

# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 19 March 2025

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

**time:** 2:00 PM

# DEVELOPMENT ASSESSMENT PANEL SUB COMMITTEE CHARTER

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Adopted: Ordinary Council 2022 09 15

## 1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent, transparent and expert determinations of development applications that fall outside of staff delegations.

## 2.0 KEY FUNCTIONS

- To review development application reports and conditions. The focus of the Panel's review is to be on those issues raised in submissions received following exhibition of development applications;
- To determine development applications where there are 3 or more unique submissions or where an application is outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel(DAP);
- To maintain transparency in the determination of development applications.

### Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine (approve or refuse) development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy (Biodiversity and Conservation) 2021 associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

## 3.0 MEMBERSHIP

### 3.1 Voting Members

- 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	5/06/24	17/07/24	16/10/24	20/11/24	11/12/24	05/02/25	05/03/25
David Crofts (Independent Chair)		✓	A	✓	✓		A
Tony McNamara (Independent Member)	✓	✓	✓		✓	✓	✓
Chris Gee (Independent Member)	✓		✓	✓		✓	✓
Murray Blackburn-Smith (Independent Member)						✓	
Dan Croft (Group Manager Development Services)	✓		✓	✓	✓	✓	✓
<b>Other attendees</b>							
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 (Building Surveyor)							
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 19 March 2025

## Items of Business

<b>Item</b>	<b>Subject</b>	<b>Page</b>
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05	DA2025 - 34.1 Change of Use to Dual Occupancy and Strata Title Subdivision at Lot 10 DP 591359, No. 159 Lake Road Port Macquarie .....	<u>16</u>
06	General Business	



## AGENDA

DEVELOPMENT ASSESSMENT PANEL  
19/03/2025

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**Item: 01**

**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

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**Item: 02**

**Subject: APOLOGIES**

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### RECOMMENDATION

That the apologies received be accepted.

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**Item: 03**

**Subject: CONFIRMATION OF PREVIOUS MINUTES**

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### RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 5 March 2025 be confirmed.

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**PRESENT**

**Members:**

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

**Other Attendees:**

Grant Burge (Development Engineering Coordinator)  
Chris Gardiner (Senior Development Assessment Planner)

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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**CONSENSUS:**

That the apology received from David Crofts be accepted.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 5 February 2025 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2024 - 670.1 ALTERATIONS TO DWELLING, CONVERSION OF BUILDING TO DWELLING AND 2 LOT TORRENS TITLE SUBDIVISION INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LEP 2011 AT LOTS 15 AND 16 DP 7451, NO 14 MAIN STREET, COMBOYNE**

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Speakers:

Tony Blue (applicant)

CONSENSUS:

That it be recommended to Council that DA2024 - 670.1 for alterations to dwelling, conversion of building to dwelling and 2 lot Torrens title subdivision including Clause 4.6 variation to Clause 4.1 (Lot Size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15 and 16, DP 7451, No. 14 Main Street, Comboyne, be determined by granting consent, subject to the recommended conditions, with the following additional condition numbered 7 to be met before the issue of an occupation certificate to read:

Condition 7: Prior to issue of an occupation certificate, a 1.8m high solid fence to be constructed along the common boundary of the proposed lots, extending from the building line to the rear boundary.

Reason: To delineate property boundaries and provide for privacy.

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**06 GENERAL BUSINESS**

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Nil

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The meeting closed at 2.10pm

**Item: 04**

**Subject: DISCLOSURES OF INTEREST**

**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

*(Refer to next page and the Code of Conduct)*

#### Pecuniary Interest

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

#### Non-Pecuniary

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

#### Managing non-pecuniary conflicts of interest

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

# AGENDA

## DEVELOPMENT ASSESSMENT PANEL

19/03/2025

### 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.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <b>(the <i>identified land</i>)</b>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <b>(the <i>subject land</i>)<sup>2</sup></b> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

**Councillor's Signature:** ..... **Date:** .....

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

Last Updated: 3 June 2019



### Important Information

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

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

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

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

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

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

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

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



**Item: 05****Subject: DA2025 - 34.1 CHANGE OF USE TO DUAL OCCUPANCY AND STRATA TITLE SUBDIVISION AT LOT 10 DP 591359, NO. 159 LAKE ROAD PORT MACQUARIE****Report Author: Development Assessment Officer (Planning), Patrick Galbraith-Robertson**

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**Applicant: CE & DA MALTMAN****Owner: CE & DA MALTMAN****Estimated Cost: \$10,000****Parcel no: 11757**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DAP recommend to Council that DA2025 - 34.1 for a change of use to dual occupancy and strata title subdivision at Lot 10, DP 591359, No. 159 Lake Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a change of use to dual occupancy and strata title subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, no submissions were received.

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

This report recommends that the development application be supported by DAP and recommended to be approved by Council subject to the attached conditions. (Attachment 1).

The reason for the application being referred to Council's Development Assessment Panel (DAP) is because the applicant and part owner for the DA is a Councillor. Council has a 'Determining Applications Lodged by Councillors and Staff Policy' which requires the final determination of this DA to be made at an Ordinary Meeting of Council via consideration by DAP.

A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.



# AGENDA

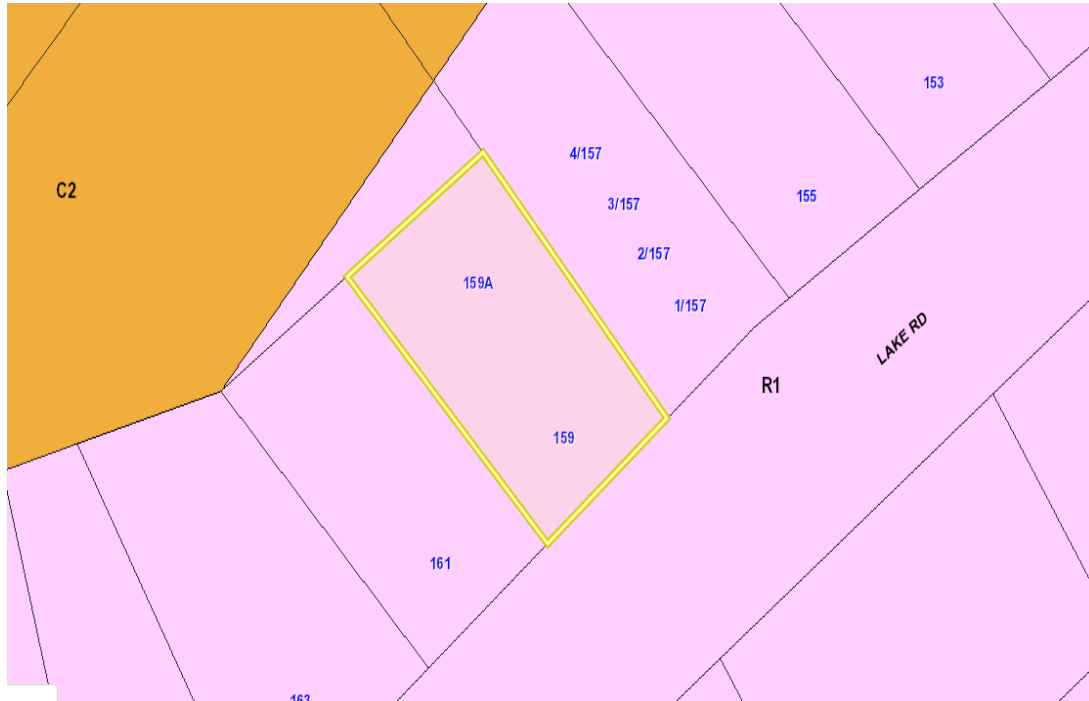
## DEVELOPMENT ASSESSMENT PANEL 19/03/2025

### 1. BACKGROUND

#### Existing Sites Features and Surrounding Development

The site has an area of 1840m<sup>2</sup>.

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:



The site is currently occupied by a completed approved dwelling and secondary dwelling. This development was approved under DA2022 - 684. A final Occupation Certificate was issued by Council on 7 June 2023.

## **2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Change of use from dwelling and secondary dwelling to dual occupancy; and
- 2 lot Strata title subdivision.

Plans of the proposed development are at the end of this report, (Attachment 2).

### **Application Chronology**

- 4 February 2025 - DA lodged.
- 6 February 2025 - Essential Energy referral advice received.
- 10 to 23 February 2025 - Neighbour notification to proposal.
- 11 February 2025 - Essential Energy advice forwarded to applicant for consideration, request for development plans (in addition to strata plans) and request for site inspection.
- 13 February 2025 - Development plans received.
- 13 February 2025 - Site inspection by assessing officer.
- 14 February 2025 - Assessment update to applicant.
- 25 February 2025 - Assessment update to applicant.
- 5 March 2025 - Assessment update to applicant including update on development contributions status.
- 5 March 2025 - Applicant advised that application to be reported to DAP and Ordinary Meeting of Council for determination.

**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) 2021  
Chapter 2 Affordable Housing****Chapter 3 Diverse Housing**

Part 1 - Secondary Dwellings - proposal is to change from previous approved secondary dwelling and in principal dwelling to dual occupancy. These provisions no longer apply.

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

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

Clause 4.10 (other land - not subject to Clause 4.8 or 4.9) - 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, or
2. The site not considered to be core koala habitat.

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

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

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

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

The site is located within a coastal use area and coastal environment area.

Having regard to clauses 2.10 and 2.11 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

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- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind 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.

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.

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

### Chapter 4 Remediation of Land

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

### State Environmental Planning Policy (Sustainable Buildings) 2022

BASIX addressed in previous DA2022 - 684.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - Development in proximity to electricity infrastructure - referral to Essential Energy has been completed having regard for any of the following:

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

Essential Energy have no specific concerns regarding the development but have provided some general advice. The advice received from Essential Energy has been forwarded the Applicant for consideration.

Clause 2.119 refers to development with frontage to a classified road. In this case, the development does not create any additional crossovers onto the classified road or substantial increase in traffic. Therefore, no adverse impact on the road network will occur.

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

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

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

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

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

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

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

- Clause 2.2 - The subject site is zoned R1 general residential.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for a dual occupancy is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

- The proposal will provide for a variety of housing type which is permissible with consent.
- Clause 4.1 - There is a minimum 450m<sup>2</sup> standard lot size requirement applying to the site for subdivision does not apply to the proposal as it proposes a strata subdivision.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

### **(iii) Any Development Control Plan in force**

#### **Port Macquarie-Hastings Development Control Plan 2013 (DCP)**

Key considerations of this DCP relating the change of use conversion from dwelling and second dwelling to dual occupancy relate only to the following:

- Development Provision 24 *Parking Provision* Carparking provided for both dwellings is made with 1 nominated off-street parking space for each dwelling. There is a standard requirement for provision of a minimum 2 parking spaces for a dual occupancy. An existing double garage services the



## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

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front dwelling and a single garage and carport for the rear dwelling. The strata reflects the parking to be assigned also.

- Development Provision 48 *Private open space* - Both dwellings have >35m<sup>2</sup> in private open space compliant with the original approval as assessed.

There are no other physical design changes to the proposal to that already approved and constructed under DA2022 - 684.

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

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

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

Nil

### **(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 to existing adjoining properties and satisfactorily addresses the public domain.

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

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

The proposal does not have significant adverse lighting impacts.

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

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

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

The 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**

Water Supply is available to the site. Prior to the issue of a Strata Certificate a section 307 certificate will be required. 2 x water meters observed on-site during assessment.

Appropriate condition is recommended in this regard.

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL

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### **Sewer Connection**

Sewer is available to the site. Prior to the issue of a Strata Certificate a section 307 certificate will be required.

Appropriate condition is recommended in this regard.

### **Stormwater**

No change to existing approved arrangements.

### **Other Utilities**

Telecommunication and electricity services are available to the site.

### **Heritage**

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated. The site is considered to be disturbed land.

### **Other land resources**

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

### **Water cycle**

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

### **Soils**

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

### **Air and microclimate**

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

### **Flora and fauna**

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

### **Waste**

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

### **Energy**

The proposal includes measures to address energy efficiency. The dwellings currently constructed on-site have been subject to BASIX assessments. No adverse impacts anticipated.

### **Noise and vibration**

No impacts identified and no new works proposed.

### **Bushfire**

The site is identified as being bushfire prone.

The current approved dwellings on-site have been subject to assessment under Planning for Bushfire Protection 2019 guidelines.

The front dwelling has been constructed to Bushfire Attack Level (BAL) 12.5 and the rear dwelling constructed to BAL 19.

### **Safety, security and crime prevention**

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

### **Social impacts in the locality**

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

### **Economic impact in the locality**

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

### **Site design and internal design**

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

### **Cumulative impacts**

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

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

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

Site constraints of bushfire risk has been adequately addressed with no additional construction requirements to that already approved and constructed.

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

No written submissions were received following public exhibition of the application.

### **(e) The Public Interest**

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

### **Climate change**

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



**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Development contributions will be required towards augmentation of sewerage system head works under Section 64 of the Local Government Act 1993. 2 water meters have been installed and water contributions already paid.

The following consent condition was imposed on the current development completed on-site:

**B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- (1) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling unless additional water supply headworks charges are paid for to service the additional use. Council records show payment was made for a second water meter on Lot 1, DP 591359 (WM 2022/272) enabling a two (2) bedroom secondary dwelling use to be consented on the land.

Prior to any Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority confirming adequate water supply headworks charges have been levied for the use approved under this consent. Proof to be provided as part of any Section 305 application include:

- (a) DA stamped consent plans; and
- (b) Notice of Payment and receipt details associated with any secondary meter on the site.

Where satisfactory payment can be confirmed, a Section 307 Compliance Certificate (Record of Payment) will be provided. If additional payment is required, and additional Notice of Payment will be generated and provided for payment prior to any Construction Certificate. Once additional payment has been made satisfying this requirement, a Section 307 Compliance Certificate (Record of Payment) will be provided confirming satisfactory arrangements are in place to address water supply headworks charges.

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

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

Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Conditions recommended.

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




### 5. CONCLUSION AND STATEMENT OF REASON

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

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

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

#### Attachments

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

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2025/34

DATE: 12/03/2025

### PRESCRIBED CONDITIONS

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

### GENERAL CONDITIONS

Condition																
1.	<p><b>Approved plans and supporting documentation</b></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" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plan number</th> <th style="text-align: center;">Revision number</th> <th style="text-align: center;">Plan title</th> <th style="text-align: center;">Drawn by</th> <th style="text-align: center;">Date of plan</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Pages 1 to 11</td> <td style="text-align: center;">3</td> <td style="text-align: center;">Plans</td> <td style="text-align: center;">Draftworx</td> <td style="text-align: center;">13 February 2025</td> </tr> <tr> <td style="text-align: center;">Sheets 1 and 2</td> <td></td> <td style="text-align: center;">Subdivision (strata plans)</td> <td style="text-align: center;">Dallas Laundry of BR Development Consulting P/L</td> <td style="text-align: center;">undated</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition Reason:</b> 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	Pages 1 to 11	3	Plans	Draftworx	13 February 2025	Sheets 1 and 2		Subdivision (strata plans)	Dallas Laundry of BR Development Consulting P/L	undated
Plan number	Revision number	Plan title	Drawn by	Date of plan												
Pages 1 to 11	3	Plans	Draftworx	13 February 2025												
Sheets 1 and 2		Subdivision (strata plans)	Dallas Laundry of BR Development Consulting P/L	undated												
2.	<p><b>Certificates</b></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"> <li>• Strata Certificate</li> </ul> <p><b>Condition Reason:</b> To ensure that appropriate building and subdivision certification is obtained.</p>															
3.	<p><b>Public works and utility services alterations</b></p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p><b>Condition Reason:</b> To confirm that the developer is responsible for all public utility costs and alterations.</p>															

## BEFORE ISSUE OF A STRATA CERTIFICATE

<b>Condition</b>	
<b>1.</b>	<p><b>Section 307 certificate for strata subdivision</b></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 Strata Certificate.</p> <p><b>Condition Reason:</b> To ensure that appropriate infrastructure is provided to service the development.</p>
<b>2.</b>	<p><b>Section 7.11 Contributions</b></p> <p>Payment to Council, prior to the issue of a Strata Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with either the provisions of the following plans (as amended) or a Planning Agreement:</p> <ul style="list-style-type: none"> <li>• Port Macquarie-Hastings Administration Building Contributions Plan 2007</li> <li>• Hastings S94 Administration Levy Contributions Plan 2003</li> <li>• Port Macquarie-Hastings Open Space Contributions Plan 2018</li> <li>• Hastings S94 Major Roads Contributions Plan 2004</li> <li>• Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005</li> </ul> <p>The plans may be viewed on Council's website.</p> <p>The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.</p> <p><b>Condition Reason:</b> To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.</p>

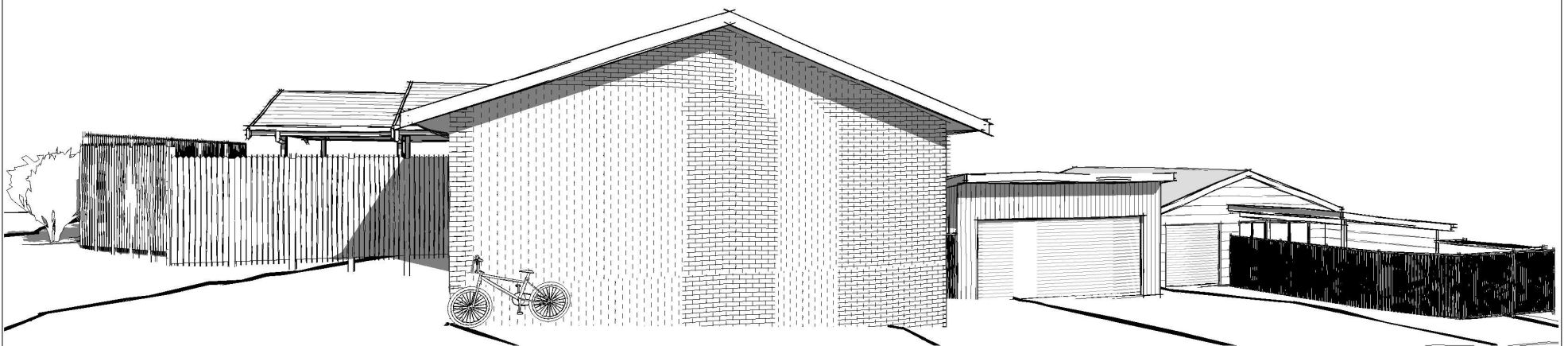
CRAIG AND DANIELLE MALTMAN

LOT: 10

DP: 591359

# 159


LAKE RD, PORT MACQUARIE, NSW 2444



**DRAFTWORX**  
designs



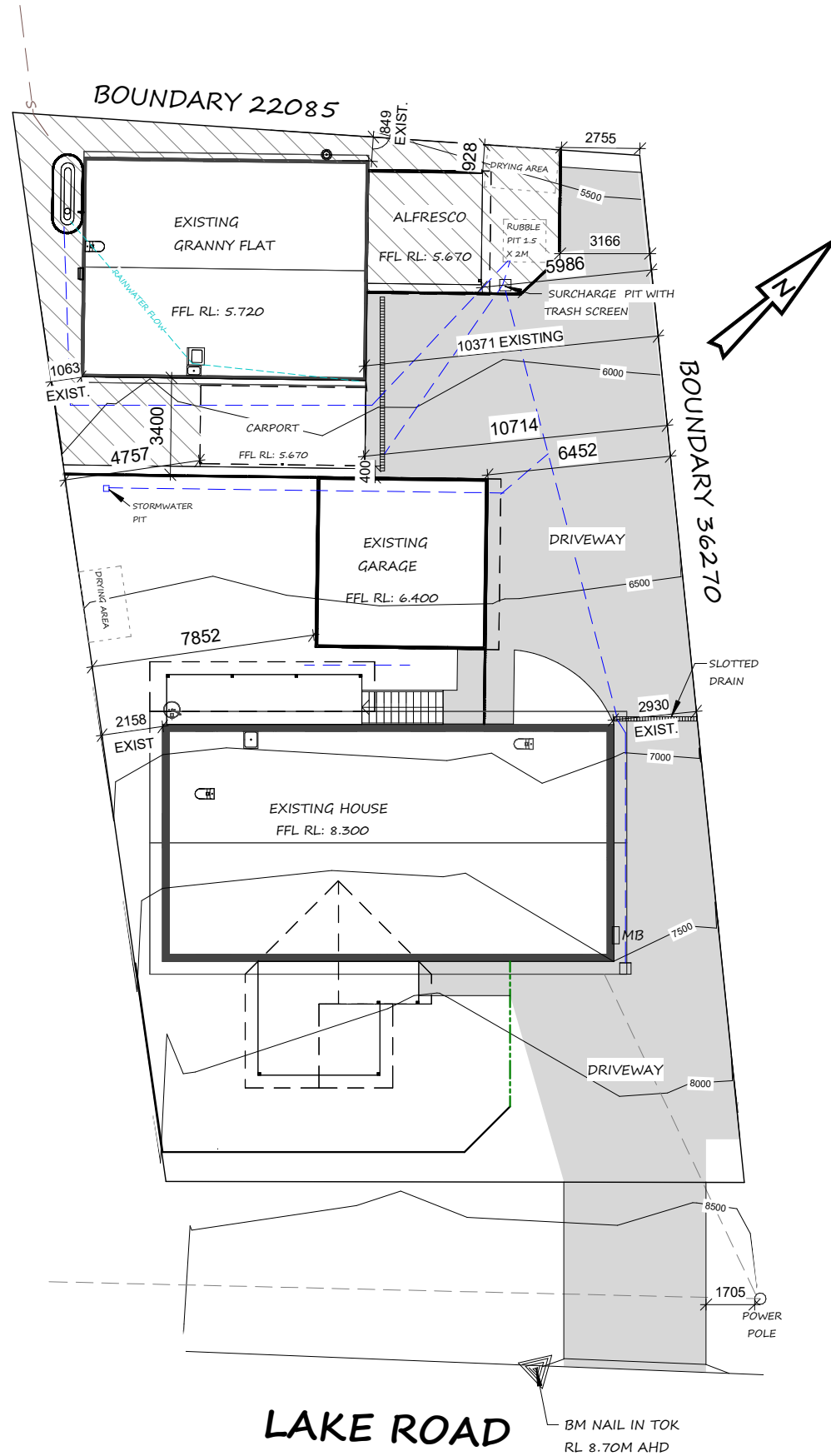
*Creating your dreams, one line at a time.*

CLIENT: CRAIG AND DANIELLE MALTMAN		PROJECT No:	REVISION:				OFFICE PHONE: 0434924566
LOT: 10	SCALE: NOT TO SCALE	1383MAL	Date:	Completed:	Rev:		EMAIL: plans@draftworx.net.au
DP: 591359		PAGE No:	26/07/2022	DA-CC PLANS	1		ADDRESS: 26 BIRCHWOOD CRT, PORT MACQUARIE, 2444.
# 159			14/10/2022	AMENDMENTS	2		
LAKE RD, PORT MACQUARIE, NSW 2444		1 OF 11	13/2/2025	STRATA DA PLANS	3		



**BAL (BUSHFIRE ATTACK LEVELS),  
GRANNY FLAT BAL 19  
SHED AND DWELLING BAL 12.5  
REFER TO THE BUSHFIRE  
REPORT FOR DETAILS**

CONTOURS COMPLETED BY BR CONSULTING.  
CONTOURS AND LEVELS TO BE CHECKED PRIOR TO  
THE START OF CONSTRUCTION WITH FINAL LEVELS  
DETERMINED BY BUILDER WITH CLIENT ON SITE.



**SITE PLAN** SCALE 1:100 @ A3

**ATTENTION:**

CHECK PLANS AND MEASUREMENTS ON SITE BEFORE STARTING.  
ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF DRAFTWORX PRIOR TO START.  
CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.  
BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3959  
CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.  
ALL WORKS TO COMPLY WITH BCA (Building code of Australia),  
RELEVANT AUSTRALIAN STANDARDS AND ALL DA (DEVELOPMENT APPLICATION) AND CC (CONSTRUCTION CERTIFICATE) GUIDELINES.

REFER TO ENGINEERS DETAIL FOR ALL EXCAVATIONS, REINFORCED CONCRETE STRUCTURAL SUPPORTS AND BRACING.

ALL SANITARY PLUMBING AND DRAINAGE TO AS: 3500.  
TIMBER FRAMING TO AS: 1684.  
WATERPROOFING TO AS: 3740.  
MECHANICAL VENTILATION IN WET AREAS, LAUNDRY AND KITCHENS TO BE DUCTED EXTERNALLY.  
SMOKE ALARMS AS: 3786.  
TERMITE PROTECTION AS: 3660.1.  
GLASS IN BUILDINGS AS: 1288 & WINDOWS TO AS:2047.  
SHEET ROOFING & WALL CLADDING AS: 1562.1  
TILE ROOFING AS: 2049 AND AS: 2050.  
SWIMMING POOL FENCING AS: 1926.1 - 2012  
POOL FILTER TO AS: 1926.3

**SITE INFORMATION**

- ELECTRICITY
- NBN
- EXTERNAL TAP
- DOWN PIPE
- WATER METRE
- SEWER MANHOLE
- STORMWATER DRAIN
- SMOKE ALARM
- HYDRANT
- KERB INLET PIT
- SILT FENCING

- RECYCLED WATER
- WATER MAIN
- SEWER LINE
- STORMWATER LINE
- RAINWATER FLOW
- LINE OF CUT
- DRAINAGE EASMENT

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CLIENT: CRAIG AND DANIELLE MALTMAN

LOT: 10

DP: 591359

# 159

SCALE: As indicated

**SITE PLAN**

LAKE RD, PORT MACQUARIE, NSW 2444

PROJECT No:

1383MAL

PAGE No:

2 OF 11

REVISION:

Date:	Completed:	Rev:
26/07/2022	DA-CC PLANS	1
24/10/2022	AMENDMENTS	2
23/2/2025	STRATA DA PLANS	3



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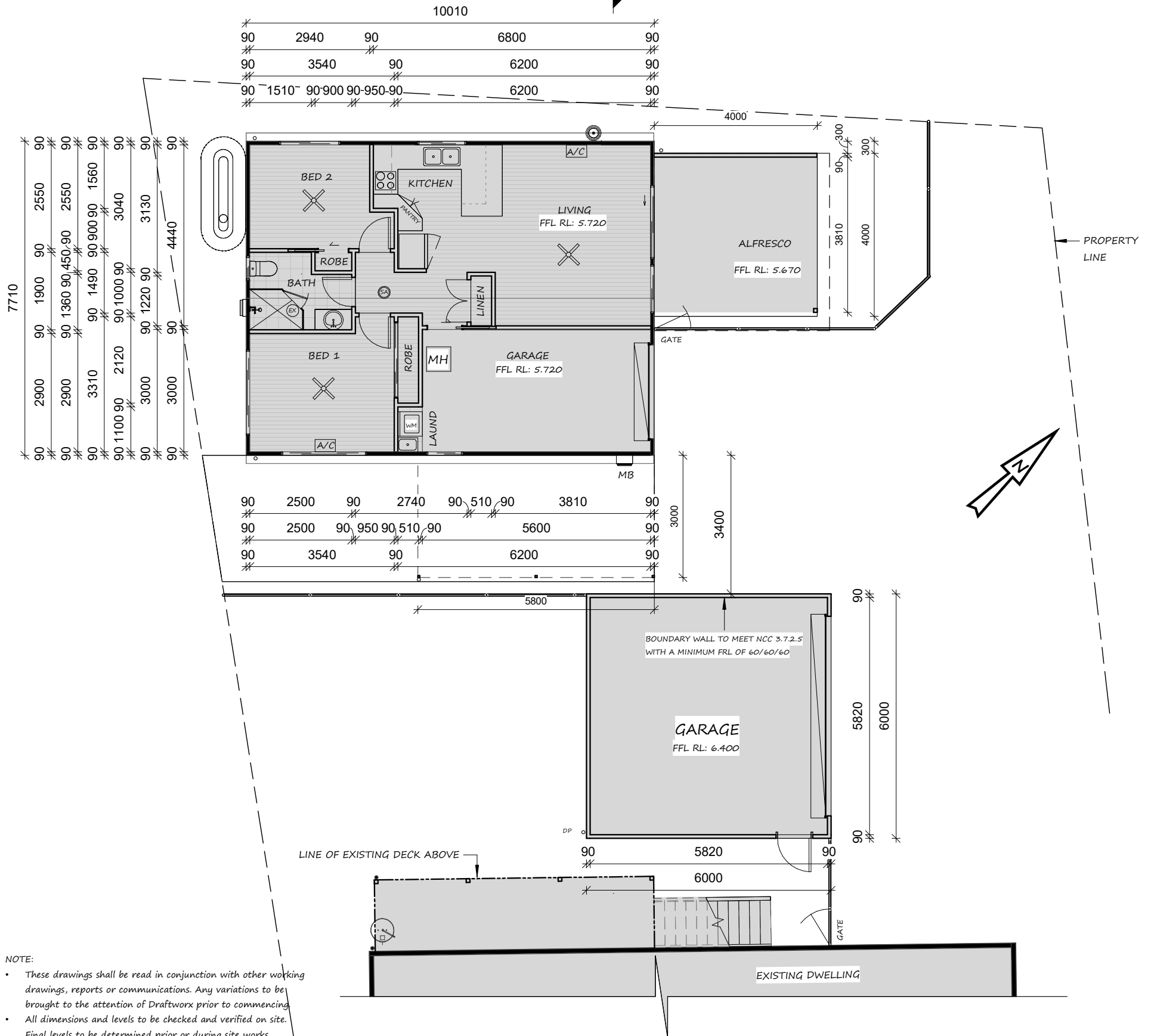
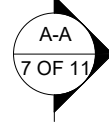
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ADDRESS:

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PORT MACQUARIE 2444

**BAL (BUSHFIRE ATTACK LEVELS),  
GRANNY FLAT BAL 19  
SHED AND DWELLING BAL 12.5  
REFER TO THE BUSHFIRE  
REPORT FOR DETAILS**



- NOTE:**
- These drawings shall be read in conjunction with other working drawings, reports or communications. Any variations to be brought to the attention of Draftworx prior to commencing.
  - All dimensions and levels to be checked and verified on site. Final levels to be determined prior to or during site works between builder and clients.
  - Do not scale from printed plans.
  - Materials and workmanship to comply with current and relevant Australian standards, NCC-National Construction Code (BCA), engineering details, reports and specifications supplied for this project.

**FLAT FLOOR PLAN SCALE 1:100 @ A3**

**ATTENTION:**

CHECK PLANS AND MEASUREMENTS ON SITE BEFORE STARTING. ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF DRAFTWORX PRIOR TO START.

CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3959

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.

ALL WORKS TO COMPLY WITH BCA (Building code of Australia), RELEVANT AUSTRALIAN STANDARDS AND ALL DA (DEVELOPMENT APPLICATION) AND CC (CONSTRUCTION CERTIFICATE) GUIDELINES.

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WATERPROOFING TO AS: 3740.  
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TILE ROOFING AS: 2049 AND AS: 2050.  
SWIMMING POOL FENCING AS: 1926.1 - 2012  
POOL FILTER TO AS: 1926.3

**FLOOR PLAN INFORMATION**

- TO BE DEMOLISHED
  - EXISTING
  - PROPOSED
  - RAINWATER FLOW
  - EXTERNAL TAP
  - DOWN PIPE
  - HEAT LIGHT FAN
  - EXHAUST FAN
  - SMOKE ALARM
  - CEILING FAN.
  - AIR CONDITIONING UNIT.
  - MAN HOLE (ceiling access)
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**REVISION:**

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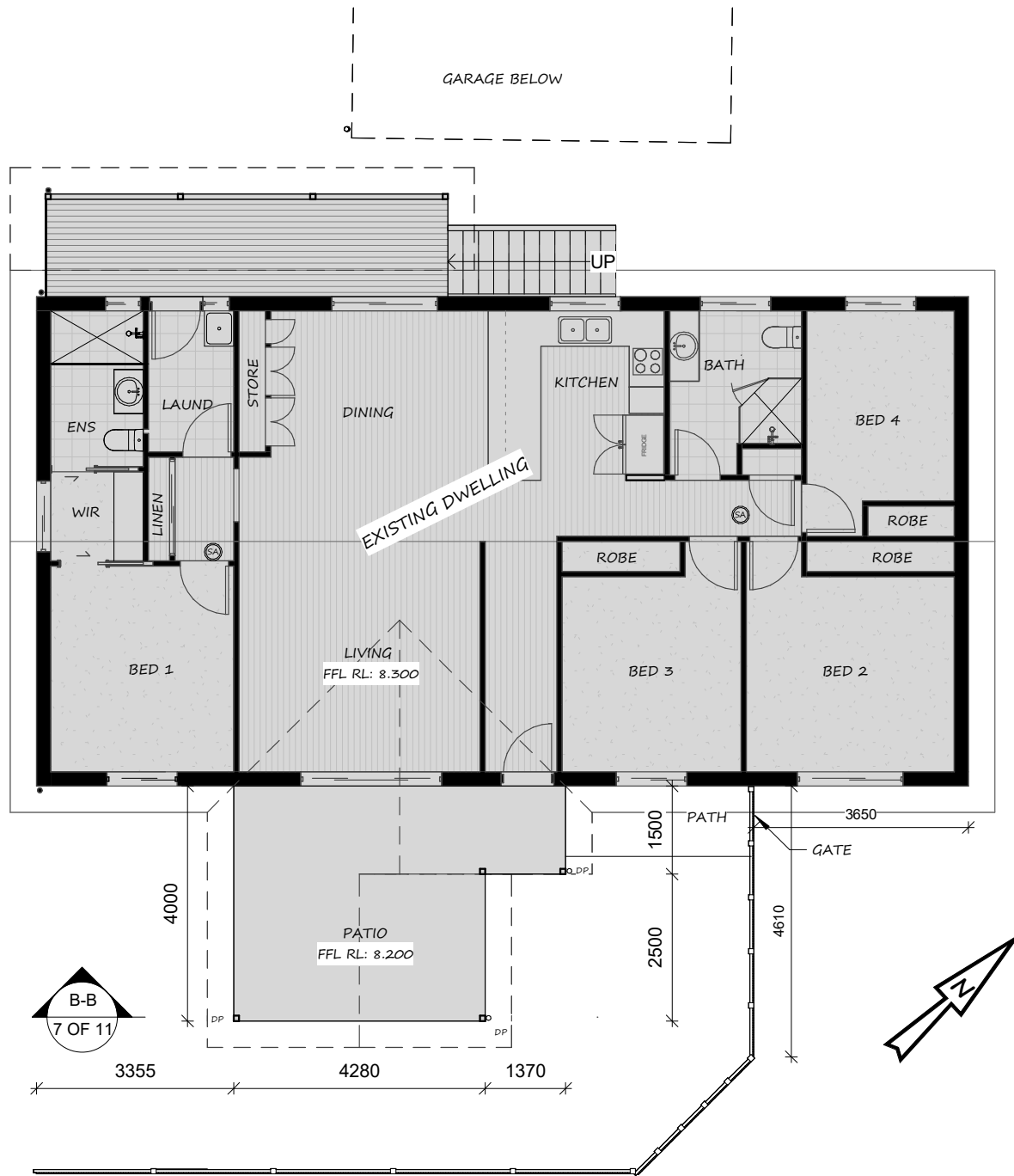
SCALE: 1 : 100

FLAT FLOOR PLAN

PAGE No:  
3 OF 11

LAKE RD, PORT MACQUARIE, NSW 2444

**BAL (BUSHFIRE ATTACK LEVELS),  
GRANNY FLAT BAL 1.9  
SHED AND DWELLING BAL 12.5  
REFER TO THE BUSHFIRE REPORT FOR DETAILS**



**FLOOR PLAN SCALE 1:100 @ A3**

**NOTE:**

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- All dimensions and levels to be checked and verified on site. Final levels to be determined prior or during site works between builder and clients.
- Do not scale from printed plans.
- Materials and workmanship to comply with current and relevant Australian standards, NCC-National Construction Code (BCA), engineering details, reports and specifications supplied for this project.

**ATTENTION:**

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CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3959

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.

ALL WORKS TO COMPLY WITH BCA (Building code of Australia), RELEVANT AUSTRALIAN STANDARDS AND ALL DA (DEVELOPMENT APPLICATION) AND CC (CONSTRUCTION CERTIFICATE) GUIDELINES.

REFER TO ENGINEERS DETAIL FOR ALL EXCAVATIONS, REINFORCED CONCRETE STRUCTURAL SUPPORTS AND BRACING.

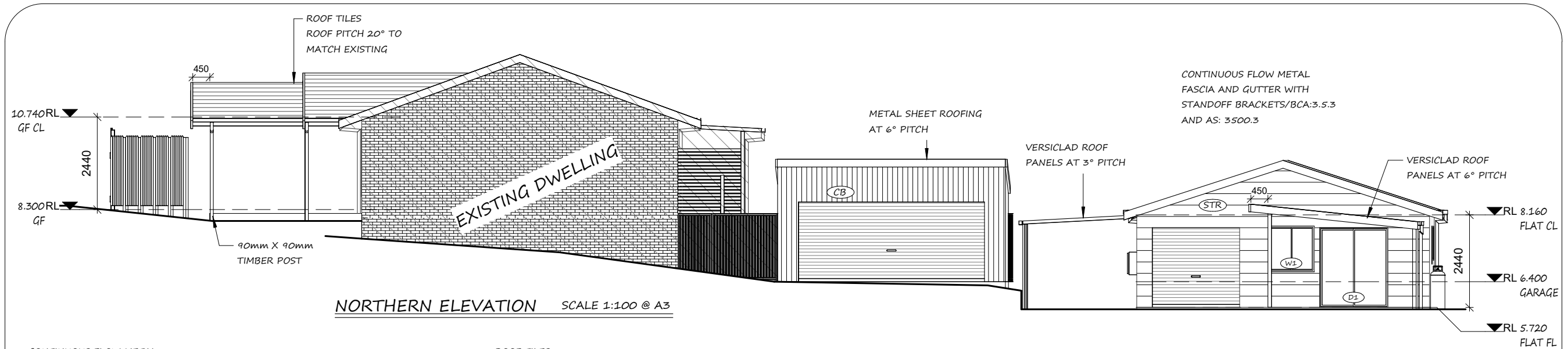
ALL SANITARY PLUMBING AND DRAINAGE TO AS: 3500.  
TIMBER FRAMING TO AS: 1684.  
WATERPROOFING TO AS: 3740.  
MECHANICAL VENTILATION IN WET AREAS, LAUNDRY AND KITCHENS TO BE DUCTED EXTERNALLY.  
SMOKE ALARMS AS: 3786.  
TERMITE PROTECTION AS: 3660.1.  
GLASS IN BUILDINGS AS: 1288 & WINDOWS TO AS:2047.  
SHEET ROOFING & WALL CLADDING AS: 1562.1  
TILE ROOFING AS: 2049 AND AS: 2050.  
SWIMMING POOL FENCING AS: 1926.1 - 2012  
POOL FILTER TO AS: 1926.3

**FLOOR PLAN INFORMATION**

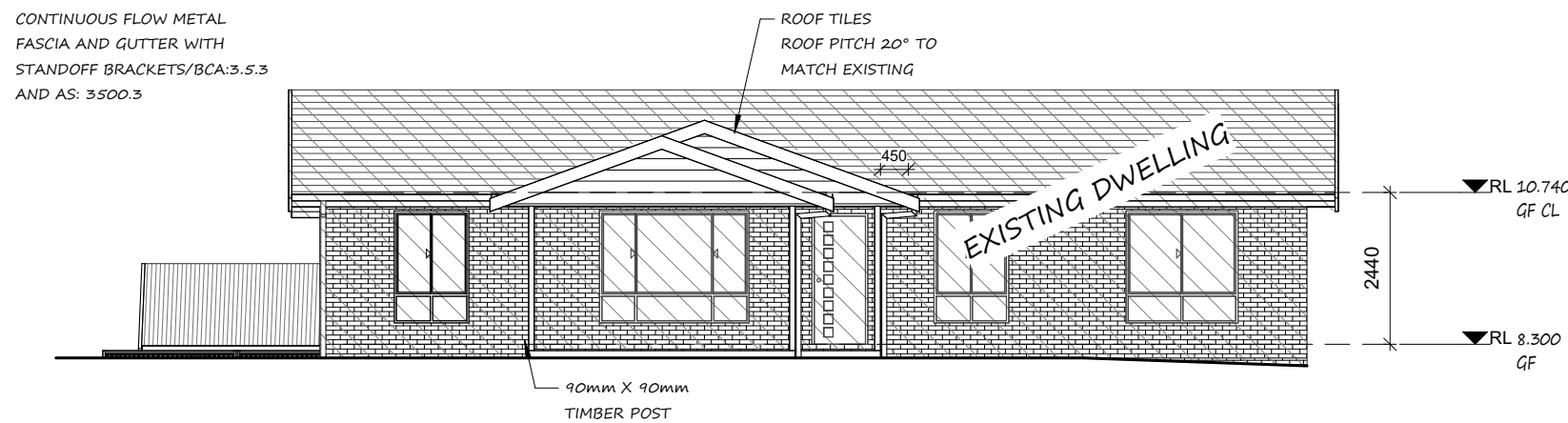
- TO BE DEMOLISHED
  - EXISTING
  - PROPOSED
  - RAINWATER FLOW
  - EXTERNAL TAP
  - DOWN PIPE
  - HEAT LIGHT FAN
  - EXHAUST FAN
  - SMOKE ALARM
  - CEILING FAN.
  - AIR CONDITIONING UNIT.
  - MAN HOLE (ceiling access)
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CLIENT: CRAIG AND DANIELLE MALTMAN		PROJECT No: 1383MAL	REVISION:			OFFICE PHONE: 0434924566	
LOT: 10	SCALE: 1 : 100	FLOOR PLAN	Date:	Completed:		Rev:	EMAIL: plans@draftworx.net.au
DP: 591359			26/07/2022	14/10/2022		1	2
# 159			13/2/2025	STRATA DA PLANS	3		
LAKE RD, PORT MACQUARIE, NSW 2444							

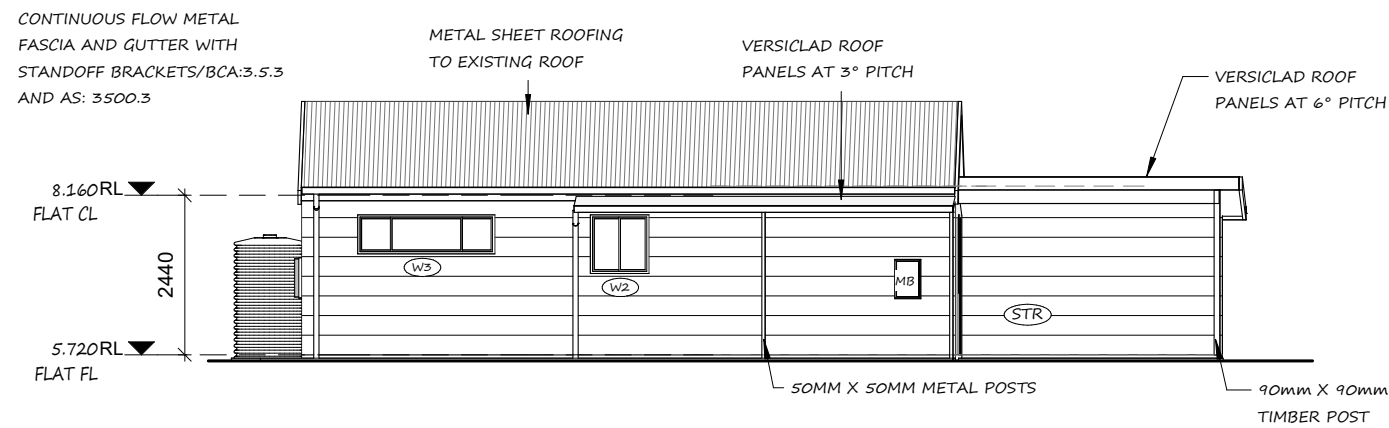




**NORTHERN ELEVATION** SCALE 1:100 @ A3



**EASTERN ELEVATION** SCALE 1:100 @ A3



**EASTERN ELEVATION - GRANNY** SCALE 1:100 @ A3

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SMOKE ALARMS AS: 3786.

TERMITE PROTECTION AS: 3660.1.

GLASS IN BUILDINGS AS: 1288 & WINDOWS TO AS:2047.

SHEET ROOFING & WALL CLADDING AS: 1562.1

TILE ROOFING AS: 2049 AND AS: 2050.

SWIMMING POOL FENCING AS: 1926.1 - 2012

POOL FILTER TO AS: 1926.3

**MATERIALS LEGEND:**

- (CB) COLORBOND SHEETING
- (STR) STRIA WALL CLADDING

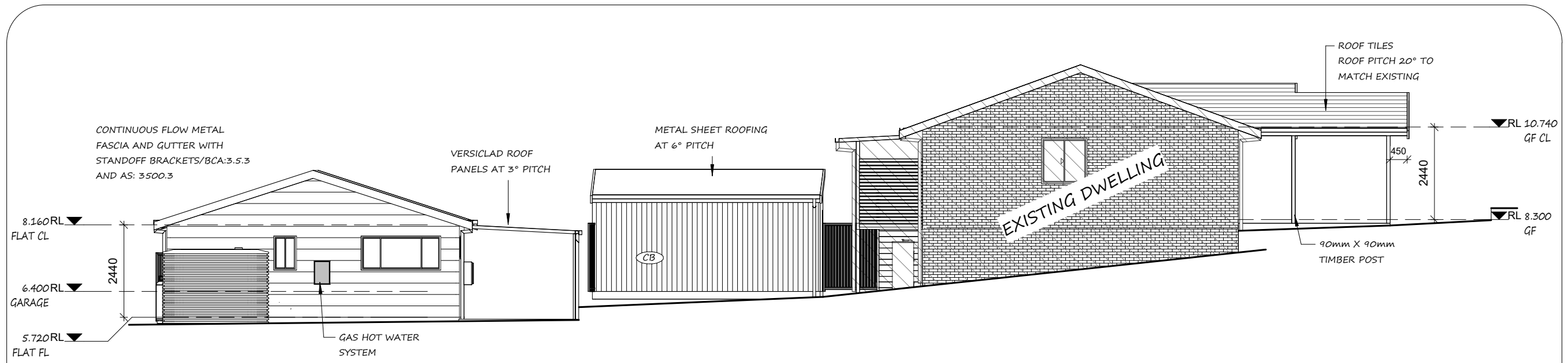
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CLIENT: CRAIG AND DANIELLE MALTMAN		PROJECT No: 1383MAL
LOT: 10	SCALE: 1 : 100	ELEVATIONS NE
DP: 591359		PAGE No: 5 OF 11
# 159		
LAKE RD, PORT MACQUARIE, NSW 2444		

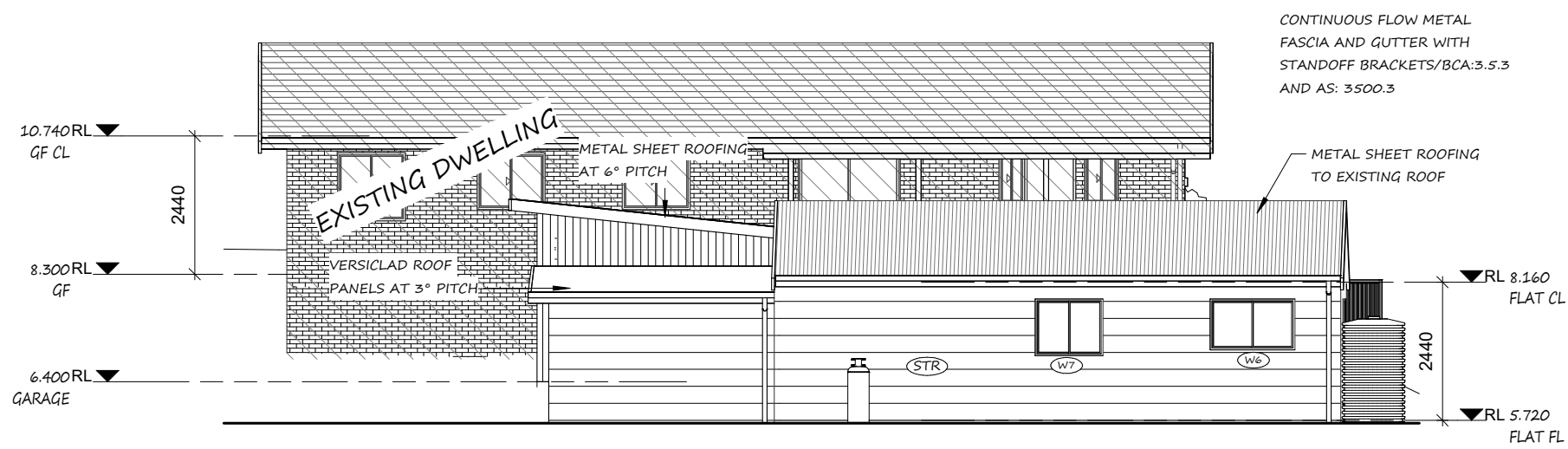
REVISION:		
Date:	Completed:	Rev:
26/07/2023	DA-CC PLANS	1
14/10/2023	AMENDMENTS	2
13/2/2025	STRATA DA PLANS	3



OFFICE PHONE: 0434924566  
EMAIL: plans@draftworx.net.au  
ADDRESS: 26 BIRCHWOOD CRT,  
PORT MACQUARIE 2444



**SOUTHERN ELEVATION** SCALE 1:100 @ A3



**WESTERN ELEVATION** SCALE 1:100 @ A3

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CLIENT: CRAIG AND DANIELLE MALTMAN		PROJECT No: 1383MAL
LOT: 10	SCALE: 1 : 100	ELEVATIONS SW
DP: 591359		PAGE No: 6 OF 11
# 159		
LAKE RD, PORT MACQUARIE, NSW 2444		

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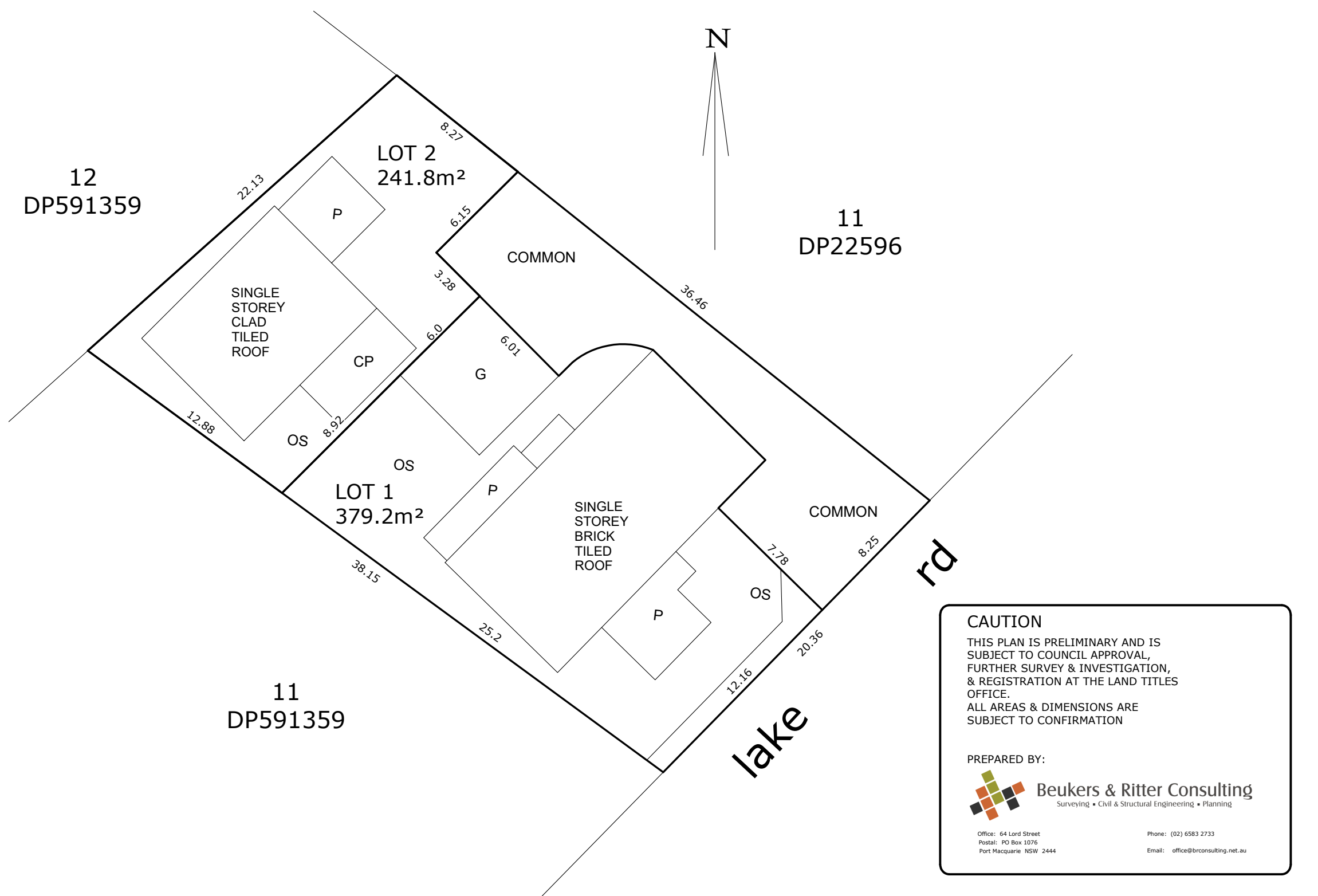
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STRATA PLAN FORM 2 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 1 OF 2 SHEETS




11  
DP591359

12  
DP591359

11  
DP22596

**CAUTION**  
 THIS PLAN IS PRELIMINARY AND IS  
 SUBJECT TO COUNCIL APPROVAL,  
 FURTHER SURVEY & INVESTIGATION,  
 & REGISTRATION AT THE LAND TITLES  
 OFFICE.  
 ALL AREAS & DIMENSIONS ARE  
 SUBJECT TO CONFIRMATION

PREPARED BY:  
 **Beukers & Ritter Consulting**  
 Surveying • Civil & Structural Engineering • Planning

Office: 64 Lord Street  
 Postal: PO Box 1076  
 Port Macquarie NSW 2444

Phone: (02) 6583 2733  
 Email: office@brconsulting.net.au

Surveyor : Dallas Laundry  
 of B R Development Consulting P/L  
 Surveyor's Ref : 13281  
 Subdivision No :  
 Lengths are in metres. Reduction Ratio 1:200

Registered

SP

10	20	30	40	50	60	Table of mm	90	100	110	120	130	140
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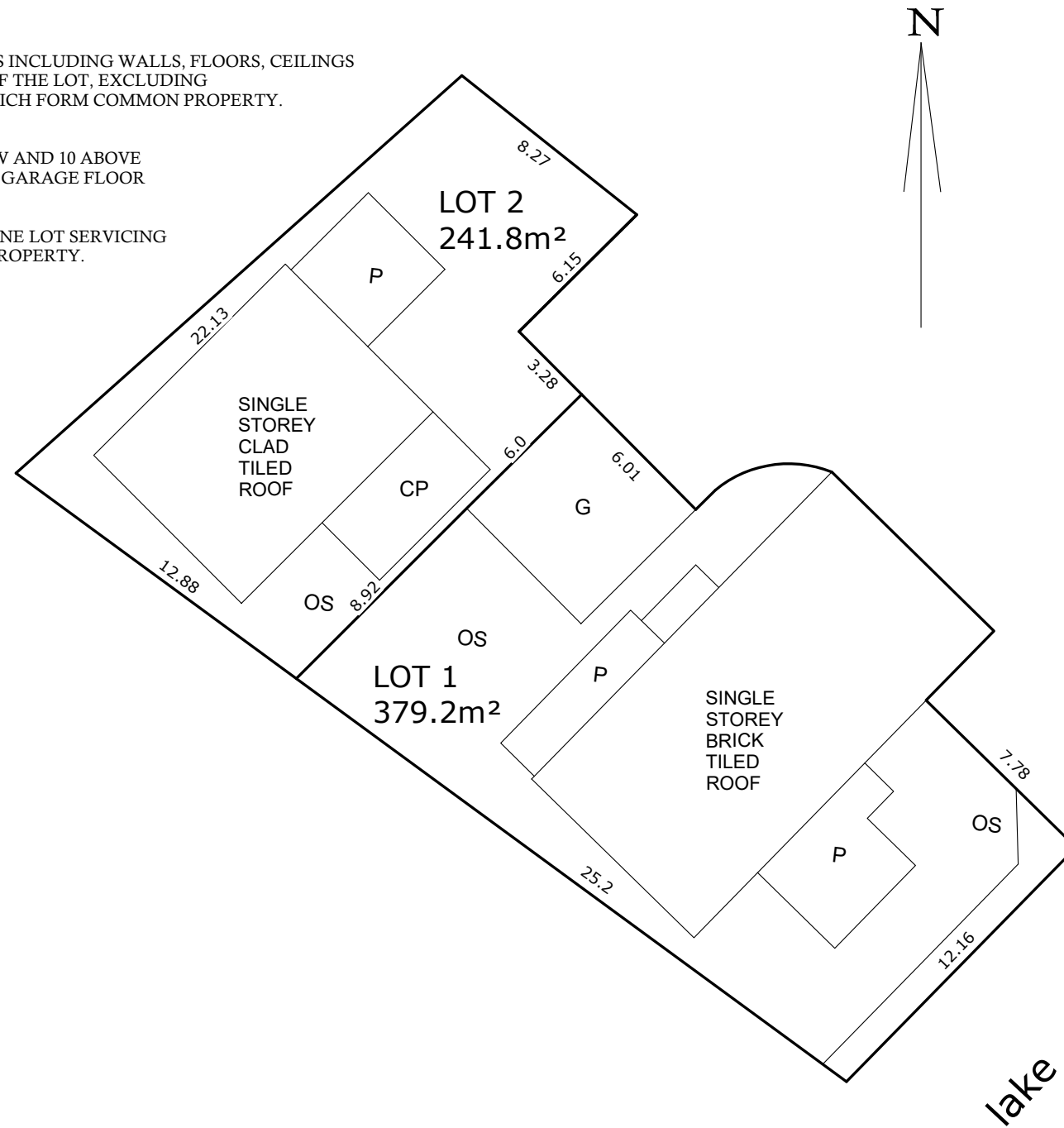
STRATA PLAN FORM 2 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 2 OF 2 SHEETS

NOTES

1. ALL STRUCTURAL FEATURES INCLUDING WALLS, FLOORS, CEILINGS AND ROOFING FORM PART OF THE LOT, EXCLUDING COMMON SERVICE LINES WHICH FORM COMMON PROPERTY.
2. THE STRATUM OF LOTS 1 & 2 EXTENDS BETWEEN 10 BELOW AND 10 ABOVE THE UPPER SURFACE OF THE GARAGE FLOOR OF EACH RESPECTIVE UNIT
3. ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.



SCHEDULE OF UNIT ENTITLEMENT

LOT	UNIT ENTITLEMENT
1	40
2	60
AGGREGATE	100

LEGEND:

- P - PATIO
- OS - PRIVATE OPEN SPACE
- CS - CARPORT
- CP - COMMON PROPERTY
- F - PROLONGATION OF FACE OF WALL
- CL - PROLONGATION OF CENTERLINE OF WALL
- CENT. L - CENTERLINE OF CAVITY BETWEEN BRICK WALLS IS BOUNDARY
- └ - 90°

**CAUTION**

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10	20	30	40	50	60	Table of mm	90	100	110	120	130	140
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Developer Charges - Estimate

**Applicants Name:** C & D Maltmann  
**Property Address:** 159 Lake Road, Port Macquarie  
**Lot & Dp:** Lot(s):10.DP(s):591359  
**Development:** change of use to dual occupancy and strata title subdivision



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

Levy Area	Units	Cost	Estimate
1 N/A	0	0	
2 Sewerage Scheme - Port Macquarie	0.75	\$5,407.00 Per ET	\$4,055.20
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	0.67	\$9,207.00 Per ET	\$6,168.60
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	0.67	\$6,783.00 Per ET	\$4,544.60
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	0.67	\$5,570.00 Per ET	\$3,731.90
6 Com 1.3.07 - Administration Building - All areas	0.67	\$1,096.00 Per ET	\$734.30
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents <b>approved after 11/2/03</b>		2.2% S94 Contribution	\$333.90
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$19,568.50</b>

Not for Payment Purposes

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

**DATE OF ESTIMATE:** 12-Mar-2025

Estimate Prepared By Pat Galbraith-Robertson

**This is an ESTIMATE ONLY - NOT for Payment Purposes**

PORT MACQUARIE-HASTINGS COUNCIL