>	<p>Yes</p>
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> - Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	<p>Refer to comments on 51(a) above.</p>	<p>Yes</p>
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space 	<p>Refer to comments on 51(a) above.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> - 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. 		
Ancillary Development			
56	<p>a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:</p> <ul style="list-style-type: none"> - The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). - 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. 	Clothes drying and tanks capable of being located in the rear yard. Conditions will be used to reinforce this aspect.	Yes

Based on the above assessment, the development is considered acceptable and the relevant objectives have been satisfied. Overall, the development does not amount to an adverse impact of a significance that would justify refusal of the application.

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

None relevant.

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

Demolition of buildings AS 2601 - Clause 92

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

Fire Safety

Fire Safety and other considerations – Clause 62

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

Having considered the above and noting the previous place of public worship use would have had a higher fire safety requirement, the proposal to change the building to additional dwelling space is considered acceptable on fire safety grounds. Smoke detectors would need to be installed in any rooms to be used as bedrooms.

Consent authority may require buildings to be upgraded – Clause 64

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

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

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

In this case, no building work is proposed in the conversion of the place of public worship to ancillary dwelling use.

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

Context and Setting

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

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

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

Access, Traffic and Transport

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

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

Sewer Connection

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

Stormwater

Service available in the street - details required with Section 68 application. Given the scale of the existing place of public worship hard stand car park area and the older house to be removed, there is no significant increase in hard stand areas. The development will improve stormwater runoff via better collection/dispersal.
An appropriate standard condition is recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant native vegetation, does not trigger the clearing 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.

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any 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. Whilst the opening of a place of public worship requires an assessment on social impacts, the closure of a place of public worship does not.

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 on impacts such as expenditure in the area.

Site design and internal design

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

Construction

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

Cumulative Impacts

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

(c) The suitability of the site for the development

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
Loss of Wauchope identity (trees and older homes removed).	The application does not propose any tree removal. The removal of the rear older house is addressed above in the LEP 2011 heritage comments. Overall, parts of the house are in poor condition and not identifiable from the street (ie does not add to the identity of the street/area).
The old house at the rear is the original farmhouse and should be heritage listed.	Refer to comments above on heritage in the LEP 2011 section of this report.
The development is going to be used as a disability centre, group home or the like. This will bring additional impacts such as noise, loss of privacy, traffic, loss of safety, parking issues etc. The application does not reflect the owner's vision or intended use of the site. A solution to the potential loss of street	The application before Council is that of a dwelling and secondary dwelling. There is no mention of the site being used for any commercial disability centre, group home or the like, nor has the applicant applied for such a use. As Council cannot assess or determine an application based on suspicion, this report will focus on what has been applied for (ie dwelling and

Submission Issue/Summary	Planning Comment/Response
parking is to provide an additional driveway to a neighbouring property.	<p>secondary dwelling). Any future endeavour to use the premises as a group home etc will be subject to an assessment against the relevant planning controls in place at the time.</p> <p>It should be noted that the nominated parking is also compliant for the uses proposed (dwelling and secondary dwelling). No further restriction on occupants, parking numbers, provision of driveways to neighbouring properties etc required.</p>
Loss of privacy.	<p>It is noted that there is existing boundary fencing that is predominately 1.8m in height. Conditions will also reinforce the need for 1.8m high fencing (for areas less than 1.8m). This will provide sufficient screening/privacy.</p>
What will happen with drainage from the site? The current car park drains into neighbouring properties.	<p>The natural slope of the land is to the street. As such, the drainage from any new structures or works will be directed to the street stormwater system, away from residential receivers. As a result, the development will likely reduce stormwater runoff onto neighbouring properties as it will be better collected and dispersed.</p>
What happens to dust that is dampened with water during construction?	<p>Standard construction management conditions will be applied to manage dust and other potential construction impacts. Should the developer create pollution or an impact to a neighbour during construction, this can be investigated as a compliance matter.</p>
The wooden boundary fence is solid. I want an assurance that any damage caused during construction will be paid for and repaired by the developer.	<p>This is more a civil matter but normal practice would be that the person who damages the fence would be liable.</p>
How many people will reside in the building and will it be regulated? Concern raised over potential carers etc.	<p>The dwelling and secondary dwelling will have the potential to operate like any standard household. Therefore, the number of people that could reside in each dwelling will depend on the size of the family that occupies them (like any dwelling).</p> <p>The use of the premises for a more commercial type use, group home etc is addressed earlier.</p>

(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 have any significant adverse impacts on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not be required under S64, S7.11 or S7.12 for the following reasons:
 - Credit exists for the residential lot that will cover the dwelling from any S7.11.
 - The secondary dwelling is less than 60m² and therefore exempt from contributions under Council's Development Contributions Assessment Policy.
 - Conditions will cover water contributions, should the applicant chose to have a separate water meter/connection.
 - No commercial components proposed to attract s7.12

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

AGENDA

DEVELOPMENT ASSESSMENT PANEL 05/02/2025

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

FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2024/819.1

DATE: 22/01/2025

GENERAL CONDITIONS

Condition																							
1.	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <p>Approved plans</p> <table border="1"> <thead> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>Job No. 23L030BA, Sheets 1 to 13</td> <td>12</td> <td>Various - see approved stamped plans</td> <td>Stroud Homes</td> <td>19/12/2024</td> </tr> </tbody> </table> <p>Approved documents</p> <table border="1"> <thead> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td></td> <td>A Freeman</td> <td>30/10/2024</td> </tr> <tr> <td>BASIX</td> <td>1739571M_02</td> <td>Wollongong Energy Efficiency</td> <td>23/1/2025</td> </tr> </tbody> </table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan number	Revision number	Plan title	Drawn by	Date of plan	Job No. 23L030BA, Sheets 1 to 13	12	Various - see approved stamped plans	Stroud Homes	19/12/2024	Document title	Version number	Prepared by	Date of document	Statement of Environmental Effects		A Freeman	30/10/2024	BASIX	1739571M_02	Wollongong Energy Efficiency	23/1/2025
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BASIX	1739571M_02	Wollongong Energy Efficiency	23/1/2025																				
2.	<p>Certificates</p> <p>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:</p> <ul style="list-style-type: none"> • Construction Certificate; • Occupation Certificate <p>Condition Reason: To ensure that appropriate building certification is obtained.</p>																						
3.	<p>Notification of Home Building Act 1989 requirements</p>																						

	<ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the <i>Home Building Act 1989</i>, Part 6, b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i> - 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 <i>Building Code of Australia</i> under the Act, Part 6. <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p>Shoring and adequacy of adjoining property</p> <ol style="list-style-type: none"> 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 - <ol style="list-style-type: none"> 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 - <ol style="list-style-type: none"> 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. <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 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 - <ol style="list-style-type: none"> 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 - <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is

	<p>being carried out, and</p> <p>b. removed when the work has been completed.</p> <p>4. This section does not apply in relation to -</p> <p>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</p> <p>b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
6.	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -</p> <ol style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
7.	<p>Public works and utility services alterations</p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p>Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations.</p>
8.	<p>Construction site management</p> <p>The development site is to be managed for the entirety of work in the following manner:</p> <ol style="list-style-type: none"> 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation; 2. Appropriate dust control measures; 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site; 4. Building waste is to be managed via appropriate receptacles into separate waste streams; 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. 6. Building work being limited to the following hours, unless otherwise permitted by Council; <ul style="list-style-type: none"> - Monday to Saturday from 7.00am to 6.00pm - No work to be carried out on Sunday or public holidays <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> 7. All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority. <p>Condition Reason: To ensure that construction site is appropriately managed to prevent impacts to adjoining properties, the public domain and to ensure waste is disposed of in a practical and sustainable manner.</p>

9.	<p>Water servicing for the secondary dwelling</p> <p>The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
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DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Condition	
1.	<p>Construction hoarding fence</p> <p>Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.</p> <p>Condition reason: To protect public safety and the integrity of public infrastructure.</p>

DURING DEMOLITION WORK

Condition	
1.	<p>Capping off sewer junction</p> <p>The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.</p> <p>Condition Reason: To protect public infrastructure.</p>
2.	<p>Demolition site and asbestos management</p> <p>The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: <i>The Demolition of Structures</i>. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence. Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – <i>Code of Practice for Safe Removal of Asbestos</i> and <i>Code of Practice for the Management and Control of Asbestos in Workplaces</i>.</p> <p>Condition reason: To protect public health and safety.</p>

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
1.	<p>Plumbing permit</p> <p>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</p>

	<p>sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:</p> <ul style="list-style-type: none"> • Position and depth of the sewer (including junction) • Stormwater drainage termination point • Easements • Water main • Proposed water meter location <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2.	<p>Works in road reserve permit</p> <p>An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.</p> <p>Such works include, but not be limited to:</p> <ul style="list-style-type: none"> • Civil works • Traffic management • Work zone areas • Hoardings • Concrete foot paving • Footway and gutter crossing • Functional vehicular access <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
3.	<p>Retaining walls</p> <p>Detailed drawings and specifications prepared by a professional engineer for all new retaining walls supporting:</p> <ol style="list-style-type: none"> 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; <p>are to be submitted to the Principal Certifier with the application for Construction Certificate.</p> <p>Condition Reason: To ensure retaining walls have structural integrity.</p>
4.	<p>Utilities and services including Water and Sewer</p> <p>Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided:</p> <ul style="list-style-type: none"> • 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. <p>Condition Reason: To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.</p>
5.	<p>Ancillary development</p> <p>Prior to release of the Construction Certificate, the plans are to show that any proposed clothesline or water tank is located behind the front building lines.</p>

	Condition reason: To ensure that the development proceeds in accordance with the approved plans.
6.	<p>Fencing requirements</p> <p>Prior to release of the Construction Certificate, the plans are to show 1.8m high side and rear fencing. This can include retaining any existing side or rear fencing that is 1.8m high. Any new side boundary fencing is not to extend beyond the front building line of the dwelling/old place of public worship building.</p> <p>Any variation to the above is to be approved in writing by Council.</p> <p>Condition reason: To protect the privacy of adjoining dwellings and to ensure that the development does not have any unintended biodiversity impacts.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
1.	<p>Works proximity to sewer manhole and vertical inspection shafts</p> <p>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.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>

DURING BUILDING WORK

Condition	
1.	<p>Copy of construction plans</p> <p>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.</p> <p>Condition reason: To ensure that the development proceeds in accordance with the approved plans.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
1.	<p>Completion of works within the road reserve</p> <p>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.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
2.	<p>Section 68 Certificate of Completion</p> <p>Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council for each S68 Approval related to this development.</p>

	<p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
3.	<p>Certification of BASIX commitments</p> <p>Written confirmation being provided to the Principal Certifier from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.</p> <p>Condition Reason: To ensure that BASIX commitments have been provided and the development achieves acceptable operating efficiencies.</p>
4.	<p>Section 307 certificate for building works</p> <p>A Certificate of Compliance under the provisions of Section 307 of the <i>Water Management Act</i> must be obtained prior to the issue of any Occupation Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
5.	<p>Completion of ancillary development</p> <p>Prior to release of the Occupation Certificate or occupation (whichever occurs first), any proposed fencing, clothes lines and/or water tanks are to be completed onsite in accordance with the approved plans.</p> <p>Condition reason: To ensure that the development proceeds in accordance with the approved plans.</p>

OCCUPATION AND ONGOING USE

Condition	
1.	<p>Front building use</p> <p>The floor area of the front building (previous place of public worship building) that is being retained as additional dwelling space, is linked to the primary dwelling. The building is not to be used as floor area associated with the secondary dwelling.</p> <p>Condition Reason: To ensure the development proceeds in accordance with the approval.</p>

Knock down rebuild - Weatherboard Building and Brick WC to be demolished.
Brick Building (old Church) to remain for private use - Rumpus/ Games.

SITE NOTES

1. Written dimensions take precedence over scale.
2. Builder to verify all boundary clearances and site set-out dimensions prior to commencement of construction.
3. Levels & contours are based on assumed datum. Prior to construction the relevant authority should be contacted for possible minimum floor level requirements and flood information.
4. This site plan is based on a disclosure plan. Therefore the floor level is subject to change. Additional site survey must be taken to confirm the required bench level.
5. Retaining walls greater than 1m high (cut or fill) are required to be engineer designed & certified prior to building approval. Retaining walls are closer than 1500mm from boundary require a building relaxation. (fill side only).
6. Batters to comply with appropriate soil classification described in table 3.1.1.1 BCA Vol 2.
7. Engineer to provide design to address footings if built in close proximity to sewer, stormwater or easements.
8. Vehicular cross-over to be constructed as per local council requirements and/or approval.

SERVICES

1. Services have been plotted from records of relevant authorities where available. Prior to any excavation or construction on site, the relevant authority should be contacted for possible location of further underground services.
2. All household sewerage and waste to be discharged to sewer system.
3. Stormwater & roof water to be connected to legal point of discharge in accordance with Pt 3 BCA Vol 2 and local authorities requirements. Approval to be obtained from local authority prior to work commencing.
4. Grade soil away from perimeter of building to prevent ponding. 1:20 minimum fall. Surface water to be channelled to legal point of discharge. ie. yard gully grate or similar.
5. Provide 1:20 ground surface fall towards gully pits. Final location of pits subject to change to suit site conditions. Contractor to check with site supervisor before commencing work.

GENERAL NOTES

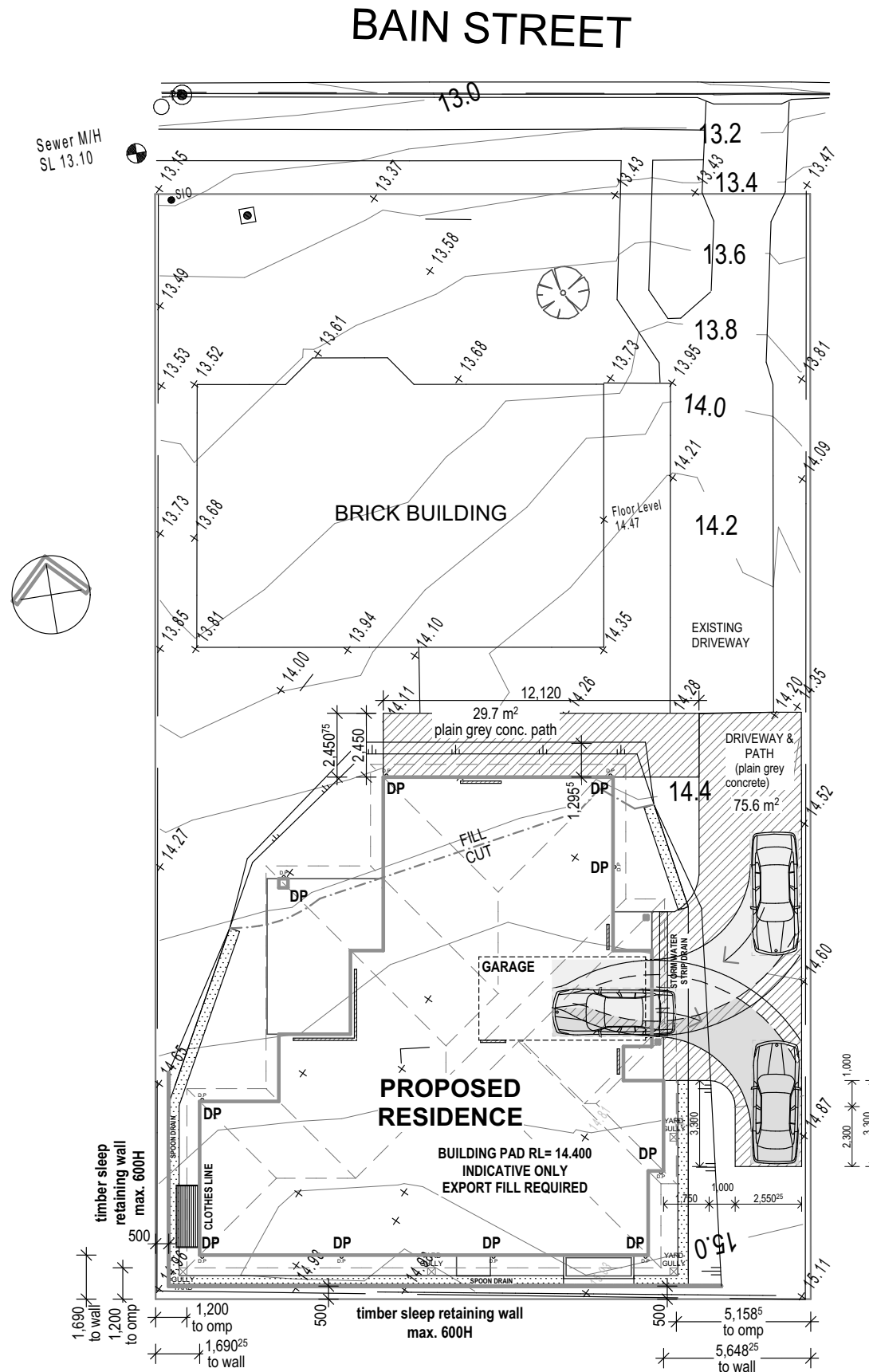
1. Scrape away vegetation & cut & fill to provide a level building platform.
2. Floor slab to be in accordance with engineers drawings & details.
3. Termite protection is a visual barrier system with approved collars at penetrations in accordance with AS 3600.1 - 2000.
4. This site plan is transcription of the original contour survey & the builder is to verify all information contained hereon prior to site start. The driveway & path shown on the plan is the suggested layout - areas shown on plan.


SITE DESCRIPTION/DATA

LOT :	30 on DP. 710 309
PARISH :	
COUNTY :	
AUTHORITY :	
AREA =	1067sq.m
SITE COVERAGE	43.07%

SITE AND DRAINAGE PLAN

SCALE 1 : 200





Feels like home

Stroud Homes Port Macquarie
Lic No. 302991C

U12/1A Blackbutt Rd Telephone:
Port Macquarie 02 6516 2233
NSW 2444

NOTES

1. Written dimensions take precedence over scale.
2. Builder to verify all dimensions and levels prior to commencement of construction.
3. All internal dimensions stated are frame size - excluding linings.
4. This building has been designed in accordance with AS 1684.2 - 2006 (Residential timber framed construction).
5. Supplier may substitute lintels for those of equal strength to span ratio.
6. All structural sizes to be read in-conjunction with structural engineers drawings & details.
7. Articulation joints to comply with 3.3.1.8 BCA Vol 2.
8. Mechanical Ventilation to comply with 3.8.5 Bca Vol 2.
9. Smoke alarms to comply with 3.7.2 BCA Vol 2 (wired-in)
10. Protection against subterranean termites shall be in accordance with AS 3660-Pt 1 2001. Provided treatment: Visual Barrier System to perimeter with approved collars/barriers at slab penetrations.
11. HWS unit (constant flow) with 5 star energy efficiency rating to comply with "Sustainable Buildings" QDC pt 29, AS/NZs 6400:2005.
12. Rainwater tanks, lighting and plumbing fixtures & fittings to comply with QDC PART 29 & 25, "Sustainable Buildings" QDC pt 29 & 25 AS/NZs 300.1.2003 AS/NZS 6400:2005.
13. Lift off hinges to all WC doors to comply with Australian Standards.
14. Stair construction to comply with Pt 3.9.1 and balustrades to comply with pt 3.9.2 BCA Vol 2.
15. DCP & flashings to comply with Pt 3.3.4 BCA Vol 2

PLAN LEGEND

afl = above floor level	ref = refrigerator prov.
hd = head at 2100 afl	mw = microwave prov.
fw = floor waste	dw = dishwasher prov.
☉ = smoke detector	pty = pantry
vb = vanity basin	wm = washing machine prov.
obs = obscure glazing	gthw = gas hot water unit
mb = meter box	tr = towel rail
dp = downpipe	trh = toilet roll holder
ohc = overhead cupboard	HC = garden tap

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PLEASE READ CAREFULLY

THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE CONTRACT & SPECIFICATIONS AND I UNDERSTAND CHANGES HEREAFTER MAY NOT BE POSSIBLE. THESE PLANS SUPERCEDE ALL OTHER PREVIOUS PLANS OR SKETCHES.

OWNER/S
WITNESS DATE

CLIENT:
Ostilio Pisanu

Lot 30 No. 4 Bain Street
WAUCHOPE

MODEL: WILDFLOWER 267 WITH GRANNY FLAT 'CLASSIC FACADE' MOD.	JOB No. 23L030BA
ISSUE/DATE: ISSUE 12 : 19/12/2024	SHEET No. 1 OF 13

